



***CITY OF BATESVILLE  
EMPLOYEE HANDBOOK***

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THE INFORMATION CONTAINED IN THIS HANDBOOK APPLIES TO ALL EMPLOYEES OF THE CITY OF BATESVILLE. IT IS PRESENTED AS A MATTER OF INFORMATION ONLY AND ITS CONTENTS SHOULD NOT BE INTERPRETED AS A CONTRACT BETWEEN THE CITY AND ANY OF ITS EMPLOYEES.

SINCE OUR CITY BUSINESS IS CONSTANTLY CHANGING, WE EXPRESSLY RESERVE THE RIGHT TO CHANGE ANY OF OUR POLICIES AT ANY TIME AND YOU WILL BE SO NOTIFIED. THE PROVISIONS OF THIS HANDBOOK DO NOT CONSTITUTE A CONTRACT OF EMPLOYMENT NOR ARE THEY COVENANTS. THEY MAY BE CHANGED WHEN, IN THE OPINION OF THE CITY ADMINISTRATION, CIRCUMSTANCES SO REQUIRE. ALL CHANGES MUST BE APPROVED BY THE CITY COUNCIL.

# **CITY OF BATESVILLE**

## **Employee Handbook**

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**A. EEO POLICY STATEMENT**

Equal Employment Opportunity is a high priority with the City of Batesville. Employment decision including recruiting, hiring, transfer, promotion, training, compensation, benefits, discipline, and termination of employment with the City will be made on the basis of an individual's skills, knowledge, abilities, job performance, and other legitimate qualifications in accordance with state and federal laws.

It is prohibited for any employee of the City of Batesville to refuse to hire, train, promote, or provide equitable employment conditions to any employee or applicant, or to discipline or dismiss an employee solely on the basis of such person's race, national origin, age, sex, marital status, military status, religious beliefs, or physical handicap, except where the doctrine of business necessity or a bona fide occupational qualification can reasonably be demonstrated.

In establishing this policy, the City of Batesville recognizes the need to initiate and maintain personnel measures to ensure the achievement of equal employment opportunities in all aspects of our workplace settings, conditions, and decisions. It shall be the responsibility of all employees to abide by and carry out the letter, spirit, and intent of the City's equal employment commitment.

Employees should report any violations of this policy to their Supervisor. If the violation involves their Supervisor, they should go to the next level of management without fear of retaliation.

**B. AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Batesville will not discriminate against hiring qualified individuals with disabilities who can perform, with reasonable accommodation, the essential functions of a job for which they apply. This includes recruitment, job application procedures, hiring, promotion, termination, rate of pay or other forms of compensation, job assignments, leaves of absence, sick leave, fringe benefits available by virtue of employment, training, social and recreational programs, and other terms, conditions, or privileges of employment. The City of Batesville will make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability.

If an employee has had an on-the-job injury which results in a permanent disability, as defined by the treating physician, and is unable to return to work in his/her previous position, but may perform the essential tasks of his/her position with reasonable accommodation, ADA guidelines will be followed to allow the employee to return to work.

The City of Batesville will comply with the Rehabilitation Act of 1973, while preserving the health and safety of others.

### **C. AT-WILL EMPLOYMENT**

Arkansas is an "at-will" employment state; therefore all employees of the City of Batesville are "at-will" employees. This means that these employees may resign at any time, or the City of Batesville may terminate their employment at any time, with or without notice, for any or no reason. Nothing in these policies and procedures alters an employee's at-will status. This handbook does not constitute a contract or obligation on the part of the City of Batesville, and does not guarantee employment for any specific duration.

### **D. ORIENTATION AND TRAINING**

All new employees must complete an orientation period. This will include safety training with the Safety Director, a review of benefits, payroll, and review of the Personnel Policies Manual and/or handbook with the City Clerk's Office, and an explanation of job duties by the Supervisor for whom he/she will be working.

**Safety** - All new employees (full-time, part-time, or temporary) will meet with the Safety Director, at the earliest convenience, for a safety orientation session. Employees will receive the level of safety and health training necessary to perform their jobs in a safe manner. Topics may include chemical safety, recognizing and reporting unsafe conditions or acts, housekeeping, operating vehicles and other equipment safely, electrical safety, seat belt usage, drug and alcohol use and testing requirements, accident reporting, and other subjects deemed necessary by the Safety Director. Employees will also be issued written safety instructions and personal protective equipment such as a hardhat, and protection for eyes, ears, and hands.

**Benefits** - The City Clerk's Office will meet with all new full-time employees to outline the benefits available to them, cost (if applicable), explain how they enroll for each and provide copies of all health benefits booklets. He/she will explain pay periods, time sheets, withholdings, holidays, vacation and sick leave periods, etc.

**Personnel Policies and Procedures Handbook** - The HR Office will give each new full-time and non-seasonal part-time employee a copy of the Employee Handbook, which outlines the rules, and regulations the employees are expected

to understand and comply with in their career with the City of Batesville. The necessary time will be spent with the employees to review the policies. The employee will be given an opportunity to ask for clarification on any policies he/she does not understand. The employee will be asked to sign an "Acknowledgment Statement" that he/she has received the policies. The City Clerk's Office will retain the "Acknowledgment Statement" in the employee's personnel file. The Batesville Police Department's personal policy is a separate document and is kept and distributed by the Batesville PD.

**Job Responsibilities** - The hiring Supervisor will meet with new employees to discuss the functions and operations of the department, their job responsibilities, work hours (including call-out and stand-by), and provide any other information he/she feels is pertinent to the employee. The Supervisor will assign the new employee to the person who will be responsible for their on-the-job training.

## **E. EMPLOYEE CLASSIFICATIONS**

When an employee is hired by the City of Batesville, he/she will be assigned a classification for the purpose of designating eligibility of benefits and pay ranges. The benefits and pay ranges will be set by the City Council and adopted at the time the annual budget is adopted. The Classification Plan is not intended to describe or limit an employee's duties. It is a wage scale that sets the limits on benefits and pay for each classification. The classifications are as follows:

- ❖ Class A - Employees who are not eligible for City benefits. These employees include but are not limited to part-time and temporary part-time employees whose normal work week is less than 40 hours, or temporary employees who are hired for a specific reason or a specific length of time, volunteer firefighters and firefighter relief drivers.
- ❖ Class B - Employees who are eligible for City benefits. These employees include all full-time employees whose normal work schedule is a minimum of 40 hours per week.

All classifications will be understood to include general service, as well as any special skills described by the classification.

When an employee is hired, or when the classification is changed, the employee will sign a classification assignment slip acknowledging the classification. Regardless of their previous classification, employees are only eligible for the benefits of their current classification.

Exception, see the airport add in section J. Promotions and Transfers of this Chapter (Employment Policies).

## **F. PERSONNEL RECORDS**



The City of Batesville maintains personnel record for each employee. The personnel records are subdivided as follows:

**Confidential Medical Records** - State and Federal regulations require that certain medical records be retained for all personnel who might come in contact with hazardous materials. This file includes immunization records, records of body substance contact, exposures and actions taken and any pertinent medical information retained for the employee. These records must be maintained separate from all other employee records, and retained for the duration of employment plus thirty years. These files are kept in the Safety Director's office, and only the Safety Director and City Clerk's office have access to or may make additions to this file.

**Personnel Files** - are maintained by the City Clerk's office and consist of the employment application, certification documents, W-4 forms, I-9 forms, pay rate and status change documents. Only the City Clerk's office or HR office may make additions to this file.

**Progress Records** - are maintained by the City Clerk's office and consist of: orientation documents, records of work accomplishments, job results, documentation related to employee performance, attendance records, call-ins, attendance at required meetings/training, and disciplinary actions. The employee's Supervisor will be the primary contributor to this file; however, the Clerk, Mayor, other Supervisors, and the public may also contribute documentation pertaining to any employee's performance record.

**Continuing Education Records** - the City Clerk's office keeps the employees' official continuing education records and a copy of all certificates. The employee's Supervisor may keep additional copies. It is the responsibility of the employee to furnish a copy of these records to their Supervisor and to the City Clerk's office who maintains the official file.

Personnel records are the property of the City of Batesville, and access to the information they contain is restricted. Only management personnel who have a legitimate reason to review information in a file are allowed to do so. Personnel records are secured in the City Clerk's office and may not be removed from this office.

If a Supervisor has documentation pertaining to an employee, he/she should forward it to the City Clerk's office to be secured in the employee's personnel file.

When an employee is terminated or resigns, the Supervisor must forward all documentation concerning the termination to the City Clerk's office to be secured in the employee's personnel file.

An employee may review his/her own personnel records by making an appointment with the City Clerk's office. Records must be reviewed in the presence of a member of management during regular business hours.

The personnel records in the City Clerk's office are the official City of Batesville personnel files. Documentation cannot be put in the official personnel record without the knowledge of the employee to whom it pertains. If individual departments maintain files, they can only be copies of the official personnel files. This policy does not prohibit supervisors from maintaining an incident log pertaining to events in which he/she has responsibility.

#### **G. EMPLOYMENT REFERENCE/CREDIT REFERENCE REQUESTS**

When inquiries are received for the purpose of an employment reference on former employees, The City of Batesville will provide only factual and pertinent information such as dates and duration of employment, position held and job responsibilities, and confirm wages. Only the City Clerk's office or HR office may provide this information. All requests for information should be directed to the Clerk's office.

When an employee has filled out an application for a credit purchase, the City Clerk's office will furnish the information regarding a credit check. He/she may only confirm employment, (including beginning date), job title, and confirm or deny the information the employee has listed for salary.

#### **H. EMPLOYMENT OF RELATIVES**

An employee is not permitted to work under the direct supervision of a relative or under a relative who is positioned anywhere in the same direct management line. No person should be hired for a position that would violate this policy.

In this instance, a relative is defined as a spouse, parent, step-parent, sibling, half brother, half sister, child, grandchild, or in-laws. It can also include other relationships established by blood, marriage or other legal actions.

If two employees who are relatives were working in a prohibited situation, as identified above, prior to the effective date of this policy, no action needs to be taken. The City Council must approve any other deviations to this policy.

#### **I. OUTSIDE EMPLOYMENT**

City of Batesville prefers that its full-time employees do not accept supplementary employment with another company. However, it is not the intention of the City to control or regulate the use of its employees' personal activities outside working hours. The primary concern is to avoid a conflict of

interest and the possible negative effect simultaneous employment or work activities may create.

All regular full-time employees who feel they must accept outside employment to augment their income may do so if this work does not interfere with the demands of their regular job. Any outside employment that could give rise to a conflict of interest, adversely affect job performance or compromise loyalty to the City of Batesville or to fellow employees is not permitted. An employee's outside employment must not be of a nature that negatively affects the image of the City, resulting in embarrassment, legitimate and reasonable criticism, or of a type that may be construed by the public to be an official act of the City or in any way violate these policies. City uniforms shall not be worn during outside employment unless approved in advance by the employee's supervisor.

