

# The City of Texarkana Arkansas Personnel Policy



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# Strategic Priorities for the City of Texarkana, Arkansas

1. Be ethical in all we do in city government.
2. Commitment to an economically, stronger, safer and financially healthier community that inspires people.
3. Promote citizen involvement and assure the community that no complaints will fall on deaf ears.
4. Require city workforce to pursue excellence at all levels adding value for citizens.
5. Promote neighborhood revitalization, cleanup, code enforcement, and crime control to stimulate community pride one block at a time.
6. Be proactive and competitive in pursuing economic growth and development in the TIF district.
7. Focus on the 'seven planning goals' for achieving economic growth and development.
8. Invest in infrastructure repairs and improvements to stimulate private investment in the community.
9. Promote and foster regional partnerships with all public sector agencies to create a growing Texarkana, Arkansas, that will improve the quality of life for our citizens.
10. Promote park improvements and develop programs for the youth and elderly.



**Mission of the City** (Broad Philosophy)

"The Mission of the City of Texarkana, Arkansas Board of Directors and City Staff is to work together to create and implement strategies necessary to turn the City's Core Values and Vision into reality"

**Core Values** (Vision that is more focused)

**Promote** active citizen involvement and participation in the planning and decision-making process

**Aggressively** pursue economic development and growth initiatives with the private sector

**Commitment** to learn and change at all levels within the organization, in order to pursue excellence, through continuous improvement, innovation, and creativity, in delivering services to the community

**Commitment** by Board Directors and staff to build relationships with citizens and community partners in order to achieve goals

**Promote** fiscal responsibility and accountability for our citizens in all we do through a high level of public accountability

**Promote** the health, safety and general well being of our citizens to create a vibrant community

**Promote** and foster regional partnerships with all public sector agencies to create a growing Texarkana that will improve the quality of life for our citizens

**Core Services**

We will promote a strong and diverse economic environment

We will provide infrastructure, with the capacity to meet current and projected needs

We will provide streets and other traffic systems

We will rehabilitate and maintain infrastructure as needed

We will promote public safety and health

We will promote effective communication with one voice to the community

We will provide a workplace that fosters creative ideas for delivery of core services

We will provide high quality customer focused basic services at a reasonable cost

We will promote safe, decent, and affordable housing

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## **CHAPTER I: GENERAL PROVISIONS**

### **1.01 PURPOSE OF POLICY**

The purpose of this Personnel Manual is to provide a uniform policy and a set of rules governing City employees. It is the intent of the City to use sound and systematic personnel procedures to strive for high degree of understanding, cooperation, utility, and efficiency. These policies are intended to meet the following objectives:

To promote and increase productivity, efficiency, and economy in the service of the City.

To establish and promote high morale among City employees by providing personnel policy, opportunities for advancement, good working relationship, and consideration of employees' needs.

To inform department heads and supervisors of their obligations toward the employees under their direction and their rights to assign and instruct employees.

To provide that continued employment is subject to satisfactory work, necessity for performance of work, and availability of funds.

To ensure that all federal, state, and local laws in relation to employment and working conditions are complied with fully.

To provide fair and equal opportunities to all qualified citizens to enter City employment on a basis of demonstrated ability, merit, and physical fitness, as ascertained through fair and practical methods of selections, free of personal and/or political consideration.

The policies and procedures contained in this manual will be revised as necessary to comply with City, State and Federal regulations.

All City employees shall be informed of the existence of these rules, and each department shall keep at least one copy available for reference by its employees.

### **1.02 COVERAGE**

These policies shall apply to all employees of the City of Texarkana, Arkansas, except as specified. When regulations or procedures do not apply to all employees, exceptions will be noted with a separate section written for each category of employee.

### **1.03 ADMINISTRATION**

It shall be the responsibility of the City Manager or his designee to administer these personnel policies and to issue such rules and procedures as necessary to execute these policies.

#### **1.04 CHANGES**

These policies may be amended from time to time as justifiable needs arise. Suggestions for amendments are welcome at any time from any employee. Any and all suggestions should be submitted in writing to the City Manager through the Personnel Administrator. Any proposed amendments to these personnel policies shall be reviewed by the Personnel Policy Committee. Amendments are not valid unless adopted by the Board of Directors.

#### **1.05 NOT A CONTRACT**

This personnel policy does not constitute a contract for employment or for employee benefits between the City and any employee.

#### **1.06 NO ORAL CONTRACT PERMITTED**

No oral representations or statements by the City Manager or by any elected or other official of the City shall create any contractual rights between the City and any employee.

#### **1.07 POLITICAL ACTIVITY**

(a) No employee or person seeking employment, shall be appointed, promoted, demoted, removed, advanced, or retained on any basis or for any reason other than qualification, merit, fitness for the service, or lack thereof. Any such action shall be taken wholly without favoritism or discrimination.

(b) No person shall use one's City position to secure favorable treatment or privileges for either the employee or any other person.

(c) No employee of the City shall engage in any political activity, nor shall monetary contributions be solicited for campaign funds of any political organization, while that employee is on duty.

(d) A City employee may become a candidate for public office in a non-partisan election. In cases where the employee is a candidate for the position of mayor or city director, and becomes elected, that employee shall at once resign from employment with the City.

(e) Nothing in this section shall be construed to prevent the exercise of the rights of City employees as citizens, to express their opinions and to cast their votes.

#### **1.08 UNLAWFUL ACTS PROHIBITED**

(a) No person shall make any false statement or report in regard to any test, certification, or appointment. No person shall, in any manner, commit, or attempt to commit any fraud regarding execution of these provisions or the rules included in this manual.

(b) No person seeking appointment to or promotion in the City service shall either directly or indirectly give or promise any money, service, or other valuable thing to any person in connection with the candidate's test, appointment or promotion, whether actual or proposed.



## **CHAPTER II: EMPLOYMENT POLICIES**

### **2.01 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATION ACTION**

- (a) The City of Texarkana, Arkansas is committed to providing equal employment opportunity (EEO) to all employees and applicants for employment, without regard to race, color, religion, sex, national origin, age, handicap or disability, or status as a Vietnam era or special disabled veteran, in accordance with applicable federal and state laws. Furthermore, the City of Texarkana, Arkansas, does not discriminate on the basis of disability. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.
- (b) The City of Texarkana, Arkansas, is an affirmative action employer. The City of Texarkana, Arkansas will strive to recruit and train employees, promote members of minority groups, and women, so that they are approximately equal in proportion to their percentage of population, within the City of Texarkana, Arkansas. Nothing in this statement requires the City to hire any specific number of employees of any sex or race, or to hire or promote any person who is not the best qualified for the position. The Affirmative Action Plan does require the City to conscientiously recruit and promote in a manner so that employment with the City will reflect community population levels.

### **2.02 AT-WILL EMPLOYER**

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

### **2.03 PERSONNEL OFFICE RESPONSIBILITIES**

The City of Texarkana, Arkansas is a City Manager form of City government under the supervision of a City Manager. The City Manager, or his/her designee, is to operate the Personnel Office. The Personnel Office is responsible for all personnel management responsibilities for non-civil service employment positions in all departments covered by these policies. The Personnel Office is responsible for recruiting candidates, listing vacancies with employment agencies, advertising for candidates, notifying trade and professional groups, circulating lists of vacant positions, posting lists of available positions in City buildings, and all other forms of recruiting activities. Further, all personnel records, changes in status, and personnel administration are the responsibility of the Personnel Office.

The Civil Service Commission is responsible for advertising, recruiting, and testing for Police and Fire Department positions in accordance with ACA 114-51-301.

### **2.04 DEPARTMENTAL RESPONSIBILITIES**

Department Heads and Supervisors are responsible for:

- (a) Notifying the Personnel Office promptly of any impending vacancy as soon as they have any knowledge that one is expected to occur;

- (b) Using the correct title of the position to be filled;
- (c) Using the correct pay grade and funding source;
- (d) Indicating any special qualifications for the position;
- (e) In case of unusual or one-of-a-kind positions, suggesting to the Personnel Office any known sources of recruitment; and,
- (f) Notifying the Personnel Office promptly when a candidate has been rejected or accepted, especially before the new employee begins work.

## **2.05 PRELIMINARY SCREENING**

The Personnel Office will assist in screening all candidates for non-civil service employment positions (this can include criminal, but is not limited to, background and credit checks). The Personnel Office may disqualify for employment any candidate clearly not qualified for a particular position.

The making of deliberate false statements on an application for employment is cause for refusal of employment and, if discovered after appointment, is cause for dismissal.

## **2.06 RECRUITMENT BY DEPARTMENT**

Nothing in these policies shall prevent any department head or other supervisor from undertaking recruitment efforts to fill a vacancy in his or her department. The department head or supervisor shall, however, notify the Personnel Office of such efforts and, if an acceptable candidate is found, shall refer that candidate to the Personnel Office for processing in accord with established procedures.

## **2.07 REFERENCE CHECK**

The Personnel Office will be responsible for checking the references given by the applicants. An unfavorable reference may be cause for rejection of the application by the Personnel Office. The Personnel Office shall report the results of reference checks to the department head or other appointing authority.

Employees will also be subject to periodic review of driving records. Employees will be required to sign and authorize Personnel representatives to obtain and review any information pertaining to previous records of said employee.

## **2.08 QUALIFICATION STANDARDS**

The Personnel Office will work with the department heads to formulate methods for determining the relative qualifications of persons seeking employment in City service. Each applicant shall answer all questions and furnish all information as required in the form or forms of application prescribed. In addition, each applicant shall submit to such examinations, interviews, tests, and other such selection devices (including written and performance tests, oral exams, experience and training rating systems, medical examinations, etc.) as are found to be reliable and valid and are deemed appropriate to determine the fitness of applicants for appointment. Unless waived by the Personnel Office, a satisfactory passage of a pre-employment physical in accordance with ADA regulations, at the City's expense, administered by a physician designated by the City, is a final requirement before being hired.

## **2.09 TYPES OF APPOINTMENTS**

Appointments of employees to positions under these policies shall be of the following types:

- (a) Regular Full-time appointments: Hourly employees, salaried employees, and civil personnel.
- (b) Part-time appointments: Employees who work 20 hours weekly, or more, but less than 40 (hours weekly).
- (c) Temporary appointment: Such appointment may be for full-time, temporary, or part-time temporary.

*Temporary employees may include emergency and/or seasonal employees.*

## **2.10 JOB POSTING/INTERNAL MOBILITY**

### **Non-Civil Service:**

It is the City's policy to promote from within whenever possible. Therefore, current employees seeking to advance within and are eligible to do so, will be considered for promotion upon completion of a written exam and/or interview, conducted by the City. This is designed to ensure employees of the equal potential opportunities of advancement in his/her career with the City. Employees will be considered for promotion on many factors, including job performance, competence and basic skills, and attendance records. Date of employment will be the deciding factor for promotions only when all applicants are equally qualified.

In-house job announcements are posted throughout the City offices for a minimum of five working days. An employee wishing to be considered for an available position must complete an in-house job application (available in the Personnel Office) by the closing time stated on the job announcement.

After the closing date and time, the Personnel Office, in coordination with the applicable department head, will review all of the applications and follow normal hiring procedures.

