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**SECTION 1: ORGANIZATION**

**1.1 STATEMENT OF PURPOSE AND USAGE**

This employee handbook includes general rules of conduct, safety and compensation. This handbook is subject to change at any time and all provisions of any prior handbook will be rendered ineffective. This handbook is provided as a convenience for employees and is in no way intended to create or be construed as a contract for employment, either expressed, implied or otherwise. It is not a binding legal document, but is merely a general statement which can be varied at the City’s discretion. While the City of Searcy will normally attempt to provide employees with notice of any changes, the City reserves the right to alter these policies at any time without notice.

All employment with the City of Searcy is at will and is subject to termination at any time for any reason. This at-will employment relationship can only be modified by a written contract signed by the employee and duly executed by the City of Searcy. No policies, comments or writings made here or during the employment process shall be construed in any way to waive this provision.

**1.2 WELCOME TO NEW EMPLOYEES**

We here at the City of Searcy are happy that you have chosen to work with us. We are committed to providing quality services and protection for the citizens of Searcy. In hiring you, we believe that you will work towards our goal of serving our citizens in the manner we have done for decades. Should you have any questions or concerns about our City or our commitment to quality, please feel free to contact your supervisor or our Human Resources Manager.

**1.3 ORGANIZATION**

The City of Searcy is an Arkansas municipality using the Mayor-Council form of government. The Mayor is elected to serve a term of four years and eight council members are elected for two-year terms. The Mayor appoints City department heads to oversee the operations of each department. State law provides that the department heads serve at the will of the Mayor and may be terminated by the Mayor. The City is represented by a City attorney. The City Clerk/Treasurer is an elected public official responsible for maintaining all permanent records and all financial records for the City.

**SECTION 2: EMPLOYMENT CRITERIA**

**2.1 EMPLOYMENT**

An applicant must complete an application form which is available in the office of the human resources manager at City Hall. The City will, whenever practicable or possible, distribute job notices to appropriate agencies or sources intended to recruit qualified applicants. The City of Searcy does not hire anyone under the age of 18 years with the exception of part-time lifeguards. The Mayor shall have the right to make the final decision on hiring new employees and promoting existing employees, unless otherwise required by law.

It is expressly understood and assented to that

employment is “at will” and that an employee may

be terminated at any time with or without cause.

The City will pay for post-offer, pre-employment physicals to determine whether a prospective employee can perform the essential functions of the job with or without a reasonable accommodation. Medical files will be maintained in the physician’s office. The physician will then certify to the City whether the employee can or cannot perform the job and whether the employment would pose any direct safety threat to the employee or others.

A fitness-for-duty examination may also be required if an employee becomes incapacitated due to a mental or physical injury, illness or disability from performing the essential functions of the job with or without a reasonable accommodation, or if the employee appears to pose a direct safety threat to the employee or others.

**2.2 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City of Searcy to grant equal opportunity in our employment practices, including selection, hiring, promotion, transfer, discipline, compensation and any other term or condition of employment to all qualified persons without regard to race, color, religion, genetic information, sex, national origin, age, uniformed service member status, disability or citizenship. This policy is based on the same philosophy as the Civil Rights Act of 1964, that discriminatory practices are unjust and economically wasteful.

We offer an environment where all employees have the opportunity to reach their full potential and achieve their professional goals. This policy extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits. We treat all employees equally and fairly regardless of their marital status, sexual orientation or sexual identity.

**2.3 POLICY AGAINST DISCRIMINATION BASED ON DISABILITY**

The City of Searcy complies with the Americans with Disabilities Act (ADA) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. The City also provides reasonable accommodation for such individuals in accordance with these laws. It is the City of Searcy’s policy to:

* Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
* Administer medical examinations, such as second-medical-opinion or fitness-for-duty exams, (a) to applicants only after conditional offers of employment have been extended and (b) to employees only when justified by business necessity.
* Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
* Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the City.
* Notify individuals with disabilities that the City provides reasonable accommodation to qualified individuals with disabilities.

Qualified individuals with disabilities may make requests for reasonable accommodation to their immediate supervisor or the Human Resource Manager. A request for an accommodation may be made by a representative of the employee or a family member. Upon receipt of an accommodation request, the immediate supervisor or the Human Resources Manager, will meet with the requesting individual to discuss and identify the limitation. The City will enter into an interactive process with the individual to address appropriate accommodation options.

The immediate supervisor and/or the Human Resources Manager will inform the employee of the City’s decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, the affected individual may request a review of the decision by the Mayor.

The Mayor will review all requests made after denial of an accommodation request and will notify the individual of the outcome of the decision.

The City of Searcy may consider a wide range of accommodations including modifications to job schedules, work sites, reassignment of non-essential tasks, breaks in work, and additional unpaid leaves. This list is not inclusive but is merely given as a starting point to begin an interactive process of selecting a suitable accommodation which addresses the disabled persons need consistent with the City’s needs or limitations.

**2.4 POLICY AGAINST HARASSMENT**

The City of Searcy does not intend for its employees or applicants to be victimized by illegal harassment and will take reasonable steps to protect from illegal harassment. The term “harassment” includes, but is not limited to, slurs, jokes, and other verbal graphic or physical conduct relating to an individual’s race, color, sex, religion, national original, citizenship, age or disability. “Harassment” also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic, or physical conduct of a sexual nature. The United States Supreme Court has said that harassment may be found when there is either explicit or constructive alteration in the terms and conditions of employment. However, to rise to the level of constructive alteration to the workplace the conduct must be severe or pervasive. Generally, this means for a work environment to be sufficiently hostile, there must be more than normal socializing or stray, one time, remarks on the job.

Harassment based on any illegal criteria will not be tolerated and should be reported to a department head, the human resource manager, or other appropriate City office.

It is the policy of the City of Searcy that harassment in any form is inappropriate and unacceptable conduct and will not be tolerated. Harassment is illegal, undermines the employee/employer relationship, interferes with productivity and threatens the mental, emotional, and physical well-being of employees.

Any employee engaging in harassment is subject to disciplinary action. Supervisors are subject to disciplinary action if they tolerate harassment, fail to take appropriate action on allegations or findings of harassment, or retaliate against employees who report or file complaints of harassment. Supervisors are to ensure that where there is evidence or reasonable suspicion of harassment based on an illegal factor, a report should be made to the Manager of Human Resources, or in the alternative, to the Mayor.