All outside employment must have approval from the employee's Supervisor in writing and placed in the employee's personnel file, prior to accepting other employment.

## **J. PROMOTIONS AND TRANSFERS**

When an opening occurs in a department, the Mayor/Supervisor will have the job posted on bulletin boards and all employees are eligible to apply by completing the "Internal Job Application" form and submitting it to the Supervisor/City Clerk's office. If employees feel it would be to their advantage, they may fill out a new employment application to add any training or experience they may have gained since filling out the original form.

The Supervisor/Mayor/City Clerk will first screen the applicants, based on knowledge, skills, and abilities, narrowing the candidates to the best qualified. The Supervisor/Mayor/City Clerk will then interview the top candidates and together will select the person to fill the position. At the discretion of the Mayor this process may be delegated to his designee.

If no employees post for the job, or if the Supervisor/Mayor/City Clerk find no employees qualified to fill the position, the job may be left vacant or filled from outside applicants. Filling openings from outside applicants is always at the discretion of the Mayor if a more qualified person is available.

At the Airport Commissions discretion; newly hired class B employees who are transferring to the airport from any other City of Batesville department and are with in good standing may retain their prior years of service. Their benefits will be based on their original hire date prior to transfer.

## **K. CERTIFICATES AND LICENSES**

Each licensed employee is responsible for meeting the requirements of the respective licensing organization in order to obtain or to maintain their license.

All City employees who drive a City vehicle must have a valid driver's license and provide the City Clerk with a current copy. Each time the employee's license is renewed, a current copy of the license must be filed in the Clerk's office.

Some departments and employee positions require Class A Commercial Driver's Licenses (CDL's). Positions requiring CDL's must obtain such license within 90 days of employment.

Any employee who fails to report any driver's license status change to the City Clerk's office before operating a City vehicle is subject to disciplinary action.

## **L. EXIT INTERVIEWS**

When an employee is separated from the City of Batesville, the immediate Supervisor/City Clerk will conduct an exit interview.

Using the "Employee Exit Checklist" during the exit interview, the departing employee will be given information about such things as benefit conversions, accrued vacation, etc. At this time, the employee is expected to return any City property he/she has been issued, including City vehicles, uniforms, keys, photo ID's, health insurance cards, vehicle fuel keys, employee handbook, and any other items issued by the City. Any items not returned are subject to charges that may be deducted from the employee's final check.

### **A. PAY PERIODS / PAY CHECKS**

City of Batesville employees are paid weekly, semi-weekly, or bi-monthly depending on your particular department.

Time sheets shall include all hours worked and any deviation from a straight 40-hour workweek, such as vacation, sick leave or other time off, overtime worked, etc. Request for leave forms must be turned in with time sheets to document any leave taken.

The Batesville Regional Airport stewards a separate budget and administers its own payroll.

### **B. PAYROLL DEDUCTIONS**

Deductions from each employee's gross pay period earnings are of two types: mandatory and voluntary.

Mandatory deductions are those that the City of Batesville is required to make by law, court order, or other legally compelling influence on payroll. Such deductions include state and federal income tax withholding, social security, and wage garnishments.

Mandatory deductions, in accordance with applicable legal requirements, will be made automatically by the City of Batesville. However, such mandatory deductions as state and/or federal income tax where the City must rely on information provided by an employee, will be the sole responsibility of the employee to provide accurate information within legal limitations.

Voluntary deductions are those requested by employees to be made on their behalf and may include such items as supplemental insurance, deferred compensation, etc. With the approval of the City Clerk's office, additional withholdings may be added to the list if at least 10 employees request it.

Voluntary deductions will not be made without the employee's signed request or authorization, and advance approval of the City Clerk's office.

### **C. GARNISHMENTS**

The City of Batesville expects its employees to take care of their financial obligations on time to maintain a good reputation in the community. However,

when an employee does not meet his/her obligations, wages may be garnished by a creditor for non-payment when the creditor wins a court judgment.

Attachments made to an employee's paycheck by legal authority or wage garnishment, regardless of cause, will be regarded as a mandatory deduction for the amount, and for the time specified in the order. Additional costs may be charged by the City of Batesville for processing fees.

Each garnishment or levy will result in counseling with the employee. If an employee has three garnishment incidents, excluding Chapter 13 bankruptcy, it will be cause for review by management and possible disciplinary action up to and including termination.

#### **D. STANDARD WORK HOURS**

Except for firefighters, police officers and dispatchers, work hours for all full-time employees shall be 40-hours per week which begins each Monday or Wednesday depending on the department. Work hours for the fire and police department employees shall be in accordance with state statutes and departmental regulations. All part-time employees will have specific work days and hours set by their supervisor.

Airport full-time employees standard work week will begin according to the schedule set by the Airport Manager and will normally consist of four 10-hour shifts to provide extended customer service hours, seven days a week. The City reserves the right to adjust and change hours of work, days of work, and schedules in order to fulfill its responsibility to the citizens of Batesville. In the event of an emergency, previously scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the Supervisor. Changes in work schedules will be announced as far in advance as possible.

Salaried personnel are expected to devote at least 40-hours per week to their job, but in many instances, the performance of their job will require more than 8-hour days or 40-hour weeks. This extra work time is a normal part of their job and they should expect no additional compensation.

#### **E. OVERTIME/COMPENSATORY TIME**

For hourly workers, overtime (one and one-half times their regular pay rate) will be paid for hours **worked** in excess of 40-hours per week. Hours paid for sick, vacation, or holiday time will not be considered as worked hours and therefore overtime is not received unless the employee is called out by their supervisor because of an emergency situation. The supervisor shall complete the "Request for Overtime Pay" form for any overtime request because of an emergency situation and/or for any overtime in excess of 4 hours per work week. If the Request for Overtime Pay is not attached to the employee's time card, overtime

pay **WILL NOT** be given to the employee. A report for all overtime pay and the Request for Overtime Pay forms will be reviewed by the City Council on a monthly basis.

The City of Batesville does not authorize the granting of "compensation time" to hourly employees other than firefighters. Salaried employees do not receive "compensation time," but they may adjust their schedules in extreme situations as determined by the Mayor.

The airport is exempt from the above overtime pay request criteria due to its independent financial culpability. The airport manager will report to the Airport Commission monthly the total overtime hours required for emergencies, after hour call ins or work performed due to employee availability. The City of Batesville does not authorize the granting of "compensation time" to hourly employees other than firefighters. Salaried employees do not receive "compensation time," but they may adjust their schedules in extreme situations as determined by the Mayor.

**F. STAND-BY AND ON-CALL (Utility Construction Department Only)**

To provide round-the-clock coverage, the Construction Department will have two employees on stand-by during off-hours. "Off-hours" are defined as any time that the employee is not scheduled to work, including nights, weekends and holidays. Employees are rotated on a weekly basis (from 5:00 p.m. Wednesday until 4:59 p.m. the following Wednesday).

Construction employees on stand-by are paid for a minimum of four hours overtime for the week, whether or not they are called out. Each call-out is for a minimum of two hours. The first four hours the employee actually works, or two 2-hour minimums are applied to the four hours stand-by per the following examples:

**Example 1** – employee is called out three times during his stand-by week:

Call-out #	Actual Time Worked	Applied to 4-Hr Minimum	Additional Overtime Hours	Total Weekly Paid Overtime
1	30 minutes	2 hours	0	4 hours
2	1 hour	2 hours	0	4 hours
3	45 minutes	0	2 hours	6 hours

**Example 2** – Employee is called out three times during his stand-by week:

Call-out #	Actual Time Worked	Applied to 4-Hr Minimum	Additional Overtime Hours	Total Weekly Paid Overtime
1	3 hours	3 hours	0	4 hours
2	1 hour	1 hour	*1 hour	5 hours
3	3 hours	0	3 hours	8 hours

\*This hour is the second hour of the minimum call out time allowed.

Scheduled overtime does not count against the 4-hour minimum stand-by pay. If an employee continues to work after completion of the regular scheduled work day, the overtime is not counted against the stand-by pay. The employee is paid only for the time actually worked. Construction employees called out (8:00 a.m. to 5:00 p.m.) on a recognized holiday will be paid, in addition to their holiday pay, 1 ½ times their regular pay for the time they work during the recognized holiday.

Employees who are scheduled for stand-by may get another employee to substitute for them, with the approval of the Supervisor. However, only the employee who actually worked a call-out will be paid. As an example, Employee A is scheduled for stand-by, but gets Employee B to substitute for him. If Employee B is called out during the time he is acting as substitute, Employee A forfeits the amount of stand-by time equal to the time worked by Employee B or the 2-hour minimum, whichever is greater. Employees may not take vacation when on stand-by or on-call duty.

## **G. ABSENTEEISM AND TARDINESS**

The City of Batesville is committed to providing value-added service to its citizens and believes that the regular attendance and punctuality of all employees is necessary to fulfill that commitment and maintain the efficient operations of services. Excessive absenteeism or repeated tardiness will not be permitted and shall be cause for disciplinary action, up to and including termination.

### **1. REPORTING ABSENCES**

If an employee is absent from work for any reason, it is his/her responsibility to notify his/her immediate supervisor at the time specified by the Supervisor for such calls. If the Supervisor is unavailable, the information should be left with the person designated by the Supervisor. The employee should also leave a phone number where he/she may be contacted.

If an absence exceeds one day, employees must notify their Supervisor each day. Failure to notify the Supervisor may result in disciplinary action. The exception to the notification requirement would be if, in the case of illness, the employee has been advised by his/her doctor to not return to work until a certain date. The employee should advise his/her Supervisor of the doctor's instructions and bring in the doctor's statement when he/she returns to work.

An employee who fails to contact his/her Supervisor to explain an absence for three consecutive scheduled workdays will be considered to have voluntarily resigned his/her job. This type of resignation is defined as a "failure to report to work." On the fourth day of such an absence, a "Notice of Voluntary Termination" form shall be sent to the employee. This letter will notify the



employee that he/she has been taken off the payroll as a voluntary resignation. A copy of the letter will be filed in the employee's personnel records.

The letter will request that the employee come to the City Clerk's office and complete all necessary forms, including signing a Voluntary Termination letter. If the employee refuses to sign the Notice of Voluntary Termination, this information will be documented and included in the employee's records. It is important that the events surrounding such a termination be thoroughly documented.

## **2. EXCESSIVE ABSENTEEISM**

"Excessive Absenteeism" is defined as unscheduled time off in excess of five occurrences in any 60-day period of time. Excessive absenteeism may result in disciplinary action up to and including termination. Examples: if an employee calls in to take time off or calls in sick but does not have vacation or sick leave accrued it will be considered unscheduled absenteeism.

## **3. TARDINESS**

Tardiness is defined as the failure of an employee to report to his/her work area ready to start to work at the scheduled work time.

If an employee is going to be late reporting to work, he/she must use the same reporting procedure detailed in "Reporting Absences" above, and advise the Supervisor what time he/she expects to be at work.

