

ORDINANCE NO. 214

AN ORDINANCE TO ADOPT PERSONNEL HANDBOOK

WHEREAS, the City of Goshen is in need of a Personnel Handbook which applies to the employees of the City of Goshen;

WHEREAS, it is necessary for the City Council to consider an ordinance adopting the Personnel Handbook.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN:

SECTION 1. The City Council hereby adopts the Personnel Handbook attached hereto as Exhibit A as if it were set out word for word herein.

SECTION 2. EMERGENCY CLAUSE: It is hereby declared that in order to clarify the rights and obligations of the City of Goshen and its employee through the adoption of a Personnel Handbook which does not currently exist, an emergency exists and this ordinance, being necessary for the immediate protection of the City of Goshen and its employees, shall be effective immediately upon its passage.

PASSED AND APPROVED this 11th day of July 2023.




Russell Stroud, Mayor

ATTEST:



Marjorie Vaillancourt, Recorder/Treasurer



Brian C. Hogue, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names of those voting YEA

Birch Wright
Paula Anderson
John Vaillancourt
Colton Martin
Shawn Mayfield

Names of those voting NAY

Absent

Ward 3, Position 2 vacant

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names of those voting YEA

Birch Wright
Paula Anderson
John Vaillancourt
Colton Martin
Shawn Mayfield

Names of those voting NAY

Absent

Ward 3, Position 2 vacant



Personnel Handbook

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PREFACE

USING THIS HANDBOOK

A. EXPLANATION

After receiving and fully reading the employee handbook, if anything appears to be confusing and/or not explained or is in any way unsatisfactory to the newly hired employee, please reach out to your department head for further explanation.

B. A SPECIAL WORD ABOUT UNIFORMED EMPLOYEES

The City of Goshen did not attempt to develop a handbook for uniformed city employees and non-uniformed city employees. Uniformed departments are governed by numerous Arkansas statutes, including Civil Service laws. The City of Goshen's uniformed employees should follow the specific statutes that relate to police officers and firefighters. Nothing in these guidelines should be interpreted to conflict with or override state law. To the extent that any state law provides additional or different benefits or rights to uniformed employees, the provisions of these employee guidelines shall be deemed to include those statements of law.

C. CHANGING PERSONNEL PROCEDURES

This is the declaration of the City of Goshen, with approval from City Council and in accordance with Arkansas State Laws to establish employee policies and procedures. This is the set outline of employee responsibilities, behaviors and the relationship the City of Goshen has with its employees. If at any time this handbook is revised, the City Council must approve the repeal of this 2023 version and adopt the new or revised Personnel Handbook. All Employees will be notified and provided with a new copy of the new or revised handbook with an acknowledgment form, required with notary signature to account for proper representation.

CHAPTER 1

GENERAL POLICIES

1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures necessary to implement and administer the City's personnel system. By adopting this Handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

1.2 SCOPE

All employees of the City of Goshen are subject to the application of the personnel policies and procedures described in this Handbook.

1.3 DEFINITIONS

EMPLOYEE—An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

EXEMPT EMPLOYEE—Employee who is not eligible for overtime as defined by the Fair Labor Standards Act.

FULL-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position that has daily, weekly, and monthly hours as established by the City Council for full-time work.

NON-EXEMPT EMPLOYEE—Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

OVERTIME—Hours worked in excess of 40 hours during a regular work week. For law enforcement officers, hours worked in excess of 86 during a 14-day work period.

PART-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

SUPERVISOR—Person who has been designated to oversee other employees in a department.

TEMPORARY EMPLOYEE—An employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

WORK WEEK—Seven (5) day period beginning at 8 a.m. on Monday, except for police officers and any other employees specifically excluded from this provision by the terms of this Handbook.

1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

Since personnel practices and procedures are in a constant state of change, the City will continuously review this Handbook for amendments or revisions that might better serve the needs of the City and its employees. As such, this Handbook was designed to be routinely updated and amended as needed.

The City of Goshen shall have the exclusive right to change, alter, delete, add, or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall

be approved by resolution of the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual, however advance notice may not always be possible.

This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

1.5 DISTRIBUTION LIST

A copy of this manual and all subsequent revisions or amendments shall be distributed to all employees and elected or appointed City of Goshen officials.

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Goshen is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

2.2 AMERICAN WITH DISABILITIES ACT

The City of Goshen abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the HR Director or the Department Head. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

2.2.1 UNLAWFUL DISCRIMINATION AND HARASSMENT

2.2.2 POLICY

The City of Goshen expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran or the presence of any physical, mental, or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

2.2.3 PROHIBITED CONDUCT DEFINED

Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e., race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran, or the presence of any physical, mental or sensory handicap.