## **2.11 PROMOTED EMPLOYEES**

Persons promoted to positions that start in Step "1" of a higher grade, are eligible for a one step increase upon satisfactory completion of the initial six month period, if the department head should agree. Normally, employees whose positions are reclassified are not eligible for an increase in six months, unless they are in Step "1" of their grade.

Employees promoted to a supervisory position will receive a minimum increase of four percent above the highest paid person they are to supervise.

While it is the City's policy to promote from within whenever possible, when specialized skills and/or experience are needed to fill a vacancy, it may be necessary to hire from outside the City employment base.

## **2.12 TRANSFERRED EMPLOYEES**

No employee may be transferred to a position for which he or she does not possess the minimum qualifications and experience. If the transfer involves a change from one department to another, both department heads must consent thereto, unless the City Manager orders the transfer for purposes of economy or efficiency.

**2.13 DEMOTED EMPLOYEES**

Any employee who is either voluntarily or involuntarily demoted for any reason, shall be compensated at the new rate as is administratively determined by the affected employee’s department head, the Finance Director or designee, and also approved by the City Manager.

**2.14 CHANGE IMPLEMENTATION**

Promotions, demotions, transfers, and other pay status changes shall be implemented during the pay period closest to the effective date of the change.

**2.15 DISCIPLINARY REVIEW**

No employee under disciplinary review shall be eligible to receive any wage increase if implementation of said raise should fall during the review period.

**2.16 AGE**

**Non-Civil Service:**

Any employee hired by the City must be at least 18 years of age at the time of employment.

**Fire:**

No person shall be eligible for appointment to any position within the fire department that has not arrived at the age of 21 years. (ACA 14-51-301(b)(1)(B)(i))

**Police:**

No person shall be eligible for appointment within the police department that has not arrived at the age of 21 years. (ACA 14-51-301(b)(1)(B)(ii))

Maximum age restrictions regarding mandatory retirement, apply to police and firefighters only, to the extent provided for in the federal Age Discrimination in Employment Act.

The minimum age for seasonal/summer youth employees may be lowered to 14 in accordance with the State and Federal Child Labor Laws.

**2.17 RESIDENCY POLICY**

The City requires that any employee who is required to be “on-call” or who is subject to being called out for emergency duty of any type, shall live within an area in which the employee can respond to an emergency call to duty within thirty (30) minutes.

**2.18 NEPOTISM**

In accordance with state statutes, no person shall hold an appointive or paid position with the City, who is related by blood or marriage in the third degree, either to a member of the Board of Directors or to the City Manager. Provided, however, this prohibition shall not prevent a person who holds an appointive or employment position with the City, at the time the person’s relative becomes City Manager or a member of the Board of Directors, from continuing in that position or employment. (ACA 14-47-135)

Members of the immediate family of employees may be employed by the City as long as they do not work for the same immediate supervisor. An applicant or employee shall not be eligible for a position in which he/she will be directly supervised by a member of the immediate family. Immediate family is defined as the following:

- |                    |                 |                |
|--------------------|-----------------|----------------|
| Spouse             | Children        | Son-in-law     |
| Parents            | Brother/Sister  | Sister-in-law  |
| Grandparents       | Mother-in-law   | Brother-in-law |
| Great Grandparents | Father-in-law   |                |
| Grandchildren      | Daughter-in-law |                |

## **2.19 AMERICANS WITH DISABILITIES ACT POLICY**

It is the policy of the City of Texarkana not to discriminate against qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment because of the disability. Furthermore, it is the policy of this City that no qualified individual with a disability shall by reason of the disability, be excluded from participation in or be denied the benefits of a service, program, or activity of the City of Texarkana, or be subjected to discrimination by the City of Texarkana.

The City of Texarkana has appointed the Personnel Administrator as its Americans with Disabilities Act Coordinator. The responsibility of the ADA Coordinator is to coordinate all ADA compliance regulations and to investigate complaints or grievances, concerning violation of the Americans with Disabilities Act.

Any employee, who wishes to file a complaint or grievance for alleged violation of provisions of the Americans with Disabilities Act, may do so by contacting the Personnel Administrator.

Forms on which to file your complaint will be provided, or if necessary, your complaint will be heard verbally. A record of your complaint and the action taken will be maintained in a special complaint file in the ADA Coordinator's office. A decision concerning any grievance will be considered by the designated ADA Coordinator within 15 days of being filed.

## CHAPTER III: CLASSIFICATION AND PAY

### **3.01 POSITION CLASSIFICATION PLAN**

The City Manager, or his designee, shall be responsible for the preparation, maintenance, and revision of a Position Classification Plan for all positions in the classified service. The Position Classification Plan shall be based upon similarity of duties performed and responsibilities assumed so that the same qualifications may reasonably be required of, and the same schedule of pay may be equitably applied to, all positions in the same grade. Each grade is, in turn, assigned multiple steps. The steps are numbered from the lowest to the highest. The body of grades and steps constitutes the City's Position Classification Plan. Department Heads and supervisors have a duty to report to the City Manager substantial changes in duties and responsibilities of positions under their control in order for classification adjustments to be made and for the plan to remain current.

### **3.02 PAY PLAN**

The City Manager, or his designee, shall be responsible for the preparation, maintenance, and revision of a pay plan, which shall be adopted by the Board of Directors. Said plan shall set forth salary ranges to include minimum and maximum rates of pay and intermediate steps for all classes of positions included in the classification plan.

Salary ranges shall be determined by the relative difficulty, responsibility, experience, and qualifications required of a class, the prevailing rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost-of-living factors, the financial condition and policy of the City, and other economic considerations.

### **3.03 STARTING PAY**

New employees shall normally start work at step "1" of the grades to which their positions are allocated by the classification plan. Upon the successful completion of 6 months employment, employees will be granted a pay increase to the next higher step established in the pay plan for such purposes, if approved by the department head.

In the case where a candidate for employment clearly has exceptionally good qualifications for the work of the position, he or she may be employed initially at a step in the pay plan higher than the "1" step; provided, however, that the department head and the City Manager shall approve such appointments and that sufficient budgeted funds are available to permit such appointments.

### **3.04 PERIODIC PAY INCREASES**

Pay increases are normally considered by the Board of Directors in the Annual Budget. Under exceptional circumstances, department heads and supervisors may recommend periodic pay increases to the City Manager for consideration during the fiscal year. All pay rates will conform to the approved pay plan.

**3.05 LONGEVITY PAY**

Employees receive Longevity Pay at the following rate:

<u>LONGEVITY</u>		
<u>COMPLETED SERVICE</u>	<u>BI-WEEKLY</u>	<u>ANNUAL</u>
<u>YEAR</u>		
2	5.77	150.00
3	8.65	225.00
4	11.54	300.00
5	14.42	375.00
6	17.31	450.00
7	20.19	525.00
8	23.08	600.00
9	25.96	675.00
10	28.85	750.00
11	31.73	825.00
12	34.62	900.00
13	37.50	975.00
14	40.38	1,050.00
15	43.27	1,125.00
16	46.15	1,200.00
17	49.04	1,275.00
18	51.92	1,350.00
19	54.81	1,425.00
20	57.69	1,500.00
21	60.58	1,575.00
22	63.46	1,650.00
23	66.35	1,725.00
24	69.23	1,800.00
25+	72.12	1,875.00

Longevity pay shall not be included in calculating overtime pay, and shall not be considered to be a part of base pay.

Civil Service employees receive longevity pay bi-weekly. Non-Civil Service employees receive an annual lump sum payment.

Terminated employees will not receive a longevity payment.

**3.06 MANDATORY DIRECT DEPOSIT**

Employees of the City of Texarkana, Arkansas will be paid bi-weekly by direct deposits made to the employee's specified personal bank account. All employees who are hired or promoted on or after January 1, 2010, shall be required to accept payment of salary or wages by electronic warrants transfer. All employees will be required to complete a Direct Deposit Authorization Agreement upon employment with the City of Texarkana, Arkansas, designating a financial institution for direct deposit of funds. \*NOTE: If an employee chooses to refuse said services as requested by the employer, the employee must state a hardship in writing to the Finance Director and Personnel Office.

## CHAPTER IV: EMPLOYEE AND SPECIAL LEAVE BENEFITS

### 4.01 ANNUAL LEAVE (VACATION)

#### (A) Accrual:

Regular full-time employees are entitled to paid vacation leave time according to the following schedule:

##### **Non-Civil Service:**

<u>First 5 years</u> 4 hrs ppp – 13 days	<u>5 years – 10 years</u> 5 hrs ppp – 16 1/4 days
<u>10 years – 15 years</u> 5 ½ hrs ppp – 17 7/8 days	<u>15+ years</u> 6 hrs ppp – 19 ½ days

##### **Police:**

As provided by state law, each employee shall be granted an annual vacation of no less than 15 working days with full pay. [ACA 14 – 52 – 106]

<u>1 year – 5 years</u> 4.60 hrs ppp – 15 days	<u>5 years – 10 years</u> 5 hrs ppp – 16 ¼ days
<u>10 years – 15 years</u> 5 ½ hrs ppp – 17 7/8 days	<u>15+ years</u> 6 hrs ppp – 19 ½ days

##### **Fire:**

As provided by state law, each employee shall be granted an annual vacation of no less than 15 days with full pay. [ACA 14 – 53 – 107]

<u>1 year – 5 years</u> 6.9 hrs ppp	<u>5 years - 10 years</u> 7.5 hrs ppp
<u>10 years – 15 years</u> 8.2 hrs ppp	<u>15+ years</u> 9 hrs ppp

**NOTE:** Fire Department Civil Service personnel assigned to eight hour shifts accrue at the same rate as Police. Accrual rates are based upon years of continuous service. Vacation will not accrue during a period of leave without pay. When a Fire Department Civil Service employee transfers between 24-hour and 8-hour shifts, accrued leave balances will be converted by a factor reflecting the proportionate difference in rates of accrual.

#### (B) Accumulation and Carryover:

Vacation is cumulative. During a calendar year, accrued leave may exceed 30 days; however, those days in excess of 30 will be forfeited if not used before January 1 of the following year, unless the city manager has approved the excess carryover. For firefighters working 24 hour shifts, accrued leave in excess of 360 hours will be forfeited if not used before January 1, unless the City Manager has approved the excess carryover. It shall be the employee's responsibility to schedule vacation time before the maximum accumulation is reached. Otherwise, the employee forfeits any leave in excess of the maximum accumulation.

#### (C) Payment Upon Separation From Employment:

Upon separation from employment or layoff due to reduction in force, the employee will be paid for accrued vacation up to a maximum of 30 days. Firefighters working 24 hour shifts will be paid for accrued vacation up to a maximum of 360 hours.

#### (D) Scheduling:

Vacation shall be approved by the department head, subject to the needs and demands of the department at the time vacation is requested.



**(E) Charging Vacation:**

Vacations may be charged in one hour increments when approved by the department head.

**(G) Cancellation:**

Vacations are subject to cancellation if an emergency should warrant such action.

**NOTE:** Temporary, part-time, and seasonal employees do not earn annual leave.

**4.02 SICK LEAVE**

The City of Texarkana recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City provides paid sick leave to regular full-time employees.

