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# PULASKI COUNTY PERSONNEL POLICY MANUAL

Last Revised March 29, 2018

## SECTION 1. PURPOSE:

Pulaski County Government (“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 and with, or without, cause.

It is the purpose and intent of the Pulaski County Employee Personnel Policy (“Personnel Policy”) to establish uniform personnel policies and benefits for all County employees. The provisions of this policy are not intended to create a contract of employment and may be modified at any time by the County Quorum Court.

Additional policies and practices may be adopted by individual elected officials and department heads, as long as they do not conflict with the Personnel Policy established by the Quorum Court. Such departmental policies shall be in writing and posted within the department or otherwise made known to each department employee.

No representative of the County has the authority to enter into any agreement of employment for a specific period of time or to make any agreement contrary to these policies.

## SECTION 2. DEFINITIONS:

**COUNTY EMPLOYEE:** Any individual providing labor to the County for salary or wages normally payable from county funds.

**SCHEDULED OVERTIME:** Provision for overtime monies in the budgets of agencies, departments, or offices for payment to the employees who are required by those agencies, departments, or offices to work beyond their normal daily/weekly work shift during seasonal, rush periods, or to handle the inordinately heavy workloads that those departments experience during certain periods of each year.

**HOURLY PAY:** Salaries paid at an hourly rate to all regular part-time, temporary full-time, and temporary part-time employees. Salaries paid shall be commensurate with the value of the work performed, but shall not exceed ten dollars and fifty cents (\$10.50) per hour, unless approved by the County Judge or authorized by a specific appropriation (containing a maximum number of authorized hours and a maximum per-hour wage rate) by the Quorum Court. The responsible elected official or his/her designated representative and the employee, shall certify the number of hours worked, the hourly rate of pay, and the total compensation due each employee on each payroll.

**WORKWEEK/WORK PERIOD:** Forty (40) hours of work by any civilian County employee during any seven (7) consecutive calendar day period. For law enforcement personnel, eighty (80) hours of work

in any fourteen (14) consecutive day period.

DATE OF HIRE: Date employee starts to work in pay status.

DATE OF TERMINATION: For payroll purposes, the last day worked.

### SECTION 3. OFFICE HOURS AND COMPENSATION:

All offices and departments of the County shall be open for business from 8:00 a.m. until 5:00 p.m., normally, Monday through Friday. This does not preclude an office from opening prior to 8:00 a.m. or closing later than 5:00 p.m., or open on weekends and holidays, due to work requirements. In order to receive full wages, all full-time civilian employees are expected to work at least 40 hours each workweek in the performance of his/her County duties or use paid leave in a sufficient amount to total 40 hours. Any County elected official may amend or modify his/her office's hours of work, days of work, and schedules of work by the adoption of any express policy for that office in order to fulfill its responsibility of providing adequate service to the public, as long as forty (40) hours are worked by each employee. Hours worked in excess of a forty (40) hour workweek shall be paid in accordance with the overtime pay rules.

#### A. Overtime Pay

All non-exempt county employees working overtime (i.e., hours actually worked in excess of forty (40) hours during any seven (7) consecutive calendar day period for civilian employees and eighty (80) hours per fourteen (14) consecutive day period for law enforcement) shall be paid at 1½ times the regular rate of pay and in accordance with applicable law. Payment of overtime wages to County employees of any agency, department, or office shall be paid out of overtime monies appropriated to such agency, department, or office for that particular purpose. Overtime pay shall not be regularly paid, nor paid over a prolonged period of time. It is the established policy of the County to pay overtime only when there is no other feasible means of handling seasonal periodic fluctuations in office workloads. Any employee who works overtime without the knowledge and consent of his/her respective elected official and/or department head will be paid, but will be subject to disciplinary action up to and including termination. Overtime shall not be accumulated, but shall be paid to the employees at the end of the pay period worked. Twenty (20) hours is the maximum number of overtime hours that an employee can be authorized to work per week.

A regular part-time employee shall not be permitted to work more than twenty-nine (29) hours per workweek under any circumstances. The employment period of seasonal part-time employees must be less than ninety (90) calendar days.

### SECTION 4. HIRING:

#### A. General Information

The Quorum Court shall establish the number and compensation of all County employees. The job title, classification, and annual pay rate shall be specified for each position of a department or office in the

annual budget.

Positions cannot be advertised as vacancies, nor may persons be hired into positions, until said positions are authorized by the Quorum Court.

The County Judge shall hire all County employees except those employed by other elected officials. However, the County Judge, and other elected officials, may delegate hiring authority to those department supervisors under their respective jurisdictions.

No new or vacated regular, full-time positions may be filled until that vacancy has been processed through Human Resources ("HR").

All employees shall perform the duties of their jobs commensurate with the job descriptions prepared through the classification process and on file in HR.

### B. Nepotism

No elected or appointed official may hire a member of his/her family to a position directly, or indirectly, responsible to such official. For the purpose of this section, family members shall be defined as mother, father, son, daughter, husband, wife, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, first cousin, grandfather, grandmother, grandson, and granddaughter, stepson, stepdaughter, stepmother, and stepfather. In addition, no person may be hired if a member of his/her family would have supervisory authority over that employee.

### C. New Hire Orientation

All newly hired appointees and/or employees, during their first week of employment, shall participate in an orientation of policies and benefits that directly affect the employees. It shall be the responsibility of HR and the hiring department to conduct orientation on the following areas:

#### HR Department

- Personnel Policy
- Benefits Explanation and Enrollment
- Salary Administration
- Evaluation Period
- Title VI Employee Policy
- Drug-Free Workplace Policy/Drug Testing Procedures
- Distracted Driving Policy

#### Hiring Department

- Departmental Operations
- Rules and regulations – absenteeism, hours of work, etc.
- Any other information deemed important to the department

## D. Background Investigations

### 1. General Information

Background checks must be performed on department heads, any position with access to County funds, and upper level employees as determined by the department head or elected official. For all other positions, background investigations will only be conducted on targeted positions and in accordance with business necessity. Each position will be evaluated on a case-by-case basis. Any time there is a change in the position's requirements, the position will be re-evaluated. The essential functions of the job will be evaluated to determine if any of the following conditions exist:

- Requires extensive contact with individuals in secluded environment;
- Handles money/financial resources;
- Acts as a caregiver for children or vulnerable adults;
- Enters private homes;
- Access to Social Security numbers/other private data;
- Access to drugs/controlled substances;
- Access to private/secure areas which are restricted;
- Access to ACIC/NCIC records;
- Operates a County vehicle or machinery; or,
- Requires certain criteria for certification.

Secondary duties will not be evaluated.

HR will send a Background Justification Questionnaire to the hiring department, which must be completed to determine which of the following (if any) background screening(s) are required:

- Criminal Records Check;
- Traffic Offense Check;
- Sexual Offender Check;
- Child Maltreatment Check; or,
- Adult Maltreatment Check.

### 2. Procedure

For all employees, with the exception of the Sheriff's Office, background investigations will be conducted in the post-offer stage of hiring. Hiring supervisors will be responsible for ensuring that the selected applicant completes and submits the Background Investigation Authorization Form to HR. HR will review the background investigation information, including the nature and gravity of the offense and conviction, the time elapsed since the conviction and/or completion of the sentence, and the nature of the job sought or held. If there is a reasonable possibility that an offer of employment will be withdrawn, HR will send the applicant a Pre-Adverse Action letter with a copy of the applicant's background results. The applicant will have an opportunity to contest and/or offer supplemental information regarding the results of the background investigation. If any information is provided by the applicant, an individualized assessment, including the following, will be considered:

- The facts or circumstances surrounding the offense and conviction;
- The number of offenses for which the individual was convicted;
- Evidence that the individual performed the same type of work post-conviction, with the same



- or different employer, without incidence of criminal conduct;
- The length and consistency of employment history before or after the offense and conviction
- Rehabilitation efforts, e.g., education/training;
- Employment or character references and any other information regarding fitness for the particular position;
- Whether individual is bonded under a federal, state, or local bonding program; and,
- The age of the applicant at the time of conviction or release from prison.

The HR Director will apprise the hiring supervisor if the selected applicant is recommended for hire. If the HR Director does not recommend hiring the applicant, the hiring official's decision and rationale must be documented and the department head or elected official must authorize the hiring of the applicant. If a decision is made by the department head or elected official to withdraw the offer of employment, HR will send an Adverse Action letter to the applicants formally withdrawing an offer of employment.

All Sheriff's Office applicants will undergo a comprehensive background investigation prior to an offer of employment. All eligibility requirements, including background standards, are available for review at the Sheriff's Office.

## E. Drug and Alcohol Free Workplace Policy

### 1. Introduction

The County is committed to protecting the safety, health, and wellbeing of all employees and the public in our workplace. The County has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug free environment.

Nothing in these policies shall be interpreted to reduce, or restrict, any individual's rights pursuant to the Americans with Disabilities Act ("ADA"). Individuals currently engaging in the illegal use of drugs are not "individuals with a disability" under the ADA, when the employer acts on the basis of such use. "Currently" means that illegal use of drugs "occurred recently enough to justify the employer's reasonable belief that involvement with drugs is an ongoing problem."

Employee drug and alcohol use likely results in lower productivity, lower work quality, higher absenteeism, more workplace injuries, more damage to property, and a higher risk of misappropriation of funds and services. Drug and alcohol abusers endanger other employees, the public-at-large, as well as, themselves. Any of the actions could result in the County unintentionally reducing public services, as well as undermining the public's confidence in the County's ability to provide services.

### 2. Application

All County employees are subject to the provisions of this policy.<sup>1</sup> Employees are expected to adhere to

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<sup>1</sup> Employees who are required to possess a CDL as a job requirement are subject to the Department of Transportation regulations found at 40 CFR Part 40 and the Federal Motor Carrier Safety Administration regulations at 40 CFR Part 382. To the extent that these federal laws conflict with the County's policy on drug and alcohol testing, the federal regulations supersede this policy.

this policy at all times, during their scheduled work periods. Further, this policy is intended to apply whenever a County employee is representing or conducting County business, or is using a County vehicle or other County motorized equipment.

“On-call” employees in safety sensitive positions have an affirmative duty to notify their supervisor, when called, if they are in violation of any policy provision. (An “affirmative duty” is defined as a legal obligation that is owed, or due to another, that requires satisfaction.)

Applicable controlled substances are those defined by the Federal Controlled Substance Act and applicable Arkansas state statutes governing controlled substances.

### 3. Training and Education

The County shall maintain educational materials, including, brochures, pamphlets, and educational videos, related to drug and alcohol abuse in the HR department. HR will distribute copies of this policy, explain the policy, and inform new hires on how to request these education materials during new employee orientation. Each employee will sign a receipt acknowledging they have received this information. Acknowledgment recipients shall be retained in HR in employee files.

HR shall conduct annual training for department heads, elected officials, and supervisors regarding the County’s drug testing policies. This training shall include up-to-date guidance and necessary steps required for post-offer, pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.

The Grants Administrator will administer annual Federal drug free workplace training to employees engaged in the performance of a Federal grant or contract, and applicable similar grant-related requirements.

During orientation, HR shall inform new hires that the County offers an Employee Assistance Program (“EAP”), at no cost, to all employees. The EAP provides counseling services regarding a variety of issues, including drug and alcohol abuse. Employees are encouraged to use such services on an as-needed basis.

HR shall make employees aware that the County offers a variety of insurance policies, and each policy offers some level of coverage for drug and alcohol abuse treatment. For more information concerning your specific policy, contact HR.

### 4. Prohibited Conduct

The following workplace conduct is prohibited during working hours:

- The manufacture, distribution, trading, selling, or dispensing of alcohol, or a controlled substance, or attempt to perform any of these acts;
- Reporting for duty with a blood alcohol concentration (“BAC”) of 0.02 or greater;
- Use of alcohol within six (6) hours following an accident requiring the employee to submit to a post-accident alcohol test, or until the employee undergoes a post-accident alcohol test,

whichever occurs first;

- Refusal to submit to a required alcohol or controlled substance test, or adulterating or tampering with samples offered at such a test; and,
- Use or possession of a controlled substance.

## 5. Prescriptions and Over-the-Counter Drugs

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications.

Prescriptions, and over-the-counter drugs, are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job.

An employee who is in a position that could affect public safety and has been prescribed a prescription or over-the-counter drug or medication by a licensed medical practitioner that might cause drowsiness or impair the employee's ability to safely perform job functions, resulting in a direct threat to the employee or others must notify the HR Director and provide a written statement from the employee's licensed medical practitioner that the employee is using prescription or over-the-counter medication but that such use will not limit or impair the employee's abilities to safely perform his or her essential job functions. For the purposes of this policy, a "direct threat" is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. When proper notification is made and a licensed medical practitioner's written statement is provided, a reasonable effort will be made to temporarily assign the employee to another position, if available. If not, the employee will not be allowed to work while taking, and/or being under the influence of the prescription or over-the-counter medication, and shall take appropriate leave. Any information obtained from the employee or the physician shall remain confidential.

## 6. Notifications of Convictions

All employees convicted of violating criminal statutes, pertaining to controlled substances and/or alcohol, occurring on County owned property (including County vehicles) while on County business, or during working hours, must notify their supervisor, and the Grants Administer (if the employee is engaged in the performance of a Federal grant or contract), no later than five (5) days after the conviction. If the employee is engaged in the performance of a Federal grant or contract, the Grants Administrator must notify the contracting/granting agency of the employee's conviction within ten (10) days. Within thirty (30) days of notification of the conviction, the County shall take appropriate disciplinary action, up to, and including, termination.

A conviction is considered a verdict of guilty, a guilty plea, or a plea of nolo contendere or "no contest."