Periodically, the City will provide opportunities for training of supervisors. Any employee who is unsure of the City’s policy regarding discrimination or harassment may contact his or her supervisor, the Human Resource Manager, or if necessary, the Mayor. Information about an employee’s rights may be accessed through the Human Resource office.

**2.5 COMPLAINT PROCEDURE**

In order to prevent and correct any harassing behavior, the City of Searcy is committed to an “open door” policy regarding complaints. If you believe that you have been the victim of harassment, you are encouraged to discuss your complaint with your immediate supervisor. If your immediate supervisor is the subject of your complaint, you may proceed to the next level supervisor, bypassing your immediate supervisor. In the event you are unable to discuss your complaint with either supervisor, you should report to the next highest supervisor up to and including the Mayor. If your complaint is against the Mayor, you may report directly to the City Attorney.

The City of Searcy is committed to protecting you from a hostile work environment based upon illegal criteria and will not retaliate against you for having made a complaint in good faith. Once a complaint has been received, the City will take reasonable steps to separate you from the alleged harassment pending a reasonable investigation into the allegations. After a reasonable investigation, the City will make a determination of what remedial steps should be taken and will make an effort to communicate with you about the ultimate decisions.

Should you fail to make the City aware of the problem, we will be unable to take all reasonable steps to protect you and you may thereafter be precluded from advancing certain of your rights.

The City will make reasonable efforts to maintain the confidentiality of your complaint. Each employee is admonished in this policy that investigations of harassment are considered private matters not to be discussed except with the appropriate supervisor or investigator. The City of Searcy will take appropriate remedial steps to ensure its employees are not harassed.

**SECTION 3: BENEFITS**

**3.1 SICK LEAVE**

All full-time law enforcement officers accrue sick leave at the rate of 160 hours per year.  No sick leave may be taken until after completion of three (3) months of employment.  Unused sick leave accumulates to no more than 720 hours. Time off will be charged only for those days that an officer is off when he/she was otherwise scheduled to work.  If an officer either dies while employed or retires from the City’s employ, the officer will be paid for unused sick leave at the regular rate of pay in effect at the time paid for the hours accrued, but in no event more than 720 hours.  If an officer leaves the City’s employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

All full-time firefighters, who work a 24-hour shift, accrue sick leave at the rate of 240 hours per year.  The fire chief, assistant chief, training officer, fire inspector and any fire fighters who work an 8-hour shift will accrue sick leave at the rate of 80 hours per year.  No sick leave may be taken until after the completion of three (3) months of employment.  Unused sick leave accumulates to a maximum of 1,440 hours.  Time off will be charged only for those days that a firefighter is off when he/she was otherwise scheduled to work.  If a firefighter either dies while employed or retires from the City’s employ, a firefighter will be paid for unused sick leave at their regular rate of pay in effect at the time paid for the hours accrued, but in no event more than four and one-half months’ salary. If a firefighter leaves the City’s employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

 All full-time, non-uniformed employees accrue sick leave at the rate of 64 hours per year.  No sick leave may be taken until after completion of three (3) months of employment.  Unused sick leave accumulates to a maximum of 480 hours.  If an employee either dies while employed or retires from the City’s employ, the employee will be paid for unused sick leave at the regular rate of pay in effect at the time paid.  If an employee leaves the City’s employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

An employee should promptly notify his or her immediate supervisor when it is apparent that the employee will miss a work shift due to illness.  Verification from a physician may be required. Verification should always be provided when an absence immediately precedes or follows vacation or a holiday.

A return-to-work clearance from your physician may also be required, particularly when there is a concern for your health and safety or for the health and safety of co-workers.  It is the employee’s responsibility to provide medical verifications when requested to do so by a supervisor or the director of human resources.

Sick leave may be used for the employee or their immediate family for illness or injury, as well as for medical, rehabilitative, dental, optical or mental health appointments or treatments.  Immediate family includes the following: parents, grandparents, spouse, brother, sister, child, grandchild, mother-in-law, father-in-law, step-parents, step-children, foster children or any relative living in the employee’s household.

Employees who are absent from work for sick leave and FMLA leave are prohibited from working outside employment, unless permission is otherwise obtained in writing from the City.

Sick leave may be extended under the FMLA and under the provisions of the Americans with Disabilities Act.  Leave without pay may be granted on a case-by-case basis.

**SICK SHARE POLICY**:  City of Searcy employees may share sick time with another City of Searcy employee who is off work due to a catastrophic event and has expired all of his/her available compensable time.  Employees may donate time as long as the donated time doesn’t cause the donor’s sick time to fall below 120 hours.  In the event that an employee suffers a catastrophic event, expires all compensable time, has been employed with the City of Searcy for a minimum of 90 days, and is in need of more time off that would qualify for sick time according to the City’s sick time policy, the employee shall make a request to his/her supervisor and the supervisor shall notify the Human Resource Manager of the need for a donation of sick time.  The Human Resource Manager will then notify the Sick Share Committee (HR Manager, two department heads, and two employees) of the request for review.  Employees can offer their available sick time, in increments of 8 hours.  Offers of donated time can be anonymous to the extent possible.  Offers of donations will be accepted and transferred by the Human Resource Manager or the Payroll Clerk at the Human Resource Manager’s direction. Donations will be made in no more than 24 hour increments and not exceed 3 months to prevent donations creating a usable balance past the immediate need.  If more offers are received than are needed, the donations will be received in the order they were offered or at the Human Resource Manager’s discretion.  Sick time donations will be reviewed again after 2 months of leave and will not exceed 3 months unless approved by the Sick Share Committee. For all donations, one hour of sick time will equal one hour of sick time regardless of the rate of pay of the donor and the recipient.

**3.2 FAMILY AND MEDICAL LEAVE ACT POLICY**

Eligible City employees will be granted up to a total of 12 workweeks of unpaid leave during any 12 month period for one of the following reasons:

* For the birth and care of the newborn child of the employee;
* For placement with the employee of a son or daughter for adoption or foster care;
* To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
* To take medical leave when the employee is unable to work because of a serious health condition.

