City of Benton

Employee Handbook

December 2005

Last Revised February 11, 2013

FORWARD

This Employee Handbook is designed as an introduction and guide to working for the City of Benton. While the handbook describes many employee responsibilities and outlines the policies, programs, and benefits available to employees of the City of Benton, it is not intended to answer all questions regarding employment or to cover every situation that may arise. It is not intended to create any contractual or other legal rights and should not be construed as an employment contract, either express or implied.

The City of Benton reserves the right to revise, supplement or rescind policies or portions of this handbook as it deems necessary or appropriate. Employees will be notified in writing of any changes to the handbook as they occur.

In drafting the Employee Handbook, we have attempted to avoid the use of gender specific pronouns wherever possible. However, where such avoidance would have led to awkward sentences, the use of the masculine gender is intended as a reference to both the masculine and feminine genders.

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CITY OF BENTON MISSION STATEMENT

It is the mission of the City of Benton to provide services and protection for the citizens, resources and property of the City of Benton in an effective and efficient manner through comprehensive planning, "open door" communications and quality operations. The City of Benton strives to provide jobs and career opportunities to our employees while promoting a safe, cooperative work environment and supporting the values of individual respect and courtesy for all employees and customers.

MANAGEMENT POLICY STATEMENT

The City of Benton possesses the sole right to operate and manage the affairs of the city.

CITY OF BENTON

WELCOME LETTER

To: Employees of the City of Benton

Welcome to the City of Benton! As Mayor, I want to extend a personal welcome to each new employee and to wish you every success in your new job.

It is the mission of the City of Benton to provide our citizens with services and protection in an effective and efficient manner through quality operations delivered in an open, honest and courteous environment. You are a vital part of this mission and we hope that you will take pride in being an employee of the City of Benton.

I look forward to working with you and hope that your experience here will be both challenging and rewarding.

Sincerely,

David Mattingly, Mayor

ABOUT THE CITY OF BENTON

ORGANIZATIONAL STRUCTURE

The City of Benton is a municipal corporation which is chartered, organized and operating under the laws of the State of Arkansas. It is a city of the first class.

ELECTED OFFICIALS

The City of Benton is a Mayor-Council form of government. The Mayor, City Attorney and City Clerk are elected citywide to a term of 4 years. The Mayor's position is full-time and the City Clerk's position is a part-time position.

The legislative body of the City is the City Council which is composed of ten (10) "Aldermen" who are elected from individual wards for 2 year terms.

MAYOR:	The Honorable David Mattingly Benton Municipal Complex Post Office Box 607 Benton, Arkansas 72018-0607
CITY CLERK:	Ms. Cindy Stracener Benton Municipal Complex Post Office Box 607 Benton, Arkansas 72018-0607
CITY ATTORNEY:	Mr. Brent Houston Post Office Box 1500 Benton, Arkansas 72018-1500

ALDERMEN

Ward One, Position One
Mr. Frank Baptist
3510 Heritage Farm Drive
Benton, Arkansas 72015

Ward One, Position Two
Mr. Kerry Murphy
4023 Mockingbird Cove
Benton, Arkansas 72015

Ward Two, Position One
Mr. Charles Cunningham
1315 Stewart Street
Benton, Arkansas 72015

Ward Two, Position Two
Mr. Joe Lee Richards
1019 Banner
Benton, Arkansas 72015

Ward Three, Position One
Mr. William Donnor
702 Miller Cove
Benton, Arkansas 72019

Ward Three, Position Two
Mr. Jerry Ponder
1314 River Oaks Drive
Benton, Arkansas 72019

Ward Four, Position One
Mr. Brad Moore
305 Hidden Meadows Drive
Benton, Arkansas 72015

Ward Four, Position Two
Mr. James Herzfeld
1705 Jameson
Benton, Arkansas 72015

Ward Five, Position One
Mr. Steve Lee
602 Nalley Street
Benton, Arkansas 72015

Ward Five, Position Two
Ms. Lori R. Terrell
711 Elaine
Benton, Arkansas 72019

DEPARTMENT HEAD

The City Administration is conducted by Departments. The Department Heads are appointed by and report directly to the Mayor. The Departments of the City of Benton and the current Department Heads are listed below:

Animal Control	April Hawley
Communications Department	Kirk Lane
Community Development	Lamont Cornwell
Financial Management	Karen Scott
Fire Department	Bill Ford
Parks Department	John Eckart
Police Department	Kirk Lane
Street Department	Tony Floyd

COMMISSIONS

A **Public Utility Commission** was established effective February 1, 2005 by Ordinance No. 46 of 2004 in order to provide the most efficient operation and management of the utility departments of the City. The Commission is composed of five (5) residents who serve for five-year terms.

General Manager	Terry L. McKinney

Departments

Electric Distribution	Jeff Barnett
Administrative Services	Karen Scott
Purchasing	Linda McAdoo
Water Distribution	Steve DiCicco
Water Treatment	Steve DiCicco
Wastewater Collection	Leon Wilson
Wastewater Treatment	Jonathan Buff

FREEDOM OF INFORMATION ACT

The City's business shall be performed in an open and public manner and in compliance with the Arkansas Freedom of Information Act, codified at Ark. Code Ann. § 25-19-101 et seq. Under the Freedom of Information Act, meetings of the governing body of the city are open to the public and "public records" maintained by the City of Benton must be made available to the public for inspection during regular business hours. Copies of City documents covered by Freedom of Information Statute are available at a cost of $.08 per page. Video cassettes or CD's will carry a cost based on current purchase price to the City.

A "public record" includes "writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium, required by law to be kept or otherwise kept, and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds." All records maintained in public offices, or by public employees within the scope of their employment, are presumed to be public records unless the records fall within one of the exemptions enumerated in the act or other provisions of the state law.

Requests for Freedom of Information documents are to be handled by the affected Department Head. If the record is not readily available, the request is to be forwarded to the Mayor.

GENERAL POLICIES GOVERNING EMPLOYMENT

ELIGIBILITY FOR EMPLOYMENT

Age:

The minimum age for employment with the City of Benton is sixteen (16) years. Employees who hold hazardous jobs must be at least eighteen (18) years of age or older. Public safety officers must be age twenty-one (21) or older. There is no maximum age for employment and no mandatory retirement age so long as the employee is physically and mentally capable of performing their assigned job duties in a safe manner subject to any restriction of U.S. Fair Labor Standards Act; Age Discrimination in Employment Act, and Arkansas Civil Service Regulations. Civil Service employees are to contact their respective Department Head for any regulations applicable to their respective job.

Immigration Law Compliance:

Employers are required by federal law to verify that every person hired after November 6,1986, is authorized to work in the United States. (Immigration Reform and Control Act - Public Law 99-603). The City of Benton is committed to employing only United States citizens and aliens who are authorized to work in the United States. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9, and present documentation establishing identity and employer eligibility.

Former employees who are rehired must also complete the I-9 form if they have not completed this form with the City of Benton within the past three years, or if their previous I-9 is no longer retained or valid.

Questions concerning immigration law issues should be directed to the Human Resource Department.

ARKANSAS RIGHT TO WORK LAW

The Arkansas Constitution protects you against discrimination in employment because of your membership or non-membership in a labor union. Specifically, Amendment 34 to the Arkansas constitutions provides that:

> "No person shall be denied employment because of membership or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because

of resignation from a labor union; nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment."

AT-WILL EMPLOYER

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

Civil Service employees (uniformed Police and Fire) are subject to the statutes of the State of Arkansas as administered by the Benton Civil Service Commission. Civil Service rules concerning employment and discipline apply in the event of conflict between the policies set forth in this Handbook and the rules of the Benton Civil Service Commission.

This handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Benton is committed to providing equal employment opportunity without regard to race, color, religion, national origin, age, sex, sexual orientation, marital or parental status, veteran's status, or disability. Furthermore, the city's commitment extends to all employment-related decisions and terms and conditions of employment, including job opportunities, training, promotions, pay and benefits.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor, Department Head or the Human Resource Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination shall be subject to disciplinary action, up to and including termination of employment.

HARASSMENT

The City of Benton is committed to providing a work environment that is free of discrimination and harassment. Actions, words, jokes, or comments based on an individual's race, religion, color, gender, national origin, age, disability, status as a veteran, or special disabled veteran, or any other legally protected characteristic shall not be tolerated. Sexual harassment, both overt and subtle, is a form of employee misconduct that is strictly prohibited by the City of Benton.

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

- Verbal abuse or ridicule.
- Interference with another employee's work.
- Displaying or distributing sexually offensive, racist or other derogatory materials.
- Discriminating against any employee in work assignments or job related training because of one of the individuals legally protected characteristics.
- Making offensive sexual, racial, or other derogatory hints or impressions.
- Intentional physical contact with either gender specific portions of a person's body or that person's private parts.
- Demanding favors, explicitly as a condition of employment, promotion, or any other term or condition of employment.

It is the responsibility of every employee, supervisor and official to ensure his / her conduct does not include or imply harassment in any form. If, however, an employee or supervisor has knowledge of or suspects harassment has or is taking place the individual has a responsibility to;

- Report harassment or suspected harassment immediately to their supervisor. If the supervisor is the alleged harasser, then the individual shall direct the complaint to the department head, or the Human Resource Department. This complaint, when feasible, should be made in writing.
- File a written complaint with the Human Resource Department as soon as possible.
- Anytime an employee has knowledge of harassment he/she shall inform the department head in writing.