Discrimination or harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct, including but not limited to the following actions:

- Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;

- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist, or other derogatory materials, i.e., posters, e-mails, calendars, magazines;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Intentional physical contact with either gender specific portions of a person's body or that person's private parts, i.e., pinching, gestures, unwelcome touching;
- Making offensive sexual, racial, or other derogatory hints or impressions;
- Requesting favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment;
- Overtly using one's title or position to harass employees sexually or otherwise.

Discrimination or harassment based upon a person's protected status, is prohibited by federal and state anti-discrimination laws and violates City policy where it:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise unreasonably affects an individual employment opportunity.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and is prohibited under the City's harassment policy when:

- Submission to the conduct is either explicitly or implicitly a term or condition of employment
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
- The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment includes but not limited to:

- Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex
- Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's workstation;
- Unwanted sexual advances, requests, or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

2.3 COMPLAINT REPORTING AND INVESTIGATION

The City is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet, and timely manner to:

- Determine if the conduct alleged in the complaint took place and constitutes harassment that violates federal and/or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy.
- Stop the offending behavior.

- Restore the complainant’s working environment.
- Take steps to prevent retaliation and repetition of the harassment.
- Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.
 1. It is every employee’s and official’s responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place
 2. Each complaint shall be fully investigated, and a determination of the facts and an appropriate response will be made on a case-by-case basis.
 3. Any supervisor or department head who learns of or receives a complaint of harassment through any means (including witnessing, overhearing, learning of a rumor, or otherwise becoming aware of alleged harassment in the workplace) is obligated to report it to the Director of HR.
 4. Each complaint shall be treated confidentially and be fully investigated internally. A determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that harassment has occurred, the City shall take appropriate corrective disciplinary action, which may include but not limited to, verbal and/or written warnings, probation, suspension, demotion, and/or termination.

No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation due to their involvement in the investigation. The City of Goshen will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated the City’s policy against such retaliation.

If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred to the Director of Human Resources for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the Director of Human Resources shall determine how to act on the findings set forth in the investigation report.

An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 AT-WILL EMPLOYER

The City of Goshen is an at-will employer. This means that the City of Goshen or any of its employees 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 to discontinue 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.

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

3.2 AUTHORITY TO HIRE AND FIRE

[NOTE: State law dictates that local government department heads serve at the will of the mayor. See Ark. Code Ann. 14-42-110.

The City of Goshen, Arkansas will follow all ordinances set forth by the City Council regarding the hiring and termination process for City employees. As a general rule, the Mayor is ultimately responsible for the hiring and firing of employees, although this may be delegated to department heads within the City. No employee shall be terminated without the advanced approval of the Mayor.

3.3 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available at the City Hall office in Goshen, AR. Please contact the acting HR Director or Department Head. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, the position or positions open will be announced and posted on Indeed, 5 designated locations within the City of Goshen. It is recommended that all jobs be posted on a reputable internet-based job search engine site at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to city departments and, as appropriate, to public and private employment agencies, local newspapers and other sources that might recruit applicants. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

Applications for full-time city employment will not be accepted by anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the Mayor is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

3.4 EMPLOYMENT APPLICATIONS AND RESUMES

The City of Goshen relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures.

3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS

At the discretion of the Mayor or Department Head a newly hired employee may be required to perform a post-offer pre-employment physical. Such examinations shall be paid for by the City. The examinations shall be performed by licensed physicians selected by the HR Director or Department Head. A summary report of the examining physician shall be provided to the HR Director or the Department Head as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological, and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the HR Director or Department Head to be kept in a confidential file apart from the individual's personnel file. The City may share

such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the City Government.

3.6 FITNESS FOR DUTY EXAM

Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation or who pose a direct safety threat to themselves, or others shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the HR Director or Department Head shall take action that is necessary to ensure that the requirements of the individual's position are satisfied.

3.7 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

It is the City of Goshen's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return- to-duty and follow-up testing. The City of Goshen will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of the City's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

3.8 DRUG AND ALCOHOL TESTING

The City of Goshen has a responsibility to ensure safe-working conditions for its employees and a productive City workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, City is committed to maintaining a workplace that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination.

Any City employee who violates this substance abuse policy or is convicted of an alcohol or drug violation will be subject to disciplinary action, up to, and including termination.

