



# **CITY OF LITTLE ROCK**

## **Administrative Personnel Policy and Procedure Manual**

**Revised July 20, 2023**

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## **GENERAL PURPOSE STATEMENT**

The purpose of these policies and guidelines is to establish a system of personnel administration which will govern all aspects of employment and tenure with the City of Little Rock. The Personnel Policies are based on the belief that the success of City government and its usefulness to the citizens of Little Rock is primarily dependent on its personnel. To provide an opportunity for employees to fully develop their potential and find job satisfaction will benefit the community greatly since it results in better service and higher productivity.

### **1. Applicability**

These policies and procedures shall apply to all employees unless in conflict with Civil Service Commission Rules and Regulations, negotiated agreements, or law. Failure to comply with these policies may result in disciplinary action.

In these policies and procedures, only the masculine gender is used for simplification; it is understood that the City applies these policies to all employees without distinction of gender and without discrimination.

Reference made to union employees addresses all union eligible positions and is not limited to employees who are union members.

### **2. Authorities and Responsibilities**

Only the City Manager may change these policies if necessary in order to more effectively and efficiently promote the interest of the City or its employees. The Chief People Officer is authorized and directed to interpret, develop, and implement necessary procedures and regulations to ensure the efficient administration of these policies.

Each Department Director is responsible for enforcing these policies and procedures. City employees are responsible for complying with and adhering to the policies herein set out and for conforming to the directions provided by departmental management in the fulfillment of these policies.

### **3. Dissemination**

All City employees shall be informed of the existence of these policies and procedures. It will be maintained on the Human Resources website under Helpful Documents.

### **4. Revisions**

These policies will be reviewed and updated periodically. Any requests for additions or changes to this manual must be submitted to the Chief People Officer in writing.

**5. In addition to this manual, supervisors should also review the following documents:**

AFSCME Agreement

Safety Manual

LR Civil Service Commission Rules and Regulations

IAFF Agreement

FOP Agreement

The on-line version of the Administrative Personnel Policy and Procedure Manual and the above listed documents are located on the HR web site under Helpful Documents at: <https://www.littlerock.gov/employment/human-resources/helpful-documents/>.

**6. Management Rights**

The City of Little Rock possesses the sole right to operate and manage the affairs of the City. Such management rights, except as may be modified or limited by the express provisions of this Statement, include:

- a. To determine the mission of the City government.
- b. To direct the work force.
- c. To hire, assign or transfer employees, i.e., location, projects, shifts.
- d. To determine the methods, means and number of personnel needed.
- e. To carry out the public services of the City government.
- f. To assign positions to the classification plan and to allocate the grades assigned thereto.
- g. To change existing methods of operation or facilities.
- h. To introduce new or improved work methods, equipment, or facilities.
- i. To take whatever actions may be necessary to carry out the activities of the City government so long as they are not precluded by any federal, state or local ordinances and the provisions of this Statement.

**7. Types of Position Appointments**

Employees will be appointed to positions within the following categories:

a. Regular Positions

i. Regular Full-Time Positions (RFTP)

An employee who is appointed to a position in this category is regularly scheduled to work a minimum of forty (40) hours in a work week. He will be entitled to all benefits the City offers, and will have access to procedures to appeal disciplinary actions following the post-hire probation except for Department Directors and Assistant City Managers hired after July 1, 2002, who are at-will employees serving at the pleasure of the City Manager, and who may be terminated at any time with or without cause.

ii. Regular Civil Service Positions (RCSP)

An employee who is appointed to a position in this category is regularly scheduled to work a minimum of forty (40) hours in a work week. Civil Service employees are subject to the Rules and Regulations of the Little Rock Civil Service Commission and Arkansas State Civil Service Law. He will be entitled to all benefits the City offers, and will have access to procedures to appeal disciplinary actions following the post-hire probation.

iii. Regular Part-Time Positions (RPTP)

An employee who is appointed to a position in this category may be compensated (working or receiving paid leave) up to but not exceed an average of thirty (30) hours over a designated twelve (12) month period.

Regular employment, although anticipated to be continuous, may be terminated by the City for reasons including but not limited to: financial cutback, reorganization and just cause.

iv. Part-Time Positions with Healthcare Benefits

An employee is appointed to a position in this category has worked over an average of thirty (30) hours over the designated twelve (12) month 'look back' period for Health Insurance. The employee will be provided health care as legally required (see Benefits – Health Insurance policy for more information). Employees in this category are limited to being compensated (working or receiving paid leave) for thirty-six (36) hours per week. Employees will be moved from this position once they are no longer eligible for health care at the end of any subsequent 'look back' period.

b. Limited Serviced Positions (LSP) are funded by a specific limited source such as grants or bond issues.

i. Limited Service Position Full-Time (LSPF)

An employee who is appointed to a position in this category is scheduled to work regularly a minimum of forty (40) hours in a work week. He will have access to procedures to appeal disciplinary actions following the post-hire probation, and he will be entitled to all benefits the City offers, if funding is available; cannot utilize bumping option if laid off.

ii. Limited Service Position Part-Time (LSPP)

An employee who is appointed to a position in this category should not work more than twenty-eight (28) hours in each work week or over thirty (30) hours on average over a designated twelve (12) month period scheduled to work only a part of the work week, and shall not exceed thirty-five (35) hours on a regular basis. He will have access to procedures to appeal disciplinary actions following the post-hire probation, and he will be entitled to limited benefits (See Section IV Leaves) as outlined in these policies, if he has worked 1500 hours or more during the year.

c. TempStaff

i. TempStaff employees are hired by Human Resources. An employee who is hired into a position in this category should be scheduled to work no more than thirty (30) hours on average over a twelve (12) month period. Employees in this category are not eligible for benefits and do not have rights to appeal disciplinary actions.

d. Temporary Authorized Position (TAPP) and Seasonal Positions

- i. Temporary Authorized Position Full-Time (TAPF) or Part-Time Status (TAPP) employees hired into a position in this category are scheduled to work full-time or part-time in a position that is not anticipated to be continuous. Employees in this category are not eligible for benefits and do not have rights to appeal disciplinary actions.

e. Transition to Full-Time

The entry salary for employees who move from part-time (RPTP, LSPP, TAPP or TEPP) positions or temporary full-time (TAPF or TEPF) positions to regular (RFTP or RCSP) or limited service full-time (LSPF) positions shall comply with the new hire salary policy.

f. Mayor and Board Class

Under the Council-Manager form of government each resident of the City of Little Rock is represented by one of seven (7) Board Members elected from within a particular Ward. In addition, each resident is represented by the Mayor and three (3) Board Members that are elected at-large and represent the entire city.

In order to provide the Mayor, elected by the Citizens of Little Rock the flexibility needed to be successful, the Mayor will be able to appoint all Department Directors as well as his immediate staff. The Mayor will decide if the position will be advertised or not, filled by competitive selection or just appointed.

## **SECTION I**

### **EMPLOYMENT**

#### **1. General Statement**

Appointment or promotion to a position with the City will be made from qualified applicants based upon individual ability to perform the duties of the position. The procedures contained in this Employment Section are applicable to Non-Uniformed positions only, which are not Civil Service positions.

##### **a. Uniformed Positions (Police and Fire)**

The procedure for filling uniformed Police and Fire entry-level vacancies is published in a procedure guideline approved by the Civil Service Commission and is specific to each classification.

The procedure for filling uniformed Police and Fire vacancies above entry level is prescribed in the Civil Service Commission Promotion Procedure Guidelines, created collaboratively by the respective Departments and the Human Resources Department, and approved by the Civil Service Commission.

#### **2. Equal Employment Opportunity**

It is the policy of the City not to discriminate in its employment and personnel practices because of a person's race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinions or affiliation. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

#### **3. Procedure for Filling Vacancies**

##### **a. Internal**

A Requisition is created in the NeoGov Applicant Tracking System (hereafter referred to as ATS) to initiate the process; if the position is full-time, or a 36 hour per week with Health Care, an approval from the City Manager or the Mayor (depending upon applicable Department) must be attached. Approvals may be electronic. An Employment Division Representative will contact the hiring manager for screening equivalents and advertising preferences. The selection process will be reviewed and discussed with the hiring manager.

The Hiring Department may request to restrict recruitment for a position; however, a determination to restrict recruitment to City employees or Departmental City Employees must be approved by the Employment Services Division.

The City will strive to fill vacancies by promotion of persons already employed by the City. Employees seeking promotions or other position changes must submit a City of Little Rock application and compete in the selection process as announced. To be eligible to compete for a position announced as limited to City employees, applicants must be on the City's payroll during the internal advertisement/posting

period and at the time of the job offer. Individuals who do not meet these criteria will be disqualified.

b. Posting Job Vacancies

If an appropriate eligibility list already exists, generally the vacancy will not be announced and posted. An eligibility list will be considered appropriate, if it is active (i.e., less than six months old and contains qualified candidates) and if it was created for the target classification (same job specification as it appears in the ATS). A position with a current list of one or two candidates may be announced with the approval of the Chief People Officer. The remaining candidates will be appended to the new eligibility list with their original expiration date. If an appropriate eligibility list does not exist for a full-time regular or full-time limited service position, the vacancy shall be announced and posted.

Position vacancies announced “open to the public” or “limited to City employees” are normally announced and posted in the Human Resources Department for a period of at least five (5) business days prior to the closing date. The closing date for positions which generate large numbers of applicants within a short period of time will be dependent upon the number of applications received. The job announcement (hereafter referred to as a job posting) will contain information concerning an early closing date.

Recent recruiting results and job market trends may necessitate that some positions be announced as “continuous” or will have longer application periods. Consequently, the application period for such positions may be closed without notice. Additionally, referral and/or interviewing of applicants will be a continuous process, regardless of closing date.

Active job postings are electronically distributed to all City departments and, as appropriate, to public and private agencies, local colleges and universities, civic and community organizations, and other sources which provide recruitment resources. Additionally, these announcements will be placed on the Human Resources employment page.

Department Directors shall ensure timely distribution and posting of job announcements on designated Department posting boards in areas where City Employees do not have internet/email access.

If the applicant pool for a vacant position is limited to current employees of one department, the posting shall be sent only to that department. Please note that the distribution of job postings is typically electronic.

A position vacancy for a regular full-time position (RFTP) may be announced and referred to as “Limited to City Employees,” even if an existing “Open to the Public List” for the position exists.

c. Job Vacancy Advertising

To ensure the accuracy and consistency of all forms of advertising designed to recruit applicants pursuant to a specific City job posting, all employment advertising shall be reviewed and approved by the Human Resources Department before placement of such ads.



Abbreviated local newspaper ads that include only job title and salary will be billed to the Human Resources Department, if the budget is available. However, more detailed newspaper ads specific to the position and ads placed with “for fee” job posting services or journals will be billed to the hiring department.

**4. Application for Employment, Promotion or Other Position Change**

- a. All individuals seeking employment with the City must complete and submit the specified application documents (as stated on the job postings) within the announcement period to the Human Resources Department by the closing date as stated on the job bulletin.
- b. Employees seeking promotion, full time employment, posted part time employment, or other position changes must apply and complete all selection processes as specified on the job posting.
- c. Applications and application documents shall not be accepted after the closing date and time stated on the job posting. Incomplete applications and/or application packets which preclude the determination of qualifications by the Human Resources staff will result in disqualification. Applicants may provide clarification of submitted documents or employment history if required by Employment staff. Only those documents (or portions thereof) received by the closing time on the announced closing date shall be considered. Human Resources does not accept unsolicited resumes for positions which are typically advertised, unless the position has been identified as hard to fill. Employment staff will utilize data mining or talent search approaches for positions where there is a low level of interest, or have been identified as hard to fill.
- d. Any deviation from this policy shall require specific written approval of the Chief People Officer.

## **5. Employment Restrictions**

### **a. Age Requirements**

The minimum age for employment is eighteen (18) years except for Firefighter, Police Officer, summer/seasonal part-time positions and certain youth program positions:

Firefighter – No person shall be eligible for appointment/hire who has not arrived at the age of twenty-one (21) years or who has arrived at the age of thirty-five (35) years. Maximum age exception: any person who has at least two (2) years of previous experience as a paid firefighter with another fire department and whose years of experience as a paid firefighter when subtracted from the person's age leaves a remainder of not more than thirty-two (32) years shall be eligible.

Police Officer – No person shall be eligible for appointment/hire who has not arrived at the age of twenty-one (21) years.

Summer/Seasonal Part time and Youth Programs – Applicants must be at least sixteen (16) years of age. Applicants below the age of 16 are not permitted to work in hazardous positions as defined by the Child Labor Laws of the State of Arkansas and must present an employment certificate to the Employment Coordinator or Employment Services Manager one (1) week before beginning work to ensure compliance with all Federal and State labor laws. Positions where applicants who are fourteen (14) or fifteen (15) years of age are eligible to work must be pre-approved by the Employment Services Manager.

### **b. Immigration and Naturalization Service (INS) Requirements**

All persons hired by the City must complete the INS I-9 Form within three (3) days of beginning employment and must present documentation of identity and employment eligibility in accordance with the federal guidelines.

The Human Resources Department is responsible for compliance with the employer requirements, including the verification of the identity and employment eligibility documents, the I-9 completion process and maintenance of the required documents.

### **c. Citizenship**

Designated positions in the City (i.e., police officer, firefighter) require proof of citizenship before hire. If citizenship is required, such requirement will appear clearly in the job posting and/or job specification.

### **d. Disqualification**

Applicants shall be disqualified in the selection process for any of the following reasons:

- i. Falsification or misrepresentation of information on any application documents or any other documents completed during the application and/or employment process.

- ii. Improper influence; an attempt by the applicant himself or through others, with his knowledge, to influence a member of the Human Resources staff or the hiring authority to give an undue advantage or preferential treatment.
- iii. Misconduct or misrepresentation during the examination process, e.g., having another person impersonate him, using unauthorized aids or solicitation of aid from another applicant by copying from test papers or other documents, including the utilization of electronic communication devices. Misconduct, including abusive or threatening language to any Human Resources Representative will result in the permanent removal from any current and future application processes. Current employees will face disciplinary action, up to and including termination.
- iv. Failure to complete and/or submit, by hard copy or electronic copy, any required application documents, as described in the job posting, prior to the application closing date.
- v. Applicant cannot be contacted after reasonable attempts to do so.
- vi. Failure to complete all steps of the selection and/or pre-employment process. Required pre-employment screening(s) are dependent upon the position.

If, after being hired, an investigation reveals a violation regarding any of the above factors, the employee may be dismissed from City employment. Any waiver of these disqualifying factors shall require specific approval by the Chief People Officer.

e. Nepotism

This section sets forth the policy regarding the employment of relatives (nepotism) for all permanent and temporary employees of the City of Little Rock. It also addresses situations where such employees become involved in “romantic” or economic relationships, which includes, but is not limited to, sharing the same residence or “dating.” The intent of the policy is to avoid conflicts of interest, morale problems, the possibility or perception of favoritism, and the potential for emotional interference with job performance.

A conflict of interest is inherent if a familial or “romantic” relationship exists between an employee and any person for whom the employee has direct supervisory responsibility. Supervisory responsibility includes, but is not limited to, appraising the performance of subordinate employees, recommending salary increases and promotions, and taking or recommending disciplinary action. Any such conflict of interest affects the City’s obligation to provide equal treatment for all persons in the terms and conditions of employment.

- i. No employee shall be hired, transferred, promoted, demoted or otherwise placed into a position under the immediate supervision of a relative. The term “relative” shall mean all persons related by blood, marriage, legal adoptions and/or guardianships.

- ii. No employee shall be the immediate supervisor of an employee with whom there is a spousal relationship or a dating/romantic relationship (including co-habitation).
  - iii. In the event a person becomes a relative of, or becomes involved in a romantic relationship as described above, an employee who has supervisory responsibility over such person, the following steps shall occur:
    - 1. The persons in such a relationship must report it to their Division Manager, who shall report it to the applicable Department Director. The Department Director shall report it to the Chief People Officer who, in conjunction with the Department Director, shall consult and determine the best approach to resolving any potential conflicts. The resolution may involve any action which will further the intent of this policy. Failure to report a relationship as required may result in disciplinary action.
    - 2. All cases in which relatives of present employees are considered for placement shall be reviewed by the Chief People Officer prior to such placement.
    - 3. The Chief People Officer shall prepare and retain a report that specifies the appropriate action taken pursuant to this policy, which shall note any specific action taken to eliminate any potential conflict of interest.
  - iv. All reports generated pursuant to this policy shall remain confidential, to the extent permitted by Arkansas and federal law, but may be disclosed as evidence in the process of investigating sexual harassment, sexual discrimination or hostile work environment complaints.
  - v. All employees should note that relationships must not affect their work; a professional image and behavior must be maintained at all times.
  - vi. Department Directors are prohibited from hiring relatives to work in their departments. Exceptions must be approved by the City Manager.
- f. Outside Employment

Full Time Employees shall recognize the City as the primary employer and request approval from their supervisor prior to seeking outside employment or the employment must be discussed during the interview process with the City Supervisor. An Employee can be directed to terminate outside employment if it interferes with his City job responsibilities.

## **6. Methods of Assessment**

- a. Assessment of an applicant's qualifications shall be based on valid job related factors which may include a review of the applicant's experience, training, education, abilities, knowledge, skills, certifications, licenses, and physical fitness.
- b. Any of the following instruments may be used as selection devices in a competitive examination process prior to referring qualified applicants to the Hiring Department:
  - Written test
  - Performance/work sample test (proctored or un-proctored)
  - Application or resume evaluation
  - Interview
  - Structured Interview
  - Training and experience evaluations (based on specific information reported by applicant and related to minimum qualifications and/or required knowledge, skills and/or abilities.
  - Physical abilities examination (Public Safety positions only)
  - Other content valid predictors of performance

## **7. Examinations**

- a. For the purposes of this procedure, any instrument or procedure which is used to evaluate, assess, or rank an applicant's qualifications before referral to the hiring authority shall be considered an employment examination.
- b. Examinations and selection procedures shall comply with Federal Law prohibiting employment practices which discriminate on the grounds of race, color, religion, sex, national origin, age, or mental or physical disability. Examinations and selection procedures shall be professionally developed and utilized in accordance with the Equal Employment Opportunity Commission's (EEOC) Federal Uniform Guidelines on Employee Selection (FUGES) and the guidelines of the Society of Industrial/Organizational Psychology (SIOP), a division of the American Psychological Association (APA), to the extent that these guidelines do not conflict with the FUGES.
- c. The Chief People Officer shall ensure that the selection procedures are consistent with applicable legal and validation standards.
- d. Any City employee (full-time, part-time, limited service or temporary) may take City administered employment tests during work hours. No leave shall be charged to an employee for the time required to travel to and from the test site and the time required to take the test. The City will not pay or grant leave if the exam is administered during the employee's "off hours". The employee must notify his supervisor of his intent to take the test before the closing date for applications for the position. If there are several employees in the same work unit that are scheduled to participate in a written exam administration, and the absence of said employees would create a hardship to the Division, the Division Manager may request an additional test session to be administered. Such requests must be submitted to the applicable Department Director at least five (5) days prior to the test administration.

The applicable Department Director must approve and submit the request to the Chief People Officer for final approval.

If an employee is off-duty or on leave at the time the examination is scheduled to be administered, he must take the test at the scheduled time. The time required to take a test while off-duty or on leave shall not be considered time worked.

i. Emergency at Time of City Administered Test (Non-uniformed Positions)

In an emergency that requires the presence of the employee at the work site, a supervisor may delay or prohibit an employee from leaving the work site, with the approval of the Division Manager. However, the decision to delay or prohibit an employee from leaving the work site shall not be simply a matter of convenience.

In some cases, an alternate test session can be arranged. The Department Director or designee shall notify the Chief People Officer or designee prior to the scheduled test time, if possible, to discuss the emergency situation and the possibility of an alternate test date/time for the employee. After reviewing the “emergency situation” as well as the security and logistical factors of rescheduling the test, the Chief People Officer will determine if an alternate test date/time is appropriate in this specific situation.

Except in emergency situations where the supervisor specifically delays or prohibits the employee from leaving the work site, the employee shall be responsible for arrival at the designated time.

ii. Emergency at time of City Administered Test (Uniformed Position)

Refer to Civil Service Commission Promotion Procedure Guidelines for Uniformed Police and Fire Personnel.

e. Test Accommodation – The City makes every effort to accommodate applicants within the City’s policies or when a legal requirement exists.

i. Americans with Disabilities Act Accommodations - The City will consider special arrangements to accommodate an applicant’s disability during the application and selection process, including employment testing. If an accommodation is needed, the applicant is requested to identify the specific disability and provide supporting documentation from an appropriate specialist at least forty-eight (48) hours prior to the time the accommodation is needed. The applicant may request a specific accommodation which will be reviewed by Human Resources. The accommodation may be granted, modified or denied based upon the analysis of the essential functions, and the required knowledge, skills and abilities of the job. The City may consult with specialists or outside resources as necessary.

ii. Test Scheduling – If an emergency arises at the time of a test for a City employee, (page I-7, Section d) describes the procedures. Re-administering or delaying a non-civil service exam requires the approval of the Employment Services Manager and must be the result of an act of God or extreme transportation hindrances.

**8. Notice of Examination Results/Review of Examination Papers**

- a. Applicants who complete the announced selection process may access their status and/or examination results via the Applicant Tracking System.
- b. Examinations, answer keys or any other related information are exempt from review, including Freedom of Information Act (FOIA) requests for all non-uniform positions. The Employment Services Manager or designee will meet by appointment with applicants to discuss examination results upon request.
- c. Complaints or alleged errors relating to any stage of the selection process must be directed to the Employment Services Manager. If the matter is not resolved satisfactorily, then the Chief People Officer will review the complaint and supporting documentation for a final decision

**9. Repeated Participation in an Examination**

- a. Generally, there is no restriction on the number of times an applicant may take City employment tests. Restrictions, if applicable, will be announced on the test posting prior to test administration.
- b. Where specifically dictated by written examination protocol or any agreements between the City and a vendor, an applicant will be permitted to use his previous test score for competitive purposes for the same position. The utilization of previous test scores are determined by the test (or test version) and applicable cut-off scores, in conjunction with the position being evaluated.

**10. Referral of Applicants**

- a. Based on the results of the assessments referred to on page I-7, in section 6 above, an eligibility list will be established for the specified position. A referral list is comprised in whole or in part of the eligibility list. Referral/Eligibility lists for non-Civil Service positions shall be in effect for six (6) months from the date of initial referral and may be extended up to six (6) additional months at the request of the Hiring Department's Director and with the approval of the Chief People Officer. Non-Civil Service lists may be abolished by the Chief People Officer, and only in extenuating circumstances if determined to be in the best interest of the City for recruitment purposes.
- b. Qualified applicants for the position are referred to the Hiring Department for further consideration. For other positions, applicants may be referred in clusters or absolute ranking. Except where mandated by Civil Service statutes or policies, the Employment Services Division staff, in consultation with the Hiring Department, shall determine whether to refer only the highest ranked applicants or all applicants who meet the minimum qualifications. Employment staff refer applicants who require further review under the Subject Matter Expert Review status to the hiring manager; however, applicants under this status are not eligible for interview or hire until a formal referral is completed. Interviewing may commence during the posting process; however, interviewing may not be conducted before an official referral. If the selection decision is made during the positing, then appropriate language must be added to the job posting, prior to the job posting announcement.

## **11. The Interview and Hire Process for Managers and Hiring Supervisors**

### **a. Interviewing Applicants**

- i. Pursuant to the referral of candidates, the hiring authority shall verify the preliminary assessment of the candidates' experience, training, licenses etc. The hiring authority is encouraged to interview referred candidates to enhance the evaluation of qualifications. The hiring authority may choose which applicants to interview, based upon objective, job-related criteria. Applicants chosen for an interview should be appropriately notified and their status updated in the Applicant Tracking System (ATS).
- ii. Hiring authorities must follow the Interview Guidelines published by the Human Resources Department. Interview questions must be job related, and information provided by the applicants during the interview must be documented and sent to the assigned Human Resources Analyst for record keeping if the Department does not wish to be responsible for record keeping (generally for a period of three (3) years). The assigned analyst for the specified position will provide assistance, if necessary, to develop the interview questions. All information concerning the interview process is maintained for three (3) years.

### **b. Additional Testing**

Hiring Authorities must obtain approval from Human Resources to administer any additional tests. Such tests must be job related and assess abilities or competencies which are predictive of successful job performance. (Additional computerized testing may also be utilized to determine which candidates to interview, subject to approval by the Employment Division).

### **c. Social Media**

Hiring authorities are prohibited from utilizing social media before applicant interviews are conducted. This ensures that the information protected by the Uniform Guidelines on Employment Selection (published by the EEOC) are not factored in the process of selecting which applicants to schedule for interviews.

Once an applicant has been selected, a professional social media site may be accessed to verify the applicant's education, skills, employment history, or any other relative experience. If possible, a neutral manager or supervisor other than the hiring supervisor should perform this task. Removing any applicant from additional consideration based upon any information provided by a professional network/website must be approved by Human Resources.



d. Reference Checking

Hiring authorities are encouraged to perform reference checks on the chosen applicant. Previous employers will typically verify employment dates and job titles without authorization from the former employee. Arkansas Statutes 11-3-204 grants immunity to employers acting in good faith who disclose detailed work history information. Information such as wage history, date, and duration of employment, job description and duties, last written performance evaluation, drug/alcohol results (administered one year prior to request), terms of separation from employment, any threats of violence or harassing acts towards any employee or the workplace, and if the employee is eligible for rehire are releasable with appropriate consent.

Hiring supervisors wishing to obtain a detailed reference check (more than details of employment and job title) must have the selected applicant complete a Reference Check Consent Form. The form must be completed by the applicant, with a witness present, and submitted to the Human Resources Department who will perform the detailed reference check with the most recent previous employer. Human Resources will notify the hiring supervisor if the reference check indicates acceptable past performance.

A summary of any negative reference information will be provided to the Hiring Division Manager, in cases which are deemed unacceptable to hire. A hire of an applicant with unsatisfactory reference information must be authorized by the Director of the Hiring Department.

The hiring department shall be responsible for verification of certificates, diplomas, licenses, education and experience of referred applicants.

e. Hiring Process in Applicant Tracking System (ATS)

- i. Upon receipt of a referral list in the ATS, hiring managers should review all applications. Upon completion of this review, candidate status should be updated as appropriate, i.e. candidates selected for interviews should be moved to the interview step or, if not selected, rejected with the appropriate reason selected.
- ii. Upon completion of interviews, candidates selected for full-time positions should be moved to offer status with intended offer amount. Human Resources staff will complete the equity review process and enter determination into the ATS. If the hiring manager is unsure of the appropriate offer amount, salary should be left blank in offer step and HR will provide the salary.
- iii. Upon acceptance of HR's approved offer amount, candidate may be moved to hire status in NeoGov with a tentative start date. HR will generate an offer letter with a confirmed start date upon successful completion of pre-employment screening(s).
- iv. Candidates for part-time positions may skip the offer step and be moved directly to hire with the appropriate start date.

f. Civil Service Positions

Eligibility lists for Civil Service positions shall be in effect for a minimum of one (1) year, not to exceed two (2) years from the date of certification. Policies and procedures concerning Civil Services lists (both promotion and entry) is governed by the Rules and Regulations of the Little Rock Civil Service Commission and the Promotional Procedure Guidelines which are approved by the Civil Service Commission.

**12. Pre-Employment Screening(s)**

a. Purpose

The purpose of this policy is to establish standardized procedures governing the administration of all pre-employment screening(s) for all prospective employees, including Civil Service postings. Pre-employment screening(s) will only be administered to applicants who have received conditional offers of employment and have completed all selection processes. The purpose of pre-employment screening(s) is to ensure current City Employees and/or citizens are not exposed to any level of risk, reduce negligent hiring, and ensure the applicant:

- i. can safely perform the essential job functions, and
- ii. can perform essential functions free of impairment.

b. Pre-Employment Screening(s)

- i. The City administers the following pre-employment screening(s) to applicants who have been extended conditional offers of employment:

- Non-DOT drug/alcohol
- DOT drug/alcohol
- Medical Evaluation
- Psychological Evaluation (MMPI)
- Background Investigation (which will include any or all of the following):
  - Criminal
  - Traffic
  - Sexual Offender Registry Check
  - Credit (in limited circumstances as authorized by State Law)

c. Responsibility

The responsibility for the administration of the pre-employment screening program rests with the Chief People Officer.

The Chief People Officer shall be responsible for determining which positions are subject to pre-employment screening(s). All pre-employment screening(s) will be based upon the essential functions of the job specifications or as determined by the safety/sensitive designation from the City Attorney. Pre-Employment Screening(s) will be evaluated on a regular basis by the Human Resources. Department Directors shall ensure departmental compliance with these policies and procedures.

d. Confidentiality of Pre-Employment Screening(s)

- i. All results of pre-employment screening(s) will be maintained in a secure location, maintained by the Human Resources Department, and separate from the employee's personnel file. Access to such records will be routinely limited to designated Human Resources personnel and will be available on a need-to-know basis to the hiring authority, Department Director, Chief People Officer and other City staff (i.e., City Attorney and Safety/Loss Control Specialist).
- ii. Disclosure of pre-employment screening(s) to any person, agency, or organization not specified in the preceding paragraph is prohibited unless a written authorization and release is obtained from the subject of the pre-employment screening(s).
- iii. With reasonable advance notice, an applicant/employee may review his pre-employment screening(s) records. Human Resources will provide applicants disqualified in the background process a copy of their background report as required by the Fair Credit Reporting Act (FCRA).

e. Cost

Pre-employment screening(s) shall be conducted at the City's expense and location chosen by the City.

f. Refusal to Submit

An offer of employment will be withdrawn if the applicant refuses to submit to any portion of the required pre-employment screening(s). Failing to show for a pre-employment screening will be considered a refusal to submit. This includes any requirements for an additional observed collection for alcohol/drug testing.

g. Falsification or Omission of Information

An offer of employment will be withdrawn if it is determined that an applicant falsified or omitted any pertinent information (i.e., medical, background, employment history, etc.). If the individual is already employed by the City, he may be disciplined, up to and including termination of employment.

h. Attempt to Alter Test Results

An offer of employment will be withdrawn if the applicant attempts to alter, or if evidence indicates an attempt to alter any portion of the pre-employment screening process. If the individual is already employed by the City, he may be disciplined, up to and including termination of employment.

i. Application for Future Employment

Failure to pass any or all of the pre-employment screening(s) may not preclude the applicant's opportunity to apply for and be considered for any other announced position for which he meets all requirements. However, the applicant will be required to participate in and pass all pre-employment screening(s).

j. Medical Evaluations

Medical evaluations will be job related and the job relatedness will be evidenced by job descriptions which support the medical examination as a business necessity. Medical evaluations shall not seek or include genetic information or family history. Medical evaluations, including Psychological Testing, will be supported by published eligibility requirements and criteria. Medical evaluations are completed on the following:

- i. Civil Service Positions – Police Officer and Firefighter. The medical evaluation must be within six (6) months of the hire date, and candidates will be administered a follow-up Medical History Questionnaire if hire date exceeds three (3) months from the medical evaluation date. An additional medical evaluation may be administered based on information contained on the Medical History Questionnaire
- ii. All physically demanding positions. Applicants must have successfully completed a medical evaluation within three (3) months of the hire date. If the applicant is already/currently employed by the City of Little Rock in a physically demanding position which requires a medical evaluation, or has successfully passed a medical evaluation for the City within the past six (6) months, then the employee will complete a Medical History Questionnaire. A medical evaluation may be conducted based upon information contained in the questionnaire.

Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.

k. Medical Evaluation Procedures

- i. At the time of the conditional offer of employment, the hiring authority shall inform the applicant that a pre-employment/status change medical examination will be required for the position being offered. NOTE: The Americans with Disabilities Act (ADA) prohibits medical related questions prior to an offer of employment. Hiring authorities should not ask medically related questions, including questions related to substance abuse.
- ii. The hiring authority shall indicate the applicant is in the hire stage in the ATS and contact the Human Resources Department to schedule an appointment for the medical evaluation (the offer stage for equity/salary review determination has been completed).

The hiring authority will:

- Notify the applicant of the scheduled date and time of the appointment **and** the identification requirements.
- Advise applicant(s) to report to the Human Resources Department a minimum of forty-five (45) minutes prior to the appointment time to (1) sign and obtain a copy of official authorization forms and (2) obtain specific information about the location of the doctor's office.

- Inform the applicant that failure to present himself for the examination, with the appropriate Human Resources Department authorization forms and acceptable picture identification, by the scheduled appointment time may result in immediate disqualification.
  - iii. If an applicant is more than forty-five (45) minutes late for the scheduled appointment time, does not report to the clinic/lab, or does not possess acceptable identification, he shall be immediately disqualified unless an acceptable documented reason is provided and approved in writing by the Hiring Department Director and the Chief People Officer. The Chief People Officer shall notify appropriate staff to reschedule applicable appointments. Circumstances which cannot be verified shall not be considered.
  - iv. The medical evaluation results will be reported to the Human Resources Department, who will notify the hiring authority of the candidate's status. The hiring authority will notify the applicant of medical clearance and the start date approved by Human Resources.
  - v. If the applicant is not cleared medically for employment, Human Resources will notify the applicant and will withdraw the offer of employment.
1. Drug and Alcohol Testing

Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.

Pre-employment drug and alcohol testing is required for applicants offered employment for physically demanding positions and the positions listed as follows:

- i. Public Safety Related Positions (Police Officer, Firefighter, Municipal Court personnel, and Office of Emergency Services personnel)
- ii. Positions requiring a Commercial Driver's License (CDL) (see Section X of this manual)
- iii. Safety Sensitive Positions
  - a. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
- iv. Law enforcement officers who carry firearms and jailers.
- v. Motor vehicle operators who carry passengers including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees where the operation of a motor vehicle is not incidental to the employee's occupation. For the purposes of this section, a "motor vehicle is defined as every vehicle which is self-propelled and every vehicle which is propelled by electric motor obtained from overhead trolley wires but not operated upon rails.

- vi. Fire department employees and volunteer firefighters who directly participate in fire-fighting activities.
- vii. Mechanics, welders, and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, fire apparatus, vans, aircraft, and the like.
- viii. Lifeguards, emergency medical technicians, emergency services dispatchers, and rescue workers.
- ix. Operators of heavy equipment, including front-end loaders, trucks, and riding lawn mowers, or other similar equipment, where the equipment is used around individuals, alongside the public right of way, or on public roads.
- x. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Office of the City Attorney, who may consult with the Arkansas Municipal League, and where the operation of a motor vehicle is not incidental to the employee's occupation.
- xi. Security sensitive position includes:
  - a. Any police officer, jailer, police dispatcher, and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
  - b. The City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.
- xii. Positions covered by the Drug Free Workplace Act
- xiii. Drug and Alcohol Testing Scope

Drug and alcohol testing is required, prior to assuming the duties of the new position in the following circumstances:

- Any applicant offered employment for any position which requires drug and alcohol testing. Applicants who have passed a drug/alcohol test authorized by the City of Little Rock Human Resources Department within three (3) months of the hire date or who are current City employees holding a position subject to random drug/alcohol testing are exempt.
- Any applicant offered employment for any position requiring a CDL. A City of Little Rock employee possessing a CDL and holding a position with the City that requires a CDL are exempt.

1. Pre-Employment Drug Testing Program (Non-CDL)

Pre-employment drug testing is conducted by analyzing an applicant's urine specimen. The specimen will be analyzed, at a minimum, for the following: amphetamines, methamphetamines, cocaine, marijuana/cannabinoids, opiates, phencyclidine, and ethanol (ethanol will not be screened for CDL positions). The program will conform to the following standards:

- Strict chain-of-custody procedures. The applicant privately (unless otherwise warranted based on a previous drug test) provides a urine specimen at a local lab collection site. The "collector" (i.e., nurse, lab technician) seals and labels the specimen, completes a chain-of-custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. Strict chain-of-custody techniques are used during the collection and testing procedures to ensure that the specimen's security, proper identification and integrity are not compromised.
- All samples screened by the EMIT (i.e., immunoassay) method and all positive samples will be confirmed by gas chromatography/mass spectrometry (GC/MS) analysis.
- Quality assurance of test results through the use of certified laboratories.
- A Medical Review Officer (MRO) will review and interpret confirmed positive test results (City officials will have no discretion in interpreting test results). All prescriptions, including a medical marijuana card, must be provided to the MRO upon request after the specimen has been provided to the lab.

2. Procedures

- a. At the time of the offer of employment, the hiring authority shall inform the applicant that a pre-employment drug and alcohol test will be required for the position being offered.
- b. Following a conditional offer of employment, the hiring authority shall update the applicant's status in the ATS system to reflect a hire status and contact the Human Resources Department to initiate pre-employment screening(s). Please note the equity review/offer process for hires must be complete.
- c. The Employment Services staff will:

Notify the applicant of the assigned date of the drug and/or alcohol test and the identification requirements.

Advise the candidate to report to the Human Resources Department on the assigned date to:

- i. Sign and obtain a copy of official authorization forms.
  - ii. Obtain specific information about the location of the collection site and identification requirements.
  - iii. Inform the applicant that failure to present himself at the collection site, with the Human Resources Department authorization forms and acceptable picture identification on the date indicated on the authorization form, may result in disqualification.
- d. If an applicant does not present himself at the collection site with acceptable identification, he shall be disqualified unless an acceptable reason is provided and approved in writing by the Chief People Officer. Only extraordinary circumstances will be considered as a basis for rescheduling the appointment. Such circumstances must be verified by the hiring authority before requesting the drug test be rescheduled. Circumstances which cannot be verified shall not be considered. Appointments must be rescheduled for screening within twenty-four (24) hours (Friday appointments cannot be rescheduled). EXCEPTION: At the discretion of the hiring Department Director, testing may be delayed more than twenty-four (24) hours if the applicant (or an immediate family member) is hospitalized or sick and such extreme circumstances have been adequately verified and submitted in writing to the Human Resources Department via the hiring authority.
- e. The drug test results will be reported to the Human Resources Department. The hiring authority will be notified of the applicant's status by the appropriate Human Resources Department representative (hiring authorities shall not contact the medical facility directly regarding pre-employment drug and alcohol tests).
- f. If the drug and alcohol test is negative and the applicant meets all other employment requirements, the hiring authority will notify the applicant accordingly and schedule the date and time to report to work.



- g. If the drug and alcohol test results are positive, Human Resources will notify the hiring authority and the applicant will be notified in writing by Human Resources that the offer of employment is withdrawn. The applicant is ineligible for consideration of employment in applicable positions (i.e., those requiring drug/alcohol screenings) for six (6) months from the date of the positive drug/alcohol exam.
- h. Cold Specimen – An applicant who provides a cold specimen will be given up to two (2) hours to provide another specimen. The second specimen will be an observed specimen. If an applicant leaves after two (2) hours without providing a specimen, it will be classified as a refusal to test. This will result in a withdrawal of the offer of employment.

Diluted Specimen – If an applicant provides a diluted specimen, he will have to provide another specimen. The second specimen will be an observed specimen. If the results indicating the specimen is dilute is received by Human Resources before noon, the candidate is required to provide the observed specimen by the end of the same workday. If the results are received after 12:00 p.m., the candidate will have until noon the following workday to provide the observed specimen. Failure to do so will result in a withdrawal of the offer of employment.

- i. Positive Drug and/or Alcohol Test Results Procedures

Confirmed positive pre-employment drug and/or alcohol test results will result in the immediate withdrawal of the offer of employment and removal from the eligibility list, unless legal documentation was provided to the MRO concerning positive test results. A withdrawal of an offer of employment will be examined on a case-by-case basis, with the exemption of positions covered by the DOT Federal Guidelines. The applicant will be notified in writing of a confirmed positive drug and/or alcohol test result. Applicants may pursue the following:

- Applicants will be permitted an opportunity to provide information and documentation to the MRO concerning a legitimate explanation for a confirmed positive test. If the MRO concludes that the applicant has a legitimate explanation for the positive test result, the MRO must declare the test to be negative.

- An applicant with a confirmed positive drug and/or alcohol test result may request that additional analysis by another laboratory be conducted at his own expense. For non-CDL positions, the split specimen or additional/new specimen samples will not be accepted. For CDL positions, the applicant may request that the split specimen be analyzed; additional/new specimen samples will not be accepted.
- A request for additional analysis of the specimen, must be made in writing to the MRO within seventy-two (72) hours of being informed of the confirmed positive test result. The applicant must select a laboratory from a list of approved laboratories supplied by the MRO. The cost of such independent laboratory verification testing and the arrangements to conclude the testing shall be the responsibility of the applicant working with the MRO.

m. Background Investigations

i. Scope

Background investigations will be conducted on hires, promotions and transfers after an offer has been extended and in accordance with business necessity. Current employees who have had a background investigation within the past year are exempt. 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 will be evaluated to determine if any of the following conditions exist:

- Requires extensive contact with individuals in secluded environment
- Handles money/financial resources, including credit card information
- Acts as a caregiver for children or vulnerable adults, including coaches and athletic assistants
- Enters private homes
- Access to Social Security numbers/other private data
- Access to drugs/controlled substances
- Access to private/secure areas which are restricted
- Has access to driver control records
- Operates a City vehicle

Secondary duties will not be evaluated. The Human Resources Department will create and send to the hiring department a Background Justification Questionnaire, 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
- Credit Check\*

\*Credit checks are conducted in a very limited set of circumstances, approved by the Chief People Officer and adhere to the Guidelines in the Fair Credit Reporting Act.

ii. Non-Civil Service Positions

Background investigations will be conducted in the post-offer stage of hiring. Applicants must be placed in the hiring status of the ATS. Hiring supervisors and/or designated Employment staff will be responsible for ensuring that the selected applicant completes and submits the background investigation booklet to Human Resources.

Human Resources will review the information obtained from the background investigation and apprise the hiring supervisor if the selected applicant is not recommended for hire. The Hiring Department Director must authorize an applicant that Human Resources does not recommend for hire. The Chief People Officer or the Employment Services Manager has the authority to prohibit a hire based upon a background investigation. Background files will be evaluated utilizing the standards and criteria provided by the Equal Employment Opportunity Commission.

Human Resources will send applicants a Pre-Adverse Action letter with a copy of their background results if an offer of employment might be withdrawn. The applicants will have an opportunity to contest the background results with the background process vendor. If the offer of employment is withdrawn, then Human Resources will send an Adverse Action letter to the applicants formally withdrawing an offer of employment.

iii. Sex Offender Checking

The City will perform a sexual offender check on all prospective new employees, including current employees eligible for any personnel action/position change where there has been a competitive recruitment. The sexual offender check will commence once a conditional offer of employment has been extended, in conjunction with any other applicable pre-employment screenings. The City will conduct the following two types of sex offender checks:

1. Open Record Check – An open record check will be conducted by an Employment Services representative on any applicant hired for any position in any City Department.

An open record check is conducted to determine if the applicant is registered as a level 3 or level 4 sex offender. The City prohibits the hiring of any individuals that are registered as a level 3 or 4 sex offender. Additionally, all prospective City Employees registered as a level 1 or level 2 **cannot** be employed in positions where the nature of the essential functions require an employee to:

- Enter private homes
- Function as a coach, teacher, caregiver, or tutor to children or vulnerable adults
- Interface with the public in a secluded and/or private environment

2. Closed Record Check – A closed record check must be conducted by a law enforcement agency. The Little Rock Police Department will typically conduct a closed record check to determine if an applicant is required to register as a level 1 through level 4 sex offender. All level 1 and a majority of level 2 sex offender records are not open to the public. A closed record check will be conducted for all prospective employees for the Police, Fire, Parks and Recreation and Zoo Departments, due to high public contact. Individuals required to register as sex offenders are not eligible for employment in these City Departments.

iv. Civil Service Positions

Applicants for police officer and firefighter will undergo a comprehensive background investigation prior to Civil Service Certification and a final offer of employment. All eligibility requirements, including background standards, are available for review. An additional background investigation update may be required when the hire date is more than three (3) months from the certification date.

### 13. **On-Boarding**

- a. All persons selected for employment shall report to the Human Resources Department prior to beginning work to complete the on-boarding process for new employees. **Performing work before officially being hired (i.e. on-boarded) is prohibited.** On-boarding for new employees is typically conducted on the first Monday of a new pay period. The Chief People Officer must approve any full-time employees starting work in the middle of a pay period. All new employees must participate in the New Employee Orientation, regardless of status. New Employee Orientation may be provided on a different date from the on-boarding, to accommodate the scheduling needs of the hiring department.
- b. The Hiring Department must complete steps ii through v for part-time or temporary employees
  - i. The Hiring Department must complete the following the week before a full-time employee is on-boarded (i.e., placed on the City's payroll): The hiring/starting salary, of a full time hire (either new hire, promotion, or demotion), must be approved by Human Resources before any offer amount is extended to the selected applicant to ensure that equity is considered. The

Mayor or City Manager must approve a salary over mid-point, including a salary for promoting, demoting or transferring a current City Employee. If a hiring salary amount requires the salary adjustment of current employees, then the Chief People Officer and the Mayor or City Manager must approve all equity adjustments prior to extending the offer to the selected applicant. These procedures also apply to current City Employees who receive promotions via competitive selection processes. Approval to hire will be reflected in the ATS.

- ii. Prospective employees must successfully pass all pre-employment screenings (refer to Section 11 – Pre-Employment Screenings).
  - iii. The Hiring Department will complete the Personnel Action Form (PAF) in the ATS.
  - iv. Human Resources will review the PAF to ensure that all information is correct and upon successful completion of all pre-employment screenings. The PAF will be authorized in the ATS by Human Resources. The Hiring Director must authorize the hire.
  - v. The final PAF will be electronically saved in the new employee’s personnel file with all submitted application documents.
- c. All hiring decisions require approval from a Division Manager or above. Supervisors may conduct interviews and recommend hiring decisions.
  - d. During on-boarding, all new employees must complete tax withholding, benefit enrollment, and INS I-9 forms and provide acceptable documentation of identity and employment eligibility. All new employees must present acceptable proof of their Social Security number and provide documents listed on the I-9 form.
  - e. Any employee required to operate a motor vehicle must present an appropriate valid vehicle operator's license.
  - f. Proof of all licenses and/or certifications is required prior to employment as listed under the advertised job specification and must be documented before enrollment is complete and a “New Employee Sign-Up Form” is issued.
    - i. If the job specification provides a “grace period” to obtain the license/certification and the employee does not possess said documents at the start date, the employee and the supervisor will be provided written notification of the deadline for providing the documents. The Department Director shall ensure that the employee obtains the required license/certification during the grace period and maintains such license/certification for the duration of employment in that position.
  - g. Failure to provide required licenses and/or certifications within the specified “grace period” shall result in disciplinary action including demotion or transfer to a position that does not require the license up to termination of employment. The Department Director shall have the discretion to determine which action is appropriate.