**(A) Amount of Sick Leave:**

Eligible employees accrue sick leave as follows:

Non-Civil Service:	4.615 hours per pay period (15 days annually)
Police Officers:	6.2 hours per pay period (20 days annually)
Firefighters:	18.5 hours per pay period (20 days annually)
Fire Personnel: (On 8 hour shifts)	6.2 hours per pay period (20 days annually)

**(B) Accumulation:**

All regular full-time employees hired after April 18, 1983, may accumulate a maximum of 90 days sick leave. All full-time employees hired prior to April 18, 1983, may accumulate an unlimited number of sick leave days, except police officers and firefighters who, as provided by state law, shall exceed accumulating 90 days only for purposes of computing retirement. Firefighters working 24 hour shifts that were hired after April 18, 1983, may accumulate a maximum of 1,080 hours sick leave.

**(C) Eligibility:**

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

- (1) Personal illness or physical incapacity.
- (2) Quarantine of an employee by a physician or health officer.
- (3) Illness in the immediate family which would require the employee to take care of the family member(s). Immediate family is defined as spouse, children, and parents. Any paid sick leave for this purpose in excess of twenty-four hours per calendar year, shall be at the discretion of the employee's department head.
- (4) Medical, dental, or optical visits.

**NOTE:** Temporary, part-time, and seasonal employees do not earn sick leave.

**(D) Notification:**

Unless otherwise provided by departmental policy, an employee who is unable to report for work due to one of the previously listed sick leave reasons, shall report the reason for his absence to the employee's supervisor, or someone acting for the employee's supervisor, within 30 minutes from the time the employee is expected to report for work. Sick leave with pay may be denied unless such report has been made as aforementioned. Departments providing emergency services may establish additional notification requirements.

Falsification of information or failure to follow call in procedures will result in disciplinary action up to and including termination.

Failure to notify the City of an absence of three or more days, or to return to work upon expiration of sick leave, will be considered abandonment of the position.

**(E) Abuse of Sick Leave:**

Sick leave shall be used for the purpose for which it is intended, that being to provide employee protection against loss of pay due to illness or injury. Sick leave may not be converted into any other form of compensation such as vacation or worker's compensation. Sick leave shall not be considered a privilege an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee. Abuse of sick leave or excessive use of sick leave as monitored by the department head and/or City Manager may be cause of disciplinary action which may include dismissal.

**(F) Documentation of Illness:**

An employee shall, upon request of the supervisor or department head, furnish a statement from the attending physician to substantiate use of sick leave. An employee on sick leave may be required to obtain a second medical opinion from a physician of the City's choice at the City's expense.

**(G) Charging Sick Leave:**

Absences due to illness will be charged in the following sequence:

- Accrued sick leave
- Accrued annual leave
- Catastrophic Leave when applicable
- Medical leave without pay

If an official holiday occurs during a period of illness, the holiday leave will be charged rather than sick leave.

For an employee on a shift work assignment, time off may be charged against accumulated sick leave, only for such days that the employee is scheduled to work. Sick leave shall not be charged against any employee for any period of sickness, illness, or injury for any days which the employee is not scheduled to work. [ACA 14-52-107(b)(2)]

**(H) Activity While on Sick Leave:**

An employee who has reported off sick is expected to remain at home during the time the employee would otherwise be working, unless hospitalized, visiting a doctor, or obtaining medication or

treatment as prescribed by a doctor. An employee shall not engage in any other employment during the time the employee is allowed to use sick leave. An employee may be required to perform light duty rather than claim sick leave if authorized by a physician.

**(I) Payment on Separation from Employment:**

Regular full-time employees may receive a cash payment for a maximum of 480 hours accumulated sick leave, only upon retirement. Firefighters working 24 hour shifts may receive a cash payment for a maximum of 720 hours upon retirement. Except as otherwise provided by state law, sick leave over 60 days is not to be credited to service time for retirement purposes. Resigning employees will not receive a cash payment for accumulated sick leave.

In all matters concerning sick leave for fire and police employees, strict compliance with Arkansas statutes is required.

**(J) Catastrophic Leave Bank:**

The purpose of the Catastrophic Leave Bank as adopted by Ordinance L-287 is to allow eligible participating employees who have exhausted all available leave balances to receive additional leave benefits for extended absences upon submission of a properly documented application. For questions, please contact the Personnel Office or visit the City's website at [www.txkusa.org/ar/departments/personnel](http://www.txkusa.org/ar/departments/personnel).

**Existing policies for other types of leave are not affected by this program.**

**4.03 MATERNITY LEAVE**

Employees affected by pregnancy, child birth, or related medical conditions shall be treated the same for all employment-related purposes as employees disabled for non pregnancy-related reasons. Therefore, accrued sick leave and vacation leave will be granted for maternity use, after which, leave without pay must be used. Provisions of the federal Family and Medical Leave Act of 1993 will be observed in granting the leave. Additional information and applications are available in the Personnel office.

If the employee desires to return to her position of employment following maternity leave, she must submit the request in writing to the department head at least one month prior to the anticipated leave date. This information will be used for temporary replacement scheduling and processing status change records.

A pregnant employee will be allowed to work as long as her physician deems fit. However, written consent from the employee's physician may be requested after the seventh month of pregnancy. If the employee does not report for work at the expiration of the leave, she will be considered separated from employment. If complications occur, an extended leave of absence must be approved by the department head.

Employees who return to unrestricted work duties on a timely basis will be reinstated to the last position and pay rate held prior to the leave. In the event the last position is not available due to unavoidable job changes, the employee will be reinstated to a comparable position.

**4.04 COURT DUTY LEAVE**

This section does not apply to employees who are witnesses in court actions in which they have a personal interest.

Employees will be granted leave with pay for jury duty, or if summoned as a witness in a court action as long as they are not personally involved and their presence is not required as a result of outside employment. Employees are also permitted to retain the allowance from the court for such service. The time off will not be counted against annual leave.

To qualify for jury or witness duty leave, employees must submit a copy of the summons or other relevant court-related paperwork to the department head as soon as possible after receiving it. In addition, proof of service must be submitted to the employee's supervisor when the period of jury or witness duty is completed. Employees working night shifts, and who are serving during the day, shall take jury/witness leave on the night shift of the day on which they serve.

Certain employees will be required to appear in court as witnesses in the course of their job duties. Non-exempt employees will be compensated through overtime payment or adjusted work schedules.

#### **4.05 LEAVE WITHOUT PAY**

Regular full-time employees may request a leave without pay for reasons of health, completion of an educational degree, or some activity which will directly benefit the City. Also, any employee who becomes a candidate for a city, county, district, state, or national office may be granted a leave of absence without pay during the time he actively campaigns. The request must be made in writing to the City Manager and after approval is made, it should be forwarded to the Personnel Office to assure the proper status changes are completed.

Leave without pay shall not be granted for an employee to try out a new, non-City position of employment.

During this leave, the employee will not accumulate sick or annual leave or be paid for holidays. The employee will be responsible for all premiums for any group insurance program.

Failure on the part of the employee to return to work promptly at the expiration of the leave of absence shall be considered as voluntary resignation.

A leave of absence without pay will not be granted when such leave will hamper the efficient operations of the City.

#### **4.06 EDUCATIONAL LEAVE**

The City recognizes there are times when required courses are not offered during night school or, as in the case of Public Safety personnel, course time may conflict with work schedules. Every effort should be made to schedule class time during non-working hours, but for those rare times when this is not possible, the City has established Educational Leave.

Educational Leave may be granted by the City Manager upon recommendation by the department head for a period not to exceed three (3) hours per week.

This period of absence shall be made up as scheduled by the appropriate department head.

The course the employee takes must be from an accredited educational institution. Courses must be directly related to the employee's duties and better equip him or her to perform them or be a part of an approved degree plan related to the job.

The Department Head may request the employee to provide verification of class attendance.

#### **4.07 FUNERAL LEAVE**

Funeral leave may be granted for up to forty (40) paid hours for employees working standard eight hour shifts, fifty-five (55) hours for employees working eleven hour shifts, and seventy-two (72) hours for employees working twenty-four hours shifts per each loss of an immediate family member, per year, to all regular full-time employees, to attend the funeral of the employee's immediate family member. Immediate family shall be defined as husband, wife, father, mother, child, brother, sister, grandparents, grandchildren, and the comparable in-law relationships.

#### **4.08 MILITARY LEAVE**

- (a) Military Leave shall be governed by applicable State and Federal Law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA).
  
- (b) Members of the Reserve and National Guard shall be granted leave for purposes of active duty training in accordance with Federal Law. Individuals must present a copy of the orders to the Finance Director or designee. The leave shall not adversely affect vacation or sick leave benefits. The City will pay the employee's regular City salary for a period of 15 days, plus necessary travel time for annual training requirements or other duties, performed in an official duty status in any one calendar year. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year, until it totals 15 days at the beginning of the calendar year.

#### **4.09 MISCELLANEOUS LEAVE**

The attendance of employees to seminars and training programs is considered part of continual professional development. Attendance to such meetings is to be approved prior to registration by the department head and/or City Manager. In the event exempt employees are required to attend meetings at a location requiring an overnight stay with travel time in excess of the employee's normal work day, overtime will not be paid. However, the City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular travel policy.

Non-exempt employees attending one-day training sessions related to their job shall receive compensation for time spent traveling to and from other cities. Time spent traveling to and from other cities on overnight assignment is counted as work time, only to the extent it coincides with the employee's regular work day.

#### **4.10 HOLIDAYS**

**The following are official holidays for City employees:**

New Year's Eve	December 31 <sup>st</sup>
New Year's Day	January 1 <sup>st</sup>
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Good Friday	Friday prior to Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veterans Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24 <sup>th</sup>
Christmas	December 25 <sup>th</sup>

Holidays falling on Saturday will be observed on the preceding Friday; holidays falling on Sunday are observed on the following Monday. When an employee reports in sick on the day before or the day after a holiday, a signed sick slip may be required before payment for the holiday is made.

In circumstances where a conflict exists between employee requests, departmental divisional seniority shall apply. Vacation shall not be approved when it interferes with normal operations of the City or will reduce staffing below levels acceptable to the department head or the City Manager.

Holiday pay is given to all regular, full-time employees, provided they worked on the last scheduled work day prior to, and next scheduled work day after the holiday, or had prior approval from the department head to take annual leave. Employees on annual or sick leave during a holiday period will receive holiday pay for authorized holidays. Employees on leave without pay status do not receive pay for holidays. Employees called in to work in emergency situations on a holiday will receive double-pay for the hours worked.

For departments which operate 24 hours a day, seven days a week, the department head will adjust the holiday leave schedule for non-Civil Service employees, according to the departmental work schedule.

The appropriation made by the City Board of Directors for salaries, will include additional pay for holidays for all eligible employees of the City including, but not limited to, Civil Service employees, as provided by the laws of the State of Arkansas.

**Police:**

All law enforcement officers, regardless of their titles, employed by cities of the first class, shall be compensated for all legal holidays established by the governing body of the municipality. This compensation shall be based on the law enforcement officer's daily rate of pay and in addition to the regular pay schedule. This compensation may be included within the officer's base pay. This compensation shall be prorated and paid during the regular payroll periods, or paid in one lump sum annually, on a date in December designated by the municipality. (ACA 14-52-105)

**Fire:**

All firefighters employed by cities of the first class shall be compensated for all legal holidays established by the governing body of the municipality. This compensation shall be based on the firefighters' daily rate of pay and in addition to the regular pay schedule. This compensation may be included within the firefighters' base pay. This compensation shall be prorated and paid during the regular payroll periods, or paid in one lump sum annually, on a date in December designated by the municipality. (ACA 14-53-106)

All matters in question on leave will be at the City Manager's discretion and in accordance with State and Federal laws.