Upon receipt of a complaint of harassment or suspected harassment, the supervisor or department head shall notify the Human Resource Department. Each complaint shall be fully investigated, and a determination of the facts and an appropriate response will be made on a case by case basis. Any employee of the City of Benton found to have harassed another employee shall be subject to disciplinary action, up to and including termination of employment.

The City of Benton shall not tolerate harassment or any form of retaliation against an employee instigating or co-operating in the investigation of alleged harassment and employees may raise concerns and make reports without fear of reprisal or retaliation.

HEALTH AND SAFETY

Work Safety:

The City of Benton strives to maintain a safe and healthy work environment. Safety is largely the use of good judgment and the practice of good work habits. If an employee is unsure of how to perform a task safely, they should ask their supervisor or department head for the correct method.

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

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

Failure to observe safety regulations may result in disciplinary action up to and including termination.

Drug-free Workplace:

It is the City of Benton's policy to create and provide a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to unacceptable safety risks, and undermines the city's ability to operate effectively and efficiently.

Employees of the City of Benton shall not use habit-forming drugs, narcotics or controlled substances unless properly prescribed by a physician. The unlawful manufacture, distribution, dispensation, possession, transfer, purchase, sale or use of a controlled substance or drug paraphernalia in the workplace or while engaged in business for the City of Benton or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an

employee's ability to perform on the job or threatens the reputation and integrity of the city.

Employees in the Police and Fire Department are subject to additional regulations and the employee is to consult with their supervisor for details of those department regulations. In the event of conflict between this handbook and departmental rules, the more stringent regulation is to apply. All departmental rules are to be approved by the Benton City Council.

Employees violating any aspect of this policy shall be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug-abuse assistance or rehabilitation program as a condition of continued employment.

Employees engaged in public safety duties are subject to random testing for substance abuse.

Note: Employees convicted of controlled substance(s) related violations must inform the city within five (5) days of such conviction or plea.

Use of Intoxicants:

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

Substance Dependency Assistance:

Employees with questions or concerns about substance dependency or abuse are encouraged to contact the Human Resource Administrator to receive assistance or referrals to appropriate resources in the community. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisors or the Human Resource Administrator without fear of reprisal.

Smoking, Tobacco Use:

Smoking or the use of smokeless tobacco is prohibited throughout in all City buildings, City vehicles, and City parks. This policy applies equally to all employees, customers and visitors. The City of Benton will provide receptacles outside City buildings for employees, or visitors, who choose to smoke, although the City strongly encourages employees to be tobacco free.

WORKPLACE VIOLENCE

The City of Benton strives to provide a safe workplace for all employees. The following policies apply:

Prohibited Conduct

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of an unauthorized weapon while on company property or while on company business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be reported immediately to a supervisor or the Human Resource Department. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them.

Risk Reduction Measures

Hiring: The Human Resource Department takes reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

Safety: The City conducts annual inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgement and to inform the Human Resource Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- Discussing weapons or bringing an unauthorized weapon to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

Employees at Risk: The Human Resource Department will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. Human Resources will involve the Police Department to design a plan with at-risk employees to prepare for any possible emergency situations.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted. The City will actively intervene at any indication of a possibly hostile or violent situation.

EMPLOYMENT OF RELATIVES (NEPOTISM)

The employment of relatives in the City of Benton is allowed only when one will not supervise or have control over personnel decisions affecting the other. To avoid possible conflict of interest, relatives must not participate, either formally or informally, in decisions to hire, retain, promote, or determine the salaries of each other. For purposes of this policy, "relatives" is defined to include members of an employee's family whether by birth, marriage or adoption.

CONFLICTS OF INTEREST / COMMITMENT

Employees should be sensitive to the possibility that outside obligations, financial interests, or employment may affect their responsibilities and decisions as employees of the City of Benton. Participation in outside activities is encouraged to the extent that those activities do not interfere with the employee's work, or the mission of the City of Benton.

A "conflict of interest" is a situation in which an employee may have the opportunity to influence City of Benton administrative, business, or policy decisions in ways that could lead to personal gain, give improper advantage to self or other, or interfere with the missions of the City.

A "conflict of commitment" is a situation in which an employee's time and effort given to outside activities and interests interfere with their obligations and responsibilities to the City of Benton.

Situations that have the appearance of, potential for, or involve actual conflicts of interest or commitment must be reported, in writing, to the employee's supervisor or Department Head. After consulting with the employee and, if necessary, other city officials, the supervisor will provide the employee with a written interpretation of whether an actual or potential conflict of interest or commitment exists and any proposed remedial actions. Employees may appeal the interpretation, decision, or proposed remediation to the Mayor or the Mayor's designee.

OUTSIDE EMPLOYMENT

If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval. Employees may hold outside jobs as long as they are performing satisfactorily in their respective jobs with the City of Benton. All employees shall be judged by the applicable performance standards and will be subject to the City of Benton's scheduling demands, regardless of any existing outside work requirements.

If the City of Benton determines that an employee's outside work interferes with performance or the ability to meet the job requirements of the City of Benton, the employee may be asked to terminate the outside employment if he / she wishes to remain employed with the City of Benton. Outside employment that constitutes a conflict of interest is prohibited. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment, with the exception of police officers hired for security purposes and adhering to the same duties and responsibilities as when on duty.

Employees, other than off duty police officers providing security services, may not receive any income or material gain from individuals outside the City of Benton for materials produced or services rendered while performing their duties with / for the City of Benton.

OUTSIDE COMPENSATION

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by on duty employees of the city for the performance of their duties as employees of the city.

THE HIRING PROCESS
(INITIAL EMPLOYMENT WITH THE CITY OF BENTON)

JOB POSTING & ADVERTISING

Notice of job openings with an accompanying job description will be distributed to city departments for posting. Notices will be posted at least five (5) business days. Current employees who have held their position for at least six months may apply for the position, subject to the City Nepotism Policy. Any internal applicant must meet the minimum entry-level qualifications of the vacancy and have a satisfactory performance record. Priority in filling openings will be given to employees applying for 1) a promotional opportunity within their own department and 2) a full time position if they have a good performance record as a part time employee. Should a qualified applicant not express interest, an advertisement will be sent to the appropriate news media throughout the relevant job market.

EMPLOYMENT APPLICATIONS

Applications for employment will be accepted for open or vacant positions from anyone who wishes to apply on forms provided by the city. Application forms are available from the Human Resource Department at Benton Municipal Complex during regular business hours, Monday - Friday from 8:00 a.m. until 4:30 p.m.

The City of Benton relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City of Benton's exclusion of the individual from further consideration for employment or termination of employment, if the person has been hired.

SELECTION PROCESS

The Human Resource Department shall screen employment applications to ensure applicants meet the minimum qualifications of vacant jobs. The Human Resource Department will then forward the applications of qualified applicants to the department head.

Employment Reference Checks

It is the policy of the City of Benton to check the employment references of applicants. The Human Resource Department shall check the employment references of applicants for employment with the City of Benton.

The Human Resource Department shall respond to all inquires regarding references for previous and current city employees. Unless otherwise authorized

by the individual job seeker, responses to reference check inquiries from other employers will confirm only dates of employment, job title and wage rates.

Authority to Hire

Selection (hiring) decisions for non-Department Head employees shall be made by the supervisor or the Department Head, as appropriate.

POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals shall be required for every applicant hired by the city. Such examinations shall be paid for by the city and shall determine whether the applicant can perform the essential functions of the job for which they have applied, with or without reasonable accommodations. The examinations shall be conducted by licensed physicians selected by the city. These medical files will be maintained in the physician's office with a summary report provided to the City of Benton whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians or other professionals make determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City of Benton. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examinations, but employment is contingent upon the applicant's passing such examination.

Psychological examinations may also be required at the discretion of the City of Benton before or during employment.

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

Drug and Alcohol Testing

Applicants are subject to testing for the use of alcohol and illegal substances. Applicants should familiarize themselves with the City's policy

"General Policies Governing Employment: Health and Safety." Questions and concerns regarding the City's policy should be addressed to the Human Resource Department.

Omnibus Transportation Employee Testing Act, 1991

It is the City of Benton's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) shall be required to submit to alcohol and drug testing in compliance with the 1991 Omnibus Transportation Act. These tests include pre-employment, post-accident, random, reasonable suspicion, return to duty and follow-up testing. The City of Benton shall not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Personnel Policies and Driver Information on Drug and Alcohol Testing Regulations.

INITIAL 90 DAY EVALUATION PERIOD

The City of Benton uses this period to evaluate employee capabilities. During the period, new employees are eligible for those benefits required by law, and they may also be eligible for other city provided benefits, subject to the terms and conditions of each benefit program.

Employees promoted or transferred within the City of Benton shall complete a period of ninety [90] calendar day evaluation with each reassignment to a new position. An employee, who in the sole judgment of management is not successful in the new position, can be removed from that position at any time. If this occurs, the employee may be allowed to return to their former job or a job comparable to the salaried position prior to promotion or transfer, for which the employee is qualified, depending on the availability of such positions and the City of Benton's needs.