- h. Upon completion of the employee enrollment process an "Authorization to Begin Work" card and an Employee On-Boarding Checklist shall be issued. The new employee shall present this form to the supervisor immediately upon returning to the worksite/department. An employee shall not begin work without providing the "Authorization to Begin Work" card to the supervisor. The supervisor is required to complete their portion of the Employee On-Boarding Checklist with the new or promoted employee and return to the Employment Services Division within five (5) work days of on-boarding. The Chief People Officer may approve beginning work without the "Authorization to Begin Work" form under extenuating circumstances.

## SECTION II

### **CLASSIFICATION AND COMPENSATION**

#### **1. General Statement**

It is the City's policy to provide equitable compensation for its employees in the form of pay and benefits in order to attract and retain qualified individuals for all positions. A classification and compensation system will be maintained for all classified positions in the City and as approved by the City Manager.

#### **2. Classification Plan**

The City's classification system is a systematic approach to collecting, analyzing, and maintaining information about positions in the City's work force. Positions are grouped according to their relative duties and responsibilities to ensure that positions of equal difficulty and requirements are equitably compensated.

#### **3. Salaries**

Salaries shall be linked directly to the classification system and shall be determined according to the difficulty of responsibilities, conditions of the appropriate labor markets, the financial resources of the City, and other economic considerations.

#### **4. Salary Adjustment**

The salary schedule may be adjusted based on increased cost of living or negotiation results. Individual salary ranges may be adjusted based on Human Resources personnel recommendations or changes in federal or state laws governing wages.

#### **5. Composition of the Classification System**

The classification system consists of:

- a. A grouping of positions into classes.
- b. A description/specification for each job within a class listing a title, type of work, scope of duties and responsibilities (both essential and secondary), supervisory responsibilities, knowledge, skills, and abilities, minimum qualifications, and additional requirements including licenses and certifications.
- c. A pay grade allocation for each class based on: a job analysis of evaluation factors, comparability of present and proposed grade assignment, salary surveys, internal equity analysis, and recruitment and retention experience.

#### **6. Classification Review**

- a. To ensure the accuracy of the existing title, job description, job specification, and grade allocation, the Human Resources Department will initiate a review for each position prior to the advertisement of each position.

- b. Reviews may be also be initiated by an incumbent or his Department Director on a Classification Review Request form available in the Human Resources Department and on the Human Resources website. A review initiated by an incumbent must be submitted through the chain of command to his Department Director; however, if the Department Director does not support the proposed changes by an incumbent, the Department Director is not required to submit the changes to the Department of Human Resources. The Department Director is responsible for ensuring that the employee is working within their job description.
- c. Positions will not be subject to the classification review process more frequently than once per thirty-six (36) month period, unless approved by the Chief People Officer.
- d. A review request should not be submitted for the following reasons, but not limited to:
  - i. Changes in local, State or Federal Law that require title changes in certifications, but do not change certification levels or otherwise substantially change the qualifications for the position;
  - ii. Increased volume of work load;
  - iii. Rewarding personal achievements of employees not required by their current jobs (i.e., obtaining degrees, certificates, skills, etc., above those required to perform the job duties);
  - iv. Rewarding performance or length of service;
  - v. Requesting higher grade assignments for vacant positions without accompanying significant changes in assigned job duties;
  - vi. Attempting to increase range maximums for employees because their current salaries are at or near the salary range maximum;
  - vii. Creating positions to accommodate or reward specific skill sets, personal preferences, or individual interests of employees that are not required by their current position.
- e. A review request must document evidence of at least one of the following:
  - i. Reorganization within the department or major reallocations of duties and responsibilities of a vacant position. A reorganization may occur for various reasons, including: improving business efficiency, reposition/aligning business units, providing a more efficient/effective service model.
    - 1. All proposals for reorganization shall be submitted to the Chief People Officer or designee for consultation and review PRIOR to implementing a reorganization plan to ensure all aspects of the reorganization are addressed, including changes in reporting relationships, and major changes in responsibilities.



All approved reorganizations must be accompanied by the following documents:

- A. A memorandum from the respective Department Director with the City Manager approval, that includes the reason for the reorganization (rationale outlining the purpose for the reorganization), proposed timeframe for implementation, and proposed financial impact of the reorganization;
  - B. The current and proposed organization charts;
  - C. Completed Classification Review Request/Position Analysis Questionnaire for each position included in the reorganization.
2. Any request for Departmental reorganization not in compliance with this policy will not be processed by the Department of Human Resources.
- ii. A review of a filled position requires the incumbent to have performed new, significant, and permanent duties for at least six (6) months. Temporary changes in duties and responsibilities should be evaluated under the “Alternate Rate” policy.
  - iii. A significant increase in responsibility due to additional programs, facilities, or requirements being assigned that are not part of the current job duties currently.
- f. Human Resources personnel will not begin work on reorganization/reclassification requests until all required documents have been received. The goal of Human Resources personnel is to provide draft documents for review to the requesting department within sixty (60) working days of receipt of a classification review request/position analysis questionnaire. The completion time for reorganizations will be determined by the complexity of the reorganization, volume of changes requested and time needed for thorough analysis of the request.
- g. Human Resources personnel will update the job description and job specification based on feedback from the supervisor and/or position incumbent. A revised job description and job specification shall be forwarded to the Department Director, whose signature shall indicate concurrence with the job description and job specification.

The grades of non-union eligible and non-uniformed union eligible positions, below the level of Department Director, shall be determined by Human Resources personnel, based upon information provided by the respective departments and upon job descriptions and job specifications which have been reviewed and approved by the respective Department Director. The grade decision of Human Resources personnel will be submitted in the form of a completed Classification Report (HR-2) form to the respective Department Director for signature indicating concurrence or non-concurrence.

The Department Director may, within two (2) weeks of issuance of the Classification Report, appeal the decision by Human Resources personnel by indicating non-concurrence on the form. Such appeal will be reviewed by the Chief People Officer.

If a Department Director or Human Resources personnel do not agree with the classification decision, the decision may be appealed to the City Manager. The City Manager's decision shall be final.

- h. Copies of the final job description and job specification will be forwarded to the appropriate Department Director, who will be responsible for distribution to affected supervisors and incumbents.
- i. Employees whose positions are upgraded/downgraded as a result of a reclassification may receive a salary adjustment based on equity. Each department will be responsible for initiating the Status Change Form for the adjustment. Such adjustments will become effective on the first day of the pay period following City Manager approval.
- j. Equity Reviews

The City's definition of salary "inequity" is that of a less-experienced employee earning a higher salary than a more-experienced employee. Internal equity adjustments are required where a hiring decision was made which results in an individual being hired with less experience than current employees, OR when, over time, there is some shifting of salaries which results in an internal inequity. Reviews may be initiated by an incumbent or his Department Director. A review initiated by an incumbent must be submitted through the chain of command to his Department Director.

## **7. Classification Creation Request**

- a. The Department Director shall obtain written approval in the form of a memorandum from the City Manager or Assistant City Manager to create the new classification.
- b. The approval and a memorandum describing the anticipated duties of the classification and the organizational location of the position will be forwarded to the Human Resources Department.
- c. Human Resources Department personnel will develop the job description and job specification which will be submitted to the Department Director for approval. Classification of the position will proceed in accordance with Section II, item 6.f. as appropriate.
- d. After completion of the Classification Review Report with all applicable signatures the finalized job description will be distributed to the Department Director. The Department Director or designee shall access the applicant tracking system to submit a requisition to the Human Resources Department to initiate the hiring process. The vacancy shall be filled in accordance with Section I of this manual.

## 8. Overtime and Compensatory Time

The City will comply with rules governing overtime and compensatory time as established by the Fair Labor Standards Act (FLSA). Overtime and compensatory time for hours worked in excess of the time limits specified by FLSA will be governed as follows: Positions shall be coded as exempt from overtime or non-exempt from overtime.

### a. Exempt from FLSA coverage

Employees in this category are exempt from FLSA coverage and are not eligible for overtime or compensatory time. These employees fall into the FLSA groups of Executive, Administrative, and Professional.

### b. Non-Exempt from FLSA coverage

#### Police Uniform, Union Eligible Positions

Employees in this category are in Police Officer and Police Sergeant positions. For employees in non-twelve hour positions, they will be paid time and one-half for all time worked in excess of the forty (40) hour workweek. For employees in twelve hour positions, they will be paid time and one-half for all time worked in excess of the eighty (80) hour work period. Sick leave shall not be considered as time worked.

By written notification, the employee shall select whether payment for overtime will be made in dollars or compensatory time.

Compensatory time may be accrued to a maximum of four hundred (400) hours. Once four hundred (400) hours of compensatory time have been accrued, management has the option to either grant compensatory time or dollars for time worked in excess of the applicable FLSA threshold in a work period. Every effort will be made to grant employees time off in a reasonable period of time without unduly disrupting departmental operations.

#### Fire Uniform, Union Eligible Positions (56 hour only)

Employees in this category are in certain Firefighter, Fire Apparatus Engineer, and Fire Captain positions. Overtime shall be paid to employees in these positions as established by the Fair Labor Standards Act. Sick leave shall not count towards meeting the specified hour requirements within a work period.

#### Overtime Formula for 56 Hour Employees:

The following formula will be used to compute the overtime pay rate:

Base Pay + Holiday + Acting Pay + Holiday Premium Pay + Longevity Pay + EMT Pay x 1.5 = OT

### Non-Uniform, Union Eligible Positions

Employees in this category are in non-uniform, union eligible positions. Employees will be paid or will receive compensatory time at the rate of time and one-half for all time worked in excess of the forty (40) hour workweek. Sick leave shall not be considered as time worked.

Compensatory time may be accrued up to two hundred and forty (240) hours. Any time in excess of two hundred and forty (240) hours must be paid in dollars. Employees should follow their department guidelines for leave requests for the usage of compensatory time.

Employees shall receive overtime or compensatory time depending upon an agreement or understanding reached prior to the performance of the work. This agreement or understanding shall be evidenced by a notice to the employee, signed by the Department Director, stating that in the future the employee shall receive overtime or be given compensatory time in lieu of overtime for hours worked in excess of forty (40) hours in a given workweek. The needs of the department shall be the determining factor.

### Non-Uniform, Non-Union Eligible Positions

Employees in this category are in non-uniform, non-union eligible positions. Employees will be paid or will receive compensatory time at the rate of time and one-half for all time worked in excess of the forty (40) hour workweek. Short Term Disability (STD) shall not count towards meeting the forty (40) hour workweek.

Compensatory time may be accrued up to two hundred and forty (240) hours. Any time in excess of two hundred and forty (240) hours must be paid in dollars. Employees should follow their department guidelines for leave requests for the usage of compensatory time.

Employees shall receive overtime or compensatory time depending upon an agreement or understanding reached prior to the performance of the work.

This agreement or understanding shall be evidenced by a notice to the employee, signed by the Department Director, stating that in the future the employee shall receive overtime or be given compensatory time in lieu of overtime for hours worked in excess of forty (40) hours in a given workweek. The needs of the department shall be the determining factor.

The Department Director need not adopt the same agreement or understanding with all of the Department non-exempt employees and need not provide compensatory time to all such employees. For employees hired after July 1992, written agreement shall take the form of an express condition of employment.

Fire Uniform, Union Eligible Positions (40 hour only)

Employees in this category are in certain Firefighter, Fire Apparatus Engineer, and Fire Captain positions. These employees will be paid time and one-half for all time worked in excess of the forty (40) hour workweek. Sick leave shall not be considered as time worked. Compensatory time may be accrued up to two hundred (200) hours.

Employees will be paid for such overtime work either in compensatory time or in overtime, as designated by the Fire Chief.

c. General Information Pertaining to all Non-Exempt Employees

Neither FLSA nor City Policy guarantees that employees in any nonexempt category shall work in excess of the standard number of hours in a work period as specified in FLSA.

Employees are expected to work the number of hours scheduled. Employees must obtain prior approval from a supervisor by submitting the overtime/pre-time approval form before working over forty (40) hours in a workweek. Employees may be disciplined for working hours not authorized by a supervisor.

An employee who has accrued compensatory time shall, upon termination of his employment or promotion to an exempt position, be paid for all accrued, unused compensatory time at his regular rate of pay before promotion or at the time of termination.

d. Emergency\Special Conditions

In certain conditions, the City Manager may authorize overtime pay for employees classified as "exempt" (up to but not including the level of Division Manager) to perform work directly related to the emergency. All time worked in excess of the 40-hour workweek will be considered overtime. Departments must request approval in writing from the City Manager specifying the employees with their position titles and the amount. A copy of the request must be forwarded to the Chief People Officer. Designated inclement weather events are excluded from requiring prior approval. Exempt employees up to but not including the level of Division Manager are eligible to receive 1.5 times their normal rate for hours worked over forty (40) during an inclement weather event.

## 9. Longevity Pay

The City provides longevity pay to recognize the service of regular, full-time employees. The date used to compute longevity pay will not change unless there is a break in service for the employee regardless of the number of transfers between City departments including movement from uniform to non-uniform positions and vice-versa. If there is a break in service, the date used to compute longevity pay will be the date of rehire; service prior to the break regardless of the reason will not be considered nor reinstated. Service in a part-time or temporary position will not be considered for purposes of computation of longevity pay. Longevity payments shall be distributed to employees biweekly.

### a. Non-Uniform Non-Union Eligible Employees

Longevity payments shall be distributed to employees biweekly. Longevity pay shall be calculated according to the following formula; to determine the weekly amount:

$$\begin{array}{r} \text{Twelve (12) Months} \\ \times \\ \text{the number of years of service} \\ \times \\ \text{the designated longevity dollar amount} \\ = \\ \text{the biweekly longevity amount} \\ / 52 \text{ weeks} \end{array}$$

Longevity pay will be paid at the rate of five (\$5) dollars per month for each year of service up to and including the fifth (5<sup>th</sup>) year and seven (\$7) dollars per month for each year of service beginning at six (6) years and for each year thereafter. Anniversary dates will determine the accrual amount for each month. An employee whose anniversary date falls after the 15<sup>th</sup> of the month will not receive credit for additional year of service during his anniversary month, but will receive this credit for all subsequent months.

### b. Non-Uniform Union Eligible Employees

Longevity payments shall be distributed to employees biweekly. Longevity pay shall be calculated according to the following formula to determine the weekly amount:

$$\begin{array}{r} \text{Twelve (12) Months} \\ \times \\ \text{the number of years of service} \\ \times \\ \text{the designated longevity dollar amount} \\ = \\ \text{the biweekly longevity amount} \\ / 52 \text{ weeks} \end{array}$$

Longevity pay will be paid at the rate of four (\$4) dollars per month for each year of service up to and including the fifth (5<sup>th</sup>) year and seven (\$7) dollars per month for each year of service beginning at six (6) years and for each year of service thereafter.

Anniversary dates will determine the accrual amount for each month. An employee whose anniversary date falls after the 15<sup>th</sup> day of the month will not receive credit for an additional year of service during his anniversary month, but will receive the credit for the subsequent months.

c. Uniform Fire Department Employees

Longevity payments shall be distributed to employees biweekly.

Five (\$5) dollars per month for each year of service up to and including the fifteenth (15<sup>th</sup>) year.

Six (\$6) dollars per month for each year of service from the sixteenth (16<sup>th</sup>) year through the completed twenty-fifth (25<sup>th</sup>) year.

d. Uniform Police Department Employees

Longevity payments shall be distributed to employees biweekly. Employees will receive longevity pay in the following:

Five (5) dollars per month for each year of service up to and including the fifteenth (15<sup>th</sup>) year.

Six (6) dollars per month for each year of service from the sixteenth (16<sup>th</sup>) year through the completed twenty-fifth (25<sup>th</sup>) year.

**10. Other Pay Categories – Full-Time Non-Uniform Employees**

Special pay situations shall be governed by the following policies:

a. Standby Pay

Employees required to stand by for work shall be compensated at their regular hourly rate of pay not to exceed a maximum of sixteen (16) hours per week. Standby pay shall be based on the following schedule:

Maximum of two (2) hours for each eight (8) hours on standby not to exceed two (2) hours per normal working day (Monday through Friday).

Maximum of one (1) hour for each eight (8) hours per normal weekend day (Saturday and Sunday) or designated City holidays.

In order to qualify for standby pay, an employee must be readily accessible at all times during the standby period. An employee shall not be placed on standby and cannot be paid standby pay while on paid or unpaid leave.

Positions exempt for FLSA purposes shall not be eligible for standby pay.

b. Callback Pay

An employee who is called to work for an unscheduled period of time shall receive a minimum of four (4) hours pay at the regular rate or shall be paid for the hours actually worked at the regular rate, whichever is greater. The above shall not apply to an employee who is called to work an unscheduled shift. As applicable, this shall be considered overtime and compensated at time and one-half for each hour

actually worked. Employees on call must make proper arrangements to be able to respond on a timely basis. An employee who is called out again during the same four (4) hour window will not receive another four (4) hours.

The combination of standby and callback pay may not exceed eight (8) hours on a given day unless the actual hours worked exceeds twelve (12). Positions exempt for FLSA purposes shall not be eligible for callback pay.

c. Alternate Rate

A regular full-time non-uniform employee assigned to work in a position with a higher rate of pay for a period of time shall receive an alternate rate of pay if the following conditions are met:

- i. He performs a majority of the duties of the higher classification which are different from their own; and
- ii. He is held fully accountable for those duties in the same manner as a newly hired or promoted employee in that position; and
- iii. Alternate rate will not be paid to more than one employee for the same job.
- iv. For sworn Police and Fire personnel, assignments shall not at any time exceed state law, currently sixty (60) days.

Alternate rate status shall not exceed sixty (60) consecutive calendar days without written approval by the City Manager. No overtime will be earned by employees earning alternate rate in exempt positions.

An employee's anniversary date shall not change as a result of an alternate rate assignment.

Amount of Alternate Rate Salary Adjustment

While in alternate rate status in an overtime eligible position, any time worked in excess of the forty (40) hour regularly scheduled workweek, as specified in this manual and current agreements, shall be paid at time and one-half only in the alternate position.

Non-Uniform Union Eligible Employees

An employee assigned to work in a classification with a higher rate of pay for a period of time which exceeds three (3) consecutive work days, will receive an alternate rate of a 5% increase retroactive to the first work day.

An employee working in a higher level classification must perform a majority of those duties of the higher classification which are substantially different from his own duties and be held accountable for performance in the same manner that a newly-assigned regular employee would be held accountable for performance in the higher level classification. This provision shall not apply to employees participating in a formal training program, in which case the employee shall be notified that they are participating in a formal training program, and the higher rate of pay will not be paid.



Non-uniform union eligible employees assigned to work in a non-uniform non-union position shall receive alternate rate as outlined in the non-uniform non-union section.

#### Non-Uniform Non-Union Eligible Employees

After an assignment has lasted over five (5) consecutive days, an employee placed in an alternate rate status shall receive:

- i. Five percent (5%) salary adjustment for the initial thirty (30) calendar day period in alternate rate status, from the first day of the assignment.
- ii. Beginning with the thirty-first (31<sup>st</sup>) consecutive calendar day in alternate rate status, the employee shall receive the greater of an additional five percent (5%) salary adjustment, or the minimum of the salary range of the higher classification. This adjustment shall be effective for the duration of the alternate rate assignment.

#### Department Director(s) and Mid-Manager(s)

An employee placed in an alternate rate status of a Department Director shall receive salary of previous incumbent.

Alternate rate will not be paid for Department Director or Mid-manager Positions unless there is a vacancy, or specific approval is received from the City Manager.

#### d. Holiday Pay

Non-exempt employees required to work on a designated holiday shall be compensated for hours worked at the rate of time and one-half their regular rate of pay up to eight (8) hours, or have the option of receiving this time as comp time at the rate of time and one half. Employees will only be paid for hours worked.

Employees of the Communications Division shall be compensated at the rate of two times the straight pay rate for working on a holiday in addition to the eight (8) hours holiday pay. An employee who is scheduled to report for work on a holiday and does so shall be assigned to at least four (4) hours work at the rate of time and one-half in addition to the holiday pay. If the employee is excused from duty before completing four (4) hours of work, he shall be paid for four (4) hours at time and one-half in addition to holiday pay.

Exempt employees who are scheduled to work on a holiday shall be given another day off and not provided any other compensation.

See Section IV Leaves for more information.

#### e. Differential Pay

- i. Shift Differential shall be in addition to the employee's regular rate of pay and shall be included in all payroll calculations, but shall not apply during periods of paid leave. Payment of shift differential will only be received for hours actually worked on the applicable shift.

### Non-Uniform Non-Union Eligible Employees

Employees who are assigned to the evening (B) shift (shift beginning no earlier than 1:00 p.m.) shall be compensated an additional \$1.50 per hour. Communication Center Employees who are assigned to work the night shift from 7:00 p.m. to 7:00 a.m.) shall be compensated an additional \$2.25 per hour.

### Non-Uniform Union Eligible Employees

Employees who are permanently assigned to the evening (B) shift (shift beginning no earlier than 1:00 p.m.) shall be compensated an additional \$1.60 per hour. Employees who are assigned to the night (C) shift (shift beginning no earlier than 11:00 p.m.) shall be compensated an additional \$2.00 per hour.

- ii. Location Differential Pay: \$.75 per hour will be paid to all Fleet Services technicians for each hour worked while assigned to the landfill shop location. Eligibility and payroll rules the same as shift differential apply. Payment for both location differential and shift differential is permitted when each criteria is met.
- iii. Sunday Differential Pay: Non-exempt employees not regularly assigned to work Sunday shall be compensated at a rate of two times (2x) for every hour worked. The Sunday differential does not apply to hours worked during an inclement weather event or stand-by/call back pay.
- iv. Second Language Differential Pay: A second language differential rate of pay may be provided to full-time employees who have demonstrated the ability to communicate in a language other than English including American Sign Language. No employee will receive the differential pay prior to the successful completion of the proficiency exam.

Eligible Positions: A Department may request a second language differential when a vacancy occurs, a new position is established, or the duties of an occupied position change. In order to be eligible for a second language differential, the Department must determine that the position requires regular, on-going use of second language skills to assist in the performance of the essential job functions. A guideline of at least 20% of hours worked should be used when evaluating “regular and on-going” use of the second language skills.

Procedure for Requesting Second Language Differential: Departments should include a request for second language differential in the requisition for a new or vacant position. Departments must submit a memorandum to the Chief People Officer to initiate a request for second language differential when there is an incumbent. The memorandum must be accompanied by a justification which states in detail the duties, responsibilities, and reasons for the second language differential requirement. All requests must be reviewed and approved by the Chief People Officer.

Method of Assessment: The Employment Services Division will determine the method of assessing the employee or applicant’s proficiency. Departments are responsible for paying for testing.

Compensation: Certified full-time employees who have passed the assessment are eligible to receive a differential of fifty-eight dollars (\$58.00) per week. Payment will end for leaves of absences, including relieved of duty status, or extended paid administrative leave absences or upon entering the long term disability waiting period. . If an employee who is receiving a second language differential moves to a position that does not require the skill to communicate in a second language, or their position ceases to require the use of the skills, the second language differential pay will terminate.

f. Fleet Certification Incentive Pay

All full-time Fleet Services employees who have successfully completed the probationary period are eligible. Certification Incentive Pay is provided to employees who meet the criteria of this program as defined by the Fleet Services Department in obtaining industry certifications that cover the employee's current job functions.

g. General Emergency/Inclement Weather Leave and Pay

- i. Non-essential personnel: When it is determined by the City Manager that a situation exists or is impending which threatens the best interest of the City and the health and safety of employees, general emergency leave with pay may be authorized for all or part of a day. The City Manager may invoke the Inclement Weather policy which would allow employees a window of time in which to report to work. Employees failing to arrive during that window will be charged leave from the deadline in which to arrive and their arrival time. Employees failing to arrive during the work day will be charged leave from the time the City opened for the remainder of the day that they were scheduled to work. Remote workers will be required to work their normal schedule if working from home. When the City opens at 11:00 a.m. or later, the normal lunch break will not be observed. Employees will work the remainder of their scheduled work day. The City Manager may publish additional guidelines to address these situations.

Employees who have leave scheduled and approved in advance will still be charged the leave scheduled for the day in which the City was closed or opened late.

- ii. Essential personnel: If an employee is designated by the Department Director as "Weather/Emergency Essential Personnel", that person is expected to be at their work location at regular work hours, or as designated by their supervisor when the City is closed due to inclement weather or emergency situation. Such persons must make whatever arrangements are necessary to arrive at their work location on time, or they may be subject to disciplinary action unless on pre-approved leave. During such conditions, the Department Director will have the discretion to provide paid or unpaid meal breaks and/or provide meals at the expense of the City.

- iii. Remote Workers: All non-uniform employees pre-approved (pre-approved employees must have completed the Telework Agreement Form and received appropriate approval through the Departmental chain of command) to work remotely will be required to work their normal schedule and will not receive inclement differential pay or bonus time as noted below for time worked remotely during inclement weather events. Non-uniform employees, not pre-approved and/or unable to work remotely will not be required to work during general emergency/inclement weather events. Department Directors may designate critical personnel who will be required to report to work and/or remain at work during inclement weather events, those designated employees, shall be compensated with an additional \$3.00 per hour for every hour worked.
  - iv. Inclement Differential Pay: All non-uniform employees who must report (includes both essential and non-essential personnel, who are required to report to a work location by their Director) to work, with the exception of telework employees, during emergency conditions resulting in the closure of City Hall shall be compensated with an additional \$3.00 per hour for every hour worked. This includes employees who are to report to work before their normal work shift for preparation of the inclement weather and employees who are to report to work for the second or third shift after City Hall is closed for inclement weather and during hazardous conditions on Saturday and Sunday. All hours worked for non-exempt employees will be paid at their hourly rate. Overtime will be paid according to Section II-5.
  - v. Inclement Differential Bonus Time: Non-exempt employees (see Page II-7 exempt employees) who are required to work during a period of general emergency leave, except telework employees and those working round-the-clock shifts, shall be granted Bonus time on an hour-per-hour basis in addition to general emergency leave for the number of hours in which City Hall was closed. This leave will be extended in the same amount to second and third shift employees.
  - vi. Any employee who has had any type of leave requested prior to the City Manager's designation of emergency leave will not have the leave credited back for any time the City was closed.
- h. Court Appearance Pay (Communications Division Only)
- Effective January 1, 2020, the City shall pay each Communication Call Taker time and one-half for all required court appearances, other than during regularly scheduled work hours. The employee shall select whether payment for such court overtime shall be in dollars or compensatory time by written notification. A minimum of one (1) hour for job required court appearances.

**11. Other Pay Categories –Part-Time Non-Uniform Employees**

Special pay situations shall be governed by the following policies:

a. Holiday Pay

Part-Time employees required to work on a designated holiday shall be compensated at the rate of time and one-half their regular rate of pay up to eight (8) hours. Employees will only be paid for hours worked.

Part-Time employees of the Communications Division shall be compensated at the rate of two times their regular rate of pay for working on a holiday. An employee who is scheduled to report for work on a holiday and does so shall be assigned to at least four (4) hours work at the rate of time and one-half in addition to the holiday pay. If the employee is excused from duty before completing four (4) hours of work, he shall be paid for four (4) hours at time and one-half in addition to holiday pay.

b. General Emergency/Inclement Weather Leave and Pay

Inclement Differential Pay: All Part-Time non-uniform employees who must report (includes both essential and non-essential personnel, who are required to report to a work location by their Director) to work, with the exception of telework employees, during emergency conditions resulting in the closure of City Hall shall be compensated with an additional \$2.00 per hour for every hour worked. This includes employees who are to report to work before their normal work shift for preparation of the inclement weather and employees who are to report to work for the second or third shift after City Hall is closed for inclement weather and during hazardous conditions on Saturday and Sunday. All hours worked for non-exempt employees will be paid at their hourly rate.

**12. Other Pay Categories – Uniform Police Department Employees**

Special pay situations shall be governed by the following policies:

a. Holiday Premium Pay

Holiday premium pay shall be equivalent to nine (9) days pay. The daily rate of pay shall be computed by dividing the base pay, including holiday pay, by 260.

b. Differential Pay

For non-twelve (12) hour shift employees: A shift differential of 55 cents per hour will be paid for all hours worked by an employee when a majority of the employee's regularly scheduled shift hours occur after 3:00 p.m. and before 11:00 p.m. A shift differential of 80 cents per hour will be paid for all hours worked by an employee when a majority of the employee's regularly scheduled shift hours occur after 11:00 p.m. and before 7:00 a.m.

For twelve (12) hour shift employees: A shift differential of 80 cents per hour will be paid for all hours worked for the 7:00 p.m. to 7:00 a.m. shift, or 6:00 p.m. to 6:00 a.m. for early shifts.

Shift premiums will be paid for hours worked during the shift except for work performed as overtime work or work performed earlier than an employee's normal shift. Shift premiums will not be paid for any paid time off.

c. Educational Incentive Pay (EIP)

The following schedule of the E.I.P. is for those employees who were qualified to participate in the plan as of December 31, 1990, and formally elected to be compensated as described:

Schedule 1:

CERTIFICATE LEVELS	COLLEGE CREDITS	ADDITIONAL CREDITS	\$ PER Period.
Basic	0	0	\$ 0
General	0	1 yr. + 3 hrs. related studies (exc. English)	\$ 10.15
Intermediate	6 hrs. + (Eng.)	6 hrs. related studies	\$ 25.38
Advanced	15 hrs.	0	\$ 36.92
Senior	45 hrs.	0	\$50.77

Related studies shall be determined by the Chief of Police. Predetermination of job related courses may be requested prior to enrollment.

Schedule 1 shall be frozen and no advancement through certification levels will be allowed after December 31, 1990.

Schedule 2:

The following schedule is for all sworn Police Department employees:

COLLEGE HRS	# OF YRS. WITH DEPT.	\$ PER period
Less than 15	Less than 2 years	\$ 0
15 - 30 hrs.	2 Years	\$ 11.54
31 - 63 hrs.	3 years	\$ 27.69
Associate's Degree or 64 - 123 hrs.	3 years	\$ 39.23
Bachelor's Degree or 124 + hrs.	4 years	\$ 57.69
Graduate Degree	10 years	\$ 69.23

Eligibility for EIP payments will require the officer to furnish to the Department of Human Resources, through the Chief of Police, the obtained Minimum Standards Certification and/or documentation of satisfactory completion of accredited college hours.

Application for EIP payments must be submitted by the 10th of the month to be counted for eligibility.

Payments shall be made biweekly.

d. Field Training Officer (FTO) Pay

FTO pay will be paid at the rate of three (3) hours per shift. FTO's will only receive the additional pay for time actually spent training probationary Police officers.

e. Court Appearance Pay

The City shall pay each officer time and one-half for all required court appearances, other than during regularly scheduled duty hours. The employee shall select whether payment for such court overtime shall be in dollars or compensatory time by written notification. A minimum of two (2) hours for job required court appearances or municipal, state circuit court, juvenile court, federal district court, parole revocation, mental commitment, Civil Service Commission hearing appearance, and grand jury shall be applied when calculating said court time. Civil and Chancery Court appearances which are a result of a person's employment with the City shall also be included in this section.

**13. Other Pay Issues – Uniform Fire Department Employees**

Special pay situations shall be governed by the following policies:

a. Holiday Premium Pay

Employees shall be paid holiday premium pay equivalent to nine (9) days pay. For fifty-six (56) hour employees a daily rate of pay shall be computed by dividing the base pay, including holiday pay, will be accrued and paid on a cycle basis along with regular payroll cycles for fifty-six (56) hour employees. For forty (40) hour employees a daily rate of pay shall be computed by dividing the base pay, including holiday pay, by two hundred sixty (260). The bi-weekly payroll calculation for 40 hour employees will be at a rate of 2.7692 times the employee's hourly rate.

b. Callback Pay

Employees on fifty-six (56) hour workweeks who are called back to Fire Department duty from off-duty status shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at time and one-half.

Employees on forty (40) hour workweeks who are called back to work from off-duty status shall receive a minimum of four (4) hours or the actual time worked, whichever is greater at time and one-half in compensatory time.

c. Alternate Rate

Any employee required to accept the responsibilities and carry out duties of a rank above that which he normally holds shall be paid at the entry-level rate for that rank while so acting. When an employee works out of classification that employee will be paid acting pay in fifteen (15) minute increments.

d. Detail Compensation

Employees who report for duty and are detailed to work at a station other than the station to which they are assigned and provide their own transportation or participate in the meal at the other station will be compensated at a rate of \$15.00 per detail. Longer term assignments exceeding ten (10) tours of duty on any one assignment shall not be eligible for detail pay after the tenth (10<sup>th</sup>) tour.

e. EMT Compensation

Firefighters certified as Emergency Medical Technicians shall receive an annual allowance of one thousand six hundred eighty (\$1, 680.00) dollars; payments shall be made on a prorated basis of work cycles.

f. Standby Pay

Forty (40) hour employees required to stand by for work shall be compensated at the rate of \$2.00 per hour as scheduled by the department. In order to qualify for stand by pay, an employee must be readily accessible at all times during the standby period. An employee shall not be placed on standby and cannot be paid standby pay while on paid or unpaid leave. Any time spent by the employee responding to an alarm shall be considered time worked and shall be compensated at the employee's applicable rate of pay.

**14. Compensation Objectives**

The City of Little Rock administers a compensation program with the following objectives:

- to provide salary ranges that are fair and internally equitable;
- to provide salary ranges that are externally competitive with relevant labor markets;
- to ensure compliance with federal and state regulatory guidelines;
- to review classifications on a timely schedule; and
- to ensure administration of the compensation program on a fair and consistent basis.

Specific exceptions to these policies must be approved in writing by the City Manager.

a. New Hires

i. Non-Uniformed Classifications

The minimum of the salary range is considered to be an internally equitable and externally competitive salary for a new employee who meets the minimum qualifications required for the classification.

In the event an inequity exists, the Chief People Officer will have the discretion to approve salary adjustments up to mid-point of the salary range; salaries that require adjustment over mid-point of the salary range will



require the City Manager's approval. An employee who believes a salary inequity exists in his/her division may request a review of the salary structure by the Chief People Officer.

No employee will be hired below the minimum of the salary range of the classification.

Any salary recommendation in excess of the midpoint of the range will require the City Manager's written approval prior to the salary offer. The Department of Human Resources will not process a new hire without documentation of that approval.

ii. Uniformed, Union-Eligible Classifications

New hires shall begin at the minimum of the salary range of the appropriate grade or as described in the appropriate Collective Bargaining Agreement (see FOP or IAFF Agreements).

b. Salary Progression

The effective date of annual salary increases will be determined by the City Manager.

Such increases are separate from other salary adjustments, including career ladder, equity, promotional, reclassification, or other adjustments.

i. Non-Union Eligible Classifications

If applicable, newly-hired employees will be eligible for the normal merit increase at the completion of the first year of service. If the employee completes the first year of service on or before December 31, the employee will be eligible for both the one year anniversary increase and the merit increase for the subsequent year, regardless of whether the one year of service is completed before the actual effective date of the increases for the subsequent year. (EXAMPLE: An employee with a hire date of December 31 will be eligible for both the one year anniversary increase effective December 31, and the merit increase for the following year which has an effective date of December 15.)

All other salary progression shall be based upon performance or as authorized by the City Manager.

ii. Non-Uniformed, Union-Eligible Classifications

Salary progression shall be based on negotiated increases.

iii. Uniformed, Union-Eligible Classifications

Salary progression shall be based on negotiated increases.

c. Promotions

i. Types of Promotions

When moving within NON-UNIFORMED classifications, it shall be considered a promotion if the maximum of the range of the employee's new grade is greater than the maximum of the range of his current grade.

When moving within UNIFORMED POLICE OR FIRE classification systems respectively, it shall be considered a promotion if the employee moves to a higher rank.

When moving from a UNIFORMED classification to a NON-UNIFORMED classification or vice-versa; or when moving from a UNIFORMED POLICE classification to a UNIFORMED FIRE classification or vice-versa, it shall not be considered a promotion. New hire salary procedures shall apply.

Movement between classifications with the same grade, same maximum of the range of the grade, or same title shall be considered a Lateral Transfer.

ii. Amount of Promotional Increase

The amount of promotional increase for any uniform position not covered by an agreement with a recognized employee group is subject to review and evaluation on an annual basis.

In no instance shall an employee be paid below the minimum of the salary range of the classification.

1. Uniformed, Union-Eligible Employees (Moving Within Union-Eligible Classifications)

Upon promotion, an employee's salary will be increased to the minimum of the new grade salary range.

iii. Police Sergeant Promoting to Police Lieutenant

An employee who is promoted shall receive the lesser of either:

1. a ten percent (10%) promotional increase  
OR
2. the lowest level salary of any employee currently within the Police Lieutenant rank.  
OR
3. the minimum of the salary range.

iv. Police Lieutenant Promoting to Police Major

An employee who is promoted shall receive the lesser of either:

1. a ten percent (10%) promotional increase  
OR
2. the lowest-level salary of any employee currently within the Police Major rank.  
OR
3. the minimum of the salary range

iv. Police Major or Police Lieutenant Promoting to Assistant Police Chief

An employee who is promoted shall receive the lesser of either:

1. a ten percent (10%) promotional increase  
OR
2. the lowest-level salary of any employee currently within the Assistant Police Chief rank.  
OR
3. the minimum of the salary range

v. Fire Captain Promoting to Battalion Chief

An employee who is promoted shall receive the lesser of either:

1. twelve percent (12%) promotional increase  
OR
2. lowest-level salary of any employee currently within the Battalion Chief rank.

vi. Promotional Increases For All Other Employees

In no instance will a promotional increase be granted which does not maintain internal equity.

In no instance shall an employee who is promoted receive a salary rate below the minimum of the salary range of the new classification.

While a normal general rule for a promotional increase is approximately ten percent (10%). Any salary recommendation in excess of the midpoint of the range will require the City Manager's approval prior to the salary offer.

vii. Limitation Applicable to All Promotional Increases

If the promotional increase would cause the employee's salary to exceed the maximum of the salary range for the new grade, a lesser percentage increase will be given such that the employee's new salary equals the maximum of the new grade salary range. In no instance shall a promotional increase result in a salary which exceeds the maximum of the salary range of the new grade.

d. Demotions

The Department Director shall have the discretion to grant a transfer or voluntary demotion with approval from the Chief People Officer. A voluntary demotion must be requested in writing by the employee. The employee must complete any screening procedures required for the position, and must possess the required Knowledge, Skills, and Abilities (KSA's) for the position. Possession of required KSA's must be approved by the Chief People Officer.

Adjustment to the salary shall be governed by policies as outlined below.

i. Types of Demotions

When moving within NON-UNIFORMED classifications, it shall be considered a demotion if the maximum of the range of the employee's new grade is less than the maximum of the range of the employee's current grade.

When moving within UNIFORMED POLICE OR FIRE classification systems respectively, it shall be considered a demotion if the employee moves to a lower rank.

When moving from a UNIFORMED classification to a NON-UNIFORMED classification or vice versa; or when moving from a UNIFORMED POLICE classification to a UNIFORMED FIRE classification or vice-versa, it shall not be considered a demotion. New hire salary procedures shall apply.

Movement between classifications with the same grade, same maximum of the range of the grade, or same title shall be considered a Lateral Transfer.

ii. Amount of Demotion Salary Adjustment

When an employee requests a voluntary demotion to a lower classification, new hire procedures shall apply (see page II-72). Discretion to grant the request for a voluntary demotion lies with the appropriate Department Director.

1. Probationary Employees Following A Promotion

If after being promoted, it is determined that an employee is unable to perform the duties of his new position, he may request a voluntary demotion during his probation; the following shall apply:

- A. The employee may return to his/her most recently held position, if it is vacant.
- B. The employee may request to be placed in a vacant position in the same classification he/she held prior to promotion. This action will require the receiving Department Director's approval.

The employee's salary will be reduced to that which existed prior to the promotion. Any interim annual salary increases shall apply.

This type of demotion will only be allowed when the position the employee was originally promoted from is vacant. His anniversary date shall be the date he initially held this position. Non-Probationary Employees Moving Within Uniformed, Union-Eligible Positions

The employee's salary will be reduced to the maximum of the salary range of the rank into which he was demoted.

## 2. All Other Employees

An employee who is demoted as a result of a disciplinary action shall receive a salary based on equity of the new grade

### e. Lateral Transfers

#### i. Types of Lateral Transfers

When moving within NON-UNIFORMED classifications, it shall be considered a lateral transfer if the maximum of the range of the employee's new grade is equal to the maximum of the range of his current grade, or if the new classification and the current classification have the same job title.

#### ii. Amount of Lateral Transfer Salary Adjustment

Lateral transfers will be determined by equity.

### f. Special Duty Assignment Pay

The City of Little Rock recognizes that in exceptional and limited situations, employees who are exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA exempt employees) may be required to work significantly longer work hours or work weeks than normally are required. This policy is designed to treat such situations equitably and to recognize the work, commitment, and dedication of employees who put in those extended hours. FLSA exempt employees generally are expected work at least forty (40) hours each week and as many hours as necessary to complete their jobs. This policy does not change these expectations. Rather, it recognizes the existence of exceptional circumstances in which FLSA exempt employees are required to work beyond the forty (40) hour or fifty-six (56) hour workweek. This policy is applicable to all employees in the classifications of Battalion Chief and Police Lieutenant.

i. Definition

Special Duty Assignment pay is payment reflective of the overtime rate (this rate will be established by the Department of Human Resources each year) or compensatory time at straight-time (hour for hour) to specific employees in the classifications of Battalion Chief and Police Lieutenant designated by the respective Department Director who are required to work non-scheduled work time beyond the forty (40) hour or fifty-six (56) hour workweek in any of the following circumstances:

- a. Employee is called back/called out to work.
- b. Employee is required to work a minimum of three (3) additional hours per scheduled work shift.
- c. Employee is scheduled to appear in court for work related cases during unscheduled work shift.
- d. Temporary high priority project assignments with mandatory deadlines.

ii. Guidelines

1. Both the employee and supervisor shall discuss in advance, where applicable the need for usually longer work hours or workweek. The supervisor will determine what work shall be governed by this policy and document all hours worked beyond forty (40) hour or fifty-six (56) hour workweek.
2. Attendance at routine/required meetings or holdover time during non-scheduled work shifts will not be eligible for Special Duty Assignment Pay.
3. In no instance shall an employee be eligible for Special Duty Assignment Pay, unless given special approval by the Department Director or designee.
4. The request must be pre-approved and submitted in writing, in instances where applicable prior to the work being performed.

iii. Amount of Special Duty Assignment Pay

All approved time worked in excess of the 40-hour workweek or 56-hour workweek will be paid at a rate of pay reflective of the overtime or may receive compensatory time at straight time (hour for hour) if approved by the Department Director or designee. This rate will be established by the Human Resources Department each year.

The pay code for special duty assignment pay, for the hours worked shall be entered into the payroll/personnel system by the respective department timekeeper, upon receiving written authorization from the respective Department Director or designee.

g.       Reclassifications, Upgrades, and Downgrades

i.       Amount of Reclassification or Upgrade Salary Adjustment

If an employee holds a classification that is reclassified or upgraded to a classification which has a higher maximum salary range than his current classification, his salary will be adjusted as needed to maintain equity among incumbents within the new pay grade. In no instance shall a salary increase result in a salary which exceeds the maximum of the salary range of the new grade.

ii.      Amount of Reclassification or Downgrade Salary Adjustment

If an employee holds a classification that is reclassified or downgraded to a classification which has a lower maximum salary range than his current classification, his salary shall be adjusted according to equity in the grade he is going.

h.       Career Ladder Progressions

i.       Definition

A career ladder progression is a progression from one classification to another within a designated career path.

The Classification Division of the Department of Human Resources shall maintain a current list of all positions which qualify for career ladder progressions.

ii.      Amount of Career Ladder Salary Adjustment

When an employee has completed the required period of service in the lower classification, he shall receive an increase determined by equity. List of Career Ladder Positions

CLASSIFICATION	GRADE	REQUIREMENT FOR PROGRESSION
Civil Engineer – Engineer Intern (EI)	868	
Civil Engineer I	869	Completion of one (1) year of experience as Civil Engineer – Engineer Intern (EI)
Civil Engineer II	871	Completion of four (4) years of experience as Civil Engineer I plus Professional Engineer (PE) registration

  

Solid Waste Equipment Operator I*	324	
Solid Waste Equipment Operator II*	325	Completion of one (1) year of experience as Solid Waste Equipment Operator I

Traffic Engineer I	869	
Traffic Engineer II	871	Completion of four (4) years of experience as Traffic Engineer I plus two (2) years of supervisory experience plus Professional Engineer (PE) registration

Traffic Technician I*	407	
Traffic Technician II*	411	Completion of two (2) years of experience as Traffic Technician I

911 Communications Operator	826	
Communications Dispatcher	827	Completion of Department Requirements

See LRPD General Orders for all details

Crime Scene Specialist I	528	
Crime Scene Specialist II	529	Certification as a Certified Crime Scene Investigator; 1 year in crime scene related activities; completion of 48 hours of crime scene related courses within last 5 years.
Crime Scene Specialist III	530	Certification as a Crime Scene Analyst; Minimum of three (3) years in crime scene related activities; Completion of 96 hours of crime scene related courses within the last 5 years.
Crime Scene Specialist IV	531	Certification as a Crime Scene Analyst; Minimum of six (6) years in crime scene related activities; Completion of 144 hours of crime scene related courses within the last 5 years; and one of the following 1) authored or coauthored an article on some phase of crime scene investigation, 2) Made a presentation on some phase of crime scene investigation 3) Be an active instructor in some phase of crime scene investigation who is currently teaching at least once a year, or 4) Completed 16 hours of courtroom testimony training in addition to the required 144 hours of crime scene related training (listed above).

\*Union-Eligible Position



i. Pay Equity Assessment Policy

a. Purpose

The purpose of the Pay Equity Assessment Policy is to standardize the internal equity review process in determination of salaries for all employee status changes, including hiring, promotions, and reclassifications.