## 7. Testing

To ensure the accuracy and fairness of our testing program, all testing will be conducted by a Substance Abuse and Mental Health Services Administration ("SAMHSA") certified laboratory,

according to SAMHSA guidelines, where appropriate, and will include the following:

- A screening test;
- A confirmation test;
- The opportunity for a split sample; and,
- Review by a Medical Review Officer (“MRO”), including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician’s prescription, for the positive result and a documented chain of custody.

A MRO is defined as the licensed physician responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

For the purposes of this policy, the term “under the influence” shall mean the employee’s reactions, motor skills, judgment, or other physical, emotional, or mental capacities are altered or impaired in such a manner, and to such a degree, that the proper and efficient performance of their duties is jeopardized.

## 8. Testing Procedures

TESTS FOR ALCOHOL: The County will utilize an evidential breath test (“EBT”), otherwise known as a breathalyzer test, to detect alcohol use, or possible impairment. If the breathalyzer results indicate BAC of 0.02 or greater, a second test shall be performed within twenty (20) minutes to confirm the initial test. The employee will be required to remain in the testing room for this period of time. A confirmation reading of less than 0.02 will result in the breathalyzer test being recorded as negative. In extraordinary circumstances, when an EBT test cannot be completed, a urinalysis may be necessary.

TESTS FOR DRUGS: A urinalysis shall be conducted on the employee to test for the presence of drugs. All employees will be tested for the following drugs:

- THC (cannabinoids, marijuana, hash- Medical marijuana usage under the Arkansas Medical Marijuana Amendment (AMMA) is subject to Act 593, which restricts employees in safety sensitive positions from performing those duties if a positive test result occurs. For positions that are safety sensitive as defined by Act 593, a positive test result constitutes a violation of this policy, and appropriate action will be taken in accordance with this policy. Likewise, if the County has a “good faith” belief, as defined by Act 593, that an employee is under the influence of marijuana or has ingested marijuana in the workplace or elsewhere during working hours—even if taken in accordance with the AMMA—that employee will be required to submit to a drug test for marijuana. For positions that are not safety sensitive as defined by Act 593, a “good faith belief,” as defined in the Act, accompanying a positive test result provides a reasonable basis to constitute a violation of this policy, and appropriate action will be taken in accordance with this policy. For the purposes of this policy, a positive test result for marijuana means a result that comports with federal Department of Transportation standards or Arkansas DUI/DWI laws, whichever is lower);
- Cocaine (coke, crack);
- Opiates (heroin, opium, codeine, morphine);

- Amphetamines (meth, speed, crank, ecstasy); and,
- Phencyclidine (PCP, angel dust).

All drug screening collections shall be by split sample. All positive tests shall be confirmed by gas chromatography/mass spectrometry (“GC/MS”) prior to the appropriate County department or elected office being notified. If positive, the employee may within twenty-four (24) hours request the split sample be sent to another SAMHSA certified laboratory for testing. A second test will be done at the sole expense of the employee. A split sample screening indicating a negative result will cancel the initial test result.

Results of a second, independent test (as opposed to a split sample test at a SAMHSA certified laboratory) initiated by the employee, will not necessarily result in the cancellation of the original positive test.

Employees with Commercial Driver’s Licenses (“CDL”), or in other safety related positions, may be screened for additional substances, as determined by the department head or elected official.

The County’s primary collection site is:

Baptist Health Occupational Health Campus  
9600 Baptist Health Drive, Suite 250  
Little Rock, AR 72205  
(501) 202-7125  
Collection Hours: Monday- Friday 7:00 a.m. – 3:30 p.m.

Afterhours collection sites:

Baptist Hospital Lab  
9601 I-630, Exit 7  
Little Rock, AR 72205  
(501) 202-2883

Baptist Hospital Lab  
3333 Springhill Drive  
North Little Rock, AR  
(501) 202-3026

The County reserves the right to assign an employee or candidate to a specific collection sight.

The County’s Medical Review Officer (MRO) is: Dr. Brian N. Heinen, JR.

An employee may request a copy of his/her test results, or related information, by written request submission, including a stamped, self-addressed envelope, to their department head or elected official.

All post-offer, pre-employment requests for results, or related information, must be in writing and submitted to HR with a stamped, self-addressed envelope.

The County's drug and alcohol testing contact is HR, 201 S. Broadway, Suite 100, Little Rock, AR 72201, (501) 340-6110.

## 9. Testing Types for All Positions

Every County employee, regardless of their position title and, as a condition of employment, will be required to participate in post-accident and reasonable suspicion testing, upon management request. This policy serves as written notice to all employees.

**REASONABLE SUSPICION DRUG AND ALCOHOL TESTING:** A supervisor or administrative employee, who has been trained in reasonable suspicion testing requirements, shall require an employee to be transported to and from a designated collection site for drug and/or alcohol testing if there is a reasonable suspicion that an employee is under the influence of drugs or alcohol. Reasonable suspicion is a belief, based on objective facts, sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance, and/or alcohol, such that the employee's ability to perform the functions of the job is impaired, or the employee's ability to safely perform the job is reduced.

Before a reasonable suspicion test is administered, the supervisor's observations shall be recorded, reviewed, and confirmed by the appropriate department head and/or elected official, or a designated representative, in their absence.

Observations constituting a factual basis for determining reasonable suspicion may exist include, but are not limited to: symptoms of the employee's speech, walking standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or other irrational or unusual behavior that are inconsistent with the usual conduct of the employee; negligence or carelessness in operating equipment, machinery, or production processes; disregard for safety.

An employee should not return to work while awaiting results of reasonable suspicion testing. Any leave required to be taken will be credited as vacation leave, if available, otherwise, it will be credited as Leave without Pay ("LWOP").

**POST-ACCIDENT DRUG AND ALCOHOL TESTING:** Employees shall be screened for the presence of controlled substances and the use of alcohol, as soon as practicable, following their involvement in an accident involving any County vehicle or equipment, under the following situations:

- An accident results in the loss of human life;
- An accident results in a moving violation citation, under state or local law, arising from the accident;
- An accident which involves:
  - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or,

- One (1) or more vehicles incurring disabling damage as a result of the accident, requiring any motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Employee(s) who are passenger(s) in a County vehicle or equipment, which is involved in an accident, shall not be subject to drug and alcohol testing due to their presence alone.

If an alcohol test is not administered within two (2) hours following a qualifying accident, the employee's supervisor(s) shall prepare a report stating the reasons the test was not promptly administered. If an alcohol test is not administered within six (6) hours following a qualifying accident, the supervisor(s) should cease attempts to administer an alcohol test and prepare the same report. If a controlled substances test is not administered within forty-eight (48) hours following a qualifying accident, the supervisor(s) should cease attempts to administer a controlled substances test and prepare the same report. Copies of these reports shall be collected and maintained in HR. An employee subject to post-accident testing, who does not remain readily available for such testing, shall be deemed to have refused to submit to testing, and such refusal shall be deemed a positive result.

Nothing in this section shall be construed to:

- Require the delay of necessary medical attention for injured persons following an accident;
- Prohibit an employee from leaving the scene of an accident to obtain accident assistance; or
- Prohibit an employee from obtaining necessary emergency medical care.

An employee should not return to work while awaiting results of post-accident testing.

Breath, blood, or urine tests, conducted by federal, state, or local authorities, shall be considered to meet the requirements of this section.

### 10. Additional Types of Testing for Safety Sensitive Positions

In addition to the above listed types of testing for all County employees, new hires, or employees transferring into the following positions shall be required to further participate in post-offer, pre-employment testing, random testing, return-to-duty testing, and follow-up testing, as a condition of employment.

Safety sensitive positions include, but are not necessarily limited to: any position involving a safety sensitive function pursuant to any rules, guidelines, or regulations adopted by a federal or state agency to which the County is not exempt; or any position designated in writing as a safety sensitive position, including but not limited to a position that requires the carrying of a firearm; performing life-threatening procedures; working with confidential information or documents pertaining to criminal investigations; working with hazardous or flammable materials, controlled substances, food, or medicine, or a position in which a lapse of attention could result in injury, illness or death, including the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, and motorized watercraft as part of the job duties.

**POST-OFFER, PRE-EMPLOYMENT DRUG TESTING:** Pre-employment drug testing is required for new hires and transfers offered a safety sensitive position. The pre-employment test will be conducted after a contingent offer of employment, or transfer has been made, but must be conducted prior to the first time an employee performs any County work.

The purpose of pre-employment screening(s) is to assess the applicant's ability to safely perform the essential job functions of the position they will be performing, ensure the County provides a safe work environment, ensure that County employees perform their duties free of illegal drugs and/or alcohol or inappropriate use of legal drugs, reduce negligent hiring, and increase quality of new hires.

Upon an employment offer, the hiring authority shall inform the applicant that a pre-employment drug test will be required for the offered position. HR will inform the applicant of the time and place of the testing appointment and the identification requirements, and will also require the applicant to sign an authorization prior to the scheduled appointment. If an applicant does not report to the collection site with acceptable identification, or sign the authorization form as required in a timely fashion, he shall be disqualified, unless an acceptable reason is provided and approved in writing by the hiring authority and HR Director. The drug test results will be reported to HR.

If the drug test is negative, and the applicant meets all other employment requirements, the hiring authority will promptly notify the applicant, and schedule the date and time for the employee to report to work. If the drug test results are positive, HR will notify the hiring department or elected office, and the applicant, that the offer of employment is withdrawn. The applicant is ineligible for employment consideration in applicable positions (i.e., safety sensitive positions that require a post-offer drug and alcohol screen) for six (6) months from the date of the positive drug exam.

**RANDOM DRUG TESTING:** Safety sensitive positions shall be subject to random drug testing, with the percentage and number of employees to be tested per year set by the respective department or elected office, in which the positions are contained. A computerized program shall determine the individual employees to be randomly tested. When notified of selection for random testing, the employee shall proceed immediately to the designated collection site and follow all instructions given by, and cooperate with, collection site personnel. Testing will be spread reasonably throughout the year as determined by the department head or elected official.

**RETURN-TO-DUTY TESTING:** Safety sensitive positions found to have a BAC of 0.02-0.039 shall be subject to return-to-duty testing. Any such employee shall not be allowed to return to work until he submits to a return-to-duty test indicating a BAC of less than 0.02.

The County makes no guarantee that an employee testing positive on any drug or alcohol test will be allowed to return to his/her position, or any other position.

**FOLLOW-UP TESTING:** Safety sensitive positions found to have a BAC of 0.02-0.039 shall be subject to follow-up testing, if recommended by a Substance Abuse Professional ("SAP"). Following a return-to-duty test indicating a BAC of less than 0.02, an employee will be periodically tested for drugs and alcohol, on a random basis, for a minimum one (1) year, and a maximum of sixty (60) months, with six



(6) tests conducted during the first twelve (12) months following the return-to-duty test. Frequency and duration of follow-up testing will be recommended by a SAP.

A SAP is a person who evaluates an employee who has violated this policy and makes recommendations concerning, education, treatment, follow-up testing, and aftercare. The employee may choose any SAP, who has been designated as certified pursuant to the United States Department of Transportation regulation 49 CFR Part 40, and provide written notice of their SAP selection to HR within five (5) days of their positive test result. The employee's notice shall be binding on the employee and he may not opt to choose a different SAP after providing said notification. The employee shall authorize the SAP to provide reports to the County, as necessary. The employee will be responsible for all costs associated with the SAP evaluation and all suggested treatment. This referral is not considered a disciplinary action.

## 11. Drug Testing Results

**Medical Review Officer:** The County utilizes the services of a MRO to review test results. The MRO makes all determinations regarding test results provided by applicants or employees.

**Dilute Specimens:** A dilute specimen is one with creatinine or specific gravity values that are lower than expected for human urine. A dilute specimen is not a valid specimen and will not be accepted for testing. If an applicant or employee provides a dilute specimen, the County will require the applicant or employee to provide a specimen that is not diluted within six (6) hours of the initial specimen collection or the end of the employee's shift, whichever is shorter. Upon failure or refusal to provide a non-dilute specimen, the County will classify the dilute specimen as a positive test result and apply appropriate disciplinary action, up to and including termination of employment (employee) and refusal to further consider for employment (applicant). If an applicant or employee is asked to provide a second specimen and provides a second dilute specimen, the second dilute specimen will be considered a "positive" result pursuant to this policy.

**Adulterated or Tampered With Specimens:** If an applicant or employee provides a specimen which the County believes has been adulterated or tampered with, the County will classify the situation as a refusal to provide a valid specimen and will request a second specimen within six (6) hours of the initial specimen collection or the end of the employee's shift, whichever is shorter. If an applicant or employee is asked to provide a second specimen and provides a second adulterated or otherwise tampered with specimen, the second specimen will be considered a "positive" result pursuant to this policy.

**Drugs:** A positive test result occurs when the initial screening and the confirmation test indicates the presence of the drug(s) for which the test was conducted. A positive test result alone may constitute a violation of this policy.

A negative test result occurs when either the initial screening or the confirmation test indicates the absence of the drug(s) for which the test was conducted.

If the employee tests positive for a substance for which the employee could have a valid explanation, i.e. a legal drug, the MRO will request the employee to provide an explanation for the positive test result, including, but not limited to, documents or a container demonstrating a current and valid prescription from a physician for the drug or medication which caused the positive test result. After consideration of the employee's explanation, if the MRO determines that the employee has a valid explanation for the positive test result, e.g., the employee is taking a prescription or over-the-counter drug, the MRO will consider the test result as a negative. The County nevertheless retains the right to ensure that the employee can safely perform the functions of the employee's position and that the employee's use of the drug or medication does not constitute a threat of harm to the employee or others.