"Excessive tardiness" is defined as being late on more than five occasions in any 90-day period. Employees with excessive tardiness will be subject to progressive disciplinary procedures.

The City of Batesville recognized that occasionally tardiness cannot be avoided. Each tardiness will be handled on a case-by-case basis, depending on the circumstances.

## **H. PREGNANCY LEAVE**

It is the City of Batesville's policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act of 1993. Information of FMLA leave is outlined in Employee Benefits.

The employee must file a "Leave Request" form with the City Clerk's office. The employee must use all vacation and sick leave before taking time off without pay. If additional time off is requested, it will be time off without pay.

Pregnant employees are expected to continue working as close to the anticipated delivery date as deemed medically appropriate by their physician.

Before returning to work, the employee must furnish a "Physician's Release for Work" form from her physician stating that she is able to return to work. The "Leave Request" and the "Physician's Release for Work" forms may be obtained from the City Clerk's office.

## **I. MILITARY LEAVE**

The City of Batesville will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Employees requesting a military leave of absence may obtain a copy of the Act or information concerning the Act from the City Clerk's office.

## **J. LEAVE OF ABSENCE FOR CLASS B EMPLOYEES**

The Mayor may grant an employee a leave of absence without pay and without benefits including paid medical insurance for a period not to exceed one (1) year when it is in the interest of the City to do so. At the expiration of the leave of absence without pay, the employee may be reinstated to any position of the same classification. An approved leave of absence shall not constitute a break of service with respect to tenure, retirement, and seniority. The employee may continue on the City's health insurance by going on Cobra at the employee's expense.

## **K. FUNERAL LEAVE**

The City of Batesville will allow an employee to take up to 24 hours, with pay, when a death occurs in their immediate family with their supervisor's approval. In this instance, "Immediate family" is defined as mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouses' immediate family or those relatives who live in the employee's household including "step" relatives. The Mayor may allow the employee to take additional time off if the employee must travel out of state or for other special circumstances. Employees will be allowed to take off the day of the funeral (8 hours) for other relatives such as aunt, uncle, etc.

Up to 4 hours with pay will be allowed for an employee to serve as pallbearer if the funeral is local. The Mayor may allow additional time off with pay if the funeral is out of town.

## **L. JURY AND WITNESS DUTY**

Employees will be granted leave with pay for jury duty and are permitted to retain the allowance for services from the court for such service. If an employee

appears as a witness in court at the request of the City of Batesville or if an employee is subpoenaed as a witness in his capacity as an employee of the City of Batesville to testify in a matter in which the acts or omissions to act of the City are in issue shall likewise be paid for such service. Employees are also permitted to retain the allowance for services from the court for such service.

If an employee is on leave with pay for jury or witness duty outside their regular work schedule, they will be paid at their hourly rate, not at overtime rate. Jury and witness duty will not be considered worked hours, and no more than 8 hours per day or 40 hours per week will be paid for the jury or witness duty, all at the employee's regular hourly rate. To qualify for jury or witness duty leave, employees must submit to the City Clerk's office a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's Supervisor when the employee's period of jury or witness duty is completed. The Supervisor will then forward the proof of service to the City Clerk's office.

An employee who appears as a witness in a matter not related to his/her capacity as a City employee shall not be paid as an employee of the City for the time spent in court. However, an employee may choose to take the time off as vacation time, if the employee has accrued vacation time, if approved by the Supervisor and if scheduled in advance.

## **M. INCLEMENT WEATHER**

Essential personnel (fire, police, dispatchers and water/wastewater plant employees who provide 24/7 coverage of City services) are not affected by and are not eligible to exercise the inclement weather absence.

When hazardous conditions exist, employees must contact their Supervisor for instructions regarding when and where to report to work.

If an employee makes an effort to get to work but road conditions are dangerous and he/she is late reporting to work, he/she will be paid for their full shift. Should City offices remain open with limited staff, affected employees who choose to stay home will be required to use vacation, personal or unpaid leave. Employees affected by the closing of City offices for the entire day may be required to take the day as vacation, personal or unpaid day.

Any employee who is late reporting to work or cannot get to work must use the same reporting procedure to inform his/her Supervisor detailed in "Reporting Absences".

Full-time Class B employees with the City of Batesville are provided a variety of benefits, including medical, life, dental, and pharmaceutical insurance; paid vacations, holidays and sick leave; and education assistance program; a retirement plan, and a number of other benefits to enhance the employee's job satisfaction. The information below is an overview of each benefit. If an employee needs additional information, he/she may discuss the questions with his/her Supervisor or the City Clerk's office.

### **A. PAID TIME OFF**

Paid vacations and paid sick leave are not requirements of the law except for firefighters. However, the City of Batesville like most other corporations has made provisions to allow each individual to accrue paid vacation and paid sick leave as outlined in this handbook.

#### **1. VACATION FOR CLASS B EMPLOYEES EXCEPT FIRE AND POLICE DEPARTMENTS AND AIRPORT EMPLOYEES**

Once an employee enters an eligible classification (Class B), they begin to accrue vacation time according to the schedule on the following page. Before an employee can take any vacation, he must first accumulate 21 hours (6 months of accrual). Eligible employees must be in pay status at least 15 calendar days in a month to accrue vacation leave for that month.

Employees should schedule their vacation with their supervisor as many days in advance as possible. If the workload in a department is such that it would be disruptive for an employee to be away from work, or if other employees have previously scheduled time off, the Supervisor may refuse a vacation request for a particular period of time. Vacation may be scheduled in one-half (1/2) hour increments and may be scheduled to coincide with holidays.

Unused vacation days may not be carried over to the next leave year without a written request from the employee and approved by the Mayor. If employment is terminated, either by the employee or the City of Batesville, the employee will be reimbursed for all accrued vacation time.

The amount of time available for accrual depends upon the length of employment with the City of Batesville. Vacation hours are accrued monthly according to the chart below.

<b>Years</b>	<b>Hours Per Mo.</b>	<b>Hours Per Yr.</b>	<b>Days Per Yr.</b>
Up to 1 Year	3.5 hours	42 hours	5.25 days
1 thru 2 Years	4 hours	48 hours	6 days
3 thru 6 Years	7 hours	84 hours	10.5 days
7 thru 14 Years	10 hours	120 hours	15 days
15 thru 20 Years	14 hours	168 hours	21 days
21 + Years	17 hours	204 hours	25.5 days

## **2. VACATION FOR FIREFIGHTERS**

All fire department shift personnel shall accrue vacation hours monthly according to the chart below. Vacation may be taken in one-half (1/2) hour increments.

<b>Years</b>	<b>Hours Per Month</b>	<b>Hours Per Year</b>
0 thru 5 Years	12 hours	144 hours
6 thru 10 Years	15 hours	180 hours
11 thru 20 Years	17 hours	204 hours
21+ Years	20 hours	240 hours

All fire department salaried personnel will accrue vacation hours monthly according to the chart below. Vacation may be taken in one-half (1/2) hour increments.

<b>Years</b>	<b>Hours Per Month</b>	<b>Hours Per Year</b>
1 thru 10 Years	10 hours	120 Hours
11 thru 20 Years	13.33 hours	160 hours
21+ Years	16.67 hours	200 hours

## **3. VACATION FOR POLICE**

Police officers start accumulating vacation days upon employment and will have 15 working days available on their one-year anniversary. Vacation may be taken in one-half (1/2) hour increments. No more than one year of vacation (15 working days) may be carried over upon your anniversary date.

### **3.1 VACATION FOR AIRPORT EMPLOYEES**

Paid vacation for hourly class B airport employees is earned (accrued) monthly throughout the year as they work but is allotted on January 1<sup>st</sup> of each year. The amount of vacation time for which you are eligible is based on your length of

service as of December 31 of the previous year. New employees will not be eligible for paid vacation until they have completed 6 months employment.

Vacation hours are accrued monthly according to the chart below:

<b>Years</b>	<b>Hours Per Mo.</b>	<b>Hours Per Yr.</b>
0 thru < 1 Year	3.5 Hrs	42 Hrs
1 thru < 3 Years	4 Hrs	48 Hrs
3 thru < 7 Years	7 Hrs	84 Hrs
7 and above Years (max)	10 Hrs	120 Hrs

Employees must use their allotted vacation time during the year or forfeit it after December 31. At the discretion of the Airport Commission up to 40 hours of vacation may be paid out per year. Vacation may be taken in one-half (1/2) hour increments. If an employee leaves the company with a negative vacation accrual balance, they may be required to reimburse the company for the unearned vacation. For example; an employee starts their 3rd year on January 1st and is allotted 84 hours. If that employee uses all 84 hours and leaves the company on July 1st, the employee would owe the company back 42 hours of vacation which may be garnished from their final paycheck.

#### **4. SICK LEAVE FOR CLASS B EMPLOYEES EXCEPT FIREFIGHTERS AND POLICE**

The City of Batesville recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Batesville provides paid sick leave for all Class B employees. Eligible employees accrue eight hours sick leave for each calendar month of service in which they were in pay status for at least 15 calendar days. Sick leave must be earned prior to the time it is taken. Employees may accrue up to 90 days sick leave.

Airport Class B employees accrue six hours sick leave per month if at least 15 days were worked in the month.

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

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

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for the absence to the employee's Supervisor before or within 1 hour from the time the employee is expected to report for work. If the employee's Supervisor could not be reached, the employee may report to the City Clerk's office. Sick leave with pay may not be allowed unless such report has been made. A leave request must be completed as soon as the employee returns to work and forwarded to the City Clerk's office.

Employees will be allowed to use 24 hours undocumented sick time within a leave year. After the use of 24 hours undocumented sick time, employees must provide a note from a licensed physician or other person legally authorized to treat an illness, disease, or disability in order to receive paid sick leave.

Absence for part of a day shall be deducted from the accrued sick leave in amounts of no less than one-half (1/2) hour increments. Employees who use all of their accrued sick leave can thereafter be placed on leave of absence without pay unless extenuating circumstances justify exceptional action by the Mayor and reported to the city council.

If an employee separates from the City in good standing after completing at least 20 years of continuous service (without a break in employment), they will be paid for all unused sick leave at his/her rate of pay up to 3 months' salary. If an employee separates from the City with less than 20 years, or not in good standing, no accumulated sick days will be paid.

Sick leave is considered a privilege that is not to be abused. If the supervisor feels that the privilege is being abused, he or she may require the employee to furnish a doctor's certificate for each period of absence. If an employee falsely reports a sickness as an excuse for absence, the absence will be considered an unauthorized absence and will be documented and filed in his/her personnel file.

In an event of illness, the employee is expected to keep the department head informed of the progress, and should the sick leave be in excess of 24 hours, the employee must present the supervisor with a written statement from a physician certifying that the illness prevented the employee from performing his/her duties. Failure to do any of the previous will result in the employee being charged with leave without pay.

Sick leave shall not be granted when an injury is incurred while the employee is performing work for compensation for an employer other than the City of Batesville. In such cases, a leave of absence without pay may be given.