Salary for full time positions is determined by utilizing the equity process and will not require additional approvals, regardless of placement in the range. Approvals are required to adjust current employee(s) salaries in a grade for which an equity review is performed; Human Resources will initiate equity adjustment requests.

b. Overview

The Pay Equity Assessment process assesses an applicant's/employee's skills, knowledges, and abilities in order to determine an appropriate starting salary. Point values are assigned based upon the factors noted for each area of focus, including experience, education, certification/license, and special attributes. The Pay Equity Process allows the City to consider special factors beyond experience and education when determining the appropriate starting salary, such as specialized skills or training, beneficial to the Department or the City.

The Human Resources Department will be responsible for completing all Equity Assessment Forms (EAF) for current employees with assistance from the Department, as needed and will score the selected candidate once they have been identified as a prospective hire. The City's ATS (Applicant Tracking System) will be utilized to calculate the applicant's equity points. In cases where applicants submitted paper applications, the City's EAF form will be utilized.

To be in compliance with the City's current definition of equity, the Department will offer the applicant a salary comparable to current employees within the same indented range of equity scores. A statistical measure will be used to identify scores that are statistically similar to each other, thus creating a band

Employees are encouraged to update their education and experience documents/resume during an annual Employee Equity Assessment process (typically in December). Applications and resumes will be submitted electronically using the City's ATS. City employees will be notified via City announcements when Employee Equity Assessment process is open. The additional documentation may not change the equity score and pay adjustments only occur when hiring activity or status changes (promotions, reclassifications, demotions, etc.) occur for that Department/pay grade.

Applicants will be informed that offer salaries will be based on all experience and education via job posting. Hiring Managers are encouraged to ensure complete resumes or on-line applications are thorough.

If information provided to Human Resources is determined at a later date to be false (a significant misrepresentation of education, employment dates and/or job duties and/or titles) then disciplinary action, up to termination may result.

Applicants hired into AFSCME positions of Laborer, Maintenance Worker and Refuse Collector will be hired into Step 1, since there are no minimum qualifications for these positions, as related to the knowledge, skills and abilities required.

c. Definitions:

**ATS** – The City’s Applicant Tracking System, which includes a process for scoring experience, education and special skills/credit.

**Applicant** – The person that is selected to fill a designated position utilizing the following:

- Advertisement
- Reclassification
- Demotion/promotion
- Rehire

**Employee** – Persons employed in the grade that the applicant is being evaluated for.

**Department** – Defined as a Process Level in the Payroll system.

**EAF** – Equity Assessment Form – A form utilized to calculate equity points for City Employees who do not have a current profile in the ATS OR are applicants that applied with a paper application.

Director review and approve the information contained in the form. Salaries will be evaluated upon status changes moving forward.

**Education** – Any formal education beyond high school.

**Special Attributes** – Additional criteria, skills, negative past performance and market limitations that are not utilized in the other areas of calculating equity scores.

**Related Experience**: The experience is:

- In the occupation or industry of the advertised position
- In the progression of the advertised position OR is necessary to obtain the advertised position
- Illustrates one or more of the identified knowledge, skills or abilities required for the advertised position

**Non-Related Experience**: The experience is:

- Is in another industry/occupation
- No training or experience is required for this position
- There is very limited overlap in the knowledge, skills, abilities required for both positions (other than communication and interpersonal skills since these are required for a majority of positions).

**Pro-Rated** – the experience is calculated per month, than divided by 12 so credit can be given for years, including partial years.

d. Points in Addition to Experience

Applicants and employees will receive the same point value for education, certifications and special attributes.

- a. Education and Certifications - Credit will be awarded as follows for education and certifications as follows:

<b>EDUCATION</b>		
<b>Education Level (the education level must be completed to receive credit)</b>	<b>Points Awarded for Related</b>	<b>Points Awarded for Non-Related</b>
Associates	2	1
Bachelor's Degree (points awarded for an associate's degree will not be added to the bachelor's degree total)	4	2
Master's Degree	2	1
Doctoral Degree	2	1
<b>CERTIFICATIONS*</b>		
Certification related to profession, industry and has value to the Department (i.e. HRCI, etc)	1 point	
If particular license/certification is rare, hard to achieve or take a long period of time to possess (i.e. CPA, Master Electrician...)	2 points	

***\*Credit is NOT awarded for any licenses or certifications required for the position.***

- b. Special Attributes Form The Special Attributes Form is completed by the hiring division manager or Department Director. If the form is completed by the manager, the Director must agree and sign, due to the impact on the Department. The Special Attributes form is saved with the equity assessment.

The Department Director has the option whether to utilize scoring Special Attributes. However, the Director must ensure consistency.

- i. Applicant brings expertise that will require little learning/education by the department (up to 3 points).
- ii. Applicant has special skills which are scarce or in high demand, making the position difficult to fill (up to 3 points).
- iii. Applicant has skills which are not required to do the essential
- iv. Functions of the position but are beneficial to the City to have regardless (up to 3 points).
- v. Merit/Raise score was reduced or not given, which impacts the employee's movement in the salary range (up to 3 negative points) OR Disciplinary Termination – a candidate who was hired by the City then terminated by Disciplinary but rehired, will not return to the same position at the same salary that they were at, or would have been. A negative value will be assigned (up to 3 negative points)

e. Scoring Experience

Applicants utilize the City's ATS to submit electronic applications during a position announcement period, which includes:

- Employment history, including dates and description of job duties,
- Education,
- Certifications, licenses, and
- Any special skills deemed relevant for the advertised position.

The Employment Division will determine whether the applicant's experience is directly related to the essential functions of the position being evaluated, and will confer with the hiring manager if necessary. Applicants receive credit for all prior work experience, both related and non-related as detailed below.

f. Scoring Experience for Applicants

Experience is prorated using the following guide:

- 15 -30 hours worked – half credit
- Over 30 hours worked – full credit
- Hours over 40 per week are not given additional credit
- Part time hours will factor in if the applicant has less than 40 hours total (example - 1 part time job at 25 hours, with another simultaneous position at 20 hours per week are given credit pro-rated, but not exceeding 40 hours) The applicant receives points for their experience, based on the following criteria:

Type of Experience	Credit Awarded	Definition
Non-Related Experience	.25 point per year (pro-rated)	Any experience listed by applicants that is not given credit for being related (has no relation to the desired position).
Related Experience, including verified self-employment.	1.5 points per year (pro-rated)	<p>The experience is:</p> <ul style="list-style-type: none"> <li>• In the occupation or industry of the advertised position</li> <li>• In the progression of the advertised position OR is necessary to obtain the advertised position</li> <li>• Illustrates one or more of the identified knowledge, skills or abilities required for the advertised position</li> <li>• Any self-employment/consulting in the industry of the advertised position.</li> <li>• Self-Employment experience will not be granted credit on top of a 40 hour “paid” workweek</li> </ul>

Credit will not be awarded for the following:

- Volunteer experience (if the volunteer experience is a valuable asset, the Department may grant credit as a special attribute).
- Experience before Age 18 (If experience between the ages of 16 - 18 is a valuable asset, the Department may grant credit as a special attribute).
- Secondary Jobs: Should a candidate work two jobs at the same time, the employee will be given credit for the highest value job, unless the value of the two jobs together is 40 hours a week. The intent of the policy is to grant credit up to the typical 40 hour work week.

g. Scoring Experience for City Employees

Equity scores are generated for City Employees when Human Resources is generating a salary amount for an individual that is selected for a position. The equity score for the applicant is compared for all employees in that grade. Therefore, employees in the relevant grade must have equity scores calculated.

Steps are as follows:

- Education, certifications and special attribute points are calculated as outlined in section iv.
- Any experience previous to the current position held by the employee will be calculated as outlined in section v.
- Experience for the current position held by the employee will be calculated at a rate of 2.0 points per year. Human Resources will access personnel files for information if necessary to award appropriate credit.
- Equity scores will be entered into Lawson at time of hire/promotion or any other position changes.

h. Relevant Groups for Comparison

Salary determinations will be based upon the pay grade of the Department for that particular employee group. The Public Works Department will be handled as a whole and not by their individual divisions. The salary a supervisor earns will not be considered as a factor since there could be multiple reasons for a subordinate to make a higher salary than their supervisor.

i. Placement in Range

All effort should be made to provide salary differential between employees of varying education and experience. While placing two employees at the same amount with different values of education and experience does not violate the City's equity policy, it does not provide recognition for more experienced/educated employees. It also can interfere with the placement of other employees with education and experience resulting in multiple employees earning the same salary with a large variance of experience and education. Equity scores will be reviewed and statistics will be calculated in an effort to create "bands" of equity scores (i.e. scores that have been shown to be statistically similar). Typically there will be a large spread of equity scores in the top band, compared to compression at the bottom of the band due to turnover.

In grades that contain both exempt and non-exempt employees, exempt employees can have an annual salary higher than non-exempt employee in an amount that is comparable to a minimum of 54 hours of annual pay.

## SAMPLE I

Sally has just been hired at the City as a Planner I, grade 709. She has a BA degree in Urban Planning, with a Master's Degree in Urban Studies. She worked for 1 year, part time (20 hours per week) as a Planning Technician while working on her masters. She also worked part time at a coffee house for 20 hours per week for 4 years.

Her equity score is:

Education Points = 6 (4 points for a related BA and 2 points for a related MA)

Experience Points = 1.25 (1 year of related experience (1.5), pro-rated for part time ( $1.5/2 = .75$ ) + 4 years of unrelated experience ( $.25 \times 4 = 1.0$ ), experience was part time, so  $1.0/2 = .5$ . **Total experience = 1.25.**

**Total Equity Score = 7.25**

All employees in grade 709 (salary range of 35,000 – 55,000) are reviewed as follows:

Name	Equity score upon hire/promotion	Score in current position	Total Equity points	Salary
Pat	6 points	3 Years for 6 points	12 points	42,000
Sam	15 points	10 years for 20 points	35 points	48,000
JJ	2 points	15 years for 30 points	32 points	50,000

*HR would recommend a salary between 37,000 and 39,000 to keep a small spread. Sam will have to be adjusted to 50,000 to address the equity issue.*

## SECTION III

### **BENEFITS**

#### **1. General Statement**

The City of Little Rock provides a variety of benefits to employees, their eligible dependents, and eligible retirees as part of a total compensation package. General policies regarding these benefit programs follow. Specific information and plan summaries may be obtained from the Human Resources Department.

The City of Little Rock reserves the right at its sole discretion to administer and manage all benefit plans unless required otherwise by statute or agreement. This includes but is not limited to reviewing coverage level and type, changing providers, changing methods of providing coverage, discontinuing plans or portions thereof as deemed in the best interest of the City and changing cost sharing arrangements.

All employees will be provided information regarding applicable benefits during orientation. Each employee has the responsibility for completing required enrollment forms including selection of plan option(s), completing forms and ensuring any required premiums are paid. Biweekly check stubs include information showing current and year- to-date premium paid or contributions. Errors involving unintended deductions of premium from employee salary will be corrected upon notice to the Human Resources Department by the employee. Any refund of such contribution shall not exceed the lesser of 90 days (prior to the date of notice) or the period set by the provider of the coverage.

Concerns or problems encountered with a benefit program provided by the City should be addressed to the Benefits/Risk Management Division of the Human Resources Department and the Customer Service Section of the provider of that coverage.

Any required employee contribution amounts will be deducted from paychecks as follows:

Health Insurance Dependent Coverage	Twice/Month*
Dental and/or Optical	Twice/Month*
Flexible Spending Account (FSA)	Every Pay Period
Health Savings Account (HAS)	Every Pay Period
Dependent Care Account (DCA)	Every Pay Period

All retirement plan deductions are taken from every Pay Period.

\*In months with three (3) pay dates, no insurance deductions will be taken on the third pay date.

**DISCLAIMER:** The purpose of this section is to provide a general summary of the benefits that employees may be offered through their employment at the City of Little Rock. Nothing in this section is to be considered as an entitlement or right. In case of conflict with plan documents, the plan document will supersede. Nothing in this section will bind the City to any obligation of providing such a benefit. If language of this Section conflicts with other policy language, plan documents, or other legally required materials, the language of those other documents or regulations will supersede the language in this Section.



## 2. **Health Insurance**

### a. Eligibility

All regular full-time employees are provided health insurance coverage. Optional dependent coverage is available for employees' eligible dependents including spouse, children under age 26, and unmarried disabled children past age 26.

- i. Eligible part time employees as defined in the Patient Protection and Affordable Care Act (PPACA) will be provided health care coverage upon meeting the requirements of PPACA. That eligibility will be based on minimum hours worked (average of 30 or more hours per week) during the prior 12 month look back period (October 15 of year one through October 15 of year two). Coverage for eligible employees will be effective the following January 1. Coverage will continue until the earlier of: (1) 12 months or (2) date of termination. Should the employee continue to be eligible at the end of the next look back period, coverage will continue for each succeeding 12 month period or until termination.

### b. Effective Date

Health insurance coverage will become effective on the 1st of the month following 30 days of employment. However, employees beginning work on a Monday falling on the 1st, 2nd or 3rd of any month will be covered on the 1st of the following month. Dependent coverage will have the same effective date as employee coverage except as stated below.

### c. Enrollment

Employees shall complete an enrollment form in the Human Resources Department. Within the first 31 days of employment, employees may enroll eligible dependents without proof of insurability. Dependent coverage will be effective on the same date as the employee coverage. Therefore, the employee electing to add dependent coverage late in this 31 day period must pay any premium required to make coverage effective on that date. After the initial 31 days of employment, proof of insurability (late entry) must be provided by the employee for each dependent to be added to the coverage. The insurance carrier will determine whether a dependent will be provided coverage.

New dependents may be enrolled, without proof of insurability, within 31 days of becoming dependents of an eligible employee. Once dependent coverage is elected, other new dependents may be added by notifying the Human Resources Department and completing a change form with the name and birthdate of each new dependent. Coverage cannot be provided until the change form is completed. If the change form is not completed within 31 days, late entry requirements will apply. Should the addition of dependents require additional premium, the process noted above will apply.

The City of Little Rock will comply with the Genetic Information Non-discrimination Act (GINA) of 2008, and shall not seek or utilize genetic information. Regardless of when it was obtained, genetic information shall not be used for decisions regarding coverage rates, or pre-existing conditions.

The City of Little Rock will comply with any Qualified Medical Child Support Order (QMCSO) from a court of competent jurisdiction by immediately enrolling that dependent and ensuring required premiums are deducted from the employee's salary. If the QMCSO is not provided to the Benefits Division or if enrollment is not completed within 31 days of its issuance, late entry requirements will apply.

Dependent coverage may be discontinued by completing a change form, except in the case of a qualified medical child support order which will require a release from the issuing court prior to canceling that coverage. However, employees enrolled in Section 125 programs which allow premiums to be paid on a pre-tax basis may only discontinue coverage at annual enrollment or with proof of a qualifying event, such as: change in family status.

Any change in dependent coverage status requires completion of a change form. These forms are available in the Human Resources Department. Status changes cannot be completed until the employee has signed the change form. Human Resources staff is required to review documentation of changes in dependent status (such as marriage license, birth certificate, divorce decree, etc.).

If (an) eligible dependent(s) lose(s) non-city provided medical coverage because of documented non-voluntary job loss, the dependent(s) may be enrolled in the City's coverage within 31 days of that loss of coverage. If enrollment is not completed within 31 days, the late entry requirements will apply.

d. Premium Payment

The City pays the premium for employee only health insurance coverage except as noted. The City may also pay a portion of the dependent premium cost for eligible full-time employees. Eligible part-time employees as described above may elect to cover dependents, but will be responsible for the entire dependent unit premium. These contribution structures are subject to change at the sole discretion of the City.

e. Continuation and Conversion of Coverage

Employees or dependents whose group coverage would normally terminate may continue health insurance coverage after the normal expiration of coverage based on the qualifying events noted below. To continue coverage, the employee or dependent must pay 102% of the current premium for that coverage. This continuation privilege is required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and may change as that Act is amended.

1. Coverage may be continued until the earliest of:

- i. 18 months after termination of employment, or in the case of a dependent, 36 months after the qualifying event.

**NOTE: Disabled Employees Only**

Employees who are disabled at termination of employment or within 60 days of termination (disability must be certified by the Social Security Administration) may receive an additional 11

months of coverage after the initial 18 month period in order to reach eligibility for Medicare coverage. Premiums during this extended period will be 150% of the normal group premium and must be paid by the employee or dependent as stated above. Certification of the disability from the Social Security Administration must be provided to the Human Resources Department within 60 days of its certification.

- ii. The date the City ceases to provide a group health insurance plan for any employee.
- iii. The date an employee or dependent fails to make the required premium payment.
- iv. The date the employee or dependent becomes covered under any other group health plan.
- v. The date the employee or covered dependent becomes eligible for Medicare benefits.
- vi. The date a widowed, divorced or legally separated spouse remarries and becomes covered under any other group health care plan.

**2. Qualifying events which activate COBRA are:**

- i. Employee: Termination of employment (except for gross misconduct) or reduction to part-time status.
- ii. Spouse: Death of the covered employee, divorce, or legal separation.

NOTE: In the event of divorce or legal separation, the spouse of the covered employee must be removed from dependent coverage status. Coverage and benefits will be denied retroactive to the earliest of the date of separation or the date of divorce.

- iii. Dependent Child: When no longer considered an eligible dependent under rules of the health insurance plan.

To request continuation of coverage, the employee or eligible dependent must notify the Human Resources Department within 30 calendar days of a qualifying event. Within 14 days of notification, the Human Resources Department will inform the eligible employee or dependent of the right to continue coverage and the required premium. Each employee or dependent must elect whether to continue coverage within 60 days of receiving the notification of a right to continue coverage. A single dependent electing COBRA continuation coverage will pay the single rate for coverage. The family rate will be paid when two or more individuals are covered.

Premium amounts due from the date of the qualifying event must be paid within 45 calendar days of the date of election to the Human Resources Department. If

the premium is not paid within the time limit, the coverage will be canceled retroactive to the last date for which premium was paid.

At the end of the appropriate 18-, 29- or 36-month period, the covered employee or dependent may apply for conversion to an individual policy with the health insurance carrier, if a conversion option is available under the plan. The types and cost of available plans will be provided directly by the current insurance provider upon application submitted by the former employee or dependent. Applications for conversion may be obtained from the Human Resources Department.

If the covered employee or dependent fails to make the required payment in a timely manner, the coverage will be canceled. If coverage is canceled, it will not be reinstated for any reason. The City is not required to bill the employee or dependent nor otherwise be responsible for notification regarding premium payment after the initial notice is given.

f. Coverage While on Active Military Duty

Any employee serving on active military duty for a period of time which requires that he be placed in leave of absence or other inactive employee status will have the option of electing COBRA continuation for his covered dependent(s) during the leave of absence; the employee will be provided medical care by the military.

Upon return from active military duty, the employee and covered dependents will be provided coverage immediately on the date of return to active status. The employee will be responsible for paying any required premium to reactivate the dependent coverage.

g. Retiree Coverage

Any employee with a minimum of five (5) years of service with the City of Little Rock, whose age and years of service combined total a minimum of 70, may continue health insurance coverage until becoming eligible for full Medicare coverage. Documented previous service within another municipality may be counted in calculation of age and service if all other requirements are met. For calculation purposes, credit will be given for partial years of service.

The City will comply with State law which allows employees who receive a disability benefit from LOPFI to be included in the retiree insurance program.

Retirees electing to extend coverage under this policy will be included as part of the active employee groups for determination of premium rates. During the initial six (6) months of extended coverage, the retiree must pay the full premium rate as specified in the continuation of coverage section. After the initial six (6) months until eligibility for Medicare, the City will make a contribution toward the premium of the retiree (initial contribution rate will be 75%). The retiree (or dependent) will be responsible for payment of all premiums for any dependent coverage elected for the entire period of continuation. The contribution by the City may be subject to change at the sole discretion of the City. Dependent coverage will only be extended to those dependents who were actively covered by the retiree on the date of retirement except that newborn children may be added during the extended coverage period and the non-voluntary job loss clause (2.c.) shall also apply.

In the event of the death of a covered retiree or when a covered retiree reaches Medicare eligibility, all City contributions will cease; however, any covered dependent(s) will be allowed to continue the coverage until reaching Medicare eligibility or in the case of a child, the limiting age specified in the then existing insurance program. A single dependent will pay the same premium rate as that established for a single retiree. For two or more dependents, the family rate (dependent unit cost) will apply.

Coverage will continue until the earliest of:

- The date the retiree or covered dependent reaches eligibility for Medicare.
- The date the retiree or dependent becomes covered by any other group policy.
- The date a dependent reaches the limiting age specified in the current plan document for the active group.
- The date of failure to pay any required premium.
- The date the City ceases to provide coverage for any active group.

If coverage is canceled for any reason, it shall not be reinstated.

h. Coverage extension for dependents of employees killed in the line of duty.

Dependents of employees killed in the line of duty may extend health coverage under the same requirements as specified for continuation of coverage (COBRA). According to provisions of City Ordinance 17503, premiums for such coverage are paid in full by the City, and coverage for dependents may extend beyond the 36 months imposed by COBRA.

“Killed in the line of duty” shall be defined to include:

Killed in the line of duty shall **include** accidental or deliberately inflicted injuries resulting in death in which occurred within the City limits of Little Rock, Arkansas, while the employee was engaged in the performance of the employee’s official duties and responsibilities, including the employee’s response to what was reasonably believed to be a police emergency, a response to a direct order from a superior, or a response to a call from a private person, all of which required the performance of the employee’s official duties and responsibilities.

Killed in the line of duty shall **exclude** injuries resulting in death which occur:

- i. outside the City limits of Little Rock, Arkansas, unless the employee is taken outside the City limits of Little Rock by force while the employee is actively engaged in the performance of official duties, or unless the employee is taken outside the City limits of Little Rock by virtue of being in “hot pursuit” of a person reasonably suspected of violating law and reasonably expected to avoid arrest unless the person is stopped without delay or the employee is performing specifically assigned duties required to provide necessary services and benefit the citizens of Little Rock. Eligibility will not include leisure activities;
- ii. while the employee is going to or coming from work, and the event causing the fatal injury is one which does not arise out of the actual and required performance of the employee’s official duties while the employee is going to or coming from work, such as handling what is reasonably believed to be a police emergency, responding to a direct order

from a superior, or responding to a call from a private person requiring the performance of the employee's official duties;

- iii. solely as a result of self-inflicted injuries or the employee's intentional act to injure or kill himself;
- iv. as a result of the willful misconduct of the employee;
- v. as a result of the employee's self-induced intoxication or drug-related condition;
- vi. as a result of the employee's refusal or failure to use safety gear or safety appliances provided by or through the City for the employee;
- vii. as a result of the employee's willful violation of a law or the employee's willful breach of a rule, regulation, or policy governing the performance of the employee's duties;
- viii. as a result of voluntary conduct on the part of the employee, which is conduct not required or expected by the City for the performance of the employee's official duties and responsibilities;
- ix. as a result of natural causes;
- x. as a result of a heart attack or disease, including death resulting from a heart attack or disease while the employee is engaged in the performance of the employee's official duties and responsibilities or while the employee is engaged in extreme activity or subjected to extreme conditions while in the discharge of the employee's official duties and responsibilities.
- xi. during the time the employee is working for an employer other than the City, regardless of whether the duties and responsibilities of the employee for the other employer are the same or similar to the duties and responsibilities of the employee for the City; or
- xii. as a result of injuries received more than 10 years before the date of the employee's death.

Only dependents covered at the time of the incident may extend coverage.

Coverage may be continued until the earliest of:

- The date a covered individual is covered under another group policy.
- The date the dependent reaches the limiting age specified in the current plan document for the active group.
- The date of failure to pay any required premium.
- The date the City ceases to provide coverage for any active group.

If coverage is canceled for any reason, it shall not be reinstated.

- a. Waiver of Coverage
- b. Eligible employees who provide documentation of other coverage may waive coverage under the City policy. Such waiver must be requested annual during a normal open enrollment period for the following policy year. Waiver will not be allowed unless documentation of the other

coverage is presented. The City will make no payment to the waiving employee in lieu of coverage. Employees waiving coverage will also forfeit eligibility to cover dependents through the City plan.

**3. Disability Insurance**

a. Eligibility

All regular full-time non-uniform employees are provided Long-Term Disability (LTD) insurance coverage. No dependent coverage is available.

b. Effective Date

LTD insurance is effective following 6 months of employment.

c. Premium

The premium for LTD coverage is paid by the City.

d. Administration

Applications are available in the Human Resources Department. Applicants for disability benefits and their physician must provide information required by the insurance carrier before an application is submitted by the Human Resources Department to the insurance carrier. Thereafter, the insurance carrier will correspond directly with the employee to obtain the information needed to complete and review a disability case. Determinations of disability will be made by the insurance carrier.

e. Waiting (Elimination) Period and Salary Continuance

LTD benefits will not be paid until six (6) months after the last date the employee was actually at work, performing normal, assigned duties for at least one-half the regularly scheduled work shift. This waiting period is subject to actual policy language of the then current insurance provider. An employee must use all leave available to them during the elimination period. If during the six (6) months elimination period an employee exhausts all leave time, the City will pay salary continuation of 60% of that employee's base salary until the end of the elimination period. The City will not provide salary continuance unless the employee is totally disabled from performing the duties of his position and presents documentation from a physician indicating that the length of disability will exceed the six-month elimination period. The City may require the employee to obtain a second opinion from a City-approved physician, at the City's expense, before making such payments. The employee will not be entitled to any salary increases while receiving salary continuation payment. All leave time and the time on salary continuation, taken during this time period will count toward the twelve weeks of FMLA an employee is eligible to receive.

At the end of the elimination period, the City will review the situation to determine what action to be taken, including but not limited to providing the employee with a Request for Accommodation form to determine if the employee is able to return to work with an accommodation. Any LTD benefits will be paid directly by the insurance carrier.

f. Pre-Existing Conditions

Pre-existing condition clauses may apply to coverage provided. Such clause may provide that conditions existing at the date of employment or for which the covered employee received treatment during a specified period prior to the onset of disability will not be covered.

g. Modified Duty

Employees working Modified Duty following a Workers' Compensation claim may not exceed the LTD elimination period following the first date of time loss in Modified Duty status.

h. Uniform Employee's Disability Coverage

Disability coverage for all uniform employees is provided through the pension systems established for those employees. Disabled employees in those groups should make application to the appropriate pension administrator. For employees hired before January 1, 1983, the pension administrator is the City of Little Rock Finance Director. Employees hired after that date should contact the Local Police and Fire Pension Plan (LOPFI) administered by the State of Arkansas at 124 West Capitol, Suite 940, P.O. Drawer 34164, Little Rock, AR 72203.

**4. Life Insurance and Accidental Death and Dismemberment (AD&D)**

a. Eligibility

All regular full-time employees are provided life insurance coverage. Limited dependent coverage is available on a voluntary basis with amounts and eligibility established by the providers. AD & D refers to coverage payable in the event of accidental death or the loss of certain body parts or functions. This benefit is in addition to the life insurance benefit. AD & D coverage has certain exclusions which do not apply to the basic benefit e.g., suicide, pilot of private aircraft.

b. Effective Date

Life insurance coverage is effective immediately upon employment. This coverage is "term" coverage and is only effective through 31 days following termination of employment.

c. Enrollment

Enrollment materials for life insurance coverage shall be completed in the Human Resources Department. Each employee will designate a beneficiary for the life insurance benefit. The person named as beneficiary will receive any benefits payable REGARDLESS of any intervening change in status. A new designation form or written documentation must be completed to change the beneficiary. Failure to complete a change form will result in the person named on the material on file receiving those benefits regardless of intervening changes (except for cases involving criminal activity by that person).

d. Premium

Premiums for employee life insurance coverage are paid by the City.



e. Administration

Claims for life insurance benefits will be submitted by the Human Resources Department to the insurance carrier for payment. The beneficiary must present an original death certificate to be submitted with the claim. Beneficiaries will be provided information regarding benefit payment options directly from the insurance carrier.

f. Conversion

Employees seeking to extend life insurance coverage after termination of employment may convert to an individual policy. Conversion application forms are available in the Human Resources Department. The insurance carrier will provide information on conversion and premium rates directly to the employee. The amount of coverage and premium rates will be regulated by the insurance carriers but may not exceed the amount of coverage effective at the time of termination.

g. Amount of Coverage

Life insurance coverage will be provided as follows:

**Non-Union Eligible Employees**

Basic	2 x Annual Salary
AD&D	1 x Annual Salary

**Non-Uniform Union Eligible Employees**

Basic	1 x Annual Salary
AD&D	1 x Annual Salary

**Union Eligible Uniform Police Employees**

Basic	1 x Annual Salary (Minimum of \$25,000)
AD&D	1 x Annual Salary (Minimum of \$25,000)

**Union Eligible Uniform Fire Employees**

Basic	1 x Annual Salary (Minimum of \$25,000)
AD&D	1 x Annual Salary (Minimum of \$25,000)

**Mid-Manager Designated Employees**

Basic	3 x Annual Salary (Minimum of \$25,000)
AD&D	1 x Annual Salary

All coverage amounts will be rounded to the nearest \$1,000 if not already a multiple of 1,000 with \$500 rounded up.

Certain employee groups will have specified life insurance amounts.

**Designated Department Directors**

Basic	\$500,000
AD&D	1 x Annual Salary

**Mayor and City Manager**

Basic	\$1,000,000
AD&D	1 x Annual Salary

In the event City and the incumbent in either of these position is unable to purchase a policy for the difference between amounts provided by a contracted group insurer and the specified amount, the City may substitute an amount equal to the annual premium for that difference in a lump sum to that incumbent. The amount will be determined by receiving projected premium costs for similarly situated individuals (age, other demographic data) and providing that amount on a regular occurring basis which the incumbent may use to apply toward the purchase of additional coverage.

**5. Dental Insurance****a. Eligibility**

All regular full-time employees are provided dental insurance coverage. Optional dependent coverage is available for employees' eligible dependents.

**b. Effective Date**

Dental insurance coverage is effective on the 1st of the month after 30 days of employment. However, employees beginning work on Monday falling on the 1st, 2nd or 3rd of any month will be covered on the 1st of the following month. Dependent coverage will have the same effective date as the employee's coverage except as stated below.

**c. Enrollment**

An enrollment form shall be completed in the Human Resources Department. Eligible dependents may be enrolled only within the first 31 days of employment.

New dependents may be enrolled within 31 days of becoming a dependent of an eligible employee or when they are added to the employee's medical coverage.

**d. Premium**

The City pays the total premium for employee dental coverage base option and a portion of the cost for dependent coverage.

**e. Expanded Coverage**

Employees have the option of upgrading to an expanded coverage level. Additional premium is required for this level of coverage which is not paid by the City. Employees selecting the expanded coverage for themselves and/or covered dependents must pay the differential in cost. Any change in coverage selected (either upgrade or downgrade) may only be accomplished at annual open enrollment.

f. Continuation of Coverage

Dental insurance may be extended based on the same qualifying events, time limits and premium requirements listed under health insurance in this section. Extension of dental coverage is not dependent upon the continuation of medical coverage.

g. Retiree Coverage

Dental insurance may be extended based on the same qualifying events, time limits and premium requirements listed under health insurance in this section. However, extension does not terminate upon reaching eligibility for Medicare. Extension of dental coverage is not dependent upon the continuation of medical coverage.

**6. Optical Insurance**

a. Eligibility

All regular full-time non-uniform employees and non-union eligible uniform employees are provided optical insurance coverage. Optical dependent coverage is available for employees' eligible dependents.

b. Effective Date

Optical insurance coverage is effective on the 1st of the month after 30 days of employment or promotion to an eligible employment category. However, employees beginning work on Monday falling on the 1st, 2nd or 3rd of any month will be covered on the 1st of the following month. Dependent coverage will have same effective date except as stated below.

c. Enrollment

An enrollment card shall be completed in the Human Resources Department. Eligible dependents may be enrolled only within the first 31 days of employment. New dependents may be enrolled within 31 days of becoming a dependent of an eligible employee or when they are added to the employee's medical coverage. Other enrollment of dependents must be made during designated periods after the anniversary of the plan.

d. Premium

The City pays the entire premium for employee optical coverage and a portion of the cost for dependent coverage.

The optical program is provided on a self-funded basis. Specific contribution levels for dependent coverage are subject to adjustment annually.

e. Optical insurance may be extended based on the same qualifying events, time limits and premium requirements listed under Health Insurance in this section. However, extension does not terminate upon reaching eligibility for Medicare. Extension of Optical coverage is not dependent upon the continuation of medical coverage.

## 7. **Flexible Spending Accounts**

These accounts allow employees to have payroll deductions taken on a pre-tax basis for reimbursement of certain Medical expenses which are not covered by insurance or for approved Dependent Care expenses.

a. Eligibility

All regular full-time employees may participate.

b. Effective Date

An individual may participate immediately after becoming a City employee.

c. Enrollment

Flex enrollment forms may be completed in the Human Resources Department during the new employee benefit enrollment. Annual enrollment will be conducted prior to the plan's January 1 anniversary date.

d. Plan Contributions

Participants may contribute up to \$2,750/year to each account per Federal regulation. The minimum contribution is \$10/pay period.

e. Reimbursement

Properly documented expenses may be reimbursed to the participating employee upon completion and submission of the required forms to the vendor.

f. Forfeiture of Unused Contributions

Contributions to a flex account which are not used to reimburse expenses from the applicable plan year are forfeited to the plan. They may not be refunded to the participant according to IRS Regulations (Section 125).

g. Continuation of Coverage

Flex contributions may be continued after termination of employment. The contributions will be 102% of the amounts contributed prior to termination. Contributions are made after termination of employment on an after-tax basis.

h. Grace Period Extension

A period of time that immediately follows the end of the plan year during which an employee may use funds that remain in your account to pay for eligible expenses. From January 1 through March 15, employees may submit claims incurred from January 1 to December 31 of the previous year. Any unused funds at the end of the grace period will be subject to the IRS Regulations regarding forfeiture (Section III-7-f).

**8. Premium Only Plan (POP) - Section 125 IRS Code**

The POP allows all employees who have medical, dental, and optical dependent coverage to shift their premium payment from an after-tax to a pre-tax expenditure. This eliminates the payment of Social Security (FICA) taxes and federal and state income taxes on employees' medical and dental coverage costs, and increases their take-home pay by the amount of the tax savings.

a. Eligibility

Employees who pay dependent health or dental or optical insurance premiums may participate in POP.

b. Effective Date

POP will be effective the 1st pay period after enrollment.

c. Enrollment

POP enrollment forms may be completed in the Human Resources Department at any time after employment. The employee may cancel participation at any time.

d. Cost

There is no cost to the employee. The City receives no benefit from POP except a savings in FICA matching tax.

e. Annual Enrollment Period

Every year an enrollment period will be conducted to allow employees who pay a portion of the premium for insurance coverages to make that payment as specified under POP. Employees electing to pay the premium required for dependent coverage through POP may only change that election during an annual enrollment period or by providing documentation of a change in family status.

## 9. **Pension Plans** – Non-Uniform Employees

This summary is intended to give a broad overview of the benefits offered to employees in eligible positions. This is not intended to replace or supplement the Plan Document. All questions of eligibility, coverage, benefits will be governed by the Plan Document in effect on that date.

For all plans withdrawals before age 59-1/2 are subject to a 10% income tax penalty plus ordinary income tax on the amount of the taxable distribution. Any amounts received from the taxable portion of the terminating employee's account is subject to a mandatory 20% Federal Withholding regardless of the reason(s) for withdrawal. This withholding is forwarded to the IRS as a pre-payment of taxes due for the year in which the amount is received. These requirements apply only to the taxable portion of the distribution and are specified by IRS regulations.

Non-uniform employees are required to contribute to Social Security; the City contributes a matching amount. Pension contributions are subject to Social Security taxes. Social Security contribution amounts are established by Federal laws.

### a. Enrollment and Effective Date

Non-uniform employees shall be required to participate immediately upon employment in the 2014 Defined Benefit Plan. Participation is mandatory except for:

- i. Sworn Police and Fire Department Employees.
- ii. Employees working directly for the City Manager or Board of Directors, and who are enrolled in an alternate plan.
- iii. Municipal Court Judges, Clerks, and Chief Clerks.
- iv. Participants in the prior Defined Contribution Plan who were age sixty (60) or older on December 31, 2013 and who elected to remain in that plan.

An enrollment form shall be completed in the Human Resources Department as part of the initial employee orientation process.

### b. Contributions

- i. Contributions are mandatory for both the employee and the City. Contribution rates are:

Employee	4.5% of salary
City	9% of salary

For Pension Plan purposes salary includes only regular pay (including approved leave time used) and longevity pay.

- ii. Employee contributions (4.5% of compensation as noted) are deducted from the employee's pay on a pre-tax basis.

c. Administration

The non-uniform employee pension plan, which includes both the Defined Benefit and Defined Contribution plan, is administered by the Human Resources Department. Investment policies are set by the five-member Board of Trustees. Members of this Board will select a financial consultant/advisor and will review investment performance of the fund on at least a quarterly basis. This Board is made up of: Chief People Officer, Director of Finance, and three members appointed by the City Manager.

Administrative policies for the Defined Benefit Plan are set by a three member Administrative Committee made up of the Chief People Officer, Director of Finance and a third member appointed by the City Manager.

d. Pension benefits for Non-Uniform Defined Benefit Plan (effective January 1, 2014)

At normal retirement age, participants with at least five (5) years of service (three years for any person beginning employment after reaching age 62) monthly benefits will be 2% times Final Average Salary times Years of Service (total months of service divided by 12). The standard benefit form will be a life annuity (payment guaranteed to the participant for life with no other guarantee).

Normal retirement age is sixty-five (65) years.

Final Average Salary is the average monthly salary for the highest paid thirty-six (36) months within the final sixty (60) months of employment.

For those choosing to retire at an age less than the Normal Retirement Age, those age sixty-two (62) (with ten (10) years of service) or older but less than age sixty-five (65) will have the normal benefit reduced by three percent (3%) per year less than age sixty-five (65) (1/12 of 3% for each month less than age 65). Any eligible employee at least 55 but less than age 62 who elects to retire will have the Normal Benefit reduced by an actuarial factor equivalent for a life annuity based on their age at retirement.

Otherwise eligible employees less than age 55 (with 20 years of service) may retire but may not receive benefits until reaching an eligible age. Those benefits will be based on compensation calculations for the 60 months prior to the termination date and service from date of hire through that date.

Benefits will be payable beginning on the first day of the month following the retirement date if administratively feasible.

Employees will only be eligible to receive a lump sum payment if the account balance is \$5,000 or less. Such payments will include employee's contributions plus interest calculated at 3% per annum. Participants with less than the five (5) years required service (three years if hired after reaching age 62) will have their contributions refunded with the noted 3% interest rate.

Lump sum payments will be processed as soon as administratively possible after the end of the calendar quarter in which the participant terminated employment and received a final paycheck from the City.

i. Cost of Living Adjustment (COLA)

The Defined Benefit Plan is designed to include regular (annual) Cost of Living Increases. These increases are planned to be effective on each July 1 following implementation. The increase will be two-thirds (2/3) of the CPI-U calculation for the twelve (12) month period ended on the previous December 31. No COLA will be implemented unless the Plan has a funding status of at least 80% on the date of the CPI calculation (December 31). The City maintains the right but is not required to make additional contributions to attain that funding level in cases when it is below that level on the review date.

Retirees will only be eligible for the COLA if the employee has been retired at least one (1) year prior to July 1.

ii. Requesting Retirement Benefits:

Eligible Participants must apply for benefits at least 60 calendar days prior to a planned retirement date to ensure payment of benefits on the first of the month following that date. Failure to provide that notice may result in payments being delayed for processing. All forms required for requesting benefits and establishing payments are available in the HR Department.

iii. Purchasing of Service Credit

Participants may use any funds to purchase service credit for all prior service with the City of Little Rock and up to five (5) years of credit with another governmental agency. All such purchases, whether completed as part of the initial implementation of the plan or at a later date are based on actuarial valuations. No credit will be given which results in initial unfunded liabilities to the plan.

iv. Returning Part-Time After Retirement

Participants who wish to work for the City part-time after retirement cannot do so unless there is a minimum of a four (4) week break in service from the date of retirement to the first date of part-time work.

e. Refund of Pension Contributions

Employees who separate from City employment for any reason other than retirement are entitled to a refund of pension contributions. The refund shall be:

i. Lump Sum withdrawal at termination:

Participants terminating prior to being vested in a pension benefit, those who are vested but chose a lump sum distribution and those whose accrued benefit is actuarially valued at less than \$5,000 may receive a return of their own contributions to the plan with interest calculated at 3% per annum. Refunds will be made as soon as administratively possible after the end of the calendar quarter in which that participant receives a final check from the City of Little Rock.



f. Alternate Plans

i. Previous Defined Benefit Plan

Employees enrolled in the previous Defined Benefit Plan are guaranteed no less than the benefit provided for in that plan. No employee hired after December 31, 1977, shall be enrolled in that Defined Benefit Plan.

The amount of monthly pension benefit under the standard option (5-year Certain and Continuous) shall be: 2% multiplied by the average final monthly salary multiplied by the number of years of service. The pension benefit under this plan cannot exceed 70% of the average final monthly salary, or 1% of the first \$550 of average final salary plus 1-3/4 percent of the remainder multiplied by the years of service, whichever is greater. Average final monthly salary is defined as the average salary for the highest paid 60-month period within the final 120 months of service prior to retirement.

Union eligible employees - accrued sick leave will be converted to service credit for the pension benefit calculation. One month service credit will be counted for each 300 hours of sick leave accrued. Only full increments of 300 hours will be converted for this purpose.

Non-union eligible employees - accrued STD leave can be converted to service credit for the pension benefit calculation. One month service credit will be counted for each 300 hours of sick leave accrued. Only full increments of 300 hours will be converted for this purpose, OR the employee can choose payment for up to 1,250 hours of STD leave, (see Section IV).- Employees eligible for lump sum payment of STD balances must first deduct 1,250 hours (or the total available if less than 1,250 has been accrued) prior to the calculation of the additional service credit.

Employees may retire at age 62 with ten (10) years of service or at age 55 with twenty (20) years of service. Retirement before age 62 requires a reduction in the benefit amount. The reduction is determined by an actuarial chart developed during the initial administration of the Defined Benefit Plan.

The standard option for the Defined Benefit Plan is the Five Year Certain and Continuous benefit. This option guarantees the benefit amount to the employee for life with a minimum guarantee of five years. If the employee dies within the initial five-year period, the employee's beneficiary will receive the same benefit amount until the end of that five-year period beginning with the date of retirement.

Other benefit options may be computed based on the actuarial tables approved by the Plan's Board of Trustees.

Upon election of a monthly benefit from the Defined Benefit plan, all basic employee contributions with earnings and City contributions from date of hire with earnings will be deposited in the appropriate disbursement account. The employees' voluntary contributions (if any) with earnings may be withdrawn as described in paragraph iii. This includes all contribution amounts shown under the Defined Contribution Plan beginning January 1, 1981, through the day of termination.

Defined Benefit Plan participants shall receive their contributions plus interest credited at the rate of 4% per year for contributions made prior to January 1, 1981. City contributions made prior to January 1, 1981, and earnings on those contributions are used to guarantee the benefits for retirees and will not be part of any lump sum distribution.

Contributions made after January 1, 1981, are maintained and reported on the same basis as those for Defined Contribution participants. Terminating employees who are not eligible for, or elect not to receive a monthly benefit amount shall receive their contributions, all interest or appreciation on the contributions plus a portion of City contributions based on the following vesting schedule:

**Years of Service Vested Amount**

1 Yr. Up to and Including the Fifth Year of Service	0% After Five
Years of Service	100%

ii. **Defined Contribution Plan**

This plan applies to non-uniform personnel hired on or after January 1, 1978, and who elected to remain in the plan after January 1, 2014. Upon retirement or termination of employment after becoming vested, the employee will receive the full account value held in his plan account. The retiring or terminating employee may have taxable portions of that distribution sent directly to a provider of an individual retirement account subject to IRS regulations regarding such plans. Retirees may also have the full account value (or portions thereof) transferred to a provider of annuities or another employer's qualified plan. At the retiree's option, a survey of available annuity options may be reviewed to determine the best available benefit.

Defined Contribution Plan participants shall receive 100% of their own contributions, all interest or appreciation on their contributions and City contributions and earnings based on the vesting schedule noted above.

- iii. Additional plans have been established for specific groups of employees (Department Directors, attorneys, etc.) as approved by the City Manager and authorized by Board of Directors. Existing plans of this type are administered by the Chief People Officer who is responsible for ensuring Plan documents, administrative functions and contribution levels are implemented. Questions regarding such plans may be directed to the Chief People Officer. See City of Little Rock Resolution No. 10733. These plans include:

<b>Plan Participant</b>	<b>Employee Contribution Required</b>	<b>Employer Contribution</b>	<b>Vesting Schedule</b>
City Manager	7%	17%	Immediate
Dept. Dir./Asst. City Manager (Nationwide)	7%	15%	Immediate
Dept. Dir./Asst. City Manager (ICMA)	7%	15%	Immediate

For those employees in a group for which such a plan has been established, enrollment and participation will begin immediately upon employment. Mid- Managers who were age 60 or older on January 1, 2014 were allowed to continue in the noted plans (ICMA/Nationwide) at prior contribution levels (10% / 8%) and receive the increased Employer Contribution as provided for Defined Benefit participants as of that date.

Contributions for Department Directors electing to participate in the Defined Benefit Plan will be at the level noted for that plan. The difference between the amounts noted and those DB amounts will be processed as indicated above.

**10. Pension Plans - Uniform Employees**

a. Enrollment and Effective Dates

- i. Uniform Police and Fire employees shall be required to participate from the date of employment.

b. Contributions

Employee	8.5% of salary
City	actuarially determined contribution

Uniform employees are exempt from Social Security, except those employees hired on or after January 1, 1986, who must contribute the Medicare portion of Social Security. Contribution amounts are established by federal law.

c. Administration

The pension plans for the uniform employee groups are administered by:  
City Finance Department (Uniform Fire employees hired before January 1, 1983)

State of Arkansas LOPFI (Uniform Police employees)

d. Benefits

Pension benefits are computed as follows:

Uniformed employees hired before January 1, 1983: After 20 years' service, employee receives one-half of his average final monthly salary and may retire at any age.

For those officers who delay retirement past 20 years of service, there will be an additional benefit amount. That additional benefit equals \$240 per year for each year of service beyond the 20th year. This additional benefit accrues for up to five years of service or a maximum of \$1,200 per year. Employees working beyond the 25th year of service receive an additional 1.25% of monthly salary. Maximum benefit is 75% of final salary.

Uniformed employees hired on or after January 1, 1983: Employees can apply for normal retirement if:

- a. The employee is at least age 55 and has at least 20 years of credited service; or
- b. The employees is at least age 60 and has at least 5 years of credited service; or
- c. At any age, with 28 years of credited service.