## 12. Disciplinary Action

All employees found to have violated any part of this policy shall be immediately subject to disciplinary action, up to and including termination. While the County encourages employees to receive treatment, an employee's enrollment in a rehabilitation program will not prevent termination, if he/she violates this policy, or if his/her drug and/or alcohol abuse negatively affects work product.

For all County employees, a refusal to submit to a controlled substances or alcohol test shall be deemed a failed test and the employee shall be immediately terminated as a violation of this policy.

All employees found to have a BAC of 0.04 or greater shall be immediately terminated.

All non-safety sensitive employees found to have a BAC of 0.02-0.039 shall be subject to disciplinary action, up to and including termination, as determined by their department head or elected official. At a minimum, the employee must be suspended without pay for five (5) days and referred to EAP. Any employee found to have a BAC of 0.02-0.039 more than one time shall be immediately terminated.

All safety sensitive employees who are found to have a BAC of 0.02-0.039 shall be immediately removed from duty and subject to disciplinary action, up to and including termination. At a minimum, the employee must be suspended without pay for five (5) days and referred to a SAP for evaluation. Employees will be required to satisfactorily meet all requirements set forth by the SAP and submit to a return-to-duty test indicating a BAC of less than 0.02, prior to returning to work. Further, employees shall be subject to follow-up testing, if recommended by a SAP as previously outlined. Any employee found to have a BAC of 0.02-0.039 more than one time shall be immediately terminated.

All employees with a verified positive drug test result shall be immediately terminated.

A supervisor's failure to ensure policy compliance, or failure of any employee or supervisor to report an incident which would require the employee to submit to screening, shall be subject to disciplinary action, up to and including termination of employment.

## 13. Records

Results of all positive tests will be retained for two (2) years. Results of all negative tests will be

retained for (1) year. All records shall be confidentially maintained by HR, with the exception of the Sheriff's Office, which will maintain all records confidentially at the Sheriff's Office. Although records maintained by the County will remain confidential, such records may be used in legal proceedings in defense of the County, its agents, and employees.

## SECTION 5. TYPES OF APPOINTMENTS:

Positions in the County Government are filled by four (4) types of appointments, which are as follows:

REGULAR FULL-TIME: Appointees and/or employees designated regular full-time are hired to work a full workweek on a non-seasonal basis.

REGULAR PART-TIME: Appointees and/or employees designated as regular part-time are hired to work less than a full workweek on a non-seasonal basis. A regular part-time employee will be permitted to work no more than twenty-nine (29) hours per work week.

SEASONAL PART-TIME: Appointees and/or employees designated as temporary part-time are hired to work less than a full workweek during seasonal and/or peak periods. The temporary employment period must be less than ninety (90) days.

ACTING TEMPORARY FULL-TIME: Existing, regular full-time employees, appointed for emergency reasons to an existing vacant higher grade regular full-time position, other than their usual position, for a period not to exceed sixty (60) calendar days, subject to re-appointment. This sub-section does not apply to vacancies in elected positions filled by Quorum Court appointment. Seasonal and regular part-time employees are not eligible for benefits (other than those protected under the Arkansas Public Employees Retirement System and under the Patient Protection and Affordable Care Act) that are afforded to Regular Full-Time employees.

## SECTION 6. ADMINISTRATION:

Elected officials and designated hiring authorities are responsible for the administration of, and compliance with, the provisions within this Section, as specified in Section 4, for their office. Elected officials and designated hiring authorities shall complete a Status Change Form notifying HR of all changes of an employee's employment status as they occur.

HR shall establish and maintain a personnel file for each employee hired. All records listed below shall be maintained in HR. Additional records, other than medical records, which may only be maintained by HR, may be maintained by hiring officials, provided that the protection of privacy of County employees is strictly maintained. Any person or persons responsible for violation of the privacy guarantees of any employee in connection with the maintenance of personnel records shall be subject to dismissal or other accountable treatment commensurate with their position.

HR shall maintain a separate confidential file, as well as, a personnel file for each County employee,

including, but not limited to, the following:

- County employment application;
- Status Change Forms;
- Any records related to FMLA usage;
- Workers' Compensation ("WC") and Unemployment Insurance records;
- Records required by Arkansas Public Employees Retirement System;
- Records required by Internal Revenue Service;
- Records required by state or federal categorical grants;
- Any documents relating to job performance;
- Disciplinary Forms;
- Employee performance reviews and/or evaluations;
- Drug Free Workplace Policy Acknowledgment of Receipt;
- Drug Test Results;
- Title VI/Nondiscrimination Acknowledgment of Receipt;
- Distracted Driving Policy Acknowledgment of Receipt; and,
- Personnel Policy Acknowledgment Receipt.

## SECTION 7. JOB OPPORTUNITY SYSTEM:

All elected officials and designated hiring authorities must follow the procedures outlined in this Section to ensure equal employment opportunities for all job applicants. For purposes of this section, a job applicant shall be any County employee or any individual outside County government who completes and submits a County employment application to HR, and other required documents/forms, for a posted position within the specified recruitment period, shall be considered a job applicant. Officials with hiring authority will notify the HR Director of all full-time job vacancies by submitting a Personnel Position Vacancy Requisition Form.

HR will develop and distribute a job vacancy announcement for each position. These job vacancy announcements will be posted for a minimum of five (5) consecutive work days and distributed to each County department for posting within the department. The hiring official may request that applicants for the position be limited to County employees or that applications be accepted from both County employees and the general public simultaneously.

In the event that the vacancy announcement produces no applicants who meet minimum qualifications, the hiring official must request that the position vacancy announcement be "extended" for an additional posting period not less than five (5) days.

No job applicant who is selected to fill a regular full time position will be placed in such position until after the "close date" of the vacancy announcement posting.

Each vacancy announcement posted for a regular full-time position will have an open and close date. Applications for the posted vacancy will not be accepted after the closing date as indicated on the individual vacancy announcement. Position vacancy announcements will be posted a minimum of five

(5) consecutive work days, and not exceeding ten (10) consecutive work days, unless authorized by the HR Director.

All completed employment applications for posted job vacancies must be submitted to HR to be considered a valid application. It will be the responsibility of HR to screen and evaluate applications, and supporting documents, and to determine the process by which applications will be referred to the hiring official.

When an applicant is selected for the ("closed") position vacancy, the hiring authority will be responsible for completing a Status Change Form and forwarding it to HR for verification. After verification of this form for accuracy and completeness, the form is forwarded to the Payroll Department. This process must be completed before the payroll may be processed.

HR should be notified of the hiring decision and all applications should be returned to HR following the selection process.

Should, within one hundred and eighty (180) days, or six (6) months of the last posting period close date, a vacancy occurs within the same department for the same position (same meaning, 1) grade assignment; 2) job classification or title, and 3) minimum qualifications requirements), that department may request to select from the "pool" of applicants who were referred for the particular position during the one hundred and eighty (180) day period. A Position Vacancy Requisition Form, and the request to select from the pool, must be submitted to the HR Director in written memorandum form.

County employment application forms must include the following language: I am in compliance with the Military Selective Service Act by registering with the Selective Services System or I am exempted from registration because of provisions of the Act as follows:

- I am a female
- I am a current member of the armed forces on active duty.
- I am under age 18
- I am 26 years or older
- I am an exempted resident alien
- other (specify) \_\_\_\_\_.

## SECTION 8. SALARY ADMINISTRATION:

### A. Regular Full Time Salaries

Regular full-time salaries are established pursuant to the Classification Compensation System as authorized in the annual budget. No regular full-time position may be filled until it has been properly evaluated and assigned a pay grade. All new, regular full-time County employees on the County payroll will be paid at the minimum of the approved grade unless a higher salary is requested and approved by the following procedures:

County elected officials may hire a new employee at any salary level up to eighty-five percent (85%) of

the midpoint of the appropriate grade, if in the opinion of the hiring official, the employee meets the "exceptionally well qualified criteria" outlined in Section 8 herein, and provided the County official has the appropriation and funds available to effect the salary adjustments. The Quorum Court may appropriate the necessary funds, if not available in the official's budget. This provision shall be used only when hiring or promoting an exceptionally well qualified individual, whose background and experience qualifies him/her to perform the job with very little or substantially less orientation and training than would be the case for another qualified applicant.

#### B. Temporary Full-Time, Temporary Part-time, and Regular Part-Time Salaries

The salaries for part-time and temporary positions shall be determined by relating the work to be performed to already identified and classified positions. Specific salaries established shall be no higher than the minimum of the grade of those related positions.

Acting temporary full-time appointments shall be made only in an emergency situation (i.e., an unanticipated sudden vacancy in a key management position), and may be treated as a promotion for salary purposes, except that the "exceptionally well qualified" rule shall not apply. Fringe benefits (i.e., leave, medical insurance, etc.) of employees so appointed shall not be affected. Such appointments may be made without the usual advertising, but a Status Change Form shall be processed prior to effective date.

#### C. Responsibility for the Salary Administration Program

The various organizational levels have specific responsibility for the Salary Administration Program as follows:

Quorum Court:

- Approve objectives, procedures and policies for the Salary Administration Program; and,
- Annually approve salary structures and salary budgets.

County Judge:

- Review recommended adjustments to the salary structures for all positions and present to the Quorum Court for approval;
- Review recommended annual salary budgets and present to the Quorum Court for approval;
- Review recommended changes to County-wide compensation policies and procedures, and present to the Quorum Court for approval; and,
- Direct administration of the compensation and position evaluation programs and policies throughout the County.

HR Director:

- Manage and administer the classification/compensation and personnel administrative programs for the County;
- Work with all elected officials and department heads to ensure that compensation policies and regulations are communicated, understood, and utilized by conducting training sessions for all hiring officials on personnel policies and procedures as necessary;

- Obtain or develop competitive salary data on an annual basis and recommend appropriate salary structure adjustments to the County Judge;
- Prepare, revise, and maintain all official personnel information and records for the County; and,
- Review, evaluate, and recommend to the County Judge all non-elected positions in an organized pattern, such that all positions will be reviewed as needed.

#### Elected/Appointed Officials and Department Heads:

- Maintain a thorough knowledge of the County's personnel policies and procedures, and apply them appropriately;
- See that hiring officials within their offices (those responsible for personnel actions, such as hiring, preparation of job classification information, and processing of personnel matters) attend, training sessions conducted by HR;
- See that hiring officials within their offices also give employees an orientation on the County Personnel Policy upon being hired, and give an orientation to all existing employees on any and all changes to the County Personnel Policy;
- Keep subordinates informed of pertinent aspects of the County personnel policies and procedures, and assure compliance;
- Advise the HR Director of any significant changes in the scope or responsibility of positions under their supervision;
- Coordinate all personnel matters with HR, including processing of all personnel actions as required;
- Prepare and forward to HR, questionnaires and descriptions of job requirements, minimum qualifications, etc., as required for evaluating new positions and/or re-evaluating existing positions; and,
- Conduct, at a minimum, an annual performance review for each employee under their direct supervision. (All evaluation forms used by the elected officials must first be approved by the County Civil Attorney's Office.)

#### D. Exceptionally Well Qualified Criteria

For purposes of this section, exceptionally well-qualified is defined as any employee of the County, or applicant for employment with the County, who has combination of work experience, formal and on-the-job training, formal education, tenure with the County, or work experience with another governmental agency which enables that individual to master the essential functions of the specific job within a substantially shorter time period and with substantially less orientation/training than another minimally qualified employee or applicant.

Any current employee or any applicant who is offered employment with the County may be deemed to be "Exceptionally Well-Qualified" by the elected official or department head and may be advanced or hired up to eighty-five percent (85%) of the range midpoint of the assigned grade for both classified and unclassified positions. Below are the guidelines used for determining if an employee/applicant meets the criteria for the exceptionally well-qualified status. All other raises for unclassified employees must be done through Quorum Court ordinance.

Appropriated funds must be available to affect Step (pay) increases. Justification for the increase must be made in writing and submitted to the HR Director for signature along with the Status Change Form.

CURRENT FULL-TIME CLASSIFIED AND UNCLASSIFIED EMPLOYEES (WITHIN A PAY RANGE): Any full-time regular employee, both classified and unclassified within a pay range, that is not currently at eighty-five (85%) of the midpoint of their pay grade may be advanced up to eighty-five percent (85%) of the midpoint of that pay grade at any time during the employee's tenure with the County. Such pay advancement is at the discretion of the elected official or department head. The elected official/department head may consider (but are not limited to) the following factors when determining the advanced pay level:

- The employee has acquired the minimum training necessary to master the essential functions of his/her job;
- The employee has previous employment experience within the County in a different position;
- The employee has a combination of related work experience, training and/or education which exceeds the minimum requirement as stated on the classification/specification job description (per HR records); or,
- Any combination of the two above.

NEW HIRES: It is the intent of the County to maintain and administer a competitive compensatory/pay system to attract and retain qualified applicants and employees. Therefore, hiring officials are encouraged to hire employees at the beginning/minimum pay level for the specified position with consideration of future pay step advancement. Conversely, hiring officials should consider pay compression issues when determining the entry pay for new employees.

However, the hiring official may make exceptions to applicants who are deemed to be "exceptionally well-qualified" and offer an entrance (starting) salary above the minimum pay level up to eighty-five (85%) of midpoint of the applicable pay grade. Justification for the exception must be made in writing and submitted to the HR Director for signature approval along with the Status Change Form.

The following is a guideline to be used in determining the appropriate pay level (not to exceed Step D):

- Any combination of related work experience and formal training that exceeds the required minimum as stated on the Classification/Specification (Job Description);
- Any combination of related work experience and formal training that is considerably (2-4 years) above the minimum requirements as stated on the Classification/Specification Job Description;
- Work experience within another County agency performing the same or similar duties;
- Work experience within a governmental agency at the Federal, State or Municipal Level or within a non-profit public agency; or,
- Any combination of two of the above.