3.8.1 FITNESS FOR DUTY

Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act

(ADA). The City of Goshen will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City on or off the workplace are prohibited from purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to True Health to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the City of Goshen will result in appropriate disciplinary action, including termination.

3.8.2 NOTIFICATION

As a condition of employment with the City, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off City premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

3.9 GENETIC INFORMATION.

The city shall not request or require genetic information from an individual or family member, except as specifically allowed by the Genetic Information Nondiscrimination Act of 2008 (GINA). In making any request for medical information, the city shall include the following language to the medical provider:

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

(Note: The Genetic Information Nondiscrimination Act of 2008 (GINA) applies to employers with fifteen or more employees for each working day in each of twenty or more calendar weeks.

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 ATTENDANCE

Employees shall be in attendance at their workstations in accordance with the rules and regulations established by their department head.

4.2 WORK HOURS

Except for police officers and firefighters, the standard workweek shall consist of forty (40) hours per week within a seven-day period, unless otherwise arranged by their department head to meet specific departmental needs. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

The standard workday shall begin at 8:00 a.m. and end at 4:00 p.m. unless otherwise arranged by the Mayor or Supervisor to meet specific job needs. Departments may vary from this schedule based upon departmental necessity. The standard workweek is Monday through Friday.

Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the Mayor or Department Head. Flexible work arrangements allow the Mayor or Department Head to schedule the workweek of forty (40) hours to meet specific departmental situations.

The City reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of Goshen. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Mayor or Department Head. Changes in work schedules will be announced as far in advance as practicable.

Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

4.3 UNAUTHORIZED WORK TIME

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action including but not limited to suspension without pay.

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

Compensation for employment with the City of Goshen may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the forms provided by the acting Office Manager. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a biweekly basis to their supervisors for signatures. The supervisors shall forward the same to the acting Office Manager in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked, and overtime accrued and taken.

4.4.2 PAYROLL RECORDS

The acting Office Manager shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours.

4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid every two (2) weeks. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in each payroll

period should immediately report their concerns to the acting HR Manager.

4.5 SALARY BASIS POLICY*

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

4.5.1 SALARY BASIS REQUIREMENT

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employees' work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see policies on penalties for workplace conduct rule infractions). Also, the City is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for

weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

4.5.3 CITY POLICY

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

4.5.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the acting HR manager, Mayor or City Attorney.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

4.6 OVERTIME AND COMPENSATORY TIME

4.6.1 OVERTIME

The City will pay overtime in accordance with the Fair Labor Standards Act at one and half times the base rate or hourly rate for all hours worked **in excess of the hours per week set forth in the WORK HOURS section of this Handbook.**

Overtime will be permitted only with prior approval of the Mayor prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to suspension without pay.

4.6.2 COMPENSATORY TIME

Compensation for overtime may be made in the form of compensatory leave time (“comp time”) to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek, unless the employee is working in a classification with special overtime rules under FLSA (i.e., police officers and firefighters). No civilian employee may accumulate more than 40 hours of compensatory time at any given time during the calendar year (Ordinance 130). Hours in excess of the specified maximum shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee’s then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime.

However, the overtime records of the acting Office Manager shall be final with respect to the number of paid time off hours earned for an employee. Paid time off time must be taken during the calendar year earned and should be scheduled in the same manner required for any requested days off work.

4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this Handbook.

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek.

[NOTE: Sworn law enforcement officers and firefighters may be subject to special exceptions which permit the establishment of work periods up to 28 days. If such work periods are adopted, overtime is not

measured in terms of 40-hour work weeks but should be paid for work performed in excess of 171 hours in a 28-day work period for police officers or for work performed in excess of 212 hours in a 28-day work period for firefighters.] For more information see FLSA-21 Things You Should Know available on the webpage, <http://www.arml.org/resources/legal-faqs/>.

4.7 EMERGENCY SITUATIONS

It is the policy of the City to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City of Goshen offices. Such situations shall be determined by the City Council after consideration of all the facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

At times it may become necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be approved by the City Council may or in consultation with City Council. Arrangements shall be made with other departments, etc. to handle any emergency situations during the department's closure. A skeleton crew shall remain in each department to cover phones and assist the public when at all possible. Notification will be made to interlocal agencies for assistance in handling any emergency situation during the department closing.