## **5. SICK LEAVE FOR FIREFIGHTERS**

Firefighters shall accumulate sick leave at the rate of 20 working days (480 hours) per year beginning 1 year after the date of employment. If unused, sick leave shall accumulate to a maximum of 90 days (2160 hours). (14-53-108).

Time off may be charged against accumulated sick leave only for such days that a firefighter is scheduled to work. Sick leave may be taken in one-half (1/2) hour increments. No such sick leave as provided in this section, shall be charged against any firefighter during any period of sickness, illness, or injury for any days which he/she is not scheduled to work. A leave request form must be completed as soon as the employee returns to work and forwarded to the City Clerk's office.

If, at the end of a term of service, upon retirement or death, whichever occurs first, any firefighter who has any unused accumulated sick leave, he/she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed 3 months' salary.

## **6. SICK LEAVE FOR POLICE**

Police officers shall accumulate sick leave at the rate of 20 working days (160 or 240 hours, depending on shift) per year beginning 1 year after the date of employment. If unused, sick leave shall accumulate to a maximum of 90 days (720 or 1080 hours, depending on shift). (14-53-108).

Time off may be charged against accumulated sick leave only for such days that a police officer is scheduled to work. No such sick leave as provided in this section, shall be charged against any police officer during any period of sickness, illness, or injury for any days which he/she is not scheduled to work. Sick leave may be taken in one-half (1/2) hour increments. A leave request form must be completed as soon as the employee returns to work and forwarded to the City Clerk's office.

If, at the end of a term of service, upon retirement or death, whichever occurs first, any police officer who has any unused accumulated sick leave, he/she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed 3 months' salary.

## **7. CATASTROPHIC LEAVE**

The City of Batesville's Catastrophic Leave Donation Program is intended to enable coworkers to provide some level of income protection to fellow employees who have exhausted their paid leave banks due to their own serious illness or injury, or the need to provide care to a seriously ill/injured immediate family



member. This program relies upon the voluntary donation of vacation leave from fellow employees.

A catastrophic illness or injury is a medical condition that is extraordinary or sever (serious, extreme or life threatening) and requires inpatient, hospice or in-home health care, such as cancer, major surgery, serious accident, heart attack, stroke, etc. In order to be covered under this policy, the medical condition must also render the employee unable to work due to his/her own health condition, or the health condition of an eligible family member for all regularly scheduled work days over a consecutive two-week period.

Regular, full-time employees must have one continuous year of service with the City in order to participate, either to apply for catastrophic leave or to donate leave to another employee.

In order to apply for catastrophic leave, an employee must have exhausted all balances in his/her leave banks. This would include sick leave, vacation, comp time and personal day if applicable.

In order to donate leave, an employee must maintain a balance of forty hours of vacation after the donation is deducted from his/her vacation leave bank.

Under this policy, an eligible employee may request leave for his/her own serious medical condition as well as a serious medical condition affecting an immediate family member. Immediate family is defined for these purposes as the employee's spouse, child, or parent.

An employee who is eligible for catastrophic leave under this policy must apply by completing a Catastrophic Leave Request Form. If the employee is physically unable to complete this form, a family member/designee may submit the form on the employee's behalf. This form includes a section for medical certification which must be completed by the employee's physician, or in the case of a family member's illness, the patient's attending physician.

## **8. CRISIS LEAVE**

An employee may use limited amounts of sick leave as defined in the policy per calendar year to attend to crisis situations affecting themselves or an immediate family member. A crisis is defined as imminent death, serious illness, natural disaster, residence fire or other occurrences of equal severity or emotional trauma which require the employee's presence. Family members covered by crisis leave include spouse, child, mother, father, sister, brother, guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. Crises leave is to

be granted at the discretion of the employee's Supervisor may not exceed a total of 40 (forty) hours annually for employees working a standard forty hour week 48 (forty-eight) hours annually for firefighters working twenty-four hour shifts.

## **9. HOLIDAYS AND HOLIDAY PAY FOR CLASS B EMPLOYEES**

The appropriation made by the City Council for salaries shall include pay for holidays for all Class B employees. Class B employees will be paid for 8 hours holiday pay except for Firefighters.

Holidays for airport hourly employees will be paid as if working a normal shift. For example: If an hourly employee normally works a 10-hour work day, 10-hours will be paid for that holiday.

Holiday pay for firefighters shall be prorated and paid during regular payroll periods. (14-53-106).

Holiday pay for police officers will be determined by the Police Chief in accordance with 14-52-105.

When a designated holiday falls on a Saturday, the Friday immediately preceding the holiday shall be observed. When a holiday falls on a Sunday, the Monday following it shall be observed as the holiday. When Christmas Eve and New Year's Eve fall on Sunday, the holidays shall be observed on the preceding Friday. The supervisor has the authority to change the day observed as the work load demands.

When Class B employees of the City, except Firefighters and Police, are required to work on a paid holiday, they will be paid at their regular rate of pay for the holiday and for the hours worked.

Employees who are absent without authorization on their last working day before, or their first working day following a designated holiday, will not be paid for the holiday, unless they have prior approval by their department head. Under no circumstances will a holiday be paid if an undocumented sick day is taken on an employee's last working day before or their first working day following a designated holiday.

Other information regarding the City's holiday policy will be distributed in the form of a memo as the situation arises.

### **Holidays**

New Year's Day  
Martin Luther King's Birthday

Veteran's Day  
Thanksgiving Day

President's Day  
Memorial Day  
Independence Day  
Labor Day  
\*\*Personal / Floating Day

Day After Thanksgiving  
Christmas Eve  
Christmas Day  
New Years Eve

\*\*The Personal / Floating Day may be taken anytime with the Supervisors approval. The Personal / Floating Day is not included in the holiday hours for firefighters or in the holiday pay for dispatchers. All Class B employees will be paid for the Personal / Floating Day when taken. All holidays must be taken within the calendar year.

## **B. WORKERS' COMPENSATION**

All active employees at the City of Batesville on the City's payroll are covered by Workers' Compensation, as required by Arkansas State law. The reporting requirements and benefit levels are regulated by the State's Workers' Compensation Board. All Workers' Compensation claims will be handled in accordance with Workers' Compensation regulations. Workers' Compensation coverage for employees working through a temporary agency will be provided by the agency for which they work.

Workers' Compensation Insurance is paid for entirely by the City of Batesville, and provides benefits for employees who suffer illness or personal injury arising out of their employment with the City of Batesville. Coverage begins the first day of employment; there is no waiting period. Covered injuries and illnesses may be physical or mental, and specific or cumulative. To assure that the employee does not lose income for the day of the accident/illness, the City will pay the employee for the remaining part of the day or shift in which the accident/illness occurred if not covered by Workers' Compensation.

### **1. REPORTING REQUIREMENTS**

All accidents resulting in personal injury, no matter how minor, must be reported to the employee's Supervisor or crew leader without delay. The Supervisor or crew leader shall report the accident to the next higher level of management and the Safety Director, and it is the Safety Director's responsibility to see that the proper procedure is followed. If an employee has an injury requiring medical treatment, he/she must be sent to the appropriate City of Batesville doctor. If the designated doctor is not available, other medical services may be used. If an injury is potentially life threatening, the employee should be taken to the hospital emergency room.

The Safety Director should be notified concerning all injuries. If the injury or illness is serious, the Mayor must be notified immediately by telephone. If the illness/injury is not serious, the Mayor should be notified.

## **2. REQUIRED FORMS**

Once medical treatment has been provided, if needed, the Supervisor shall complete and "Accident or Illness Report" and forward it to the Personnel Manager within 24 hours of the occurrence. The Safety Director also has accident report forms that must be completed by the Supervisor or crew leader, and the employee. These are in addition to the Workers' Compensation report forms. The Safety Director will retain these forms in his/her office files.

### **a. Employee's Notice of Injury**

All employees working in Arkansas are required to report their on-the-job injuries, using a form prescribed or approved by the Workers' Compensation Commission, immediately after it occurs unless the employee is physically or mentally unable to do so. The employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's report of injury. If the employee is unable to complete the notice of injury form, the Supervisor will initiate the process.

### **b. Employer's First Report of Injury or illness/Employers' Supplemental Report**

The Personnel Manager and/or Safety Director must interview the injured employee to complete the "Employer's First Report of Injury or Illness" form. The Employee and Employer's notice must be sent to the insurance company within 10 working days of the accident/injury.

The employee is responsible for getting all medical bills related to the Workers' Compensation injury, and the physician's orders and progress reports to the Personnel Manager and/or Safety Director, who will send these items, along with an Employer's Supplemental Report, to the insurance company.

### **c. Physician's Release For Work Form**

The employee must submit a "Physician's Release for Work" form restricting him/her from regular duty if he/she is to miss additional scheduled work time after the day of injury. Any time the employee visits the physician after the first visit, he/she must submit all physician's orders and progress reports, in writing, to his/her Supervisor, who will make distribution to the Personnel Manager and Safety Director.

### **3. BENEFITS WHILE ON WORKERS' COMPENSATION**

The City of Batesville will continue to pay the employee's health insurance premiums for up to six months while he/she is off work with a Workers' Compensation disability. Under special circumstances, this period may be extended by the Mayor or City Council.

An employee will accrue vacation and sick leave the month their Workers' Compensation leave starts. The City cannot pay an employee for any hours paid by Workers' Compensation. If there is a period of time not compensated by Workers' Compensation benefits, the City may pay the employee for up to 24 hours wages. After the 24 hours, the employee may, at their option, use any available paid time to cover any loss of normal wages if compliant with the Workers' Compensation laws.

If an employee elects to use vacation or sick leave and is later compensated by workers' compensation, the employee's salary will be reduced during the next pay period equal to the amount of the vacation or sick leave used, and that time will be reinstated to the employee.

### **4. RETURN TO WORK**

Before the employee can return to work at either his/her normal position or restricted duty, the treating (or referred) physician must complete a "Physician's Release for Work" form, indicating the date the employee may return to work, and specify the duties that the employee may not perform. If an employee is off work 6 weeks or longer, a drug test will be required before returning to work.

If the physician allows the employee to return to work on light duty before fully recovered, he/she may be assigned light duty work if it is available. Pay for light duty will be at the employee's regular hourly rate for the actual hours worked.

## **C. INSURANCE**

City of Batesville provides medical insurance for all its full-time Class B employees.

When a Class A employee becomes a Class B employee, the Personnel Manager will review the benefit plans and have the employee sign the necessary paperwork. He/she then becomes eligible for insurance coverage.

## **D. FAMILY & MEDICAL LEAVE ACT OF 1993 (FMLA)**

### **1. Summary of the Family and Medical Leave Act (FMLA) of 1993**

FMLA makes available to eligible employees up to 12 weeks of leave in a 12-month period. Leave may be taken for the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care 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.