## SECTION 9. NON-DISCRIMINATION:



## A. Discrimination

Discrimination against any person because of political or religious opinions or affiliations, or because of age, race, sex, national origin, handicap, disability, sexual orientation, gender identity, genetic information, veteran status, or other non-merit factors is prohibited. Any employee who believes he or she is the victim of discrimination or harassment because of any of the prohibited reasons shall report such allegations of harassment or discrimination to his/her immediate supervisor. If the immediate supervisor is the offending official, such alleged discrimination or harassment shall be reported to that official's immediate supervisor, or to the HR Director.

Each elected official, department head, and supervisor is responsible for promoting and for actively supporting equal employment opportunity. Elected officials, department heads, and supervisors are responsible for investigating any allegations of discrimination or harassment reported by any employee under their supervision. These officials are responsible for taking or recommending prompt corrective action if the allegations of discrimination or harassment are sustained. Elected officials, department heads, and supervisors may request that HR conduct the investigation at their discretion. If one of these individuals is alleged to be involved, HR will conduct the investigation. Elected officials, department heads, and supervisors are responsible for taking or recommending prompt corrective action if the allegations of discrimination or harassment are sustained.

## B. 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 and may 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 action that singles out an employee to that employee's objection or detriment, because of the employee's protected status (i.e., race, color, sex, gender identity, age, religion, ancestry, national origin, genetic information, veteran's status, or physical or mental disability). Harassment may include any of the following:

- Verbal abuse or ridicule based upon an employee's protected status, including epithets, derogatory comments, slurs, and unwanted sexual advances, invitations, or comments;
- Interference with an employee's work based upon an employee's protected status, including physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her sex or other protected characteristic or status;
- Displaying or distributing sexually offensive, racist or derogatory materials, including derogatory posters, cartoons, drawings, or gestures;
- Discriminating against any employee in work assignments or job-related training because, of an employees' protected status;
- Intimate and/or unwelcome 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; or,
- Retaliation for having reported harassment.

It is every employee's responsibility to ensure that his/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 person's supervisor. If the harassment involves the individual's supervisor, then the harassment should be reported to the HR Director. A written statement by the complainant setting forth all pertinent facts may be required.

Any supervisor who receives a report of or has knowledge of harassment shall promptly inform the HR Director who will then determine whether further investigation is warranted.

Each complaint shall be investigated and a determination of the facts will be made on a case-by-case basis. The elected official or department head may request that HR conduct the investigation at their discretion. If an elected official or department head is alleged to be involved, HR will conduct the investigation. Appropriate action up to and including termination may then be taken.

The results of the investigation shall be kept confidential by the County 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 HR. Any disciplinary action taken will also be documented in the employee's personnel file.

The County will not tolerate protected status or other unlawful harassment or any form of retaliation against any employee who has either investigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in termination.

Anyone making maliciously false reports, complaints or giving maliciously false statements may subject themselves to disciplinary action, up to and including termination.

### C. ADA Policy

Pursuant to the ADA of 1990, the county endorses the following policy:

It is the intent of the County to ensure that no qualified individual, because of a disability, is discriminated against with regard to any term or condition of employment, provided that such individual can perform the essential functions of the job with, or without, reasonable accommodation. The County, upon request, will provide reasonable accommodation in compliance with the ADA.

#### 1. Definitions

**DISABILITY:** A physical or mental impairment that renders the individual unable to perform, or significantly limits the individual's ability to perform one or more major life activities as compared to an average person in the general population. This includes,

- A record of such an impairment; or,

- Being regarded as having such an impairment.

**QUALIFIED INDIVIDUAL:** An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position. Such individuals hold or desire to hold a position, and, who, with or without reasonable accommodation, can perform the essential functions of such position.

**REASONABLE ACCOMODATION:** A modification or adjustment to a job, the work environment, or the way things usually are done that enable a qualified individual with a disability to enjoy an equal employment opportunity.

Any individual who believes he/she requires a reasonable accommodation to perform the essential functions of his/her position should notify his/her supervisor or elected official and/or complete a Request for Accommodation Form. All such requests will be handled on a case-by-case basis. To the extent that other provisions of this policy interfere with the provision of a reasonable accommodation, such provisions, at the discretion of the supervisor or elected official, may be deemed inapplicable.

#### **D. Title VI in Employment Practices**

Pursuant to Title VI of the Civil Rights Act, the County endorses the following policy:

The County assures that no person shall, on the basis of age, race, sex, color, national origin, handicap/disability, income status, or limited English proficiency, as provided by Title VI of the Civil Rights Act of 1964, and subsequent nondiscrimination laws and Executive Orders, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation in any County project, service, program, or activity.

When the primary objective of federal financial assistance is to promote employment within the County, the County's employment practices are subject to Title VI and an employee, hired with federal funds, may file a Title VI Complaint.

Any employee who believes he or she has been subject to unlawful discrimination under Title VI should report the alleged act immediately to either the County's Title VI Coordinator, his/her immediate supervisor, or the next level supervisor if the immediate supervisor is alleged to have committed the act. An investigation of all complaints will be undertaken immediately. A final written response letter will be provided to the Title VI Complainant and the accused department. The Title VI Complaint and Investigation Report will be forwarded to the appropriate federal, state, or local entity as required. Further, if a Title VI Complainant is dissatisfied with the final resolution of the Title VI Complaint, he or she has the right to contact the Civil Rights Division of the United States Department of Justice.

HR will inform new County employees of Title VI provisions, explain when employees are covered under Title VI, provide copies of the County Title VI Policy Statement, the Notice of Nondiscrimination, Title VI Complaint Procedures, and where to access additional Title VI and County nondiscrimination information, including the County's Title VI Implementation Plan and Policy. New employees are required to sign a Title VI/Nondiscrimination Acknowledgment of Receipt during orientation, confirming they have received the above referenced information and agreeing to follow the County's

## Title VI Implementation Plan and Policy.

Employees and officials are required to follow the County's Title VI Implementation Plan and participate in annual training. The Title VI Coordinator will facilitate and/or organize annual Title VI training with employees and officials. An employee's failure to follow the County's Title VI Implementation Plan and Policy may be subject to disciplinary action, up to and including termination.

### SECTION 10. EVALUATION PERIOD:

All newly hired County employees shall serve a one (1) year evaluation period. The purpose of this period is to allow the hiring official time to observe the employee's performance and ability to perform the job.

While all County employees are employees-at-will and are evaluated yearly, new hires are evaluated on a quarterly basis during the first (1<sup>st</sup>) year of employment.

After completion of six (6) months of continuous, full-time, regular employment, employees are entitled to use their accumulated leave with pay (see Section 17 Administrative Leave Benefits). Rehires are treated as new hires for this and all purposes in this policy.

County employees who transfer, are promoted, or are demoted into new positions must serve a six-month evaluation period in the new position. However, employees of the Sheriff's Office who are transferred, promoted, or demoted into new positions shall serve a one (1) year evaluation period. Use of leave accumulated is permitted during their evaluation period, if they have previously completed six (6) months continuous employment with the County.

Quarterly evaluation reports are required to be filed in HR on all employees during the evaluation period. Copies of the evaluation report will be given to the employee and supervisor, and a copy will be placed in the official personnel file.

### SECTION 11. ATTENDANCE:

#### A. Unauthorized Absences

Employees are expected to be at their workstation on time and to work the number of hours scheduled. Employees who are absent from work without prior authorization or who are tardy to work have the responsibility to immediately advise their supervisor of the circumstances. The supervisor will determine if the circumstances are understandable and infrequent and assess if it is necessary to require the use of earned vacation leave, or to report as unauthorized absence. Employees who are absent or tardy without authorization can be docked (not-paid) for the time in question and then be reported as Unauthorized Absence ("UA") on the department "Payroll Worksheet" which is submitted to the payroll department. Employees are not in pay status if assigned UA. UA is to be assigned in fifteen (15) minutes minimum increments for the period determined as appropriate by the supervisor. Recurring UA will lead to disciplinary action up to and including termination.

If an employee anticipates being tardy or absent, the employee has the responsibility to personally notify their supervisor in advance of the work period. If this responsibility cannot be met, they are to notify their supervisor immediately upon reporting to work and explain why they could not notify prior to the start of the work period. Employees who are absent for two (2) consecutive workdays without personally notifying their supervisor will be considered as having voluntarily resigned their position.

## SECTION 12. SEPARATIONS:

### A. Resignation

Any employee contemplating resignation is urged to discuss this decision with his/her supervisor before submitting his/her letter of resignation to the hiring official. Employees are requested to give two (2) weeks' notice of resignation to provide the County with an opportunity to find a suitable replacement. A copy of the resignation shall be forwarded to HR along with a Status Change Form.

### B. Termination

In the event that any full-time, regular employee is terminated, voluntarily or involuntarily, the department head or elected official will complete the appropriate Status Change Form. Terminated employees are entitled to be paid for time worked, and for vacation leave earned to the effective date of the termination. Termination pay shall be paid as a lump sum including time worked and vacation leave.

### C. Lay-Off

Should circumstances cause a need for a County-wide reduction in the number of County employees, the decision to lay-off employees shall be made by the County Judge for those departments under his/her jurisdiction and by the other elected officials for their respective departments.

Laid off employees, who are rehired within a period of one year, may be reinstated to their former position at the salary level closest to that earned at the time of lay-off (if available) with rights relating to rate of leave time accrual. The County cannot guarantee that the same or similar position (or same or similar salary) will be available upon return.

## SECTION 13. REHIRES:

Rehires shall be considered as new employees and treated the same as any other new employee with reference to salary, employee benefits, rate of accrual for leave purposes, and any other applicable provisions for new employees. Employees returning after being laid off and veterans returning from active duty, are not considered new hires.

## SECTION 14. PROMOTIONS, DEMOTIONS, TRANSFERS:

#### A. Hiring Range

Within a pay range, the hiring range is defined as the entry range authorized for any position. The hiring range minimum for both classified and unclassified positions shall be at the minimum of the pay grade as established by the Quorum Court for that position and the maximum shall be eighty-five percent (85%) of the midpoint of the pay grade.

#### B. Promotions (Lower grade to Higher grade)

An employee in a classified, or unclassified, position shall be considered promoted when they apply for and are moved into a position with a higher pay grade. Each promotion shall require a pay increase of at least four (4) percent and the employee's salary shall be placed at the pay level in the higher grade that will accommodate the four (4) percent above the previous salary. At the discretion of the department head or elected official, the promoted employee may receive a pay increase of more than four (4) percent provided that the increase does not exceed eighty-five (85%) of the midpoint of the pay grade. However, a written justification for the increase must be provided to HR and funds must be available in the department's current budget appropriation.

#### C. Demotions (Higher grade to Lower grade)

An employee of a classified or unclassified position shall be considered demoted when moved voluntarily, or involuntarily, to a position in a lower pay grade than the employee's current grade. The employee's pay in the new position shall be at the discretion of the department head or elected official to the extent that it must be reduced from the previous salary and it cannot exceed midpoint of the new pay grade. A department head or elected official may demote an employee as a disciplinary action, or as part of department reorganization. Prior to the demotion becoming effective, the employee's supervisor must advise the employee of the planned demotion and provide the employee with a description of the duties of the new position.

#### D. Lateral Transfers (Same grade to Same grade)

A move shall be considered a lateral transfer when an employee in a classified or unclassified position moves to a new position of the same grade. A lateral transfer can be within the same department or into another County department and shall result in no change in salary.

#### F. Unclassified Judicial Position Transfer to Another Unclassified Judicial Position

An employee of an unclassified judicial position may transfer into a vacant unclassified judicial position without a loss of pay, where the designated starting salary is equal to the starting salary of the current position. Such a transfer may only be made at the discretion of the elected official. County employees of other departments who transfer into unclassified judicial positions must begin at the judicial starting salary for the specified positions. For any transfer that requires additional pay, the department must have enough money in its budget to pay for the increase.

### SECTION 15. EMPLOYEE ETHICS AND CONDUCT:

#### A. Inappropriate Conduct

Hiring officials and supervisors are expected to orient and train employees in concepts and

responsibilities of public service. Consequently, employees are expected to demonstrate honesty, integrity, and diligence. This should result in the performance of duties in a courteous, impartial manner wherein personal feelings or prejudices do not influence decisions or productivity. Conditions, or actions, which would not conform to appropriate conduct include, but are not limited to, the following:

- Absenteeism, absence without cause, unauthorized or excessive absence, absence from work without reporting, or leaving the assigned work area without prior approval;
- Misuse or abuse of attendance policies including, but not limited to, leave of absence, sick leave, work-related injury leave, persistent tardiness;
- Insubordination: failure, refusal, or unreasonable delay in implementing instructions issued by supervisors, or displaying disrespect to those in positions of authority;
- Falsification of work or County records;
- Breach of confidence or security;
- Conflict of interest activity including secondary employment, which might hinder job performance or duties. If questions arise as to whether outside activities come within these provisions the appropriate department head or elected official has the responsibility to issue written approval or disapproval of such activity to the employee;
- Solicitation or acceptance of personal gifts or fees in the course of work;
- Use or possession of drugs and alcohol as detailed in the County's Drug and Alcohol Free Workplace Policy;
- Unauthorized possession of a firearm while on duty or county property;
- Operation or misuse of county equipment, vehicles, or property in a manner where damage occurs or the possibility exists for serious injury to oneself, another employee, or the public;
- Any other acts of an employee or the employee's failure to act in a responsible, reasonable manner, which reflect upon the employee's fitness for the job and/or which adversely affect the County or the County's reputation;
- Theft of County funds or property; or,
- Inappropriate political activity generally defined in paragraph B below.