**4.11 EMPLOYEE HEALTH BENEFITS**

The City of Texarkana provides a group health plan for all its regular full-time employees. Detailed information on the policy and coverage is provided to the employee at the time of employment and as coverage changes. Additional information may be obtained from the Personnel Office.

Policy benefits and employee contributions shall be as established by the City Board of Directors and are subject to change by the Board of Directors. An employee must pay the premium if on leave without pay as provided by federal law, unless on leave governed by the Family and Medical

Leave Act of 1993. In the event an employee separates from the City, the Federal rules concerning extended health coverage under Cobra shall apply.

#### **4.12 OCCUPATIONAL INJURIES**

All employees of the City are covered under the Arkansas State Workers' Compensation Law. Rules and regulations concerning Workers' Compensation are posted on City bulletin boards. Any employee incurring an "on-the-job" injury shall immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated.

The supervisor will provide the report to the Personnel Office within 24 hours of the incident. The employee will, if possible, go to the Personnel Office and provide the data to complete the Employee's Report of Injury, and will provide any other applicable information. The employee must submit documentation of any expenses he pays himself to the Personnel Office for reimbursement, if allowed, by Workers' Compensation insurance.

Workers Compensation does not pay for the first eight days following an occupational injury. The City will allow an employee to claim sick leave for salary lost due to an occupational injury for that period.

In the event the disability extends beyond the eight day period, Workers' Compensation will pay the employee in accordance with State law. The City will allow the employee to claim sick leave to pay the employee the difference between the employee's Workers' Compensation pay and the employee's salary, for a period up to, but not exceeding six months. If, at the end of six months, the employee is unable to return to work because of reasons related to the initial injury, only Worker's Compensation insurance will be paid.

The City reserves the right to have the employee examined at any time by a physician of its choice.

The City reserves the right to assign an employee to duties at the same rate of pay, other than those being performed at the time the injury occurred, providing a physician gives approval to duties that will not hinder recovery from the injury.

#### **4.13 RETIREMENT PLANS**

The City contributes to retirement and pension plans for its regular full-time employees. Upon employment, employees will receive information regarding the plan for which they are eligible.

##### **Non-Civil Service:**

##### **Texarkana Arkansas Public Employees Retirement System (TAPERS):**

The City administers a defined benefit plan for non-Civil Service regular hourly full-time employees. Employees hired before July 1, 2002, who are not covered under any other plan, are eligible for participation in this plan. The City contributes ten percent of the employees' salary to the plan; the participating employees must contribute two percent of compensation to this plan. Employees with 10 years service are fully vested. This is a closed-end plan, and no new participants will be enrolled in this plan effective July 1, 2012.

##### **ICMA-RC Deferred Compensation Plans:**

An employee transitioned from the TAPERS retirement system on July 1, 2012 will be enrolled in a 401(a) plan administered by the International City Management Association Retirement Corporation. If an employee has an accrued benefit in TAPERS, the benefit will be frozen and will not accrue any additional amount as of July 1, 2012. The benefit will earn vesting credit with

increased service with the City. The City will contribute ten percent of the employee's salary to the 401(a) plan. The participating employee must contribute two percent of compensation to this plan. All non-civil service employees hired on or after July 1, 2012 will also be enrolled in this 401(a) plan.

Non-Civil Service regular full-time exempt employees may choose to participate in a separate 401(a) plan administered by the International City Management Association Retirement Corporation as their retirement plan. The City will contribute ten percent of the employee's salary. The participating employee must contribute two percent of compensation to the plan.

All employees are eligible to participate in an ICMA-RC 457 and IRA Plan as a supplemental retirement plan. The Personnel Office should be contacted for additional information about arranging payroll deductions for this program.

**Civil Service:**

Policemen's Pension and Relief Fund:

Police officers hired prior to January 1, 1983, are enrolled in the Policemen's Pension and Relief Fund, which is administered by a local board of trustees. The City contributes six percent of an officer's salary to the fund which is governed by the laws of the State of Arkansas (ACA 24-11-401-433).

Firemen's Relief and Pension Fund:

Firefighters hired prior to January 1, 1983, are enrolled in the Firemen's Relief and Pension Fund, which is administered by a local board of trustees. The City contributes six percent of the firefighters' salary to this fund which is governed by the laws of the State of Arkansas (ACA 24-11-801--828).

Local Police and Fire Retirement System:

Police officers and firefighters hired on or after January 1, 1983, are enrolled in the Local Police and Fire Retirement system, which is administered by the State of Arkansas. The City's contribution to this plan is set each year by the State agency which administers the plan (ACA 24-10-101--616).

For additional information about any of these retirement plans, employees may contact the Personnel Office or their department head.

Employees who plan to retire are urged to provide the department head and Personnel Office with a minimum of two months notice. This will allow time for completing the retirement procedures and ensure that retirement benefits may commence in a timely manner.

**4.14 TUITION AID**

After permanent employment (6 months Non-Civil or 1 Year Civil (if approved)), regular full-time employees interested in continuing their education in a job related field are eligible for financial assistance, pursuant to availability of City funding. Assistance is provided for payment of tuition only and is paid directly to the school.

Enrollment must be in an accredited college, university, or trade/vocational school in courses directly related to the employee's City position, or part of a degree plan in a field related to his or her department. The City will pay a maximum of six hours per semester. To continue receiving financial assistance, the employee must receive a grade of "B" or better for graduate courses, a "C" or better for undergraduate courses, or if applicable, a grade of "passing". The employee must submit a copy of the grades to the Personnel Office within five working days of receiving them.



Failure to provide this information will be construed as non-completion with an acceptable grade, and the employee will be required to reimburse the City.

If an employee receives an "Incomplete", the course must be completed within a year, or the City must be reimbursed for the course and the employee will not be eligible for tuition aid in advance, for a period of one year.

If an employee drops a course, the Personnel Office must be notified or the employee will be held responsible for the cost of the dropped course. If a course is dropped too late for the tuition to be refunded, the employee will be responsible for the cost of the course not refunded to the City.

An employee who separates from employment for any reason, other than reduction in force within one year of the first class, will be liable for repayment of the City's expense for tuition aid. The amount will be deducted from the employee's final check.

### **Enrollment Procedures**

- The employee should discuss educational plans with the department head.
- Obtain tuition aid request forms from the Personnel Office, complete them (including required signatures) and return forms to Personnel.
- The Personnel Office will issue the employee an authorization to the school to bill the City for tuition.
- The employee shall file a copy of his or her degree plan with the Personnel Office.
- Requests for tuition aid must be approved by the department head and the Personnel Director.

No tuition aid will be reimbursed to the employee without prior approval from the City Manager or his designee. Tuition assistance will not be paid concurrently with any other educational assistance programs, i.e., grants, scholarships, V.A. benefits, etc.

## **4.15 EDUCATION INCENTIVE PAY**

Civil Service employees in the Police and Fire Departments are eligible for the Education Incentive Pay Program.

### **Police:**

Educational incentive pay of \$1.00 per credit hour for each hour necessary to obtain a degree, not to exceed a total of 128 hours, may be awarded to any police officer on the recommendation of the Chief of Police for a college degree in Law Enforcement or related field acceptable to the Chief of Police. Where the degree is not related to Law Enforcement, the Chief of Police may conditionally award the college incentive pay for a period of not exceeding 36 months, during which time the officer shall earn a minimum of 12 credit hours of Law Enforcement courses, with 6 credit hours within the first 18 months. Failure of the officer to meet that schedule shall reduce the incentive pay to the pay equivalent to the number of hours credited toward a Bachelor's Degree in Law Enforcement. Should the officer subsequently complete the 12 hours of Law Enforcement classes, the college incentive pay equivalent to a degree shall be reinstated.

### **Fire:**

Educational incentive pay of \$1.00 per credit hour for each hour necessary to obtain a degree, not exceeding a total of 128 hours, may be awarded to any firefighter on the recommendation of the Fire Chief, for a college degree in Fire Administration or Fire Technology, or related field acceptable to the Fire Chief. Where the degree is not related to Fire Administration, the Fire Chief may conditionally award the college incentive pay for a period of not exceeding 36 months, during which

time the firefighter shall earn a minimum of 12 credit hours of Fire Administration courses, with 6 credit hours within the first 18 months. Failure of the firefighter to meet that schedule shall reduce the incentive pay to the pay equivalent to the number of hours credited toward a Bachelor's Degree in Fire Administration. Should the fire fighter subsequently complete the 12 hours of Fire Administration classes, the college incentive pay equivalent to a degree, shall be reinstated.

**Program Requirements:**

Participants must have been employed by the City for one year, and must have received 30 credit hours toward the approved degree. No pay will be given for any hours in which a grade less than "C" is received. The City reserves the right to review each participant's class attendance in any manner it sees fit. If it is determined that the participant is not attending class adequately, pay for credits will be docked accordingly.

The City reserves the right to cancel the Education Incentive Pay Program, if and when the financial condition of the City becomes such, that the Board of Directors determines that the City cannot afford to continue the program.

**4.16 CERTIFICATE/LICENSE INCENTIVE PAY PROGRAM**

**Purpose**

The Certificate/License Incentive Pay Program has been designed to meet three major objectives. First, to promote and maintain a highly qualified, trained, and professional workforce by providing incentives for employees to participate in job related continuing education and certification/licensing programs. Second, the City hopes to enhance and improve the level of service provided to its citizens through the provision of a highly qualified and professional workforce. Finally, it is the intention of this policy to reduce and mitigate general and individual employee liability exposures by ensuring that City employees are well trained and knowledgeable of the job they perform.

**Guidelines**

Full-time employees may receive \$20 additional compensation per month for obtaining each qualifying certificate or license identified in this policy. In order to qualify for incentive pay, employees must have completed their proscribed introductory period and obtained certificates or licenses from appropriate State certification or licensing entities, and/or recognized professional associations performing similar certification or licensing function in the applicable profession. Furthermore, all certificates or licenses must be directly related to the employee's present position, profession, and/or occupation. The cost for such education and training will be paid pursuant to availability of City funding.

<b>Position</b>	<b>Certificate/License</b>	<b>Incentive Pay</b>
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**All Departments**

All personnel will be compensated \$20 a month for the completion of an Associate's degree, \$20 a month for the completion of a Bachelor's degree and \$20 for a Master's degree in a work related field and all degrees in Public Administration.

**Animal Shelter:**

Euthanasia Certificate	20/month
Basic Animal Control Officer Certificate	20/month
Advanced Animal Control Officer Certificate	20/month
Animal Cruelty Investigation Certificate	20/month

**Fire Department:**

The fire department's program will be based on a five step progression in a combination of training, education, and experience in the fire department. The necessary steps to obtaining the following certificates will be spelled out in department policy:

Basic Certificate	20/month
General Certificate	20/month
Intermediate Certificate	20/month
Advanced Certificate	20/month
Senior Certificate	20/month
Instructor Certificate	20/month

**Police Department:**

The police department and fire department plans will be similar in that they will both offer a five step certification program, which will be based on a combination of training, education, and experience, being the basis for certification. The training and education curriculums will come from certified police programs.