4.8 TEMPORARY AND SEASONAL EMPLOYEES

On occasion, the city may hire temporary or seasonal employees who are hired for a set duration (i.e., in the form of a seasonal employee, such as a lifeguard for an outdoor swimming pool) or for a specific project. These employees are not intended to be employed on a regular basis and are employed at will. Temporary employees may be hired full- or part-time and are paid for actual hours worked at a rate determined by the department head. Temporary, non-exempt employees are eligible for overtime for hours exceeding 40 hours per workweek, subject to all other overtime policies set forth in this Handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other City benefits.

4.9 VACANCIES AND PROMOTIONS

It is the intent of the City of Goshen to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Goshen an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be posted in accordance with our city ordinances.

The final decision regarding promotions shall be made by the Mayor upon the recommendation of the appropriate department Head.

4.10 TRAINING

The City of Goshen is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notify his/her department head. Expenses incurred in on-the-job training should be assumed by the City.

4.11 PERFORMANCE EVALUATIONS

All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the

development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

4.12 JOB SAFETY

The City of Goshen strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or department head for the correct method.

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

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
- Immediately report any unsafe or potentially unsafe working conditions or equipment.
- Immediately report any and every accident to the supervisor or department head.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or City property.

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted in buildings, owned and maintained by the city, or on an employee's person while conducting offsite city business unless the employee is a law enforcement officer or a security guard employed by a state agency, or a city or county, or any state or federal military personnel. Further, no dangerous items are allowed on any part of a detention facility, prison, or jail, including parking lots. If an employee is undergoing disciplinary proceedings or is terminated and must return to work for any reason, the employee shall neither possess nor store the dangerous items on the employee's person or in the employee's vehicle. Of course, theft of any kind will not be tolerated.

City property, or in an employee's possession while conducting City business offsite. Of course, theft of any kind will not be tolerated.

4.13 REFUSAL TO WORK

A city employee's commitment is to public service. Any 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 Goshen.

4.14 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Goshen are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Although not required, proper notice generally allows the City sufficient time to calculate all final accrued monies due to the employee for his or her final paycheck. Without adequate notice, however, the employee may have to wait until after the end of the next normal pay period to

receive such payments.

Employees who plan to retire are urged to provide the City with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

All employment relationships with the City of Goshen are on an at-will basis. Thus, although the City of Goshen hopes that the relationship with employees is rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

4.15 EXIT INTERVIEWS

Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any City property in his/her possession, or which was entrusted to him/her.

4.16 JOB DESCRIPTIONS

It shall be the responsibility of the HR Director or Department Head to maintain a job description on file for each position in the department. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgment.

CHAPTER 5

BENEFITS

5.1 VACATIONS

5.1.1 POLICE DEPARTMENT

Refer to the policy and Procedure Manual for the Police Department.

5.1.2 FIRE DEPARTMENT

Pursuant to Ark. Code Ann. §14-53-107, each employee shall be granted an annual vacation of not less than fifteen (15) days with full pay.

All employees of the fire department shall accumulate vacation time at the rate of one and one-quarter (1¼) calendar days for each month of working service. The Chief shall require all employees to take their vacations in increments of five (5) or more consecutive days. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. Vacation time for December shall accrue on the first day of the month so that the employee will have the vacation time available to use before the end of the year.

5.1.3 VACATION TIME FOR NON-UNIFORMED EMPLOYEES

Refer to City Ordinance for specified accruals of paid time off.

5.1.4. VACATION ACCRUAL RATE

Refer to City Ordinance for specified accruals of paid time off.

Policies concerning vacation time for non-uniformed employees in no way alter the City of Goshen is an at-will employment policy as described in this Personnel Handbook.

5.1.5 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee’s supervisor, so that the leave fits in to the overall scheduling of the department. Employees should notify their department heads at least 30 days in advance of being absent for vacation time. The permissible number of employees taking vacation at any one time will be governed determined by the HR Director or Department Head based upon departmental workloads. The City reserves the right to alter vacation schedules.

Approval of vacation requests falls under the discretion of the Department Head. The Department Head evaluates each request on a case-by-case basis and determines approval based on the timeliness of the request and the departmental needs. The maximum vacation leave to be taken at any one time is fifteen (15) days unless advance approval is granted.

5.2 HOLIDAYS AND HOLIDAY PAY

Pursuant to Ark. Code Ann. Section 1-5-101 & Goshen City Ordinance 130 and 182

All full-time employees shall be entitled to ten (10) paid holidays per year. The following days are declared to the sole official holidays applicable to the City of Goshen:

HOLIDAY	DAY/DATE
New Year’s Day:	January 1st
Martin Luther King Jr. Day	Third Monday in January
George Washington’s Birthday or Presidents’ Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans’ Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	December 24th
Christmas Day	December 25th

A holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the following Monday.