#### B. Politics in the Workplace

County employees are encouraged to be active in, and informed about, politics and to exercise their vote freely at every election. However, to ensure impartiality and non-partisan public service, certain actions which constitute inappropriate political activity include, but are not limited to:

- Use of official authority as an employee to benefit any candidate;
- Soliciting funds or distributing campaign material while on duty;
- Displaying campaign material on County property or County vehicle;
- Participating in any partisan or non-partisan activity while on duty; or,
- Use of County offices or equipment for political purposes.

If desired, a County employee who is a candidate for any elective office may take LWOP, as specified in Section 17, to seek office.

## C. 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 County business and for the benefit and safety of all employees. County management cannot prevent violence in our workplace alone. This must be a joint effort by every employee. We encourage each employee to report possible problems to the management.

Threatening conduct that interferes with operations or that is threatening to citizens or coworkers will not be tolerated whether that conduct be that of an employee, an employee of a vendor or contractor, citizen, or visitor. Any act of violence which impacts the workplace will be cause for investigation and subject to County action. 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.

### 1. General Information

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, but is not limited to,

- Complying with all of the County's safety and security regulations and policies;
- Complying with the County's Harassment Policy;
- Treating all coworkers, citizens, and visitors in a courteous manner;
- Refraining from behavior or conduct deemed threatening;
- Reporting to management unethical, threatening, or illegal conduct by coworkers, citizens, visitors, or suppliers without fear of retaliation;
- Cooperating with the County's investigations; and,
- Handling the property of the County and of individuals with care and respect to the owner.

The following conduct is illustrative of threatening behavior that will not be permitted on County property. Violations may subject the employee to disciplinary action, up to and including termination. Prohibited conduct includes, but is certainly not limited to:

- The use of threatening language;
- The unauthorized possession of firearms, explosives, weapons (including hunting weapons), alcohol, or controlled substances on County property;
- Fighting or assaulting a coworker, citizen, security staff, or visitor;
- Threatening or intimidating coworkers, security staff, citizens, or visitors;
- Retaliation for having reported inappropriate conduct or for having cooperated in an investigation of inappropriate conduct; and,
- Theft, destruction, defacement, or misuse of the County's property or of the property of an employee, citizen, or visitor.

### 2. Procedures

It is every employee's responsibility to ensure that his/her conduct does not include or imply a breach of this policy. Furthermore, it is every employee's responsibility to report suspicions of such behavior, whether by employee or non-employee, to an appropriate member of management. If, however, violence, suspected violence, or threatening conduct, as stated in this policy, to or against a person or



property, has taken place, or is taking place, the following will apply:

Any violence, suspected violence, or threatening conduct, as previously stated, to, or against, a person or property, should be reported to the employee's supervisor. If the violence or conduct involves the supervisor, then it should be reported to HR. 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/her supervisor or HR immediately. The supervisor should notify security and appropriate authorities.

Any employee who receives a report of, has knowledge of, or suspects the occurrence of violence, or threatening conduct, including the observance of firearms, explosives, weapons (including hunting weapons), alcohol, or controlled substances, on the County's property, should promptly notify his/her supervisor, or HR, if his/her supervisor is unavailable.

Any supervisor who receives a report of, has knowledge of, or suspects the occurrence of violence or threatening conduct, including the observance or report of firearms, explosives, weapons (including hunting weapons), alcohol, or controlled substances, on County property, should promptly assess the most important action to be taken first. That action may involve notifying HR or taking other action to ensure the direct safety of personnel or property. In all cases, HR should be notified immediately.

The elected official, or designated representative, will investigate the report and will determine the appropriate action and/or discipline to be taken with the offender up to and including termination.

The elected official, or designated representative, 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.

Documentation of each report should be maintained, and information will be made available by the County on a need to know basis.

#### D. Tobacco Policy

Tobacco use, including vapor cigarettes, is prohibited inside all the County offices. Further, the County prohibits the use of tobacco products in all of its interior space at all times. Additionally, the County prohibits its employees using tobacco in County-owned vehicles. Tobacco use is only permitted in designated areas.

### SECTION 16. TECHNOLOGICAL USE POLICY:

#### A. General Information

##### 1. Purpose

The purpose of this policy is to establish standards and outline the acceptable use of the County's technical systems and electronic equipment. Additionally, this policy is to protect not only the County

and its employees, but also those that receive County services. Unacceptable use of the technical systems and electronic equipment may create risks for viruses, cause data and legal issues; compromise the network systems and services; and harm the County's public image.

## 2. Scope

This policy applies to anyone using or accessing the County's technical systems and electronic equipment, including all employees, contractors, consultants, temporary staff, and interns. This policy applies to all technical systems and electronic equipment, both on-site and hosted, including, but not limited to, computer equipment, software, secure fax operating systems, storage media, cloud based systems, servers, network devices, network accounts, electronic mail, internet use, electronic transfer of data, telephones, cell phones, smart phones, photocopiers, scanners, and fax machines. The use of the County's technical systems and electronic equipment is for County business and for authorized purposes only in accordance with this policy.

The County reserves the right to monitor, inspect, and/or audit all County owned technical systems and electronic equipment usage and content at any time. Accordingly, users should have no expectation of privacy. Additionally, all communications which are deemed public records as defined by the Arkansas Freedom of Information Act ("AFOIA") are subject to the AFOIA.

### B. Acceptable Use of Technological Systems

The County technical systems and electronic equipment exist to support and enable County employees to carry out their job duties and responsibilities. Generally, County employees should refrain from personal email, internet, instant messaging, and social media use during workhours. Brief and occasional personal use of these technical systems and electronic equipment is acceptable, as long as such use is not excessive. Excessive use is use that interferes with prompt responsiveness while performing job duties. Only very incidental amounts of time should be used to attend to personal matters.

Use of Technology is a privilege. As such, a privilege may be revoked at any time and for any reason. Abuse of the privilege will result in appropriate disciplinary action, up to and including termination.

### C. Unacceptable/Prohibited Use of Technical Systems

County technical systems and electronic equipment shall not be used for any of the following purposes:

- To send, display, or store material that is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory, racial, sexist, or unlawful;
- To participate in gambling;
- Personal monetary interest or gain;
- To subscribe to mailing lists or mail services strictly for personal use, and participating in electronic discussion groups (i.e. list server, Usenet, news groups, chat rooms) for personal purposes;
- To disseminate or store destructive programs such as viruses or self-replicating code, commercial, or personal advertisements, solicitations, or promotions of outside business

- ventures, or political, religious, or charitable causes;
- To intentionally disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user;
  - To deliberately perform acts that waste or monopolize electronic resources to the exclusion of others (this includes, but is not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online communication, livestreaming music or videos, and otherwise creating excessive network traffic);
  - To copy County owned or leased software for personal use (users who become aware of any misuse of software or violations of copyright law should immediately report the incident to their supervisors);
  - To introduce or install technical systems, electronic devices, or software that has not been approved by the appropriate technical systems personnel for each particular office and/or department;
  - To disclose confidential information without prior written authorization; or,
  - Any other purpose, which is illegal, against County policy, or contrary to the County's interest, including, but not limited to, phishing or hacking.

#### D. Password and Security

County employees must use hardened passwords or hardened security access methods, such as personal proximity card, retina scan, facial recognition, or finger print recognition when connecting to or securing County technical systems. A hardened password is comprised of a minimum of eight (8) characters or more with any three of the following four (4) character sets: uppercase; lowercase; number(s); and special characters.

Each employee is responsible for the security of his/her passwords and accounts assigned to them and must change his/her hardened password at least every ninety (90) days or when prompted.

Sharing passwords, using other employee passwords, accessing a resource or system using another employee's system access credentials, or accessing a resource or system that the employee is not authorized to use are expressly prohibited. Any employee(s) found to have violated this policy are subject to disciplinary action up to and including termination.

Each employee is responsible for the security of their mobile devices and portable storage media used for County business to include proper steps to secure both the device and the data the device contains from loss or theft.

In the event a mobile device, portable storage media, or data contained on such devices or media is lost or stolen, the employee should report the incident to their supervisor immediately.

Each employee is responsible for reporting issues or suspicion of issues that could potentially compromise the use and security of technical systems to their supervisor and Information Technology ("IT") personnel that support their systems. Such issues include, but are not limited to, technical malfunctions, computer viruses, malware, adware, ransomware, and events that compromise the

security and operation of technical systems.

#### E. Social Media Policy

This policy establishes guidelines for the establishment and use of County social media sites and its separate offices as a means of conveying County information to its citizens.

The County has an overriding interest and expectation in deciding what is “spoken” on behalf of the County on County social media sites.

For purposes of this policy, “social media” is content created by employees, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Snapchat, Instagram, Pinterest, and Flickr. For purposes of this policy, “comments” include information, articles, pictures, videos, or any other form of communicative content posted on a County social media site.

The establishment and use of County social media sites by the County are subject to approval by the appropriate elected official, department head, or his/her designees. The IT staff, or authorized staff members, of the respective elected official’s office shall maintain administrative right to all County social media sites.

County social media sites should indicate that the County maintains the site and follows the County’s Social Media Comments Policy.

Wherever possible, County social media sites should link back to the official County website for forms, documents, online services, and other information necessary to conduct County business.

Each elected official shall designate a Public Information Officer (“PIO”) to monitor content and comments on County social media sites to ensure adherence to the County’s Social Media Policy, the County’s Social Media Comments Policy, and the County’s interests and goals.

The County reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy and/or the County’s Social Media Comment’s Policy, or any applicable law. The appropriate PIO must retain any content removed based on this policy for a reasonable time, including the time, date, and identity of the poster, when available.

The County will approach the use of social media tools as consistently as possible, throughout the County. All County social media sites shall adhere to applicable federal, state and local laws, regulations and policies.

The County’s website (<http://pulaskicounty.net/>) will remain the County’s primary and predominant internet presence. Each County administrative elected official shall maintain an internet presence that they deem appropriate consistent with this policy.

County social media sites are subject to the AFOIA. If retained, any content maintained in a social media format regarding County business, including a list of subscribers, posted communication, and communication submitted for posting, is a public record subject to public disclosure, unless otherwise exempt pursuant to AFOIA.

Comments on topics or issues not within the jurisdictional purview of the County may be removed. Employees representing the County through County social media sites must conduct themselves as a representative of the County at all times and in accordance with all County policies specifically including, but not limited to, the Non-Discrimination Policies, the Workplace Violence Policy, and any other conduct guidelines.

This Social Media Policy may be revised at any time.

### 1. Facebook Comments Policy

Each County elected office or department Facebook page must identify itself as the official page of that elected office or department and must identify the name and contact information for that office's or department's PIO. Further, the following language, contained herein, must be displayed or made available by hyperlink on all County Facebook websites.

This site is intended to serve as a mechanism for communication between the County and the public, on the listed topics, and is designated as a Limited Public Forum. We encourage members of the public to respectfully interact and to share ideas pursuant to the County's Social Media Comments Policy. Please note that all comments and posts to this page are monitored and reviewed by the County and are subject to the Arkansas Freedom of Information Act ("AFOIA") and e-discovery laws:

The County reserves the right to delete any comments or posts that are found to be in violation of the County's Policy. Individuals who repeatedly violate the County's Policy may be banned or prohibited from posting future comments to County social media sites. The following are examples of unacceptable content and comments. The list is not intended to be all-inclusive. Examples are:

- Content that contains profane or obscene language;
- Content that promotes, fosters, or perpetrates discrimination on the basis of race, creed, color, age, religion, gender, marital status, natural origin, physical or mental disability, sexual orientation, or gender identity;
- Content that incites, encourages, or solicits violent or illegal acts;
- Content that violates any federal, state, or local law;
- Commercial solicitations or spam;
- Infringement on copyrights, trademarks, or intellectual property; or,
- Confidential or non-public information.

Following or friending persons, a business, or an organization is not an endorsement by the County. Instead, it is only intended as a means of communication.

A comment posted by a member of the public on any County social media site is the opinion of the

commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the County or its separate offices, nor do such comments necessarily reflect the opinions or policies of the County or its separate offices.

All users are bound by the terms and conditions of Facebook's Community Standards at <https://www.facebook.com/communitystandards> and Facebook's Statement of Rights and Responsibilities at <https://www.facebook.com/terms.php>. The County reserves the right to report any violation(s) to Facebook with the intent that Facebook will take appropriate and reasonable action.

If you have any questions concerning the operation of moderated discussions, please contact the appropriate office's Public Information Officer.

#### F. Guidelines for Non-Official/Personal Social Media Use

The County recognizes that social media has become a popular way to share thoughts, information, and opinions with family, friends, and coworkers around the world. Generally, the County is not concerned with the conduct of employees outside of working hours, and employees who use social media for strictly personal use outside the workplace do not require approval to do so. However, lines blur easily between personal and professional lives. Therefore, County employees must consider the following guidelines for non-official/personal social media use:

County Employees are to refrain from posting photographs of County personnel wearing County distinguishable uniforms, logos, shields, badges, weapons, or writings that readily identify one as an employee of the County. However, County employees are permitted to "share" or link to postings made on County social media sites on their personal social media pages.

Employees that choose to identify themselves as County employees or have a position that makes them readily known to the general public, should not represent themselves as a spokesperson for the County or make representations that are likely to be attributable to the County.

Employees should be fair and courteous to coworkers, consultants, contractors, and any other work-related individuals. Employees who choose to post comments, complaints, or criticism, should avoid using statements, photographs, video, or audio that could reasonably be construed as malicious, obscene, defamatory, threatening, intimidating, an invasion of privacy, or that could constitute discrimination, harassment, or bullying. Such posts could contribute to workplace disruption or a hostile work environment claim based on race, sex, disability, religion, national origin, sexual orientation, gender identity, or any other County protected status.