Basic Certification	20/month
General Certificate	20/month
Intermediate Certificate	20/month
Advanced Certificate	20/month
Senior Certificate	20/month
Instructor Certificate	20/month

**Public Works:**

All of the certifications must be by a state agency, SBCCI, or other recognized certifying agency and certification must be in an area directly related to the employee's job duties.

**Code Enforcement:**

May receive incentive pay for up to three (3) certifications or licenses in the following areas, provided at least one (1) is a building inspector's certification:

Building, Commercial Electrical, Plumbing, HVAC (mechanical), Zoning and Property Standard Housing Rehabilitation, or 1 & 2 Family Dwelling Inspector; Electrical, Plumbing, HVAC Master License; Storm Water Management Certificate.	20/month
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May receive incentive pay for up to three (3) certifications in the following areas provided at least one (1) is in a building area:

Building, Electrical, Plumbing or HVAC Plan Examiner; Storm Water Management.	20/month
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May receive incentive pay for two (3) certifications in the following areas, provided at least one (1) is in a building area:

Building, Electrical, Plumbing or HVAC Code Analyst; Storm Water Management.	20/month
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May receive incentive pay for one (1) certification in the following areas:

Code Enforcement & Administration Professional or CABO Certified Building Official (CBO)	20/month
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**Planning:**

Associate's Degree in Engineering Technology or Architecture, or AICP Certified Planner.	20/month
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**Street Department:**

40 hours of Arkansas T2 classes in Street Maintenance and Repair 20/month  
40 hours of Arkansas T2 classes in Management, Public Relations  
and Interpersonal Relations 20/month

**Parks:**

Pool, Ball Field, Grounds, and Landscaping Maintenance Certificate 20/month  
40 hours of Arkansas T2 classes in Management, Public Relations,  
and Interpersonal Relations 20/month

**Housing:**

Housing Construction and Rehab Management Certificate 20/month  
ADFA Certified Home Program Administrator Certificate 20/month

**Mechanics:**

The City of Texarkana, Arkansas, employs mechanics in various departments and thus, has the following incentive program for mechanics:

Certification from a recognized program in Automatic Service Excellence 20/month  
Certification by the National Association of Emergency Vehicle Technicians  
20/month

**Finance Department:**

Associate's Degree in Accounting, Computer Science, Finance,  
or Economics 20/month  
Bachelor's Degree in Accounting, Computer Science, Finance,  
or Economics 20/month  
Master's Degree in Accounting or Computer Science, Finance,  
or Economics 20/month  
CPA License 20/month

**Municipal Court:**

Certification through Arkansas Association of Municipal Court Clerks 20/month  
Certified Probation or Police Officer/Bailiff 20/month

**Secretarial Staff:**

Certification from Professional Secretaries International Organization 20/month  
Associate's Degree in Business or related field 20/month

**Personnel:**

Associate's Degree in Personnel, Business, or Management 20/month  
Bachelor's Degree in Personnel, Business, or Management 20/month  
Master's Degree in Personnel, Business, or Management 20/month

**Probation:**

Probation Officer certification 20/month  
Court Security Officer 20/month

**City Clerk's Office:**

Certification through International Institute of Municipal Clerks  
or Certified Municipal Clerk 20/month

## **4.17 POLICY INCORPORATING THE FAMILY AND MEDICAL LEAVE ACT REQUIREMENTS**

### **General**

An employee may request a leave of absence covered by FMLA. Reasons for leave under the FMLA include:

- the birth of a child
- placement of a child for adoption or foster care
- caring for immediate family members with a serious health condition
- a serious health condition that makes the employee unable to perform the essential functions of his or her job
- responding to a qualified family demand created by a service member being called to active duty, and caring for service members who have become sick or injured in the line of duty.

To ensure compliance with the Family and Medical Leave Act requirements, an employee requesting a leave of absence for one of the above stated purposes will be placed on FMLA leave.

### **Eligibility**

To be eligible for all of the benefits and conditions described herein, an employee must have been employed for 12 months and worked at least 1250 hours in that year.

An employee who has been employed for less than 12 months and worked less than 1250 hours in that year, can request a leave, but if the leave is granted (a) must prepay insurance premiums, (b) is not guaranteed an equivalent position upon return, and (c) is not eligible for an intermittent leave or reduced leave schedule.

### **Duration and Schedule of Leave**

An employee is limited to 12 weeks of family and medical leave in an employment year. A leave for birth, adoption, or placement of a child, must be completed by 12 months after the birth or placement.

Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation, and up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

An eligible employee may request an intermittent leave or a reduced leave schedule because of the employee's serious health condition, or to care for the employee's spouse, child, or parent with a serious health condition when the need is certified by a physician or practitioner. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury. Reduced leave is a schedule that reduces an employee's usual number of working hours per day or week.

**Compensation**

The City does not provide compensation during a leave of absence. The employee's accrued sick and/or vacation leave will be charged during Family and Medical Leave. Workers Compensation leave shall run concurrently with Family and Medical Leave; however, an employee is not required to substitute sick or vacation leave during an absence covered by payments from state workers' compensation funds.

**Insurance**

An employee who is receiving workers' compensation benefits, and also taking family leave, cannot be forced to return from family leave to take a "light-duty" assignment. However, a refusal to take a light-duty assignment could mean suspension of workers' compensation benefits under applicable state law. If a light-duty assignment is accepted, the employee's right to return to the original or an equivalent job continues until 12 weeks have passed. This 12 weeks period includes the employee's FMLA leave and the time spent doing light-duty work.

If the employee does not return to work at the conclusion of the leave for a reason other than (a) the continuation, recurrence, or onset of a serious health condition of the employee or immediate family member or (b) circumstances beyond the employee's control, the employee must repay the City-paid insurance premiums, or a pro rata share for an intermittent or reduced leave, within 90 days of the conclusion of the leave. Covered employees not returning to work will be offered health insurance through COBRA.

Dependent insurance premiums must be prepaid by the employee on leave on the first of each month, or insurance for the dependent(s) will be terminated.

**Benefits**

During a FMLA leave not covered by sick or annual leave, the employee shall retain seniority but will not earn any leave. Health insurance premiums will be maintained on the same basis as if the employee were working. In the event an employee does not return to work after the completion of FMLA, the employee will be responsible for the repayment of insurance premiums in accordance with FMLA guidelines.

**Documentation**

Except in emergencies, the employee must submit a completed Application for Family or Medical Leave at least 30 days in advance of the leave and a Certification of Physician or Practitioner to the Personnel Director. Additionally, for the adoption or foster placement of a child, the employee must submit a statement from the agency specifying the date of the birth or placement. Similar statements may be required at any time during the leave and prior to the employee returning to work.

The City may require second and third medical opinions at the City's expense.

**Employment**

When an eligible employee returns from a leave, the employee will be placed in the same or equivalent position with equivalent benefits.

When an eligible employee takes an intermittent or reduced leave, the employee may be transferred temporarily to an alternate position with equivalent pay and benefits.

(An employee who has been employed less than a year, and worked less than 1250 hours in that year is not guaranteed the same or equivalent position, pay, or benefits.)

The failure of an employee to return to work at the conclusion of the leave may subject the employee to termination of employment.

**Questions**

This policy is intended to comply with the Family and Medical Leave Act of 1993 (FMLA revisions effective January 16, 2009). In the event of discrepancies, the Act will control.

Additional information regarding this policy, or the definitions used herein, may be obtained from notices posted on the bulletin boards and from the Family and Medical Leave Act available in the Personnel Department.

## **CHAPTER V: MATTERS AFFECTING THE STATUS OF EMPLOYEES**

### **5.01 ATTENDANCE**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established for each department. All departments shall keep daily attendance records of all employees, which shall be reported to the payroll office on the form and on the date specified by the City Manager.

- (A) Except for non-exempt employees, any employee who is late for work may not be paid for the time absent from work, at the discretion of the department head or designated representative.
- (B) Persistent violators shall be subject to further disciplinary action to include dismissal.

### **5.02 WORK HOURS**

Except for firefighters, Police Officers and exempt employees, normal work hours for all employees shall be 40 hours per week. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

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 Texarkana. 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 department head. Changes in work schedules will be announced as far in advance as practicable.

### **5.03 OVERTIME PAY**

Overtime will be paid in compliance with the Federal Fair Labor Standards Act.

Eligible (non-exempt) employees will be paid overtime for hours worked in excess of 40 hours per week (except for Fire and Police Department). Eligible Fire Department personnel, working 24 hour shifts, shall be paid overtime for hours worked in excess of 212 hours per 28 day work period. Overtime compensation will be one and one-half times the regular hourly rate of pay. No leave or holiday pay will be credited toward hours worked in the computation for overtime unless it is billable overtime that will be reimbursed by an outside agency. Overtime of less than 15 minutes will not be compensated.

The Police Department may elect to adopt shift and corresponding compensation and overtime accrual models for some or all of its personnel in accordance with the Federal Fair Labor Standards Act (including, without limitation, 29 U.S.C. 207(k)).

#### **Fire Department:**

For overtime purposes, the hourly rate of pay for Fire Department employees on 24 hour shifts shall be determined by dividing total base pay by the number of hours paid for during the 28 day work period. The number of hours paid for will normally be either 216 (9 shifts) or 240 (10 shifts).

Except in case of an emergency, advance approval of all overtime shall be made by the department head.



#### **5.04 OVERTIME COMPENSATION ELIGIBILITY**

The determination of employees eligible for overtime compensation will be based on the federal Fair Labor Standards Act (FLSA) provisions for executive, administrative, and professional employee exemptions. Exempt positions include, at the City Manager's discretion, but are not limited to:

City Manager	Police Captain
Finance Director	City Planner
Police Chief	Building Maintenance Superintendent
Public Works Director	Bi-State Information Center Director
City Clerk	Public Works Superintendent
RSVP Director	Fire Chief
Personnel Director	Payroll Administrator
Controller	Building Official
Parks Superintendent	Housing and Youthbuild Administrator

#### **5.05 COMPENSATORY TIME**

Effective January 1, 2010, the City will not allow accrual of compensatory time. Overtime will be paid out as it is earned in strict accordance with Local, State and Federal laws. Employees that have prior compensatory leave accrued can use that leave as they see fit, with their Department Head's approval. All City employees that have accrued compensatory time are encouraged to request to be paid out for that accrued leave.

#### **5.06 VACANCIES AND PROMOTIONS**

It is the intent of the City of Texarkana, to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Texarkana the opportunity to apply for job vacancies, announcements of job openings, with the job description, will be posted on employee bulletin boards for a minimum of five working days.

The final decision regarding promotions shall be made by the city manager with the department head's recommendation.

#### **5.07 TRAINING**

The City of Texarkana is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the City for various positions, each employee is responsible for determining whether there has been sufficient training for proper job performance. In the event the employee feels additional training is needed, the supervisor or department head should be notified. Expenses incurred in on-the-job training will be assumed by the City.