The amount of benefit will depend on (i) the amount and type of credited service the employee has, (ii) amount of paid service, and (iii) employee's final average pay. Employees should contact the LOPFI office with any questions regarding benefits.

e. Retirement Procedure

Employees should notify the appropriate administrator 6 weeks before the planned retirement date to allow completion of all required paperwork and computation of benefits.

f. Deferred Retirement Option Plan

Upon reaching eligibility for retirement benefits, uniform employees may elect the Deferred Retirement Option Plan. Information regarding DROP can be obtained from the appropriate Pension Plan Administrator.

## **11. Workers' Compensation**

### **a. On-the-Job Injuries**

The City provides Workers' Compensation coverage for all employees. This coverage provides medical and salary continuation benefits to employees who are injured on the job. Injuries occurring while traveling to or from work or occurring away from the place of work during unpaid lunch or break time are not covered. Additionally, claims can be denied pursuant to the Arkansas Workers' Compensations Commission ACT and case law. Reasons for denial may include but are not limited to, no medical objective finds, positive post-accident/incident drug screen or pre-existing conditions.

An injured employee must report any accident to his supervisor immediately, regardless of severity or whether medical attention is required. To start a claim you must call Medcor at 1-800-775-5866. Non-compliance with this requirement could result in the employee not receiving statutory Workers' Compensation benefits. Statutory Workers' Compensation benefits require employers to provide 66% of an employee's average income for the duration they are unable to work as the result of an on-the-job injury. Additionally, non-compliance with this requirement can result in disciplinary action per the progressive discipline policy. No authorized injury time will be processed until the required Workers' Compensation forms have been submitted to the Human Resources Department. "Accident Report" forms are available in each department for this purpose. The supervisor or designated representative will assist the employee in completing this form and other Workers' Compensation claim forms. Exceptions to the requirement for immediate reporting shall be allowed only in circumstances preventing the employee from reporting, such as hospitalization or severe injury that is life or limb threatening.

If an On-The-Job injury requires medical attention, a completed claim must be submitted within seven (7) days. Medical bills related to treatment of an On-The-Job injury must be forwarded to the Human Resources Department.

Upon implementation of the Workers' Compensation Managed Care rule, all City employees must comply with that rule when receiving treatment for an on-the-job injury.

Authorized injury will run concurrent with any eligible family and medical leave time under the City's FMLA policy.

Time lost due to an On-The-Job injury shall be compensated as follows:

#### **1. Non-Uniform Employees**

The initial three days of time lost after the date of the accident will be charged against accrued leave time (for non-uniform non-union eligible employees accrued leave is limited to PTO) or to leave without pay.

Following the initial three working days, employees injured on the job shall be entitled to full pay for an accumulated maximum of 240 hours. Full pay, as referred to in this section, shall mean the Workers' Compensation payment plus the difference between the employee's regular salary and the Workers' Compensation payment. After an accumulated maximum of 240 hours, employees may supplement their Workers' Compensation payment with any available leave time to continue to receive full salary.

After the initial 30 day period, no leave shall be accrued. If the employee chooses not to use accrued leave or has exhausted all leave, the payment will be reduced to the Workers' Compensation benefit. The City will, upon request of an employee, furnish records reflecting the amount of leave used and the amount

accumulated.

During the period for which the City provides any compensation, the City may order, at the City's expense, medical examination of the injured employee to determine the degree of disability. If there is a difference in findings between those of the employee's physician and the City's physician, the City may request a third opinion prior to making a decision regarding the employee's disability. The third physician shall be selected by the two physicians and the majority findings shall be the decisive factor.

If it is determined that the employee is able to return to work, a date will be set for that employee to return to work. Employees who are determined able to return to work and fail to do so shall be terminated.

Recurring absences related to a previous injury shall be considered the same injury if they occur within 180 days, subject to administrative analysis and diagnosis of the injury. If recurring leave related to a previous injury is required after 180 days from the date of release and return to work, such leave will be treated as a new injury.

Employees who are on Authorized Injury (AI) leave shall participate only in activities expressly permitted by the attending physician. They shall not participate in activities causing a delay in their recovery.

## 2. Uniform Police Employees

Application for On-the-Job Injury Leave shall be made as established by Procedural Guidelines on Injury/Sick Leave report.

An employee who suffers an illness/injury while on or off duty, in the performance of his job within the scope of law enforcement, will receive his full salary for a period of six (6) months. Prior to the expiration of this period, a City designated physician shall make a determination of the degree of disability. If the employee has a permanent disability, he shall apply for disability retirement and be separated from the City's employment upon final determination by the appropriate LOPFI/Pension Board. An illness/injury suffered while performing duties for any other employer must be filed with that Employer's Workers' Compensation plan and noted on a claim filed with the City's plan.

If the diagnosis results in the determination that the employee will be able to return to work within the second six (6) months, he shall continue to receive his full salary.

The contracted Workers' Compensation service company will furnish any salary continuation benefit checks to the City. That check will be distributed to the affected employee along with the payroll check for the balance of the employee's regular payroll amount. These checks shall be issued on a regular payroll date. Under no circumstances will the combined checks exceed the employee's regular amount as set forth in Arkansas Workers' Compensation statutes.

No leave shall be charged while the employee is disabled during the twelve (12) month period. If it is determined that the illness/injury was not job related, all absences related to that incident shall be charged against the employee's accrued leave retroactively.

During the eleventh (11th) month of disability, a City designated physician or one acceptable to the City shall make a determination of the degree of disability.

If the employee has a permanent disability preventing his return to work, he shall apply for disability retirement and be separated from the City's employment upon approval of disability by the appropriate LOPFI/Pension Board, but not later than the end of twelve (12) months from the last day worked.

If the diagnosis results in the determination that the employee will be able to return to work within the next twelve (12) months he shall be kept on payroll and receive only Workers' Compensation payments. The employee may supplement these payments with any available leave time.

If the diagnosis results in the determination that the employee will be able to return to work within the next eighteen (18) months he shall be kept on payroll and receive only Workers' Compensation payments. The employee may supplement these payments with any available leave time.

During the twenty-third (23rd) month of disability, a City designated physician or one acceptable to the City shall make a determination of the degree of disability. If the employee has a permanent disability preventing his return to work, he shall apply for disability retirement and be separated from the City's employment upon approval of disability by the appropriate LOPFI/Pension Board, but not later than the end of twenty-four (24) months from the last day worked.

At any time during the period for which the City provides compensation, the employer may order, at the City's expense, physical, medical or psychological examinations of the injured employee to determine the degree of disability. The type of examination required shall be based on the nature of the illness/injury and the symptoms causing continued absences. If after administrative review it is determined that the employee is able to return to work, a date will be set for that employee to return to work. Employees who have been determined able to return to work and fail to do so shall be terminated. Employees failing to submit to such examination shall be terminated.

Recurring leave(s) of absence related to a previous injury shall be considered one and the same injury, if the injury occurs within 365 days, subject to administrative analysis and diagnosis of the injury reported by the attending physician. However, if recurring leave related to a previous injury is required after one year (365 days) from the date of release and return to work, such leave will be treated as a new injury case.

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

### 3. Uniform Fire Employees

Application for On-The-Job Injury leave shall be made as established by departmental Procedural Guidelines.

Employees who suffer injuries which are peculiar to firefighting shall receive full salary until a determination can be made whether the employee will return to work or has a permanent disability, which will prohibit the return to work, as certified by a physician designated by the City. Injuries **Peculiar to Firefighting** shall be defined to include burns, scalds, smoke inhalation, and trauma injuries caused by falling/collapsing building components at the scene of and during actively combating a fire or during simulated firefighting activities while training. Certain falls may qualify under this Article (i.e., through a roof, through

a floor, from a ladder, or from a rope) if occurring at the scene of or during actively combatting a fire or during simulated firefighting activities while training. Also included are injuries resulting from explosion or exposure to hazardous chemicals which occur while performing assigned duties.

Employees who have been determined unable to return to work will receive full salary for a period of ten (10) months, starting with the date of disability. No leave shall be charged during that period. During the ninth month of disability, a City designated physician shall make a determination of the degree of disability.

If the diagnosis results in the determination that the employee will not be able to return to work within 24 months from the date of illness/injury, he shall apply for disability retirement and be separated from the City's employment. If the diagnosis results in the determination that the employee may be able to return to work within the 24 months from the date of illness/injury, he shall receive his Workers' Compensation benefit amount which he may supplement with available leave. Employees will be charged one-third of the hours normally worked in a regular tour of duty for each day used.

During the 15<sup>th</sup> month of disability, a City designated physician shall make a determination of the degree of disability. If the diagnosis results in the determination that the employee will not be able to return to work within 24 months from the date of illness/injury, he shall apply for disability retirement and be separated from the City's employment.

If the diagnosis results in the determination that the employee may be able to return to work within 24 months from the date of illness/injury, he shall receive his Workers' Compensation benefit which he may supplement with available leave for the duration of the fourth six-month period. Employees will be charged one-third of the hours normally worked.

During the 23<sup>rd</sup> month of disability, a City designated physician shall make a determination whether the employee will be able to return by the end of the 24<sup>th</sup> month of disability. If the diagnosis results in the determination that the employee will not be able to return to work within the 24 months from the date of illness/injury, he shall apply for disability retirement and be separated from the City's employment. If the diagnosis results in the determination that the employee will be able to return to work within the 24 months from the date of illness/injury, he shall return to work on the date specified by the physician. Employees who have been determined able to return to work and then failed to do so, shall be separated from the City's employment.

Employees injured while performing duties which are non-peculiar to firefighting shall receive full pay for the first 30 calendar days of disability. After 30 days, the City shall provide Workers' Compensation coverage. Employees may supplement their Workers' Compensation benefits with any available Sick Leave. They shall be charged with 1/3 of a day for each day of leave used. Prior to the expiration of this 30 calendar day period, a City designated physician shall make a determination degree of disability.

If the diagnosis results in determination that the employee will not be able to return to work within 12 months from the date of illness/injury, he shall apply for disability retirement and be separated from the City's employment. If the diagnosis results in determination that the employee may be able to return to work within 12 months from the date of illness/injury, he shall receive his Workers' Compensation benefit amount, which he may supplement with available leave. Employees shall be charged one-third of the hours normally worked.



During the 11<sup>th</sup> month disability, a City designated physician shall make a determination regarding degree of disability. If the diagnosis results in the determination that the employee will not be able to return to work within 12 months from the date of illness/injury, he shall apply for disability retirement and be separated from the City's employment. If the diagnosis results in the determination that the employee will be able to return to work within 12 months from the date of illness/injury, he shall return to work on the date specified by the physician. Employees who have been determined able to return to work and failed to do so shall be separated from the City's employment.

At any time during the period for which the City provides compensation, the City may order, at City expense, physical or medical examinations of the injured employee to determine the degree of disability. If it is determined that the employee is able to return to work, a date will be set for that employee to return to work. Employees who are determined able to return to work and fail to do so shall be terminated.

Recurring absences related to a previous injury shall be considered the same injury, if they occur within 365 days, subject to administrative analysis and diagnosis of the injury reported by the attending physician. However, if recurring leave related to a previous injury is required after 1 year from the date of release and return to work, such leave will be treated as a new injury case. Employees who are on injury leave shall participate only in activities that are expressly permitted by the attending physician. They shall not participate in activities causing a delay in their recovery.

b. Modified Duty

The City of Little Rock attempts to provide modified duty assignments for all employees injured on-duty. Modified duty assignments will be based on restrictions (if any) established by the authorized treating medical practitioner.

The department in which the injured employee normally works will recommend available modified duty within the department to the Safety/Loss Control Specialist. The Safety/Loss Control Specialist will either approve the modified duty assignment as listed, make modifications to the assignment based on restrictions placed by the treating physician or recommend the injured employee be placed in another modified duty assignment within the City based on the restrictions noted by the treating physician.

Employees with on-the-job injuries will have the option of declining to accept a modified duty assignment. Any employee declining available modified duty will be charged the appropriate accrued time first (i.e., sick leave followed by vacation) then leave without pay for any future absences related to that work-related injury until modified duty is accepted or the employee is released to full duty by the treating physician. Employees declining modified duty will also forfeit any Temporary Total Disability benefits normally provided through Workers' Compensation.

Individual City departments may offer some form of modified duty to an employee whose injury is not work related. However, any such modified duty will be based on restrictions placed by a treating physician and the affected employee must provide the management of that department specific information from the treating physician in order to establish the need for modified duty and the specific assignment to be provided.

## **12. Deferred Compensation**

One deferred compensation program is available to all employees immediately upon hire. Contributions may be arranged with a plan representative through payroll deduction.

This program is established by Arkansas State Law. The Arkansas Diamond Plan provides an alternate vehicle for deferring a portion of compensation based on Section 457 of the IRS Tax Code. Employees participating in previous plans are established by the U.S. Conference of Mayors (Nationwide) and the International City Management Association (ICMA) and ING (no sponsoring group) may continue to participate in the prior plans. No new participants (hired or beginning participation after August 2008, may select other plans). Information regarding the Arkansas Diamond Plan is available in the Human Resources Department Benefits Division or the Arkansas Diamond Plan at 501- 301-9900, or Toll Free 866-271-3327.

Information regarding contacting the plan representatives is available in the Human Resources Department, Benefits Division.

Representatives of this plan will be responsible for enrollment and change forms required.

## **13. Credit Union**

Credit Union membership is available to City employees. Contributions/payments may be made through payroll deductions. The Credit Union is not a function of the City government. Therefore, all decisions and activities of the Credit Union shall be the responsibility of its officers. Information may be obtained from the following:

Non-Uniform Employee and Uniform Police Employees - Arkansas Employees Federal Credit Union - 306 S. Cross – (501) 374-8346

Uniform Fire - Little Rock Fire Department Federal Credit Union - IAFF Officials - 565-9181

## **14. Employee Assistance Program**

Policy

It is the City's intent to provide assistance to any employee who experiences personal problems which may affect health, morale, family, work performance, as well as other areas. The Employee Assistance Program (EAP) provides a confidential counseling and referral service to assist in resolving employees' problems.

The benefit is available to all regular full and part-time employees and their dependents. Some of the areas covered by this program are: personal, family, marriage, legal, financial, drug, and alcohol related problems.

The City's EAP provider, SWEAP Connections is a local agency with counseling available during business hours and on an emergency basis 24 hours a day, 7 days a week. An appointment may be made by calling SWEAP Connections directly at (501) 663-1797. No employee shall have his or her job security or promotional opportunities jeopardized because of a request for counseling or referral assistance.

There is no charge for initial consultations with the EAP counselors. Any ongoing service with any other community agency may be covered by the health insurance program. The counselors, in cooperation with the Human Resources Department, will assist in providing any information concerning future costs.

## Referrals

- a. Self-Referral - Employees may personally recognize the need to contact the EAP. In such cases, employees can go to SWEAP Connections and use their own leave time or schedule after hours. The City will not receive any information about the visit if the employee wishes to use their own time. If the employee wishes to use City time, the employee must notify their supervisor that the appointment is with SWEAP Connections. Supervisors will not ask employees for details regarding the appointment. Appointments are scheduled for fifty (50) minutes on an as needed basis.
- b. Formal Referral - A supervisor may mandate an employee to the EAP to address performance issues, avoid disciplinary action, in lieu of disciplinary action or more severe disciplinary action as per this City of Little Rock Personnel Policy.

**Prior to making a formal referral, the Department Director shall discuss the matter with the designated Human Resources manager. Formal referrals are not considered a disciplinary action and should not be noted on a disciplinary action form. The formal notice of the EAP mandate (form PE 153) should be completed and a copy given to the employee and a copy should be sent in a sealed envelope directly to the designated Human Resources manager.**

It will be the responsibility of the employee to comply with the formal referral and cooperate with the recommendations and treatment established by the counselor. The Human Resources Department shall monitor the employee's compliance with the EAP's recommendation. Employees shall be granted leave with pay for the initial consultation for a formal referral. In cases of formal referral, the EAP will verify to the Chief People Officer or designated Department staff contact whether the employee (a) kept the first appointment and (b) is following a plan of treatment. That information will be provided to the referring supervisor or Department Director. Any employee receiving EAP assistance will be treated with respect and confidentiality. The confidential nature of medical records and private counseling shall be preserved and such information shall not be provided to the City without signed release from the employee.

- c. Any employee who fails to comply with the mandated referral or with the recommended treatment plan or continues to violate rules, regulations or policies is subject to further disciplinary action up to and including termination of employment regardless of compliance with EAP referrals/recommendations.
- d. EAP coverage may be extended based on the same qualifying events, time limits, and premium requirements listed under health insurance in this section.

## 15. Provision of Uniforms

- a. Police Employees

The City shall furnish uniforms according to the Memorandum of Understanding.

Each plain clothes officer will receive a clothing allowance as noted in the Memorandum of Understanding with the appropriate employee group.

- b. Fire Employees

Protective clothing or protective devices required of employees in the performance of their duties shall be furnished without cost to the employees.

The City shall furnish uniforms according to the Memorandum of Understanding.

c. Non-uniform Employees

The City shall provide any department-required clothing for non-uniform employees at no cost to the employee.

**16. Parking**

Free parking is provided to all employees in designated areas. Parking in restricted areas may result in fines or the automobile being towed away.

Employees will be issued a parking permit by the Department of Human Resources, which is to be displayed in the employee's automobile. The permit will contain a number identifying the employee in the Human Resources' records.

All employees with a disability needing assigned and/or closer parking, either temporarily or permanently, as a form of accommodation will be directed to the Labor and Employee Relations Department of Human Resources. Doing so will trigger the Americans with Disabilities Act (ADA) Interactive Process for Parking; requiring the employee to submit appropriate medical documentation from their health care provider. If an employee finds that they will need further accommodations outside of parking, please refer to SECTION IV: Leaves and Accommodations, 9. Disability Accommodation.

Employees who hold a valid Person with Disabilities certification and placard will be eligible for an assigned accessible parking space in any City parking location if there is space available. A provision of the employee's completed Form 10-336 and current permanent placard documentation will be required to verify with the Labor and Employee Relations Department for final approval and assignment. Holding a 'Person with Disabilities' certification does not give an employee priority in parking assignments when he/she has already accepted an available parking space as meeting his/her needs based on this certification.

Upon termination, an employee must return the permit to the Department of Human Resources as part of the termination clearance process.

Employees working at remote facilities (Public Works Operations, Alert Centers, etc.) may not be issued permits; however, employees parking at these facilities are required to follow regulations established for these facilities.

**17. Funeral Expenses**

Uniform Police Employees

The City will pay funeral expenses agreed to as stated in the Memorandum of Understanding.

**18. Residency Incentive Program for New Full-Time Employees**

New full-time employees are eligible for a residency incentive if they currently live outside the City of Little Rock limits and they choose to purchase or lease a primary residence within the City limits. This is a one-time taxable incentive payment of \$5,000 towards the purchase of a home, or \$2,500 towards the lease of a single family or multi-family rental unit. The incentive payments are not a part of the compensation of any new employee who receives the payment.

All full-time employees are eligible immediately upon being hired. The employee must remain employed with the City for at least two (2) years from the date the incentive payment is received. If the employee voluntarily leaves his or her employment with the City prior to the expiration of the two-year period, the residency incentive payment must be repaid to the

City. Employees who are involuntarily separated from employment will not be required to repay the incentive payment. Employees must maintain residency for at least one year.

Employees must apply for the incentive payment prior to the first anniversary of the employee's date of hire. An application with all applicable documentation is required along with a promissory note for repayment should the employee not meet the program requirements. In the case of two married employees working for the city, the incentive will be limited to one payment per household.

## SECTION IV

### LEAVES AND ACCOMMODATIONS

#### 1. General Statement - All Employees

The City provides paid leave time to allow employees to be absent for various purposes without loss of pay. When employees are required to submit a doctor's statement except for any documentation under the STD Leave policy, the statement must indicate the length of the disability, date(s) of treatment, anticipated return, and any work limitations. Doctor statements should not contain genetic information.

##### a. Charging Leave

Employees using accrued leave time will be charged one (1) hour for each hour of absence during their scheduled work shift. Each department shall be responsible for establishing protocol for requesting leave time (forms, logs, time limits for requests).

Employees will be charged leave for the amount of time the employee is regularly scheduled to work the day they are absent or in the case of a flex schedule, the hours needed to complete 40 hours in a workweek.

Employees in fire suppression positions are scheduled to work 24-hour shifts (24 hours on duty; 48 hours off-duty). For such employees, 24 hours of leave will be charged for each day (tour of duty) of absence.

##### b. Advancing Leave

Department Directors may advance any combination of up to forty (40) hours of Leave (Vacation, Sick, PTO or STD) to regular or probationary employees. Department Directors may advance Vacation Leave, Sick Leave, or Paid Time Off even if an employee has accumulated leave of another type available. A memorandum with Department Director approving advancing leave must be forwarded to the Human Resources Department and must indicate actual dates and type(s) of leave to be advanced. HR/Payroll system modification required to advance leave must be entered by the Human Resources Systems Coordinator. If advanced leave is outstanding at termination of employment, a dollar amount equal to the advanced leave (hours outstanding multiplied by employee's hourly rate) shall be deducted from the employee's final pay.

c. Leave Procedures for Employees Moving Between Uniform and Non-Uniform Classifications

When an employee moves from a uniform classification to a non-uniform classification and vice versa, Compensatory Time, Vacation Leave, and PTO balances shall be processed as though the employee had terminated employment. Leave time will be paid at the employee's hourly rate on the date before the transfer. The employee will then begin accruing leave at the applicable rate for the new classification. Sick Leave and Short Term Disability may be carried over to a maximum of 1,000 hours, to the new position and used according to City policy and/or department rules and regulations. Bonus Leave may be carried over to the new position and used according to City policy and/or department rules and regulations. In the case of a retiring Police Officer or Firefighter who is entitled to a sick leave payoff, any remaining sick leave will be carried over to the non-uniform position to a maximum of 1,250 hours; but will not be allowed to use the years of service toward the STD payoff. Uniform employees not eligible for a sick leave payoff will be allowed to use their years of service toward the STD payoff. All Employees transferring under these circumstances will not accrue additional leave time until completion of the probationary period designated for the new classification except Communication Call Takers who will get their leave at the end of six (6) months of employment. The date of the transfer will become the employee's adjusted hire date for purposes of future leave accruals, including discretionary/personal leave.

d. Leave Procedures for Employees Moving To or From Non-Uniform Non-Union Classifications

Employees moving to a Non-uniform non-union classification will have their vacation and discretionary days converted to PTO and three days of their Sick Leave converted to PTO and the remaining balance of Sick Leave to Short-term Disability Leave.

Employees moving to a non-uniform union eligible position will have their PTO leave converted to vacation days and their short-term disability leave converted to sick leave. Discretionary days will be posted according to policy in the same manner the days are posted according to the date of hire.

e. Leave Procedures for Employees Moving Between Full-Time and Part-Time Classifications

No leave shall be carried over for either Part-Time to Full-Time classifications or vice versa. Part-Time employees moving to a Full-Time classification shall have vacation and bonus leave paid out at the Part-Time classification rate up to a maximum of 120 hours plus current year's accruals.

Full-Time employees moving to part-time classifications shall have payouts based on policy applicable to the classification being vacated. All other policies related to leave accrual during the initial probationary period shall apply.

- f. Accrual rates specified as days refer to eight (8) hour days except where otherwise defined. Actual annual leave accrual will equal the number of days specified multiplied by 8. The proportional accrual each pay period will be that number of hours divided by 26 (standard number of pay dates per year) and expressed in hundredths of an hour.

- g. Sick Leave/PTO Abuse

Excessive Sick Leave/unscheduled PTO usage, or repetitive leave usage which creates a pattern, misuse, etc., may indicate abuse. Situations of this type will justify reasonable investigation, and may include telephone calls or personal visits to the employee. Leave abuse may result in denial of paid leave, denial of holiday pay (proof of abuse on the scheduled work shift immediately preceding or immediately following a holiday will result in denial of holiday pay) and disciplinary action. Leave abuse will justify a request for verification for each subsequent illness which occurs within the following ninety (90) days. Departments will notify the employee of the request and the timeframe for the physician's documentation to be returned, i.e., before they are released to return to work or within a three-day period. If after thirty (30) workdays during the ninety (90) day period, leave abuse continues, the City may require the employee to be examined by a City appointed physician.

An employee requiring an indeterminate amount of time off due to a non-job related illness or injury shall be referred by his supervisor or Department Director to the Human Resources Department for counseling regarding entitlements under the City's benefits programs.

- h. Leave Payouts

The amount of leave balance payouts will be made in accordance with policy. Employees may request an early payout to fund 457 contributions in the current and following years and to purchase service credit in the Non-Uniform Defined Benefit pension plan at the time that they apply for retirement. This will allow time for the leave to be paid out and purchasing of service credit before the effective date of retirement.

## 2. **Non-Uniform Non-Union Eligible Employees**

Leave may only be used after completion of the probationary period or after six (6) months of employment for 911 Communications Operators, unless it is advanced to the employee by the Department Director (or by the City Manager in the case of Department Directors) as outlined in #1b. Transferred or promoted employees may use approved leave during probation. For this policy, the date of transfer from a uniform position into the non-uniform position will be used as the date of hire for computation purposes.

Leave accruals for non-uniformed non-union employees will be prorated based upon hours in pay status per pay period. Any employee who has leave without pay (authorized or unauthorized) or unpaid Family and Medical Leave (FMLA) leave will have their leave accruals prorated proportionate to the amount of unpaid leave.



a. Paid Time Off (PTO)

Paid Time Off leave may be used for vacation time, personal illness, or illness of a family member. Authorized holidays falling within an employee's vacation period will not be counted as vacation time. Use of paid leave time for other than personal or family member illness or emergency must be scheduled in advance with supervisory approval. Employees must comply with departmental policies for reporting absences and approving time off work. Whenever possible, the City will grant requested PTO leave at the convenience of the employee. However, departmental needs must be met.

Employees below the level of Mid-Manager shall earn Paid-Time Off at the following rate:

<b>Years of Service</b>	<b>PTO Hours Annual Accrual</b>	<b>PTO Hours Per Pay Period Accrual</b>	<b>PTO Maximum Balance</b>	<b>STD Hours Annual/pay period Accrual</b>
Up to 3 years of Service	160	6.15	320	48/1.85
3 to 10 years of service	200	7.70	320	48/1.85
10 to 20 years of service	224	8.62	320	48/1.85
20 years of service and over	256	9.85	320	48/1.85

Employees at the level of Mid-Manager shall earn Paid-Time Off at the following rate:

<b>Years of Service</b>	<b>PTO Hours Annual Accrual</b>	<b>PTO Hours Per Pay Period Accrual</b>	<b>PTO Maximum Balance</b>	<b>STD Hours Annual/pay period Accrual</b>
Up to 3 years of Service	184	7.08	400	72/2.76
3 to 10 years of service	224	8.62	400	72/2.76
10 to 20 years of service	248	9.54	400	72/2.76
20 years of service and over	280	10.77	400	72/2.76
Department Directors*	263.90	10.15	500	72/2.76

\*Up to 20 years

Proportional accruals shall be available after each pay period. Reduction of time accrued beyond the maximum allowance shall be computed on December 31 and will be deposited in the short-term disability (STD) account.\*\*

**\*\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR PTO LEAVE BALANCES WILL BE EXTENDED UNTIL DECEMBER 31, 2024.**

b. Short-term Disability (STD)

Each employee will accrue the equivalent of forty-eight (48) hours per year in the STD account or a proportional amount based on hiring date. The maximum balance of the STD account is 1,250 hours except for those employees in the Defined Benefit Plan and those employees hired before January 1, 1981, who will have no maximum. Short-term disability can be used for extended personal illness, or illness of a family member, requiring the employee to be absent more than three (3) days. Additionally, non-union employees may use STD without the three (3) day requirement for COVID quarantines and illnesses, doctor's appointments, yearly wellness visits, recommended age appropriate preventive care and required medical procedures (i.e. mammogram for women over forty or colonoscopy for men over forty-five.) The employee's age and medical history will determine what screenings, test, exams or procedures are appropriate. Time deposited in the short-term disability account may not be transferred back to the paid leave time account.

Employees will be allowed to use up to six weeks of STD for the birth or adoption of a child. The six (6) weeks will begin at birth or upon finalization of the adoption. The six (6) weeks are available for either parent. The first twenty-four (24) hours of the absence will be charged to PTO if leave is available or to leave without pay. This leave can be used in conjunction with PTO leave, or additional STD if supported by required medical documentation. Adoption of a spouse's child will not qualify for leave. Employees at the maximum balance (1,250) at the time of an illness/injury will not be required to use three (3) days of Paid Time Off (PTO) before using their STD. Employees will still have to provide documentation of being ill/injured after the third day of being off and provide a release that they are medically able to return to work with or without restrictions. After an employee has used their STD resulting in them no longer being at the maximum, future absences for illness/injury will require the first three days to be charged to PTO, unless it is a chronic condition or a continuation of the absence and those will be handled according to policy, until the employee is at the maximum again.

Before an employee can charge leave against the short-term disability account, a STD Leave Request form must be submitted to his Department Director with acceptable documentation.

c. Charging Leave: Paid Time Off (PTO) and Short Term Disability (STD)

Absence due to personal illness or illness of a family member is to be reported as PTO leave time taken for the first twenty-four working hours per incident (see exceptions in section (c)). When there is no accrued time in the paid leave account, the first three (3) days per incident of illness must be leave without pay. Absence due to personal illness, or the illness of a family member beyond twenty-four (24) working hours will be deducted from the short-term disability account as long as accrued time is available. Leave should be taken in the following order: twenty-four (24) consecutive hours of paid leave time except for chronic conditions as addressed below, short-term disability leave, compensatory leave, remaining paid leave time, and leave without pay. Duration of the disability is to be medically determined.

After three (3) days of absence for an employee's own medical condition, the employees will be required to provide a doctor's note releasing the employee to return to work with or without restrictions. No supervisor should compel an employee to return to work without a medical release. Short-term disability time

taken will not be considered as time worked for overtime purposes.

An employee returning to work a reduced work schedule following a short-term disability may continue to draw from the short-term disability account for the time not worked until a full release is given by the physician. An employee will be able to charge additional absences resulting from the same injury or illness to short-term disability if an absence occurs within thirty (30) calendar days of the last absence charged to leave. The absence will be considered a continuation of the incident and charged to short-term disability without charging an additional twenty-four (24) hours to PTO.

Paid Time Off leave may be used for vacation time, personal illness, illness of a family member. Authorized holidays falling within an employee's vacation period will not be counted as vacation time. Use of paid leave time for other than personal or family member illness or emergency must be scheduled in advance with supervisory approval. Employees must comply with departmental policies for reporting absences and approving time off work. Whenever possible, the City will grant requested PTO leave at the convenience of the employee. However, departmental needs must be met.

d. Funeral Leave

Employees who have a death in their immediate family, such being defined as mother, father, including step parents, brother, sister, son, daughter, grandparents, grandchildren, son-in-law, daughter-in-law, spouse, or spouse's immediate family, shall receive up to three (3) days (four [4] days for an out-of-state funeral) with pay to handle necessary funeral arrangements or related business. The employee shall provide documentation that their absence was related to a death within their immediate family as defined above. Such documentation shall be in the form of an obituary or statement from the funeral director noting name of deceased and date of funeral. The employee will be paid their regular hourly rate for any such days of excused absence which occur during their normal work schedule. Funeral leave will be granted unless it creates an undue hardship for the Department; however, the Department will do its best to allow employees off of work.

e. Chronic Conditions

The City recognizes that employees and their family members, have medical conditions that require ongoing absences resulting from the symptoms of the condition or for treatment. An employee will have the option of presenting medical documentation yearly to their department director to document such a condition. Acceptable medical documentation should not contain genetic information, but should be specific to detail that the condition is chronic and is severe enough to require ongoing treatment or symptoms to incapacitate the employees to the point the employee needs to be absent from work. After an employee charges a cumulative of twenty-four hours to PTO due to this condition or illness, all additional absences can be charged to STD with the Director's approval. Depending on the medical condition, the Director can request documentation for each absence. The employee will only be required to charge the twenty-four hours of PTO once per condition and not once a year.

f. Payment of Leave Upon Termination of Employment

Payment for leave upon termination of employment will be as follows, unless otherwise authorized by the City Manager. The City will deduct money owed from the employee's final leave payout due to: theft, unreturned uniforms, or unreturned property.

Cash payment to an employee in lieu of unused PTO leave will not be permitted except upon termination of employment. Upon termination of employment, the employee will receive payment of all the PTO leave account balance. After five (5) years of service with a cap of twenty-five (25) years an employee will receive 4.0% of the STD account per month of service divided by twelve (12) (monthly calculation based on the employee's date of employment) starting from the first month of the most recent date of hire (except for Uniform employees who retire and transfer to a non-uniform position see IV-2.c).

All employees will receive 4.0% per month of service based on a maximum of 1,250 hours paid and cap of twenty-five (25) years. Participants in the previous Defined Benefit plan (prior to the implementation of the 2014 Defined Benefit plan) will have the option of receiving payment (based on 4.0% per month of service) for up to 1,250 hours of their STD account and/or converting hours in the STD account to additional service credit at the rate of one month credit for each 300 hours of STD. (Months of Service/12 x 4% x accrued time up to 1,250 hours x hourly rate = payoff with a maximum payoff of 1,250 hours.) No payoff will exceed a total of 1,250 hours of STD.

The city will pay a designated beneficiary of any non-uniform employee who dies while an active employee the balance of accrued STD up to a maximum of 1000 hours. This benefit will become effective when leave benefits are posted and accrued.

Employees who receive a sick leave payout from a uniform position, must complete five (5) years of service in a PTO eligible position before they can receive a STD payout under this Article.

3. **Non-Uniform Union Eligible Employees**

a. Vacation Leave

**Regular full-time** employees earn Vacation Leave; however, leave may not be used until after completion of the six (6) month probationary period, unless it is advanced to the employee by the Department Director (or by the City Manager in the case of Department Directors) as outlined in Section IV-1.b. After completion of the initial post-hire probationary period, transferred or promoted employees may use approved leave during probation in the new position.

Proportional accruals shall be available after each pay period. Vacation Leave accruals will be prorated based on actual hours in pay status for any pay period when a non-uniform employee has any leave without pay.

Employees shall earn Vacation Leave at the following rate:

Up to 3 years of service	=	10 days per year (3.08 hours per pay period)
3 to 10 years of service	=	15 days per year (4.62 per pay period)
10 to 20 years of service	=	19 days per year (5.8446 per pay period)
20 years of service and over	=	23 days per year (7.077 hours per pay period)

b. Requesting Vacation

Written requests for Vacation Leave must be submitted in advance to the supervisor. Every effort shall be made to grant an employee the requested time without disrupting the operation of the department. In case of significant disruption of departmental operations, use of Vacation may be denied. Absences during the affected time frame may be considered as Unauthorized Absence (without pay). Priority shall be established according to seniority.

Vacation may be accumulated; however, a maximum of 32.5 days (260 hours) will be allowed to be carried over to the next calendar year. If requested in writing by the Department Director and approved by the City Manager, a carry-over of the excess leave shall be permitted. On December 31 any excess Vacation Leave shall be forfeited. Any approved carry-over of excess leave shall not exceed 240 plus the current carry-over year's accrual.\*

**\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR VACATION LEAVE BALANCES WILL BE EXTENDED UNTIL DECEMBER 31, 2024.**

Employees who have completed the initial probationary period shall be paid for accrued Vacation Leave upon termination of employment for any reason. Such pay-off shall not exceed 240 plus the current year's accrual.

Employees who incur a sickness or injury resulting in hospitalization while on Vacation may have their leave charged to Sick Leave upon presenting documentation including diagnosis, length of hospitalization, and signature of attending medical authority.

c. Discretionary Days/Personal Leave

**Regular, full-time** employees shall receive the following number of discretionary days during their first year of employment:

If hired January 1 through March 31	=	3 days (24 hrs.)
If hired April 1 through June 30	=	2 days (16 hrs.)
If hired July 1 through September 30	=	1 day (8 hrs.)
If hired October 1 through December 31	=	0 days (0 hrs.)

Employees with over 10 years of service as of January 1, will receive an additional discretionary day.

Employees will receive a maximum of four (4) discretionary days per year at the first of the year following the date of employment. Discretionary days will not be carried over to the next calendar year. There will not be any compensation for DD/PL remaining at termination of employment. Discretionary leave may be used until December 31. Employees who leave employment and then are rehired during the same year will not receive any additional discretionary days.

Discretionary days must be requested and scheduled three (3) workdays in advance, except in cases of emergency. If granting a discretionary day would severely disrupt the operation of the department, the request may be delayed. If more than one (1) employee requests the same date, and granting these requests will disrupt the operation of the department, then priority will be established according to seniority.

The use of discretionary time for the day after Thanksgiving, Christmas Eve, or New Year's Eve must be requested by November 15th.

d. Sick Leave

Sick Leave may be used for an employee's personal illness or injury and medical, dental, and optical examinations. It may also be used for pregnancy or any related disabilities.

**Regular full-time** employees earn Sick Leave at the rate of twelve (12) days per year. Proportional accruals shall be available after each pay period; however, leave may only be used after completion of the six (6) month probationary period, unless it is advanced to the employee by the Department Director as outlined in 1b above. If unused, this Sick Leave shall be allowed to accumulate to a maximum of 125 days (1000) hours for those regular full-time employees hired on or after January 1, 1981.

Employees hired and enrolled in the Defined Benefit Retirement Plan on or before December 31, 1980, shall have no limit placed on Sick Leave accrual. At retirement, the accrued Sick Leave of employees who are enrolled in the Defined Benefit Plan will be converted to additional service credit for purposes of retirement benefit calculations at the rate of one month credit for each 300 hours of accrued Sick Leave. This accrued time will not result in any other compensation to the employee.

Employees hired on or after January 1, 1978, are covered by provisions of the Defined Contribution Pension Plan. This plan does not provide a Sick Leave conversion formula. However, employees hired after that date but on or before December 31, 1980, shall have no limits placed on their Sick Leave accumulation.

#### Personal Sick Leave:

Personal Sick Leave may be used for an employee's personal illness or injury and medical, dental, and optical examinations. For routine examinations, Sick Leave shall be limited to the time required for the exam and reasonable travel time. Additional time used must be charged to another leave type.

It is the responsibility of the employee to notify his supervisor of any illness by the scheduled shift start time from the first day of the absence and daily thereafter on short-term illness, unless instructed otherwise by the supervisor.

During an extended illness, it is the responsibility of the employee to inform the supervisor not less than every week of the status of such extended illness so long as the employee is physically able to do so.

In cases of a non-job related injury or illness for which the employee is absent more than three (3) consecutive workdays, the employee shall be required to provide the employer with a physician's statement indicating the length of disability, date(s) of treatment, anticipated return, and any work limitations. The statement will be required before an employee will be allowed to return to work.

Any employee who has to be absent from work in excess of two (2) weeks (10 working days) of the normal and usual convalescence time as established by P.A.S. (Professional Activity Study) may be required to see the City's physician for an evaluation examination and a release to return to work. The City will bear the cost of such examination. If the exam results in a determination that the employee is able to perform the duties of his position, a date for his return to duty will be set. Any employee failing to return to duty after such release shall be separated from City employment.

The city will pay a designated beneficiary or the estate of any non-uniform employee who dies while an active employee the balance of accrued sick leave up to a maximum of 1000 hours. This benefit will become effective at the end of the 6 month probationary period when leave benefits are posted and accrued.

#### Family Sick Leave:

Sick leave may be used for illness or injury or documented medical treatment, including medical, dental, and optical examinations, of a member of the employee's immediate family which is defined as spouse, parent or children only, either natural, adopted or for whom the employee has legal guardianship. Parent is limited to the employee's own parent, not a spouse's parent unless the employee has legal guardianship. Such leave shall be limited to eighty (80) hours per year. Employees shall make every effort to schedule requests for non-emergency examinations and inform their supervisors of such examinations as far in advance as possible. Employees may be required to submit documentation of the illness or examination, which may include a physician's statement.

Foster children will be included in the definition of immediate family provided that the employee presents documentation from the proper governmental agency showing appointment as foster parent.

e. Sick Leave Bonus Leave Program

Regular, full-time non-uniform union employees are eligible to earn the following bonus leave for non-usage of Sick Leave:

- 1) An employee who does not use any sick leave from January 1, through June 30, will receive four (4) hours of bonus time off with pay.
- 2) An employee who does not use any sick leave from July 1, through December 31, will receive (4) four hours of bonus time off with pay.
- 3) An employee who does not use any sick leave from January 1, through December 31, will receive eight (8) hours of bonus time off with pay.

Only an employee who has attained regular status at the beginning of the six (6) month period shall be eligible for the leave. An employee who was on Authorized Injury (AI) leave or any unpaid leave during the above specified periods will not be eligible to receive leave for that period.

An employee who is terminated for cause forfeits the right to receive any leave.

f. Funeral Leave

Regular full-time employees who have completed the initial post hire six (6) month probationary period shall receive up to three (3) days with pay to handle necessary funeral arrangements or related business for a death in their immediate family. Four [4] days with pay will be granted for an out-of-state funeral. Employees will be paid their regular hourly rate for any excused absence that occurs during their normal workweek for the number of hours regularly scheduled to work on that day. Immediate family shall be defined as: mother, father, or (current) stepparents, brother, sister, son, daughter, grandparents, grandchildren, son-in-law, daughter-in-law, spouse, or spouse's immediate family.



#### 4. Uniform Police Department Employees

##### a. Vacation Leave

Leave may only be used after completion of two (2) years of employment or upon completion of the Police Academy Recruit Class, unless it is advanced to the employee by the Department Director as outlined in Section IV.1.b.

Leave will be earned according to Arkansas State Law. Union eligible employees will receive fifteen (15) days per year (120 hours). During the calendar year of 2020 only, a total of thirty-six (36) additional hours of vacation will be accrued.

Non-Union eligible employees will receive eighteen (18) days per year (144 hours). Proportional accruals will be available after each pay period.

Vacation may be accumulated as follows:

Union Eligible: a maximum of forty-five (45) days (360 hours) may be carried over to the next year, except when an employee is unable to take Vacation because of departmental needs. If approved in writing by the Department Director, a carry-over of the excess Leave shall be permitted. Such carry-over shall not exceed 240 hours plus the current year's accrual.\*\*

Non-Union Eligible: a maximum of fifty (50) days (400 hours) may be carried over to the next year, except when an employee is unable to take Vacation because of departmental needs. If approved in writing by the Department Director, a carry-over of the excess Leave shall be permitted. Such carry-over shall not exceed 320 hours plus the current year's accrual.\*\*

**\*\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR VACATION LEAVE BALANCES WILL BE EXTENDED UNTIL DECEMBER 31, 2024.**

Employees shall be paid for accrued Vacation Leave upon termination of employment for any reason at the hourly rate in effect on the date of termination. Such payoff shall not exceed the maximum carryover (360 or 400 hours) plus the current year's accrual.

##### b. Discretionary Days/Personal Leave

Union eligible employees with five (5) to fifteen (15) years of continuous service shall be granted five (5) Discretionary Days per year (40 hours). Employees with fifteen (15) years or more of continuous services shall be granted seven (7) Discretionary Days per year (56 hours).

Non-Union eligible employees with five (5) to fifteen (15) years of continuous service shall be granted seven (7) Discretionary Days per year. Employees with 15 years or more shall be granted nine (9) Discretionary Days per year (72 hours).

If an eligible employee's leave progression date is before July 1, he will receive Discretionary Days during the current calendar year. If an eligible employee's anniversary date is on or after July 1, he will receive Discretionary Days at the

beginning of the next calendar year. For employees transferring to a uniform police position from another employee group, the date of the transfer to the police uniform position will be used to calculate service credit.

Discretionary days will not be carried over to the next calendar year. There will not be any compensation for Discretionary Days/Personal Leave remaining at termination of employment. Discretionary time may be used until December 31.

c. Sick Leave

Leave may only be used after completion of six (6) months of employment or upon completion of the Police Academy Recruit Class, unless it is advanced to the employee by the Department Director as outlined in Section IV.1.b.

Employees shall start accruing after one year of employment, proportional hours of Sick Leave per pay period, with a maximum allowable accumulation of 1,600 hours.

Sick Leave may be used for personal illness or injury and medical, dental or optical examinations.

An employee shall be compensated in cash at his basic rate of hourly pay for any unused Sick Leave up to seven hundred twenty (720) hours for union eligible and one thousand (1,000) hours for non-union eligible upon retirement or death.

Employees will be able to receive a sick leave incentive payment for up to four hundred (400) hours for union and five hundred (500) hours for non-union eligible employees after twenty (20) years of service. Employees will be allowed to receive the incentive two times per calendar year (June and December). In order to receive the incentive, the employee must have a maximum balance of sick leave hours. Once the incentive payment is received the maximum sick leave balance for the employee will be reduced by that amount for the remainder for their career. This is considered a sick leave incentive program and would not be a pensionable wage. Requests must be in fifty (50) hour increments. For union eligible employees, the request is not to exceed two hundred (200) hours in one request.

d. Family Sick Leave

Sick Leave may be used for illness or disability requiring hospitalization or emergency treatment in the employee's immediate family. Immediate family is defined as mother, father, spouse or children, either natural, adopted or for whom the employee has legal guardianship, or stepchildren living with the employee. Such leave shall be limited to forty (40) hours per calendar year, and shall be deducted from the employee's accumulated Sick Leave.

e. Funeral Leave

In the event of a death in an employee's immediate family, the employee shall be granted time off with pay at the time of the emergency. Employees will receive one (1) day off with pay for the death of a grandparent or grandchild of the employee or the employee's spouse. In the event of the death of a spouse, child, mother, father, brother, sister, of the employee and the employee's spouse the employee may request up to three (3) days of time off with pay.

## 5. Uniform Fire Department Employees

### a. Vacation Leave

Union eligible employees will receive Vacation Leave according to the following table: upon to achieving years of service on or before June 30

<b>Years of Service</b>	<b>56-Hour</b>	<b>40-Hour</b>
1 year - 4 years	7 tours	15 tours
5 years - 9 years	8 tours	17 tours
10 years – 14 years	10 tours	20 tours
15 years – 17 years	12 tours	23 tours
18 years plus	13 tours	24 tours

For clarification, leave accruals will begin on the employee's anniversary date the year before the respective year (accruals start in 2000 for 2001). This will have the result of the employee receiving by his anniversary date the accrued equivalent of the total number of days prescribed in the year listed.