Where spouses are both employed by the City, the spouses are jointly entitled to a combined total of 12 work weeks of family leave for the birth of a newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. In such cases, the City may transfer the employee temporarily to an alternative with equivalent pay and benefits that accommodate the recurring periods of leave better than the employee’s regular job.

To be eligible for FMLA benefits, an employee must: (1) have worked for the City for a total of 12 months; and (2) have worked at least 1,250 hours over the previous 12 months.

Where an employee is granted a FMLA leave where the leave would also qualify for the use of paid sick or other paid leave, or where the employee is off-duty under worker’s compensation provisions, the FMLA leave will run concurrent with an employee’s paid or workers compensation leave. The City will designate if the employee’s use of paid leave counts as FMLA leave based on the information from the employee or upon medical certification from the employee’s physician. The City may require medical certification be provided at its direction. Employees who are absent from work for sick leave and FMLA leave are prohibited from working outside employment, unless permission is otherwise obtained in writing from the City.

The employee will be entitled to continuation of health care coverage during the period of FMLA leave and will be required to pay premiums to the extent the employee did so prior to the FMLA leave. Upon return from FMLA leave, the City will return the employee to the employee’s original job, or to an equivalent job with the equivalent pay, benefits, and other terms and conditions of employment. The City may choose not to return the employee where restoration to employment would cause substantial and grievous economic injury to it operations.

Employees seeking to use FMLA leave are required to provide 30-day notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. The City may also require employees to provide:

* Medical certification within 15 days supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
* Second or third medical opinions (at the City’s expense);
* Periodic recertification;
* Periodic reports during FMLA leave regarding the employee’s status and intent to return to work
* A fitness-for-duty certification before being restored to his/her job;

Should an employee fail to return or work after the expiration of a FMLA leave, the employee is subject to termination of his/her employment.

The City designates its year for purposes of the FMLA to be a calendar year.

The City will not interfere with; restrain, or deny the exercise of any right provided by FMLA. The City will not discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to FMLA.

**3.3 MILITARY FAMILY LEAVE**

Eligible employees may take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. Eligible employees may also take up to 26 weeks of job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

To be eligible for these benefits, an employee must:

* Have worked for the City for a total of 12 months;
* Have worked at least 1,250 hours over the previous 12 months; and
* Work at a location where at least 50 employees are employed by the employer within 75 miles.

Military Caregiver Leave: A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness and who is the spouse, child parent or next of kin of the employee. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the City for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Qualifying Exigency Leave: An eligible employee may take a total of 12 workweeks of unpaid leave during the 12-month period established for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, child or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to an immediate family member of a military member in the National Guard or Reserves; it does not extend to family member of military members in the Regular Armed Forces.

Qualifying exigencies include:

* Issues arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days’ notice) for a period of seven days from the date of notification;
* Military Events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and information briefing sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
* Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for the alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
* Making or updating financial and legal arrangements to address a covered military member’s absence;
* Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
* Taking of up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during employment;
* Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member;
* Any other event that both you and the City agree is a qualifying exigency.

Spouses employed by the City are limited to a combined total of 26 workweeks in a “single 12-month period” if the leave is to care for a covered service member with a serious injury or illness.

Leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. Leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt company operation.

Any paid leave available to the employee will run concurrently with this leave.

NOTICE REQUIREMENTS: Employees seeking to use military caregiver leave must provide at least 30 days advance notice of the need to take leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, you must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, you must provide notice to the City as soon as practicable under the facts and circumstances of the particular case.

CERTIFICATION REQUIREMENTS: Also, you must provide the following documentation for:

* Leave for a qualifying exigency: a copy of the covered military member’s active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
* Leave to care for a covered service member with a serious injury or illness: a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member’s family.

**3.4 ORGAN AND BONE MARROW DONOR LEAVE**

In addition to any medical, personal, or other paid leave, the City will grant an employee an unpaid leave of absence to allow the employee to serve as an organ donor or a bone marrow donor. The employee must request this leave of absence in writing.

The leave will be equal to the time requested by the employee or ninety (90) days, whichever is less. This leave shall not apply if the employee is eligible for leave under the Family and Medical Leave Act of 1993.

**3.5 CRIME VICTIM LEAVE**

In addition to jury duty leave, an employee will be allowed time off to participate at the prosecuting attorney’s request in preparation for a criminal justice proceeding or to attend a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of a crime victim.

**3.6 TIME OFF TO VOTE**

We encourage employees to fulfill the civic responsibility of voting. Because of early voting and extended polling hours, employees should be able to vote before or after their shift. Unpaid time off will be given to employees if deemed necessary for voting. This time off must be prearranged with your supervisor.

**3.7 GROUP HEALTH INSURANCE COVERAGE**

The City provides a group health insurance policy for its full-time employees after they have been employed successfully for no more than ninety days. The City will pay the premium for the employee only. Any employee on an extended leave of absence is responsible for paying their own premium if they desire to continue the coverage beyond the first 30 days of leave.

At termination of employment, the employee may have rights under COBRA to continue coverage under the health insurance policy on an individual basis. The employee will receive a notice of COBRA rights upon termination of employment.

**3.8 OTHER LEAVES**

Funeral or bereavement leave will be provided for the death of immediate family members and for the death of grandparents, son-in-law or daughter-in-law, spouse’s immediate family, or those relatives who live in the employee’s household including “step” family. Bereavement leave shall be for three days and may include travel time, if approved by the Human Resource Manager or the Mayor.

The City of Searcy intends to follow and honor the provisions of the Uniformed Services Employment and Re-Employment Rights Act of 1994, 38 U.S.C. §4301 et seq. and in A.C.A. § 21-4-102. Employees who are members of a military service organization or the National Guard shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time consistent with A.C.A. § 21-4-102.

Employees who serve on jury duty will be granted leave with pay and may retain the allowance for services received from the court for such service. Upon receipt of notice that an employee has been or will be called for jury duty, the employee must submit verification from the court to his or her supervisor as soon as possible. When the period of jury service is completed, the employee shall notify his or her supervisor of that information, as well.

An employee may be granted leave without pay based upon review by the City of Searcy on a case by case basis.

**3.9 HOLIDAYS**

The Holidays observed by the City of Searcy, Arkansas, shall be as set forth in the City of Searcy Employee Handbook, as may be amended from time to time and shall include, but not be limited to: New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Juneteenth, Independence Day, Labor Day, the Employee’s Birthday, Veteran’s Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, Christmas Eve, December 26th if that day should fall on a Friday.