#### **5.08 JOB SAFETY**

It is the responsibility of all department heads to formulate and ensure compliance with all job safety guidelines. Copies of all pertinent safety guidelines shall be posted in each department. Each employee has a responsibility to be aware of all safety responsibilities in all assigned duties and in the operation of all equipment. Safety is largely a practice of good judgment and the practice of good work habits. Any employee who is uncertain of a safety procedure is to ask the supervisor or department head for direction.

The following safety rules should always be observed:

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for equipment.
- Immediately cease using and report any faulty or potentially faulty equipment.
- Immediately report any unsafe or potentially unsafe working condition.

- Immediately report any accident to the supervisor or department head.

The Safety Manual adopted by the Board of Directors is to be complied with by all employees as directed by the Safety Officer.

### **5.09 REFUSAL TO WORK**

The City of Texarkana is committed to public service. Any employee work stoppage, slowdown, strike, or other intentional interruption of the operations of the City shall cause the employee to forfeit his or her employment and result in the termination of the employee from the City of Texarkana.

### **5.10 RESIGNATION/TERMINATION**

Employees desiring to terminate their employment relationship with the City of Texarkana are urged to notify the City at least two weeks in advance of their intended termination. Such notice should be given in writing to the employee's department head or supervisor. The department head is to forward the resignation letter to the Personnel Office as soon as it is received. Proper notice generally allows the City sufficient time to calculate all final accrued moneys due the employee for the final paycheck. All final checks will be distributed from the Personnel Office. To receive a final check, the employee must have completed the following steps:

- Have a letter of resignation on file in the Personnel Office.
- Return all City-owned property to the appropriate department head.
- Complete an exit interview in the Personnel Office.

The employee's final check will include moneys due the employee for accumulated leave, insurance reimbursements, etc. Any reimbursement due the City for tuition aid, insurance payments, etc., will be deducted from the employee's final check. Unless requested in writing by the employee, all final pay will be issued on the next regular pay day.

An employee resigning to relocate to another area who has complied with the above termination procedures may submit a written request that the Personnel Office forward the final check by mail.

**Special Note:** Any request for references on former City employees shall be referred to the Personnel Office for response.

### **5.11 REEMPLOYMENT**

Seniority may be reinstated subject to the following guidelines:

- The employee must have three years service with the City at time of resignation.
- The resignation must be the first from City employment.
- A vacant position must be available at the same or lower level, as the position from which the employee resigned.
- The reinstatement must occur within six months of the resignation.

Employees who have resigned in good standing may be reemployed and reinstated to the same or lower position in the same department at the discretion of the City Manager with the recommendation of the department head.

## **5.12 PROBATIONARY PERIODS**

### **Civil Service:**

Arkansas state law provides for a period of probation, not to exceed 12 months, before any appointment is complete and six months before any promotion is complete. (ACA 14-51-301)

### **Non-Civil Service:**

Non-civil service employees have a standard six month probationary period.

## **5.13 AT-WILL EMPLOYMENT**

As mentioned elsewhere in this handbook, all employee relationships with the City of Texarkana are on an at-will basis. Thus, although the City of Texarkana hopes that the relationship with an employee is long term and mutually rewarded, the City reserves the right to terminate the employment relationship of any employee at any time, with or without cause.

## CHAPTER VI: STANDARDS OF CONDUCT

### 6.01 CONDUCT TOWARD THE PUBLIC

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

In dealing with the public, each employee must make every effort to inspire respect for the City and to generate 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 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, the inquiry should be referred 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. The following represent management's and employee commitment to our citizens and customer:

- All City employees must work together as a team to insure that residents and visitors are pleased with our public contacts and services provided.
- All employees shall take part in any training required for their positions and particularly, training provided for the best possible service to the citizens. Each employee should think of himself as an ambassador of the City, both in and outside of the workplace.
- An employee receiving a complaint or a request for service should handle that complaint or request until it's resolved or satisfied. At no time should a City employee be rude or unresponsive to any citizen or to another employee.
- Remember that you are always in the public eye. Consider every action, rest period, or public contact as if it were appearing on the front page of the newspaper.
- When dealing with the public, whether on duty or off, try to keep a positive attitude. We only hurt ourselves when we run down certain aspects of our City.
- Try to escort citizens who ask you about getting to a particular location or destination. Don't just point them in a general direction.
- Try to be generally knowledgeable about the functions of City departments, particularly about those areas which you are frequently asked.
- Use proper telephone etiquette. Try to answer every phone call within three rings. In the event that you are away from your phone and receive voicemail, answer all messages within 24 hours of when the call was made (or the following business day).
- Take pride in and care of your personal professional appearance as well as the appearance of your workplace. Ensure that you know your role in all situations. Promoting the City of Texarkana, Arkansas and serving its citizens is the responsibility of every employee.

## **6.02 CONDUCT TOWARD FELLOW EMPLOYEES**

Just as employees are expected to be courteous in their contact with the public, they are also expected to treat co-workers with the same respect and courtesy.

## **6.03 CHAIN OF COMMAND**

Each department shall establish a departmental chain of command and regulations. Employees are to discuss employment problems or issues with their immediate supervisor. If the supervisor cannot resolve the matter, the supervisor is to go with the employee to the next higher staff person. If necessary, the matter will continue through the chain of command to the City Manager, where, for personnel matters, the process ends. The City Board of Directors is a legislative body which sets policy and functions as authorized by Arkansas state law. However, it does not involve itself with individual personnel matters and day to day operations of the City.

The chain of command also operates in reverse, and higher level staff members should not bypass the proper chain of command procedures except in an emergency.

## **6.04 UNIFORMS AND PERSONAL APPEARANCE**

Uniforms will be provided to personnel of certain departments, as authorized by the Board of Directors. Personnel who are provided uniforms shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate, professional departmental attire.

Even in a business casual work environment, clothing should be pressed and never wrinkled. Torn, dirty, or frayed clothing is unacceptable. All seams must be finished. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Clothing that has the company logo is encouraged.

Certain days can be declared dress down days, generally Fridays. On these days, jeans and other more casual clothing, although never clothing potentially offensive to others, are allowed.

**If an employee is not sure what appropriate attire is, his/her supervisor or department head should be consulted.**

## **6.05 UNLAWFUL HARASSMENT**

The City Board and City Manager expressly prohibit any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, handicap, or status as a veteran. Improper interference with the ability of the City's employees to perform their expected job duties is not tolerated.

Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objections or detriment, because of race, sex, religion, national origin, age, or disability. Harassment may include any of the following:

- Verbal abuse or ridicule
- Interference with an employee's work
- Displaying or distributing sexually offensive, racist, or other derogatory materials
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases
- Intimate physical contact
- Making offensive, sexual, racial, or other derogatory innuendoes, comments, or jokes
- Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment.

It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has been or is taking place, the following will apply:

**Complaint Procedure:**

If an employee experiences any job-related harassment based on sex, race, or another factor, or believes there has been unlawful, discriminatory treatment, the incident is to be promptly reported to the department head or the Personnel Office. The complaint will be kept confidential to the maximum extent possible.

Each complaint will be fully investigated and determination of the facts with an appropriate response will be made on a case-by-case basis.

If it is determined that an employee is guilty of harassing another employee, appropriate disciplinary action will be taken against the offending employee.

The City of Texarkana will not tolerate harassment or any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or whomever provided the false information.

**6.06 GUIDELINES FOR APPROPRIATE CONDUCT**

An employee of the City of Texarkana is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This requires respect for the rights and feelings of others and that an employee refrains from behavior that might be harmful to the employee, any co-workers, the citizens, and/or the City.

While an employee is on duty, his or her conduct reflects on the City. An employee is encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that the City considers inappropriate while on duty include, but are not limited to, the following:

- 1) Falsifying employment or other City records
- 2) Violating any City non-discrimination and/or harassment policy
- 3) Soliciting or accepting gratuities from citizens
- 4) Excessive absenteeism or tardiness
- 5) Unnecessary or unauthorized use of City property
- 6) Reporting to work intoxicated or under the influence of non-prescribed drugs, and/or illegal manufacture, possession, use, sale, distribution, or transportation of drugs.
- 7) Using alcoholic beverages
- 8) Fighting or using obscene, abusive, or threatening language or gestures
- 9) Theft of property from co-workers, citizens, or the City
- 10) Disregarding safety or security regulations
- 11) Insubordination
- 12) Neglect or carelessness resulting in damage to City property or equipment
- 13) Unsatisfactory performance of the quantity or quality of work considered standard for the position
- 14) Discourtesy to the public
- 15) Gambling
- 16) Failure to follow the chain of command procedure

## **6.07 DISCIPLINARY ACTION**

### **Non-Civil Service:**

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory and in violation of any of the above referenced items, or any other City policies, rules, or regulations, an employee will be subject to disciplinary action up to and including dismissal.

### **Disciplinary Action May Be:**

-Warning or Reprimand: A reprimand is action used to alert the employee that his or her performance is not satisfactory, or to call attention to the employee's violation of employment, rules, and/or regulations. City employees may be officially reprimanded orally or in writing and such reprimand will be entered in the employee's personnel file.

-Suspension: Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay. A suspension must be in writing. The reason for such action, the period of time for the suspension, and the date the suspension is to begin and end must be noted also. Following suspension, the employee's conduct will be closely reviewed by the supervisor, and if there is a further instance of unsatisfactory performance or conduct, further disciplinary action shall be taken. This section does not apply to employees in FLSA exempt status, except when imposed in good faith for major safety violations.

-Demotion/Transfer: An employee who has committed an offense or whose work establishes grounds for demotion or transfer will be given written notice of such action. A demotion or transfer is an action that places the employee in a position of less responsibility and less pay.

-Termination: This type of disciplinary action is a removal of an employee from City employment. An employee who has committed a serious offense or whose work establishes grounds for termination will be given written reasons that can be supported at a pre-termination hearing.

In any case where a written disciplinary action is given to an employee, the employee shall acknowledge receipt of the notice with his/her signature. This is not an admission of guilt or agreement with the action. However, refusal to sign the acknowledgment of receipt of disciplinary action shall be grounds for termination.

NOTE: This section is not intended as an abridgment of the employment at-will doctrine. The City is not limited to dismissing employees for disciplinary reasons but may also dismiss employees at the will and discretion of the City at anytime with or without cause, and with or without any of the first three disciplinary actions listed above.

### **Civil Service:**

Types of disciplinary actions for Civil Service employees are detailed in the Fire Department Manual of General Orders and/or Police Department Manual of General Orders.

## **6.08 PROCEDURE FOR REVIEW OF DISCIPLINARY DECISIONS**

### **Non-Civil Service:**

**Review of all disciplinary matters shall be conducted as follows:**

- 1) A written grievance shall be filed with the department head within five working days after the disputed disciplinary action.
- 2) The department head will investigate the situation and respond in writing to the employee, within five working days. To the extent possible, the grievance should be resolved at this level.
- 3) In the event Step 2 does not satisfy the employee, a written appeal may be made to the Personnel Office within three working days.
- 4) The Personnel Office or designee, will review the case, gather data, interview all concerned parties, and submit a written report to the City Manager within five working days.
- 5) The City Manager will review all information and respond to the complaint in writing within 10 working days. The City Manager's decision is final. A copy of the City Manager's decision shall be forwarded to the Personnel Office.

### **Civil Service:**

The grievance and appeal procedures for City service employees are detailed in the Commissioned Officers Handbook of Rules and Regulations, as approved by the City Service Commission pursuant to the laws of the State of Arkansas.