Police Paid Holidays. Refer to Department SOP’s or Ordinance.

Non-uniformed Paid Holidays. Non-uniformed full-time employees shall receive holiday pay for each of the ten (10) holidays listed above on the pay period the holiday is incurred.

The City of Goshen will publish a holiday schedule for the sequent year no later than the second pay period in December of each year. The city reserves the right to change observance of any published holiday.

Holiday pay is defined for purposes of this section as pay for an eight (8) hour day, regardless of the length of a

shift typically worked by the employee.

5.3 INCLEMENT WEATHER

In the event City of Goshen offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either annual leave, comp time or leave without pay. The employee must report their absence to their immediate supervisor to remain in pay status for any such absence. Failure to report your absence could result in disciplinary action, up to and including termination.

The decision regarding inclement weather will be communicated by phone to each employee.

Essential personnel are those employees who are required to provide mandatory services, and who must be on the job regardless of weather conditions. Department heads will ensure that those employees designated as essential services for their department are aware of this designation and understand that they are required to report to or remain at work.

5.4 SICK LEAVE

5.4.1 POLICE DEPARTMENT

Refer to the Standard Operating Procedures Manual for the police department.

5.4.2 CATASTROPHIC LEAVE

Pursuant to Ark. Code Ann. § 107:

(d)(1) A city of the first class, a city of the second class, and an incorporated town may adopt a catastrophic leave program by ordinance under § 14-42-123 to include a “presumptive illness list for municipal police department” under this section.

(d)(2) As used in this section, a “presumptive illness list for municipal police department” means an illness that is chronic or fatal.

5.5 MATERNITY LEAVE

Employees affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy-related health impairments, illnesses, or injuries. **An employee’s accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the City’s Family Medical Leave Policy, if applicable.**

In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

5.6 UNIFORMED SERVICES

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 USC 4301 et seq., and in Ark. Code Ann. § 21-4-102. It is the City’s policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual’s membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and re-printed in Appendix A of this Handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under Ark. Code Ann. § 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FLSA provides further rights to family members of military personnel.

5.7 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the spouse, son, daughter, or parent, or nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child;
- for spouse, son, daughter, or next of kin of an eligible service member to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks during a "single 12-month period;"
- The care of an immediate family member (spouse, child, or parent, but not a parent "in-law") who has a serious health condition;
- The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job; and
- for any qualifying exigency when the employee's spouse, son, daughter, or parent is a covered military member (on active duty or is notified of an impending call to active duty) in support of a contingency operation.

You must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event.

However, leave may begin prior to birth or placement, as circumstances dictate.

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

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

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

The Family Medical Leave Act (FMLA) requires that the City maintain the health coverage of an employee eligible for FMLA under any group plan during the time the employee is on FMLA leave.

5.7.1 FMLA ELIGIBILITY

To be eligible for the FMLA benefits employees must: 1) be employed by the City for at least one year; and 2) have worked 1250 hours over the previous twelve (12) months preceding the date of the leave is requested to begin. An employee returning from fulfilling his or her National Guard or Reserve military

obligation shall be credited with the hours of service that would have been performed *but for* the period of military service in determining whether the employee worked the 1,250 hours of service.

Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The City shall not require the use of annual leave as part of family medical leave. The employee, at the employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work week.

5.7.2 CALCULATION OF LEAVE

Employees eligible for FMLA may use up to 12 weeks of leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken. The next 12-month period will begin on the first day FMLA leave is taken after completion of any previous 12-month period.

5.7.3 INTERMITTENT OR REDUCED LEAVE

In circumstances where FMLA leave is sought for your own serious health condition or that of a family member, you may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when you choose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or be placed on a reduced work schedule. However, this may only be done with prior permission and approval of the Mayor. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay and benefits, if another position would better accommodate that the intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operations.

5.7.4 NOTIFICATION

You must provide the HR Director or Department Head with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify the HR Director or Department Head as soon as possible.

5.7.1.4.1 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

In the event spouses both work for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent.