Except as hereinafter provided, all fulltime employees of the City of Searcy, Arkansas shall be paid at their regular rate of pay for an eight-hour day for each of the legal holidays listed above. Each member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be granted one compensatory day off for each legal holiday listed above, regardless of whether such employee actually works on such day. Scheduling of such compensatory day shall be accomplished by the Police Chief and Fire Chief as soon as reasonably practicable after the occurrence of such holiday. In the event that the scheduling of compensatory days is not practicable or otherwise at the election of the respective department heads in the Police Department and Fire Department, each such member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be paid their base rate of pay for an eight hour period of time for each such holiday for which compensatory time is not granted: such payment for such holidays to be accomplished on December 15 in each year or in their hourly rate.

Should a holiday occur on an employee’s scheduled vacation, the employee is permitted to take an extra day of vacation. Otherwise, in order to qualify for holiday, pay, employees must work the scheduled workday immediately before and after the holiday. Only excused absences will be considered exceptions to this policy. Employees are not eligible to receive holiday pay when on an unpaid leave of absence unless required by law.

**3.10 VACATIONS**

Vacation is a time for you to rest, relax, and pursue special interests. The City of Searcy has provided paid vacation as one of the many ways in which we show our appreciation for your loyalty and continued service.

Only full-time employees are eligible for paid vacation. Employees are not eligible for paid vacation until after they have successfully completed one year service with the City. After successfully completing one year employment, employees are eligible for 80 hours of paid vacation. From three (3) years of employment to ten (10) years of service, employees are entitled to 120 hours of paid vacation. After completing the (10) years of service for uniformed and non-uniformed employees alike, to twenty (20) years of employment, employees are entitled to 160 hours of paid vacation. At twenty (20) years of service and thereafter, employees are entitled to 176 hours of paid vacation.

UNIFORM AND NON-UNIFORM VACATION POLICIES: Effort will be made to grant vacation at the time requested by the employee. However, vacations cannot interfere with the department’s operations and therefore must be approved by your supervisor at least one (1) month in advance. If any conflicts arise in requests for vacation time, preference will be given to the employee with the most seniority.

At least one week of your vacation time should be taken in a full week increment, unless otherwise authorized. The second week of the vacation may be taken in single-day increments. Specific dates of vacation in single-day increments must be established by prior arrangement with your supervisor. A maximum of seven (7) days will be carried over to the following year.

VACATION FOR POLICE DEPARTMENT: Each employee in the department will be granted annual vacation of 120 hours with full pay. The Chief of Police will ensure the vacation time is taken before the end of the calendar year or shortly thereafter.

VACATION FOR FIRE DEPARTMENT: Each employee in the department will be granted annual vacation of 120 hours with full pay. The Chief of Fire will ensure the vacation time is taken in increments of five (5) or more consecutive days.

**3.11 WORK HOURS**

Work hours for all non-uniformed employees shall be forty (40) hours per week which begin each Monday at 8 a.m. Subject to direction from the department head, additional work hours may be required or the work hours may be changed according to the needs of the City. Also, at the discretion of the department head, hours of work, days of work, and work assignments may be altered.

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for any hours worked in excess of 40 per work week. Exempt employees will be paid a guaranteed salary without deduction for quality or quantity of work or for absences of less than a full day.

Employees who are non-exempt from the overtime provisions of the Fair Labor Standard Act will be entitled to an overtime premium. Whenever a non-exempt employee is suffered or permitted to work more than 40 hours of work in a workweek, the employee will be entitled to an overtime premium at the rate of one and one-half (1 ½) the employee’s regular rate of pay or compensatory time at the same rate. Anytime the employee will work more than 40 hours in a workweek, the employee is to obtain supervisor authorization. Whether or not the employee obtains supervisor authorization, the employee must report the hours worked in excess of 40 during any work week. There will be no hours worked by an employee that are not recorded and properly reported to the City of Searcy. All hours worked are subject to compensation and it is the City of Searcy’s intention to properly record and pay for all hours worked.

Attendance at seminars and training programs is to be pre-approved by the City. If an employee is required to attend such a meeting at a location requiring travel or an overnight stay, the City will comply with the Fair Labor Standards Act for determining whether overtime pay or compensatory time off will be required.

Overtime premium pay may be made in the form of compensatory leave to the employee. An accurate record of compensatory pay will be maintained by the City, with the assistance of the employee. Employees are expected to monitor the compensatory leave time record at each pay period in which compensatory time accrues. The compensatory time records of the City shall be final and all compensatory time must be taken within the calendar year, unless otherwise authorized by the Human Resources Manager. Compensatory time should be scheduled in the same manner as vacation time. In the event the employee begins to accrue more than 40 hours (48 hours for fire fighters) compensatory time, the City at its discretion may require the employee to submit a plan for reducing the number of compensatory hours.

The City of Searcy elects the 7k exemption under the Fair Labor Standards Act for law enforcement personnel to be scheduled to work up to 171 hours in a 28-day work period prior to earning overtime compensation. The City of Searcy elects the 7k exemptions for firefighters to be scheduled to work up to 212 hours in a 28-day work period prior to earning overtime compensation. Hours of work shifts for police and fire employees will be in accordance with state statutes, federal law, and will be set by the Police Chief and Fire Chief, subject to the direction and approval of the Mayor.

**3.12 CALL BACK PAY**

It is the policy of the City of Searcy to pay non-uniformed hourly employees a minimum of 2 hours pay when he/she is called to work after having clocked out and left work upon completing the scheduled work day, or after the normal working hours of an employee off work on compensable time (such as vacation). If the employee works more than 2 hours, he/she will be paid for all time worked. If the employee works less than 2 hours during the call back, the time will be reported as “call back worked” and “call back non-worked”. This will ensure that the employee is paid time and a half for any and all hours **worked** over 40 hours in that week. Call back non-worked hours will be paid at the employee’s regular rate of pay. Once an employee is called back, he/she is ensured 2 hours of pay and thus puts him/her on the City’s time for 2 hours from the time of the call back. If the employee works less than 2 hours, returns home and then is called back again and completes work before the 2 hours of City’s time is up, he/she will be paid for a total of 2 hours divided into “call back worked” and “call back non-worked”. If the employee works past the 2-hour block of “City’s time” on a second or more call back, he/she will be paid an additional 2 hours for the successive call back. Time will still be reported and paid as “call back worked” and “call back non-worked” to a total of 4 hours.