Motor Vehicle Record Checks

Purpose: The purpose of this policy is to investigate all work related accidents and incidents involving the use of city owned vehicles and equipment to identify and correct unsatisfactory performance and enhance the protection of the public, our employees and reduce liability.

Policy: All work related accidents and incidents will be investigated to determine the actions of all involved and use this information, if warranted, to correct un-satisfactory performance in regard to the operation of city vehicles and equipment by city employees. Any employee involved in a possible injury accident or incident while operating any city owned vehicle or equipment shall immediately call for medical and police services.

Definitions:

Work Related Accident – An accident involving the operation of a city owned vehicle or equipment that cause death or injuries likely to result in death to any person or damage to private property totaling $1,000 or more.

At-Fault Work Related Accident – A work related accident where it is determined by a police investigation that the actions of a city employee in the operation of a city owned vehicle or equipment contributed to the cause of the accident.

No-Fault Work Related Accident – A work related accident where it is determined by a police investigation that the actions of a city employee in the operation of a city owned vehicle or equipment did not contribute to the cause of the accident.

Work Related Incident – An incident involving the operation of a city owned vehicle or equipment that causes damage to city property or private property of less than $1,000.

At-Fault Work Related Incident – A work related incident where it is determined by a supervisory investigation that the actions of a city employee in the operation of a city owned vehicle or equipment contributed to the cause of the incident.

No-Fault Work Related Incident – A work related incident where it is determined by a supervisory investigation that the actions of a city employee in the operation of a city owned vehicle or equipment did not contribute to the cause of the incident.

Work Related Moving Traffic Violation – Violation of motor vehicle and traffic law that result in the issuance of a traffic citation to an employee while operating a city owned vehicle or equipment.

Procedures

Motor Vehicle Record Checks

Employees operating city motorized vehicles must provide proof of valid Arkansas driver's license on an annual basis to the Human Resources Department. Bi-annual checks of valid license will be performed. Employees will immediately report all work related accidents,

incidents and moving violations to their supervisors for review and presentation to the Office of the Mayor or Commission's General Manager as prescribed in this policy.

Investigations

Work Related Accidents
It will be the responsibility of the Benton Police Department to investigate all work related accidents within the city limits to determine the cause of the accident. Work related accidents occurring outside the city limits will be investigated by the appropriate law enforcement agency. These investigations will be documented on the Arkansas Motor Vehicle Crash Report. A copy the Crash Report will be forwarded to the Office of the Mayor or Commissions' General Manager by the employee's supervisor along with a review of the accident and any disciplinary recommendations based on the determination of a fault or no fault accident. Once a final disposition is made with regard to any supervisory recommendations, a copy of the file will be sent to Human Resources.

Work Related Incidents
It will be the responsibility of the employee's supervisory to investigate all work related incidents. A copy of the investigation will be forwarded to the Office of the Mayor or Commission's General Manager along with a review of the incident and any disciplinary recommendations based on the determination of a fault or no fault incident. Once a final disposition is made in regard to any supervisory recommendations, a copy of the file will be sent to Human Resources.

Work Related Moving Traffic Violations
It will be the responsibility of the employee's supervisor to investigate all work related moving violations and forward the findings to the Office of the Mayor or Commission's General Manager with any disciplinary recommendations. Once a final disposition is made as to the supervisory recommendations, a copy of the file will be sent to Human Resources.

Disciplinary Actions
All disciplinary actions will be consistent with the Progressive Discipline Policy as outlined in the City of Benton Employee Handbook. Progressive Discipline as stated in the handbook is equitable and consistent discipline for unsatisfactory job performance and/or conduct in the workplace. By using progressive discipline it is the cities hope that most performance and conduct problems may be corrected at an early stage, benefiting both the employee and the City of Benton.

EMPLOYMENT WITH THE CITY OF BENTON

PERSONNEL RECORDS

Personnel records are maintained in the Human Resource Department and by the employee's supervisor and / or department head. Each employee has the right to examine and copy the information contained in his or her own personnel file. Any employee who desires to examine and /or copy their personnel records shall submit their request for inspection and copying to the Human Resource Administrator during regular business hours.

Confidentiality of Records:

The City makes every effort to keep your personnel records confidential to the extent provided by law. However, personnel records may be viewed by City officials who have a legitimate need to review them, such as: members of the Human Resource department; your supervisor; your prospective supervisor if you have applied for a promotion or transfer; persons involved in the investigation or settlement of a formal grievance or complaint filed by an employee; and attorneys, agency and law enforcement personnel involved in an investigation or litigation in which your personnel records are relevant. Your records may also be copied and released in response to a lawfully issued subpoena or court order.

Under the Arkansas Freedom of Information Act, any citizen of the State of Arkansas may inspect and copy personnel records except to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy. Before citizens are allowed to inspect or copy your files pursuant to the Arkansas Freedom of Information Act, the following information will be removed or redacted from your file: social security and income tax information, medical and insurance information, and unlisted telephone numbers and addresses not intended for publication. Job performance records, including your performance evaluations, are disclosed only if there has been a final administrative resolution of a suspension or termination proceeding at which the records formed the basis for the suspension or termination, and there is a compelling public interest in their disclosure.

Changes to Personnel Data:

It is each employee's responsibility to promptly notify the Human Resource Department of any changes in personnel / personal data including: personal mailing addresses, telephone numbers, marriage, divorce, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports.

JOB CATEGORIES

The City of Benton determines the definitions of employment classifications in order for employees to understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City of Benton.

Each employee belongs to one of the following categories:

REGULAR FULL TIME EMPLOYEES - Those employees, not in a temporary or introductory status, who are regularly scheduled to work the City of Benton's full time schedule. They are eligible for the city's benefits package subject to the terms, conditions and limitations of each benefit program.

PART-TIME/TEMPORARY EMPLOYEES - Those individuals hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are generally of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. They are not eligible for the City of Benton's fringe benefit programs.

In addition to the above noted categories, each employee is designated as "nonexempt" or "exempt" in compliance with the Fair Labor Standards Act, Public Law 99-150 (FLSA). Nonexempt employees are entitled to overtime pay under certain circumstances. Exempt employees are excluded from specific provisions of the FLSA and do not receive overtime pay. An employee's nonexempt or exempt classification may be changed only upon written notification from the City of Benton.

These definitions are not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time.

ATTENDANCE / HOURS OF WORK

Hours of Work

With the exception of law enforcement and fire protection employees, the normal work schedule for full time employees shall be forty (40) hours per week. Starting time may vary by department or for a particular job duty depending on the needs of the city.

Employees may not begin work prior to, or work beyond, regularly scheduled times unless specifically authorized by the Department head. All such approvals are to be reported to Human Resource Department on the employee time sheet, and summarized in a quarterly report

Working hours for police and fire shall be in accordance with State Statutes and departmental regulations. The City of Benton, in accordance with Title 29, Part 553 of the Code of Federal Regulations has designated a 14-day work period for Fire protection and Law enforcement employees. Accordingly, no overtime compensation is required unless hours worked exceeds 106 for Fire protection employees and 86 for Law enforcement employees.

The City of Benton shall reserve the right to adjust and change hours off work, days of work and schedules to fulfill its responsibility to the citizens of Benton. In an emergency, previously scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the department head. Changes in work schedules shall be announced as far in advance as practicable.

Attendance

The City of Benton expects employees to be in attendance at their workstations in accordance with established departmental rules and regulations. The City also expects employees to be reliable and punctual in reporting for scheduled work. Poor attendance and excessive tardiness are disruptive to the work environment and may lead to disciplinary action, up to and including termination.

Rest & Meal Periods

Whenever possible, employee work schedules shall provide a fifteen minute rest period (break) during each four-hour work shift. Because this time is counted and paid as time worked, employees must not be absent from their workstations beyond the specified rest period time.

Most full time employees are provided with one meal period during each workday. Supervisors shall schedule meal periods to accommodate business operations. With the exception of law enforcement and fire protection employees, employees shall be relieved of all active responsibilities and restrictions during meal periods and shall not be compensated for that time. Employees who work at 24-hour operation sites and are not relieved for a meal period are required to bring meals with them, stay at their work location, and eat their meal as the workload allows.

Inclement Weather

In periods of inclement weather and in cases of exceptional circumstances beyond an employee's control, employees are required to contact their supervisor for instructions regarding job assignments for that particular workday. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him / her to get to work safely, he / she shall have the option of taking the time off as a vacation day. Any hours not worked will be "Leave without Pay" unless an employee opts to supplement with accrued vacation leave or make up the hours within the seven day work period, with supervisor's authorization. Regardless of the situation, an employee shall be expected to give his / her supervisor proper notice if he / she is unable to report for work.

On-call employees and public safety employees [police / fire] are expected to report for work under all conditions and are expected to make prior arrangements in preparation for their safely reporting for work under such conditions, unless otherwise approved by the Department Head. Further, any essential City employee, as determined by the department head, shall be required to report to work during inclement weather. If necessary, the City may transport such essential employee to and from work on that particular day.

Refusal to Work

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

Absenteeism & Tardiness

The City of Benton expects all of its employees to be at work on time and on a regular basis. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should give proper notice to his / her supervisor. "Proper notice" is defined by the city to be notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

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

See also, "Leave Policies"

Fitness for Duty Exam

Employees who become incapacitated from performing their essential job functions due to mental or physical disabilities, with or without reasonable

accommodation, or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Human Resource Manager and/or Department Head shall take such action that is necessary for the safety and general welfare of the employee, fellow employees, and general public at large.