Non-Union Eligible employees will receive five (5) weeks of Vacation Leave, which equals 14 (14) tours of duty for 56 hour employees and twenty-five (25) tours of duty for 40-hour employees.

Vacation may be accumulated as follows:

**Union Eligible:** a maximum of 448 hours for 56-hour employees and 320 hours for 40-hour employees may be carried over to the next calendar year, except when an employee is unable to take Vacation because of departmental needs. If approved in writing by the Department Director, a carry-over of the excess leave shall be permitted. Such carry-over shall not exceed 336 plus the current year's accrual.\*\*

**Non-Union Eligible:** a maximum of 448 hours for 56-hour employees and 320 hours for 40-hour employees may be carried over to the next calendar year, except when an employee is unable to take Vacation because of departmental needs. If approved in writing by the Department Director, a carry-over of the excess leave shall be permitted. Such carry-over shall not exceed 448 plus the current year's accrual for 56-hour employees, 320 hours plus the current year's accrual for 40-hour employees.\*\*

Reduction of excess Vacation leave shall be computed on January 31 for fifty-six (56) hour employees. December 31 for forty (40) hour employees.\*\*

**\*\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR VACATION LEAVE BALANCES WILL BE EXTENDED UNTIL **DECEMBER 31, 2024** FOR FORTY (40) HOURS EMPLOYEES.**

**\*\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR VACATION LEAVE BALANCES WILL BE EXTENDED UNTIL **JANUARY 31, 2025** FOR FIFTY-SIX (56) HOUR FIRE SUPPRESSION EMPLOYEES.**

Accumulated Vacation Leave will be adjusted by a factor of 1.4 when 56-hour employees transfer to 40-hour positions and vice versa.

Vacation schedules will start on January 1 and will be governed by the following policy. Firefighters will bid by seniority, in rank, by district, each person selecting one (1) period before any employee selects a second period. Vacation usage may be split into the maximum number of full days available per year. Firefighters who have the same employment or promotion date shall draw for selection of opportunity prior to the scheduling each year. Once the days have been selected and confirmed, no employee will be allowed to bump another employee from scheduled vacation dates. However, after all days have been selected and confirmed, a Firefighter may change scheduled days if it does not conflict with the vacation or personal leave time that has been previously selected and scheduled within that district. No employee will be denied his choice due to another employee's mandatory scheduling.

Since Vacations must be scheduled by seniority, uniform Fire employees will be advanced Vacation Leave up to an amount equal to the current year's accrual (168 hours). If advanced leave is pending upon termination, the employee's final paycheck shall be reduced by the amount of the advance still pending.

Employees who have completed their probationary period shall be paid for accrued Vacation Leave upon termination of employment for any reason at the rate of pay in effect on the date of termination.

b. Administrative Leave

Employees may be granted leave for activities beneficial to the department as determined by the Fire Chief. Such activities may include schools and seminars on firefighting practices, Pension Board and Health Fund Board meetings, and legislative hearings and community meetings.

c. Sick Leave

Employees shall receive Sick Leave at the following rate:

**56-hour employees**

Up to 4 years	=	15 days (tours) per year
4 years and over	=	12 days (tours) per year

**40-hour employees**

Up to 4 years	=	15 days (tours) per year
4 years and over	=	12 days (tours) per year

A proportional accrual shall be available after each pay period. Unused Sick Leave may be accumulated up to a maximum of 100 tours of duty. Sick Leave may be used for personal illness or injury and for medical, dental, or optical examinations.

Employees shall be compensated in cash for accrued Sick Leave at their employment termination due to retirement or death if they have completed 20 years of service. Payment for Sick Leave shall not exceed four (4) months of salary. The amount of payment for unused Sick Leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's retirement or death.

Employees who have completed 10 through 19 years of service will be eligible to receive a prorated payment if they have accrued a minimum of 60 days (1440 hours) at least six (6) months prior to the onset of any illness or injury leading to retirement or death. Employees with 10 years of service shall receive 50% of 1/2 of their remaining accrued Sick Leave, not to exceed 30 days. Each additional year of service thereafter shall increase the rate by 5%. This procedure shall not prohibit an employee from using accrued Sick Leave.

d. Family Sick Leave

Sick leave may be used for an employee's immediate family's serious illness or disability and non-routine medical or dental appointments requiring hospitalization or emergency treatment in the employee's immediate family (immediate family is defined as spouse, children, mother and father) which requires the presence of the employee, not to exceed four (4) tours of duty or 96 hours of duty in a calendar year for 56-hour employees. For forty (40) hour employees, leave for family illness or disability family sick leave shall not exceed seventy-two (72) hours of duty in a calendar year. Emergency treatment is defined as unforeseen necessary treatment performed by a qualified medical professional. Employees may be required to submit documentation that verifies the dates of treatment or hospital confinement.

e. Funeral Leave

In the event of a death in an employee's immediate family, the employee shall be granted leave from the time of death through one (1) day after the funeral. For 56-hour employees, such leave shall not exceed two (2) tours of duty. For 40-hour employees, it shall not exceed four (4) tours of duty. Immediate family shall be defined as: spouse and children of the employee, mother, father, grandparent, brother and sister of the employee and the employee's spouse.

**6. Leave for Regular Part-Time Employees and Limited Service Part-Time Employees**

- a. **Regular Part-Time** and Limited Service Part-Time employees who work 1,500 hours<sup>1</sup> shall receive six (6) days of Sick Leave upon the completion of the 1,500 hours. If unused, this Sick Leave shall be allowed to accumulate to a maximum of fifteen (15) days (120 hours). Regular, full-time non-probationary employees who transfer to regular, part-time positions will receive credit for the previous years of service for purposes of Sick Leave accrual<sup>2</sup>.
- b. **Regular Part-Time** and Limited Service Part-Time employees who were in pay status (vacation, sick leave, or actual hours worked) for at least 1,500 hours during the year shall receive the following Vacation Leave:

Up to 10 years of service	=	5 days per year (40 hrs.)
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10 years or more	=	7-1/2 days per year (60 hrs.)
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Each department must verify the eligibility of employees to the Human Resources Department. All leave amounts will then be posted to each employee's record no later than the following pay period. Leave will not be posted for terminating part-time employees if the employee terminates before that leave is posted.

The maximum leave carryover for part time employees is 120 hours.\*\*

**\*\*PLEASE NOTE THAT THE LEAVE CUT BACK TO THE MAXIMUM CARRY OVER BALANCE FOR VACATION LEAVE BALANCES WILL BE EXTENDED UNTIL DECEMBER 31, 2024.**

Vacation and bonus leave payouts will be paid upon termination for any reason after completion of termination clearance form.

<sup>1</sup> **In a calendar year**

<sup>2</sup> **Credit will be granted for total years of service and not the hours worked. The 1,500 hours are for hours worked in the part-time status. Full-time hours will not be counted in reaching the 1,500 hours.**

## 7. **Other Leaves for Regular Employees**

### a. Jury Duty

Employees in regular positions will be granted a leave of absence for time required to serve on jury duty and shall be compensated at their regular rate of pay. Employees will be required to provide verification of the actual time spent for jury selection and duty.

### b. Court Administrative Leave

An employee required to be absent from work by a lawful subpoena issued by a court or legally constituted commission, which compels his presence as a witness in a case to which he is not a direct party shall be granted an administrative leave with pay for such absence. Employees will be required to provide verification of the actual time spent in court. If the employee responds to the subpoena during work hours, any witness fee received should be deposited into the City's General Fund. However, if the employee is not on duty, the employee may retain the witness fee. This is not to be confused with Civil Duty Pay for Police Officers.

### c. Military Leave

Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), Arkansas State Law (including but not limited to Arkansas Code Annotated § 21-4-102, §21-4-203, and § 21-4-212) provides several protections for employees who are on deployment for civilian work due to voluntary or involuntary uniformed service. It is the City's policy to honor and comply with the provisions of those statutes. Uniformed Services are classified as the Armed Forces (Army, Navy, Marine Corp, Air Force, or Coast Guard), the Army National Guard, the Air National Guard, full-time National Guard duty, the Commissioned Corp of the Public Health Service, and any other category of persons designated by the President of the United States, in time of war, or national emergency. Service refers to the performance of such military duty on a commission or non-commission status, and on a voluntary or involuntary basis, in the uniformed services, including; active duty, active duty for training, active duty for special work, weekend or weekday drill, funeral honors, fitness for duty, or other required examination.

USERRA prohibits discrimination against persons because of their service in the military. USERRA prohibits the City from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the rights of veterans, reservist, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service and training.

#### i. Annual Training and Duties Performed in an Official Duty Status

A regular employee who is a member of the Armed Forces Reserve or National Guard shall be granted a paid Leave of Absence for the purpose of participating in annual military training programs or performing other duties in an official duty status. Any employee requesting such leave must present a copy of his orders to his department for each assignment requiring his absences from the City of Little Rock. The department will be responsible for completing the necessary status change form to place the

employee on military leave, and once the employee returns to work, the status change form to remove the employee from military leave.

In accordance with the Arkansas State Law, the employee will be entitled to paid leave at a rate of one hundred sixty-eight (168) hours , plus necessary travel time per calendar year. Necessary travel time is not to be more than two additional days in any one calendar year.) Up to one hundred sixty-eight (168) hours unused military leave hours may be carried over to the succeeding year for a maximum of three hundred thirty-four (334) military leave hours for military training purposes for that calendar year.

Multiple Unit Training Assembly (Drill) is covered under "performance of other duties in an official duty status." An employee who is scheduled to attend drill during scheduled work days may elect to count this time towards meeting the one hundred sixty-eight hours allotment or accrued balance mentioned in paragraph two above. Employees must have enough time after leaving the employment position to travel safely to the uniformed service site and arrive fit to perform the service. If the employee performs a full overnight shift for the civilian employer and travels directly from the work site to perform a full day of uniformed service, the employee would not be considered fit to perform the uniformed service. An absence from that work shift is necessitated so that the employee can report for uniformed service fit for duty.

For Drill/Annual Training:

- a. No employee should be required to work the second (2<sup>nd</sup>) or third (3<sup>rd</sup>) shift if they have to report to an official duty status the following day. Additional time may be requested if needed.

After an employee has exhausted his allotted one hundred sixty-eight (168) hours in a calendar year or accrued balance, his participation in annual training programs or assignments shall be considered as Leave Without Pay for the remainder of that calendar year. An employee may use accrued Vacation, compensatory time or DD/PL to remain in pay status for short-term (not more than 30 calendar days) after exhaustion of the accrued balance of military leave.

The employee's dates for longevity, seniority, leave accrual and pension shall not be effected by such absences. No leave accruals or payments will be processed for the time the employee is in an unpaid status. However, pension reinstatements will require repayment of refunded contributions, and payment of any contributions that would have been made during the period the employee was on active duty. These payments must be made in accordance with current Internal Revenue Service (IRS) regulations.

Contributions to an existing Deferred Compensation Plan (Section 457) which were missed due to the active duty status may also be paid by the employee subject to Section 457 rules.



ii. Emergency Leave Not Exceeding 30 Days

Any regular employee who is a member of the Armed Forces Reserve or National Guard, who is called to duty in an emergency situation by the Governor or by the President of the United States, shall be granted a paid leave of absence.

The employee will be entitled to such a paid leave of absence for the duration of the emergency situation, but not to exceed thirty (30) work days. For Firefighters, such leave of absence is limited to 240 hours.

Emergency situation is defined as 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 as defined by Arkansas State Laws.

The employee's dates for longevity, seniority, leave accrual and pension shall not be effected by such paid absences. No leave accruals or payments of any kind will be processed for the time the employee is in an unpaid status. However, pension reinstatements will require repayment of refunded contributions, and payment of any contributions that would have been made during the period the employee was on active duty. These payments must be made in accordance with current Internal Revenue Service (IRS) regulations. Contributions to an existing Deferred Compensation Plan (Section 457) which were missed due to the active duty status may also be paid by the employee subject to Section 457 rules. For non-uniform employees, paid holidays occurring while the employee is on military leave will not count toward the fifteen or thirty days of leave.

iii. Military Leave Exceeding 30 Days

Military leave for periods exceeding thirty (30) consecutive working days shall be treated as Veterans' Reinstatement (see Pages VI-6-7).

Five – Year Limit

The United States Employment and Re-employment Rights Act (USERRA) sets a 5-year cumulative limit on the amount of military leave you can perform and retain reemployment rights with your employer. There are some important exceptions to the 5- year limit. If you are unable to obtain release or if service is required to complete an initial period of obligated service, that time of service is exempt (example: An initial enlistment may last more than 5 years, such as for nuclear power training. In this case, an employee retains reinstatement rights with the employer. If an employee was hospitalized or becomes disabled from an illness or injury incurred in, or aggravated during military service, the limit may be extended up to an additional 2 years.) Drills (inactive duty training), annual training, involuntary active duty extensions (including training certified as necessary by your service), and recalls due to a war or national emergency are not counted in the 5- year cumulative total.

An employee may not be re-employed if the City's circumstances have changed so as to make such reemployment impossible or unreasonable or such reemployment would impose an undue hardship on the City, or the department from which the person leaves.

iv. Family and Medical Leave for Military see (g) under this section.

d. Meet and Confer Sessions

Meet and confer sessions between AFSCME, F.O.P. or I.A.F.F. and the City will be conducted during normal working hours and without loss of pay to the employees.

e. Maternity Leave

Maternity Leave is granted on the same basis as leave for any other medical condition.

f. Leave of Absence

Regular full-time employees may be granted a continuous leave of absence without pay for up to six (6) months. Leaves of Absence are renewable for up to six (6) months. Leave of Absence without pay shall not be granted solely for the benefit of the employee. All such leaves shall be approved by the Department Director and Chief People Officer. For employees who are expected to be on an unpaid leave of absence for longer than three (3) weeks, the department will be required to submit a status change form placing the employee on a leave of absence.

Employees while on a leave of absence shall not accrue Vacation/PTO and Sick Leave/STD. Employees will be responsible for paying the cost of all employee insurance coverages and the total cost of dependent insurance coverages.

Use of continued intermittent unpaid leave is prohibited and subject to disciplinary action unless it is counted by FMLA or ADA and approved by the Chief People Officer.

The assignment date which drives the step progression will be adjusted for those employees who receive step increases by the length of time the employee is on the leave of absence. The employee will not be entitled to any salary increases while on a leave of absence.

g. Family and Medical Leave

The City is committed to complying with the Family and Medical Leave Act (FMLA). The function of this policy is to provide employees with a general description of their Family and Medical Leave Act (FMLA) rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. The forms referenced in this policy will be available by contacting the following: Labor and Employee Relations Division- Human Resources Department HRLaborRelations@littlerock.gov or (501) 371-4749 or 501-371-4575.

Under this policy, the City of Little Rock will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave will be unpaid unless the FMLA runs concurrently with other paid leave i.e., sick/STD, vacation/PTO, Workers' Compensation, catastrophic leave or salary continuation during the Long Term Disability (LTD) waiting period or depending on the circumstances of the leave and as specified in this policy.

The FMLA Health Care Provider Certification is required to be completed if you have missed work at least three (3) days or more, or if you are taking intermittent leave. We are providing you with information and the FMLA forms that both you and your Health Care Provider need to complete and return to us so that we may determine if the absence(s) may be designated as FMLA leave. Please have your Health Care Provider to fax or email your completed Certification to (501) 244-5475 (Fax#) or [HRLaborRelations@littlerock.gov](mailto:HRLaborRelations@littlerock.gov). If you have any questions call (501) 371-4749.

i. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the City for twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

ii. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) *The birth of a child and in order to care for that child.*
- 2) *The placement of a child for adoption or foster care and to care for the newly placed child.*
- 3) *To care for a spouse (which includes legal same-sex spouses), child or parent with a serious health condition (described below).*
- 4) *The serious health condition (described below) of the employee.*

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a 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 visit to the health care provider within seven (7) calendar days of the onset of the incapacity and a second visit within thirty (30) calendar 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 a year.

- 5) *Qualifying exigency leave family members of active duty service members and for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.*

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following and be directly related to the active duty assignment – this list is not intended to provide all covered activities but as a guide: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

The term "active duty or a call to active duty status" means duty under a federal call or order to active duty (not a State call to active duty unless by order of the President of the United States) in support of a contingency operation pursuant to specific enumerated provisions of Section 688 of Title 10 of the United States Code. Such active duty is only made to members of the National Guard or Reserve components or a retired member of the Regular Armed Forces or Reserve. Therefore, an employee may not take exigency leave if the service member is a member of the Regular Armed Forces.

- 6) *Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.*

This leave may extend to up to twenty-six (26) weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical

treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

iii. Amount of Leave

An eligible employee can take up to twelve (12) weeks for the FMLA circumstances one (1) through five (5) above under this policy during any 12-month period. Holidays occurring during a full week of FMLA leave count as FMLA leave; if an employee works any part of a work week during which a holiday falls, the holiday does not count as FMLA leave unless employee was scheduled to work on the holiday. If an employee is on intermittent or reduced schedule FMLA leave and would otherwise be required to work overtime hours, any overtime hours not worked due to the leave count as FMLA leave.

The City will measure the 12-month period as the next 12-month period measured forward from the date an employee uses any leave under this policy.

An eligible employee can take up to twenty-six (26) weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as the next twelve (12) months measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty-six (26) weeks available.

If eligible spouses both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, they may only take a combined total of twelve (12) weeks of leave. Eligible spouses who both work for the City are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a parent, spouse, son or daughter, or next of kin of the service member.

Employees who exceed the leave available under this policy may have their employment terminated if they are unable to return to work within a reasonable amount of time. Additionally, employees who fail to participate in the certification process or refuse FMLA leave may be subjected to disciplinary, including termination of employment.

iv. Intermittent FMLA Leave

For intermittent FMLA, employees must notify his or her supervisor of the anticipated duration of the amount of time needed off for work and an estimated return to work date. If an employee does not know how much time off from work he or she requires, this problem should at least be communicated with his or her supervisor (i.e., the employee will receive medical treatments three (3) days a week and may need time to recuperate between treatments). When it is determined FMLA is required for an employee, either the supervisor or employee must notify the Labor and Employee Relations Division.

v. Employee Status and Benefits during Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

While on unpaid leave, if the employee does not have sufficient wages to cover their portion of dependent coverage premiums, the employee should contact the Benefits Staff in Human Resources at 371-4518 to make arrangements to pay their portion of dependent coverage premiums. Coverage(s) may be dropped if the employee fails to make payments.

vi. Employee Status After Leave

An employee who takes leave under this policy that lasts three (3) or more days, will be required to provide a release to return to work from the health care provider (for every occurrence even if the employee is on intermittent leave). The release to return to work must be submitted to the Labor and Employee Relations Division-Human Resources. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

vii. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member shall be required to use all available applicable leave time, i.e. STD/sick leave, family STD/family sick leave, PTO/vacation, discretionary/Personal Leave, Compensatory Leave, Bonus Leave, prior to being eligible for unpaid leave.

Catastrophic leave and employees on 60% salary continuation or on the waiting period for LTD benefits will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employee receives six (6) weeks of catastrophic leave, the six (6) weeks will be designated as FMLA leave and counted toward the employee's twelve (12) week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation/PTO and applicable STD leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation/PTO prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation/PTO, family sick leave (as long as the reason for the absence is covered by the City's sick leave policy and be subject to the limitations in those policies) prior to being eligible for unpaid leave.

If an employee is expected to be in an unpaid status for longer than three (3) weeks, the department will be required to submit a status change form placing the employee on FMLA Leave of Absence.

viii. Intermittent Leave/Reduced Work Schedule/Light Duty

The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take time periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks or twenty-six (26) workweeks to care for an injured or ill service member over a 12-month period. The employee has an obligation to make a “reasonable effort” to schedule treatment(s) so that it will not unduly disrupt the department’s operations unnecessarily. The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule; in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth and/or bonding, adoption or foster care of a child must be taken within one (1) year of the birth or placement of the child. Leave requested for bonding with a healthy child must be taken in a continuous block of time.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. Employees who accept light duty assignments while recovering from a serious health condition are not considered to be on FMLA leave. Thus, the time eligible employees spend working light duty assignments may not be included in their twelve (12) weeks of annual job protected FMLA leave.

When an employee is on intermittent leave and where reasonable job safety concerns exist, up to once every thirty (30) calendar days, the City will request a “fitness for duty” certification when the employee is scheduled to return to work, but before allowing an employee to return to work from intermittent leave. A “Fitness for Duty” certification will consist of a statement signed by the Health Care Provider, who completed the original certification of serious health care condition, which states the employee can perform all essential job functions of the employee’s position without restrictions. If the employee presents a Certification Form that states restrictions, the Labor and Employee Relations Manager and/or designee will review the American’s with Disabilities Act Reasonable Accommodation Request Form with the employee and initiate the ADA Interactive Process.

A safety concern is defined as reasonable belief of significant risk of harm to the employee or others based on objective factual evidence taking into account the medical condition in question and the essential job duties. The Labor and Employee Relations Manager and/or Designated Representative should consider the nature and severity of potential harm and likelihood that potential harm will occur.

All medical Certification Forms must be submitted to the Labor and Employee Relations Division at the time the employee returns to work or within fifteen (15) calendar days after employee would have returned to work. If the employee fails to return the form within fifteen (15) calendar days, and if the employee doesn't provide a new certification form, FMLA leave can be denied. If the form is incomplete, the employee will be notified and given seven (7) business days to correct the issue(s). If the employee fails to submit the form or document his/her efforts to obtain the required information, FMLA may be denied.

- Certification for the Employee's Serious Health Condition

The City will require certification for the employee's serious health condition. The employee must respond to such a request within fifteen (15) calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<https://www.dol.gov/whd/forms/WH-380-E.pdf>).

The City may directly contact the employee's health care provider for verification or clarification purposes. Only employees in the Labor and Employee Relations Division will perform this function and NOT the employee's direct supervisor. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information, but if the employee fails or refuses to do so, leave can be denied.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

- x. Certification for the Family Member's Serious Health Condition

The City will require certification for the family member's serious health condition. The employee must respond to such a request within fifteen (15) calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<https://www.dol.gov/whd/forms/WH-380-F.pdf>).

The City may directly contact the employee's health care provider for verification or clarification. Only employees in the Labor and Employee Relations Division will perform this function and NOT the employee's direct supervisor. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the



employee's permission for clarification of individually identifiable health information. But if the employee fails to do so or refuses, leave can be denied.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

xi. Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within fifteen (15) calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<https://www.dol.gov/whd/forms/WH-384.pdf>).

xii. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave. The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within fifteen (15) calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a delay or denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

xiii. Recertification/Fitness for Duty Certification

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every thirty (30) days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave.

Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition. The employee will be given fifteen (15) calendar days to provide the recertification. If the employee fails to provide the form within fifteen (15) calendar days, or after seven (7) days if notified of the need for additional or complete information, FMLA leave will be denied.

xiv. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must inform their supervisor who must inform the Labor and Employee Relations Division-Human Resources Department of the need for FMLA leave.. For employees requesting FMLA the first time, the information should be sufficient for the Labor and Employee Relations Division to reasonably determine whether FMLA may apply. Once the Labor and Employee Relations Division determines that FMLA may apply, the Labor and Employee Relations Division will process the request within five (5) business days from becoming aware there is a need for FMLA.

Within five (5) business days after receiving notification from either the employee or supervisor, the Labor and Employee Relations Division will complete and provide the employee with the DOL Notice of Eligibility and Rights, a copy of the Certification form (if for the serious health condition of the employee attach the job description) which applies to their situation, and a copy of the Employee Rights and Responsibilities poster.

When the need for the leave is foreseeable, the employee must provide the employer with at least thirty (30) days' notice. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. If the need is not foreseeable, the employee is obligated to provide notice as soon as practicable to the Labor and Employee Relations Manager and/or designee as soon as possible after becoming aware of a need for FMLA leave.

xv. Designation of FMLA Leave

All FMLA requests and inquiries should be directed to the attention of the Labor and Employee Relations Division's designated email address: [HLLaborRelations@littlerock.gov](mailto:HLLaborRelations@littlerock.gov). All FMLA forms must be generated from the Labor and Employee Relations Division within five (5) business days after the employee has submitted the completed FMLA Health Care Provider Certification, the Labor and Employee Relations Designee will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

xvi. Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

xvii. Summary of Timeframe to Request FMLA

Below is just a summary of the timeframe involved in processing a request. Due to extenuating circumstances, some timeframes may be extended for the employee to respond, especially if the employee fails to provide a complete certification form, the information is vague, etc. In those cases, employees FMLA requests are subject to be denied until the required documentation is submitted to the Labor and Employees Relations Division.

Employees are to make FMLA requests to the Labor and Employee Relations Division by taking the following steps:

**Step 1: Request by employee or Supervisor:**

Once the supervisor determines that FMLA may apply, either the employee or supervisor must notify the Labor and Employee Relations Manager and/or Designee. If the need for leave is foreseeable the employee must give notice of the need to the Labor and Employee Relations Division within thirty (30) days in advance. If the need is not foreseeable, the employee is obligated to provide notice as soon as practicable. The employees must follow the department's usual and customary notice and procedural requirements for requesting leave, absent extenuating circumstances.

If an employee is out for three (3) consecutive days due to an illness and/or has been out intermittently due to a serious health condition, the employee's supervisor or timekeeper must notify the Labor and Employee Relations Division to initiate the FMLA process to ensure the employee's job rights are protected under the FMLA.

**Step 2: Response by the Labor and Employee Relations Division:**

The Labor and Employee Relations Division will provide the employee with the appropriate FMLA Certification Forms along with the employee's job description attached and a Notice of Employee's Rights Poster. The Labor and Employee Relations Division will provide the employee a Notice of Eligibility and Rights-DOL-WH-381 Form within the specified timeframe as required by the FMLA. The employee will be given fifteen (15) calendar days to return the form.

**Step 3: Employee Certification:**

- Employee submits complete and adequate Certification Form, as appropriate to the request within the deadline, move to Step 4.
- Or
- Employee submits an incomplete or insufficient certification. Another Notice of Eligibility and Rights and Responsibilities Form shall be completed by the Labor and Employee Relations Division noting areas to be completed, and given back to the employee and the employee is given seven (7) business days to provide the information.

**Step 4: Response from Employer:**

The Labor and Employee Relations Division will provide a completed Designation Notice-DOL-WH-382 Form to the employee, which must state that a release to return to work will be required before employees can be allowed to return to work if the absence was three (3) or more consecutive days. In addition, the form will note where *reasonable job safety concerns* exist, the City will require a Fitness for Duty certification/release to return to work without restrictions for those employees on intermittent leave, every thirty (30) calendar days. A copy of the Designation Notice form will be sent to the supervisor and timekeeper.

#### Step 5: Employee Monitoring:

The Labor and Employee Relations Division will monitor FMLA Claims: Division Managers/Supervisors will ensure that all FMLA leave will be coded properly in the payroll system. If an employee has no leave available, Division Managers/Supervisors will initiate a status change form if the FMLA leave will be taken in a thirty (30) or more calendar day block of time. In addition, Division Managers/Supervisors will ensure that the necessary return to work slip is received before an employee returns to work, if the employee is absent three or more consecutive days.

#### h. Correction of Improper Data Entry or Calculation of Leave Accrual or Leave Usage

Upon written request approved by an employee's Department Director, incorrectly processed leave accruals or usage will be researched and corrected. Such requests must be received in the Human Resources Department no later than the end of the second pay period following the occurrence.

#### i. Compensatory Time

As indicated in other sections of this policy manual, some employee groups are eligible for compensatory time off for overtime hours worked. Each affected employee must agree to this arrangement. Use of accrued compensatory time will be treated as time in pay status with the appropriate number of hours deducted from the total accumulated. Use of compensatory time must be requested according to the Department's leave request protocol.

#### j. Catastrophic Leave Bank

Eight (8)-hour Non-probationary City employees with a minimum of one (1) year of full-time service and a minimum accrual of 100 hours (Sick Leave, Vacation Leave, Paid Time Off, or Short Term Disability combined), after a minimum of eight (8) hours contribution may participate in the Catastrophic Leave Bank. Employees must contribute a minimum of eight hours of accrued leave time to the bank (except for 56-hour firefighters, whose minimum annual contribution will be 24 hours). The maximum annual contribution is 40 hours. All authorized contributions will be deducted from the employee's accrued balance; however, the maximum accumulation for the bank will be 10,000 hours. Employees will not be allowed to join if unpaid leave was utilized to achieve the minimum balance of leave.

A participating employee who has exhausted all available leave time and who presents documentation of the ongoing illness from the treating physician may request additional leave time from the Catastrophic Leave Bank. A committee appointed by the City Manager will review all requests and documentation and will decide whether to grant Catastrophic Leave. The decision of the committee is final. Leave granted may not exceed the later of 1) the date the employee is released to duty (full or modified) by the treating physician or 2) the date of eligibility for disability benefits.

Enrollment will be conducted twice each calendar year during the months of June and December. After enrollment, an annual eight-hour contribution (except for 56-hour firefighters, whose minimum annual contribution will be 24 hours) will be automatically deducted from accrued leave during the pay period which begins on or immediately after January 1<sup>st</sup>. Participation will continue until the participating employee requests termination of participation in writing. Enrollment and Catastrophic Leave Request forms must be requested from the Labor & Employee Relations Division-Human Resources Department.

k. Crisis Leave Program

In an effort to provide an employee continued income during a time in which they need to be off work due to no fault of their own, other employees may donate their vacation or paid time off to an employee in need. The employee requesting the leave cannot have been disciplined or counseled regarding leave abuse in the preceding two (2) years of employment and have documented satisfactory performance.

i. Procedure

- 1) In the event that a regular full-time employee does not have sufficient accrued leave to cover a crisis period, the employee will complete a crisis leave request form detailing why they need the leave and the reason that they do not have sufficient leave to cover all or some of the absence.
- 2) Upon receipt of the form, the Human Resources department will send a notice to employees via email announcements that a request has been made and give the employee name and details.
- 3) Employees wanting to donate paid time off or vacation must submit a form authorizing the deduction of their leave. Minimum amount of time to transfer is eight (8) hours.
- 4) An employee requesting leave is not guaranteed to receive any leave, the program is completely voluntary.
- 5) This benefit is not to circumvent the City's Family and Medical Leave Act or American's with Disabilities Act policies.
- 6) Donations received under this program cannot be applied retroactively beyond two (2) pay periods

ii. Definitions

- 1) Crisis: an event beyond the control of the employee including natural disasters, catastrophic illness or injury of the employee or an immediate family member as defined in the Federal Family and Medical Leave Act. Termination of employment, lay-off, suspension, demotion or end of assignment is not defined as a crisis.
- 2) Maximum leave granted: Only two (2) announcements for voluntary leave donations will be sent per event. There is no maximum of leave that can be granted. Employees must still participate in the application process for long term disability when appropriate to do so.
- 3) Maximum leave to donate: There is no maximum an employee can donate to another employee. However, the time donated will be considered if the employee donating leave then must request catastrophic leave within the next twelve (12) months.
- 4) Minimum leave to donate: employees can make donations in eight (8) hour increments
- 5) Regular full-time employees: employees who are in positions designated as regular full-time or regular civil service and limited service full-time are eligible; however, unless the limited service employee's employment is being terminated and that event would not qualify.

l. Holidays

Full-time employees in regular and limited service positions shall receive the following holidays with pay:

New Year's Day	Independence Day
Martin Luther King's Birthday	Labor Day
President's Day	Veterans Day
Memorial Day	Thanksgiving Day
Juneteenth	Christmas Day

When a listed holiday falls on Saturday or Sunday, the preceding Friday or the following Monday, respectively shall be observed as the holiday. If the holiday falls on a regular Friday pay date, checks will be issued on the day before the holiday (Thursday).

Employees who are in pay status, the scheduled work shift immediately preceding a holiday **and** the scheduled work shift immediately following a holiday, shall receive holiday pay for that holiday.

If one of the listed holidays occurs within the employee's Vacation or scheduled days off, the employee shall be entitled to an additional day off with pay for each holiday, or pay for that holiday, at the discretion of the Department Director.

See Section II. Classification and Compensation 10.d. for more information on compensation.

m. Administrative Leave

Administrative Leave may be granted to employees, in addition to other leave types, and must be accounted for in the payroll system. Administrative leave will be paid at the employee's current rate of pay and will not be considered time worked for FLSA purposes. Leave can be granted for, but not limited to, the following unless otherwise defined in a collective bargaining agreement:

- i. Additional time worked by exempt employees
- ii. Pending completion of an investigation or receipt of a disciplinary action.
- iii. As determined by the Director or City Manager.

## 8. **Disability Accommodation**

To ensure compliance with the Americans with Disabilities Act (ADA), the City is committed to making a reasonable accommodation for the known physical or mental limitation(s) of a qualified candidate or employee with a disability unless the accommodation would cause an undue hardship on the operation of the City. The City complies with the ADA in making all employment decisions. The City will not seek, include or utilize any genetic information in processing reasonable accommodation requests.

### a. Definitions:

- i. Reasonable Accommodation – A modification or adjustment to a job, an employment practice or the work environment which can be accomplished without undue hardship and which would enable an otherwise qualified individual with a disability to perform the essential functions of the job. Reasonable accommodation also includes adjustments or modifications to assure that a qualified individual with a disability has rights and privileges in employment equal to those of non-disabled employees.
- ii. Qualified Individual with a Disability – A person with a disability who satisfies the requisite skill, experience, education, or other job related requirements of the position that such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
- iii. Essential Functions – The basic and fundamental job duties that an employee must be able to perform with or without reasonable accommodation.
- iv. Disability – A physical or mental impairment which substantially limits “one or more major life activities, a record of having such impairment, or the perception of being impaired.” Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, and performing manual tasks, learning, caring for oneself, and working.
- v. Undue Hardship – Any action that is unduly costly, extensive, substantial, disruptive or that would fundamentally alter the nature or operation of the organization.

### b. Requesting Reasonable Accommodation

#### i. Adjustment or Change to a Job

When a supervisor becomes aware or an employee in a full-time or part-time position believes he/she needs an accommodation to perform the essential functions of his/her job (i.e. some adjustment or change to a job is needed because of the limitations caused by a disability), the supervisor or employee must notify the Labor and Employee Relations Division in the Human Resources Department to initiate the **ADA Interactive Process** at 501-371-4575 or email [HRLaborRelations@littlerock.gov](mailto:HRLaborRelations@littlerock.gov).

#### ii. Job Reassignment

Under the ADA, an employer can reassign an employee to a lower paying position and the ADA does not require employers to maintain the salary of an employee who is granted a reassignment. The ADA specifically lists, “reassignment to a vacant position” as a form of reasonable accommodation. This type of reasonable accommodation must be provided to an employee who because of a disability, can no longer perform the essential functions of his/her

current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship (*Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act*, No. 75).

Requests for reassignments are contingent upon the availability of vacant positions. "Vacant" means that the position is available when the employee asks for reasonable accommodation, or that it will become available within a reasonable amount of time, which will be determined on a case-by-case basis. All reassignments must be approved by the Chief People Officer and the City Manager.

Employees who are promoted, transferred, demoted, or employees who retire from a uniform position and accept assignment to a vacant non-uniform position as an accommodation, must satisfactorily complete the post-hire probationary period. For more information on probationary status for non-uniform position, see Page V-1.

- iii. The Equal Employment Opportunity Commission (EEOC) defines the **ADA Interactive Process** as: "an informal, **interactive process** ... [to] identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations."

A referred candidate for a full-time or part-time position must inform the hiring authority that some adjustment or change to a job is needed because of the limitations caused by a disability. After notification is made, the hiring authority must notify the Labor and Employee Relations Division to initiate the ADA Interactive process.

Interviewers shall not directly or indirectly ask questions about an individual's (applicant or employee) disability. If an applicant's disability is evident, the interviewer may ask whether the candidate will need a reasonable accommodation to perform essential job functions. If the answer is yes, the Reasonable Accommodation request form should be provided.

This initial notification may be made orally or in writing by an employee to his supervisor or by a candidate to the hiring authority. Requested forms must be obtained from the Labor and Employee Relations Division.

- iv. The form must be completed and returned to the Labor and Employee Relations Division. No action shall be taken regarding the matter until the completed form has been submitted and processed through the Labor and Employee Relations Manager. Note: The Labor and Employee Relations Manager and/or Designee shall assist the candidate or employee in completing the form, if requested.
- v. The Labor and Employee Relations Division Manager shall:
  - 1. Review the request,
  - 2. Gather pertinent information including equipment needed, modifications needed, potential sources for equipment and/or technology,
  - 3. Determine an agency or organization which may be able to assist in the evaluation and implementation of an accommodation,
  - 4. Clarify all aspects of the request, including estimated cost.



The results of this review and information gathering process should be forwarded to the Department Director within ten (10) work days of receipt of the Reasonable Accommodation Request form.

- vi. Accommodations which involve an expense of less than \$250 may be approved by the Department Director after ADA accommodation requests have been approved by the Labor and Employee Relations Manager. However, a proposal to deny a reasonable accommodation request must be decided by the Labor and Employee Relations Division. Accommodation requests approved shall be reported in memorandum form to the Chief People Officer within ten (10) work days of receipt of the request by the Department Director. Proposals to deny requests must be supported by documentation that such accommodation would create an undue hardship.
  - vii. Accommodations involving an expense greater than \$250 or an accommodation request beyond the Department Director's authority must be submitted by the Labor and Employee Relations Manager with a recommendation to the Chief People Officer within ten (10) work days of receipt of the request by the Department Director.
  - viii. The Labor and Employee Relations Manager shall review pertinent information and render a recommendation to the Chief People Officer within ten (10) work days from the receipt of request related to:
    - All requests which involve an expense greater than \$250,
    - Any request beyond the Department Director's authority, and
    - All proposals to deny (any dollar amount) accommodation
- Note: The Chief People Officer may extend the ten (10) work day time frame by written notice to the requester.
- ix. It is the City of Little Rock's policy to provide a reasonable accommodation for qualified individuals with disabilities in accordance with the American with Disabilities Act (ADA). The City is committed to making a reasonable accommodation for the known physical or mental limitation(s) of a qualified candidate or employee with a disability, unless the accommodation would cause an undue hardship on the operation of the City.
  - x. The Labor and Employee Relations Division shall maintain files of all Reasonable Accommodation Requests, including those for accommodations which involve an expense of less than \$250.

## **9. Religious Accommodation**

To ensure compliance with Title VII of the Civil Rights Act of 1964 (Title VII) and the Equal Employment Opportunity Commission Guidelines on Discrimination Because of Religion, the City is committed to making reasonable accommodations to respect the religious beliefs, observances, and practices of all qualified candidates and employees, unless the accommodation would cause an undue hardship on the operation of the City. The City complies with Title VII in making all employment decisions.

a. Definitions:

- i. Religious accommodation – An adjustment to the work environment that will allow an employee or applicant to practice his or her religion. The need for religious accommodation may arise where an individual's religious beliefs, observances or practices conflict with a specific task or requirement of the position or an application process. Accommodation requests often relate to work schedules, dress and grooming, or religious expression in the workplace. If it would not pose an undue hardship, the employer must grant the accommodation. A religious accommodation may include, but is not limited to: providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes or voluntary substitutions of shifts or hours with a supervisor's approval.
- ii. Religion\religious belief – A “religious belief” includes, but is not limited to, a sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. Social, political, or economic philosophies, as well as mere personal preferences, are not “religious” beliefs protected by Title VII. Observance or practice – includes, but is not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities.
- iii. Undue hardship – any action that is unduly costly, extensive, substantial, disruptive, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, requires other employees to do more than their share of potentially hazardous/burdensome work, or that would fundamentally alter the nature or operation of the organization.

b. Requesting Reasonable Accommodation

- i. An employee in a full-time or part-time position must inform his supervisor that some adjustment or change to a job is needed because of a religious belief, practice, or observance.

A referred candidate for a full-time or part-time position must inform the hiring authority that some adjustment or change to a job is needed because of a religious belief, practice, or observance.

This initial notification may be made orally or in writing by an employee to his supervisor or by a candidate to the hiring authority. Interviewers shall not directly or indirectly ask questions about an individual's (applicant or employee) religion. If a religious accommodation is requested, the candidate, employee, or supervisor must contact the Human Resources Department-Labor and Employee Relations Division to request the Religious Accommodation forms.

- ii. The form must be completed and returned to the Labor and Employee Relations Division. No action shall be taken regarding the matter until the completed form has been submitted and processed through the Labor and Employee Relations Manager. Note: The Labor and Employee Relations Manager and/or Designee shall assist the candidate or employee in completing the form, if requested.
- iii. The Labor and Employee Relations Division Manager shall:

1. Review the request and supporting documentation,
2. Clarify all aspects of the request, including estimated cost, if applicable,
3. Gather pertinent information including equipment needed, modifications needed,
4. Determine if accommodation will create an undue hardship on the operations of the City.

The results of this review and information gathering process should be forwarded to the Department Director within ten (10) work days of receipt of the Religious Accommodation Request form.

- v. Accommodations which involve an expense of less than \$250 may be approved by the Department Director after Religious accommodation requests have been approved by the Labor and Employee Relations Manager. However, a proposal to deny a reasonable accommodation request must be decided by the Labor and Employee Relations Division. Accommodation requests approved at the Department Director level shall be reported in memorandum form to the Chief People Officer within ten (10) work days of receipt of the request by the Department Director. Proposals to deny requests must be supported by documentation that such accommodation would create an undue hardship. Department Directors shall ensure that other relevant departments are consulted prior to the approval or denial of a request.
- vi. Accommodations involving an expense greater than \$250 or an accommodation request beyond the Department Director's authority must be submitted by the Labor and Employee Relations Manager with a recommendation to the Chief People Officer within ten (10) workdays of receipt of the request by the Department Director.
- vii. The Labor and Employee Relations Manager shall review pertinent information and render a decision within ten (10) work days from the receipt of request related to:
  - All requests which involve an expense greater than \$250,
  - Any request beyond the Department Director's authority, and
  - All proposals to deny any accommodation

Note: The Chief People Officer may extend the ten work day time frame, but must provide a written notice to the requester.

- viii. The Human Resources Department shall maintain files of all Religious Accommodation Requests.

## SECTION V

### **PROBATION, CONDITIONS OF EMPLOYMENT, DISCIPLINARY ACTIONS, APPEALS, GRIEVANCES, AND HARASSMENT COMPLAINT INVESTIGATIONS**

#### **1. General Statement**

The Disciplinary and Appeal procedures noted in this section apply only to Non-Uniform classifications (including AFSCME eligible employees).

The grievance procedure in this section applies to only non-uniform, non-union uniform and Uniform Non-Union employees. Employees represented by Union are subject to provisions in their agreement.

A disciplinary action taken against an employee shall be for just cause, except that Department Directors, Assistant City Managers, and Mayor's Chief of Staff hired after July 1, 2002, shall be considered at-will employees who may be terminated at any time with or without cause. In lieu of termination, a Department Director or Assistant City Manager may, upon request by the City Manager, submit his resignation. The City provides procedures to appeal disciplinary actions and to grieve perceived improper adverse actions to those employees in regular and limited service positions (RFTP, RTP, LSPF, or LSPP) who have completed the post-hire and post-promotion probation. To ensure that employees are notified of their rights of appeal, a disciplinary action must be documented on an official City of Little Rock form.

Employees in temporary positions (TAPP) and employees who have not completed the post-hire probation do not have access to procedures to appeal disciplinary actions. Employees in post-promotion probation do not have access to procedures to appeal disciplinary actions less than termination of employment.

Disciplinary actions shall be administered without regard to an employee's Fair Labor Standards Act (FLSA) exemption status, except where noted in this section.

#### **2. Probation**

- a. Non-Uniform employee hires shall be considered in probationary status for the duration of six (6) months, with the exception of Communication Call Takers who shall be one (1) year. The probationary period may be extended up to ninety (90) days for reasons of illness, injury or extraordinary circumstance affecting the employee's performance. Extension of probationary status must be approved by the Chief People Officer. During the probationary period, employees are serving at-will and may be discharged at any time.
- b. If regular status is not being granted, no fewer than seven (7) calendar days prior to the completion of the probationary period, the Department Director shall advise the employee and inform the Chief People Officer.
- c. Uniform Fire employees shall be considered in probationary status for the first (1) year of employment. Uniform police employees shall be in probationary status for the first two (2) years of employment.

- d. Employees promoted, transferred, or retired from a uniform position to a non-uniform position shall be considered in probationary status for a six (6) month period with the exception of Communications Call Takers who shall be considered in probationary status for one (1) year. The probationary status shall not affect their leave accrual or usage.

Employees on probation who have been promoted, transferred, or retired from a uniform position to a non-uniform position have appeal rights to all disciplinary actions.

### **3. Conditions of Employment**

#### **a. Hours of Work**

Department Directors, with prior approval from the City Manager, may change or adjust hours of work to provide the best service to the community, safer working conditions, and increase productivity. All full-time employees, except those in Fire Suppression, must be scheduled to work a minimum of forty (40) hours per week, not to include lunch/meal periods.

Employees in the non-uniform services, except dispatch personnel employees required to remain at the Communications Center throughout all assigned shifts in the Office of Emergency Services/Communications Center (excluding administrative and professional personnel not required to dispatch calls) and the Crime Scene Division (including Crime Scene Specialist I, II, III, and IV), must take an unpaid meal period of not less than thirty (30) minutes and two (2) paid rest periods (breaks) of fifteen (15) minutes each when working a full shift.

Combining of rest periods (breaks) with the lunch/meal period or quitting time is prohibited. Breaks should be scheduled and if an employee does not take a break then the break is forfeited and is non-compensable.

Part-time employees will be provided one (1) paid rest period for every four (4) hours they are scheduled to work.

Supervisors will make every attempt to ensure employees are provided rest periods (breaks) and will designate such times for each employee. Uniform service employees will have meal periods as established by departmental rules. Employees in the Office of Emergency Services/Communications Center and the Crime Scene Division will have meal and rest periods as established by departmental rules.

Employees are not permitted to begin work before the scheduled starting time or to continue working after their scheduled quitting time (this includes taking work home and working through lunch/meal periods) without the prior approval of their supervisor. However, if an employee does work beyond their scheduled working hours, the employee must be compensated for the time worked but may be subject to disciplinary action.