When an employee takes an FMLA leave, he/she must use his/her available vacation and sick leave (with pay) before starting the time off without pay. As an example, if an employee who has accumulated two weeks sick leave and two weeks vacation need to be off for eight weeks, he/she must use the combined four weeks of vacation and sick leave, then take four weeks FMLA leave without pay. The employee will then have four weeks FMLA leave he/she may take at another time during the year if needed.

## **2. EMPLOYEE ELIGIBILITY**

To be eligible for the FMLA benefits, an employee must have:

- worked at the City of Batesville for a total of at least 12 months and;
- worked at least 1,250 hours over the previous 12 months

## **3. CALCULATION OF 12-MONTH PERIOD**

The 12-month period is defined as the 12 months beginning with the first day of FMLA leave taken by the employee. As of that date, the employee is entitled to a total of twelve workweeks of FMLA leave for qualifying reasons, until the same date the following year.

## **4. LIMITATIONS ON LEAVE**

The entitlement to leave because of birth, adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement of the child. Any leave must be concluded within this one-year period.

If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent or reduced leave is subject to management approval.

## **5. INTERMITTENT OR REDUCED LEAVE**

An employee needing leave because of his or her own serious health condition or the serious health condition of a child or parent may, if medically necessary, take leave intermittently or on a reduced leave schedule that reduces the employee's usual number of hours per workweek or per workday.

Intermittent leave may include a leave of periods from an hour to several weeks. As an example, intermittent leave might be taken on an occasional basis for medical appointments, or taken several days at a time spread over a period of several months, for treatment such as for chemotherapy.

A reduced leave schedule is a leave that reduces an employee's usual number of working hours per workweek or hours per workday.

An employee who requests an intermittent or reduces schedule leave may be transferred temporarily to an alternative position which better accommodates recurring periods of leave than the employee's regular position.

## **6. SERIOUS HEALTH CONDITION**

"Serious health condition" means an illness, injury, impairment, physical or mental condition that involves:

- in-patient care;
- incapacity of more than three calendar days that involves continuing treatment;
- continuing treatment for chronic or long-term health condition that, if not treated, would likely result in a three day plus incapacity; or
- prenatal care.

## **7. BENEFITS WHILE ON FMLA**

### **a. Health Coverage**

The City of Batesville will continue to pay the City's portion amount for health insurance coverage for the employee and eligible dependents and the employee shall pay their portion of the insurance cost while the

employee is on FMLA leave. Any supplemental insurance being withheld through payroll deduction will be the responsibility of the employee.

#### **b. Holiday Pay**

An employee will not be entitled to holiday pay during an unpaid FMLA leave of absence nor will the employee accrue vacation or sick leave for any month in which they are not in pay status at least 15 days.

### **8. JOB RESTORATION**

Upon return from FMLA leave, most employees must be restored to their original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment.

#### **a. Re-employment Restrictions**

Under specified and limited circumstances where restoration of employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using FMLA leave, during which health coverage was maintained. In order to do so, the employer must:

- notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
- notify the employee as soon as the employer decides it will deny restoration, and explain the reasons for the decision;
- offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
- make a final determination as to whether reinstatement will be denied at the end of the leave period, if the employee requests restoration.

A "key" employee is a salaried "eligible" employee who is among the highest paid 10 percent of employees within 75 miles of the work site.

#### **b. Not Returning to Work**

If an employee does not return to work upon completion of an FMLA leave of absence, the City of Batesville may recover the cost of its payments to maintain the employee's health care coverage unless failure to return to work was beyond the employee's control. Once the employee notifies the City that he/she does not intend to return to work from FMLA leave, the



FMLA leave benefits cease and the regular exit interview procedure shall be conducted with the departing employee.

## **9. FALSIFICATION**

If an employee utilizes FMLA leave in any fraudulent or false way, he/she will be subject to discipline up to and including termination. If terminated, any benefit entitlements based on length of service will be calculated as of the last day worked prior to the FMLA leave.

## **10. NOTICE REQUIREMENT**

The employee must provide reasonable prior notice when requesting an FMLA leave of absence and make efforts to schedule leave so as not to disrupt the City's operations. When the necessity for leave is foreseeable, the employee must provide a 30-day notice of the leave. If the leave is foreseeable and the employee does not provide a 30-day notice, the leave may be delayed until 30 days after the notice is provided. For unforeseen circumstances, the employee should provide a one to two business day notification when possible. Taking leave may be denied if notification and medical certification requirements are not met.

## **11. REPORTING**

When the FMLA leave is granted for cases of serious illness (employee or family member), the employee may be required to advise his/her supervisor at two-week intervals of his/her leave status and intention to return to work.

## **12. MEDICAL CERTIFICATION**

### **a. Care of a Family Member**

For the care of a child, spouse, or parent with a serious health condition, the employee is required to provide medical certification within fifteen days of the leave notification to support the claim for leave. The certification must include an estimate of the amount of time the employee needs to be off to provide care. If the certification is not provided within fifteen days the leave may be suspended or delayed until a completed certification form is provided.

### **b. Employee Illness**

For the employee's own serious health condition, the employee is required to provide medical certification to support the claim for leave within fifteen days of the Leave Notification. The certification must include a statement that the employee is unable to perform the functions of his/her position and other information noted on the "FMLA Certification Form". If the

certification is not provided within fifteen days the leave may be suspended or delayed until a completed certification from is provided. A second medical opinion may be requested at the City's expense. If the first and second medical opinions differ, the City may pay for a third and final certification, which will be binding on all parties.

### **13. MEDICAL RE-CERTIFICATION**

When the FMLA leave is granted for cases or serious illness (for employee or family member), the employee may be required to obtain subsequent re-certifications of the serious health condition at 30-day intervals. Re-certification can be required more frequently if warranted by the situation.

### **14. RETURN TO WORK CERTIFICATION**

An employee who returns from FMLA leave which was taken for his/her own serious illness, must provide a "Physician's Release for Work" form from his/her health care provider certifying that he/she is able to perform his/her job duties. The employee will not be allowed to return to work until the certification is provided. The benefits provided by FMLA leave will be suspended until the certification is provided.

### **15. PROCEDURE**

#### **a. FMLA Notification & Certification**

An eligible employee who requests FMLA leave must complete the (1) FMLA Notification Form and the (2) FMLA Certification Form, if applicable, and provide these to his/her supervisor per the applicable time frames.

The supervisor should provide the employee a copy of this policy for guidance. If the supervisor has a question concerning the eligibility, validity or applicability of the FMLA request, he/she should immediately contact the Personnel Manager for assistance.

#### **b. Tracking/Recording FMLA Leave**

The City Clerk's office, with assistance from the Supervisor, is responsible for keeping track of all FMLA leave taken by employees to ensure that time taken does not exceed the twelve workweeks allowable.

### **E. CONTINUATION OF COVERAGE (COBRA)**

Eligible employees may have their health and dental plans extended or made available to a separated, divorced, or widowed spouse and dependents in

accordance with the following conditions, both of which require advance written notice to the City of Batesville.

- Any eligible employee who is terminated, (except for gross misconduct), or whose work hours have been reduced which eliminates their eligibility for health plan benefits, may apply for up to an 18-month extension of their health plan enrollment; or
- Upon the death or divorce of an eligible employee, the employee's current spouse may apply for up to a three-year extension of coverage under the City's plan. In the case of divorce, eligible employees are required to notify the City 60 days in advance so that the eligible spouse can be notified.

Where these allowances are made available to an employee or to a divorced or widowed spouse and/or dependents, the policy holder will be required to pay the entire premium amount, by the date established by the insurance company. The premium is normally due each month prior to the month of coverage. If the premium is not received by the due date, insurance will be canceled.

## **F. EDUCATION ASSISTANCE PROGRAM**

The City of Batesville is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the City for various positions, employees are responsible for ensuring that they possess sufficient training to perform their job.

The City of Batesville will pay the actual cost of training necessary including application and license fees necessary of its employees to receive a license, or upgrade a license that is required by law, regulation, or City policy for the performance of that employee's job. This training must be completed in accordance with the standards of the authority issuing the license.

In the event that employees believe additional training is needed, they should notify their supervisor. Expenses incurred from on-the-job training may be assumed by the City in accordance to the travel and training reimbursement policy if approved by the supervisor and the Mayor. No overtime will be paid for training hours.

## **G. TRAVEL AND TRAINING REIMBURSEMENT**

All out of town training for the City of Batesville must be approved in advance by the Department, Mayor or City Council. All out of state travel must be approved in advance by the Mayor. Allowable reimbursements shall be computed according to the following guidelines:

## **1. Transportation**

### **a. Airlines, Bus, Etc.**

The City will provide for coach class, unless coach class is not available. Under normal circumstances, the vender (airline travel agent, etc.) will be paid directly.

### **b. Private Vehicle**

Reimbursement for use of a private vehicle is allowable on a per mile basis at the current rate allowed by IRS guidelines. Trip distance shall be computed on map mileage (allowances will be considered, if documentation proves valid). When two or more employees travel in the same vehicle, only one will be reimbursed.

Employees will not be reimbursed mileage if gasoline is charged to the City.

Employees will not be reimbursed for any fines for traffic violations, parking tickets, or the cost of repairs, breakdowns or accidents.

The employee is responsible for providing his/her own liability insurance coverage as well as any other costs associated with operating his/her own vehicle.

### **c. By City Vehicle**

When a City vehicle is used, the employee will be reimbursed for the actual cost of gas, oil, etc. Original receipts must be provided, and submitted with appropriate forms.

Employees will not be reimbursed for any fines or traffic violations, parking tickets, etc.

The City has liability insurance coverage on city vehicles being driven on official business. However, this does not cover accidents which occur while not on official business. The employee is responsible for his/her own liability insurance coverage in this situation.

### **d. Taxi cabs**

Taxi fare is reimbursable, with original receipts at actual costs, only to and from the airport traveled to and your destination traveled to, unless no mode of transportation is provided to specific official functions. All taxicab receipts must be submitted with appropriate form.

## **e. Rental Vehicles**

Employees who intend to rent vehicles for official City travel must secure prior written approval from their department head. Written justification for renting vehicles, as well as cost estimates for doing so, must accompany all pre-trip requests. Actual costs of mid-sized vehicles rented from recognized car rental agencies (Avis, hertz, National, Budget, Dollar, etc.) are reimbursable, with original receipts.

## **2. Food**

A \$60.00 per diem maximum allowance for food in-state shall be reimbursed for overnight trips. A \$100.00 per diem maximum allowance for food out-of-state shall be reimbursed for overnight trips. For day trips, \$30.00 will be reimbursed for in-state and \$50.00 for out-of-state. An itemized, original receipt must be submitted with the appropriate form for all meal reimbursements. The City shall not reimburse the cost of alcoholic beverages. The City will reimburse up to 15% for gratuity.

## **3. Lodging**

Actual costs for lodging expenses are reimbursable with original receipts, or billed directly. The City will not reimburse for movies or other forms of entertainment.