Job Abandonment

Should an employee become absent from his / her job for a minimum of three (3) workdays without appropriate notice to the supervisor or department head, the City of Benton shall consider that employee to have surrendered his / her job (i.e., resigned). Should a medical condition cause the absence and lack of proper notification then the Human Resource Administrator may re-evaluate the job surrendered as appropriate.

PERFORMANCE EVALUATIONS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

A written performance appraisal, known as the introductory period evaluation, shall be conducted at the end of an employee's initial period of hire (i.e., 90 days).

Additional formal performance appraisals shall be conducted on an annual basis. All written performance reviews are based on the employee's overall performance in relation to his / her job responsibilities and take into account the employee's conduct, demeanor, and record of attendance along with any tardiness. These reviews serve the purpose of providing both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, focused approaches for meeting goals. Completed and signed performance evaluations shall be forwarded to the Human Resource Department for placement in respective employee files.

A satisfactory performance evaluation is a pre-requisite to a salary increase. However, a satisfactory performance evaluation will not always result in a salary adjustment.

TRAINING

The City of Benton is committed to continuing and on-going training for all employees. However, in addition to the formal training provided by the city for various jobs, each employee has a responsibility of ascertaining for him /

herself that they have sufficient training to enable them to perform their job. If the employee feels that additional training is needed, he should notify his department head. Employees are encouraged to identify training opportunities that will enhance the performance of the employee's job duties with the City of Benton. Subject to available funds and departmental priorities, employees whose training has been approved in advance by the employee's supervisor or Department Head shall be entitled to reimbursement for all or a portion of the expenses incurred.

PROMOTIONS

It is the intent of the City of Benton to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Benton an opportunity to apply for these vacant positions, announcements of job openings shall be posted on employee bulletin boards for at least five [5] business days prior to announcement to the public.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.

The final decision regarding promotions shall be made by the Department Head. Civil Service regulations apply to some members of the Police and Fire Departments.

A promotion occurs when an existing employee is placed in a higher job classification and successfully performs the duties of that position during the initial 90-day job performance evaluation period. There are two ways that an employee can receive a promotion:

1. Internal Promotion: You may be promoted, within your existing department to another position in your department or unit if you meet the minimum qualifications for the position for which you are being considered and are the best qualified candidate for the position. The position left vacant by the internal promotion may be advertised, filled through another internal promotion, left vacant, or eliminated. The decision regarding internal promotions shall be recommended by the Department Head, subject to approval of the Mayor, Director, or General Manager. All such approvals are subject to the financial resources as outlined in the operating budget of the City and review by City Council.

2. Acceptance of another position within the City. Employees of the City may apply for job vacancies in other departments of the City if they meet the

minimum qualifications for the position. Seniority and benefits earned by an employee promoted to another department are transferable to the extent the gaining department has those benefits available.

TRANSFERS AND LATERAL CHANGES

A transfer or lateral change occurs when an existing employee moves from one position to the same or similar position. A transfer can be to another position within the employee's existing department or to another position with a different department of the City, including Commissions established by City Council. The employee will not receive a pay increase as a result of the transfer or lateral change. An employee transferring to a position with a lower job classification will have salary adjusted to comply with the pay structure for the new position. Employees desiring to transfer from one position to another may be asked to file an application for the desired position with the Department Head offering such position. The final decision regarding transfers and lateral changes shall be made by the Department Head with the open position.

DEMOTIONS

A demotion occurs when an employee is placed in another position which carries a lower job classification, has less responsibility than the previous position, or has lower minimum qualifications than the previous position. Employees experiencing a demotion will have their salaries adjusted to reflect the appropriate rate of pay for the new position. A demotion can occur for disciplinary reasons, as a result of the overall financial resources as provided in the approved budget of the City, for failure to satisfactorily meet job performance criteria, or when a job position is eliminated.

TERMINATION OF EMPLOYMENT

The City of Benton recognizes four types of termination of the employment relationship:

RESIGNATION – a voluntary act initiated by the employee to terminate employment with the City of Benton

RETIREMENT – voluntary employment termination initiated by the employee meeting length of service, and other criteria for retirement from the City of Benton

DISCHARGE – involuntary employment termination initiated by the City of Benton.

LAYOFF – involuntary employment termination initiated by the City of Benton for non-disciplinary reasons.

The City of Benton requests that all employees terminating their employment by resignation provide the Human Resource Administrator and/or their Department Head at least two [2] weeks written notice in advance of their intended termination.

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

Termination Authority

Involuntary termination [discharge] decisions shall be made by the Department Head after careful review and consideration of the dismissal action, the events leading up to termination, and past job performance evaluations. Mayor, Director, or General Manager approval of termination is required.

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

Return of Property

Upon termination of employment, the employee shall return to his Department Head or to the Human Resource Department, all City Property that is in his possession. See also: Use of City Property

REHIRES AFTER TERMINATION

Former employees, whose performance while a City of Benton employee was at least satisfactory, are eligible to be considered for re-employment with the City of Benton.

COMPENSATION POLICIES

COMPENSATION

Each December the Mayor of Benton presents his requested budget for the coming year to the Benton City Council for approval, in accordance with the Statutes of the State of Arkansas. Personnel costs are a component of that budget request. Available finances and overall needs of the City may result in adjustment of the proposed budget. All personnel issues identified in this handbook including employee compensation are subordinate to the approved budget and/or may be adjusted by the City Council during the year as the need arises.

PAY PERIODS AND PAY CHECKS

Employees are paid bi-weekly. Pay periods begin on Monday and end on Sunday. Employees are paid on Friday following the end of the pay period. Each paycheck shall include earnings for all work performed through the end of the previous pay period. In the event a holiday occurs on a payday, checks will be disbursed one day earlier, on Thursday.

TIMEKEEPING AND TIME SHEETS

It is the responsibility of every employee to accurately record "actual time worked". Actual time worked is defined as all time actually spent on the job performing assigned tasks, duties and responsibilities. Altering, falsifying, tampering with time records or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment. It is your responsibility to sign your time record to certify the accuracy of all time recorded.

Department Heads and supervisors are responsible for ensuring time sheets are sent to the Human Resource Department no later than Monday preceding a payday. Vacation leave, sick leave, etc. used during a pay period must be turned in for processing during the pay period's regular processing time. Supervisors shall review and then initial respective employee's time records prior to submitting to payroll as a certification of its accuracy.

All employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for any reason.

OVERTIME PAY

Overtime will be paid for "hours actually worked" in excess of the hours scheduled per pay period set forth in the Hours of Work section of the Handbook. If approved leave time such as Sick Leave is taken, overtime will only be paid for hours worked in excess of Fair Labor Standards Act limitations. However, vacation time will be counted as time actually worked with respect to the calculation of overtime.

Overtime work must be approved by the department head, in advance of work performed. Arriving early or leaving late for the employee's own convenience is not to be included in the working time and the employee must not perform any duties for the city during such intervals. If an employee is late, leaves early, takes a long lunch hour, etc., appropriate entries should be made on the time sheet indicating the actual time spent working on the job.

Employees who are exempt under the Fair Labor Standards Act (also referred to as salaried employees) receive no overtime pay.

COMPENSATORY TIME

The City of Benton will provide payment for overtime worked by non-exempt employees and does not allow employees to choose compensatory time.

ADMINISTRATIVE PAY CORRECTIONS

The City of Benton takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that an error occurs in the amount of pay, the employee should promptly bring the discrepancy to the attention of his / her supervisor so that corrections may be made as quickly as possible.

PAYROLL DEDUCTIONS

Mandatory Deductions include:

1. Federal Income Tax is determined by the number of withholding allowances the employee claims on the IRS W-4 form completed when the employee reports for work. The employee may submit a new W-4 withholding form at any time. Any changes will be reflected in the next pay period following submission of the required form.
2. State Income tax. The amount to be deducted from a paycheck is determined by the number of withholding allowances the employee claims on the State Withholding Form when the employee reports for work.

3. Social Security – [FICA] – is computed on each employee's salary [unless exempt under the City Section 218 agreement] at a rate established by the Federal Government and may be changed at any time.

4. Optional Deductions – may be made upon authorization of the employee. Any such deductions are to be coordinated with the Human Resource Department.

GARNISHMENT AND LIENS

Garnishment is a legal process whereby amounts are withheld from an employee's paycheck to satisfy a debt the employee owes to a third person. When the City of Benton receives notice an employee's wages are to be garnished, the City is required by law to comply with the court order. Governmental liens resulting from claims for unpaid taxes, bankruptcy claims, and child support orders, must also be honored. When the City receives a court order for garnishment or a salary lien, it must pay the required amount as directed by that legal process. Any defenses the employee wishes to assert must be made to the court or governmental agency initiating the garnishment

The Federal Wage Garnishment Law prohibits an employer from discharging an employee because their earnings have been subject to one garnishment. In cases of multiple garnishments, an employee may be subject to disciplinary action in accordance with City policy on minimum conduct standards for City employees

UP-GRADE PAY

Employees may upgrade to the next level of responsibility when performing the duties of the higher grade job position. Employees performing on-call or standby duty will not earn up-grade pay for stand by duty. The rate of pay shall be the employees regular pay plus 3% for the hours performing the duties of a higher grade employee.