Employees should not discuss any County information in a publicly accessible forum that has not been previously deemed public. This includes sensitive, proprietary, or confidential information.

#### G. Guidelines for Supervisors, Department Heads, and Elected Officials

Pursuant to Ark. Code Ann § 11-2-124, employers are prohibited from requiring, requesting, suggesting, or causing a current or prospective employee to disclose his/her username or password for

a personal social media account; to add an employee, supervisor, or administrator to the list or contacts associated with their social media account; or to change privacy settings associated with his/her social media account.

The following guidelines are provided for by law:

Supervisors, department heads, and elected officials may not send “friend requests” to employees or ask to “follow” employees on any social media sites. However, a “friend request” from an employee can be accepted, if it was unsolicited. Due to the broad nature of the statute, it would be advisable to disconnect with current employees and not accept future “friend requests.”

Supervisors, department heads, and elected officials shall not require or request employees to disclose their usernames or passwords, or to change the privacy settings associated with their personal accounts.

Supervisors, department heads, and elected officials are permitted to view the information about a current or prospective employee that is publicly available on the Internet.

The statute specifically safeguards the County’s existing rights or obligations to request an employee to disclose his/her username and password for the purpose of accessing a social media account if the employee’s social media account activity is reasonably believed to be relevant to a formal investigation regarding allegations of an employee’s violation of federal, state, or local law(s), or regulation(s), or the County’s written policies. However, the County may only request disclosure of an employee’s username and password for formal investigation or related proceedings purposes.

## SECTION 17. DISCIPLINE:

### A. General Information

The goal of every County employee, whether in a management or subordinate position, should be excellent job performance and efficient departmental operations. From time to time, this goal may not be realized because of the behavior or performance of employees within the various departments. In that event, the elected official, department head, or supervisor should counsel those employees whose conduct or performance is deficient.

The County does not have a formal, progressive disciplinary procedure. Depending on the nature of the deficiency in either conduct or performance, any one or a combination of the subsequent suggested disciplinary actions may be appropriate. If the department head or supervisor has not been authorized by the elected official to terminate employees, all information leading to a recommendation for discharge must be provided to the elected official by the department head or supervisor. “All information” includes any information generated either by the department head, supervisor, or the employee.

## B. Disciplinary Actions

The usual sequence may be progressive in severity for employees who have completed the evaluation period; however, the disciplinary action selected must be determined after considering the gravity and impact of the offense, the employee's work record, action(s) taken pursuant to and in conjunction with the County's Drug and Alcohol Free Workplace Policy in Section 4, and any other relevant factors. There is no guarantee that progressive discipline will be employed.

The reason for any action, the disciplinary actions selected, and the effective dates of said action, must be documented on official forms provided by HR.

Any disciplinary action form should be signed and dated by the elected official or department head and the employee. The employee's signature indicates only that he/she has read and understands the disciplinary action and does not indicate an agreement with the disciplinary action taken against the employee.

One (1) copy of any disciplinary action will be furnished to the employee. With the exception of an oral reprimand, any notice of disciplinary action taken shall be placed in an employee's personnel file maintained in HR.

A disciplinary action may take any of the following forms:

### 1. Oral Reprimand

An oral reprimand is a formal discussion between an employee and his/her elected official, department head, or supervisor, in which the employee is advised and cautioned about unsatisfactory work performance or misconduct. It is only used for minor infractions. This should not be confused with counseling or other, more routine, discussions. An oral reprimand shall be labeled as such on the disciplinary form and maintained by the department head or elected official's office. If the employee has subsequent disciplinary actions, after an oral reprimand, a copy of the oral reprimand should be placed in the employee's personnel record maintained in HR.

### 2. Written Reprimand

A written reprimand is a formal written warning, notifying the employee that his/her performance is failing to meet expectations in some aspect of his/her job or that his/her conduct is unacceptable in the workplace.

### 3. Suspension

A suspension removes an employee temporarily from his/her position without compensation for a period of time. A normal suspension should range between one (1) and thirty (30) days; however, an elected official or department head may extend a suspension past thirty (30) days as determined appropriate.

### 4. Demotion

A demotion involuntarily moves the employee to a new position where the maximum of the hiring



range is less than the maximum hiring range of the employee’s current position. All demotions must be in conformity with Section 14 of this policy.

### 5. Termination

Termination results in an employee’s removal from the County workforce.

## SECTION 18. ADMINISTRATIVE LEAVE BENEFITS:

Administrative leave benefits are earned only by regular full-time employees and begin accruing at date of hire. Most leave benefits are of monetary value to the employee and to the County. Therefore, an accounting system within the payroll department accounts for the accrual of leave benefits and the use of leave benefits for each full-time regular employee. No employee shall be allowed to "borrow" against unearned leave, nor shall any additional leave be granted to any employee over and above types and/or amounts set forth herein.

Status Change Forms are necessary to authorize the following: Annual Military Training Leave, Military Leave, LWOP, Injury Leave, FMLA and Administrative leave with pay.

### A. Vacation Leave

After six months of continuous full-time, regular employment, employees are entitled to request vacation leave with pay. Vacation leave shall accrue in accordance with the schedule shown below for each bi-weekly pay period, including any introductory periods, as long as the employee is in pay status.

Vacation leave with pay shall not be granted to emergency, contract, extra help, temporary, or part-time employees.

	VACATION LEAVE BI-WEEKLY ACCRUAL HOURS	VACATION LEAVE ANNUAL ACCRUAL HOURS	NUMBER OF 8 HOUR DAYS YEARLY
Under 3 Years	4 Hours	104 Hours	13
3+ to 5 years	5 Hours	130 Hours	16.25
5+ to 12 years	6 Hours	156 Hours	19.5
12+ to 20 years	7 Hours	182 Hours	22.75
Over 20 years	8 Hours	208 Hours	26

Vacation leave may be accumulated by an employee; however, no employee may carry forward from one calendar year to the next calendar year in excess of three-hundred (300) hours’ vacation leave. Any vacation time in excess of 300 hours, will be automatically transferred to the Catastrophic Leave

Bank Program for the office of the elected official in which the employee works.

Employees should make their request for vacation leave to their supervisor on a timely basis, based on the needs of your department, to allow the supervisor to prepare to have the employee's duties performed while on vacation. To the extent possible, the wishes of the employee shall be considered regarding when vacation leave shall be authorized. However, employees should be advised that under certain circumstances, the employee may be required to change the length and the date of his/her vacation to meet County needs.

When an employee leaves the employ of the County, he/she shall be paid in a lump sum for all unused vacation days he/she has accrued up to that date, provided he/she has been a full-time, regular employee for at least six (6) months. However, in no case shall he/she be paid for more than a maximum of three-hundred (300) vacation hours carried over from the previous year, plus accrued and unused vacation for the current year. In the event of an employee's death, payment shall be made to his/her estate or designated beneficiary. If an employee should be terminated or resign prior to the completion of six (6) months full-time regular employment, all accrued vacation shall be forfeited.

### B. Sick and Family Leave

Sick and Family Leave is earned by regular, full-time employees of the County. The purpose of Sick and Family Leave is to allow employees to recover from a short-term illness or injury and to allow them to provide care for a family member who has suffered an illness or injury. The accrual and usage of Sick and Family Leave is a privilege whereby an employee may be paid if he/she must be away from work under the conditions described. Employees are encouraged to "build" their sick leave balances and to use it properly to reduce the chances of any break in receipt of pay should illness or injury occurs. Unused Sick and Family Leave is not paid when an employee leaves the employ of the County.

For the purpose of this section, immediate family members are defined as: children, spouse, parent, grandparent, and grandchild.

Paid Sick and Family Leave shall not be authorized until after completion of the first six (6) months of employment. Sick and Family Leave does not accrue if the employee is not in a pay status during any extended period of his/her employment. Extended leave is defined as any continuous period of ten (10) or more days.

Paid Sick and Family Leave shall accrue in accordance with the schedule shown below for each bi-weekly period of regular, full-time employees.

SICK LEAVE ACCRUAL	BI-WEEKLY ACCRUAL HOURS	ANNUAL ACCRUAL HOURS	# OF 8 HOUR DAYS YEARLY
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	4 HOURS	104 HOURS	13
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Maximum accrual of Sick and Family Leave with pay shall be unlimited. Records of sick leave accrued and used shall be maintained by each department. Each department will be responsible for bi-weekly reporting of usage of all Sick and Family Leave hours on the "Employee Time Worksheet." This worksheet is submitted to the County Comptroller/Payroll Department on a bi-weekly basis.

Sick and Family Leave may be authorized for the following reasons:

- Personal illness or injury of the employee or employee’s immediate family member;
- Medical, dental, or eye examination or treatment of the employee or employee’s immediate family member; or,
- Any other employee medical/health reason recommended by a physician or health professional.

An employee with accrued sick leave in excess of 240 hours (6 weeks) may use up to two (2) hours per week of the excess leave to visit the County Wellness Center or participate in some other wellness program or regimen, with prior approval of the elected official or department head.

An employee is required to provide a statement from his/her physician or health professional regarding the nature, length, and extent of an illness or injury regarding the employee or the employee’s immediate family member, if requested by the elected official, department head and/or supervisor. Failure to provide such a statement when requested may result in denial of requested leave and disciplinary action.

During an extended illness, it is the responsibility of the employee to inform his/her supervisor of the status of such extended illness, at least every two weeks, or more frequent as required by the supervisor. In the case of illness or injury of more than three (3) consecutive workdays the employee may be required to notify the employer of anticipated return to work date and provide a physician’s statement indicating date(s) of treatment, length of disability and work limitations, if applicable.

Evidence of abuse of Sick and Family Leave shall justify reasonable investigation, denial of unjustifiable claims (i.e., denial of Sick and Family Leave pay, denial of holiday pay), and disciplinary action. Approval of Sick and Family Leave for scheduled workdays immediately preceding or immediately following a holiday may require a physician's statement to verify illness or injury. Abuse on the scheduled workday immediately preceding and/or immediately following a holiday, will result in denial of holiday pay. Where there is a pattern of Sick and Family Leave usage abuse, the County may verify the illness of the employee by telephone calls or personal visits to the employee at his/her residence. If such calls or visits fail to substantiate illness or injury, the County shall request verification by a physician that the reported illness or injury occurred. Additionally, each subsequent illness or injury within the following ninety (90) day period in which the employee has requested Sick and Family Leave must be verified by a physician.

### C. Emergency (Bereavement and Disaster) Leave

Emergency leave is to be authorized by the elected officials or department head in circumstances related to the death or notification of imminent death of a member of the employee's immediate family or the employee's spouse's immediate family. Emergency Leave may also be granted for disastrous events affecting the employee or the employee's immediate family.

Disastrous events for the purpose of this section are defined as destruction of the employee's residence or property by wind, fire, water, or other acts of nature.

Immediate family is defined as: spouse, child, grandchild, parent, grandparent, sister, brother, son-in-law, daughter-in-law, mother-in-law, and father-in-law. The immediate family of the spouse is included in this definition.

This shall be paid leave not to exceed four (4) working days per emergency or catastrophic event.

### D. Catastrophic Leave

#### 1. Purpose

The purpose of the Catastrophic Leave Bank is to allow eligible employees who have exhausted all available leave balances to receive additional leave benefits for extended absences upon submission of a properly documented application.

#### 2. Policy

The Sheriff, Assessor, Treasurer, Clerk, Prosecuting Attorney, Circuit Court Judges, and the County Judge shall each have a separate catastrophic leave bank program. Accrued vacation leave of employees may be donated to their individual offices' leave bank program in one (1) hour increments only. Any vacation time in excess of three-hundred (300) hours, which would have been lost at the end of each calendar year pursuant to the personnel policy, will be automatically transferred to employees' respective leave bank program. Each elected official will establish a panel to review and determine eligibility for their respective employee requests for catastrophic leave. The HR Director and the Comptroller shall promulgate necessary rules and regulations to carry out the provisions of the catastrophic leave bank program. Said rules and regulations are available upon request in HR.

Catastrophic leave with pay may be granted to an employee when such employee is unable to perform their job duties due to a catastrophic illness for a minimum of thirty (30) continuous days. An employee may be eligible for catastrophic leave if the following criteria have been met:

- The employee is a regular full-time, non-probationary employee employed by the County for a minimum of one (1) year or is a regular full-time, non-probationary employee who has been rehired within three (3) years from their previous termination date from full-time employment that lasted for at least one (1) continuous year without a break in service;
- The employee has exhausted all earned sick leave, vacation leave, and holiday time;
- The employee's illness or injury is not covered by the County's WC or such compensation

benefit has been exhausted;

- The employee provides an acceptable medical certificate from a physician requiring the employee's absence from duty for a minimum of thirty (30) days; and,
- The employee has not been disciplined for any leave abuse during the past two (2) years.

#### E. Jury Duty and Witness Leave

In recognition of a County employee's civic obligations, an employee shall be excused from work with pay if subpoenaed to be a witness or required to serve as a juror in any court of record on any day the employee is scheduled to work. If this occurs, the employee must immediately notify his/her supervisor and present the subpoena or notice to such supervisor. If the employee is excused as a juror or witness prior to 12:00 noon, he/she shall report to the regular place of duty for work. Employees excused from work with pay will forfeit any right to jury duty pay for that day; however, employees retain their right to retain witness pay under all circumstances.

#### F. Military-Related Leave

##### 1. Annual Military Training Leave

Full-time County employees, who are members of the National Guard or any of the reserve branches of the US Armed Forces shall be granted leave at the rate of fifteen (15) paid working days per calendar year, including necessary travel time for annual training purposes. Up to fifteen (15) military leave days may be carried over to the succeeding year for a maximum of thirty (30) paid days' military leave days for any calendar year. Military leave for annual training shall be in addition to regular vacation time.