**3.13 LONGEVITY PAY**

Full-time employees, excluding elected officials, are eligible for longevity pay after five years of full-time employment.

**SECTION 4: GENERAL POLICIES**

**4.1 COMMERCIAL DRIVER’S LICENSE**

City employees required to have a Commercial Driver’s License must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing, including pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. Any employee who refuses to submit to the required testing will not be permitted and shall cease from performing any activities which require a CDL. Any employee who transports hazardous wastes will be required to submit to a criminal background check as required by state law.

**4.2 SUBSTANCE ABUSE POLICY**

All employees are required to read and sign acknowledgment of having received and read the City’s Drug Free Workplace Policy.

## 4.3 DRUG FREE WORKPLACE POLICY

The City is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs and alcohol in the workplace. Therefore, the City has established the following policy:

1. No employee shall possess, sell, trade, buy or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.

1. No employee shall report to work under the influence of drugs or alcohol. An employee will be in violation of this policy if he reports to work with any detectable trace of illegal drugs or alcohol in his/her system or works while impaired by the lawful use of prescription or non-prescription drugs.
2. No employee shall abuse or use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications so long as it does not pose a threat to the safety of the employee or others. Any employee unable to safely and efficiently perform the essential functions of his/her position because of the effects of a prescription or non-prescription drug must inform his/her supervisor of same and shall not work.
3. Employees who have a Registry Identification Card for the use of medical marijuana must nonetheless refrain from working under the influence or possessing or ingesting medical marijuana while on City premises or while conducting business-related activities off City premises. Employees who are currently using medical marijuana may not work in safety sensitive positions. For purposes of this policy, a safety sensitive position is: any position so deemed by federal regulation including those adopted by the Department of Transportation, as well as any position in which a person performing the position while under the influence of marijuana may constitute a threat to health or safety, including without limitation, carrying a firearm, working with hazardous or flammable materials, controlled substances, food or medicine, or operating machinery or motor vehicles. Employees employed in safety sensitive positions shall disclose whether they are a Registry Identification Card holder using marijuana. If they do, the City will consider whether they can be transferred to a non-safety sensitive position, placed on leave, or otherwise accommodated. If the employee cannot be accommodated he may be terminated.
4. Do not disclose to us that you have a Registry Identification Card unless you are employed in a safety sensitive position or have tested positive for marijuana or THC.

**Employee Drug Testing**

We have adopted testing practices to identify employees who abuse drugs either on or off the job. It shall be a condition of employment for all employees to submit to drug testing under the following circumstances:

1. When there is reasonable suspicion, in the sole discretion of the City, to believe that an employee is illegally using drugs or under the influence of drugs or alcohol at work.
2. Examples of facts leading to a reasonable suspicion of impairment or being under the influence include, but are not limited to, odor of drugs or alcohol, physical manifestations such as glassy or watery eyes, inability to walk, slurred speech, reports by a co-worker, supervisor or others, employee’s admission of drug use, behavior that is abnormal for that employee, violation of safety rules, arrest for drug related crimes, sudden decrease in work performance.
3. When employees are involved in on-the-job accidents or near misses, when in the sole discretion of the City, the accident or near miss was or could have been caused or contributed to by impairment of the Employee.
4. Employees in safety sensitive positions as labeled in the job description are subject to random drug screening. Safety sensitive positions are defined in Act 527 of 2016 Section 2 Definitions # 25A and #25B, which say: (A) “Safety sensitive position” means any position involving a safety sensitive function pursuant to federal regulations governing drug and alcohol testing adopted by the United States Department of Transportation or any other rules, guidelines or regulations adopted by any other federal or state agency. (B) “Safety sensitive position” also means any position designated in writing by an employer as a safety sensitive position in which a person performing the position while under the influence of marijuana may constitute a threat to health or safety, including without limitation a position: (i)That requires any of the following activities: (a) Carrying a firearm; (b) Performing life-threatening procedures; (c) Working with confidential information or documents pertaining to criminal investigations; or (d) Working with hazardous or flammable materials, controlled substances, food, or medicine; or (ii) In which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of the job duties;

Refusal to submit to any test or to cooperate fully in testing will result in discharge. Failure to cooperate includes any circumstances indicating the employee has attempted to dilute or alter the result including delaying the test.

Employees may receive upon request a true and accurate copy of the drug test at no charge.

**Positive Drug Test**

Any employee who tests positive for illegal drug use or working while impaired by drugs or alcohol will be suspended without pay immediately. A positive test will be cause for termination. Within 48 hours of being notified of the positive test, the employee has the right to request a second test of the original specimen if he disagrees with the results of the first test; however, the second test is at the employee’s expense and must be sent to a federally accredited lab.

Employees who voluntarily disclose a drug or alcohol problem before being selected for a test will be given an opportunity to enroll, at their expense, in a rehabilitation program approved by the City. This disclosure must be made to your manager and Human Resource Manager and must be made prior to selection for testing. The employee, upon successful completion of the rehabilitation program and furnishing evidence of same to the City, will be eligible to return to work. The employee shall sign a last chance agreement and be subject to testing for illegal drug or alcohol use upon request for three years after completion of the program; should he test positive for illegal drug use or drug or alcohol impairment a second time, he will be subject to immediate dismissal.

Employees must report any drug-related arrest or conviction within five days.

***Commercial Driver Employees and Applicants***

Employees and applicants who operate commercial vehicles are subject to additional drug testing and reporting requirements pursuant to the Federal Motor Carrier Safety Act, and Federal Motor Carrier Safety Administration (“FMCSA”) regulations. The FMCSA maintains a “Clearinghouse” or database containing information about commercial motor vehicle drivers’ drug and alcohol program violations. Pursuant to FMCSA regulations, the City is required by law to report the following events, occurrences, and information to the FMCSA’s drug and alcohol Clearinghouse within three (3) business days:

* A verified positive, adulterated, or substituted drug test result;
* An alcohol confirmation test with a concentration of 0.04 or higher;
* A refusal to submit to a drug or alcohol test;
* An employer’s report of actual knowledge, as defined at 49 C.F.R. § 382.107;
* On duty alcohol use pursuant to 49 C.F.R. § 382.205;
* Pre-duty alcohol use pursuant to 49 C.F.R. § 382.207;
* Alcohol use following an accident pursuant to 49 C.F.R. § 382.209;
* Drug use pursuant to 49 C.F.R. § 382.213;
* A SAP’s report of the successful completion of the return-to-duty process;
* A negative return-to-duty process; and
* An employer’s report of completion of follow-up testing.