ON-CALL PAY

At the discretion of Administrative Management employees may be placed on-call to assure the efficient operation of city services after hours and on holidays.

Employees on-call for after hours operations are to receive supplemental pay equal to 2 hours work per day for Monday through Friday and 4 hours per day on weekends and holidays. On-call hours do not count as time worked toward overtime hours. On-call employees called in to work are to receive credit for a minimum of two hours at overtime rate or actual time worked, whichever

is greater. When a call-out is initiated and the two-hour overtime payment is begun, a second call-out during that timeframe will be considered a continuation of the initial call and will not be paid as a second call-out. Court appearances on an employee's day off will be treated as call-outs.

Employees on-call not reporting to work in a timely manner shall be reprimanded for an unexcused absence and forfeit eligibility for on-call status for 3 months.

SHIFT DIFFERENTIAL PAY

Employees other than law enforcement or fire protection who work at 24-hour operations of the City will receive shift differential pay of $.20 per hour for "B" shift (3:00 p.m. to 11:00 p.m.) and $.35 per hour for "C" shift (11:00 p.m. to 7:00 a.m.). Shift differential pay does not apply to paid leave hours.

PAY FOR EMERGENCY SERVICES

The Mayor or the General Manager of Public Utilities is authorized to declare an emergency, which could occur in the case of a natural disaster or during a threat to the public health and safety. During the time of such an emergency, employees shall be paid overtime when working past normal business hours as a direct result of the emergency.

LEAVE POLICIES

(Paid and Unpaid Leave)

HOLIDAYS AND HOLIDAY PAY

The City of Benton will observe the following holidays:

1. New Year's Day – January 1
2. Martin Luther King/Robert E. Lee Day – 3rd Monday in January
3. President's Day – 3rd Monday in February
4. Memorial Day - last Monday in May
5. Independence Day – July 4
6. Labor Day – 1st Monday in September
7. Veterans' Day – November 11
8. Thanksgiving Day – 4th Thursday in November
9. The Day after Thanksgiving Day
10. Christmas Eve – December 24
11. Christmas Day – December 25
12. Employee Birthday

An official holiday is one in which the business offices of the City are closed although public safety, police and fire departments, will continue to be open and operational. If a holiday occurs on a Saturday, it will be observed the previous workday. If it occurs on Sunday, it will be observed the next workday. To receive Holiday pay, the employee must be in a paid status on the workday preceding the Holiday and the workday following the Holiday. Employees in 24-hour operations, of Communications, Water Treatment, and Wastewater Treatment who are required to work on Holidays will receive overtime pay (1 ½ regular rate) for the hours worked in addition to Holiday Pay.

Police officers and firefighters, up to and including the Chief, will receive holiday pay equivalent to eight (8) hour's pay added to the pay period in which a holiday occurs. To be off work on the holiday, non-exempt employees must take a vacation day. Exempt employees will be considered "on duty and working" on holidays.

Police officers and firefighters who are eligible for holiday pay shall be paid in one lump sum all the yearly holiday pay they are entitles to receive, including Christmas holiday pay, the first pay period in the month of December. Any employee who ends his/her employment with the City prior to December shall be paid their earned holiday pay with their final paycheck. Any employee who should end his/her employment after being paid for the Christmas holiday, but before earning the Christmas holiday pay, shall have a deduction in their final paycheck equal to the holiday pay they were not entitled to receive.

Temporary/Part-time employees are not eligible for holiday pay.

Revised March 24, 2008

VACATION LEAVE

All full time employees accrue and are eligible for paid vacation benefits. Employees are eligible to start taking paid vacation as soon as they earn it. All leave must have prior approval by the appropriate supervisor. Temporary and part-time employees are not eligible for vacation benefits. Employees are encouraged to submit their vacation requests at least two weeks in advance. However, each department head or manager will decide whether his/her department's operation can continue effectively with less notice, and will determine the advance notice needed in that department. Employees may only use vacation time that they have actually accrued, with the exception of fire protection personnel who must schedule leave days in advance. Should a member of the fire department leave employment, any "overdrawn" vacation time will be adjusted through his final payoff.

Maximum Accumulation: Beginning January 1, 2007, employees will not be allowed to carry over more than the equivalent of two weeks vacation based on the employee shift. Any loss of unused hours in excess of the maximum above will occur on the pay period following January 1st of each year in order to allow use of time through the holiday season. Vacation hours are printed on bi-weekly paystubs and it is the employee's responsibility to schedule leave in order to prevent loss of time.

Accrual: The accrued vacation for each pay period is available to be taken during or after the pay period in which it was accrued. As defined under Arkansas Code, the "15 Days" of annual vacation for firefighters and police officers is based on "8-Hour" days, or a total of 120 hours per year. The City meets or exceeds that requirement. The accrual rate is as follows:

From date of hire through Tenth anniversary date	
3 Weeks	4.62 hours per pay period for 8 hour shift employees
	5.77 hours per pay period for 10 hour shift employees
	6.92 hours per pay period for 12 hour shift employees
	6.46 hours per pay period for 24 hour shift employees
From beginning of 11th year through 19th year	
4 Weeks	6.15 hours per pay period for 8 hour shift employees
	7.69 hours per pay period for 10 hour shift employees
	9.23 hours per pay period for 12 hour shift employees
	8.31 hours per pay period for 24 hour shift employees
From beginning of 20th year until end of employment	
5 Weeks	7.69 hours per pay period for 8 hour shift employees
	9.62 hours per pay period for 10 hour shift employees
	11.54 hours per pay period for 12 hour shift employees
	10.15 hours per pay period for 24 hour shift employees

A current employee who enjoys an accrual rate higher than that listed in the above table will retain the higher rate until his/her length of service would provide an increased accrual rate.

If an employee is on vacation and becomes sick or injured and would quality for sick leave, they can change their status from vacation to sick leave by presenting a doctor's letter indicating the sickness or injury. This letter needs to be presented to the department manager prior to the time sheet being completed and submitted to the Human Resource Department, if possible.

SICK LEAVE

The City of Benton recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, The City of Benton provides paid sick leave to full time employees, as follows:

6.15 hours per pay period for 8 hour shift employees
7.69 hours per pay period for 10 hour shift employees
9.23 hours per pay period for 12 hour shift employees
Maximum Accrual: 720 Hours

For 24-Hours Firefighters:

9.23 hours per pay period	(Total of 240 hours or 10 days/yr.)
Maximum Accrual: 1,440 Hours	

Employees accrue sick leave from their date of hire but will not be eligible to use any leave until after 3 months of service with the City. Time off may be charged against accumulated sick leave only for such days the employee is scheduled to work. An employee may be eligible for sick leave for the following reasons:

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

An employee who is unable to report for work due to one of the previously listed leave reasons shall report his absence to the employee's supervisor or someone acting for the employee's supervisor as soon as possible. Employees failing to contact their supervisor within one (1) hour from the time the employee is expected to report for work may result in loss of paid leave.

Employees will not be paid for more than 56 hours (96 hours for 24-hour firefighters) of sick leave per year that is not substantiated by a doctor's excuse.

Sick leave is deducted in 15-minute increments. An employee who uses all of his or her accrued sick leave may substitute vacation leave.

When a supervisor has evidence to suspect misuse of Sick Leave, the supervisor may require an attending physician's statement on the first day of absence. If the employee is unable to furnish verification, there may be a loss of paid leave available and misuse may result in disciplinary action. Sick leave taken immediately before or after a Holiday or vacation will require a Physician's statement in all cases.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation payment to an amount equal to that employee's regular pay without overtime.

Upon separation from the City by retirement or death, employees will be paid for unused sick leave balance to a maximum of 720 hours in accordance with their vesting percentage. Upon the adoption of this handbook, current employees who have unused sick leave hours greater than the maximums listed in the accrual rate section will have documentation added to their personnel file of the excess hours. If necessary, those employees will be allowed to use those documented sick hours for medical leave purposes or to receive the maximum pay of 720 hours upon vested retirement.

FAMILY MEDICAL LEAVE

In accordance with the Family Medical Leave Act (FMLA) of 1993, the City of Benton provides family medical leave to eligible employees for up to twelve [12] weeks during a twelve-month period for certain family conditions and medical reasons. This type of leave may be paid or unpaid depending on the employee's accrued leave available. Paid sick leave for an FMLA event must be substantiated by a medical need. Paid accrued vacation leave is available for any FMLA event. Employees are required to first use accrued paid leave time before taking unpaid FMLA leave. For the purpose of this policy, a "12 month period" is defined as any consecutive 12-month period measured forward from the date an employee's first FMLA leave begins:

Eligible employees are defined as those who:

1. Are employed by the City for a minimum of one year, and
2. Have worked a minimum of 1250 hours during the twelve [12] months preceding the leave.

Eligible employees may take up to twelve [12] weeks of FMLA leave for the following reasons:

1. The serious health condition of an employee making the employee unable to perform the functions of their job;
2. The care of an immediate family member [spouse, child, parent] who has a serious health condition.
3. The birth and care of employee's newborn child;
4. The placement of a child into an employee's family be adoption or by foster case arrangement.