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

5.7.5 JOB RESTORATION

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. However, certain highly compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their positions if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

5.7.6 EMPLOYEE BENEFITS

During an employee's FMLA leave of absence, his/her health care benefits will continue. Both the City and

the employee will be required to pay the customary portions of the monthly health premium. The employee's failure to pay his or her share of the premium may result in loss of coverage. The HR Director or Department Head will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the City. Prior to dropping an employee from coverage for non-payment, the HR Director or Department Head will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee unequivocally informs the City that he/she does not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work, from FMLA leave, for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have returned to work.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

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

5.7.7 CERTIFICATION

Medical certification, by a qualified healthcare provider, of the need for FMLA leave for medical reasons is required. A certification form may be obtained from the HR Director or Department Head. This form should be filled out and returned to the HR Director or Department Head. When the leave is foreseeable and at least 30 days notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within 15 calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: Doctor of Medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, and physician assistants authorized to practice under State law and performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

5.7.8 RELEASE TO RETURN TO WORK

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

5.7.9 DISPUTE RESOLUTION

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

Additional information and forms may be obtained from the HR Director or Department Head.

5.8 LEAVE FOR WITNESS OR JURY DUTY

Employees will be granted paid leave for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the HR Director or Department Head a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

5.9 MISCELLANEOUS LEAVE

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be pre-approved by the HR Director or Department Head. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal workday, overtime will not be paid.

The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses.

The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action.

5.10 EMPLOYEE HEALTH BENEFITS

The City of Goshen provides a group health and dental plan for all its full-time employees. Detailed information on the policies and coverages will be given to employees at the time of hire. Additional information may be obtained from the HR Director or Department Head.

5.11 OCCUPATIONAL INJURIES

All City employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located inside City Hall posted in the hallway.

5.12 ACCIDENTAL INJURY

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred.

CHAPTER 6

STANDARDS OF CONDUCT

6.1 COMMUNICATING WITH THE PUBLIC

Employees of the City of Goshen shall at all times be civil, orderly and courteous in their conduct and demeanor towards the public. Each employee should treat members of the public with respect and efficiently provide responses to their inquiries or requests. **This attitude or approach to public service cannot be overemphasized.**

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

6.1.1 COMMUNICATING ON BEHALF OF THE CITY

The Public Relations Director is authorized to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications. Other employees may represent the city if approved by one of these individuals to communicate on a specific topic. When speaking on behalf of the city or while carrying out your official duties.

- Employees must identify themselves as representing the city. Account names on social media sites and related communications. Other employees must clearly be connected to the city and approved by the Public Relations Director.
- All information must be respectful, professional, and truthful. Corrections must be issued when needed.
- Employees need to notify the Public Relations Director if they will be using their personal technology (cell phones, home computers, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Freedom of Information Act (FOIA).

6.1.2 HANDLING REQUESTS FOR INFORMATION PURSUANT TO FOIA

Any citizen of the State of Arkansas may request to inspect, copy, or receive copies of public records pursuant to the Freedom of Information Act. Any requests must immediately be forwarded to the public records custodian. If the employee receiving the request is not the custodian, the employee must notify the requestor of this fact and identify the custodian.

6.1.3 HANDLING MEDIA REQUESTS

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the PR Director or the custodian of the records in the case of a records request. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and websites. When responding to media requests, employees should follow these steps:

- If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the PR Director.
- If the request is regarding information about city personnel, potential litigation, controversial issues, and opinion on a city matter, or if you are unsure if it is a “routine” question, immediately forward to the HR Director or Department Head in the case of a records request, to HR Director or Department Head. An appropriate response would be “I’m sorry, I do not have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as she/he can.”
- Ask the media representative’s name, questions, deadline, and contact information.

6.2 PERSONAL COMMUNICATIONS

It is important for employees to remember that the personal communications of employees may reflect on the city,

especially if employees are commenting on city business. The following guidelines apply to personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers and personal endorsements.

6.3 UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the HR Director or Department Head. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor or department head.

6.4 GUIDELINES FOR APPROPRIATE CONDUCT

The City of Goshen expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

Whether an employee is on duty or off-duty, his/her conduct reflects on the city. An employee should always observe the highest standards of professionalism.

Types of behavior and conduct that the city considers inappropriate include, but are not limited to the following:

- 6.4.1 Falsifying employment or other city records.
- 6.4.2 Violating any city nondiscrimination and/or harassment policy.
- 6.4.3 Soliciting or accepting gratuities from citizens.
- 6.4.4 Excessive absenteeism or tardiness.
- 6.4.5 Excessive, unnecessary, or unauthorized use of city property.
- 6.4.6 Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution, or transportation of drugs.
- 6.4.7 Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized.
- 6.4.8 Fighting or using obscene, abusive, or threatening language or gestures.
- 6.4.9 Theft of property from co-workers, citizens, or the city.
- 6.4.10 Unauthorized possession of firearms on city premises or while on city business.
- 6.4.11 Disregarding safety or security regulations.
- 6.4.12 Insubordination.
- 6.4.13 Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory and in violation of either 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.