Drivers who have violated the FMCSA’s drug and alcohol program regulations will not be permitted to perform safety-sensitive duties unless the driver complies with the return-to-duty process and is cleared to return to work. This may require SAP evaluation, possible treatment, return-to-duty testing, and follow-up testing.

Additionally, as of January 6, 2020, the City will be required to query the Clearinghouse for all commercial driver employees on an annual basis.

**4.4 VOLUNTARY RESIGNATION**

The City requests that employees notify their immediate supervisor at least two weeks in advance of their intention to leave the City’s employ. If, after the employee has given notice, it seems advisable or necessary to terminate him or her prior to the intended termination date, the employee shall be paid separation pay for the number of days lost between the actual date of termination, but in no way should this exceed two weeks.

If, after the employee gives notice, the City decides to terminate him/her immediately he/she will not receive pay for the days lost between the actual date of termination and his/her intended date, but will be paid only through the date of termination. Whenever possible, an exit interview will be conducted.

**4.5 INVOLUNTARY TERMINATION**

An employee can be terminated for any reason, including, but not limited to violations of policies in this handbook.

**4.6 SAFE WORKPLACE POLICY**

It is this City’s policy to maintain a safe and healthful working environment for all employees, customers, and members of the public, to protect the property of the City, employees, customers and the general public, to minimize absenteeism, tardiness, improve productivity, and ensure quality workmanship, and to protect the reputation of the City and its employees within the community.

The City strictly prohibits the unlawful manufacture, distribution, dispensation, sale, possession, storage, concealment, transportation or use of a controlled substance, illegal and unauthorized drugs, drug paraphernalia, alcoholic beverages, and inhalants on company premises. Reporting to work or working under the influence of alcohol or illegal drugs, or consuming alcohol or illegal drugs at work is prohibited. As an employee you agree to and grant the City permission to search company premises and your personal effects located on the premises. At no time will employees be touched, nor any clothing be removed during such searches.

If any employee suffers an occupational on the job injury requiring the filing of a first report of injury, the employee may be sent to a testing facility for collection of a sample for drug screening. The results of all testing will be considered highly confidential and will be disseminated on a strictly need to know basis or as is legally required by authorities. All correspondence or documentation regarding such results will be kept in a secure environment, separate from regular company files.

Safety requires the use of good judgment and the practice of good work habits. If an employee is not positive of which way to complete a task is the safest, he or she should ask the supervisor or department head.

Unsafe conduct is misconduct. Always observe the departmental safety rules and procedures. The employee is required to use all mechanical safeguards on or for the employee equipment. Any faulty equipment or unsafe conditions should be reported immediately to the supervisor or department head and the employee should immediately cease using the equipment.

**4.7 PERSONNEL RECORDS**

All medical related records will be maintained in a file separate from the employee’s personnel file and will not be reviewed when making any employment-related decisions affecting the employee.

The City will maintain a personnel file on each employee. An employee’s personnel record begins with their completed employment application form and resume. From time to time information may be added to this personnel record regarding an individual’s employment status with the company. Personnel records are the property of the City and should be treated the same as any other confidential company information**.**

The following provisions apply with the respect to the City’s standards for establishing, maintaining and handling employee personnel records:

* All official records concerning an employee should be kept up to date and all employees shall promptly report all pertinent personal information and data changes to the Human Resources Department.
* Employees should be permitted to review their personnel records at reasonable times and in accordance with state and local laws. Access should be granted within 3 days of the request unless otherwise required under state law.
* The personnel file of an employee terminating employment should be maintained for a minimum of (five) 5 years.

**4.8 BULLETIN BOARDS**

Bulletin Boards are an official means of supplying information to employees. All notices appearing on any bulletin board must be approved by the City. Each employee will be responsible for knowing about any official announcement, or changes in City methods or policies, when posted on bulletin boards.

**4.9 INTERNET AND E-MAIL USE**

The City recognizes that the use of the Internet and e-mail is an important tool for its employees’ use to increase effectiveness and efficiency. The City also recognizes, that under the Arkansas Freedom of Information Act, Ark. Code Ann §25-19-1 01 et seq. “public records” includes data compilations in any form, required by law to be kept or otherwise kept… which constitute a record of the performance or lack of performance of official functions which are or should be carried out by a public official or employee [or] a government agency… “Ark. Code Ann. §25-19-103(1). All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. See Ark. Code Ann. §25-19-105.

The City’s department heads (or designees) may gain access to a City employee’s E-mail, Internet cache or files “Without that employee’s permission for any reason at any time.

All federal and state laws, as well as City ordinances, regulations and policies, are applicable to the use of computing resources. These include, but are not limited to, the Family Education Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; the Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2510 et seq.; the Arkansas Freedom of Information Act Ark. Code Ann. 25-19-101 et seq.; and state and federal computer fraud statutes, 18 U.S.C. § 1030 and Ark Code Ann. § 5-471 101 et seq.

Further, illegal reproduction of software and other intellectual Property protected by U.S. copyright laws and by licensing agreements may result in civil and criminal sanctions.