You must conclude leave for the birth of a child or for adoption or foster care within 12 months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility; or

- Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

Generally, a condition will be considered a "serious health condition" if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three calendar days.

Notification and Certification—Employees needing to use family medical leave are required to make every effort to provide as much advance notice as possible to their supervisor and / or department head. If the FMLA leave is for medical reasons the employee must provide the City with a written certification of the need for FMLA leave from a qualified healthcare provider. A certification form may be obtained from the Human Resource Department of the City. This form should be filled out and returned to the Human Resource Department. When the leave is foreseeable and the requisite notice described above has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within 15 calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, and nurse-midwives authorized to practice under State law and

performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

Job Restoration—An employee on FMLA leave is requested to provide a minimum of two weeks advance notice of the date expected to return to work. In some instances, the employee may be required to provide the City with a "fitness for duty" report prior to returning to work. The returning employee shall be reinstated to the same position, if it is available, or to an equivalent position for which they are qualified with equivalent pay, benefits, and other terms and conditions of employment.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies their Department Head prior to the end of the FMLA leave.

Employee Benefits—The use of FMLA leave will not result in the loss of employment benefits, such as tenure, seniority, etc., accruing prior to the start of the employee's leave. However, during unpaid FMLA leave, an employee will not be allowed to accrue employment benefits, such as vacation, sick leave, etc. Furthermore, the use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Subject to the terms, conditions, and limitations of the applicable plans, the City of Benton shall maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave, the same as for all other employees. It is the employee's responsibility, to contact the Human Resource Department and arrange for continuation of coverage related to benefits.

Intermittent or Reduced Leave—In case of your own serious health condition or that of a family member, you may take leave intermittently or on a reduced work schedule, if medically necessary. When you choose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or a reduced work schedule. However, this may only be done with the permission of the Mayor, Director, or General Manager. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay. If the need to use leave is foreseeable and based on pre-planned medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operation.

Leave Provisions for Spouses both Working for the City—If FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent,

the maximum combined leave for both spouses is 12 weeks. If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

Release to Return to Work—A medical doctor's release is required for all City employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided prior to returning to work.

Dispute Resolution—If a disagreement occurs over the medical opinion provided by your physician, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

Additional information and necessary forms may be obtained from the Human Resource Department.

CATASTROPHIC LEAVE PROGRAM

The City of Benton provides a voluntary Catastrophic Leave Bank Program allowing eligible, participating employees having exhausted all available leave balances to receive additional Catastrophic Leave benefits for extended absences.

Purpose

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

Eligibility

All regular full-time employees with a minimum of one year of service shall be eligible to participate if the initial contribution does not reduce the employees accrued leave (sick and vacation leave) below 100 hours. All participation in this plan is voluntary.

Enrollment

Eligible employees may enroll in the plan by completing an enrollment form available from the Human Resource Department. Participation will begin immediately after the employee becomes eligible and submits a completed enrollment form. Participation requires completion of an Enrollment and Contribution Authorization form during a scheduled open enrollment period.

Open enrollment periods shall be January 1st through January 31st of each calendar year. Any employee may stop participation by notifying the Committee in writing of the intention to cease participation. The employee's participation will continue until the next plan enrollment period after receipt of a request for withdrawal from that employee. Such notice must be received by the Human Resource Department before the end of the scheduled enrollment period.

Contributions

Initial enrollment contributions will be for two [2] sick days (16 hours/48 for firefighters). After the initial contribution, the annual minimum of one day (8 hours/24 hours for firefighters) will be contributed automatically during the first pay period which occurs on or immediately after January 15th. Employees currently participating in the Catastrophic Leave Bank will continue to be enrolled in successive years regardless of ability to contribute while receiving approved leave time.

Catastrophic Leave Defined

Catastrophic Leave shall mean sick leave required for treatment or recovery of a non-job related injury or illness to the participating employee which exceeds two [2] weeks in duration as documented by an attending physician. In no event will such leave exceed the earliest of the end of the elimination period for the City's long-term disability program, approval of disability benefits to uniform employees by the appropriate pension board, or a return-to-work date established by the attending physician. Catastrophic leave is for any participating employee and may be used for any dependent child of the home or spouse that falls into the catastrophic category. When catastrophic leave is used for children or a spouse, the case will be reviewed by the catastrophic leave committee at the end of the first thirty (30) days.

Catastrophic Leave Review Committee

All requests for Catastrophic Leave shall be reviewed by a committee of six [6] members consisting of one Fire Department employee, one Police Department Employee, one City General (Parks, Street, Communications, Animal Control, Community Development) employee, one Utility employee, and the Human Resources Manager or Assistant. The employee's department head shall also serve as a member of the review committee as the sixth committee member. Committee members will be chosen by paper ballot for a two year period beginning October 1, 2011, and every two years thereafter or as necessary to fill a vacancy. Committee members shall not serve consecutive terms. Attendance of a minimum of four [4] committee members shall be required to constitute a quorum. A quorum is required to be present for a valid vote to occur. The committee shall meet as required to review requests for a Catastrophic Leave approval. If no requests are pending, no meeting shall be required. Approval of a Catastrophic Leave request shall require a vote of approval of three-quarters [3/4] majority of the Committee membership.

Request for Approval

Upon determination the requesting employee is a participant, and all required documentation is in place, the committee shall:

1. Complete a leave transfer approval form and forward it to the City of Benton Human Resource Department for required data entry.
2. Specify the number of hours granted and the next review date for that request.

Application Requirements

Application for Catastrophic Leave must be made on a standard form which must include, or have attached, an attending physicians signed statement which shows; diagnosis, prognosis, projected return-to-work date, plus any anticipated restrictions on the employee's work activities at that projected return date. If the statement is not provided on the physician's letterhead, the request must contain the name, address, and telephone number of the physician and a contact person at the physician's office or clinic.

Approval and/or Usage of Catastrophic Leave

The Committee's review shall ensure each of the following conditions has been met before approval of a request for Catastrophic Leave.

- requesting employee is enrolled as a participant
- Proper documentation is complete and is provided in a timely manner
- All accumulated leave [inclusive of both Sick Leave and Annual Leave] has been exhausted. No Catastrophic Leave will be approved until all leave [inclusive of both Sick Leave and Vacation Leave] has been exhausted.

The decision of the committee to approve or deny Catastrophic Leave is final. The following conditions apply:

- The Committee will only approve requests which will keep the Catastrophic Leave Bank in a positive balance.
  - Catastrophic Leave will be established as a separate leave type and employees absent while using Catastrophic Leave will not accrue other leave types. Upon return to active status, leave accruals will resume.
  - Leave contributed to the Catastrophic Leave Bank may not be restored to the contributing employee under any circumstance.
  - Unused Catastrophic Leave credited to an employee will revert to the Catastrophic Leave Bank upon the employee's return to active status, or approval of disability benefits, should that return or approval of benefits occur prior to the exhausting of the credited Catastrophic Leave.
  - A recurrence of a condition causing the need for Catastrophic Leave within thirty [30] calendar days will be treated as a continuation of the same

incident and will require only a written request from the employee for resumption of Catastrophic Leave within the limits previously approved by the Committee. A recurrence beyond thirty [30] calendar days of return to active status will be treated as a new case and will require submission of a new request form and documentation.

- Participation and contribution to the Catastrophic Leave Bank will not affect participation or eligibility for any sick leave incentive program established by the City of Benton.
- Contributions are made solely to the Catastrophic Leave Bank and may not be designated for any specific employee.
- Participation in the Catastrophic Leave Bank program is from the initial enrollment date only. Participation cannot be made retroactive under any circumstances.

MATERNITY LEAVE

The City of Benton shall not discriminate against any employee requesting an excused absence for medical disabilities associated with pregnancy. Regarding all employment related purposes, employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same as persons disabled for non-pregnancy related reasons. Such leave requests shall be made and evaluated in accordance with the family / medical leave provisions outlined in this handbook and in accordance with all applicable State and Federal Law. An employee's accrued Sick Leave and Vacation Leave shall be granted for Maternity Leave after which leave without pay is to be used.

UNIFORMED SERVICES / MILITARY LEAVE

Military Leave of absence shall be granted to employees, except those occupying temporary positions, to attend scheduled drills or training, or if called to active duty with the U. S. armed services.

Employees who are members of a military service organization or National Guard shall be entitled to a military leave of fifteen [15] days per year with pay plus necessary travel time. Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training.

Subject to term, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health /dental / vision benefits shall be provided for the full term of a military leave of absence. Annual Leave and Holiday benefits shall continue to accrue during such an absence.

An employee called to active military duty shall notify their supervisor or Department Head as soon as reasonably practicable after receiving notice of the impending deployment, and provide a copy of his orders to the Human Resource Department as soon as possible. An employee called to active military duty shall be entitled to thirty [30] days paid military leave. Payments shall be calculated at eight [8] hours per day at the hourly rate of pay that the employee was being compensated on the date the employee began the period of active duty. Re-employment after active duty service, as well as provisions relating to pension and health benefits, shall be in compliance with the Uniformed Services Employment and Re-employment Rights Act of 1994, as amended, and ACA 21-4-102. It is the City of Benton's policy to honor and comply with the provisions of these statutes. Every reasonable effort will be made to return an eligible employee to his previous position or a comparable one. Employees on military leave shall be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the accrual rate of Annual Leave, and promotion and job seniority rights.