## **6.09 ABSENTEEISM AND TARDINESS**

The City of Texarkana expects all of its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive, and places an unnecessary burden on fellow employees, supervisors, City government as a whole, and the taxpayers who receive City services. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should give his supervisor proper notice as detailed in 4.02 Sick Leave. Unexcused absences and tardiness could result in disciplinary action.

## **6.10 INCLEMENT WEATHER**

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report to work. However, if in the employee's opinion, the conditions are too hazardous to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give the supervisor "proper notice", if unable to report for work. "Proper notice" is defined to be notice in advance of the time an employee should report for work or no later than 30 minutes thereof.

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



### **6.11 OUTSIDE EMPLOYMENT**

An employee considering additional employment should discuss such plans with his or her department head and receive approval for additional employment.

If, as an employee of the City, an employee accepts an additional job, it must not interfere with the proper and effective performance of his or her job with the City. An employee's outside employment must not be of a nature that adversely 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. It must not in any way violate City policies. City uniforms shall not be worn during outside employment unless approved in advance by the City Manager.

### **6.12 POLITICAL ACTIVITY**

City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for the purpose.

Generally, political activities while on duty are prohibited by Arkansas law (ACA 7-1-103). Political campaigners shall not solicit support from City employees during work hours on City premises.

### **6.13 CITY GOVERNMENT**

Texarkana, Arkansas operates under a City Manager form of government. The City Manager is the chief executive officer and is appointed by the Board of Directors. He is responsible for overall management and operation of City Government. The Board of Directors is the supreme legislative and executive body of municipal government. Board members are elected from wards; the mayor is elected at large, votes as a Board member, has no veto power and presides at Board meetings. (14-47-100 to 14-47-140)

### **6.14 CIVIL SERVICE COMMISSION**

All uniformed police and fire employees, once they have completed their probationary period (1 year), are governed by the City of Texarkana Arkansas Civil Service Commission. The composition and duties of the commission are established by state law.

### **6.15 OUTSIDE COMPENSATION**

No reward, gift, or other form of remuneration, in addition to regular compensation, shall be received from any source by employees of the City for the performance of their duties. If a reward, gift, or other form of remuneration is made available to any employee, it shall be credited to the City's General Fund.

### **6.16 DRUG FREE WORKPLACE**

Random drug testing program shall be extended to all City employees as provided in the Drug Free Workplace Ordinance adopted by the Board of Directors.

#### **Use of Narcotics, Alcohol, and Tobacco:**

It is the policy of the City of Texarkana, to maintain a work environment free from the unlawful manufacture, distribution, dispensation, possession, use, or effect of a controlled substance (as defined by the Federal Controlled Substance Act or similar state statutes) and free from the use, possession, and effect of alcoholic beverages. The City of Texarkana recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and reduced productivity. Therefore, the City of Texarkana expects all employees to be in a state of mind and physical condition, fit to complete their assigned duties safely and competently during work hours.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or the possession or use of an alcoholic beverage by an employee while on duty, during lunch, and/or other breaks, or at any time while the employee is on a City work site, on City working time, or at any time while using a City vehicle or other motorized equipment is absolutely prohibited and constitutes cause for termination of employment.

Any employee convicted (a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charge with the responsibility to determine violations of federal or state criminal statutes) of violating criminal statutes pertaining to controlled substances and/or alcohol, occurring at any time on or off City property, on a City work site, or on City working time while conducting City business, must immediately (no later than 5 days from the date of the conviction) report the conviction to their supervisor or be subject to disciplinary action up to and including termination of employment. Such conviction may itself also constitute grounds for disciplinary action up to and including termination of employment.

All employees using a prescription or non-prescription drug which may in any way affect their job performance, must promptly notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. A City department head or supervisor may require a physician's statement if the employee indicates that there is a need to use a prescription or non-prescription drug for three days or longer.

Each department head or supervisor may establish smoking policies for his or her departmental employees.

**Drug/Alcohol Testing Upon Reasonable Suspicion:**

If a City department head or supervisor has reasonable suspicion that an employee, at work or when reporting to work, appears to be under the influence of a controlled substance and/or of an alcoholic beverage and therefore appears to be impaired and unfit for duty, the employee will be required to consent to a drug/alcohol test. If an employee refuses to consent to a drug/alcohol test, disciplinary action, up to and including termination of employment will be initiated.

Reasonable suspicion is a belief based on objective facts, sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance and/or of an alcoholic beverage, so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited, to the odor of an alcoholic beverage or drug; erratic behavior; violent mood swings; excessive absenteeism, including tardiness; a medical emergency which could be attributed to substance or alcohol abuse; physical on-the-job performance, or an accident which is caused by the apparent action or inaction of the employee.

The department head or supervisor will describe the incident in writing, documenting the circumstances leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia, containers, etc. will be collected.

After documenting the incident, the department head will contact the Personnel Administrator to determine if drug/alcohol testing is appropriate and, if appropriate, to arrange for testing. If drug/alcohol testing is appropriate, the supervisor or department head will transport the employee to a drug/alcohol test collection facility. The drug/alcohol test may be a type based on urine, or

other type of sample, as appropriate. After testing, the employee will be transported home by his supervisor or relative, and told not to report to work until the results of the test are known. If the employee's supervisor reasonably determines that the employee is incapable of being managed, the Police Department may be contacted for assistance.

**Workplace Accident:**

In the event of a workplace accident, whether resulting in an on-the-job injury or not, a City department head or supervisor may require those employees in the work group experiencing the accident to submit to a drug/alcohol test under the guidelines set forth above for reasonable suspicion testing.

**Searches on City Property:**

A City department head or supervisor may conduct a reasonable search of any City property at any time and especially when employees in a work group experience an accident. City property includes, but is not limited to, City owned or leased buildings, parking facilities, City vehicles and/or motorized equipment, containers located in or on City vehicles and/or motorized equipment, as well as lockers and desks.

The personal property of City employees may also be searched if the employee's personal property is on City property and the employee signs a consent form. Whether or not a consent form is signed, any information obtained which may relate to violations of federal or state criminal statutes will be transmitted to the appropriate law enforcement agency.

**Drug-Free Awareness Program:**

To educate employees on the danger of drug abuse, the City has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the City's policy regarding drugs, the availability of counseling, and other types of information will be presented.

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

**6.17 SOCIAL MEDIA USE**

This policy provides guidance on the use of social media for all City employees. To fully understand the purpose of this policy, social media includes blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that allow users to share information with others in a contemporary manner.

Employees need to understand and comply with the City's Social Media Use policies. Failure to do so, could result in disciplinary action or termination of employment.

**Job-Related Use**

The City will allow job-related use of social media to further the goals of the City and the missions of its departments, where deemed appropriate. All city employees that are authorized to post information to social media sites will be subject to approval by the department head or designee. The City's website (<https://arkansas.txkusa.org/>) will remain the City's principal and predominant internet presence.

Employees shall maintain City related social media accounts separate from personal accounts, if practical.

Employees must receive a prior written approval from the department head or designee and agree to adhere to the City's social media and/or computer systems policies prior to posting any content on social media.

### **Personal Use**

Employees should be aware of the effect their actions may have on their images, as well as the City's image. The information that employees post or publish may be public information for a long time. The following principles apply to professional and personal use of social media when referencing the City.

Employees should be aware that the City may observe content and information made available by employees through social media. Employees should use their best judgment to not post content that is inappropriate or harmful to the City or its employees.

The following list, although not inclusive, provides specific examples of prohibited social media conduct that includes examples of posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Human Resources Department and/or supervisor or department head.

Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized City's spokespersons.

If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor or contact the Human Resources Department.

Employees should get appropriate permission before referring to or posting images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.

Social media use should not interfere with employee's responsibilities at the City. The City's computer systems are to be used for business purposes only. The use of the City's computer system and social media for business purposes is only allowed as described under Job-Related Use (ex: Facebook, Twitter, Instagram, Google, Flickr, etc. and the City's website), but personal use of social media networks or personal blogging of online content is prohibited and could result in disciplinary action, including termination of employment.

Subject to applicable law, after-hours online activity that violates the City's Standard of Conduct, Computer System Policy, and Social Media Use policies or any other company policy may subject an employee to disciplinary action or termination of employment.

## CHAPTER VII: TEXARKANA COMPUTER SYSTEMS POLICY

### 7.01 GENERAL

#### (A.) Introduction

Information Resources are strategic assets of the City of Texarkana that must be managed as valuable City resources. Thus this policy is established to achieve the following:

- To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources.
- To establish prudent and acceptable practices regarding the use of information resources, email, instant messaging, and the Internet.
- To educate individuals who may use information resources, emails, the Internet, the Intranet or both, with respect to their responsibilities associated with such use.
- To ensure the security integrity and proper use of the City computer network and all of the City's information resources.
- To ensure that all Information Resources are a secure and productive management tool.

#### (B.) Ownership

Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of the City of Texarkana, are the property of the City of Texarkana.

#### (C.) Privacy

Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of the City of Texarkana, are not private and may be accessed with the City Manager's authorization by CIS employees at any time, without knowledge of the employee. Department heads may access and view electronic files within their respective departments. All access shall be through the CIS Division.

#### (D.) Responsibility

The responsibility for assuring complete compliance with the provisions of this policy rests with the department heads, supervisors, and the individual employee involved. It is the responsibility of email and Internet users to stay informed regarding City information that is disseminated electronically. This includes understanding and keeping up-to-date on system operations.

#### (E.) Definitions

**Computer Information Services (CIS):** The Computer Information Services Division of Texarkana Water Utilities is currently charged with the duty of operation and maintenance of Texarkana's computer network. In addition, CIS is responsible for administering the information security functions, within the City network. The CIS Division is the City's internal and external point of contact for all information security matters.

**Computer Information Service Manager (CIS Manager):** Responsible to the City of Texarkana through the Executive Director of Texarkana Water Utilities, for management of the City's information resources. The designation of an agency information resources manager is intended to establish clear accountability for setting policy for information resources management activities, provide for greater coordination of the City's information activities, and ensure greater visibility of such activities within and between City agencies.

**Electronic Mail System:** Any computer software application that allows electronic mail to be communicated from one computing system to another.

**Electronic Mail (Email):** Any message, image, form, attachment, data, or other communication sent, received, or stored within an electronic mail system.

**Information Resources (IR):** Any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, handheld computers, personal digital assistants (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e., embedded technology), telecommunication resources, network environments, telephones, fax machines, printers, and service bureaus. Additionally, it is the procedures, equipment, facilities, software, and data, that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

**Internet:** A global system interconnecting computers and computer networks. The computers and networks are owned separately by a host of organizations, government agencies, companies, and colleges. The Internet is the present "information super highway."

**Intranet:** A private network for communications and sharing of information that, like the Internet, is based on TCP/IP, but is accessible only to authorized users within an organization. An organization's Intranet is usually protected from external access by a firewall. It is a closed network of computers across a local area network that work together to share information in a secured environment.

**User:** An individual or automated application or process that is authorized to access the resource by the owner, in accordance with the owner's procedures and rules.