## **4. Parking**

Expenses incurred for parking are reimbursable, with original receipts. Any airport parking shall be reimbursed at the long-term parking rate.

## **5. Telephone Calls**

Personal long distance telephone calls are not reimbursable. Itemized room phone calls for official city business will be reimbursed or paid directly.

## **6. Miscellaneous**

Where not otherwise paid from line-item accounts where designated for employee training or education, items such as tuition, conference registration fees and parking are reimbursable at actual costs. Original receipts for all

miscellaneous expenses (manuals, tapes, publications, etc.) must be submitted with the actual cost travel form.

## 7. Abuse

THE TRAVELER WILL BE HELD DIRECTLY RESPONSIBLE FOR ANY CHARGES IN CONFLICT WITH THE PROVISIONS SET OUT ABOVE.

Copies of all travel reimbursements made to employees will be submitted to the city council for review.

## H. CITY OWNED VEHICLE USE

The use of City-owned vehicles for private use or gain is prohibited. **Passengers should not be riding in a city vehicle unless they are in the scope of employment for the City. The only exception to this rule would be they are in the care control and custody of the City.** The employees of Batesville must clearly understand that abuse of City-owned vehicles could be grounds for serious disciplinary action, including and up to termination.

If you are assigned or use a City-owned vehicle you must observe the following:

- No travel is authorized outside the city limits of Batesville other than official city business.
- Smoking is prohibited in any City-owned vehicle. Arkansas Act 8 of 2006, The Clean Indoor Air Act, prohibits smoking at any time in any public vehicle.
- No city-owned vehicle shall be used for personal use of any sort.
- All city-owned vehicles, except the Mayor's vehicle, are to have permanent signs or decals affixed to doors or suitable locations.
- During vacations, illnesses, or any other prolonged absence from work or office, all city-owned vehicles are to be placed under control of the appropriate City office.
- A City vehicle assigned to supervisors or employees, who are subject to calls during off-duty hours, may drive them to and from work after receiving written approval from the City Council. All non-emergency vehicles that are driven home will be charged at the standard IRS rate.
- Any employee driving a City-owned vehicle must have a valid Arkansas driver's license on file in the City Clerk's office.

- Any employee driving a City-owned vehicle must wear their seat belt as required by Arkansas State Law.
- Exceptions to any of the above may be made by the City Council upon their discretion.

## **I. PENSION PLAN**

The City of Batesville provides a pension plan for its employees with the Arkansas Public Employees Retirement System, which is equal to a variable percentage as determined by the State of Arkansas of the employee's before-taxes salary. As of July 1, 2005, all eligible employees are required to contribute 5%, tax deferred, into the pension plan. Batesville Firefighters are enrolled in the Firemen's Pension and Relief Fund, a single-employer defined benefit pension plan administered by the City or the Local Police and Fire Retirement System (LOPFI), a statewide agent multiplier-employer retirement program, which ever is applicable. The City Clerk will provide a booklet to eligible employees.

## **A. CODE OF CONDUCT**

Employees of the City of Batesville are expected to conduct themselves according to the highest standards of business ethics and with the best interests of the City in mind. Listed below are specific policies to which everyone at the City is expected to strictly adhere. This list is not intended to be all-inclusive. If an employee has doubt about what is considered unethical or inappropriate behavior, he/she should discuss the issue with his/her Supervisor.

### **1. OUTSIDE ACTIVITIES**

- The City of Batesville recognizes that an employee's personal activities outside working hours are a private matter. Our primary concern is to avoid a conflict of interest and the possible negative affect outside activities may have on your job performance.
- Your job with the City is your primary occupation. Any other job is secondary to the requirements of your job with the City. Mandatory and emergency overtime are requirements of your job with the City of Batesville.

### **2. FINANCIAL INTEREST**

- No employee of the City of Batesville shall be interested directly or indirectly in the profits of any contract for the furnishing of supplies or services to the City unless the City Council shall have enacted a resolution specifically permitting an employee to conduct business with the City and prescribing the extent of this authority.
- The prohibition prescribed above shall not apply to contracts for the furnishing of supplies, equipment, or services to be performed for the City by a corporation in which no employee holds any executive or managerial position or by any corporation in which a controlling interest is held by persons not employees of the City.
- No employee who has enforcement authority over any user of the City of Batesville shall contract to supply goods or services to any user over whom that employee has enforcement authority.



- Providing services or receiving any compensation as a director, manager or consultant to any outside concern that does business with the City of Batesville requires the City Council's consent.
- No employee shall solicit, directly or indirectly, business from any business entity with which the City does or may do business on behalf of himself/herself or a family member.

### **3. GIFTS AND GRATUITIES**

- Gifts or cash, samples or anything of value (vacations, service, loans, fees, gratuities, etc.) shall never be accepted from anyone doing or seeking to do business with the City of Batesville.
- All unsolicited gifts should be returned or not accepted. The only exception to this policy is that gifts of nominal value (\$50.00 or less) that are widely distributed to many people within the City may be accepted.
- Invitations from vendors for lunch or dinner may be accepted, provided the entertaining remains nominal and casual, and that the meal is connected to a business purpose.
- Invitations from vendors for purely social events shall be declined because of the potential for lessening one's objectivity. An occasional acceptance, when in a group atmosphere where the vendor is present, may be appropriate.
- Employees should consult with their Supervisor when uncertain about the acceptability of any gifts or gratuities.

### **4. BIAS AND DISCRIMINATION**

- Employees may not exclude or deny services or benefits to any person or other City of Batesville employee on the grounds of race, color, creed or national origin, nor grant any discriminatory consideration or advantage.
- Employees shall conduct their professional business in such a way that does not expose the customer to unnecessary embarrassment or disparagement.
- Employees may not discriminate unfairly by dispensing special favors or privileges to anyone, or accepting favors or benefits under any circumstances that might be construed as an influence on the performance of their duties.

The City of Batesville believes in these fundamental elements of professional conduct. We fully expect all employees to give complete commitment and support to these standards. While this document does contain many specific policies, every possibility and eventuality can never be anticipated. We expect each employee's good judgment, integrity, candor and good example will be used to implement these basic principles. Violations of this Code of Conduct will result in corrective or disciplinary actions appropriate to the offense.

## **B. DISCIPLINARY POLICY**

When an employee of the City of Batesville violates a City of Batesville policy or procedure an investigation will be conducted and action appropriate to the violation will be taken. The supervisor has discretion to counsel the employee for an infraction without initiating formal disciplinary action. A verbal warning, documented by the Supervisor is the least degree of the formal disciplinary action. A written warning, suspension, demotion and termination are the progressively more severe actions which may be taken.

Depending upon the nature and circumstance of an incident, discipline may be of a progressive order of severity and will bear a reasonable relationship to the violation. Careful consideration will be given to the seriousness of the violation, the circumstances surrounding the case, and the employee's performance and discipline record. However, this does not preclude suspending or terminating an employee immediately.

The types of disciplinary action that may occur, in order of increasing formality and seriousness, are:

**Step 1 - Verbal Warning** - An informal discussion between the Supervisor and employee to discuss the employee's unacceptable behavior. All verbal warning will be documented in the employee's personnel file.

**Step 2 - Written Warning** - A written warning is used to convey to the employee the seriousness of the offense or performance issue, and to clearly point out that repetition of the problem may result in further disciplinary action.

**Step 3 - Three-day Suspension Without Pay** - A disciplinary suspension of up to three work days in the third step, and is used as a consequence of a repeated offense.

**Step 4 - Discharge** - When an employee's conduct is so serious, or when he/she has had an opportunity to correct inappropriate behavior and has not done so, he/she will be separated from the City of Batesville. Discharge may also be used as the first disciplinary step when the employee's conduct violates one of the

most serious policies, jeopardizes the health or safety of others, or deliberately damages property.

When formal disciplinary action is taken, the employee will receive, in writing, a record detailing the unacceptable behavior and the action taken. The Supervisor and employee will both sign the report. If the employee refuses to sign, the Supervisor will make a notation on the form. All documentation concerning the circumstances of any disciplinary action will go in the employee's official personnel file maintained by the City Clerk.

If an employee is terminated, management personnel should not discuss the reason(s) for the dismissal with other management or employees except on a "need to know" basis.

An employee may appeal an adverse disciplinary decision by the procedure set forth in Dispute Resolution Process.

## **C. DISPUTE RESOLUTION PROCESS**

### **1. APPEAL FROM DISCIPLINARY ACTION**

If an employee believes a disciplinary action is unjust, he/she may ask to initiate the dispute resolution procedure. The City of Batesville wants to resolve these disputes as promptly and justly as possible, in an objective and confidential manner, free from any concern over reprisal or recrimination. The City has established the following dispute resolution procedure.

**Step 1** - Employees should follow the chain of command to the next level to use the dispute resolution procedure by providing a written description of the issue, the nature of their concern, and what they feel is an appropriate remedy. Most problems can be resolved by an open and cooperative discussion between employees and their immediate supervisor. If a satisfactory solution cannot be reached, or if the nature of the problem is not within the supervisor's authority, the employee should proceed to Step 2.

**Step 2** - The employee shall notify the Mayor that he/she wants to take the issue to the Batesville City Council at the next scheduled meeting. After carefully reviewing the facts, the Council will render a decision and rationale within 20 working days or as soon as reasonably possible. The decision of the Council is final.

### **2. DISPUTE RESOLUTION BETWEEN EMPLOYEES**

If friction or problems arise between employees, they shall first attempt to settle the matter among themselves. If they can't reach a satisfactory resolution, either or both employees may lodge a written complaint with the Supervisor. The Supervisor will interview the involved employees, conduct an investigation, and

take appropriate action to help the employees resolve their problem. Unresolved employee disputes will be referred to the Mayor for resolution. If it becomes necessary to transfer an employee because of a conflict or dispute, the Mayor reserves the right to transfer either or both employees.

#### **D. SUMMARY OF UNACCEPTABLE BEHAVIOR**

To ensure that the City of Batesville continues to maintain a safe and pleasant working environment, a specific standard of conduct is expected and required of all employees. The proceeding work rules covers a broad range of activities which violate the City's policies of behavior and for which it will take disciplinary action, up to and including immediate discharge.

Because conditions of human conduct are unpredictable, this list is not intended to be all-inclusive. The City management retains the prerogative to initiate disciplinary measures should instances of unacceptable or inappropriate conduct occur which are not listed below. This disciplinary action will range from verbal correction to termination, depending on the nature and seriousness of the offense.

#### **1. PROHIBITED PRACTICES**

Employees who engage in any of the following activities, which are prohibited practices, may be subject to immediate discharge.

- Consuming intoxicants on the premises, or reporting to work under the influence of alcohol is prohibited. If an employee has alcohol in their vehicle upon arrival at the City of Batesville property, it must not be removed from the employee's vehicle.
- Reporting to work under the influence of a controlled substance, bringing a controlled substance to the workplace, or consuming a controlled substance (other than those prescribed by a physician) on the premises is prohibited.
- Employees are strictly prohibited from possessing firearms, explosives or weapons on City property, in City vehicles, or personal vehicles on City property unless required in the employee's job description.
- Employees are strictly prohibited from disclosing customer list and personnel information.
- Employees are strictly prohibited from removing any City property/records from the premises without proper authorization.