FUNERAL / BEREAVEMENT LEAVE

Bereavement leave of up to [3] calendar days with full pay will be granted, in the event of a death of an immediate family member. Immediate family member shall include mother, father, brother, sister, son, daughter, grandchild, and grandparents, whether by blood or by marriage; and those relatives living in the employee's household. Leave will not be paid if the employee is not scheduled to work during this time. The days the leave will be taken will be determined by the employee and his/her supervisor.

Upon prior approval of the supervisor or Department Head, un-paid travel time may be granted in situations where travel time of more than eight [8] hours is necessary.

The department head may grant funeral leave of not more than one [1] day per year for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

LEAVE FOR VOTING

City of Benton employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time off shall be granted for that purpose.

JURY DUTY LEAVE

Employees shall be granted leave with pay for jury duty. Employees are also permitted to retain allowance for services from the court for such service.

Revised March 9, 2009

To qualify for jury duty leave, employees must provide their supervisor or Department Head, with a copy of the notice from the court for jury service as early as possible after receipt thereof. Employees are expected to report for work whenever the court schedule permits. In addition, the employee must provide their supervisor or Department Head with proof of service on the jury when the employee's period of jury duty is completed.

Employees, who receive a subpoena for their testimony at trial, shall be eligible to receive court/ jury duty leave by providing a copy of the subpoena to their supervisor or Department Head. Employees are expected to report for work prior to and following their testimony at trial.

OTHER EMPLOYEE BENEFITS

EMPLOYEE HEALTH BENEFITS

The City of Benton currently provides a group health plan for all full time employees. Detailed information concerning the health plan is available from the Human Resource Department. Each employee should receive information concerning the health benefits program during orientation for new employees. Changes to this plan can be made at any time. Benefits are subject to change as are any sharing of cost between employees and the City of Benton. Continuation of this benefit is subject to an evaluation of Cost of Coverage and City Finances on an annual basis.

COBRA (Health Benefits Continuation)

The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Benton's health plan when a "qualifying event" would normally result in the loss of eligibility. Common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

The City of Benton provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the city health insurance plan. The notice contains important information about the employee's rights and obligations. Employees should contact the Human Resource Department for additional information.

WORKERS COMPENSATION

All city employees are covered under the Arkansas State Worker's Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify their supervisor, Department Head, or Human Resource Department to initiate the "Employee Notice of Injury" form. Upon notification, the supervisor and or the Human Resource Department shall arrange for appropriate medical treatment and prepare the necessary reports. Rules and regulations concerning Worker's Compensation are posted on the department bulletin boards. During working hours as a City employee, any employee that receives medical attention or any employee that contributed to an incident that caused an employee to sustain an injury that requires medical attention shall be required to submit to an alcohol test and a drug test. This test will be conducted immediately or as soon after the incident as is practical.

Injured employees may use Sick Leave and Annual Leave [paid vacation] as a coordinated benefit to maintain compensation equal to their regular pay without overtime during recovery from a work related injury.

It is important for Worker's Compensation claim forms and other information to be delivered directly to the Human Resource Department. It is the employee's responsibility to ensure the Human Resource Department has the original copy of the initial notifications, doctor evaluations, excuses from duty, and written fitness for duty or return to work statements.

RETIREMENT BENEFITS

The City of Benton currently provides retirement benefits under a defined benefit plan fully funded by the City of Benton. All earned ["vested"] benefits under this plan are protected by Federal Law [ERISA]. Continuation of benefits to future retirees is evaluated annually and subject to the financial resources available to the City. The plan may be changed or discontinued at any time. This plan is for continuation of salary only and does not include the cost of group health insurance, although, the City currently allows retirees to purchase group medical benefits as member of the employee group at the same cost as charged to the City.

Police and Fire employees are provided retirement benefits through the Arkansas Local Police and Fire Retirement System. A plan booklet is provided to employees upon enrollment.

At the current time retirees not eligible for benefits under Social Security, Medicare, or Medicaid may continue coverage under the group plan at the employee's expense. Employees may be required to provide proof of denial from these programs.

SOCIAL SECURITY

As an employee of the City of Benton, you are covered by Federal Social and Medicare Insurance. A portion of the tax to fund this coverage is withheld from each paycheck and is based on a percentage of your gross salary. The City pays a matching amount, which is credited to your account. The percentage of your gross salary which is withheld for Social Security and Medicare purposes is set by federal law. If you have any questions about benefits under the Social Security system, call or visit the local Social Security Administration offices. Note: Firemen, part-time employees and aldermen are not protected by Social Security.

UNEMPLOYMENT COMPENSATION

Under certain circumstances you may be eligible for benefits through the Arkansas Employment Security Department. Any benefits available to you are established by Arkansas Legislature and AESD should be contacted directly for full information concerning benefits.

EMPLOYEE CONDUCT

EMPLOYEE CONDUCT & WORK RULES

It is not possible to list all the forms of behavior and conduct considered unacceptable. Types of behavior and or conduct the City of Benton considers inappropriate includes, but is not limited, to the following,

- Falsifying employment, time card information, work performance reports, or other city records
- Violating City nondiscrimination and or harassment policy
- Soliciting or accepting gratuities from citizens
- Excessive absenteeism or tardiness
- Abusive, excessive, unnecessary, or unauthorized use of city property
- Reporting to work under the influence of drugs impairing the employee's ability to perform the job duties to which they are assigned, or endangering fellow employees, or members of the general public
- Participating in the manufacture, possession, use, sale, distribution or transportation of illegal drugs, including alcohol
- Buying, possessing, or using alcoholic beverages while on city property, including in city vehicles, on duty, or using alcoholic beverages in any amount while engaged in city business, including while participating in city sponsored training
- Fighting or using obscene, abusive, or threatening language or gestures
- Theft of property or unauthorized removal or possession of property, from co-workers, citizens, or the City of Benton
- Unauthorized possession of firearms on city premises, in city vehicles, or while on city business
- Disregarding safety or security regulations or a violation of health / safety rules, whether such action results in injury or not
- Insubordination
- Neglect or carelessness resulting in damage to city property or equipment

Should an employee's performance, work habits, overall attitude, or conduct become unsatisfactory and / or unacceptable, and in violation of either of the above referenced items or any other city policy, rules, or regulations, an employee shall be subject to disciplinary action up to and including termination. Any conviction for violation of City, State, or Federal Laws is to be reported to the Human Resource Department within 5 days. Depending on the nature of illegal activity, termination of employment may be initiated immediately. Indictment of illegal activity may result in immediate suspension without pay.

As with any policy, management staff should serve as role models for compliance with this policy and are encouraged to regularly remind employees of their responsibilities in complying with these provisions.

CONDUCT TOWARD THE PUBLIC

An employee of the City of Benton is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves compliance with all Federal, State, and local laws but a sincere respect for the rights and feelings of others, and demands an employee refrain from behavior that might be harmful to themselves, co-workers, the citizens, and or the City of Benton.

Due to the nature of duties performed, employees of the Fire and Police Department are subject to guidelines in addition to those established in this handbook. The Chief or their designee is to be contacted for a detailed description of department regulations. In the event of conflict, the more stringent regulation will apply.

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

Employees of the City of Benton are expected to treat every member of the public with courtesy, patience, respect, and understanding in correspondence, telephone conversations, and personal interactions with the public. An employee of the City of Benton should observe the highest standards of professionalism at all times. Whether on duty or off duty, the employee's conduct reflects on the City of Benton. Failure to adhere to this policy can result in disciplinary action up to an including termination.

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

CONDUCT TOWARD OTHER EMPLOYEES

See: General Policies Governing Employment

PROGRESSIVE DISCIPLINE

This policy serves the purpose of stating the City of Benton's position on administering equitable and consistent discipline for unsatisfactory job performance and / or conduct in the workplace. The best disciplinary measure is one that does not need enforcement and is administered by good leadership and fair supervision at all employment levels. By using progressive discipline,

the City of Benton hopes most performance and conduct problems may be corrected at an early stage, benefiting both the employee and the City of Benton.

The City of Benton is well served in ensuring fair treatment of all employees and in making certain disciplinary actions are prompt, uniform, and impartial. The major purposes of any disciplinary action are to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of four steps

- verbal warning.
- written warning.
- suspension / or decision-making leave [with or without pay]
- termination of employment.

Progressive discipline provides the following steps which may be followed at the discretion of management and does not alter the at-will status of the employee.

- A first offense may call for a verbal warning;
- A next offense may call for a written warning;
- A next offense may call for [1] probation [2] suspension, with or without pay [3] decision-making leave, with or without pay, whereby the employee is placed on leave for a minimum of one day and upon their return to work, may be required to submit a written statement indicating how they intend to correct the performance or conduct problem[s].
- Another offense may then lead to termination of employment.

The City of Benton recognizes there are unique types of employee situations serious enough to justify either a suspension or termination in the first instance without going through the usual progressive discipline steps. For example, the progressive discipline process may or may not be used in the event of substandard performance in a critical area or gross misconduct.

While it is impossible to list every type of behavior deemed a serious offense, the EMPLOYEE CONDUCT AND WORK RULES section of this handbook includes examples of problems that may result in immediate suspension or termination of employment. Some of the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct triggering progressive disciplinary action.