All non-uniform/non-exempt employees are required to complete timesheets. All Departments should keep accurate time records/timesheets/time cards that detail employees coming to work, going to lunch, returning from lunch and leaving work for the day.

i. Timesheets:

- a. A standard timesheet has been developed by the Department of Human Resources and can be located in the helpful documents section in the forms area of the Human Resources website. Departments may create their own timesheet that works better for their department; however, all timesheets must be reviewed and pre-approved by the Department of Human Resources.
- b. All non-uniform/non-exempt employees are required to complete timesheets (preferably electronic) or utilize a time clock/management system to record the actual hours the employee works. Timesheets are not intended to replace existing time clocks unless the time clocks do not provide a total hours worked each day and total hours worked per week. In this case the time card information should be transferred to the electronic timesheet to accurately calculate total hours worked each day.
  - The City of Little Rock's work week is from 12:01 a.m. Saturday to 12:00 midnight Friday. Each work week stands alone. You cannot "average" hours worked over the pay period and time worked cannot be "saved" from one week to the next.
  - All hours worked over forty (40) must be entered in the HRIS system and all other record keeping is prohibited.
- c. Timesheets must have the actual hours worked recorded, not the scheduled hours, including the actual time the lunch/meal period was taken. A supervisor must not accept a timesheet that does not reflect truth.
- d. Timesheets must be signed by both the employee and supervisor attesting that the time is true and accurate, and a Department can require additional signatures if they prefer.
- e. Filling out another employee's time records, clocking in for another employee, or falsifying any time record is prohibited and may be grounds for disciplinary action up to and including termination of employment.
- f. All timesheet/time cards/time records and applicable time records must be maintained for a minimum three (3) years after the end of each calendar year.

ii. Overtime Pre-Approval Form:

- a. An Overtime Pre-Approval Form (located in the helpful documents section in the forms area of the Human Resources website) must be utilized for all non-exempt/non-uniform employees when employees are asked to work additional hours or the employee asks to work additional hours.

- b. This form is to be completed prior to working overtime when possible. In some instances, overtime may be unforeseen due to the nature of the work where prior approval cannot be obtained or overtime is mandated. In these cases, this form should be completed as soon as possible for documentation purposes.

b. Attendance

Employees are expected to be at their work site on time and to work the number of hours scheduled. Unnecessary absences or tardiness result in hardships on other employees and will not be tolerated. Employees who are absent or tardy without authorization shall not be paid for lost time; they shall be carried as unauthorized absent (UA). Recurring UA will lead to disciplinary actions, up to and including termination of employment.

Timely and regular attendance is an essential job function and expectation of performance for all City of Little Rock employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the City, employees will be held accountable for adhering to their designated work schedule.

i. Definitions:

- a. Absence - Any time an employee is not present at the assigned work location during scheduled work periods. An employee is responsible for informing his or her supervisor when leaving the work area for more than ten (10) minutes and must notify his or her supervisor of an absence prior to the start of his or her shift. If late arrival or absence is unanticipated, the employee shall notify the supervisor as soon as possible. Failure to report an absence according to the City's policy could result in disciplinary action, up to, including termination of employment.
- b. Authorized (excused) absence - When an employee is unable to report to work and the employee's supervisor approves the absence in advance that he or she will be absent or late for work. It is the employee's responsibility to inform his or her supervisor, in advance of his or her intended absence.
- c. Unauthorized (unexcused) absence - occurs when an employee is absent from the scheduled period of work without having arranged for appropriate leave according to the City policy, or without having notified the appropriate supervisor or designee prior to the start of the shift.  
  
If an unexcused absence is due to an illness or injury that qualifies under the Family and Medical Leave Act (FMLA) this unexcused absence will not count against the employee, if requested documentation is submitted and approved under FMLA regulations (see Page IV-22).
- d. Tardiness - An employee is deemed tardy when he or she fails to report to work at the scheduled time, or leaves work prior to the end of scheduled work time without prior supervisory approval, takes an

extended meal or break period without approval, or arrives to work past his/her scheduled start time. Excessive tardiness could result in disciplinary action, up to, including termination of employment.

Please note that excessive absenteeism of any type that is not protected under Federal laws could result in disciplinary action, up to, and including termination of employment. Departments are not allowed to grant authorized leave without pay (ALWOP) without prior approval from the Chief People Officer.

ii. Departmental Notification Procedure:

- a. Employees are expected to follow departmental notification procedures if they will be late to work, will not be at work, or are requesting planned time away from work. Employees must request in advance to their supervisor or designee and in accordance with departmental procedures if they wish to arrive early or leave early from an assigned shift.

At the time of the notification, the employee must notify their supervisor when an absence is due to a documented/approved leave of absence (e.g. Military Leave, FMLA, Americans with Disabilities Act) in order to ensure appropriate tracking of leave utilization and absenteeism.

c. Paychecks

The City operates a bi-weekly pay system, and employees receive a paycheck, showing itemized statements of earnings and deductions, every other Friday. Should payday fall on a holiday, paychecks will be issued the preceding day.

In addition, employees may elect Direct Payroll Deposit by authorizing the Finance Department/Payroll Division to deposit their earnings directly into an account at a financial institution of their choosing.

d. Additional Requirements

Certain job classifications require specific technical licenses, certifications, etc. to perform the essential functions of the position. These technical requirements are typically described in the “Additional Requirements” section of the Job Specification for the class of jobs. Employees are expected to maintain all “Additional Requirements” (as stated on the job specification) for the duration of their employment in the classification. Failure to maintain the additional requirement may result in termination of employment.

**Sex Offender Acknowledgement Conditions** - Any City Employee, who is required by law to register as a sex offender, must adhere to the guidelines contained in the Sex Offender Acknowledge Form, including notifying the applicable jurisdictional law enforcement agency of any changes of address, School or employment. Failure to comply will result in immediate termination.

If any City Employee is required to register as a sex offender during their employment with the City, then he must notify Human Resources immediately. If their job classification prohibits the hiring of sex offenders, then employment will be terminated; however, employees required to register as a level 1 or level 2 sex



offender will be eligible to apply for selected positions if employment cannot be continued in their current position.

e. Nursing Mothers

- i. The City will make every effort to provide reasonable accommodations to nursing mothers to express milk for up to one (1) year after the employee's child is born.
- ii. The City will provide reasonable unpaid break time each day to an employee who needs to express breast milk for her child in order to maintain milk supply and comfort. To the extent possible, the break time shall run concurrently with any paid or unpaid break time already provided to the employee.
- iii. The City shall make a reasonable effort to provide a private, secure, and sanitary room, non-bathroom, or other location in close proximity to the work area, where an employee can express her breast milk.
- iv. The room or location provided may include the employee's normal work space if the employee's normal work space meets the requirements of this section.
- v. This policy does not require the City to provide break time if to do so would create an undue hardship on the operations of the City.
- vi. The employee shall make reasonable efforts to minimize disruption to the City's operations.
- vii. If the nursing employee feels a violation has occurred, they must report it to the Labor and Employee Relations Division: 500 W. Markham, Suite B18, Little Rock, Arkansas 72201 – 1428, Phone Number 501-371-4590, FAX (501) 244-5475, [HRLaborRelations@littlerock.gov](mailto:HRLaborRelations@littlerock.gov): Once the violation is reported, the City shall respond within five (5) working days in order to determine the best resolution to comply with the federal mandate of ten (10) days.

f. Expectation of Privacy

Employees have no general right to privacy on City property or City Vehicles. The City reserves the right to search all offices and furniture, i.e., desks, file cabinets, bookcases without advance notice.

#### **4. Code of Conduct and Disciplinary Actions – Non-Uniform**

##### **a. Purpose**

In order to foster a productive and healthy work environment, the City of Little Rock has created this conduct standards policy to clearly communicate the kind of behavior and performance we expect from our employees. The policy is designed to identify and address common problems, and outlines scenarios to simplify and illustrate the spirit of the policy. The policy does not outline every possible situation, but creates a framework and out of employee conduct expectations. The City reserves the right to address and take corrective action for behavior unbecoming of a City Employee despite not having the behavior specifically listed within the policy. This policy applies all non-uniform employees and the term employee encompasses all levels of the chain of command. The policy applies equally to an employee as a supervisor, manager or director. The Mayor or City Manager may modify, increase, or deactivate any corrective action taken by a Department. The Department must ensure they are being consistent in their administration of discipline.

The City uses a system of “progressive discipline.” This means two things: (1) More serious violations receive more severe corrective actions, and (2) violations are cumulative, and management will consider an employee’s history when applying corrective actions along with tenure at the City. For example, one employee who commits a minor offense with no other history of violations might receive only an informal warning. However, another employee who commits the same minor offense but has already violated that policy or other policies might receive a harsher correction. In this way, corrective actions “progress” with both the severity and frequency of violations. Under the policy when a previous discipline is “active” it can be used for progressive discipline. Disciplinary actions will not be removed from the personnel file. Departments may use ‘inactive’ actions to document the employee was aware the behavior was inappropriate or that further infractions would lead to more severe disciplinary action. Some consideration will need to be made for Level 1 violations that occur after a Level 2 or 3 violation. After receiving a suspension for the higher offenses, a single Level 1 violation would not warrant a higher suspension but something less, such as a Written Reprimand. For example, a twenty day suspension for a positive drug test followed by a Level 1 violation of poor attendance. The recent Level 1 violation can still remain a Written Reprimand as the policy is written. Departments need to take into consideration what their practice is for poor attendance and take a similar but stronger disciplinary action.

b. Scope of Responsibility

As an employee you are expected to perform your job in a professional manner. As a City employee you should put the interests of the public above your own self-interests. When working or interacting with co-workers or the public, you must be careful to avoid even the appearance of misconduct. You must show no partiality or prejudice towards individuals or groups, allow no undue influence or conflict of interest to compromise your integrity, and seek no unauthorized or improper personal or financial gain. City employees will treat all individuals in a respectful, courteous and professional manner. Employees are a direct representation of the City of Little Rock and will refrain from negatively impacting the reputation of the City and its Departments. Furthermore, employees shall create and maintain positive relationships with citizens, external agencies and other employees of the City of Little Rock. While performing duties, you must comply with federal and state laws, with any Code of Ethics, and with policies. You are required to report all suspected violations of federal or state law involving employees or anyone contracted to provide services to the City. You must report any suspected violations to the Human Resources Department (HR) office as soon as you become aware of them.

Employee responsibilities include:

1. Employees must review and understand all City policies and procedures, including the conduct standards.
2. Employees must follow the conduct standards.
3. Employees must report any situation that could prevent them from following the conduct standards to their supervisor or manager.
4. Employees must participate in good faith in any investigation by management or Human Resources.
5. Employees must not direct obscene or vulgar language on City property including City vehicles and parking lots towards any person in a threatening, demeaning or aggressive manner.

Management responsibilities include:

1. New employees will be provided a copy of the conduct standards during orientation. Departments need to document that employees received a copy or were read the standards anytime there is a revision. Departments may want to incorporate them into their departmental rules.
2. Managers and supervisors must monitor their employees, document any violations of City or Departmental policies and apply corrective action as determined by the Department Director.
3. Department Directors may consider any extenuating or aggravating circumstances that may justify reducing or increasing corrective actions.
4. Department Directors must document each corrective action they apply. Their reports must describe the offensive behavior, explain how that behavior violated policy, indicate why they chose a particular corrective action, and note any extenuating or aggravating circumstances that influenced their choice.
5. Managers and supervisors must advise violators of what they did wrong, what conduct is expected of them in future, and what additional corrective measures they will face if they repeat the same or similar violations.

c. General Standards of Conduct

The following standards are not all-inclusive but are meant to illustrate the minimum expectation of employees.

Attendance and Overtime (See Section V.3.b. Conditions of Employment)

1. Employees must report to work as scheduled.
2. If employees cannot report as scheduled:
  - a. Employees must notify their supervisors or designated contact and get approval for any absences, including reporting to work late or leaving work early.
  - b. Employees must report any unexpected absences to their supervisor or designated contact. Employees cannot work additional hours beyond their normal schedule unless it has been approved in advance by management.

Ability to Perform

1. Employees must report to their supervisor or manager any situation or condition that could prevent them from following the conduct standards. The City will comply with the American's with Disabilities Act as amended should the employee need an accommodation due to a medical condition to perform the essential functions of their job.
2. Employees must continue meeting the basic qualifications for their position or be subject to discharge. Below are three examples of situations that could disqualify an employee from keeping a particular position:
  - a. Loss of a driver's license by an employee whose job requires driving
  - b. Loss of a professional license or certification that is necessary for a position
  - c. Incarceration for an extended period of time.

Prohibition of Misconduct

1. Employees must not engage in any behavior that would be considered Misconduct, which would include but not limited to, 'horseplay', 'hazing' or any activity that does not support the mission of the City.
2. Employees must not engage in any behavior which would be considered bullying or harassment.
3. Employees must not engage in any violent behavior or which would be considered threatening toward employees or residents.
4. Employees must be truthful at all times. This includes all job duties including timesheets, written statements, verbal statements, etc.

d. Violations of the Conduct Standards

As stated above, this Administrative Policies and Procedures Manual cannot anticipate every possible situation, and it cannot list every potential violation of City policy or conduct standards. The examples below are intended to illustrate the types of behavior that are considered inappropriate.

Minor Offenses

Any inappropriate behavior warranting correction but does not disrupt the workplace, including, but is not limited to the misuse of City resources, or impair the productivity of the offending employee or other employees may be considered a minor offense. However, if an employee commits several minor offenses or continues to repeat the same offense after being corrected, the accumulation of offenses may rise to a more severe offenses. These are considered Level 1 violations.

## Major Offenses

These are actions which cannot be permitted to occur because of their negative impact on other employees or the City. Such infractions may warrant termination of employment on the first occurrence and are considered Level 2 or 3 violations.

This type of offense includes the use of insulting, demeaning, derogatory remarks, communication, materials directed toward or about an employee or resident based upon their race, color, creed, religion, gender, national origin, age, disability, marital status, sexual orientation, gender identity or gender expression. Regardless of the context these items are being said or shown, it will be considered a violation, whether a person is saying it or, it is being repeated. The only time it should be said or demonstrated is to the Supervisor or the individual investigating the infractions. Any derogatory term said to or about another, will not be tolerated.

## Level 1 Violations

Behavior that may disrupt the workplace, misuse City resources, or impair the productivity of the offending employee or other employees can be considered Level 1. Examples of Level 1 Violations include, but are not limited to:

1. Poor attendance or excessive tardiness
2. Abuse of leave, including unauthorized time away from work, leaving work during working hours without permission, or not reporting to work as scheduled, including failing to return from lunch or break, without notifying the supervisor or manager before the beginning of the shift; however, the employee must call as soon as possible to inform the supervisor of the absence.
3. Abuse of City time, including use of City time for personal business
4. Use of profanity or insulting, demeaning, derogatory remarks, communication, materials not directed toward or about someone nor rises to the level included under Major Offenses. This includes general profanity one would use to in an exclamation remark.
5. Inadequate or unsatisfactory performance
6. Disruptive behaviors
7. Conviction for a minor moving traffic violation while using a City or public use vehicle.

## Level 2 Violations

Level 2 violations are more serious than Level 1 because they significantly disrupt the workplace, misuse City resources, or impair the productivity of the offending employee or other employees. Examples of Level 2 Violations include, but are not limited to:

1. Not following a supervisor or manager's instructions or not following written policy. This is different than insubordination which is listed under Level 3 Offenses, #17.
2. Violating a safety rule without potentially harming anyone
3. Using City property or records improperly or without authorization
4. Refusing to work overtime as required. While the City is not required to give a standard advance notice, Departments should do their best to give ample notice to employees.
5. Violating Drug Free Workplace policies and the related Mayor's policy directives (violations include reporting to work impaired, being under the influence or possession of alcohol or drugs while at work or on City property or vehicles, or using a controlled substance illegally). This infraction will result in a 20 work day suspension and a mandate to the EAP. The employee will not be

able to return to work until the employee has been cleared by the EAP and a negative return to duty test by the City. Failure to have a negative test will result in termination of employment.

6. Violating anti-discrimination equal-employment opportunity policies (depending on the behavior this can be a level 2 or level 3 violation)
7. Violating harassment policies (depending on the behavior this can be a level 2 or level 3 offense)
8. Using insulting, demeaning, derogatory remarks, communication, materials directed toward or about an employee or resident based upon their race, color, creed, religion, gender, national origin, age, disability, marital status, sexual orientation, gender identity or gender expression. As described under Major Offenses.
9. Conviction for a major moving traffic violation while using a City or public use vehicle. This would include speeding 10+ miles over the speed limit, passing a school bus, passing on a double yellow, etc.

### Level 3 Violations

Level 3 violations are so disruptive and unprofessional that one such violation may result in the Employee's employment being terminated on the first occurrence. Examples of Level 3 Offenses include, but are not limited to:

1. Being absent two or more consecutive work days without notification in advance of the work period and without authorization or a satisfactory reason,
2. Falsifying and/or altering any System records, including vouchers, reports, insurance claims, time records, leave records, member records, and other official City documents
3. Willfully or negligently damaging or defacing City records, City property, or the property of others
4. Stealing or removing without authorization City records, City property, or the property of others
5. Gambling on City property or during working hours
6. Fighting or other acts of physical violence
7. Violating safety rules and potentially or actually causing physical harm
8. Sleeping during working hours
9. Participating in any type of deliberate interference with City operations
10. Possessing or using firearms, dangerous weapons, or explosives without authorization
11. Threatening or coercing people associated with any agency/department, including employees, members, vendors, and visitors
12. Being convicted of a crime that makes the offender appear unable or unworthy to fulfill City duties to the public, to City administration or to other City employees
13. Second violation of City Drug Free Workplace policies and the related Mayor's policy directives.
14. Violating harassment policies (depending on the violation this can be a level 2 or level 3 offense)
15. Misusing internet access (viewing pornography, electronic stalking, etc.)
16. Violating the anti-discrimination equal-employment opportunity policies (depending on the violation this can be a level 2 or level 3 offense)
17. Insubordination – Refusal to perform assigned work or not following a lawful directive by a supervisor or manager OR total disrespect towards a manager or supervisor.
18. Refusal to submit to a drug/alcohol testing.
19. Gross negligence – may be defined as knowing and voluntary disregard of the need to exercise reasonable care, which is likely to cause foreseeable serious

- injury or harm to a person, property or the City.
- 20. Being on duty while under the influence of alcohol.
- 21. Being on duty while under the influence of illegal drugs.
- 22. Conduct whether on or off the job, that adversely affects the employee's ability to continue to perform her or his current job, or that adversely affects the City's ability to serve the residents of Little Rock. Conviction of a felony, making derogatory comments on social media that could potentially cause damage to the City's reputation, public intoxication while off duty, in city uniform, wearing any other evidence of being an employee of the City, or when driving a city owned vehicle.

e. Corrective Action

All violations of the conduct standards require some level of corrective action. This can range from asking an employee to change a behavior and educating the employee how the behavior will lead to possible discipline, to terminating the employment of the employee. Corrective actions must follow the policies outlined in Administrative Policy and Procedures Manual. Departments may consider the context in which a violation occurs and any extenuating or aggravating circumstances that suggest reducing or increasing the level of discipline. Departments may combine a corrective action with a referral to the City's Employee Assistance Program and they are encouraged to do so. The Mayor or City Manager have the authority to review all cases and change outcomes. All actions except informal warnings must be documented on City forms provided and forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

Types of Corrective Action

1. **Coaching and Counseling**  
When a manager or supervisor emails or meets informally with an employee to ask that employee to change behavior that doesn't meet the conduct standards, this is considered an informal warning or coaching and counseling session. If the manager meets with the employee in person, the manager will produce a "letter of clarification" (aka "a counseling" or "memo of understanding") that preserves the date, time, and subject of the discussion. If the manager discusses the issue by email, the email itself will document the conversation. If the employee continues the improper behavior or violates other parts of the conduct standards, the manager can refer to this record to establish a pattern of offenses that may require more severe corrective action. This would be appropriate for the first or second occurrence of a level 1 violation.
2. **Oral Reprimand**  
A supervisor will usually issue a formal warning or Oral Reprimand (which is a written document) when an employee fails to heed one or more informal warnings, or commits a level 1 offense. The action must be formally documented on the City's form and entered into the Department's employee's personnel file where they stay "active" for one year. Like all active corrective actions, formal warnings are cumulative and may be used to establish a pattern of violations that may require more severe corrective action.
3. **Written Disciplinary Action**  
A formal written warning which is considered the first step in progressive discipline. A written reprimand shall not be "active" or considered in any future

disciplinary action if the employee has been free of an additional disciplinary action after the next twelve (12) months.

4. Suspensions

- i. All suspensions are without pay (payroll records, etc. must be updated to indicate suspension, demotion, termination, reinstatement, and/or similar changes in status).
- ii. A suspension will be normally between one (1) workday to twenty (20) workdays. However, a suspension can exceed this amount if approved by the Chief People Officer or City Manager.
- iii. The completed suspension disciplinary action must be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.
- iv. Forfeiture of Leave

After serving the first five (5) days of a suspension, a non-uniformed employee, may, with the approval of the Department Director, forfeit accrued Paid-Time Off, Vacation, or Discretionary leave in lieu of serving the remainder of the suspension. This requires an employee to work a day and charge a day of leave or charge two days of leave (should the employee not be able to work) for each day he wishes to forfeit.

5. Demotion

A disciplinary action which moves an employee to a classification with a lower pay grade. Equity will determine the level of salary decrease in conjunction with the AFSCME agreement.

6. Termination of Employment

A disciplinary action which results in an employee's removal from the City work force.

Pre-Termination Meeting

- i. An employee in a regular or limited service position (RFTP, RCSP, RPTP, LSPF, and LSPP) who has completed the post-hire probation must be offered a pre-termination meeting prior to being given the disciplinary action. He/she shall be notified on a form provided by the Human Resources Department. If the employee is working and receiving wages from the City at the time he receives notification of possible disciplinary action, the employee shall be placed on Administrative Leave with pay until the date of his pre-termination meeting. If the employee is not working at the time of such notification, he will not be placed on Administrative Leave, i.e., FMLA, authorized or unauthorized leave without pay, suspensions, leave of absence.
- ii. An employee must be made aware of any evidence of the alleged infraction and the possibility that termination of employment may be the anticipated disciplinary action.
- iii. An employee must be given an opportunity during the pre-termination meeting to respond to the allegation.
- iv. The pre-termination meeting shall be brief and is not to be confused with an appeal hearing. The meeting must be tape recorded.

Pre-termination meetings serve as an initial check against mistaken decisions. Such meetings serve as an opportunity to determine whether there



are reasonable grounds to believe that the charges against the employee are true and support the proposed action by management. A pre-termination meeting provides the employee with oral or written notice of the charges, an explanation of the supervisor's evidence, and an opportunity to tell his/her side of story. Attendance at the pre-termination meeting will be limited to the employee and the management representative(s).

f. **Violations and Corresponding Corrective Action**

Disciplinary actions are divided into levels that correspond to the offenses they document. So a level 1 offense warrants a level 1 disciplinary action. These levels determine what corrective actions must be applied. Disciplinary actions are cumulative, and managers will consider all active corrective actions in an employee's file when deciding how to respond.

Level 1 Disciplinary action – Oral and Written Reprimands are appropriate actions

- Three active level 1 disciplinary actions may result in a suspension without pay for three (3) to five (5) work days.
- Four (4) active level 1 disciplinary actions may result in the employee's discharge.

Level 2 Disciplinary Action – Suspensions from 1 work day to 10 work days are appropriate actions

- One level 2 disciplinary action may result in a suspension without pay for up to 10 work days – except for positive drug/alcohol tests which will be 20 work days. See Section X of the Administrative Policies and Procedures Manual.
- Two active level 2 disciplinary actions normally result in the employee's discharge; however, extenuating circumstances may occasionally justify less severe action. If employment is not terminated, two active level 2 disciplinary actions may result in demotion, and/or suspension for up to 20 work days.
- An employee's violation of offensive behavior as defined under Major Offense will result in a twenty (20) work day suspension unless based on progressive discipline termination of employment is warranted. The next violation under the offensive behavior section will be termination of employment.

Level 3 Disciplinary Action – suspension of 20 work days or termination of employee are appropriate actions

- One level 3 disciplinary action normally results in the termination of employment on the first occurrence; however, extenuating circumstances may occasionally justify less severe action such as a demotion, or suspension for up to twenty (20) work days.
- More than one level 3 disciplinary action will result in termination of employment.

## **5. Appeals**

a. **Appeal Rights**

Regular and Limited Service employees (RFTP, RPTP, LSPF, and LSPP) who have completed their post-hire probation may appeal disciplinary actions. (See below).

Non-Uniform Non-Union Eligible employees who have completed the post-hire probation may appeal suspensions and terminations. Non-Uniform Non-Union Eligible employees cannot appeal an Oral Reprimand nor can they appeal a Written Reprimand but may choose to have a written rebuttal attached to the Written Reprimand that will be placed in his/her personnel file.

Non-Uniform Union Eligible employees who have completed the post-hire probation may appeal written reprimands and appeal the disciplinary action on the basis the action is untimely. Non-Uniform Union Eligible employees cannot appeal an Oral Reprimand. See the appeal process in the American Federation of State, County and Municipal Employees (AFSCME) Agreement.

Uniformed Employees - See the appeal process in Civil Service Commission Rules and Regulations on the Human Resources website under Helpful Documents.

b. Hearing Timetable

Hearings will be conducted in a timely manner pursuant to the provisions contained in this Section. Representatives are expected to adhere to the following time limits, except in an emergency situation as outlined below.

Step 1: Eligible employees must submit their Appeal request directly to the Human Resources Department within ten (10) business days from receipt of the disciplinary action. A tentative Hearing date and location will be provided to the appellant upon completion of the Hearing Request Form. Please note, this date may change based on the availability of meeting space and/or Representatives. You have the right to have a union steward, attorney, or other representative to represent you. If you plan to have a representative, you must provide the name, address, email and telephone number of your representative to the Human Resources Department within the aforementioned ten (10) business days from receipt of the disciplinary action.

Step 2: Upon notice of Appeal, the Human Resources Department shall notify the Department where the employee works, which will then have five (5) business days to provide the documentation it used to base its decision to discipline to the employee and if applicable, a full witness list it intends to call at the Appeal Hearing. A partial witness list is unacceptable. The employee will be required to pick up the materials at the offices of the employee's Department head and sign a receipt documenting that the materials were received from the Department. Notification to the employee of the availability of the materials will be made by telephone and email to the contact information provided to Human Resources by the employee. Notification will be deemed to have been made when at least three (3) attempts are made to reach the employee by telephone and email.

The attempts should be made once each business day and documented appropriately. Failure to pick up the documents will not prevent or delay the Hearing from being scheduled.

Step 3: The appellant must provide a full witness list and documentation to be presented at the Hearing to the Department at least five (5) business days from expiration of the five (5) day period referenced in step two (2). A partial witness list is unacceptable. If the witness list and documentation are not provided within the allotted timeframe, they will not be allowed during the Hearing.

Step 4: The Human Resources Department shall hold the Hearing after a minimum of ten (10) business days from receipt of the Disciplinary Action Appeal Hearing Request. The employee shall be notified of the final date, place and time of the Hearing via City email (if applicable), and U.S. Postal Mail with a Certified Mail return receipt. Notification will be deemed to have been made upon verification of the delivery through the U.S. Postal Service tracking system. The Hearing will not be rescheduled unless there is a documented emergency.

- a. A documented emergency is defined as illness, death in family or other catastrophic, unforeseen event. A scheduling conflict is not considered a documented emergency.

Step 5: The inability to reach the employee to notify him/her of the Hearing date shall be deemed a waiver of the Appeal Hearing, unless good cause is shown why the employee failed to receive notice. This decision will be made by the Hearing Officer assigned to hear the Appeal.

#### *Non-Uniform Union Eligible Employees*

Step 6: Suspensions of ten (10) days or more or termination will be heard by a representative of the City Manager and representative from the AFSCME Union upon request of the appellant. Upon completion of the Hearing, if there is concurrence, a joint finding and recommendation will be submitted to the City Manager. If the two Hearing Officers are unable to agree, they shall submit separate findings and recommendations to the City Manager within ten (10) business days after the date of the Hearing. The City Manager will, within five (5) business days, review both recommendations and make a final decision. All parties will be notified in writing of that decision.

#### c. Hearing Procedures

1. The Department's representatives have the burden of proof during the Hearing and they will present their case first;
2. The Appellant will present his/her case next. If desired, the Department representative may submit rebuttal evidence. Rebuttal evidence may only address something that arose during an employee's presentation and is not to be a repeat of evidence already submitted; Each side will have an opportunity to ask questions;
3. If witnesses are called, the other side will have an opportunity to question them also. All witnesses will be asked to step outside and wait to be called. The Hearing Officer shall direct the witnesses not to discuss the case among themselves.
4. Each party may give an oral rebuttal to any evidence presented.
5. The Department representatives may also testify but only two (2) representatives may also be witnesses.

All attendees, representatives, and witnesses must sign the record of attendance. When representatives from either side call a witness, they must have them to identify themselves before asking any questions.

The Appellant or the Appellant's representative(s) and the Department representatives must not interrupt or try to talk over someone while they are speaking. Each side will be given an equal opportunity to present their side and to ask questions. All parties are asked to abide by the protocols of the Hearing and to conduct themselves in a professional manner at all times.

If a representative becomes disruptive or speaks out of turn during the Hearing, the Hearing Officer will give a warning that if they continue to do so, the Hearing will be terminated and a final decision will be made based on the overall evidence presented thus far. If the employee prefers to proceed without a representative, that will be permitted. If the representative(s) at fault would like to submit a position statement with relevant evidence for the Hearing Officer to consider after terminating the Hearing, he/she will have 48 hours to submit the position statement to the Hearing Officer.

**Only evidence pertaining to the items stated on the Disciplinary Action Form will be considered.** The Hearing Officer will reject evidence and disallow witnesses he/she believes are not relevant to the disciplinary action in question. Representatives are not allowed to argue with the Hearing Officer. The Hearing Officer will allow the representatives to state their objection, if any, on the record. Once the Hearing Officer decides testimony or any evidence is not relevant and the representative notes an objection for the record, representatives must move on to submit relevant evidence or rest their case.

Representatives will only be allowed to call witnesses who have direct knowledge of the disciplinary action in question. Representatives will only be allowed to testify, to cross examine, and present written documentation that is directly related to the disciplinary action in question.

d. Notification to Appellant

The Appellant or Appellant's representative will be advised of the date, time, and location where the disciplinary action Appeal Hearing will be held. In addition, the following procedures must be followed.

1. The Appellant or Appellant's representative will be asked to bring a copy of his/her evidence to the Hearing for the Hearing Officer.
2. It is the Appellant's or Appellants Representative's responsibility to provide a full witness list and documentation to be presented at the Hearing to the Department at least five (5) business days from expiration of the five (5) day period referenced in step two (2). A partial witness list is unacceptable.
3. Comply with the Hearing procedures as set forth in the Disciplinary Action Appeal Procedural Manual.
4. No food will be allowed during the Hearing.

Only audio recording of the Hearing is permitted. If the Appellant or Appellant's representative desires a copy of the recording of the Hearing, he/she will be responsible for the cost of a disc, thumb drive or other device for use in providing a copy of the recording of the Hearing. The Hearing will start on time and all participants are advised to be punctual. Should the Appellant be unable to attend the Hearing as scheduled, he/she must advise the Hearing Officer assigned to the case immediately. The Hearing will not be rescheduled unless there is a documented emergency as set forth in Section III, 4a Hearing Timetable.

Appellants who are late (15 minutes or more), or who do not show, except for emergencies, are considered to have forfeited their Hearing rights.

e. The Hearing

Typically, there will only be two representatives allowed for the Department and for the Appellant and/or Representative, unless the Appellant is represented by more than one attorney. In such cases, the Appellant or the Appellant's Representative must notify the Human Resources Department within ten (10) days from receipt of the disciplinary action that he/she intends to have more than one attorney and how many attorneys will be present at the Disciplinary Hearing. The Department will then be notified to ensure equal representation for the Appellant and the Department.

1. Rights of Parties

Each party may call and examine witnesses and cross-examine opposing witnesses.

2. Objections

The Hearing Officer rules on objections raised by either party. The purpose of the Hearing is to only address the items stated on the Disciplinary Action Form and to ascertain facts pertaining to the appealed disciplinary action.

All relevant information will be considered by the Hearing Officer and given the weight that it merits. Procedures for objections are set forth in Section IV-Hearing Procedures.

3. Evidence

Evidence shall be admitted if it is directly related to the disciplinary action in question.

Evidence is relevant when it has a tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the disciplinary action in question. Irrelevant and unduly repetitious evidence will not be allowed.

It is suggested that parties requesting evidence under the Freedom of Information Act (FOIA) to be used as evidence during the Hearing must do so as soon as possible prior to the Hearing. Only relevant evidence will be allowed by the Hearing Officer. The Hearing will not be rescheduled if parties have not obtained all relevant evidence prior to the Hearing.

Hearsay evidence is admissible in the Hearing. However, it will be used only for the purpose of supplementing or explaining direct evidence, and must not be considered sufficient, in itself, to support a finding.

New Evidence (evidence not previously disclosed by the Department or employee) may be introduced during the Hearing if:

- i. It pertains to the existing charges; and
- ii. Upon discovery, the Appellant was informed as to the nature of the evidence.

If these conditions are met, the introduction of new evidence would not constitute a violation of the Appellant's rights in the due process.

4. Private Communications

A Hearing Officer cannot entertain private communications from either party. All matters relative to the Appeal must be presented in open Hearing with both parties present.

5. Time Limit

The Hearing will not exceed four (4) hours in duration. A continuance may be granted at the discretion of the Hearing Officer, if deemed necessary.

**6. Finding and Recommendation to the City Manager**

The Hearing Officer's findings and written recommendations to the City Manager will be based upon a "preponderance of the evidence." Preponderance of the evidence means that, when weighed with evidence opposed to it, has more convincing force and the greater probability of truth. It may also be defined as more than 50% of the weight of the evidence presented.

The submission to the City Manager will include a summary of: the reason for reprimand, the documentary evidence and oral testimony, findings and recommendations relating to all evidence presented.

The Human Resources Department will forward the written recommendation to the City Manager as soon as administratively feasible, who will make a final decision within five (5) business days.

The City Manager's decision may be to:

1. Uphold the infractions as stated on the Disciplinary Action Appeal form and either sustain or modify, either increase or decrease the level of disciplinary action.
2. Overturn the disciplinary action entirely, that could lead to harsher disciplinary action, up to, and including termination.
3. Overturn the disciplinary action and remand the action to the Department to evaluate possible infractions and disciplinary action. The Department should contact the Chief People Officer for steps to reissue the action.

**7. Grievances**

a. Grievance Definition

A grievance shall be defined as a formal complaint concerning any perceived improper application of a written policy, regulation, or procedure which personally affects any employee.

b. Grievance Rights

Any employee who presents a grievance in good faith and within established procedures shall be free from any discrimination or retaliation. Employees are encouraged to discuss the problem with their supervisors prior to filing a grievance.

c. Grievance Procedure

- i. A grievance must be in writing on the appropriate form as provided by the Human Resources Department.
- ii. The grievant and the individual against whom the grievance has been filed and the appropriate Department Director may have one person of their choice present at the third step hearing.
- iii. The grievant may have any employee present as a witness; he shall inform the appropriate Department Director prior to the hearing in order to grant the employee leave from the job.

The grievance response must be in writing either on the form or on a memo, to be attached to the grievance. Copies of the grievance and the response for each step must be submitted to the Chief People Officer.

iv. Non-Uniform Union Eligible Employees

Any complaint which is denied for reasons of grievability may be referred to Step Three of this section for a hearing specifically as to the grievability.

d. Grievance Steps

i. Step One

The employee shall submit the grievance to his supervisor within ten (10) working days of the occurrence or awareness of the grievable action.

ii. Step Two

The supervisor shall respond with five (5) working days. The supervisor should sign the form indicating whether or not a resolution was reached; if the grievance is not resolved at this step, the employee may submit the grievance within three (3) working days as a Step Two Grievance to the Department Director. The Department Director shall respond within five (5) working days.

iii. Step Three

If the grievance does not get resolved at this step, the grievant may proceed to Step Three and submit the grievance to the Chief People Officer. A copy of the grievance shall be forwarded to the Department Director.

A hearing will be scheduled within five (5) working days from the date the grievance is received; the grievant will be notified and is responsible for notifying his witnesses.

The Chief People Officer or a designee will forward a written recommendation to the City Manager, who will make the final decision within five (5) working days. All parties will be notified of that decision.

A grievant and his supervisor may discuss and resolve the grievance at any time during the process.

Established time frames may only be extended by written agreement of both parties.

The grievant is responsible for forwarding the grievance form through each of step of the process.

**8. Grievance Hearing Proceedings**

The purpose of the hearing will be to ascertain facts surrounding the grievance.

At grievance hearings, the employee is entitled to be represented by a union steward, attorney, or other representative. Both parties may present witnesses and documentary evidence, and will be given an opportunity to present their case, an oral rebuttal, and a closing statement, and to ask questions of witnesses.

The Chief People Officer or his designee shall be in charge of the entire hearing procedure.



## **9. Equal Employment Opportunity (EEO) Discrimination Policy and Complaint Procedure**

It is the policy of the City not to discriminate in its employment and personnel practices because of a person's race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinion or affiliation. This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City is committed to providing a work environment that demonstrates mutual respect for the dignity and worth of its employees. City officials, employees, and vendors are personally accountable for maintaining an environment free from all forms of discrimination. The City is dedicated to ensuring a work environment free from discrimination.

### **a. Applicability**

This policy applies to all City employees, applicants for City employment, elected and appointed City officials, bidders and contractors who seek to do business with the City or its agencies, City Boards and Commissions and recipients of City Services.

This policy applies to all phases of the employment and including recruitment, testing, hiring, job assignments, promotions, and disciplinary actions relating to co-workers, subordinate employees, and supervisors. All employees, non-employees or officials found to have acted in violation of this policy shall be subject to appropriate disciplinary action.

The City will not tolerate discrimination directly or indirectly of its employees, applicants, employed contractors, such as third party contractors, vendors, clients and customers, as well as elected or appointed City officials. The Labor and Employee Relations Division should be immediately notified of any such conduct so that it can take immediate and appropriate corrective action to prevent further discrimination.

### **b. The EEO Discrimination Policy and Complaint Procedure Functions**

To establish a system to assist the City with identifying and remedying those conditions that could result in potentially legitimate complaints of discrimination based on race, color, creed, religion, sex, national origin, age, disability, marital status, sexual status, sexual orientation, gender, gender identity, genetic identity, genetic information, veteran's status, political opinion or affiliation;

- i. To establish a procedure that will ensure alleged acts of discrimination and/or retaliation are brought to the attention of supervisory and management personnel for timely investigation and resolution;
- ii. To provide a means by which an employee believes he/she has experienced discrimination and/or retaliation can file a complaint;
- iii. To prevent retaliation as defined in this policy.

It is the responsibility of supervisory and management personnel to identify and eliminate all situations and conditions that could result in legitimate complaints of discrimination on the basis of race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinion or retaliation.

Alternatively, the complaint process provides for direct investigation and resolution rendered by the Labor and Employee Relations Division. The Labor and Employee Relations Division is the designated area in the Human Resources Department charged by the Chief People Officer with the responsibility of administering the EEO Discrimination Policy and Complaint Procedure.

c. Definitions

- i. Discrimination is unfair treatment based on race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinion as it relates to terms or conditions of employment covered by this administrative policy;
- ii. Complainant is a person who has filed a complaint of discrimination or retaliation under this policy;
- iii. Direct discrimination occurs when a person treats, or proposes to treat, someone unfavorably because of a personal characteristic;
- iv. Indirect discrimination occurs when a policy, rule or procedure that is applied to everyone ultimately, puts some individuals or groups with a personal characteristic that is protected by law at a disadvantage;
- v. Retaliation is subjecting, or threatening to subject, someone to something detrimental because he or she asserted his or her rights under the EEO policy.

d. Protection against Retaliation

The City will not tolerate retaliation of any kind because an employee in good faith raises a concern or reports a violation or suspected violation of those rules or participates or cooperates with an investigation of such concerns. Nor does the City tolerate retaliation because an employee provides information or assists a government or law enforcement agency regarding a violation of law, or files, testifies or participates in a legal proceeding relating to a violation of law. Retaliation involves any conduct that would reasonably dissuade or discourage an employee from raising or reporting such concerns through our reporting channels or with any governmental body, or from participating in or cooperating with an investigation of such concerns. It includes conduct that would reasonably dissuade or discourage an employee from filing, testifying or participating in a legal proceeding relating to a violation of law, or providing information or otherwise assisting a government or law enforcement agency regarding a violation of law.

The City prohibits retaliation against an employee who files complaints of discrimination, as well as an employee who reports discrimination of another employee, or an individual encountered in the workplace, such as a vendor, client or customer, or who cooperated or participated in an investigation of discrimination. Therefore:

- i. Employees are required to immediately report any retaliation as defined in this policy to the Labor and Employee Relations Division;
- ii. Any complaint of retaliation will be handled in accordance with the complaint process set forth in this policy;
- iii. Any individual who retaliates against any person making a complaint under this procedure, reporting a violation of this policy or assisting in a discrimination investigation could result in disciplinary action, up to, and including termination of employment.

e. Procedure

The EEO Discrimination Policy and Complaint Procedure is available to all uniform and non-uniform employees. All information, documentation, and decisions pertaining to this procedure will be handled in as confidential a manner as possible. Any employee who violates this policy, or any unwarranted breach of confidentiality regarding a complaint, will be considered a violation of the procedure and could result in disciplinary action up to, and including termination of employment.

Following are steps to be pursued in filing, investigating and resolving complaints under the EEO Discrimination Policy and Complaint Procedure:

- i. The employee has up to 180 days from the date of the alleged harm to file a complaint with the Labor and Employee Relations Division.  
  
Labor and Employee Relations Division: 500 W. Markham, Suite B18, Little Rock, Arkansas 72201-1428, Phone Number: (501) 371-4590, FAX (501) 244-5475, [HRLaborRelations@littlerock.gov](mailto:HRLaborRelations@littlerock.gov).
- ii. As a condition of employment, every employee has an obligation to fully participate and cooperate in EEO Discrimination investigations conducted by the Labor and Employment Relations Division. Failure to do so can lead to disciplinary action, up to, and including termination of employment.
- iii. The person conducting the investigation shall do so in the most expedient manner possible to attempt to resolve the complaint in a timely manner.
- iv. Upon completion of the investigation by the Labor and Employee Relations Division, a written decision shall be issued to the complainant, the Department Director, the alleged harasser, and the Chief People Officer. When the Chief People Officer is the person conducting the investigation, a written resolution shall be issued to the complainant, the alleged harasser, and the Department Director.
- v. Should any party dispute any such decision, he/she may request a resolution meeting to be scheduled with the Chief People Officer within seven (7) calendar days of receiving the written resolution. The Chief People Officer will forward a written recommendation to the City Manager whose decision will be final.

## 10. **Harassment**

As a condition of employment, every employee has an obligation to fully participate and cooperate in harassment investigations conducted by the Human Resources Department or any City Department. Failure to do so can lead to disciplinary action.

### a. Harassment Policy

The City is committed to providing a work environment that demonstrates mutual respect for the dignity and worth of its employees. City officials, employees and agents are personally accountable for maintaining an environment free from all forms of harassment. Harassment of employees and non-employees is strictly prohibited. The City is dedicated to ensuring a work environment free from workplace harassment, sexual harassment, and bullying.

Complaints and investigations will be kept confidential to the extent legally possible.

This policy prohibits retaliation against an employee who files a harassment complaint, and employee who reports harassment, or who cooperates, or participates in an investigation of a complaint of harassment.

### b. Applicability

This policy applies to all City employees, volunteers, applicants for City employment elected and appointed City officials, bidders and contractors who seek to do business with the City or its agencies, City Boards and Commissions and recipients of City Services.

This policy applies to all phases of the employment relationship, including, recruitment, testing, hiring, job assignments and promotions. All employees, non-employees or officials found to have acted in violation of this policy shall be subject to appropriate disciplinary action.

The City will not tolerate any type of harassment of its employees, applicants, employed contractors, such as third party contractors, vendors, clients and customers, as well as elected or appointed City officials. The City should be immediately notified to any such conduct so that it can take immediate and appropriate corrective action to prevent further harassment.

### c. Harassing conduct may be expressed as:

#### i. Workplace harassment, which is defined as:

actions, words, jokes where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; comments based on an individual's race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinion or affiliation, where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

ii. Sexual harassment, which is defined as:

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

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose and effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This includes, but is not limited to:

Verbal sexual harassment including innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse that rises to the level of creating a hostile work environment.

Nonverbal sexual harassment includes the distribution, or display of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

iii. Bullying is defined as:

Inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another person(s), at the place of work and/or during the course of employment.

1. Verbal bullying: slandering, ridiculing or maligning a person or his or her family; persistent name calling that is harmful, insulting or humiliating; using a person as the center of jokes; abusive and offensive remarks.
2. Physical bullying: pushing, shoving, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
3. Gesture bullying: nonverbal threatening gestures; glances that may convey threatening messages.

4. Exclusion: socially or physically excluding or disregarding a person in work related activities.
- d. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an applicant's or employee's submission to or rejection of sexual advances will in any way influence any decision regarding that individual's employment benefits (advancement, evaluation, wages, or any other term or condition of employment), nor shall any employee engage in behaviors which would constitute an intimidating, hostile, or offensive work environment.

Any employee who has grounds to believe that he is experiencing harassment is encouraged to file a complaint. Complaints will be handled confidentially, to the extent legally possible. Employees will not be retaliated against for filing a complaint, or participating in the investigation. Likewise, all employees are encouraged to act responsibly and to recognize that false accusations can have serious effects on innocent individuals.

e. Protection against Retaliation

The City prohibits retaliation against an employee who files complaints of harassment, as well as an employee who reports harassment of another employee, or an individual encountered in the workplace, such as a vendor, client or customer, or who cooperated or participated in an investigation of harassment. Therefore:

- i. Employees are required to immediately report any retaliation as defined in this policy to the Labor and Employee Relations Division;
- ii. Any complaint of retaliation will be handled in accordance to the complaint process set forth in this policy;
- iii. Any individual who retaliates against any person making a complaint under this procedure, reporting a violation of this policy or assisting in a harassment investigation could result in disciplinary action, up to, and including termination of employment.

f. Procedure:

- i. The employee has up to 180 days from the date of the alleged harm to file a complaint with the Labor and Employee Relations Division.

Labor and Employee Relations Division: 500 W. Markham, Suite B18, Little Rock, Arkansas 72201-1428, Phone Number: (501) 371-4590, FAX (501) 244-5475, [HRLaborRelations@littlerock.gov](mailto:HRLaborRelations@littlerock.gov).