- There cannot be any willful destruction or damage to any property of the City of Batesville or of any other employee.
- Employees are strictly forbidden to falsify, alter, destroy or remove City of Batesville reports or records, or to assist others in doing so.
- Employees are strictly forbidden to falsify records to obtain employment, disability benefits or other insurance.
- Employees are strictly prohibited from altering their time cards or the time cards of another employee, or having their time card altered by another employee.

## **2. BREACH OF CONFIDENTIALITY**

The City of Batesville will comply with all State and Federal regulations regarding Freedom of Information. All Freedom of Information request will be referred to the City Clerk. No employee will disclose information from official records without the authorization of the City Clerk.

## **3. MISUSE OF CITY OF BATESVILLE PROPERTY OR RESOURCES**

Employees are expected to respect City property and resources. Misuse, such as the following behaviors, may be subject to disciplinary action:

- Using, duplication, or possessing keys without authorization
- Theft, pilferage, unauthorized removal or its conversion to personal use of City property and/or merchandise
- Theft, pilferage, unauthorized removal of another employee's property from the premises
- Transacting personal business for monetary gain during working hours including, but not limited to, excessive use of City telephone, photocopying machine, postage meter or City stationery
- Carrying on excessive outside activities during working time or during any time that would interfere with the work of other employees

## **4. DISORDERLY CONDUCT**

The following is a partial listing of behavior the City of Batesville considers disorderly and subject to the appropriate disciplinary action:

- Conviction of a crime, including convictions based on plea of nolo contendere, the nature of which reflects the possibility of serious consequences related to the assignment of the employee
- Fighting or roughhousing on City property, including any and all activities that are perceived as dangerous to life or property
- Rude or insolent conduct toward a customer, supervisor or other employee
- Engaging in any actions that are deemed detrimental to the orderly conduct of business
- Horseplay
- Threatening, intimidating, coercing, harassing or assaulting any person

## **5. DISCRIMINATION OR HARASSMENT**

The City of Batesville will not tolerate any form of discrimination or harassment including, but not limited to:

- Deliberately or willfully violating the City of Batesville Equal Employment Opportunity Program
- Failing to comply with the City of Batesville Sexual Harassment Policy
- Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex, age, religious beliefs, disability or political affiliations

## **6. UNSAFE BEHAVIOR**

Engaging in actions that may potentially result in injury to individuals or damage to City and/or employee property is forbidden and subject to disciplinary action. This includes, but is not limited to, the following activities:

- Careless, negligent or improper use of City property, equipment or funds, including unauthorized removal for use of private purposes, or use involving damage or unreasonable risk of damage to property
- Failure to report any driver's license status change to the Supervisor before being allowed to operate a City vehicle
- Disregard or violation of safety, fire, or security regulations; or failure to report accidents or unsafe conditions to the Supervisor in charge

- Failing to maintain a clean and safe workplace including littering, or contributing to unsafe working conditions on City premises

## **7. IMPROPER BEHAVIOR**

The following is a list of work rules which the employee is expected to comply. Failure to do so will be cause for disciplinary action:

- Performing overtime work without authorization
- Failing to properly record customer transactions and/or mishandling of cash
- Falsifying City records, furnishing false information, withholding any information on City records pursuant to any investigation by the City of Batesville or any government agency
- Failure to carry out a direct order from a Supervisor except when the safety of the employee or others may be jeopardized by the order
- Stopping work before the shift is completed
- Sleeping on duty or giving the appearance of sleeping
- Making an oral or written statement that defames, ridicules or otherwise discredits the City of Batesville, its image, its practices or its people

## **8. UNETHICAL CONDUCT**

The following activities are considered unethical behavior and subjects the employee to disciplinary action:

- Providing false or misleading information on employment applications, time records, customer receipts and any other City records or reports
- Exhibiting any behavior that is unethical or dishonest in relation to your employment at the City of Batesville

## **E. HARASSMENT/SEXUAL HARASSMENT**

This policy is to provide guidelines to help employees and management identify harassment situations, enable employees and management to implement the proper actions to discourage harassment situations, and state the procedures to follow when harassment is alleged.

Harassment is defined as any annoying act or persistent actions that single out an employee, to that employee's objection or detriment, because of, but not limited to race, sex, religion, national origin, age, disability, or other personal characteristics. Harassment is generally a patten of behavior that interferes with an individual's work performance, or creates a hostile, offensive, or intimidating work environment. This also includes sexual harassment.

Management is responsible for setting the example and providing the direction to discourage harassment. Each employee is responsible for conducting himself/herself in a business-like and professional manner to discourage any harassing activity and to report any suspected harassment.

Management is responsible for assisting supervisory personnel in maintaining the guidelines stated in this policy and in managing investigations resulting from any alleged violations of these guidelines. This includes maintenance and interpretation of this policy.

**Harassment** - encompasses a broad range of physical or verbal behavior which can include, but is not limited to, the following:

- Physical or verbal
- Racial insults and/or slurs
- Ethnic jokes
- Taunting that is intended to provoke an employee
- Negative stereotypes
- Intimidation
- Hostile acts
- Denigrating or hostile written or graphic material that is posted or circulated in the workplace

**Sexual Harassment** - is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Sexual harassment in any form is unacceptable behavior and, if proven, may result in immediate dismissal. This form of harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to, the following:

- Unwelcome and unsolicited sexual advances
- Sexual insults, jokes and slurs



- Requests for sexual favors used as an explicit or implicit condition of employment or affecting any personnel decision; e.g., hiring, promotion, and/or compensation.

**Prohibitions** - The City of Batesville prohibits any form of harassment by employees, co-workers, and supervision/management, and views such actions in the most serious manner. It also prohibits acts of harassment by non-employees which can include, but is not limited to, customers, vendors, contractors, agents, etc. that have the effect of harassing City employees in the workplace, especially when the City is either implicitly or explicitly aware of abuse circumstances or situations. Harassment activities used to persuade or manipulate an individual with respect to employment or any condition of employment career development, or that interferes with an employee's work performance are specifically prohibited.

**The City of Batesville and Personal Liability** - An employee can be held individually liable as a harasser, and is subject to the same penalties provided in the Title VII of the Civil Rights Act as the City of Batesville. In all such cases, it is both the City of Batesville's and the individual's responsibility to take immediate and appropriate action to correct the situation.

**No Retaliation** - The City of Batesville will not tolerate either harassment of, or any form of retaliation against, an employee who has instigated or cooperated in an investigation of alleged harassment.

**Reporting and Investigation of Harassment of Suspected Harassment** - It is each employee's responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following procedures should be followed:

- Any employee should immediately report harassment or suspected harassment to his/her Supervisor, or to the Mayor. If the harassment involves a Supervisor, the employee should report it to the next higher level of management or to the Mayor. If the harassment involves the person to whom the employee is to report, the employee should report it to any member of the City Council.
- If harassment is reported or suspected, the employees may be separated temporarily until an investigation determines the validity of the concern.
- Any Supervisor who receives a report of or has knowledge of harassment should immediately inform the Mayor and a determination of the facts will be made on a case-by-case basis. The City Clerk will maintain documentation.

- If the investigation of the harassment allegation finds acts of harassment, immediate corrective action will be taken.
- If the investigation of the harassment allegation does not find acts of harassment, the involved parties will be notified.

**Disciplinary Action** - Disciplinary action will be taken accordingly, up to and including discharge, when an investigation warrants.

## **F. ALCOHOL AND DRUGS**

The City of Batesville is committed to providing a drug-free work place, which emphasizes our belief that safety and health is essential to the well-being of our employees. Drug or alcohol abuse poses a serious risk, not only to the individual but to other employees and our citizens as well. It is the policy of the City that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while on duty or on City property by its employees is prohibited. Employees will not keep non-prescription controlled substances on City property at any time.

Substance abuse by an employee, identified as a result of random or requested testing, is grounds for immediate termination. Refusal to take a drug test may also be cause for termination.

All City employees are required to take and pass a pre-employment drug test, and will be subject to random drug and alcohol testing thereafter. Other times they will be tested for drugs or alcohol include: post-accident, reasonable suspicion, return to duty, and follow-up under DOT guidelines.

If an employee is involved in a vehicular accident in which post-accident testing is required, all DOT guidelines will be followed.

Employees with alcohol and/or drug problems are encouraged to seek professional assistance.

## **G. SMOKING**

The City of Batesville is committed to providing a healthy, comfortable and productive work environment for its employees. Growing scientific evidence suggests that not only is cigarette smoking harmful to the health of smokers, but is also detrimental to the health of non-smokers.

Pursuant to Batesville City Ordinance No. 2015-04-02, smoking, use of smokeless tobacco products, and use of electronic smoking devices shall be prohibit in all places owned by the City of Batesville, including but not limited to, the following places: Parks; Sports venues, including fields and arenas;

cemeteries; convention facilities; trails; city-owned buildings; and city owned vehicles. Use of smokeless tobacco products, use of electronic smoking devices, and smoking or carrying lighted cigarettes, pipes and cigars shall be prohibited within a reasonable distance of 25 feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking or the use of e-cigarettes is prohibited. Smoking, use of smokeless tobacco products, and use of electronic smoking devices shall be allowed in outdoor designated smoking areas.

The City does not attempt to ban smoking entirely. Rather, we hope to promote an awareness of the concerns of non-smokers, asking smokers to be responsible to the needs of those who find close proximity to smoke objectionable. If disputes arise and cannot be resolved, the rights of the non-smoker shall be given precedence.

## **1. NO-SMOKING AREAS**

Pursuant to Act 8 of 2006, The Clean Indoor Air Act, smoking is strictly prohibited inside any City-owned building or City-owned vehicle.

## **2. SMOKING AREAS**

Smoking outside the building is permitted if the smokers are not in the immediate doorway that others have to pass through to enter the building.

## **H. VISITORS IN RESTRICTED AREAS**

Because of the potentially dangerous work performed in many of our work areas, non-employees in these areas may be at risk for injury. It is, therefore, each employee's responsibility to ensure the safety of any authorized visitors (family, friends, and business contacts) by keeping them out of our hazardous work areas. The City will not be responsible for injuries to visitors.

## **I. PERSONAL APPEARANCE**

The City of Batesville believes it is important to establish and maintain a proper business atmosphere in its offices. This is partially accomplished by the image its employee's project, as well as their business conduct. The employees should dress in a manner consistent with the nature of the work being done. In addition, all employees are expected to practice good grooming and personal hygiene habits.

Any employee who violates this policy may be sent home to take care of the situation and the time a way from work will be without pay.

If there are questions about what is acceptable and/or unacceptable, the employee should consult with their Supervisor. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees who are issued uniforms are expected to wear them while at work. This helps the public identify them as City of Batesville employees when working near their homes or businesses.