6.5 ABSENTEEISM AND TARDINESS

Regular attendance is essential to effective business operations, and the City of Goshen expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place 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, he/she should give proper notice to his or her supervisor.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns (i.e., regularly reporting late on Monday mornings or calling in absent on Fridays) or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action.

“Proper notice” is defined by the City as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the Department Head or the employee’s supervisor will be deemed absence without leave. Such absence shall be without pay.

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. The work of a full-time employee of the city shall have precedence over any other occupational interest or pursuit of the employee. A full-time employee is expected to be available for work during all regular working hours and for overtime as required. An employee’s employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the department head.

6.7 VOTING

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

6.8 USE OF NARCOTICS, ALCOHOL AND TOBACCO

Employees of the City of Goshen shall not use habit-forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician.

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

Each Department Head or supervisor may establish smoking rules or guidelines for his or her departmental employees.

6.9 DRUG-FREE WORKPLACE

It is the policy of the City of Goshen to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city’s ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in city business for the City of Goshen or on the city’s premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee’s ability to perform on the job or threatens the reputation and integrity of the city.

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 the city's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may 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.

6.10 USE OF CITY ASSETS AND RESOURCES

6.10.1 TELEPHONES

Telephones are to be used to conduct City business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the HR Director or Department Head. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with the work performance of the employee or his/her colleagues.

Cellular telephone calls are more expensive than those using ordinary telephone service. These higher costs shall be weighed against the level of employee need and expected usage. Cellular phones should be used only when a lower cost alternative is inconvenient or not readily available. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

City-issued cellular or mobile telephones should be used for City business-related purposes. Personal calls are to be minimized. The City reserves the right to monitor the billing and use of all City-issued cellular/mobile telephones and has the authority to withhold any unauthorized amounts from the employee's wages.

By accepting the use of City-issued cellular telephones, employees agree to promptly reimburse the City for all personal calls made which are deemed by the City to be excessive in frequency or duration.

Employees are responsible for maintaining a record of the phone numbers and names of persons or businesses that have been called, or who call, for personal reasons and provide a copy of the records to the HR Director or Department Head. In the alternative, the required information may be noted on the monthly cellular service billing. The employee shall attach a copy of the receipt or check to the cellular phone bill to show reimbursement has been made to the City for any personal calls.

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage are subject to having the use of his/her city-issued cellular/mobile phone terminated.

6.10.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Goshen provides various information and technology resources such as e-mail, computers, software/

computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voicemail systems. Please remember that these tools are City property and must be used in a manner that reflects positively on the City and all who work here.

Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the City. Reading another employee's files is prohibited unless authorized by the department

head. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department responsible for the data.

The City will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

- Hacking.
- Pirating software or audio/video files.
- Soliciting.
- Distributing literature for outside entities.
- Sending inappropriate emails.
- Accessing, viewing, or downloading inappropriate Websites, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities.
- Distributing confidential information to persons/entities who are not entitled to such information.
- Storing or placing unlawful information on a computer or the network.
- Copying system files without proper authorization.
- Copying copyrighted materials without proper authorization.
- Use of abusive or otherwise objectionable language in either public or private messages.
- Sending messages that are likely to result in the loss of the recipient's work or systems use.
- Sending "chain-letters," jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others.
- Decryption of system or user passwords.

Only software which has been purchased or approved by the City of Goshen may be loaded or used on any of its computers. All software, programs, applications, templates, data, and data files stored in, residing on, or developed with City computers, networks, or storage media are property of the City and shall not be removed from the workplace without proper authorization. The City's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software.

Computer equipment, including software, should not be removed from city premises without prior written approval from the Mayor.

The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

6.10.3 INTERNET ACCESS

Internet access is provided to employees to conduct City business. Employees accessing the Internet are to do so for business-related purposes only. The City reserves the right to monitor Internet use to assure that Internet use is for legitimate business purposes and that access to the Internet is not abused by any one employee.

Downloading files without the express consent of the department head is prohibited. Files downloaded from the Internet, or any other outside service, may contain a computer virus and must be scanned by a virus checking software prior to being used on a city computer. Uploading to the Internet is prohibited unless authorized by the department head to avoid interception and unauthorized access to information.

6.10.4 ELECTRONIC MAIL AND CONFIDENTIALITY

The City of Goshen provides electronic mail for business purposes. The city maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such

messages are confidential or that access by the city or its designated representative will not occur. Therefore, any personal use of the City's electronic mail system shall be kept to a minimum.