A copy of the employee's orders must be attached to each request for military leave and should be presented to the employee's elected official or department head and HR prior to the first day the leave commences.

##### 2. Active Duty for Military Service

Full-time employees of the County who are members of the National Guard or any of the reserve branches of the US Armed Forces who are drafted or called to active duty in the Armed Forces of the United States or who volunteer for military service, shall be placed on LWOP unless the employee elects to use his accrued annual leave. All accrued, unused annual and sick leave held by the employee at the time of military leave will be reinstated at the time the employee returns to the County employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on military LWOP. The employee does not accumulate annual or sick leave during the LWOP period.

If the employee has coverage under a health plan in connection with the person's position of employment, the employee may elect to continue such coverage as provided for under COBRA and shall be required to pay no more than one hundred and two percent (102%) of the premium under the plan. Health benefits continue for the lesser of either eighteen-months (18) from when military leave commences or a period ending on the day after the employee fails to return to work within the time frame allowed under USERRA (discussed below under Reinstatement).

Please refer to the Arkansas Public Employees Retirement System Handbook for details regarding retirement benefits.

### 3. Active Duty for the Purpose of Specialized Training

Full-time employees of the County who are members of the National Guard or any of the reserve branches of the US Armed Forces, who volunteers or is ordered to active duty for the purpose of special training, shall be placed on LWOP for the period of training unless the employee elects to use annual military training leave or his/her accrued annual leave. All accrued, unused annual and sick leave at the time of military leave will be reinstated at the time the employee returns to the County employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on military LWOP. The employee does not accumulate annual or sick leave during the LWOP period.

### 4. Reinstatement

Any person, whose absence from a position of employment is necessitated by reason of service in the uniformed services, shall be entitled to reemployment rights and benefits if:

- The employee notified his/her elected official or department head and HR of their intent to return to a position of employment within the following allotted times:
  - If military service was fewer than thirty-one (31) days, the employee must report to the employer at the beginning of the first regularly scheduled workday after the effective date of his/her release from active duty.
  - If military service is more than thirty (30) days, but fewer than one hundred and eighty-one (181) days, the employee must report to the employer within fourteen (14) days after the effective date of his/her release from active duty.
  - If military service is more than one hundred and eighty (180) days, the employee must report to the employer within ninety (90) days after the effective date of his/her release from active duty.
- The cumulative length of absence and of all previous absences from a position of employment by reason of service in the uniformed services does not exceed five (5) years (certain exceptions are provided for under USERRA); and,
- The employee is released from the military under honorable conditions.

An employee who enlists or reenlists for a second consecutive tour of military duty shall be deemed to have forfeited his/her reemployment rights.

In addition, pursuant to USERRA an employer is not required to reemploy a person if the employer's circumstances have so changed as to make such reemployment impossible, or unreasonable, or such employment would impose an undue hardship on the employer.

Pursuant to USERRA, the reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, reduction-in-force policies, or other benefits and privileges of employment.

## 5. Reemployment Positions

According to 38 United States Code Section 4313, a person entitled to reinstatement as indicated above, shall be promptly reemployed as followed:

- In the case of a person, whose period of service in the uniformed services was for less than ninety-one (91) days, in the position of employment in which the person would have been employed if the continuous employment of such person had not been interrupted by such service, the duties of which the person is qualified to perform; or in the position which the person was employed prior to such service.
- In the case of a person, whose period of service in the uniformed services was for more than ninety (90) days, in the position of employment in which the person would have been employed if the continuous employment had not been interrupted by such service, or a position of like seniority; status and pay, the duties of which the person is qualified to perform; or in the position of employment in which the person was employed prior to such service or a position of like seniority, status and pay, the duties of which the person is qualified to performed.

## 6. Emergency Situations

An employee who is called to active duty in emergency situations as declared by the Governor of the State of Arkansas, or President of the United States, shall be granted leave with pay. The period of leave with pay will not exceed thirty (30) working days per each emergency situation. Periods beyond the thirty (30) day limit may be charged to annual leave at the employee's option and if necessary, to LWOP. Military leave for emergency situations is granted in addition to annual military leave for training purposes and normal annual leave. The employee does not accumulate annual or sick leave during any additional LWOP period.

"Emergency Situations" shall mean any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order.

## G. Leave Without Pay Status

### 1. Requests for LWOP

LWOP may be authorized by the elected official or department head for a period not to exceed ninety (90) calendar days per year. Sick and vacation leave shall be exhausted prior to being placed in LWOP status. Any LWOP taken shall run concurrently with time taken pursuant to Worker's Compensation ("WC") and the Family Medical Leave Act ("FMLA"). The only exception to this policy may be found in the military leave policy and the ADA policy. (Please refer to the military leave policy and the ADA policy.) The employee must request LWOP in writing, except when being used for WC and FMLA. In all instances LWOP shall be reserved for extraordinary purposes and shall be granted solely at the discretion of the elected official and/or department head. A Status Change Form must be completed and submitted to HR to begin and end LWOP status.

## 2. LWOP for the Purpose of Seeking Elective Office

LWOP for the purpose of seeking elective office shall be granted upon request, up to a period of nine (9) months. Such leave must be requested to become effective on or before the date such employee files for office. The position shall be held open until the first Monday after such employee is eliminated from the preferential primary election or if the employee is involved in the general election, until the first Monday after that election. Failure of the employee on leave to request a reinstatement to regular employment within this time period shall be deemed forfeiture of the vacated position.

NOTICE: ANY EMPLOYEE IN ANY LWOP STATUS (OTHER THAN UNDER THE FAMILY AND MEDICAL LEAVE ACT) MUST PAY THE COUNTY PORTION OF THE GROUP HEALTH AND LIFE INSURANCE PREMIUM BY SUBMITTING THE PAYMENT TO HR.

## H. Family and Medical Leave Act

It is the County's policy to grant periods of unpaid leave to employees who request time off for family or medical reasons, in accordance with the Family and Medical Leave Act ("FMLA"). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of unusual circumstances not specifically covered in this policy will be made in accordance with applicable law. At the conclusion of the leave, an employee generally has a right to return to the same or to an equivalent position, subject to some exceptions. Please contact HR for further information or clarification about FMLA leave.

### 1. Employee Eligibility Criteria

To be eligible for FMLA leave, employees must have been employed by the County at least twelve (12) months, whether consecutive or intermittent, and worked at least 1,250 hours during the twelve (12) month period. All periods of absence from work for covered service due to or necessitated by the Uniformed Services Employment & Reemployment Rights Act (USERRA) is counted in determining an employee's eligibility for FMLA leave. This provides eligible persons with up to 12 weeks unpaid leave during a 12-month period for certain qualified family and medical situations.

### 2. Events Which May Entitle an Employee to Basic FMLA Leave

Basic FMLA leave may be taken for any one, or a combination of, the following reasons:

- For the care of the employee's child (birth or placement for adoption or foster care);
- For the care of the employee's spouse, dependent child, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his/her job;
- For a "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and,
- For the care of the employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (Employees eligible for this type of leave may be eligible for up to twenty-six (26) workweeks of leave, rather than the usual twelve (12).)



### 3. Definition of a Serious Health Condition

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first (1<sup>st</sup>) visit to the health care provider within seven days of the onset of the incapacity and a second (2<sup>nd</sup>) visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice (2) a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with HR.

### 4. Pay Status During FMLA Leave

Generally, FMLA leave is unpaid leave; however, employees pay status during a period of leave under the FMLA will depend on the reasons for the leave, the length of the leave, and the amount of available sick and vacation leave. Employees will be required to use the benefits you have available to cover all or a portion of pay until the employee's available leave is exhausted. Once an employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her leave.

Any time off related to a serious health condition that results from a WC absence will be required to be taken concurrently with the FMLA leave.

### 5. How Much FMLA Leave May Be Taken

An eligible employee taking normal FMLA leave is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for any FMLA qualifying event(s) as listed above. The twelve (12) month period is a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period. Military FMLA leave runs concurrently with other leave entitlements provided under federal, state, and local law.

Leave to care for a newborn or for a newly placed child must conclude within twelve (12) months after the birth or placement of the child.

When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated twelve (12) month period for the birth, adoption, or foster care placement of a child with the employees, for aftercare of the newborn or newly placed

child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and twelve (12) workweeks, but not more than a total of twelve (12) workweeks per person).

For example, if each spouse took six (6) weeks of leave to care for a newborn child, each could later use an additional six (6) weeks due to his/her own serious health condition or to care for a child with a serious health condition.

## 6. Intermittent or Reduce Work Schedule Leave

FMLA leave may be taken on an intermittent basis, or may enable an employee to work a reduced work schedule in some circumstances. Intermittent leave is taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule. Military FMLA leave due to qualifying exigencies (discussed below) may be taken on an intermittent basis.

If an employee takes leave intermittently on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt county operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

## 7. Requests for FMLA Leave

An employee should request FMLA leave by completing a Request for Leave of Absence Form and submitting it to HR.

When leave is foreseeable for childbirth, placement of a child, or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the County with at least 30 days' advance notice. When the timing of the leave is not foreseeable, the employee must provide the County with notice of the need for leave as soon as practicable (i.e., within two (2) business days of learning of the need for the leave).

## 8. Required Documentation

When leave is taken to care for a family member, the County may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee shall be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms are available from HR.

If the employee's initial certification is considered insufficient or incomplete, the County may have a designated individual contact the employee's health care provider in an effort to clarify or authenticate the initial certification with notice to the employee; and/or require the employee to obtain a second (2<sup>nd</sup>) opinion by an independent County-designated provider at the County's expense. If the initial and second (2<sup>nd</sup>) certifications differ, the County may, at its expense, require the employee to obtain a third (3<sup>rd</sup>), final and binding certification from a jointly selected health care provider.

During FMLA leave, the County may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. The employee must provide the County with periodic reports regarding the employee's status and intent to return to work when requested. If the employee's anticipated return to work date changes, and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable notice (i.e., within two business days of the employee's changed circumstances and new return to work date). If the employee gives the County notice of their intent not to return to work, the employee will be considered to have voluntarily resigned. Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

## 9. Designation of Leave

The County will notify the employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the County of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify HR within two (2) business days of the employee's return to work that the leave was for an FMLA reason.

## 10. Maintenance of Health Benefits

During FMLA leave, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. An employee on FMLA leave will continue to be responsible for their portion of their group health insurance premiums.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee will have the opportunity to continue their group health plan by paying their monthly premiums. Payment arrangements may be made by contacting the HR.

If the employee's payment of health insurance premiums is more than thirty (30) days late, the County may discontinue health insurance coverage upon written notice to the employee.

### 11. Return from FMLA Leave

Upon return from FMLA leave, the County will place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms.

An employee is entitled to reinstatement only if they would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of layoff, reduction in force, or other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations.

If the employee does not return to work following the conclusion of FMLA, including any other approved leave, except for leave situations as a reasonable accommodation or otherwise required by law, the employee will be considered to have voluntarily resigned. The County may recover health insurance premiums that the County paid on behalf of the employee during any unpaid FMLA leave except that the County's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the County may require the employee to provide medical certification of the employee's or the family member's serious health condition. Employees returning to work must be able to perform the essential functions, with or without reasonable accommodations, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms. The County shall require a fitness for duty report before allowing an employee to return to work from FMLA leave for the employee's own serious health condition.

### 12. Rights and Obligations

Pursuant to FMLA, and the County will not 1) interfere with, restrain, or deny the exercise of any right provided under the FMLA, or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. To enforce their rights under the FMLA, an employee may file a complaint with the U.S. Department of Labor or file a private lawsuit against the County. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights.

The County has posted and will continue to display the poster entitled "Employee Rights and Responsibilities under the Family and Medical Leave Act."

#### I. Holidays

The following days are hereby declared to be the official holidays applicable to the County government:

New Year's Day  
January 1

Martin Luther King Jr. Birthday  
3rd Monday in January

George Washington's Birthday (Presidents' Day)  
3rd Monday in February

Memorial Day  
Last Monday in May

Independence Day  
July 4

Labor Day  
First Monday in September

Veteran's Day  
November 11

Thanksgiving  
4th Thursday in November and the Friday following

Christmas Eve Day  
December 24

Christmas Day  
December 25

Employee Birthday - Discretionary holiday  
(See Paragraph 3. below)

When one of the listed holidays falls on a Saturday or Sunday, the preceding Friday or the following Monday, as the case may be, shall be observed as the holiday.

A holiday is considered to be an eight (8) hour day.

All employees who's regularly scheduled day off occurs on a holiday shall be required to take their holiday off within one hundred and eighty (180) calendar days following the scheduled holiday.

Supervisors shall schedule days off in lieu of holidays for the employees and shall inform the employees of the schedule and observance of all provisions.

The purpose of holidays is to give employees the time off. Any unused holidays remaining at the end of the employee's employment with the County will be lost. Employees will not be paid for unused holiday time.

### 1. Birthday

The employee's birthday is considered a discretionary holiday. Regular full-time employees will be assigned eight (8) holiday hours effective on their birth date to use as a holiday. This discretionary holiday is lost if not taken within the calendar year. Birthdays falling within the month of December are an exception and can be taken during December or within the ninety (90) calendar days following birth date.

In order to qualify for holiday pay, an employee must work his/her last scheduled working day prior to, and his/her first scheduled working day following the holiday, unless absent with the prior approval of the immediate supervisor.

Approval of sick leave for scheduled workdays immediately preceding or immediately following a holiday may require a doctor's statement to verify illness. Vacation leave can be used for workdays immediately preceding or immediately following a holiday only if this leave was pre-approved.