- ii. As a condition of employment, every employee has an obligation to fully participate and cooperate in harassment investigations conducted by the Labor and Employment Relations Division. Failure to do so can lead to disciplinary action, up to, and including termination of employment.
- iii. The person conducting the investigation shall do so in the most expedient manner possible to attempt to resolve the complaint in a timely manner.
- iv. Upon completion of the investigation by the Labor and Employee Relations Division, a written decision shall be issued to the complainant, the Director,

the alleged harasser, and the Chief People Officer. When the Chief People Officer is the person conducting the investigation, a written decision shall be issued to the complainant, the alleged harasser, and the Department Director.

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Chief People Officer may recommend appropriate preventive action.

- v. Should any party dispute any such decision, he/she may request a resolution meeting to be scheduled with the Chief People Officer within seven (7) calendar days of receiving the written resolution.
  - 1. The Chief People Officer will meet with the disputing party to discuss the results of the investigation and decide what action, if any, will be taken.
  - 2. The Chief People Officer will forward a written recommendation will be to the City Manager whose decision will be final.

11. **Sexual Orientation, Gender Identity, Gender Expression, and Transgendered Persons Non-discrimination Policy**

The City is committed to providing a work environment that is free from discrimination against any person based on his or her actual or perceived sexual orientation, gender identity, gender expression, or status as a transgendered person (henceforth referred to as “Sexual Status”). This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, discipline, termination, layoff, recall, transfer, leave of absence, compensation, training, and terms, conditions, and privileges and employment.

a. Applicability:

This policy covers City employment, services, programs, and access to City facilities. Sexual Status is an intrinsically personal matter. The City acknowledges that each individual is different and has unique needs, which all employees will respect. The City will appropriately protect the personal and medical privacy rights of all employees to the extent allowed by law.

b. Policy:

All employees are encouraged to act responsibly and to recognize that discrimination against a person based on his or her Sexual Status can have serious effects. Any employee found guilty of such discrimination shall be subject to disciplinary action, up to and including termination of employment.

c. Prohibited Conduct Defined

- i. Discrimination is treating an individual differently or less favorably because of his or her characteristics, *i.e.*, sexual orientation, gender identity, gender expression, or status as a transsexual person.
- ii. Harassment is a form of discrimination that consists of unwelcome conduct based on one’s Sexual Status that has the purpose or effect of unreasonably interfering with an individual’s work or creating a threatening, intimidating, hostile, or abusive work environment. Such conduct can be spoken, written, visual, or physical. (See Section V.8.b which further defines harassment.)

d. Protection Against Prohibited Conduct:

The City prohibits discrimination, harassment, or retaliation against an employee who files a complaint on one of these bases because of his or her Sexual Status. The City also prohibits discrimination, harassment, or retaliation against an individual who cooperates or participates in an investigation of such a matter or any person objecting to or supporting enforcement of legal protections against discrimination, harassment, or retaliation on the basis of one’s Sexual Orientation.



e. Complaints:

Employees are required to immediately report any retaliation to the Labor and Employment Relations Division. Any complaint of retaliation will be handled in accordance to the complaint process set forth in this Section V.11.d of this Policy and/or Section V.10.d. of the EEO Discrimination and Complaint Procedure Policy.

Any individual who retaliates against any person making a complaint under this policy, reporting a violation of this policy, or assisting in a discrimination investigation could be subject to disciplinary action, up to and including termination of employment.

## SECTION VI

### **SEPARATIONS AND REHIRES**

#### **1. General Statement**

The City has made provisions to cover the personnel actions of separation from or returning to employment. Such actions may be achieved through:

- Termination
- Resignation
- Retirement
- Layoff
- Disability
- Reinstatement
- Recall

Employees with a documented disability may use any accrued leave time to remain in pay status until such leave is exhausted or until disability benefits begin.

#### **2. Termination**

Termination is an involuntary separation from employment. It may be for any of the following reasons:

- Elimination of programs or services
- Inability to perform duties
- Unsatisfactory performance
- Discipline

Employees who are in leave-without-pay status and do not return to work and who are not eligible for disability benefits may be terminated at the discretion of the Department Director, with prior approval of the Chief People Officer.

#### **3. Resignation**

- a. A resignation is a voluntary separation from employment. In order to be considered for reemployment, an employee must submit a written resignation to his immediate supervisor no later than ten (10) working days before the effective date. All supervisory or management staff is expected to make every effort to give notice with as much time as possible prior to leaving employment, but no less than ten (10) working days.
- b. All Department Directors hired after July 1, 2002, and any Department Director hired before that date who so chooses, will be governed by the provisions of this policy and may be requested to resign at any time by the City Manager. Upon such request, the affected Department Director will immediately resign his position and be entitled to any and all benefits he would normally receive.

In addition, if the Department Director voluntarily resigns upon request, he may be offered a severance package in exchange for a full and complete release of any and all claims he may have pursuant to local, state and federal law. The severance package, to which the Department Director is not

otherwise entitled, will be provided upon execution of a release and severance agreement prepared by the Little Rock City Attorney's Office. If the Department Director does not submit his requested resignation, his employment will be immediately terminated with no payment of a severance package. A Department Director hired before July 1, 2002, who refuses the City Manager's request to resign will be afforded the due process rights available to all other employees, with the exception of Department Directors hired after July 1, 2002, but there will be no payment of a severance package.

The benefits offered in the severance package shall be subject to negotiation by the City Manager and the Department Director, and are subject to availability of the necessary funds. The severance agreement containing the agreed on benefits shall be subject to approval as to legal form and content by the Little Rock City Attorney's Office.

- c. No severance package shall be offered to any Department Director who is terminated because of gross misconduct.

#### **4. Retirement**

Employees who separate from the City's employment who meet the rule of 70 which is defined as age plus years of service with a minimum of five (5) years of service or who have a minimum of twenty (20) years of service (see in Section III-Benefits for more information) will be considered retired. Retiring employees may elect to remain on the payroll, in pay status, by using their Vacation Leave/PTO and Bonus Leave. Employees will remain in active status until all leave is used or any earlier date as requested by the employee.

The same provisions outlined above shall apply for Department Directors, Assistant City Managers, and City Manager, who retire except that they may elect to stay in paid status by using vacation/PTO, Bonus and/or the equivalent amount of sick or STD hours in which they were entitled to receive as a lump sum payment calculated based on their retirement date and continuing accruals. Any additional special payments such as: car allowance, clothing allowance, etc., that are intended to compensate the Director for work related activities will cease.

Further, the Department Director/Assistant City Manager's final payment will include payment for six (6) months of employee health care, and then they will be treated as any other retiree. Additionally, they will receive six (6) month's salary if dismissed for any reason other than termination for just cause.

## **5. Termination Clearance**

The termination clearance process must be completed upon an employee terminating employment and prior to receiving their the paycheck which contains any leave payoff. If the employee is retiring and running out leave, the Termination Clearance process must be completed before the employee's last day reporting to work. Employee access to City networks must not remain active while on leave unless approved by the Chief Information Officer in advance.

Employees shall obtain clearance forms from and initiate the process with their department. A document showing the reason for separation (letter of resignation, disciplinary action, etc.) shall be provided to the Human Resources Department at the time of termination clearance. The Department will be responsible for ensuring the process is completed.

This process ensures that the employee has received information regarding benefits available and has returned any City-owned items. If an employee is unable to complete the process or is unwilling, the department should inform the Benefits Office, 371-4518.

## **6. Rehire**

The City may consider rehiring former employees who separated from previous employment, if they meet the rehire eligibility requirements stated in this policy. This policy does not refer to any employee who is on medical or other types of long-term leave.

### **a. Eligibility for Rehire**

To be eligible for rehire a former employee should have separated from previous employment with the City in good standing and must meet the following rehire criteria:

- i. Voluntary termination, which includes a written resignation letter to his/ her immediate supervisor no later than ten (10) working days before the effective resignation date.
- ii. Received a performance evaluation showing satisfactory performance in the term of job performance, attendance, and similar measuring factors. If an employee resigned prior to receiving an evaluation, the employee must have successfully completed the probationary period and have no disciplinary or similar record in the employee's prior employment file.
- iii. City layoffs due to changes in programs, reorganization, lack of work, or funding, City seniority and satisfactory job performance shall be a factor in consideration for rehire.
- iv. Pass the City's pre-employment screenings applicable to all new hires.
- v. Receive a favorable report from a background check.

### **b. Ineligibility for Rehire**

Former employees who involuntary terminated for cause, job abandonment, unsatisfactory work performance, failed probationary period due to misconduct,

resigned in lieu of a pending disciplinary action, gross misconduct, theft, misuse of the City's property or information, breach of confidentiality, or unethical practices will be ineligible for rehire.

- c. An employee eligible for rehire may request to be rehired back into their position within thirty (30) calendar days of the effective date of the resignation. Should the Department decide to rehire the employee; the Department must submit a request in writing to the Chief People Officer requesting the former employee be rehired and affirm that the employee is eligible for rehire pursuant to this policy. The Human Resources Department will ensure that the employee has met all rehire eligibility requirements and will determine what, if any, screenings must be completed before the employee is allowed to be rehired.

An employee rehired under this section shall be compensated at the rate of pay he was receiving at the time of the resignation and any salary adjustments or increases he would have otherwise been subject to receive during that thirty (30) calendar day period.

For purposes of establishing leave accruals, seniority and longevity, the original date of employment shall be used. The days missed by the employee will be counted as leave without pay.

- d. If rehired within one (1) calendar year, new hire procedures will apply. The employee does not have to re-test unless the selection process has changed.

A former employee seeking reemployment after one (1) calendar year of absence shall be considered a new applicant and compete in the selection process as configured in the job announcement.

For purposes of establishing leave accruals, seniority and longevity, the most recent date of employment shall be used. The Department should submit a request in writing requesting the former employee be rehired. The Human Resources Department will ensure that the employee has met all requirements and will determine what, if any, screenings must be completed before the employee is allowed to be rehired.

- e. Career Ladder

- i. A former regular full-time employee who resigned from a career ladder position and seeks reemployment within one (1) calendar year to a first level position, shall be given full credit for time served.

- ii. A former employee who resigned from a career ladder position and seeks reemployment after one (1) calendar year, but within two (2) calendar years, shall be credited for time served as follows:

Employee shall receive credit not to exceed 50 percent of the time required for advancement from one level to another in the career ladder. For a regular part-time position employee, the percentage of credit shall be reduced to 40 percent. No credit will be allowed unless the employee worked a minimum of 20 hours in a normal workweek.

- iii. A former regular part-time employee transferred to a regular full-time position shall receive credit for 50 percent of the time served if he worked

a minimum of 20 hours in a normal workweek.

- iv. A regular part-time employee transferred to a regular full-time position shall receive credit for 75 percent of the time served, if he worked a minimum of 20 hours in a normal workweek during any time while a regular full-time position vacancy existed. Credit shall be granted only if the duties from the part-time position are exactly the same as in the full-time position.

#### LIST OF CAREER LADDER POSITIONS

CLASSIFICATION	GRADE	REQUIREMENT FOR PROGRESSION
Civil Engineer – Engineer Intern (EI)	868	
Civil Engineer I	869	Completion of one (1) year of experience as Civil Engineer – Engineer Intern (EI)
Civil Engineer II	871	Completion of four (4) years of experience as Civil Engineer I plus Professional Engineer (PE) registration

Solid Waste Equipment Operator I*	324	
Solid Waste Equipment Operator II*	325	Completion of one (1) year of experience as Solid Waste Equipment Operator I

Traffic Engineer I	869	
Traffic Engineer II	871	Completion of four (4) years of experience as Traffic Engineer I plus two (2) years of supervisory experience plus Professional Engineer (PE) registration

Traffic Technician I*	407	
Traffic Technician II*	411	Completion of two (2) years of experience as Traffic Technician I

911 Communications Operator	826	
Communications Dispatcher	827	Completion of Department Requirements

See LRPD General Orders for all details

Crime Scene Specialist I	528	
Crime Scene Specialist II	529	Certification as a Certified Crime Scene Investigator; 1 year in crime scene related activities; completion of 48 hours of crime scene related courses within last 5 years.
Crime Scene Specialist III	530	Certification as a Crime Scene Analyst; Minimum of three (3) years in crime scene related activities; Completion of 96 hours of crime scene related courses within the last 5 years.
Crime Scene Specialist IV	531	Certification as a Crime Scene Analyst; Minimum of six (6) years in crime scene related activities; Completion of 144 hours of crime scene related courses within the last 5 years; and one of the following 1) authored or coauthored an article on some phase of crime scene investigation, 2) Made a presentation on some phase of crime scene investigation 3) Be an active instructor in some phase of crime scene investigation who is currently teaching at least once a year, or 4) Completed 16 hours of courtroom testimony training in addition to the required 144 hours of crime scene related training (listed above).

\*Union-Eligible Position

## 7. **Reinstatement**

### Disciplinary

Any employee who has a right, benefit or privilege reduced or adversely affected by a disciplinary action which is overturned on appeal shall have those rights, benefits, and privileges fully reinstated. An employee who received pay-off of accrued leave time as part of a disciplinary termination may, upon reinstatement, repurchase some or all of the leave by returning the money received to the City. Repayment will be at the hourly rate in effect on the date of termination.

Restoration of benefits to Civil Service employees whose disciplinary actions are overturned are addressed in the Rules and Regulations of the Little Rock Civil Service Commission.

## **8. Veteran's Reinstatement**

- a. An employee separating from a regular position to join the Armed Forces shall be reemployed under the following conditions:
  - i. Application for reemployment is made in writing within ninety (90) days of discharge from military service.
  - ii. Documentation of discharge or release from active duty under honorable conditions is presented.
  - iii. Five (5) Year Limit is the period of military service which does not exceed five (5) years, except for extensions specifically requested by the United States government (documentation of the extension received is required).

The United States Employment and Re-employment Rights Act (USERRA) sets a five (5) year cumulative limit on the amount of military leave you can perform and retain reemployment rights with your employer. There are some important exceptions to the five (5) year limit. If an employee is unable to obtain release or if service is required to complete an initial period of obligated service, that time of service is exempt. If an employee was hospitalized or becomes disabled from an illness or injury incurred in, or aggravated during military service, the limit may be extended up to an additional two (2) years. Drills, (inactive duty training), annual training, involuntary active duty extensions (including training certification as necessary), and recalls due to a war or national emergency are not counted in the five (5) year cumulative total.

An employee may not be re-employed if the City's circumstances have changed so as to make such reemployment impossible or unreasonable or such reemployment would impose an undue hardship on the City, or the department from which the employee leaves.

- b. A qualified veteran meeting the listed conditions shall be reinstated within two (2) weeks of application to a position for which he is qualified, at the salary level he would have obtained had he not entered military service, excluding any increases based on performance. If no position vacancy exists, the Department Director shall lay off another employee, unless an exception is granted by the City Manager.
- c. A reinstated veteran shall be given credit for these years of military service for the purposes of the dates that drive longevity, seniority, leave accrual and pension dates. No leave accruals or payments will be processed for the time the employee is in an unpaid status. However, pension reinstatements will require repayment of refunded contributions, and payment of any contributions that would have been made during the period the employee was on active duty. These payments must be made in accordance with current Internal Revenue Service (IRS) regulations. Contributions to an existing Deferred Compensation Plan (Section 457) which were missed due to the active duty status may also be paid by the employee subject to Section 457 rules.



**9. Layoff**

- i. Changes in programs, reorganization, and lack of work or funding may result in layoff. Total consecutive City seniority and documented job performance shall be factors in determining which employees will be scheduled for layoff. After the Department Director determines the positions affected, incumbents shall be identified in writing to the Chief People Officer. The department shall not take any layoff action without the approval of the City Manager. The Human Resources Department should be notified of the layoff to assist in the process. Whenever possible, employees will be given 30 calendar days' notice.
- ii. Employees who are in their probationary period (See Page V-1) will be the first considered for layoff. This does not apply to employees in their performance only probationary period following a promotion.
- iii. During the period of time an employee is designated as serving as an AFSCME Union Steward, the employee shall be deemed to have more seniority than all employees in the same job classification and division for purposes of layoff and recall. Such seniority shall only apply to those Stewards whose names have been properly certified to the Chief People Officer.
- iv. The City Manager will make every reasonable effort to ensure that affirmative action goals are considered before approving layoff designations.
- v. Any employee on layoff may request distribution of any vested pension contributions.
- vi. Any employee on layoff may extend insurance coverage under the conditions described in the Administrative Personnel Policy and Procedure Manual.
- vii. This policy shall be subordinate where in conflict with current Union agreements.

**10. Recall**

Recall rights shall extend for eighteen (18) months from the date of layoff. The date of layoff is defined as the date of termination of employment pursuant to a layoff notice. Recall rights shall only apply to persons laid off from full-time regular positions. Laid off employees shall be recalled to their former classification in their former department according to their total City seniority ("total City seniority" does not include credit for the period of the layoff). Vacancies in a job classification where a layoff occurred shall only be filled from the recall list until all laid off employees from that classification in that department have been offered a return to work. In response to the Status Form Change, the Human Resources Department will mail the recall notice to the most senior person on the appropriate recall list.

Employees laid off during their initial probationary period shall have no recall rights. Persons laid off from part-time, temporary, limited service, or grant authorized positions shall have no recall rights.

A recalled employee will be given credit for service prior to layoff for purposes of longevity and pension vesting. All other pre-layoff benefits still included in the City's compensation program will be reinstated. A recalled employee shall be compensated at the pre-layoff rate, if such salary falls within the salary range for the classification. In no instance shall a salary, at recall, result in a salary outside of the range for the classification. In case or raises or merit increases, a recalled employee will not have to wait to receive the salary increase.

Any distribution of pension contributions made under the Defined Contribution Plan may be repaid to the pension fund at the employee's option within six (6) months of recall. If a recalled employee was covered under the Defined Benefit Plan before the layoff and wishes to continue in that plan, all distributions must be repaid within six (6) months of the recall. If distributions are not repaid, the employees' benefit will be based on provisions of the Defined Contribution Plan.

Recall rights of laid off employees shall be terminated upon occurrence of any of the following:

- i. Eighteen (18) months from the date of layoff, or recall to former classification.
- ii. Refusal of an employee to accept recall to a position in his former classification.
- iii. Return of certified mail recall notice as not delivered for any reason.
- iv. The laid off employee fails to notify the appropriate Department Director of his intent to return to work within ten (10) work days after the first date of attempted delivery of recall notice. The date of delivery as indicated on the return receipt for certified mail shall be considered the first date of attempted delivery. For the purposes of this section, work day shall be defined as Monday through Friday when the City offices are open for business.
- v. The laid off employee fails to return to work within fifteen (15) work days after receipt of recall notice.
- vi. A laid off employee accepts a position with the City in a classification other than his former classification.
- vii. Election of a monthly benefit option under the Non-uniform Defined Benefit Plan (requires all other plan requirements for age and service be met).

Laid off employees who are eligible for recall shall be considered for employment in classifications other than their pre-layoff classification. Such consideration shall be as follows:

- i. The laid off employee shall be responsible for monitoring City job postings and submitting an application for the position.
- ii. The laid off employee shall be included in the competitive selection process, including those limited to City employees. The right to competition as a City employee shall expire 18 months following layoff if the laid off employee is not recalled.

- iii. If selected, the laid off employee shall be considered in probationary status for six (6) months from the date of rehire, for performance only. The probationary status shall not affect leave accrual or usage or eligibility for any other applicable benefit.

The laid off employee must keep the Human Resources Department informed of his address during layoff.

This policy shall be subordinate where in conflict with current Union agreements.

## **11. Bumping**

- i. Eligibility

Only a grandfathered, regular full-time, non-probationary employee who is to be laid off, if qualified and has a documented satisfactory performance history may displace an employee with less total City seniority within the same department. This bumping right shall only be exercised to a lower classification, first within a division, then within the department. A grandfathered employee who has bumped into a lower classification shall be considered in probationary status for performance purposes only. The probationary status shall not affect leave accrual or usage or eligibility for any other applicable benefit.

- ii. Definition

Grandfathered - Employees with both twenty (20) years of service and fifty-five (55) years of age on September 1, 2019 only.

This policy shall be subordinate where in conflict with current Union agreements.

## SECTION VII

### **PERFORMANCE APPRAISAL**

#### **1. General Statement**

It is the City's policy to provide progressive employee performance feedback through planning, reviewing, and measuring actual performance of its employees. The Fire and Police Department will adopt their own processes for sworn personnel. The policy applies to non-sworn personnel.

#### **2. Performance Evaluations**

The City uses several forms for the purpose of planning job expectations, reviewing, and formally appraising past performance of employees.

##### **a. Scope**

All employees categorized as regular full-time or limited service as designated by the Human Resources Department are covered under this section. The performance evaluation system utilizes five (5) forms:

- i. Planning Session Worksheet.
- ii. Non-supervisor/non-management Evaluation Form.
- iii. Supervisor/management Evaluation Form.
- iv. Performance Evaluation Form (short form) that may be used for both non-supervisor/non-management and supervisor/management positions. The short form provides automatic calculations of the employee's performance evaluation rating and may be elected in lieu of the aforementioned forms.
- v. Fair Labor Standards Act (FLSA) questionnaire for nonexempt employees.

The annual evaluation period is the month of November each year.

##### **b. Responsibility**

The Human Resources Department shall remind each Department Director of the annual evaluation process for all full-time employees who have exceeded their one year anniversary. The non-supervisor/ non-management, supervisor/management and short forms will be completed together by the supervisor and employee. The FLSA questionnaire will be completed by non-exempt employees. The Human Resources Department will also monitor compliance of the procedures set forth for the appraisal program.

Department Directors will ensure that each employee within the department receives an annual performance review and determines which evaluation form is proper for each employee. A completed final copy of the evaluation will be forwarded to the Human Resources Department annually, by the deadline established by the Human Resources Department, for the employee's personnel file.

## Implementation

### i. Current Employees

All employees who have met their one year anniversary by November 1 of the current year are placed in the annual evaluation procedure, which is the month of November.

### ii. New Employees

New employees in full-time positions will be evaluated using this system at the end of their successful completion of their probationary period. After their one year anniversary they will be placed in the Annual Evaluation group.

### c. Standards

Standards have been developed for determining what performance levels should be as perceived by the evaluating authority. The five levels of standards include:

#### 5 – Outstanding

Completes assignments either on time or early; self-directed; work completed is thorough and error free; pursues goals for the division/department absent of any direction from management; adjusts how work is done if necessary; presents creative and/or original ideas of how to accomplish tasks more efficiently (quicker, cheaper, and/or improved results.)

#### 4 – Exceeds Expectations

Completes assignments on time and independently; organized; accountable for mistakes; time off is scheduled with minimal impact on staffing levels; ability to train others on tasks performed.

#### 3 – Meets Expectations

Work is usually error free, with some exceptions; absences are planned and scheduled accordingly; employee is able to work independently most of the time, unless a new task/duty is introduced.

#### 2 – Needs Improvement

Does not pay attention to work output - often are avoidable/glaring mistakes. Does not take responsibility for mistakes; unplanned absences cause office disruption and missed deadlines; other employees are impacted on a regular basis.

#### 1 – Poor

Work is incomplete and/or contains errors; attendance away from office is unplanned; employees' performance is impacting others. Employee has received training on multiple occasions.

The evaluation should document action to be taken by the subordinate to correct and improve performance behavior for negative critical incidents and if applicable, areas that need improvement.

d. Stages

i. Planning

Employees will have the Planning Session Worksheet “Worksheet” completed prior to the end of their six month probationary period. It is important that the completed Worksheet is discussed and communicated to the employee to develop mutual understanding of the performance factors and examples of performance goals and priority work related the factors.

ii. Mid-year evaluation

At approximately mid- year, supervisors should review the Worksheet with employees and document any issues with performance that have occurred, discuss the status of work plan items (if applicable) and discuss any problems with performance with the employee. This should be documented in some manner to be used at the end of the year for the formal performance evaluation process.

iii. End of Year Final Evaluation

The following steps serve as a guide for End of Year Final Evaluations and may be completed in any order that is feasible for the Department.

The Supervisor and the Employee must meet to discuss the employee’s performance over the last year. Critical incidents and accolades should be discussed and documented. The Employee and the Supervisor must have an opportunity to discuss their observations and provide input at any time during the evaluation process. The Department Director can review and have the evaluation modified in order to be consistent on scoring across the Department and provide his/her own observations and input on the employee’s evaluation prior to the supervisor meeting with the employee. Therefore, the Director can review an employee’s evaluation at any phase of the evaluation process to ensure consistency. Once the Department Director has finalized the form, he should sign the form and return the form to the Supervisor who should sign the form and deliver the form to the employee.

### 3. **Appeals**

Employees covered by Section VII may appeal an annual performance appraisal. There is an appeal form for use by employees.

a. **Appeal Procedure**

- i. An employee may appeal a performance appraisal where he feels that the rating does not represent a true evaluation of work performed. The appeal process shall follow the normal chain of command up to the Department Director level.
- ii. Prior to the appeal of the performance document, the employee and evaluating authority should make every effort to resolve the disagreement. If the matter remains unresolved, the appeal request must be submitted in writing.

b. **Appeal Steps**

An appeal request must be submitted within ten (10) days after receiving the annual performance appraisal. After exhausting the steps through the chain of command (see form). The employee can forward the appeal to the Chief People Officer where a hearing will be conducted. The hearing shall be as follows:

- i. The Labor and Employee Relations Manager shall set a hearing after receiving the employee's request for appeal.
- ii. The Labor and Employee Relations Manager shall inform the appellant and his Department Director of the hearing date, place and time.
- iii. The appellant may have a person of his or her choosing, or a Union Steward present.
- iv. Management shall be represented by the employee's immediate supervisor and the Department Director or designee.
- v. The Labor and Employee Relations Manager will forward a written recommendation concerning the outcome of the hearing to the City Manager who will make a final decision within ten (10) days.
- vi. Both parties will be notified in writing of that decision.

c. **Appeal Hearing Proceedings**

The purpose of this hearing will be to ascertain facts to determine if the appraisal was arbitrary or capricious, and whether the appraisal is based on an objective evaluation of work performed. Documentation for both the planning phase and mid-year review will be used as a determinant in the appeal process.

Both parties will be given an opportunity to present their case in an oral statement and to respond to questions from the Labor and Employee Relations Manager. The Labor and Employee Relations Manager shall be in charge of the entire hearing procedure.

#### **4. Merit Increases**

The amount of merit increases will be determined by the City Manager. The City Manager will publish guidelines that will determine: the amount of the raise, the definition of the Merit Pool i.e., incumbents only, budgeted vacancies, etc., the minimum and maximum salary increases to be given to an employee. The City Manager will also decide on changes to the salary ranges for pay grades and any special instructions on the movement of employees into/out of the ranges will be decided annually.



## SECTION VIII

### **PERSONNEL RECORDS**

#### **1. General Statement**

The Human Resources Department will collect and maintain personal, work related history files of each active employee. The files of inactive employees will be kept after termination of employment with the City.

#### **2. Requests for Personnel Records**

##### **a Requests Pursuant to the Arkansas Freedom of Information Act (“FOIA”)**

The City will comply with the provisions of the Arkansas FOIA with respect to requests for a current or former employee’s personnel records. Upon presentation of a request for such records under the FOIA, the requester will be notified that such a request should be sent to the Human Resources Department.

##### **b Non-FOIA Requests**

i With reasonable advance notice, an employee or former employee’s personnel file may be reviewed by the employee who is the subject of the file, his immediate supervisor, the appropriate department director, Chief People Officer, authorized Human Resources Department staff, and other authorized City staff, specifically including the City Attorney and his Deputies and Assistants, or any individual who has provided written authorization from the employee. The written authorization shall be in a form prepared by the City Attorney’s Office.

ii Unless a written authorization as described above is received, responses to requests for information regarding current or former employees will be restricted to confirming dates of employment and position title. No other information will be provided without the written authorization described above.

Only that information specified in a signed release or required by law or by a court of competent jurisdiction will be released. No other information will be provided without written permission of the employee.

iii Any request regarding the employment status of former or current employee must be referred to the Human Resources Department. Such requests include but are not necessarily limited to those from mortgage companies, potential employers, child support or law enforcement agencies, or any authorized governmental agency.

iv Employment applications will be released without notification to the applicant

##### **c Subpoenas**

Subpoenas for personnel records requests will be forwarded to the Human Resources Department who will notify the City Attorney’s Office to be advised on how to proceed.

d      Name changes

The Human Resources Department will change an employee's name in the payroll system when the employee provides a new social security card. The City will only enter name of the employee which is on the social security card.

3.      **Current Address**

Employees are required to have current addresses and telephone numbers recorded with the Human Resources Department. All changes shall be reported through the immediate supervisor to the Human Resources Department at the earliest possible time.

4.      **Documents and Forms**

All changes to the computerized Position Control or Human Resources/Payroll database must have complete documentation and authorization as shown in the attached chart prior to processing.

The following describes the required level and sequence of approval and documentation to change the Position Control or Human Resources/Payroll database. The required levels of approval will be the same regardless of the mechanism used (hard copy or on-line approvals).

- a      REQUISITION FOR PERSONNEL FORM - documents a vacancy in an authorized part time or full time authorized and requests authorization to begin the selection process. The department completes this form in the Applicant Tracking System. City Manager approval is uploaded and included with the requisition for full-time positions only.

After City Manager approval of the form, no additional City Manager authorization will be required to enroll and process an employee selected based on that procedure unless the offer of employment is not in compliance with other policy and procedure (i.e., prior approval needed to offer salary past mid-point).

- b      EMPLOYEE STATUS CHANGE FORM - describes and authorizes changes to the employee database. Routine actions (address change and similar minor changes) will not require City Manager authorization. Actions authorized by other forms previously signed by the City Manager (e.g., filling a position authorized by the City Manager on a Request for Personnel form) will not require additional authorization. Non-routine actions (e.g. salary adjustments, disciplinary action, and layoff) or actions not in compliance with policy (new hire above range mid-point) will require City Manager authorization prior to processing.

Across-the-board salary increases, automatic (table-driven) increases, temporary part-time hires for certain grant funded programs and status changes involving multiple employees in a single department may be accomplished by other approved documents (computer generated) reports or memorandum describing the action fully and noting the same approvals). In such cases, a copy of the document will be placed in the file of each affected employee.

The following chart shows various personnel actions for which an Employee Status Change form is required and the authorization level required.

### APPROVALS NEEDED FOR PERSONNEL ACTIONS

ACTION	DEPT. DIRECTOR	HR DIRECTOR	CITY MANAGER	MAYOR'S OFFICE
<b>Terminations:</b>				
Resignation	✓	✓		
**Disciplinary Action	✓	✓	✓	✓
** Disability	✓	✓		
Retirement	✓	✓		
**Unsatisfactory Probation	✓	✓	✓	✓
Layoff/Reduction in Force	✓	✓	✓	✓
Death of employee	✓	✓		
End of summer program	✓			
<b>End of Temporary Assignments</b>	✓	✓		
<b>Never began Work</b>				
<b>Salary Adjustments:</b>				
Alternate rate (NUNU and PD Command Staff Only)	✓	✓	✓	✓
Staff may only work in the alternate position for 60 days				
**EPAS Increase	✓	✓	✓	✓
*Salary Adj. NOT EPAS	✓	✓	✓	✓
<b>Tempstaff changes</b>	✓			
<b>Other Status Changes:</b>				
Career Ladder	✓			
**Suspension w/out Pay	✓	✓	✓	✓
**Suspension-leave in lieu	✓	✓	✓	✓
Transfer	✓			
Reorganization	✓	✓	✓	✓
**60% Salary Continuation	✓	✓		
Reclassification	✓	✓		
Title Change Only	✓			
Leave of Absence (LOA)	✓	✓		
**FMLA	✓	✓		
Return from LOA	✓	✓		
**Other	✓	Each situation will be evaluated by the Human Resources Department and approval level will be recommended to the City Manager.		

\*The following actions require City Manager approval before processing:

New hire above midpoint

Position overfill (includes all actions which result in overfill)

Salary adjustment (Not EPAS)

\*\*Requires additional documentation be submitted by employee or department.

## SECTION IX

### MISCELLANEOUS

#### 1. **Safety**

The City recognizes the importance of the health and safety of its employees. It is committed to maintain a safe and healthful work environment.

- a. Employees are held responsible for complying with any safety rules and regulations, participating in any safety training or education offered by the City, and bringing any unsafe condition to the immediate attention of their supervisor.
- b. Failure to comply with safety rules and regulations, improper use or failure to use safety equipment shall be cause for disciplinary action up to and including termination of employment.
- c. Promotion and achievement of safety and loss control goals will be considered an integral part of an employee's job performance where applicable.

#### 2. **Employee Representation**

The City recognizes the following as representatives of certain employee groups:

- a. Eligible non-uniform employees are represented by the American Federation of State, County and Municipal Employees.
- b. Eligible uniform Fire Department employees are represented by the International Association of Fire Fighters.
- c. Eligible uniform Police Department employees are represented by the Fraternal Order of Police.

Eligible employees have the right to join or not to join a representative group. The City does not discriminate on the basis of membership or non-membership.

Membership dues may be paid by payroll deduction.

#### 3. **Employee Participation in Political Campaigns**

City employees may participate in the election process so long as assistance to candidates is rendered on the employee's own time and City property is not involved. Employees are not to endorse candidates in their official capacity as City employees. A person's status as an employee of the City is public knowledge. Public endorsements of a candidate can easily be interpreted as endorsements in an official capacity. In order to ensure adherence to this policy, employees are required to comply with the following provisions:

- a. Employees are prohibited from engaging in both partisan and non-partisan political activity during the hours they are performing work for, and being paid by, the City. Political activity prohibited by this subsection includes wearing candidate buttons, shirts or other clothing that purports to support a particular candidate;

- b. Political banners, posters or literature should never be allowed to be displayed on or in any City office;
- c. Political bumper stickers or decals should never be displayed on or in a City car. City vehicles must not be used during or after working hours to promote or assist the candidacy of any person in any way. City employees may not display political advertising on personal vehicles when using these vehicles in the performance of official duties for which they shall be reimbursed by the City; and
- d. No City equipment should ever be used for political campaign purposes. This includes, but is not limited to, telephones (landlines or cellular), computers or City vehicles of any kind.

Issue oriented campaigns, such as elections for a sales tax, are exempt from the prohibitions contained in this policy.

#### **4. Smoking – Clean Air Act**

The following policy is consistent with the City's commitment to maintaining a safe and healthy work environment:

- a. In compliance with the Arkansas Clean Indoor Air Act, smoking, which includes the use of e-cigarettes and smokeless tobacco, is prohibited in all City operated/occupied facilities and City owned equipment. The only exception to the total ban will be designated areas within fire stations.

NOTE: City operated/occupied facilities shall mean any office, meeting room or other location used primarily by City employees for the performance of job duties, transacting City business, conducting informational sessions or for break and/or lunch periods. This definition also includes hallways, staircases, rest rooms, and similar areas within City buildings/structures.

Equipment shall mean any motorized conveyance used to transport any City employee or material, or which is used in the performance of the employees' job duties (i.e., riding mower, backhoe, refuse truck, etc.).

- b. Smoking will be allowed only in designated areas outside City facilities or City vehicles. For the City Hall complex, this area shall be the space designated in the employee parking lot. For all other facilities, the area shall be designated by the Department Director subject to the approval of the City Manager.
- c. Violations of the smoking policy should be reported to the Department Director of the department in which the violation occurred.

## 5. **Electronic Communications Equipment Resources and Systems**

### a. Technology as a Privilege

The City of Little Rock provides employees with access to and use of a variety of electronic resources. These resources are provided to employees in an effort to allow them to be more efficient, productive and to have access to information and equipment that is necessary for them to carry out their responsibilities as an employee. Employees are expected and required to use these resources in a manner consistent with their position and work responsibilities.

### b. Privacy of Information

All electronic media communications systems and all communications and information transmitted, received by or stored in these systems are the property of the City of Little Rock. Employees should be advised that they have no expectation of privacy with respect to their use of City-owned equipment and management reserves the right to monitor electronic equipment or systems usage at any time. Additionally, employees are reminded that communication records are subject to the Arkansas Freedom of Information (FOI) Act.

### c. Resources and Systems

Electronic Communications Equipment Resources and Systems include, but are not limited to: computer (including e-mail), electronic (including paging), and telephone communications (including voice mail and radio) systems; televisions, computers, facsimile machines and copying machines; and any other equipment or systems used for the transmission, reception or storing of information. This policy applies whether an employee accesses the City's equipment or systems in the workplace or from outside the workplace regardless of the time of day used. Additionally, non-exempt employees should not access these systems from non-work locations for work purposes unless they have received approval in advance to work from other locations and that may result in overtime. This includes checking voice mail at home or using a City/personal phone to make work related phone calls or checking emails after hours.

### d. Acceptable Uses

Limited, occasional, or incidental use of social media or online activities for appropriate personal, non-business purposes is acceptable. Employees need to demonstrate a sense of responsibility and may not abuse social media usage.

Employees are required to use "hands free" equipment if using a personal or City-owned cell phone while operating City equipment. Departments will be responsible for issuing their own policies regarding employee personal cell phone usage while working.

Only an approved group of employees will have the authority to send emails to the Announcements distribution group. Employees needing to broadcast an email to the Announcements distribution group must forward the email to their Department Director or their designee who will determine if the e-mail is appropriate for Announcements. If determined appropriate, the Director or designee will forward the email to the Announcements group. The message must be related to City

business or provide pertinent information to employees. Should employees need immediate access to Announcements and unable to contact their Department Director or their designee, employees can forward the email to the Director of Human Resources or Director of Information Technology.

Employees must receive approval from their department director before enrolling in classes conducted via the Internet. Employees are not allowed to attend personal classes while on work time, even if the employee received Tuition Reimbursement from the City.

Employees should exercise proper email maintenance and storage to avoid exceeding the mailbox storage maximum. This will ensure that employees continue to receive email notifications and limit the space utilized on the City's email server. Employees should exercise proper attention in the opening/sending/forwarding of attachments and executable files to limit exposure to computer viruses.

- e. Equipment and resources shall **not** be used for any of the following purposes:
1. knowingly transmitting, retrieving or storage of any communications of a discriminatory or harassing nature, including, but not limited to, sexually explicit images, messages or cartoons, or any transmission that contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, veteran's status, political opinion or affiliation;
  2. distribution of communications of a defamatory or threatening nature or containing profanity;
  3. conducting business involving outside employment or any activity for personal gain, such as buying or selling of commodities or services with a profit motive;
  4. electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other employees to access and use the system e.g., viewing/playing games, radio, music, sound files, clips, movies, or videos over the internet;
  5. any form of gambling;
  6. transmitting material, information, software, or installing software, in violation of any local, state or federal law, including but not limited to copyright laws;
  7. conducting any non-city related fund raising or public relations activities or participating in political activities;
  8. sending or forwarding chain letters, virus hoaxes, etc.
  9. excessive visiting or participating in chat rooms;
  10. spending inordinate amounts of time, on the web surfing, or on personal phone calls;

11. any other purpose which is illegal, against City policy or contrary to the City's interest, including but not limited to phishing or hacking;
12. connecting non-approved computers, PDAs, cell phones, or devices and installing unapproved software, to any of the city's systems, including but not limited to the city's network. Once the device is approved by Information Technology strict protocol must be followed in the connection of the device since failure to do so could expose the system to viruses;
13. loading of City owned software on personal computer equipment;
14. sending mass emails to multiple users or Departments that are not related to City business or pertinent to City operations.

f. **Enforcement and Penalties**

The sharing of passwords, using a password that is not assigned to the employee using it or accessing a resource or system which the employee is not authorized to use, are expressly prohibited. Any employee found to have violated this policy or to be abusing the privilege of City-facilitated access to electronic equipment, resources, or services, will be subject to disciplinary action up to and including termination. Additionally, the City may remove email and/or internet access at any time.

**6. Social Media Use Policy**

The City of Little Rock provides guidance on the use of social media for all City employees. To fully understand the purpose of this policy, social media includes but is not limited to the following: blogs, podcasts, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, social gaming, virtual world, video/photo sharing sites, and services that allow users to share information with others in a contemporary manner. This policy is to be read in conjunction with the Electronic Communications Equipment and Resources Policy (see Page IX-5.1) and the Code of Conduct Policy.

a. **Job-Related Use**

- i. The City will allow job-related use of social media to further the goals of the City and the mission of its departments, where deemed appropriate. All City employees that are authorized to post information to social media sites will be subject to approval by the Department Director or designee. The City's website (<http://www.littlerock.gov>) will remain the City's principal and predominant internet presence.
- ii. Employees shall maintain City related social media accounts separate from personal accounts.
- iii. Employees must receive prior written approval from their Department Director or designee and agree to adhere to the City's Social Media Use Policy and the Electronic Communications Equipment and Resources Policy prior to posting any content on social media.



b. Personal Use

Employees should be aware of the effect their actions may have on their image, as well as the City's image. The information that employees post or publish may be public information. The following principles apply to professional and personal use of social media when referencing the City:

- i. Employees should be aware that the City may observe content and information made available by employees through social media. Employees should use their best judgment not to post content that is inappropriate or harmful to City employees, citizens, or customers.
- ii. The following list, although not inclusive, provides specific examples of prohibited social media conduct including examples of posting commentary, content or images that are racial, defamatory, pornographic, proprietary, harassing, libelous, that can create a hostile work environment or distribution of communications of a defamatory or threatening nature or containing profanity. Employees are not to publish, post, or release any information that is considered confidential or not public material. If there are questions about what is considered confidential, employees should check with the Chief People Officer or designee.
- iii. Social media networks, blogs, and other types of online content may generate press and media attention or legal questions. Employees should refer these inquiries to authorized City spokespersons.
- iv. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a Department Director or designee or contact the Chief People Officer or designee.
- v. Employees should get appropriate permission before referring to or posting images of current or former employees, customers, vendors, or suppliers. Additionally, employees are prohibited from using a third party's copyrights, copyrighted material, trademarks, service marks, or other intellectual property without their express written consent.
- vi. Personal online activity including social media usage should not interfere with the employee's responsibilities at the City. Limited, occasional, or incidental use of social media for appropriate personal, non-business purposes is acceptable.
- vii. Any online activity that violates the City's Code of Conduct Policy, Electronic Communications Equipment and Resources Policy, and/or Social Media Use Policy as described in the City's Administrative Personnel Policy and Procedure Manual, or any other City policy could result in disciplinary action, up to, and including termination of employment.

c. Retaliation is Prohibited

The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation

could result in disciplinary action, up to, and including termination of employment.

7. **Workplace Violence Policy**

The City of Little Rock is committed to providing a safe and healthy workplace for the benefits of its employees and the public. The City of Little Rock is also committed to preventing violence against persons receiving City services and participating in City programs.

The City of Little Rock has zero tolerance of Workplace Violence. Employees shall report instances or threats of violence to their supervisors. Supervisors shall record, investigate and report instances or threats of violence to law enforcement, as appropriate, and to the Human Resources Risk Manager.

All threats will be taken seriously and must be reported immediately.

City employees who engage in violent, abusive, or threatening behavior shall be referred to the Employee Assistance Program for counseling, training or other appropriate treatment. Employees who engage in violent, abusive or threatening behavior will also be subject to disciplinary action, up to and including termination of employment.

8. **Identification Cards for Employees**

The City provides ID cards for the benefit of security and identification of City employees. The City uses contractors and independent representative for the benefit of the City and such personnel need identification that identifies them as part of the City of Little Rock.

9. **Non-Solicitation on City Property**

Solicitation is not allowed on City of Little Rock property without prior approval by the City Manager or his representative.

10. **Fitness for Duty Examinations**

Directors who have questions or concerns about an employee's ability to successfully perform the duties of a particular job have the right to request a "fitness for duty exam." A fitness for duty exam is an evaluation by a medical or a mental health professional hired by the City of Little Rock to determine if an employee is physically or mentally able to perform the essential functions of a position. Requests for fitness for duty exams must be job-related and consistent with business necessity and should only be initiated when:

- i. an employee claims that she/he is unable to perform certain essential functions of a job, or
- ii. the Director believes that the employee cannot perform certain essential functions of the job, or
- iii. the employee will pose a direct threat to self or others due to the medical/mental health condition, or

- iv. the employee's medical caregiver provides incomplete or contradictory information.

NOTE: All fitness for duty exams must be processed as described below and approved by the Chief People Officer.

b. Procedure

- i. The first step in the process is for the requesting department to send a memorandum to the Chief People Officer requesting a fitness for duty exam (see Section c. below for required content of the memorandum).
- ii. The Chief People Officer will review and consider the request.
- iii. If approved, Human Resources will schedule the appointment and notify the department director or designee.
- iv. The requesting department will notify the employee in writing and will provide the applicable Authorization for Release of Medical Information form to the employee.
- v. The medical and/or mental health professional will provide a written report to the Human Resources Department, indicating whether the employee is fit for duty or not.
- vi. The report summary will be shared with the requesting department director, and
- vii. The requesting department will be billed for the cost of the examination.

c. The Request

The memorandum from the requesting department to the Chief People Officer should include:

- i. The employee's name and position.
- ii. The applicable job description.
- iii. The specific problems in work performance or safety that necessitates the fit for duty exam.
- iv. The specific essential job function (reference the job description) that is/are impaired due to the medical/mental condition (include a description of the impairment). For example, if the duty is "Rescue potential fire victims" and the medical condition is a permanent back disorder, the impairment may be that the employee cannot rescue fire victims because he/she cannot climb, lift, twist, or bend.
- v. Description of observed symptoms (when, where, what and who witnessed).
- vi. The evidence or documentation that substantiates work performance problem or direct threat due to the medical condition.

- vii. The name of the department representative that will receive and process the bill.
- viii. The name of the department representative who is to receive the summary medical report of the fitness for duty examination.

## **11. Driver's License Monitoring Policy**

### **a. General Statement**

The driver's license monitoring policy noted in this section applies to non-uniform classifications (including AFSCME eligible employees) and uniform Fire Department employees. The driver's license verifications for all Police Department employees required to operate City vehicles in compliance with their respective job description/specification will be monitored by the Little Rock Police Department utilizing the State of Arkansas State Vehicle Safety Program. This policy is subject to review and modification as necessary.

### **b. Purpose**

To ensure that City of Little Rock vehicles are operated by employees in possession of valid Arkansas driver's licenses including any and all required endorsements.

### **c. Policy**

All employees required to operate City vehicles or motorized equipment must possess and maintain a valid Arkansas driver's license and/or endorsement(s) in compliance with their respective job description/specification.