**4.10 RULES FOR USE OF INTERNET, E-MAIL SYSTEM**

* When using the computer facilities provided by the City of Searcy, it is understood that employees have no expectation of privacy as it relates to the City. No person may exclude the City from access to the system or any data contained on system;
* Employees are not permitted to use the computer system for commercial purposes or to advance a personal business pursuit;
* Employees are not permitted to use the computer system in a manner which would violate the City’s policy prohibiting sexual or other harassment;
* Employees are not permitted to use the computer system in a manner which interferes with the efficiency of the computer or denies access of the computer to others;
* Any unauthorized, deliberate action, which damages or disrupts a computing systems is a violation of the employee’s responsibility to the City;
* Upon termination of employment for any reason, access to the computing system will be forfeited and the employee agrees to refrain from any access after separation of employment;
* The copying of copyrighted materials, such as third-party software, without the expressed written permission of the owner or the proper license, is prohibited;
* Use of the computer system to view or promote any type of gambling, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, defamatory, threatening, racially offensive or otherwise biased, discriminatory or illegal material is a violation of this policy;
* Electronic mail is a privilege and should be used responsibly. Personal communication is to be kept to a minimal level with the primary use of e-mail to be for the purpose of facilitation the operation of the City;
* The user should delete all messages from the mail system when they are no longer needed. Any emails the user wants to keep, should be saved on his or her own account drive.
* User files and e-mail will be examined when authorized by the administration or approved by the appropriate official, or required by local, state or federal law. Otherwise, user files and e-mail should not be viewed by co-workers within the City. Employees do have privacy rights which are not to be violated by co-workers.

**4.11 RECORDS RETENTION POLICIES**

All relevant records retention policies and statutes must be followed, and it is the responsibility of each City employee to understand which of these pertain to his or her work. A user of e-mail must understand that all retained files and electronic messages are potentially accessible under FOI law.

**4.12 UNIFORMS**

Employees should dress in a manner which reflects positively on the City and its citizens. Where uniforms are required, uniforms will be provided by the City or a uniform allowance will be provided as authorized by the City. Uniforms are to be kept as neat and presentable as possible.

**4.13 OUTSIDE EMPLOYMENT**

Outside employment should be discussed with the department head or supervisor for approval. Any outside employment must not interfere with the proper and effective performance of the work being performed for the City nor reflect negatively on the City. Any outside employment should be of the type which would not adversely affect the image of the City. When working on outside employment, an employee is not permitted to wear uniform garments or caps that identify him/her as a City employee without permission from the department head. Any employee who is granted the right to wear a City uniform while on outside employment continues to be held to the same high standards of conduct during the outside employment assignments.

During periods of illness, the employee is not permitted to participate in outside employment without approval in writing from the City.

**4.14 CONTACT WITH THE MEDIA AND PUBLIC INQUIRIES**

All official announcements, news releases, public statements, etc. will be cleared through the office of the Department Head in charge of that area, or the Mayor, or the designated representative.

Inquiries from the general public on any matter of public concern shall be addressed to Department Head, or his or her designated representative in charge. All freedom of information requests shall be directed to the Department Head, who will contact the personnel director for review. The Personnel Director will contact the City’s legal counsel as needed, when appropriate.

**4.15 PURCHASING POLICIES**

The Mayor holds the approval authority for all purchases of less the $20,000.00. This authority is normally delegated as defined by policy. All purchases $20,000.00 or over require City Council approval. Transactions of this size must be approved individually by the City Council. Once approved, they will be formally advertised and awarded per bid policy.

Purchases not exceeding $5,000.00 may be authorized by respective Department Heads.

Purchases of $5,000.00 to $19,999.99 must be approved by the Mayor. Once approved written quotations shall be solicited by the department head or their designee. Items over $1,000.00 must be listed in inventory holdings. Items over $2,500.00 must be listed on the Capital Asset List.

For petty cash purchases, authorized City employees will be reimbursed upon presentation of receipt.

The City Council may waive bid requirements in circumstances deemed to be in the best interest of the City.

In the event of an emergency where purchases are necessary to protect life, property, health or public safety, the purchasing policies herein may be waived by the City Council pursuant to state statute. Department Heads will attach written justification to the invoice for the purchase made under emergency circumstances.

These purchasing policies may also be suspended where there is a sole source item that is needed. Items in this category must be identified in advance of actual purchase. The Mayor must approve all sole source purchases in excess of $5,000.00.

To facilitate bidding processes, each Department Head is responsible for furnishing required information on items to be purchased and assist in preparing specifications; for providing technical input on the evaluation of specifications and bid responses; for providing receiving information; for providing information on quality of materials and vendor performance levels; and to be present when the requests are presented to the City Council.

City Hall will confirm that the amount needed for the purchase is in the departmental budget, will write the actual bid; formally advertise the bid; receive and open all bids; record bid information, and notify Department Heads and the City Council of the bid results.

**4.16 CITY OWNED VEHICLES**

City of Searcy vehicles are not to be driven by anyone who is not employed by the City. Exceptions to this policy can be made as needed, such as for repairs, when approved by the Department Head or the Mayor.

**SECTION 5: WORKER’S COMPENSATION POLICY**

**5.1 NOTICE**

The City posts the Workers’ Compensation Notice and Instructions prescribed by the Arkansas Workers’ Compensation Commission which sets forth the employees and employers responsibilities under the Act.

An employee has the duty to report an injury on a form prescribed or approved by the Workers’ Compensation Commission and the employer shall not be responsible for disability, medical, or other benefits prior to receipt of such report of injury.

When an employee requires emergency medical treatment outside the City’s normal business hours, the employee shall report the injury on the next regular business day.

The City may designate the medical service provider. The employee may request a change of physician which must be approved prior to the City becoming liable for any medical services provided.

**5.2 SAFETY**

The safety of all employees is very important to the City. We want each employee to leave work at the end of the day without having had an accident or injury.

Every employee should be on alert for potential safety concerns and report to his or her supervisor about any unsafe equipment, machinery, or condition. Each supervisor is responsible for making the department a safe place in which to work, and should report to management any safety hazard or unsafe practice which cannot be resolved in the department.

In the interest of safety, no employee should participate in any kind of horseplay or roughness regarding other employees, equipment, or machinery. Any accidents, damages, or injuries caused by horseplay, or when illegal drug use or alcohol consumption is involved, may be disqualified from Workers’ Compensation coverage.

**SECTION 6: CODE OF ETHICS**

**6.1 CODE OF CONDUCT**

The City of Searcy encourages its employees to appear for work dressed in an appropriate manner. To our citizens, we are what we appear to be. It is in the best interest of all concerned to be clean and neat in appearance at all times.

Violence, unprofessional conduct, or aggression against any citizen, visitor, or other employee will not be tolerated. Any employee who participates in fighting, threatening, harassing, or any other kind of aggressive behavior will be disciplined including up to termination of employment.