### 2. Exceptions

All County offices shall be closed on all days declared to be official holidays, except for the employee's birthday, and all persons employed thereby shall not be required to work on such official holiday. In addition to those holidays enumerated herein, the County Judge may, by executive proclamation, proclaim additional holidays in observance of special events or extraordinary occasions. This shall not apply to those employees that are essential to the preservation and protection of public peace, health, and safety. When these essential employees are required by their supervisor to work when County offices are closed for a holiday (excluding New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday following Thanksgiving, Christmas Eve Day, and Christmas Day) or by other declaration, these employees shall receive time and ½ their regular rate of pay for the hours worked on the holiday. When essential employees are required to work on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday following Thanksgiving, Christmas Eve Day, or Christmas Day, these employees shall receive two (2) times their rate of pay for hours worked on the holiday.

When employees that are essential to the preservation and protection of public peace, health, and safety, and that are mandated to work atypical work schedules (i.e., four (4) ten (10) hour days per week), and a declared holiday falls on a day when they are scheduled to work, and they are authorized by their supervisor to take the holiday, then they shall be compensated for a full day of work in accordance with their atypical work schedule.

### J. Inclement Weather

Due to inclement weather, it may be necessary for the County Judge to make a decision to close the

County or limit the hours of operation at times when the County would otherwise be open. When this occurs, the County's operating status will fall into one of three categories: closed, reduced hours, or open. When a situation develops overnight, the County Judge will make an announcement on radio, television, and/or through the Employee Alert System. When a closing develops during normal hours, the County Judge's Office will notify elected officials and departments of the closing time. The operation status of the County, employment classification, work schedule, and presence at work will determine employee pay as follows:

### 1. Closed Due to Inclement Weather

No employees will have pay deducted because of a closing. If an employee is already scheduled for vacation or sick leave prior to the announcement of the closing, the scheduled leave will be in effect during the closing. All employees who are asked to work during a closing will be paid time and a half for hours worked at the request of their supervisor or elected official.

### 2. Reduced Hours Due to Inclement Weather

No employees will have pay deducted because of the announced reduced hours. Employees who feel they must leave prior to an official closure, will be charged vacation time from the time they leave until the actual closure. Employees who do not report to work at the delayed start time will be required to take vacation time for the time between the announced time for opening and the actual time of their arrival. Employees who feel they are unable to safely report to work at all for the reduced schedule must contact their supervisor or elected official and seek approval for their absence. The leave will be designed as vacation time or LWOP at the discretion of the supervisor or elected official.

### 3. Open During Inclement Weather

All employees are expected to report to work for their regularly scheduled hours unless they have scheduled time off in advance. All employees who feel they are unable to safely report to work at all for the reduced schedule must contact their supervisor or elected official and seek approval for their absence. The leave will be designed as vacation time or LWOP at the discretion of the supervisor or elected official.

This policy is not applicable to part-time employees.

### K. Administrative Leave with Pay

The elected official may place employees on administrative leave with pay for up to ten (10) work days for the purposes of conducting an investigation or for employees who are involved in pending court cases. If it becomes necessary to extend the time period beyond ten (10) days, the elected official will be required to prepare a status report for the Quorum Court regarding the existing situation and reason for extension.

## SECTION 19. BENEFITS (OTHER THAN LEAVE):

## A. Benefits

Benefits are earned only by full-time, regular employees. All full-time, regular employees (in pay status) of the County may, at their option, participate in the various insurance benefits offered to the County by the contract carrier. Health and life insurance are provided for all regular full time County employees. Dependent health insurance coverage is available at the employee's expense. Vision, dental, and short term disability insurance is available at the employee's expense. The County also provides an EAP for all County employees and their families. Employees should contact HR for current information on rates, plans, etc.

## B. Workers Compensation

The Arkansas WC law assures medical care and protection from total loss of income due to a work-related injury or illness for each County employee.

Any employee who sustains a work-related injury has the responsibility to immediately report the incident to his/her supervisor. Any injury, regardless of the severity or whether or not medical attention is required, should be reported. A Report of Injury Form must be completed and submitted to the Benefits Manager in HR within three (3) working days. The supervisor or department designee will assist the employee in completing this form and other required WC claims and notification forms. Injury reporting forms are available in each department and HR. Exceptions to the requirement for immediate reporting shall be allowed only in circumstances preventing the employee from reporting, such as hospitalization or severe injury. When a work-related injury requires medical attention, the employee is to be immediately directed to one of the medical providers authorized for treatment of work-related injuries. The list of authorized medical providers will be maintained by HR and posted at County worksite locations as notice to employees. The current authorized medical providers are:

Concentra (Southwest)  
10101 Mabelvale Plaza Drive, Suite 3  
Little Rock, AR 72209  
(501) 568-7868

Concentra (North)  
3470 Landers Road  
North Little Rock, AR 72117  
(501) 945-0661

Afterhours Preferred Medical Provider:

St. Vincent's Emergency Room  
Two St. Vincent Circle  
Little Rock, AR

St Vincent Emergency Room  
2215 Wildwood Avenue



Sherwood, AR

However, an employee may go to the closest emergency room if medically necessary.

Any employee who has a work-related injury and is not authorized to return to work by the attending physician is to be placed on Injury Leave Status on the "Employee Time Worksheet" which is submitted to the Payroll Department. During the first seven (7) calendar days the employee remains in pay status and will be compensated full pay for regularly scheduled work days.

Full County pay stops on the eighth (8) calendar day and WC benefits begin. WC benefits are paid directly to the employee on a bi-weekly basis by the County's WC carrier. The employee may choose to supplement the WC benefit amount up to full salary by continuously using their accrued sick or vacation leave until the ninety (90) calendar days are exhausted.

For the first ninety (90) calendar days, the employee continues to accrue sick and vacation, but not holiday leave benefits. Health and Life insurance premiums previously paid as a benefit by the County are continued through the last calendar day of the month that the ninetieth (90<sup>th</sup>) day falls.

Ninety (90) calendar days from the date of injury is the maximum period an employee is carried in Injury Leave Status. The only exception to this policy may be found in the ADA policy. (Please refer to Section 9.) A Status Change Form is submitted to HR at such time the employee returns to work or when the ninety (90) days exhausts, whichever comes first. If the ninety (90) days exhausts, the employee will be notified by HR of their right to continue their health insurance coverage by paying their own premium.

Employees who are on work-related injury leave shall participate only in activities expressly permitted by the attending physician. They shall not participate in activities causing a delay in their recovery.

If the attending physician has determined that the employee is able to return to work, the employee shall immediately provide a fitness for duty report from the physician. The department head will determine the return to work date. Employees who fail to return to work as designated are considered to have resigned. Injury leave employees returning to work as scheduled are reinstated.

**NOTICE: UNLESS RENDERED PHYSICALLY OR MENTALLY UNABLE TO DO SO, INJURED EMPLOYEES MUST PROMPTLY REPORT ALL WORK-RELATED INJURIES, NO MATTER HOW MINOR, TO THEIR IMMEDIATE SUPERVISOR, DEPARTMENT HEAD, OR ELECTED OFFICIAL.**

### C. Retirement

Under the general laws of the State of Arkansas, County employees are members of, and may receive benefits from, the Arkansas Public Employees Retirement System ("APERS").

### D. Deferred Compensation

All County employees may participate in an optional plan to defer part of their earnings to an account

which will earn interest until retirement.

#### E. Credit Union

The County employees have two credit unions, Arkansas Federal Credit Union and Telco Federal Credit Union, whose benefits are accessible through payroll deduction.

#### F. Termination of Benefits and Cobra

All terminated and LWOP status employees are responsible for contacting HR for information concerning their insurance, etc. All benefits cease whenever an employee is dropped from the payroll. It is the separated employees' responsibility to maintain the premium for their health insurance, dental, and vision within the applicable COBRA provisions. If an individual subsequently returns to pay status, appropriate forms must be completed in HR (allowing for any waiting periods before benefits will be restored).

Contact HR for additional information regarding employee benefits.

### SECTION 20. WORK PERFORMANCE EVALUATION:

A work performance evaluation will be made by the supervisor on the anniversary date of hire each year for all County employees.

The work performance evaluation will indicate whether the employee's performance is exceptional, exceeds acceptable, acceptable, needs improvement, or is unsatisfactory.

For employees who have some marginal work habits, this provides an opportunity for the supervisor to make some recommendation for improvement.

### SECTION 21. REIMBURSEMENT OF ALLOWABLE EXPENSES:

All County employees shall be entitled to receive reimbursement of allowable expenses incurred and pre-authorized by the appropriate elected official or supervisor in the conduct of County affairs. Reimbursement for the purchase of meals, lodging, and other allowable expenses shall be based on actual expenses incurred, as defined by the Travel Policy adopted by the Quorum Court. The proper forms for reimbursement are available in the Comptroller's Office and are subject to County ordinances specifying rate and per diem maximums.

Any elected official or employee utilizing a privately owned motor vehicle in the conduct of County affairs may be reimbursed at a rate as authorized by County ordinance. Reimbursement shall be based on official miles driven and the County shall not assume responsibility whatsoever for any maintenance, operational cost, accidents, fines, tolls, and parking fees incurred by the owner of the vehicle while on official County business. Where more than one County employee is transported in the same vehicle, only one owner shall be entitled to mileage reimbursement. Proper documentation is required.

## SECTION 22. OUTSIDE EMPLOYMENT:

An employee shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest. No outside employment shall be conducted either on County time or County premises. The appropriate elected official or their designee must approve any outside employment prior to the employee's first day of work for the outside employment. The employee shall be responsible for submitting a Request for Approval of Outside Employment to the elected official, or their designee, for prior approval.

## SECTION 23. HEALTH AND SAFETY:

The County shall make all reasonable provisions for the safety and health of its employees during employment hours. County employees have individual responsibility with regard to preventing accidents to him/herself or co-employees during the hours of employment.

No employee shall be required to work with machinery or equipment that is unsafe. If an employee is asked to operate such equipment that is considered unsafe, the following procedure shall be observed:

- The employee shall first notify his/her supervisor of the equipment he considers unsafe, specifying reasons.
- The supervisor shall then investigate allegations of unsafe equipment and conditions and take the necessary corrective steps, provided that the condition is judged by the supervisor to be sufficiently unsafe to warrant correction before performance of work.
- If the employee does not agree with the supervisor at Step "B" (above), he may request the next level of supervision to make concurrent judgment.
- The department head shall request the County Judge or another elected official to make a judgment if the condition is further questioned.

## SECTION 24. APPOINTMENT OF EMPLOYEES TO FILL VACANCIES IN ELECTED OFFICES:

If pursuant to applicable law, a County employee is appointed to fill a vacancy in an elected County office, such shall have the right to return to his/her latest vacated position as an employee upon either resignation from or expiration of said appointment. Such return shall be at, and include, whatever grade/step/salary increases would have normally occurred had that person remained in the latest vacated position as a county employee.

This right of return in no way, however, affects the rights of the County, or an existing or future elected official to terminate the employment of any employee appointed to fill a vacated elected office and subsequently returned to the latest vacated position as an employee.

Additionally, any employee employed, to fill the position vacated by the employee so appointed, shall be notified that employment is temporary and subject to the appointed employee's subsequent

election to return to the previous position. The employee, so employed, shall receive full fringe benefits afforded to full-time, regular employees.

## SECTION 25. USE OF COUNTY VEHICLES:

No County, State, District, or other official or employee, who has access to, uses, or is assigned any County vehicle, shall use same for any personal use or purpose except for the following:

- Commuting to and from work when required to do so for legitimate county business reasons by the responsible elected official; or,
- "De minimis" personal use (such as a stop for lunch between business stops).

Any employee using a County vehicle for personal use as described by No. 1 and 2 above, must keep accurate records of mileage used and report same to the Payroll Department. Forms for reporting may be obtained from the Payroll Department.

Any County employee or elected official using a County vehicle will comply with all regulations prescribed by the Internal Revenue Service ("IRS").

All vehicles will be clearly marked as belonging to the County, with the exception of law enforcement personnel whose duties require an unmarked vehicle. All such vehicles will be marked with the County logo in decals at least 12 inches in diameter.

Any employee or elected official found to be in violation of this rule, may have his/her access to County vehicles removed or restricted and may be subject to discipline, up and including termination.

## SECTION 26. DISTRACTED DRIVING POLICY:

The County is committed to preventing distracted driving and keeping employees, officials, and the public safe. The County endorses the following policy:

This policy applies to any employee operating a County-owned vehicle and using a County-issued cell phone while operating a personal vehicle during working hours.

County employees may not use a hand-held cell phone while operating a County-owned vehicle, or use a County-issued cell phone, while operating a personal vehicle, whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, or text messages.

If an employee needs to use his/her phone, he/she must first park the vehicle in a safe location or use a hands-free wireless device. An employee may only use a hands-free, wireless device to answer or make phone calls or engage in phone conversations.

Additionally, employees are encouraged to:

- Turn cell phones off or put them on silent or vibrate before starting the car; and,

- Consider modifying voice mail greetings to indicate unavailability to answer calls or return messages while driving.

Nothing in this policy shall be interpreted in such a manner as to reduce, restrict, or conflict with the Office of the County Sheriff's Cellular Telephone Use Policy.

HR will inform new County employees of the Distracted Driving Policy during orientation. New employees are required to sign an Acknowledgment of Receipt during orientation, confirming they have received the above information.

Any employee or elected official found to be in violation of this policy may be given restricted or prohibited access to County vehicles. Further, the employee may be subject to disciplinary action, up to and including termination.

## SECTION 27. IMPLEMENTATION:

HR is hereby authorized to publish any instructions necessary for the implementation of this policy.