### **d. Employee Responsibility**

- i. All employees (including an employee in a non-driving position) who operate a City vehicle while on City business at any time while not in possession of a valid driver's license appropriate to the class/type of vehicle being operated, is subject to disciplinary action, up to and including termination of employment.
- ii. Employees are responsible for monitoring and maintaining their driver's license and for obtaining the required license and/or endorsement required for their respective job description/specification.

Employees promoted, demoted, or transferred must provide documentation of appropriate licensure prior to employment or as noted in the additional requirement section of the respective job description/specification.

- iii. Employees must notify the Arkansas Department of Motor Vehicles within thirty (30) days of any change of address. Employees shall initiate all actions necessary to obtain a valid driver's license showing their current address.

### **Obligation to Report**

Employees required to operate City vehicles must immediately report the change in status of their driver's license that may result in the driver's license being suspended, revoked, restricted, interlock device or expired (any non-valid status).

### **Penalties**

Failure to maintain a valid State of Arkansas driver's license or immediately report the change in status of your driver's license may result in disciplinary action, up to and including termination of employment.

#### **e. Department Responsibility**

- i. Departments must verify and monitor to ensure that employees possess and maintain an appropriate, valid driver's license and or endorsement(s) for the type of vehicle/equipment being operated.
- ii. Departments have the responsibility to identify the required licenses required by employees who operate vehicle/equipment in the course of his/her employment.
- iii. Departments are responsible for notifying and ensuring that the Department of Human Resources has the appropriate license type with any endorsements on all job descriptions/specifications.

#### **f. Procedure**

- i. The Department of Human Resources will monitor the driver's licenses of employees required to drive/operate City vehicles/equipment in compliance with their respective job description/specification.
- ii. Employee information required to perform the driver's license check will be obtained from the employee's official personnel record maintained by the Department of Human Resources or a copy of the license provided by the respective Department.
- iii. The Department of Human Resources will verify possession of a valid driver's license with appropriate endorsement(s) for all covered employees during the initial on-boarding of employment, to include promotions, demotions, or transfers to positions requiring a driver's license.
- iv. The Department of Human Resources shall conduct a semi-annual (twice yearly) Motor Vehicle Record Check for employees or as requested by respective departments for employees who self-report by electronically accessing the Arkansas State website through Information Network of Arkansas as long as funding is available.
- v. The respective Department will be immediately notified of any invalid driver's license (restricted, expired, suspended, revoked, etc.) identified during the verification process, the notification to the respective Department Director of the status shall be via email and/or via phone.

- vi. The affected employee(s) will be notified immediately by the Department Director or designee in writing to immediately refrain from the operation of all City vehicles and motorized equipment.
  - vii. The employee's Supervisor(s) or designee and the affected employee will meet formally within a minimum of one (1) business day of receiving an invalid motor vehicle record check notification to inform the employee of procedures to follow in order to reinstate his/her driving record. The employee will sign and receive a notice in writing acknowledging that the employee has been placed in a non-driving status.
  - viii. Employees will have two (2) business days (excluding weekends and holidays) to resolve any and all legal obligations with the State of Arkansas directly affecting the employee's ability to operate any motor vehicle or motorized equipment for the City. Time away from work to resolve the issue must be approved by the Department using paid time off (PTO), compensatory time, or vacation leave, employees without leave shall receive authorized leave without pay.
  - ix. Employees who provide official documentation that they have obtained/restored their valid Arkansas Driver's License status within two (2) business days will provide the written documentation of reinstatement (including payment of license reinstatement fee) to their respective Department and the Department of Human Resources for verification.
  - x. The Department of Human Resources will review and approve the verification of reinstatement documentation provided by the employee and verify the employee's driver's license status and forward an email reinstating the employee or notification of non-reinstatement to the respective Department.
  - xi. Employees who are unable to provide official verification of a valid Arkansas Driver's License within two (2) business days will remain in a non-driving status and may be subject to disciplinary action, up to and including termination.
    - 1. The Department Director shall determine the appropriate action to be taken, based on the nature of the driving violation, the nature of the position occupied by the employee and in accordance with actions taken previously for similarly situated employees.
    - 2. If an employee is transferred to a non-driving position as a result of a change in driver's license status and later regains the right to drive, he/she may apply for driving positions as they become vacant. The decision to place the individual in such a position shall be at the discretion of the City.
- g. Issuance of Interlock Ignition Device (IID)
- i. Employees who are arrested for driving under the influence (DUI) and receive an interlock restricted license will immediately or as soon as practical notify their Department.
  - ii. Employees arrested for DUI and receiving an interlock restricted license

will not be permitted to operate City vehicles/equipment. Interlock exemptions will not be approved.

- iii. The respective Department Director shall determine the appropriate action to be taken, based on the nature of the position occupied by the employee and in accordance with actions taken previously for similarly situated employees.

Under no circumstance is the City of Little Rock obligated to provide a position for an employee who fails to maintain the driver's license required to perform his/her assigned job classification.

The City of Little Rock maintains the right to terminate an employee if he/she is unable to perform the essential functions of his/her job because of the loss of a driver's license in compliance with the respective job description/specification.

## 12. **Personal Appearance & Grooming Standards**

- a. All employees will present a professional personal appearance while on duty. Acceptable grooming and attire standards shall bear a reasonable relationship to an employee's work. These standards will take into account safety and the presentation of a professional image of the City to the public. Department Directors will establish the dress standard for the department. Questions regarding reasonable accommodations will be directed to the Human Resources Labor & Employment Relations.
- b. **Uniforms:** Employees working in positions for which uniforms are required shall wear clean and well maintained uniforms on each scheduled work day/shift and when working in an on-call, callback, or emergency assignment unless other arrangements have been made with management.
- c. **Professional Attire:** Professional attire is the traditional professional business look. Professional attire should be worn as needed to present the appropriate appearance for meetings or special events, including but not limited to regular City Hall Meetings, meetings with businesses, and/or when representing the City.
- d. **Business Casual:** Business casual attire provides employees with an opportunity to dress more informally while maintaining a professional appearance. Business casual dress is appropriate on normal business days when an employee's duties don't involve the necessity to dress more formally.
- e. **Grooming Standards:** Employees must be appropriately groomed in order to present the most professional appearance to the public. Good personal hygiene is expected at all times in the workplace.
  - i. **Personal hygiene:** Body odor, from any cause, should not create distractions. All clothing must be neat and in good repair. Hair must be neat, clean, and well groomed.
  - ii. **Fragrances:** The City strives to ensure the comfort and safety of all staff and visitors. To accommodate sensitive individuals, employees are discouraged from wearing or applying excessive amounts of perfume, cologne, scented lotions, or other personal fragrant products in the workplace.

- iii. **Jewelry:** Jewelry is acceptable if it does not present a safety concern, or detract from the work environment or the professional appearance of the employee.
- f. **Body piercings:** Employees of the City are expected to project a professional appearance while at work and not endanger themselves or others with excessive visible body piercing. If an employee has a question about how the piercing policy is applicable to them, the matter should be immediately raised with their Department Director for consideration and determination.
- g. **Tattoos:** Employees of the City are expected to project a professional appearance while at work. Therefore, failure to follow the tattoo regulations shall be grounds for discipline.
  - i. Visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.
  - ii. Any non-conforming tattoos will be covered with clothing or a bandage while at work.
  - iii. If an employee has a question about how the piercing policy is applicable to them, the matter should be immediately raised with their Department Director for consideration and determination.
- h. **Unacceptable Attire:** Not all casual clothing is appropriate for the workplace. An item that is perfect for working in the yard or playing sports is not appropriate for the workplace, nor is clothing that is too revealing. Without exception, it is unacceptable to wear clothing that is dirty or excessively worn, torn, ripped, frayed, or wrinkled. The following examples are considered unacceptable attire unless approved from the Department Director:
  - i. Shorts or skorts;
  - ii. T-Shirts;
  - iii. Spandex/lycra, leggings, or other form fitting pants;
  - iv. Sweat suits, wind suits, or warm-ups;
  - v. Bib-overalls;
  - vi. Short skirts (more than 4 inches above the knee);
  - vii. Midriff bearing shirts;
  - viii. Low-rise/hip-hugger pants;
  - ix. Extremely loose-fitting (baggy) clothing;
  - x. Shirts with large graphics, words, logos, or sayings;
  - xi. Any clothing item or style that may be associated with gangs;
  - xii. Halter tops or backless clothing;
  - xiii. Provocative or revealing attire;
  - xiv. Flip-flops;
  - xv. Jeans/pants that are torn or frayed
- i. **Special Circumstances:** Department Directors may establish exceptions to this policy as needed based on special circumstances. Examples of special circumstances include special work assignments, medical conditions, and/or non-normal working hours and situations.



- j. **Discipline:** If an employee is found to be outside of the acceptable grooming and attire standards, the employee will be sent home to correct the deviation. The employee may use accrued leave during their absence. A second or subsequent deviation from acceptable grooming and attire standards will again result in the employee being sent home. For the second offense under this policy and taking into account progressive discipline and all other factors outlined in Section V – Disciplinary Actions, employees will be subject to disciplinary action, up to and including termination of employment. Departments will consult with the Chief People Officer before any action is taken.

## SECTION X

### **DRUG AND ALCOHOL FREE WORKPLACE**

#### **1. General Statement**

It is the City's intent to provide a drug and alcohol free work environment for employees. In order to ensure a safe and healthful work environment and to comply with appropriate regulations, the City has established these policies regarding screening of employees for the use of illegal substances, the improper use of legal substances, controlled substances and unlawful use and possession of alcohol. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol on City premises or while conducting City business off City premises is prohibited. Illegal or controlled drugs include but are not limited to: semi-synthetic opioids, anabolic steroids, amphetamines, barbiturates, benzodiazepine metabolites, cocaine metabolite, methadone, methaqualone, opiates, PCP, propoxyphene and THC metabolite). \*This list is not all inclusive; employees may be screened for additional substances as determined by the Chief People Officer and could include drugs designated as controlled substances in the Arkansas Criminal Code as may be amended from time to time. Violations of this policy will result in disciplinary action, up to and including termination, with the possibility of legal consequences.

No employee or applicant is allowed to be under the influence of legal or illegal drugs during work hours. Employees under the influence of medical marijuana are prohibited from undertaking any task that would constitute negligence or professional malpractice, and are prohibited from operating any type of powered vehicle or powered equipment - handheld or otherwise.

The term "under the influence" means symptoms associated with the use of legal or illegal drugs that may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety, which can include:

- a) Symptoms of an applicant or employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or irrational or unusual behavior that is inconsistent with the usual conduct of the applicant or employee;
- b) Negligence or carelessness in operating equipment, machinery, or production or manufacturing processes;
- c) A disregard for safety;
- d) Involvement in an accident that results in:
  - i. Damage to equipment, machinery or property;
  - ii. Disruption of a productions or manufacturing process; or
  - iii. An injury; or
- e) Other symptoms causing a reasonable suspicion that the use of legal or illegal drugs may negatively impact the performance of the job duties, tasks or constitute a threat to health or safety.

Nothing in these policies shall be interpreted in such a manner as to reduce or restrict any individual's rights pursuant to the Americans with Disabilities Act.

Additional Drug/Alcohol Screening policies exist in the Police and Fire Department.

Urine specimen collection guidelines will be followed as written by the United States Department of Transportation- Office of Drug and Policy and Compliance rev. January 2018 manual.

Employees who fail to remain at the lab for the entire testing procedure, including the re-test process, will result in the test being deemed a refusal to test which has the same consequences as a positive test.

Pre-employment drug testing for City positions, including Police, Fire, Commercial Driver License (CDL) Drivers, Federal Grantees and other safety sensitive positions are covered under Section I of this manual.

## **2. Medical Marijuana**

Medical Marijuana usage under the Arkansas Medical Marijuana Amendment (AMMA) is subject to Act 593 of 2017, which restricts employees in safety or security sensitive positions from performing those duties if a positive test occurs. For positions designated as safety or security sensitive define by Act 593 or the City, a positive test constitutes a violation of this policy, and appropriate action will be taken in accordance with this policy. Likewise, if the City has a "good faith belief," as defined in Act 593, that an employee is under the influence of marijuana or has ingested marijuana 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 or security sensitive, the determination of whether an employee is under the influence of medical marijuana will not be based solely on the results of a positive drug test. Specific observations may include: appearance, behavior, speech, walking, standing, physical dexterity, agility, coordination, actions, movements, demeanor, clothing, odor or irrational or unusual behavior that is inconsistent with the employee's usual conduct. Additional factors will be considered in making a determination, including observed lawfully recorded video surveillance; statements from the employee or other persons; printed materials that may accompany medical marijuana; information from a physician, medical review officer, or dispensary; records of government agencies, law enforcement; information from reputable reference sources in print or on the Internet; and any other information reasonably believed to be reliable or accurate, including information obtained as a result of a workers compensation injury or accident of any type.

Employees shall not possess, smoke, or otherwise use medical marijuana while on City premises or while on duty. The use may impair the employee's ability to safely perform any job-related function, resulting in a direct threat to the employee or others. 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. Any employee who exhibits behavior while taking a prescription medication temporarily that will affect the employee's ability to perform safety or security sensitive job functions, may be required to remain off work until they can safely perform such job functions. To properly evaluate the risk posed by an employee performing safety sensitive job functions, the employee may be asked to provide a statement from a health care provider with a recommendation as to the employee's ability to continue to work without posing a direct threat.

Any employee who is about to become or who is a current user of medical marijuana and whose job is classified as safety or security sensitive for purposes of this policy must disclose his or her upcoming or current use immediately to the Human Resources - Labor and Employee Relations Division. The employee need not disclose the reason why he or

she was issued a medical marijuana card or anything about his or her medical condition, unless required for other reasons. The employee must also provide his or her medical marijuana card to the Human Resources – Labor and Employee Relations Division in order that a copy be made for the employee's file. If feasible, the City of Little Rock will attempt to accommodate employees in safety or security sensitive roles who are about to become or who are current users of medical marijuana. If an accommodation is not feasible, employees may be terminated, although they will be considered eligible for rehire.

Applicants (internal or external) for safety or security sensitive jobs who are current users of medical marijuana must disclose their status only if they receive a conditional offer of employment. Current users of medical marijuana who are applicants will be disqualified from any safety or security sensitive jobs and/or duties, but will be considered eligible to apply for available non-safety or non-security sensitive jobs or accommodated in some other reasonable fashion if possible. Further, these applicants will not be considered ineligible for safety or security sensitive jobs or duties in the future when they are no longer a current user of medical marijuana.

Any applicant for a non-safety or non-security sensitive job who tests positive for marijuana/THC must provide the Medical Review Officer with his or her medical marijuana card. City of Little Rock will consider a positive drug test that is the result of medical marijuana use consistent with Arkansas law to be a "negative" test for applicants for non-safety or non-security sensitive jobs, unless there are one or more indications of being under the influence.

### **3. Non-CDL Drug and Alcohol Testing Policy**

#### **a. Program**

The purpose of this policy is to establish a safe working environment free from legal or illegal use of drugs and the unlawful use or possession of alcoholic beverages during working hours. This policy establishes a drug and alcohol testing program for employees.

All persons engaged in safety or security sensitive activities as part of any City operation whether employees or agents of the City, are subject to standard procedures for drug and alcohol testing in the administration of this program.

Commercial Driver License (CDL) holders are subject to the Drug Testing Policy for Holders of Commercial Driver Licenses, Section X.3. As employees of the City, they shall also be subject to the requirements of this policy.

The City shall maintain a supply of educational material in the form of brochures and pamphlets related to controlled substance and alcohol abuse. All employees subject to this policy will be issued a packet of these educational materials along with a copy of this policy. Each employee will sign a receipt acknowledging issue of these items. Receipts for these items shall be retained in the Human Resources Department for non-uniform employees and by the designated contact for uniformed employees.

This policy serves as written notice to all employees, and representatives of employee organizations, of the availability of the informational material referred to above.

Employees will be tested by urine analysis for illegal use of the following drugs: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP) as deemed appropriate. All collections for drug screening shall be by split sample. Employees of uniformed departments may be screened for additional substances as determined by the Department Director. Employees will also be tested for the unlawful use of alcohol. This testing will be by evidential breath test (EBT) (breathalyzer).

When required testing meets the guidelines for Department of Transportation CDL testing, tests shall be conducted on the required Federal Drug Testing Custody and Control Form. (See Page X-5)

For testing required under this policy, that does not meet the Department of Transportation guidelines for CDL testing, tests shall be conducted on a Non-Federal drug testing custody and control form.

The City's primary collection site is:

Baptist Health Occupational Health Clinic  
9600 Baptist Health Drive  
Suite 250  
Little Rock, Arkansas 72205  
(501) 202-7125  
Collection Hours: Monday–Friday 7:30 a.m.–4:00 p.m.

After hours: Baptist Hospital Medical Center-Little Rock  
Emergency Room  
9601 Baptist Health Drive  
Little Rock, AR 72205

The City reserves the right to assign the collection site to which any employee or candidate is sent.

The City's Medical Review Officer (MRO):

Dr. Richard P. Doncer C/O First Choice Drug Testing  
6400 Scott Hamilton Dr.  
Little Rock, AR 72209  
(501) 661-9992

An employee may request a copy of his test results (or related information), by submitting a request in writing, including a stamped, self-addressed envelope to:

Dr. Richard P. Doncer C/O First Choice Drug Testing  
6400 Scott Hamilton Dr.  
Little Rock, AR 72209  
(501) 661-9992

The City's contact for questions related to the CDL drug testing of employees program is the Human Resources Department, City Hall, Safety/Loss Control Specialist (371-4756). Specific contact persons will be designated in departments to ensure compliance with requirements of this policy.

The contact for questions related to pre-employment drug testing is the Employment Coordinator, Human Resources Department, City Hall (371-4756).

b. Types of Testing

i. Random Testing

Employees in safety sensitive and security sensitive related positions shall be subject to random drug testing. General guidelines regarding the yearly percentage of random tests shall be established by the Chief of Police for the Police Department and the Fire Chief for the Fire Department. Non uniformed departments will be subject to random testing according to the current DOT Guidelines for that year. The mechanism for determining individual employees to be randomly tested will be by a computerized program conducted by the contracted provider of testing programs. Lists of selected names/numbers will be sent to the assigned department contact for test scheduling. When notified of selection for random testing, the employee shall be escorted by a supervisor immediately to the designated collection site and shall follow all instructions of, and cooperate with, collection site personnel.

Employees covered by this section shall include:

Police Department, Fire Department and other positions as designated safety sensitive and security sensitive based on the determination of the City Attorney's Office.

ii. Post-Offer, Pre-Employment Screening

See Page I-11.

iii. Post-Accident/ Work-Related Incident Testing

For purposes of this section the terms post-accident and accident will be defined as written below.

- i. **Post-Accident-** Employees who have been involved in an on-the-job vehicular accident that resulted from work practices from human error and may have caused a fatality, serious injury, property or equipment damage.
- ii. **Work Related Incident-** Employees who have been involved in an on-the-job accident that resulted from negligent work practices from human error and may have caused a fatality, serious injury, property or equipment damage.

Employees shall be to subject screening for the presence of illegal drugs, controlled substances and/or unlawful use of alcohol under the following circumstances:

- (a) Any employee performing safety sensitive functions at the scene of an accident resulting in a death, irrespective of fault.
- (b) Any employee involved in an on-duty at fault vehicular accident for which he receives a moving violation citation.
- (c) Any employee who is involved in an on-duty at fault vehicular accident resulting in injury to any person resulting in medical attention, or the filing of a Workers' Compensation claim.

- (d) Any employee who is involved in a work related incident, resulting in physical injury to self or any person as a result of negligent work practices or blatant disregard for safety, resulting in the filing of a Workers Compensation claim, will be subject to testing as soon as practical, following the incident.
- (e) Any employee who is involved in a work related incident resulting in damage to equipment or property, from negligent work practices will be subject to testing, as soon as practical, following the incident.

(Non-CDL)

<b>Types of Motor Vehicle Accident Involved</b>	<b>Citation Issued</b>	<b>Post-Accident Drug Screening Performed</b>
Human Fatality	Yes No	Yes Yes
Bodily Injury to any persons	Yes No	Yes Yes
Disabling damage to any motor vehicle requiring tow away	Yes Yes	Yes Yes

At Fault Accident/Work-Related Incidents that also result in a post-accident drug screening includes but are not limited to:

- Damage to Equipment or Property
- Traffic Rule Violation
- Safety Rule Violation
- Department Rule Violation
- Department Rule Procedure Violation

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

Specific policies regarding post-accident testing of employees in uniform departments (Police and Fire) will be developed by the Department Director.

An employee who is subject to post-accident/ injury testing who does not remain readily available for such testing shall be deemed to have refused to submit to testing.

iv. Reasonable Suspicion Testing

A supervisor or administrative employee, who has been trained in reasonable suspicion testing requirements in compliance with DOT standards, shall, upon documentation of specific observations, and confirmation by a second supervisor or administrative employee trained in reasonable suspicion testing, require an employee to be taken to a designated collection site for drug and/or alcohol testing.

Specific observations may include: appearance, behavior, speech, walking, standing, physical dexterity, agility, coordination, actions, movements, demeanor, clothing, odor or other irrational or unusual behavior that is inconsistent with the employee's usual conduct.

Documentation shall consist of completion of PE135, "Reasonable Suspicion Documentation for signs of Drug/Alcohol Abuse" and Informed Consent and Release of Liability forms. Forms are located under Human Resources-Helpful Documents on the City's website.

An employee will be given the instructional sheet to be taken with him to the drug testing location. A copy of the PE135, Informed Consent and Release of Liability and Chain of Custody documents must be sent to Human Resources Safety/Loss Control Specialist if an employee is sent for testing. In uniform departments where specific training and methods of documentation are provided to supervisors the Department Director may use those standards in lieu of the DOT standards for determining reasonable suspicion.

v. Return to Duty Testing

Any employee found positive for on-duty use of alcohol, alcohol possession, illegal use or possession of a controlled substance, refusal to submit to required testing, shall not be allowed to return to any position until submitting to a return to duty controlled substances and alcohol test with a result indicating a verified negative result for illegal use of a controlled substance and alcohol level of less than 0.02%.

vi. Follow-Up Testing

Following satisfactory return to duty testing, any employee recommended by the Employee Assistance Program (EAP) as being in need of assistance in resolving problems associated with alcohol or controlled substance misuse, shall be subject to follow-up testing. The number and frequency of such follow-up testing will be as recommended by EAP and will consist of a minimum of six tests in the first twelve months of return to duty. Dates for follow-up testing will be randomly assigned.

c. Disciplinary Action

An employee subject to testing under any part of this policy who refuses to submit to that testing shall be subject to disciplinary action up to and including termination of employment.

Any non-compliance with this policy shall be considered the same as refusal to submit to testing, (e.g. failure to report to a designated test site, failure to execute required documents, any attempt to alter a specimen). These items are examples only and are not intended as an all-inclusive list.



Non-uniform employees shall be subject to immediate removal from duty plus disciplinary action up to and including termination for alcohol levels between 0.02% and less than 0.04%. This removal will be for a minimum of 24 hours, and a return to duty test will be required before returning to work is allowed. Lost time will be charged against accrued vacation/PTO or discretionary time or leave without pay.

Non-uniform employees with a verified positive drug result, or a confirmed alcohol reading of 0.04% or greater, will immediately be removed from duty and referred to EAP. Depending upon progressive discipline and all other factors outlined in Section V – Disciplinary Actions, for the first offense under this policy, employees will be subject to a thirty (30) day suspension and be required to satisfactorily meet all requirements set forth by EAP including a negative return to duty test, or termination of employment.

An employee who serves a suspension will not be allowed to return to work until they have completed all the requirements designated by EAP and the City has been notified by EAP that the conditions have been met. Lost time, which does not include time served per a disciplinary action, will be charged against the employee's accrued leave time as noted above or leave without pay, until released to full duty by EAP.

For the second offense under this policy and taking into account progressive discipline and all other factors outlined in Section V – Disciplinary Actions, employees will be subject to disciplinary action, up to and including termination of employment. Departments will consult with the Chief People Officer before any action is taken.

A supervisor failing to ensure compliance with this policy 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.

Disciplinary Action for uniformed employees will be as mandated by the Department Director.

d. Procedure for Positive Results

i. Controlled Substances

A positive screen result will not be reported to the MRO until confirmation testing by means of gas chromatography/mass spectrometry (GC/MS).

When a positive screen result is reported to the MRO staff, this positive result is identified by specimen number.

The MRO staff reviews the chain of custody documents for all positive screens to confirm correct procedures have been followed. After confirmation of correct procedures, the MRO staff will identify the donor from the MRO copy of the chain of custody documents.

The donor will be contacted by a member of the MRO staff and given the opportunity to provide a valid medical reason to explain the positive result. The donor will be given the opportunity to speak directly with the MRO.

The MRO staff will confirm claims for prescription drugs with the prescribing physician. In the event a valid, confirmed medical reason is accepted by the MRO staff, the result will be reported to the City as a negative. If the donor cannot be contacted, or fails to contact the MRO staff when requested, the result will be reported as positive.

Positive results where no valid medical reason exists will be reported by secure means to the person designated by the City/Department to receive this information who will notify the employee of the results.

Within 72 hours of the confirmation of a positive test, the donor may request that the split sample be sent for testing to another Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory. Should the split sample screening indicate a negative result, the initial test result will be canceled.

Results of independent testing initiated by an employee after a positive test has been confirmed will not result in the original test result being cancelled.

ii. Alcohol

A breathalyzer reading of 0.02% or greater, will require a second, confirmation reading taken no less than fifteen minutes, and no more than thirty minutes after the initial reading. The donor 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.

e. Refusal to Test

Disciplinary action for refusal to test or refusal to comply with any drug/alcohol test requirement will be the same as a positive test result.

f. Records

Results of all positive tests will be retained for five (5) years. Results of all negative tests will be retained for one (1) year.

g. Employee Assistance Program (EAP)

All NON-CDL employees testing positive for the use of substances listed will be mandated to contact the Employee Assistance Program (EAP.) This referral is not considered a disciplinary action and is made available regardless of any other action taken.

h. Alternate Confirmation Test (**NON-CDL ONLY**)

The City's position is that the Breathalyzer confirmation test utilized for CDL employees, which is mandated by Department of Transportation regulations, is safe, accurate and non-intrusive. However, a non-CDL employee whose initial EBT test reading is greater than 0.02% may elect a confirmation test by a blood alcohol testing after completing a second EBT.

If an employee wishes to opt for the blood alcohol confirmation test, he will first be required to sign a form in which he acknowledges that the City does not require him to take the blood alcohol test, that such test is not required to carry out the City's purpose or advance its interests and that the decision to have the blood test is voluntarily and solely the employee's choice. Because the City does not mandate use of the blood test, the following conditions must also be met before a blood alcohol test will be administered.

- (a) The confirmation testing must be performed at the named, contracted collection site (no other site or clinic will be accepted);
- (b) The blood sample to be tested must be drawn as soon as practicable after the second EBT.
- (c) The employee must authorize in writing the procedure for taking the sample.
- (d) Any cost above those incurred for confirmation testing by EBT will be borne by the requesting employee except and unless the confirmation test is completed within a reasonable time frame and conclusively shows a negative;
- (e) The employee may not return to duty until results of the confirmation tests are received;
- (f) Any time lost while the results of the blood tests are pending will be charged to the vacation/PTO accrual of the employee requesting the blood alcohol test mechanism. If no time is accrued in those leave categories, time will be charged to leave without pay.

The alternate blood test may require additional preparation time for execution which could provide an unfair advantage to the requesting employee due to continued metabolism. Given average metabolism rates, the following factors will be used as cut offs for determination of a positive when the alternate method is used following a confirmation EBT:

<u>Time Following Confirmation EBT</u>	<u>Factor</u>
0-15 minutes	.02
15-30 minutes	.0192
30-45 minutes	.0184
45-60 minutes	.0176
60-75 minutes	.0168
75-90 minutes	.016

Any attempt to delay the process for the EBT or alternate test mechanism by the employees being tested or a supervisor/co-worker who has transported the employee will be considered a "refusal to test" resulting in the test being considered positive and the party(ies) attempting to delay the test activity will be subject to disciplinary action up to and including termination of employment.

A confirmation test of 0.02% or greater will be recorded as a positive test, the person designated by the City/Department to receive this information will be contacted, and must make arrangements for the donor to be transported from the testing site. Under no circumstances will an employee with a positive alcohol screen be permitted to drive from the testing site.

#### **4. Drug Testing Policy for Holders of Commercial Driver Licenses (CDL)**

##### **a. Program**

The purpose of this policy is to establish a safe working environment free from illegal use of drugs and the unlawful use or possession of alcoholic beverages.

This policy establishes a drug and alcohol testing program for Commercial Driver License (CDL) holders employed by, or seeking employment with, the City. The elements of the program are mandated by Federal law for drivers required to possess a CDL.

As employees of the City, CDL holders shall also be subject to the requirements of the Drug and Alcohol Testing Policy, Section X.2.

All employees and/or agents of the City, including contractors whose activities require a CDL, are required to follow all procedures outlined in 49 CFR, Parts 40 and 382, in the administration of this program.

The City shall maintain a supply of educational material in the form of brochures and pamphlets related to controlled substance and alcohol abuse. CDL drivers subject to this policy will be issued a packet of these educational materials along with a copy of 49 CFR Part 382, and a copy of this policy. Each CDL holder will sign a receipt acknowledging issue of these items. Receipts for these items will be maintained in the Human Resources Department.

This policy serves as written notice to all CDL drivers, and representatives of employee organizations, of the availability of the informational material referred to above.

Employees will be tested by urine analysis for illegal use of the following drugs: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). All collections for drug screenings shall be by split samples. Employees will also be tested for the unlawful use of alcohol. This testing will be by evidential breath test (EBT).

When required testing meets the guidelines for Department of Transportation CDL testing, tests shall be conducted on the required "Federal Drug Testing Custody and Control Form."

For testing that does not meet the requirements of Department of Transportation CDL testing, but is required under the City of Little Rock Drug and Alcohol Testing Policy, tests shall be conducted on a "Non-Federal Drug Testing Custody and Control form."

The City's primary collection site is:

Baptist Health Occupational Health Clinic  
9600 Baptist Health Drive  
Suite 250  
(501) 202-7125  
Collection Hours: Monday–Friday 7:30 a.m.–4:00 p.m.

After hours: Baptist Hospital Medical Center-Little Rock  
Emergency Room  
9601 Baptist Health Drive  
Little Rock, AR 72205

Employees must report to the primary collection site, advise the staff they are there for a DOT drug/alcohol screen, and present form PR138.

The City reserves the right to assign the collection site to which any employee or candidate is sent.

The City's Medical Review Officer (MRO):

Dr. Richard P. Doncer C/O First Choice Drug Testing  
6400 Scott Hamilton Dr.  
Little Rock, AR 72209  
(501) 661-9992

An employee may request a copy of his/her test result, (or related information), by submitting a request in writing, including a stamped, self-addressed envelope to:

Dr. Richard P. Doncer C/O First Choice Drug Testing  
6400 Scott Hamilton Dr.  
Little Rock, AR 72209  
(501) 661-9992

The City's contact for questions related to the CDL drug testing program is the Safety/Loss Control Specialist (371-4756).

b. Types of Testing

i. Post-Offer, Pre-Employment Screening

All CDL applicants, regular, part-time, or temporary, receiving an offer of employment, will not be hired until the applicant has undergone testing for illegal use of drugs and the verified negative results have been received from the MRO. Per DOT regulation 382.413, all applicants for a CDL position will be required to sign a release form authorizing their former employers to release information related to previously conducted DOT drug and alcohol testing results.

See Page I-11 for complete policy.

ii. Post-Accident Testing

For purposes of this section the terms post-accident and accident will be defined as written below.

- (i) **Post-Accident-** Employees who have been involved in an on-the-job vehicular accident that resulted from negligent work practices from human error and may have caused a fatality, serious injury, property or equipment damage.
- (ii) **Work Related Incident-** Employees who have been involved in an on-the-job accident that resulted from negligent work practices from human error and may have caused a fatality, serious injury, property or equipment damage.

Per DOT regulation 382.303 post-accident testing for CDL license holders will be required under the following circumstances:

- (a) All CDL holders performing safety sensitive functions at the scene of an accident resulting in a death, irrespective of fault.
- (b) Any CDL driver involved in an accident plus either of the following:
  - (i) Injury to any person involved in the accident
  - (ii) Any vehicle involved in the accident requires towing.
- (c) Any employee who is involved in a work related incident, resulting in physical injury to self or any person, from negligent work practices or resulting in the filing of a Workers Compensation claim, will be subject to testing, as soon as practical, following the incident.
- (d) Any employee who is involved in a work related incident resulting in damage to equipment or property, from negligent work practices will be subject to testing, as soon as practical, following the incident.

Types of Motor Vehicle Accident Involved	Citation Issued	Post-Accident Drug Screening Performed
Human Fatality	Yes	Yes
	No	Yes
Bodily Injury to any persons	Yes	Yes
	No	Yes
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	Yes	Yes

At Fault Accident/Work-Related Incidents that also result in a post-accident drug screening includes but are not limited to:

- Damage to Equipment or Property
- Traffic Rule Violation
- Safety Rule Violation
- Department Rule Violation
- Department Rule Procedure Violation

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

A driver who is subject to post-accident testing who does not remain readily available for such testing may be deemed to have refused to submit to testing.

All refusals to test and positive drug and alcohol test results for CDL holders will be submitted to the Arkansas Commercial Driver Drug and Alcohol Testing Database.

iii. Random Testing

Per DOT regulation 382.305, CDL holders will be subject to random testing at a minimum rate of 10% per year for alcohol testing, and 25% per year for drug testing. Generation of names for random testing selection will be by a computerized program conducted by the contracted provider. Random testing will be performed immediately before, during, or immediately after a shift. When notified of selection for random testing, the employee shall proceed immediately to the designated collection site and shall follow all instructions of, and cooperate with, collection site personnel. Testing will be spread reasonably throughout the year.

iv. Reasonable Suspicion Testing

Per DOT regulation 382.307, a supervisor or administrative employee, who has been trained in reasonable suspicion testing requirements per DOT regulation 382.603 shall, upon documentation of specific observations, and confirmation by a second supervisor or administrative employee trained in reasonable suspicion testing, require a CDL holder to be taken to the designated collection site for drug and/or alcohol testing.

Specific observations shall be limited to appearance, behavior, speech and/or body odors. There must be a written record of the observations to support the reasonable suspicion. Documentation shall consist of completion of PE135, "Reasonable Suspicion Documentation for signs of Drug/Alcohol Abuse" and Informed Consent and Release of Liability forms. Forms are located under Human Resources-Helpful Documents on the City's website.

An employee will be given the instructional sheet to be taken with him to the drug testing location. A copy of the PE135, Informed Consent and Release of Liability and Chain of Custody documents must be sent to Human Resources Safety/Loss Control Specialist if an employee is sent for testing.

v. Return to Duty Testing

Per DOT regulation 382.309, a CDL holder in violation of 382, subpart B (Alcohol concentration/Alcohol possession/On duty use of alcohol/Pre-duty use of alcohol/Use following an accident/Refusal to submit to required testing/Illegal use of a controlled substance), shall not be allowed to return to a safety sensitive position until completion of an alcohol test with a result indicating an alcohol concentration of less than 0.02%. In addition, a CDL holder in violation of DOT Regulation 382, subpart B, as described above, shall not be allowed to return to duty requiring the performance of a safety-sensitive function until submitting to a return to duty controlled substances test with a result indicating a verified negative result for illegal use of a controlled substance.

vi. Follow-Up Testing

Following satisfactory return to duty testing, any CDL holder determined by the designated Substance Abuse Professional (SAP) as in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances, shall be subject to unannounced follow-up testing per DOT regulation 382.311. The number and frequency of such follow-up testing will be as directed by the SAP, and consist of a minimum of six tests in the first twelve months of return to duty. Dates for follow-up testing will be randomly assigned.

The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered if the SAP determines that such testing is no longer necessary. All testing shall be in accordance with the requirements of 49 CFR part 40.

Drivers are considered to be performing safety-sensitive functions during any period of time in which they are actually performing, ready to perform, or immediately available to perform safety-sensitive functions. Safety sensitive functions include any on-duty functions set forth in the definition of On-Duty Time outlined in DOT Regulation 395.2.

c. Disciplinary Actions

Per DOT regulation 382.211, an employee subject to testing under any part of this policy who refuses to submit to that testing shall be subject to disciplinary action up to and including termination of employment.

Any non-compliance with this policy shall be considered the same as refusal to submit to testing, (e.g. failure to report to a designated test site, failure to execute required documents, any attempt to alter a specimen). These items are examples only and are not intended as an all-inclusive list.

CDL holders shall be subject to immediate removal from duty plus disciplinary action up to and including termination for alcohol levels between 0.02% and less than 0.04%. This removal will be for a minimum of twenty-four (24) hours, and a return to duty test will be required before a return to safety-sensitive functions is allowed. Lost time will be charged against accrued vacation/PTO and discretionary leave time or leave without



pay.

CDL holders with a verified positive drug result, or a confirmed alcohol reading of 0.04% or greater, will immediately be removed from duty and referred to a SAP. Depending upon progressive discipline and all other factors outlined in Section V – Disciplinary Actions, for the first offense under this policy, employees will be subject to a thirty (30) day suspension and be required to satisfactorily meet all requirements set forth by the SAP including a negative return to duty test, or termination of employment. Lost time will be charged against accrued vacation/PTO or discretionary leave time or leave without pay until released to full duty by the SAP.

An employee who serves a suspension will not be allowed to return to work until they have completed all the requirements designated by the SAP and the City has been notified by the SAP that the conditions have been met. Lost time, which does not include time served per a disciplinary action, will be charged against the employee's accrued leave time as noted above or leave without pay, until released to full duty by the SAP.

For the second offense under this policy and taking into account progressive discipline and all other factors outlined in Section V – Disciplinary Actions, employees will be subject to disciplinary action, up to and including termination of employment. Departments will consult with the Chief People Officer before any action is taken.

A supervisor failing to ensure compliance with this policy 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.

d. Procedure for Positive Results

i. Controlled Substances

A positive screen result will not be reported to the MRO until confirmation testing by means of gas chromatography/mass spectrometry (GC/MS).

When a positive screen result is reported to the MRO staff of the contracted provider, this positive result is identified by specimen number.

The MRO staff reviews the chain of custody documents for all positive screens to confirm correct procedures have been followed. After confirmation of correct procedures, the MRO staff will identify the donor from the MRO copy of the chain of custody documents.

The donor will be contacted by a member of the MRO staff and given the opportunity to provide any valid medical reason to explain the positive result. The donor will be given the opportunity to speak directly with the MRO. The MRO staff will confirm claims for prescription drugs with the prescribing physician. In the event a valid, confirmed medical reason is accepted by the MRO staff, the result will be reported to the City as a negative. If the donor cannot be contacted, or fails to contact the MRO staff when requested, the result will be reported as positive.

Positive results where no valid medical reason exists will be reported by secure means to the person designated by the City/Department to receive this information who will notify the employee.

Within 72 hours of the confirmation of a positive test, the donor may request that the split sample be sent for testing to another Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory. Should the split sample screening indicate a negative result, the initial test result will be canceled.

Independent additional test results taken by an employee after a positive is confirmed will not result in the original test result being cancelled.

ii. Alcohol

A breathalyzer reading of 0.02% or greater, will require a second, confirmation reading taken no less than fifteen minutes, and no more than thirty minutes after the initial reading. The donor 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.

A confirmation test of 0.02% or greater will be recorded as a positive test, the person designated by the City/Department to receive this information will be contacted, and must make arrangements for the donor to be transported from the testing site. Under no circumstances will an employee with a positive alcohol screen be permitted to drive from the testing site.

Disciplinary action for refusal to test or refusal to comply with any drug/alcohol test requirement will be the same as a positive test result.

e. Substance Abuse Professional (SAP) Referral

All employees testing positive for the use of substances listed will be mandated to contact a SAP. This referral is not considered a disciplinary action and is made available regardless of any other action taken.

f. Records

Results of all positive tests will be retained for five (5) years. Results of all negative tests will be retained for one (1) year.

## **APPENDIX I - DEFINITIONS**

**ADDITIONAL COMPENSABLE ELEMENTS (ACES)** - Relatively enduring characteristic of jobs which may justify differential compensation. ACES usually derive from the physical, temporal or perceptual conditions under which work must be done (context). ACES are measured as the job is expected to be performed by a qualified incumbent. It is assumed that all appropriate action necessary to eliminate or minimize undesirable conditions has been taken; with remains is unavoidable.

**ADMINISTRATIVE REALIGNMENT** - An adjustment of position(s) or duties within an organization to achieve better distribution of job tasks and responsibilities.

**ANNIVERSARY DATE** – The effective date of appointment, promotion, reclassification, or demotions.

**AT-WILL** – Incumbents serving in positions designated as at-will can have their employment terminated at any time, for any reason and do not have the ability to appeal the termination through the administrative review process and cannot avail themselves to the bumping or recall processes.

**BUMPING** – The process by which a grandfathered employee designated for permanent layoff displaces a less senior employee in accordance with applicable policies and procedures.

**CLASSIFICATION** – The assignment or grouping of positions regardless of location, that are similar enough in duties and responsibilities to be given the same title, pay grade, and require substantially the same qualifications.

**CLASSIFICATION REVIEW REQUEST** - This form is used by Department Directors or incumbents via the chain of command, to request review of the classification of a position.

**DEMOTION** – The movement of a regular full-time employee to a classification which has a lower grade level than the classification the employee currently holds.

**DOWNGRADE** – Reduction of a position from a higher pay grade to a lower pay grade due to internal and external equity considerations.

**EMPLOYEE PERFORMANCE APPRAISAL SYSTEM (EPAS)** - A system of behavioral standards to measure individual performance and achievement of goals.

**GRANDFATHERED** – Employees with 20 years of service and 55 years of age.

**INEQUITY**- A less-experienced employee who earns a higher salary than a more experienced employee within the same Department. Internal equity adjustments are required where a hiring decision was made that results in an individual being hired with less experience than current employees, OR when, over time, there is some shifting of salaries which results in internal equity. Inequity could also exist across Departments in the case of upper level positions and thus salary approvals must be approved by Human Resources.

## **APPENDIX I – DEFINITIONS CONTINUED**

**LATERAL TRANSFER** – The movement of a regular full-time employee to a classification that has the same grade, the same maximum of the range of the grade, or the same title as the classification the employee currently holds. The criteria for this movement do not meet the promotion to demotion requirements.

**MAXIMUM** – The highest rate of pay in a particular salary range.

**MIDPOINT** – The salary that is halfway between the minimum and the maximum of a salary range.

**MINIMUM** - The lowest rate of pay in a particular salary range.

**PAY GRADE** - A grouping of jobs with the same or similar organizational value for compensation purposes. In the City's system, a three (3) digit numerical code indicates the pay grade.

**PROBATIONARY PERIOD** - The period of time immediately following an employee's date of hire, promotion, or demotion, in which his performance is closely monitored to determine whether or not the employee will be granted regular status. Unless specified by policy to be otherwise, probation shall be six months.

**PROMOTION** - A competitive process by which a regular full-time employee moves to a classification which has a higher grade level than the classification the employee currently holds.

**RECLASSIFICATION** - A change in classification or pay grade of a position due to a change in duties and responsibilities.

**REDLINED RATE** - A salary rate that exceeds the salary range maximum.

**REGULAR BASE PAY GRADE** – The pay grade assigned to a job classification based on the evaluation (versus ACES or Special Pay Line grades).

**SPECIAL PAY LINE** - A salary range which takes the labor market into account. Some classifications which require unique, “hard to find” skills, exist in a highly competitive labor market or are under other circumstances where the market does not supply the demand, may be placed in a Special Pay Line category at the discretion of the Chief People Officer. As market conditions or other factors dictate, such classifications may be reviewed and returned to their previous corresponding regular base pay grade, at the discretion of the Chief People Officer.

**STATUS CHANGE FORM** – This form is used to document salary adjustments, promotions, demotions, transfers, terminations, or any other personnel action. Individual departments will initiate this form for all other personnel actions after the initial employment.

**UNIFORMED POSITIONS** - Ranking positions in the Fire and Police Departments.

**UPGRADE** - Progression from a lower pay grade to a higher pay grade due to internal or external equity considerations.

## APPENDIX II - ACRONYMS

AD&D	Accidental Death and Dismemberment
ADA	Americans with Disabilities Act
AFSCME	American Federation of State, County and Municipal Employees
AI	Authorized Injury
ALWOP	Authorized Leave Without Pay
APA	American Psychological Association
ATS	NeoGov Applicant Tracking System
CDL	Commercial Driver's License
COBRA	Consolidated Omnibus Budget Reconciliation Act
COLA	Cost of Living Adjustment
DD/PL	Discretionary Day/Personal Leave
DOL	Department of Labor
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Test
EEO	Equal Employment Opportunity
EIP	Educational Incentive Pay
EMIT	Enzyme Multiplied Immunoassay Technique
EMT	Emergency Medical Technicians
FICA	Federal Insurance Contribution Act
FLSA	Fair Labor Standards Act
FMLA	Family and Medical Leave Act
FOIA	Freedom of Information Act
FOP	Fraternal Order of Police
FTO	Field Training Officer
FUGES	Federal Uniform Guideline on Employee Selection
GC/MS	Gas Chromatography/mass spectrometry
GVUL	Group Variable Universal Life
IAFF	International Association of Firefighters
ICMA	International City Management Association
IID	Ignition Interlock Device
ING	No Sponsoring Group
INS	Immigration and Naturalization Service
IRS	Internal Revenue Service
KSA	Knowledge, Skills, & Ability
LOPFI	Local Police and Fire Pension Plan
LSP	Limited Serviced Positions
LSPF	Limited Service Position Full-Time

## APPENDIX II - ACRONYMS (Continued)

LSPP	Limited Service Position Part-Time
LTD	Long-Term Disability
MRO	Medical Review Officer
PAF	Personnel Action Form
PIP	Performance Improvement Plan
POP	Premium Only Plan
PTO	Paid Time Off
QMCSO	Qualified Medical Child Support Order
RCSP	Regular Civil Service Position
RFTP	Regular Full-Time Position
RPTP	Regular Part-Time Positions
SAMHSA	The Substance Abuse and Mental Health Services Administration
SAP	Substance Abuse Professional
SIOP	Society of Industrial/Organizational Psychology
STD	Short Term Disability
TAPF	Temporary Authorized Position Full-Time
TAPP	Temporary Authorized Position Part-Time
UA	Unauthorized Absent
USERRA	United States Employment and Re-employment Rights Act