The City of Searcy believes that it is entitled to have its employees conduct themselves in a manner which is considerate of protecting the City’s best interest. This requires that employees maintain the highest standards of service. This City also expects that employees will be responsible for using their working time for the benefit of the City, that they will observe safety and health ethics; that they will properly use and maintain company equipment and material; that they will respect other employees and their property; and they will protect the interests of the citizens of the City of Searcy.

**6.2 POLICE AND FIRE DEPARTMENT PROCEDURES HANDBOOKS**

Police Department employees are required to follow the procedures set forth in the Department Procedures Handbook which is adopted as part of the City policy by reference herein in its current form and as a revised from time to time by the Chief of Police, following review by the Mayor.

Fire Department employees are required to follow the procedures set forth in the Department Procedures Handbook which is adopted as part of the City policy by reference herein in its current form and as revised from time to time by the Chief of Fire, following review by the Mayor.

**6.3 COMPUTER ETHICS**

As a representative of the City, employees have a responsibility to conduct themselves in an ethical manner. The following information suggests some areas where ethics issues will arise and provides some suggestions on how to deal with those issues:

* Data obtained inappropriately should not be used.
* Finding and reporting a system weakness is not a license to take advantage of it.
* Every user has a responsibility to do good work and to be accountable for that work.
* Organizations and individuals have rights to privacy.
* When the confidentiality of information is unclear, it should not be divulged.
* Electronic mail should be treated as privileged in the same manner as first-class U.S. mail.
* Use of personal information voluntarily provided, for purposes other than agreed to, is unethical.

**SECTION 7: PERFORMANCE STANDARDS**

**7.1 ABSENTEEISM AND TARDINESS**

Punctual attendance is an essential function of operating City government. Regular and punctual attendance is an essential function of each job with the City. The City expects its employees to be at work on time and on a regular basis. When an employee realizes he or she will be unable to report to work on time, the employee must provide notice to his or her supervisor and not through a family member or friend. In situations where the employee is incapacitated from giving notice in advance or directly, notice should be given as soon as possible through any reasonable means.

**7.2 UNACCEPTABLE CONDUCT**

The City of Searcy expects that its employees will not come to work under the influence of illegal drugs or alcohol; will not solicit on the job; will not behave in an insubordinate manner; will not falsify any records including employment applications; will not steal the City’s property; or otherwise behave in a manner inconsistent with the City of Searcy’s best interest.

The conducts listed in this section are not intended to be exhaustive as there are a myriad of potential circumstances which can and will result in discipline of an employee up to and including termination. It should also be understood that the City of Searcy is permitted to terminate employment regardless of the existence of conduct which would lead to discipline.

Generally, the following actions will subject an employee to disciplinary action:

* Falsifying employment or other City records
* Violating any City non-discrimination and/or harassment policy
* Soliciting or accepting gratuities from citizens
* Excessive absenteeism or tardiness
* Unnecessary or unauthorized use of City property
* Reporting to work intoxicated or under the influence of non-prescribed drugs or participating in the illegal manufacture, possession, use, sale, distribution or transportation of drugs
* Buying or using alcoholic beverages while on City property or using alcoholic beverages while engaging in City business, except where authorized
* Fighting or using obscene, abusive or threatening language or gestures
* Theft of property from co-workers, citizens or the City
* Unauthorized possession of firearms on City premises or while on the City business
* Disregarding safety or security regulations
* Insubordination
* Neglect or carelessness resulting in damage to City property
* Accepting any incentive or compensation from outside sources in connection with the performance of your duties with the City
* Making fraudulent or false statements in connection with work for the City of Searcy
* Violating any City policy or directive which has been effectively communicated in advance regardless of its inclusion in this handbook

**7.3 PROMOTIONS**

To effectuate the goals of the City of Searcy to provide the highest quality of service possible to its citizens, the City is committed to hiring and promoting the best qualified person for the position. In order to aid in this goal, when promoting, the City will endeavor to consider all current employees suitable for promotion to an open position. 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 factors to be considered in electing the best qualified person for a position or promotion is their level of skill, education, training, experience, and past performance. This listing is not intended to be exclusive and other job-related factors may be considered.

The ultimate decision for making a promotion rests with the department head subject to the approval of the Mayor. Where helpful to the department head, a peer review committee may be appointed to review applications for a promotion to help evaluate each application and make recommendations. The peer review committee membership may be from within the City, the department, or may be peers selected from other cities.

**SECTION 8: DISCIPLINARY ACTIONS**

**8.1 DISCIPLINARY ACTIONS**

Disciplinary actions are for the purpose of conforming an employee’s behavior or performance to the reasonable standards which are in the City’s best interest. There is no requirement that the City follow disciplinary procedures prior to terminating employment, particularly where there is no reasonable belief on the part of the City that disciplinary action would obtain that purpose, or where the employee expresses that disciplinary actions would be futile to achieve the goals. It is the goal of the City to retain its valuable workforce and to provide positive encouragement for achievement of a stable, efficient workplace.

Disciplinary action may include:

* Warning or Reprimand. A warning or reprimand may be oral or in writing. Oral reprimands should be documented by the supervisor in a manner which allows the supervisor to also document improvement following the warning. The warning is designed to call attention to the problem performance and effectuate improvement. A warning or reprimand may be issued by a supervisorsubject to review by the Department Head.
* Suspension. A suspension may be with or without pay. A suspension is a temporary removal from the job. It may be used during the term of an investigation of any alleged violations of policy. If a suspension is warranted, the matter must be referred to the Human Resource Manager and/or the Mayor for investigation and further action and a determination of whether the suspension is with or without pay.
* Demotion. A demotion may be used to place an employee in a position of less pay and responsibility. A Department Head may recommend a demotion subject to approval by the Human Resource Director Manager and/or the Mayor.
* Termination. A separation of employment. A Department Head may recommend termination subject to approval by the Human Resource Manager and/or the Mayor.

**8.2 EXIT INTERVIEW**

Employees who leave the City’s employment for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with the City including job duties, job training, job supervision and job benefits. At the time of the interview, employees are expected to return all City property, such as uniforms, tools, equipment, I.D. cards, keys, credit cards, documents and badges. Arrangements will be made for clearing any outstanding debts with the City and for receiving final pay also will be made at this time.