**Vendor:** Someone who exchanges goods or services for money.

**World Wide Web:** A system of Internet hosts that supports documents formatted in HTML (Hyper Text Markup Language) which contains links to other documents (hyperlinks) and to audio, video, and graphic images. Users can access the Web with special applications called browsers, such as Netscape, Navigator and Microsoft Internet Explorer.

**(F.) Disciplinary Actions**

Violation of this policy may result in disciplinary action, up to and including termination. Additionally, employees are subject to loss of the City of Texarkana Information Resources access privileges, civil, and criminal prosecution, where appropriate.

All agencies using the Texarkana computer network outside the Cities of Texarkana shall adopt and enforce these policies, as a condition of continued use.

**7.02 INFORMATION RESOURCES ACCEPTABLE USE POLICY**

**(A.) General**

- All employees shall abide by the security instructions, rules, directives, or other security communications as contained in this document, and that may from time to time be issued by the CIS Manager (with approval of the City Manager).

- No user, employee, or department head shall take any action that may affect the security, efficiency, or use of the entire network, or the portion of the network, within their own department.
- Users shall report any weaknesses in the City of Texarkana's computer security, and/or any incidents of possible misuse or violation of this agreement to their department head, who shall forward such information to the CIS Manager and other appropriate authorities.
- Users shall not attempt to access any data or programs contained on the City of Texarkana system for which they do not have authorization or explicit consent. The prohibition extends to CIS employees who shall not access electronic files that are password protected and/or email files without the specific request or approval of the user or authorization from the City Manager.
- Users shall not divulge remote access connection information, including but not limited to, dial-up modem phone numbers, VPN addresses, etc.
- Users shall not divulge dial-up modem phone numbers to anyone.
- Users shall not share their City of Texarkana account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e., Smartcard), or similar information or devices used for identification and authorization purposes.
- Users shall not make unauthorized copies of copyrighted software.
- Users shall not use non-standard shareware or freeware without the approval of the CIS Manager.
- The CIS Manager retains the option, with approval of the City Manager, to disable, remove, or stop the usage of any software that is in his opinion, inappropriate or detrimental to the City, including any software that uses excessive system resources.
- Users shall not purposely engage in activity that may: harass, threaten, or abuse others; degrade the performance of Information Resources; deprive an authorized City of Texarkana user access to a City of Texarkana resource; obtain extra resources beyond those allocated; circumvent the City of Texarkana computer security measures.
- Users shall not download, install, or run security programs or utilities that reveal or exploit weaknesses in the security of a system. For example, the City of Texarkana users shall not run password cracking programs, packet sniffers, or port scanners or any other non-approved programs on the City of Texarkana Information Resources.
- The City of Texarkana Information Resources shall not be used for personal benefits.
- Users shall not intentionally access, create, store, or transmit material, which the City of Texarkana may deem to be offensive, indecent, illegal or obscene (except when in the course of academic research, where this aspect of the research has the explicit approval of the City of Texarkana official processes, for dealing with academic ethical issues, or is part of a law enforcement investigation. Subjects include but not limited to, those dealing with sex, drugs, pornographic material, explosive devices, or any illegal activity. Users with

proper approval for these types of files, shall not copy or disseminate such files, except as approved by their department head.

- Access to the Internet from a City of Texarkana owned, home based computer, shall adhere to all the same policies that apply to use from within the City of Texarkana facilities. Employees shall not allow family members or other non-employees to access the City of Texarkana computer systems. Access to the Texarkana computer network including Internet access from a privately owned computer device shall be limited to those with written approval from the City Manager. Anti-virus software must be loaded on all of these types of devices as a condition of system connection and usage.
- Privilege for use of private devices or dial up access may be withdrawn or curtailed without notice.
- Users shall not otherwise engage in acts against the aims and purposes of the City of Texarkana, as specified in its governing documents or in rules, regulations, and procedures adopted from time to time.
- Frequency and method of all password changes should be at the discretion of the CIS Manager. Seven characters and/or numbers shall be the minimum password size.

**(B.) Incidental Use**

As a convenience to the City of Texarkana user community, incidental use of Information Resources is permissible with reasonable limits and if consistent with restrictions defined in this policy. The following restrictions apply:

- Incidental personal use of electronic mail, Internet access, fax machines, printers, copiers, and so on is restricted to the City of Texarkana approved users; it does not extend to family members or other acquaintances.
- Incidental use shall not result in direct costs to the City of Texarkana.
- Incidental use shall not interfere with the normal performance of an employee's work duties.
- No files or documents may be sent or received that may cause legal action against, or embarrassment to the City of Texarkana.
- Storage of personal email messages, voice messages, files, and documents within the City of Texarkana's Information Resources must be nominal.
- All files and documents – including personal files, messages, and documents – are owned by City of Texarkana, may be subject to open records requests, and may be accessed in accordance with this policy.
- All messages, files, and documents – including personal messages, files, and documents – located on the City of Texarkana Information Resources, are owned by the City of Texarkana, may be subject to open records requests, and may be accessed in accordance with this policy.



- Incidental use is not appropriate during regular working hours. After hours, lunch, and breaks are acceptable times, subject to the approval of the department head. Incidental use policies may be more stringent in individual departments at the discretion of the department head.

### **7.03 EMAIL AND INSTANT MESSAGING POLICY**

The following activities will be enforced by policy:

- Authorized email system will be Microsoft Exchange.
- Users will access email through Microsoft Office or by web mail access.
- Users will be limited to a size of 75MB for their mailbox.
- Users will delete unnecessary emails.
- Users will empty the Delete Folder upon logging off at the end of the day.
- Users shall not allow other persons to use their email service.
- All requests for email service must be submitted to CIS in written form after approval by the user's department head.
- Email usage shall not be used as a method of document retention.

The following activities are prohibited by policy:

- Sending emails/instant messages that are intimidating, harassing, threatening, or obscene (as defined by U.S. and local law). Anything which could be construed as sexually explicit, scandalous, defamatory, libelous, immoral, or discriminatory, based on race, national origin, sex, sexual orientation, disability, religion, or political beliefs is banned from the system.
- Sending a global email except with express documented permission of the City Manager. Global emails shall be limited to a single City, unless specially approved in writing.
- Using email/instant messaging for conducting personal business, whether for profit or not.
- Using email/instant messaging for purposes of political lobbying or campaigning.
- Violating copyright laws by inappropriately distributing protected works.
- Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.
- The use of unauthorized email and/or instant messaging software.
- Sending or forwarding chain letters.
- Accessing a website or location on the Internet where a fee is charged is prohibited. Employees acquiring such charges bear sole responsibility for them unless accessing a fee based site has been approved by the respective Department Director.

The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:

- Using unauthorized email add on features. Such programs will impede the network by using a large amount of network's band width.

- Sending unsolicited messages to large groups except as required to conduct agency business.
  - Sending excessively large messages and/or attachments.
  - Sending or forwarding emails that is likely to contain computer viruses.
- ❖ All sensitive City of Texarkana material transmitted over external network must be encrypted.
  - ❖ All user activity on the City of Texarkana Information Resources assets is subject to logging and review.
  - ❖ Electronic mail users must not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the City of Texarkana and/or any unit of the City of Texarkana, unless appropriately authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer will be included, unless it is clear from the context that the author is not representing the City of Texarkana. An example of a simple disclaimer is: “the opinions expressed are my own and not necessarily those of my employer.”
  - ❖ Individuals shall not send, forward, or receive confidential or sensitive City of Texarkana information through non-City of Texarkana email accounts. Examples of non-City of Texarkana email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, and email provided by other Internet Service Providers (ISP).
  - ❖ Individuals shall not send, forward, receive, or store confidential or sensitive City of Texarkana information, utilizing non-City of Texarkana accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers, and cellular telephones.

**NOTE:**

- All emails sent/received through network will be logged.
- Email logs are subject to reporting audits with proper authorization.

**7.04 INTERNET AND INTRANET POLICY**

- Software for browsing the Internet is provided to authorized users for business and research use only.
- Streaming video is only allowed for business usage, i.e., web training. This must be setup by the CIS Department prior to the event.
- Known web sites that are not related to City business may be blocked with the City Manager’s authorization.
- All software used to access the Internet must be part of the City of Texarkana standard software suite or approved by the CIS Department. This software must have all vendors provided security patches applied.
- All files downloaded from the Internet shall be scanned for viruses using the approved CIS distributed software suite and current virus detection software.
- All sites accessed must comply with the City of Texarkana’s Computer Systems Policy.
- All user Internet/Intranet activity on City of Texarkana Information Resource assets is subject to logging and review by the appropriate department head and or the City Manager.
- Content on all City of Texarkana Web sites must comply with the City of Texarkana Acceptable Use Policies.
- No offensive or harassing material may be made available via City of Texarkana Web sites.

- Occasional non-business related purchases made over the Internet during incidental personal use, are allowed, subject to approval by the department head. The City assumes no liability for such purchases or any problems that might arise from such purchases. Business related purchases are subject to City of Texarkana procurement rules.
- No personal commercial advertising may be made available via City of Texarkana Web sites.
- City of Texarkana Internet access may not be used for personal gain or non-City of Texarkana personal solicitations.
- No City of Texarkana data will be made available via City of Texarkana Web sites, without the appropriate department head and/or the City Manager, ensuring that the material is available to only authorized individuals or groups.
- All sensitive City of Texarkana material transmitted over external networks must be encrypted.
- Electronic files are subject to the same records retention rules that apply to other documents, and must be retained in accordance with departmental records retention schedules.
- The end user shall be held responsible for all Internet accesses logged with their username. If in the event that another person or employee knew, and/or used a user password, shall not be a defense for inappropriate access; a user is responsible for the security of their PC, laptop, or other similar device.

## **CHAPTER VIII: MISCELLANEOUS INFORMATION**

### **8.01 POLICY STATEMENT**

This Personnel Manual outlines the rights and benefits afforded all employees by the City. The City of Texarkana, Arkansas, possesses the sole right to operate and manage the affairs of the City.

### **8.02 SEVERABILITY**

Should any of the provisions of this Personnel Manual be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that any state law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

### **8.03 DEPARTMENTAL POLICIES AND PROCEDURES**

Each department head is authorized to adopt lawful, oral, or written policies governing the day-to-day operations of that department. Departmental policies, if in conflict with these Employee Policies and Procedures, shall be governed by these Employee Policies and Procedures.

### **8.04 CHANGE OF ADDRESS, MARITAL STATUS, BENEFICIARY**

It is important that if an employee changes his or her home address, telephone number, marital status, or beneficiary, to notify the Personnel Office of this change so that personnel files may be kept up to date. This is important in case the City must mail the employee any information that it feels the employee will need.

Employees shall not use the City as an address for personal mail.

### **8.05 NO SOLICITATION POLICY**

Solicitation for any purpose shall not be permitted of or by City employees on the job. An employee may not be required to make any contribution or be penalized in any way in connection with City employment, according to the employee's response to authorized solicitation.

Persons who are not employees of the City may not solicit or distribute literature on City premises at any time.

### **8.06 USE OF CITY-OWNED VEHICLES**

City-owned vehicles are to be used for official business only and unauthorized passengers are not permitted. Authorized passengers are considered to be those individuals who have reason to be in the vehicle for the purpose of conducting business, for the City or with the City, or as authorized by the Board of Directors. Anyone using City-owned vehicles must have a valid driver's license and will be subject to periodic checks of driving records.