HANDLING CONFIDENTIAL INFORMATION

Under both the Arkansas Freedom of Information Act and the Health Insurance Portability and Accountability Act (HIPAA), certain information is considered private information and is not subject to disclosure absent the express permission of the individual.

Some examples of confidential information include unlisted telephone numbers and addresses, social security numbers, medical records, and employee evaluations that are not used to form the basis for the employee's suspension or termination. Employees who receive a request for the release of confidential information should direct the inquiry to their supervisor or the Human Resource Department.

Employees who, in the course of performing their duties for the City of Benton, have access to confidential information are expected to respect the confidentiality of such information and not disclose it to anyone who does not have an official need for it. If you have questions about the confidentiality of the information entrusted to you to or to which you have access, you should discuss the issue with your supervisor or Department Head.

UNIFORMS & PERSONAL APPEARANCE

Uniforms or a uniform allowance shall be provided to those employees whose duties with the City require that they wear uniforms. The Department Head shall determine which employees are required to wear uniforms. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. Employees should consult with their supervisor or department head regarding appropriate attire.

POLITICAL ACTIVITY

As a citizen, employees have the right to engage in political activity while out of uniform. However, all political activity must be on the employee's own time, outside of working hours, or when the employee is on Annual Leave or Leave without Pay. An employee may not use City offices, their affiliation with the City, or the City's name, symbols, property, or supplies in any political activity. No political banners, posters, or literature may be placed or held in City offices. No political bumper stickers or decals may be placed on city vehicles or other city property.

An employee choosing to be a candidate for national or statewide elected office, will be placed on Leave of Absence without pay at the time of filing. An employee choosing to become a candidate for the Arkansas General Assembly, a County, or local office, and who draws an opponent, must take Annual Leave time to campaign.

SOLICITATION, FUND-RAISING AND GIFTS

City of Benton facilities may not be used for raising money not connected with an approved City activity or for the conduct of private business. No City employee may engage in solicitation, or fund raising activities while performing their duties for the City of Benton. No city employee may accept or give any gifts as a part of or in connection with the performance of their duties for the City of Benton. Approvals must be in writing and signed by the Mayor, Director or General Manager.

PUBLIC INFORMATION OFFICERS

The Mayor and General Manager of each Commission shall designate a Public Information Officer (PIO). The PIO shall review all releases of official information to the public which pertain to the operations or general business of the City or of the Commissions. The PIO shall also serve as the central contact person for media outlets. Once the release has been approved the PIO shall forward the release to the designated recipients. The PIO may be the Mayor, General Manager or a designated employee of the City. The Mayor shall also have the authority to designate a separate PIO for the police and/or the fire departments. "Official information" is defined as being that information authorized by the City for release to the public, including but not limited to, emergency bulletins, power outages, public event schedules, street closings, etc.

No other employee or volunteer worker for the City and its Commissions shall be authorized to author and release official information to the public. This prohibition incudes, but is not limited to, release of information to the news media as well as posting on the internet. However this prohibition is not intended to restrict the First Amendment Rights of any individual and their ability to disseminate information nor is it intended to prohibit any elected official from disseminating information to the public.

COMPLAINT RESOLUTION

OPEN DOOR POLICY

Employees who feel their rights under these personnel policies have been violated may initiate a review of the situation by making written request of the immediate supervisor within 10 days of such perceived violation, or to any other management level in this procedure at the employee's discretion.

If the situation has not been adjusted to employee satisfaction within 10 days, the written request is to be submitted to the Department Head and/ or head of Human Resource department.

If the situation has not been adjusted to the employee satisfaction within 15 days, a written request is to be made to the Mayor, Director, or General Manager. A meeting will be scheduled to hear the employee's concerns. The decision of the Mayor, Director, or General Manager will be final for all matters not otherwise provided by City Ordinance or Arkansas Statute, and delivered to the employee through the Human Resource Administrator within 10 days.

Employees covered by Arkansas Civil Service Statues may appeal any decision made to the Civil Service Commission as provided by Statute. Department heads protected by Arkansas Statute may request a hearing of the City Council.

USE OF CITY PROPERTY

USE OF CITY NAME & LOGO

The name of the City of Benton is used in many official business contexts and for a wide range of purposes. The use of the City of Benton name shall be limited to those activities that are in fact activities of the City of Benton. Use of the City name and logo for public appearances, public statements and sponsorship of activities shall be approved by the Mayor in advance of their use.

USE OF EQUIPMENT & VEHICLES

Employees may use City of Benton equipment and supplies only for work-related purposes. Computers, telephones, long-distance access lines, photocopying machines, vehicles, machinery, tools, disposable supplies, and other equipment and materials may not be used for personal activities.

CELLULAR PHONES

This policy serves to outline the use of personal cell phones at work, the personal use of business cell phones and the safe use of business cell phones by employees while driving.

Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as expected for the use of company telephones. Personal calls during the workday regardless of the phone used can interfere with employee productivity and be a distraction to others, creating a safety hazard.

Except for emergencies employees are expected to limit personal cellular calls to break time and lunch breaks. The city is not liable for the loss of or damage to personal cellular phones brought into the workplace

Personal Use of City owned Cellular Phone;

When job needs require immediate access to an employee, the city may issue a business cell phone to an employee for work-related communications. Such cell phones are to be used for business purposes only. Employees in possession of business cell phones are to protect them from loss, damage, theft, or unauthorized use. Upon resignation or termination, or at any time upon request, the employee may be asked to produce the phone for return or inspection. An employee unable to present a phone in good working condition will be expected to reimburse the City for the cost of replacement.

Safety Issues for Cellular Phone use;

Employees whose job duties include regular or occasional driving and who have a cell phone for business use are expected to refrain from using the cell phone while driving. Safety is a top priority. Regardless of the circumstances,

including slow traffic or stopped traffic, employees are strongly advised to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

Employees whose job duties do not specifically include driving as an essential function, but who are issued a business cell phone are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk in order to fulfill routine business needs.

Violations of this policy may result in disciplinary action, up to and including termination.

COMPUTERS, INTERNET & E-MAIL USE

The City of Benton encourages the business use of computers and the internet [including electronic mail] as an integral part of its overall business operation. Use of computers and the internet is encouraged to:

- Provide an efficient method to exchange information within city offices, between local governmental officials, and to the public.
- Provide sources of data to assist city employees in accomplishing their tasks;
- Provide the required familiarity with emerging technologies demanded of those with careers in the information technology field and within the public sector generally.

It is unacceptable for a user to use, submit, publish, display, or transmit on the city computer system or the internet network any information which:

- Violates or infringes on the rights of any person, including the right to privacy,
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased discriminatory or illegal material;
- Violates the City's policy prohibiting harassment;
- Restricts or inhibits other users from using the system or the efficiency of the computer systems;
- Encourages the use of controlled substances or uses the system for the purpose of criminal intent;
- Uses the system for any other illegal, immoral or unethical purpose,
- Non business – Personal use.

Electronic Mail [e-mail] and FOIA

E-mail is considered network activity; thus, it is subject to all policies regarding acceptable / unacceptable uses of the Internet, and the user should not consider e-mail to be either private or secure.

Specifically forbidden in the use of e-mail is:

- any activity covered by inappropriate use statements included herein;
- sending / forwarding chain letters, virus hoaxes, urban legends, etc.;
- use of the "Everyone" or "all staff" mailing list without authorization by the Human Resource Department.

Because electronic messages are typically stored in one place and then forwarded to one or more locations, often without the specific knowledge of the originator, they are vulnerable to interception or unintended use. The city will attempt to provide an electronic messaging environment, which provides for data confidentiality and integrity. However, the City cannot be responsible for Web-based E-mail systems such as Yahoo, Juno, Hotmail, etc. City employees should always be aware of the risk associated with the use of all E-mail systems.

RETURN OF PROPERTY

Employees are responsible for all property, materials or written information issued to them in their possession or control. Employees shall return all City of Benton property immediately upon request or upon termination of employment.

MISCELLANEOUS

EMPLOYEE ACKNOWLEDGMENT FORM

ACKNOWLEDGMENT RECEIPT OF EMPLOYEE HANDBOOK

I have read and I understand the City of Benton's Employee Handbook. I have had an opportunity to ask my supervisor, Department Head, Human Resource Department and / or the Mayor, Director, or General Manager any questions I have.

_____ _____

Employee Signature *Date*

The City of Benton
114 South East Street
Benton, Arkansas 72015

EMPLOYMENT RECORDS RELEASE

TO: _____

You are hereby authorized and requested to give the City of Benton, or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including memos, statements, performance evaluations, disciplinary reports, and / or drug-and-alcohol testing results which the City is legally entitled to review; and any and all information which they may request concerning my employment.

You are authorized to release any information relating to my employment, including but not limited to, any information relating to my employment or otherwise maintained by you during the entire term of my employment relationship with you. This authorization is continuing in nature and does not expire unless you receive written, signed and acknowledged notice from me or my authorized agent. A photocopy of this release shall be as valid as an original.

_____
Employee Signature

_____
Employee Name (printed or typed)

STATE OF ARKANSAS
COUNTY OF SALINE

Subscribed and sworn to before me this _____ day of _____, 20_____.
(Date) *(Month)* *(Year)*

_____
Notary Public

My Commission Expires:_____