The electronic mail system shall not be used: to solicit or proselytize for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation; to create any unwelcome, offensive, or otherwise disruptive messages including sexual innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability; or to send or receive copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

Employees are not authorized to retrieve or read e-mail messages that are not sent to them.

6.10.5 REMOVAL OF CITY PROPERTY

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from the Mayor.

6.11 CITY VEHICLES

On occasion, the city may permit certain employees to use its vehicles to conduct City business. A valid and current driver's license must be in the possession of the operator and always maintained. When using a City vehicle, employees shall always exhibit due care and shall comply with all federal, state, and local laws pertaining to the operation of the vehicle.

The use of City vehicles is restricted to City business purposes only. Employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City. With prior permission of the HR Director or Department Head, employees may transport spouses in City vehicles when attending conferences or meetings.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle.

Thefts or accidents involving City vehicles must be reported immediately to the police and the HR Director or Department Head. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

6.12 WAIVER OF PRIVACY

Employees waive their right to privacy in anything created, stored, sent or received on the city's computer or telecommunications system. The city reserves the right to inspect any data, emails, social media content, files, settings, or any other aspect of access made by a city-owned computer or related system and will do so on an as-needed basis as determined by the Mayor, HR Director or Department Head. Employees understand that any information created, stored, sent or received on the city's computer or telecommunications system may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business related or personal to the employee. Therefore, any such information may be accessed and/or inspected at any time by any member of the public unless it is exempted by law from disclosure.

6.13 POLITICAL CAMPAIGNS

No city employee shall campaign on city time for any candidate or ballot measure at a federal, state, or local level. Employees are prohibited by law and this policy from using city equipment, property, funds, or other resources to campaign for a candidate or ballot measure. After working hours, employees are free to campaign and support candidates and ballot measures in federal, state, county, and local campaigns as long as they do not use city property, funds, equipment or resources. No campaign banners, campaign signs, or other campaign

literature shall be placed on any cars, trucks, tractors, or other vehicle belonging to the city.

6.14 DISCIPLINARY ACTION

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory including, but not limited to, violations listed in this Handbook, or any other City policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

WARNING OR REPRIMAND. A warning or reprimand is an 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. Documentation of the employee's oral or written reprimand should be placed 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.

DEMOTION. A demotion is an action that places the employee in a position of less responsibility and less pay.

TERMINATION. This type of disciplinary action is the removal of an employee from city employment.

CHAPTER 7

MISCELLANEOUS INFORMATION

7.1 POLICY STATEMENT

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

7.2 CONFLICTS

The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

7.3 SEVERABILITY

Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of this Handbook shall be deemed to include those statements of law.

7.4 POLICY CHANGES

The City of Goshen reserves the right to suspend, revoke, or revise any of the policies contained in this Handbook at any time.

7.5 CHANGE OF ADDRESS

Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her Department Head.

CHAPTER 8

APPENDIX A

RECEIPT OF City of Goshen _____ PERSONNEL HANDBOOK

(To be placed in employee's personnel file)

I, _____, acknowledge receipt of the City of Goshen Personnel

Handbook. I understand that this Handbook is not a contract.

I understand that reading this Handbook constitutes one of my job duties and that I am required to perform my job duties in accordance with the policies contained in this Handbook and any additional rules, regulations, policies or procedures which may be imposed by the City of Goshen the department in which I work whether or not I read this Handbook. I understand that my failure to read this Handbook, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this Handbook, I should direct them to the HR Director or the Department Head.

Signed _____

Date _____

I, _____ (insert name and title) provided a copy of the City of Goshen
_____ Personnel Handbook to _____ on this _____ day of _____, 2023.

Signed _____

Date _____

APPENDIX B

EMPLOYMENT RECORDS RELEASE

TO: _____

You are hereby authorized and requested to give to _____, or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including disciplinary reports, memos, statements, results of or physicals, drug testing results, and any and all other information which they may request concerning my employment.

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

EMPLOYEE (Signature)

EMPLOYEE

(Printed name) STATE
OF ARKANSAS)

COUNTY OF _____)

Subscribed and sworn to before me this ___ day of _____.

Notary Public

My Commission Expires:

[NOTE: This Release should be used to obtain information from previous employers in order to make informed hiring decisions. A similar release should be used for current or past employee to sign when he or she wishes for you to release information to another prospective employer.]

NOTES



Arkansas Municipal League
P.O. Box 38
North Little Rock, AR 72115-0038

501-374-3484
www.arml.org