## **J. CONDUCT TOWARDS THE PUBLIC**

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

In dealing with the public, employees 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.

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

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

## **K. CUSTOMER RELATIONS**

City of Batesville employees must always remember that all the residents of our service area are our customers, and must be treated in a courteous, helpful manner.

- When a customer comes into the office to pay a bill or request service, the customer must be waited on immediately and a welcoming smile and greeting should always be extended. Greet each customer by name when known. Casual conversation while waiting on the customer promotes a feeling of caring and friendliness, and is encouraged. Thank the customer at the end of every transaction.
- Help customers complete their business as quickly as possible, but do not give the appearance of rushing them.

- Never ignore a customer while carrying on a conversation with another City employee. If the topic under discussion is urgent, acknowledge the customer and tell him/her that you will be with them shortly.
- Do not neglect a customer to carry on a personal telephone conversation. If the call is a non-emergency personal call, take a number and call back. If it is an emergency or business call that you need to complete, advise the customer that you are on a business call and will be right with them. Then complete the call as quickly as possible.
- Be knowledgeable about the services the City has to offer customers. Answer customers' questions as completely as you can, or direct them to the person who can assist them.
- If dealing with an unhappy customer's complaint, remain calm and deal with the problem if you can. Do not get defensive. If the customer becomes disruptive, call a Supervisor.

## **L. TELEPHONE USE**

The telephone system is for the use of our citizens and other business needs. The City recognizes that its employees must occasionally make or receive personal calls; however, use of telephones for personal calls should be limited.

There are no "free" long distance calls. Personal long distance calls should not be made at the City's expense. If an employee must make an emergency long-distance call, it should be charged to his/her home number or calling card. An employee making an unauthorized call may be subject to disciplinary action and shall pay for the call.

All Supervisors must have a published telephone in their homes so they can be contacted in case of an emergency. The City furnishes pagers to on-call employees which allows them to leave their homes but still be reached quickly if needed.

## **M. LOCKERS**

The City of Batesville Water Utilities provides lockers for all full-time employees who do not work in the Main Office. The employees may furnish a lock if desired. If an employee is terminated by the City or leaves at his/her own discretion, he/she shall remove all his/her personal belongings from the locker and take the lock. If the locker is left locked, the City may unlock it and remove the contents after one week.

## **N. BULLETIN BOARDS**

Bulletin boards are located at each site, and are used to display current copies of all required legal notices, job postings and any other information the City may want to share with employees in this manner. Employees should never remove or cover up any legal notices.

Employees may also post personal notices on the bulletin boards if they are in good taste. The person who posted the notice is responsible for removing it. Notices announcing special events must be removed after the event. Other personal notices should be removed after 30 days.

## **O. CELL PHONE POLICY**

Cell phones issued to City employees are for the use of City business needs. The City recognizes that its employees must occasionally make or receive personal calls; however, the use of cell phones for personal calls should be limited.

If the personal use of a cell phone by a City employee causes the City's cell phone plan to go over in minute usage or has any roaming or long distance charges from personal usage, the employee shall reimburse the City for any charges associated with such usage.

A violation of the provisions of this policy may result in disciplinary action up to and including termination.

## **P. ELECTRONIC TECHNOLOGY POLICY**

Producing, exchanging and retrieving information electronically by taking advantage of computer technology present valuable opportunities for the City of Batesville. While employees are encouraged to use this technology, its use carries important responsibilities.

Computers, computer systems and electronic media equipment (including computer accounts, voice mail, laptop computers, printers, fax, networks, software, electronic mail (E-mail), Internet and World Wide Web access connections) at the City of Batesville are provided for business related use by the City employees. It is the responsibility of the employees to see that these information systems are used in an efficient, ethical and lawful manner.

The use of information systems is a privilege extended by the City of Batesville and may be withdrawn at any time. An employee's use of computer systems may be suspended immediately upon the discovery of a possible violation of these policies. A violation of the provisions of this policy may result in disciplinary action up to and including termination.

The following policies relate to the responsible use of computers, computer services and electronic media resources at the City of Batesville.

1. These resources are the property of the City of Batesville, are to be used solely for business purposes; and may be searched /reviewed by management at any time.
2. Fraudulent, harassing, threatening, discriminatory, sexually explicit or obscene messages and/or materials are not to be transmitted, printed, requested or stored. "Chain" letters, solicitations and other forms of mass mailing are not permitted.
3. The City of Batesville provides an electronic mail (e-mail) system and network connections for internal and external business communication and data exchange purposes. Although employee passwords are required for access, these systems cannot guarantee confidentiality. In fact, use and access may be monitored and tracked by management at any time. Even though files, data, or messages may appear to be "deleted" procedures by the company to guard against data loss may preserve material for extended periods of time.
4. Employees are responsible for protecting their own passwords. Sharing user ID's, passwords and account access codes or numbers is prohibited. Employees may be held responsible for misuse that occurs through such unauthorized access.
5. Introducing or using software designed to destroy or corrupt the company's computer system with viruses or cause other harmful effects is prohibited. All software must be purchased by the City of Batesville.

## **A. INTRODUCTION**

Recent studies suggest that one out of every four employees have been attacked, threatened, or harassed at work in the last year. Most workplace violence is directed toward a person, usually a fellow employee, supervisor, or customer. However, violence may also be directed toward the facility itself in the form of vandalism or arson.

With the incidents of violence in the workplace steadily rising, the City has adopted a policy of zero tolerance to make the workplace as safe as possible for our employees and for the public we serve. This means that all threats will be taken seriously, and will be dealt with according to our disciplinary policy.

## **B. WORKPLACE VIOLENCE DEFINED**

"Workplace violence," as used in this policy, is defined as an act or behavior that has one or more of the following attributes:

- Is physically assaulting
- Would be perceived as obsessively directed; e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats to persons or property
- Consists of a threat to harm or in any way endanger the safety of another individual
- Is a behavior or action that a reasonable person would perceive as menacing
- May involve carrying or displaying weapons, destroying property, or throwing objects in a threatening manner
- Communicates a perceived threat to destroy property

## **1. TYPES OF VIOLENCE**

Workplace violence is generally thought to involve a weapon. However, there are a number of types of violence. Examples including: fistfights, striking a supervisor, sexual harassment, and customers attacking employees. Workplace



violence may be brought on by personality conflicts with fellow employees, problems caused by an employee's home situation, mental disorders, depression, and a number of other circumstances.

## **2. TRIGGERS OF WORKPLACE VIOLENCE**

There are a number of factors that can trigger a person to commit an act of violence. Some of the most common ones are:

- Denial of a promotion or pay raise
- Financial problems
- Marital conflict
- Jilted co-worker relationship
- An unstable economy
- Widespread job layoffs
- A rigid, authoritarian style of management
- Insensitive terminations
- Pressure for increased productivity
- Psychological instability
- Lack of individual responsibility

## **C. HANDLING A CRISIS**

### **1. EMPLOYEE'S RESPONSIBILITIES**

An employee's first responsibility is to refrain from committing acts of violence. The employee is also responsible for seeking assistance to resolve work-related or personal problems that might lead to acts of violence in the workplace.

Employees should take seriously any threats made directly to them or that they might overhear. Don't ever assume that, just because you know the person making the threat, you can ignore it. Experts say that violence is the result of unbearable stress, and everyone is capable of violence under the right conditions.

Employees are responsible for reporting all threats or acts of violence to their supervisor as soon as possible. They should provide the following information: by whom and to whom the threat was made or act was committed, when and where it was made, what was said or action taken, and others who might have witnessed it. Any verbal threat or actual act of violence should also be documented by the employee and given to the Supervisor.

The most important thing for an employee to remember is, if faced with a citizen or employee with a weapon, don't resist. If he/she wants your money, give to him/her.

If you are threatened by a person without a weapon, try to talk the person into calming down and ask what you can do to help. Make sure he/she knows you understand the problem by re-stating it. Focus on behavior and not the person. Don't hesitate to call for help when you feel it is necessary.

If you have been the victim of an attack or have witnessed an attack, report it at once to your Supervisor. If the Supervisor is not immediately available, you should:

- Call 911 immediately
- Carefully and accurately describe the act and the attacker.
- Do not change anything at the scene where the violence occurred.
- Do not clean up, reset furniture, or touch any object handled by the attacker
- In the event of rape, do not wash yourself or change clothes until a doctor has completed an exam

## **2. SUPERVISOR'S RESPONSIBILITIES**

If a threat or act of violence is reported to the Supervisor, he/she is responsible for evaluating the situation and taking appropriate action to protect the employees and/or citizens from further violence.

If an incident involved emergency and/or criminal activity, the Supervisor shall refer it to the Batesville Police Department for investigation. If the incident is not considered an emergency and no criminal activity is involved, an investigation, if needed, will be handled by the Mayor and/or the employee's Supervisor.

If an employee is the perpetrator of the violence, the Supervisor may suspend the employee immediately, pending an investigation, depending on the seriousness of the incident. Because of the potential liability and legal

implications, the Mayor may choose to consult with legal council, either before or after conducting an investigation.

The Supervisor shall take the appropriate action, based on the disciplinary policy, after the investigation is concluded. The Supervisor must document all threats and violent acts and make sure they follow the disciplinary policy.

#### **D. MANAGING EMPLOYMENT TERMINATIONS**

Terminating employment has the potential to lead to violence. Employers should handle employee dismissal situations in a manner that does not create undue animosity or damage to the employee's self-esteem that may provoke violence.

Also consider precautions such as scheduling the termination on a Friday afternoon in an office near an exit. Discourage the discharged employee from returning to his or her desk or work place after the termination meeting (or provide an escort). The decision on whether to have security personnel escort a discharged employee from the premises depends on the circumstances. However, if there is any concern that the employee may become violent, security should be notified and available. If security is used, they should treat the employee with as much dignity and concern as the situation warrants.

#### **E. SAFETY TIPS**

Employees may be at increased risk of violence from a person outside the City if:

- They work alone or in small numbers
- Their work involves exchanging money with the public
- They work late at night or early in the morning
- They work in a high crime area
- They work with the public

The following tips can help protect an employee from external violence:

- Don't open the door to a stranger before or after regular business hours
- When you work early or late, let someone know so they can check on you
- When practical, walk to and from your car with another person, especially if working after hours
- Keep purses and other valuables out of site in your office or car

- Always keep your car doors locked
- Be aware of any 'strange' citizens in case a crises occurs later

Citizens may become violent if:

- They aren't satisfied with their service
- They have to wait longer than they think they should
- Mistakes are made
- Promises aren't kept

To deal with these citizens you should:

- Try to control your emotions
- Apologize for inconveniences to the citizens
- Empathize and sympathize with the citizens
- Ignore sarcastic remarks and personal attacks
- Don't argue with the customer
- Explain the things you can do to help
- Don't accuse the citizens
- Call for help when necessary