

P O P E C O U N T Y

P E R S O N N E L P O L I C I E S A N D P R O C E D U R E S

ADOPTED BY

QUORUM COURT

**DECEMBER 10, 2019
EFFECTIVE JANUARY 01, 2020
ORDINANCE 2019-O-073**

**REVISED AND INCORPORATED ORDINANCES
UP TO ORDINANCE 2020-O-032
JULY 20, 2020**

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1. Introduction and Purpose

Welcome to employment with Pope County, Arkansas (the County). The purpose and intent of this County Personnel Policy is to establish at-will employment as the default employment policy for the County and to state the general employment policies issued by the County Quorum Court in its capacity as the legislative branch of County government. *See* Ark. Const. Amend. 55 §§ 1 & 4; Ark. Code Ann. § 14-14-805(2). The Policy is also intended to establish uniform personnel policies and benefits for all County employees.

County employees are “at-will” employees. County employment is not for a specific period and employment may be terminated at any time, with or without notice, and with or without cause. The provisions set forth in this Personnel Policy do not guarantee any fixed terms or conditions of employment. The Policy neither creates an expectancy of future employment nor establishes grounds upon which employee discipline or dismissal must be based. At any time, the County Quorum Court may revise, supplement, or rescind the policies, practices, and benefits set forth in the Policy subject to, or as may be required by, applicable law.

Consistent with the day-to-day administrative responsibility of his/her elected office, a County elected official may adopt executive employment policies to apply to the employees of that office. Such executive employment policies shall not conflict with this uniform Personnel Policy adopted by the Quorum Court. A County elected official has discretion to determine the application, meaning, and intent of the provisions of the Personnel Policy as they relate to the employees of that official’s office. The Personnel Policies and Procedures shall apply to all employees of the County, except such employees specifically excluded by the Quorum Court. Personnel Policies adopted for special groups of employees shall apply to those employees. Any conflict between County policy and subordinate policy within the County, the County policy supersedes. *See* note below. *See* Ark. Code Ann. § 14-14-805(2).

NOTE: The nature of the Sheriff's Office, Detention Center, 9-1-1 Department and the EMS Department are such that certain provisions of this general employment policy do not meet the operational needs of the various public safety departments. Therefore, these departments have established their own policies through the relevant elected official. These departments shall not be subject to the daily work schedule, vacation and holiday accrual and usage rules, and compensatory time rules set forth in this policy.

Any County employee is entitled to request a hearing before the County Grievance Committee in the event the employee believes that the executive decision of a County elected official or other supervisor violates the state or federal constitution, state or federal law, state public policy.

Pope County will attend to adhere to all federal, state and local law. County employees are expected to read, understand, and comply with the policies set forth in the County Personnel Policy. Any questions should be directed to a supervisor.

2. County Policy Directives

A. The County and its officials will treat all employees and citizens in a manner that is: (i) rationally related to the effectuation of legitimate County objectives; and (ii) uniformly applied to all persons similarly situated.

B. County officials and employees shall not misuse or abuse governmental power.

C. County officials and employees shall not engage in any intentional act that is illegal (contrary to applicable statutes or judicial decisions) or unconstitutional (contrary to the Arkansas Constitution or the United States Constitution).

D. County officials and County employees shall not omit the performance of any duty that is affirmatively required by applicable law (statutes and judicial decisions).

E. County officials and employees shall not participate in any County contract or transaction in which they have a direct or indirect personal interest. County officials and employees shall not accept or receive any property, money, or anything of value in exchange for or arising out of any County contract or transaction. Except by ordinance established by the Quorum Court. *See Ark. Code Ann. § 14-14-1202.*

F. County officials and employees shall not engage in any act that would constitute corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office. It shall be the employee's responsibility to self-report any alleged violations incurred. *See Ark. Code Ann. § 14-14-1311.*

G. Each County elected official shall administer the day-to-day administrative affairs of his/her County office in a lawful and constitutional manner, and in accordance with applicable law (statutes and judicial decisions), the U.S. Constitution and Arkansas Constitution, and this County Personnel Policy.

3. County Employment Policies

A. At-Will Employment.

(1) Under its authority as the legislative branch of County government, the County Quorum Court adopts "at-will" employment as the default employment policy for each County employee. County employment is not for a specific period and employment may be terminated at any time, with or without notice or liability of any kind (except for wages earned and unpaid), and with or without cause.

(2) A County employee serves at the pleasure of the elected County official who hires and supervises the employee. Newly elected County elected officials have the discretion to rehire County employees who served under a predecessor. County employees

have no expectancy of continued employment or property interest in future employment under a newly elected County official.

B. Claims of Property Interest in Employment. If, notwithstanding the express provisions to the contrary in this County Personnel Policy, a County employee contends that he/she has a property right in his/her employment or a substantial expectancy of continued employment, or that the County or supervising elected County official must have just cause for reduction in pay or removal of position, then the employee must assert such contention at a grievance hearing requested in the time and in the manner set forth in this Policy.

C. Equal Employment Opportunity. It is the policy of the County to provide equal employment opportunity for all County employees. Accordingly, the County will not engage in any form of employment discrimination based on race, color, national origin, sex or gender, religion, age, disability, veteran or military status, genetic information, or any other legally-protected status. The County hereby affirms its desire to maintain a work environment for all County employees that is free from all forms of unlawful employment discrimination. Employment discrimination based on race, sex or gender, color, national origin, religion, age, disability, veteran or military status, genetic information, or any other legally-protected status is a violation of County policy as well as federal and state law, and will not be tolerated.

(1) If you believe you have been the subject of unlawful employment discrimination, you should **immediately** report the problem to your supervisor. If the conduct or condition allegedly involves your supervisor, you should report it immediately to the elected County official under whom you serve. The elected official shall notify HR upon receiving such complaints. If the conduct or condition allegedly involves the elected County official, you should immediately report the conduct or condition to the HR Director and the County Judge. If the conduct or condition allegedly involves the County Judge, you should immediately report the conduct or condition to the HR Director who will report to the County Grievance Committee. "Immediately" normally means the same day of the alleged discrimination. The failure to make a timely report of alleged discrimination may be a factor used in deciding the merits of the allegation. Your complaint will be promptly investigated. All County employees are expected to cooperate fully in such investigations. To the extent feasible, all internal investigations and/or actions taken to resolve complaints of unlawful employment discrimination will be confidential.

(2) Retaliation against any County employee for making a complaint under this policy or for providing information during an investigation under this policy is strictly prohibited, will not be tolerated, and is a violation of this policy.

(3) Any County employee who violates this policy will be subject to appropriate discipline, up to and including termination. Any supervisor who knowingly permits discrimination or retaliation to take place in his/her areas of supervision will be subject to appropriate discipline, up to and including termination.

D. Anti-Harassment Policy. The County provides a workplace free from harassment based on race, color, national origin, sex or gender, religion, age, veteran or military status, genetic information, disability, or any legally-protected status. Harassment includes any verbal or other conduct that demeans, insults or intimidates an employee or group of employees because of their race, color, national origin, gender, religion, age, veteran or military status, genetic information, disability, or other legally-protected status. Prohibited conduct includes, but is not limited to, jokes, labels, names, verbal abuse, ridicule or stories offensive to a protected group of persons.

(1) Because of the County’s strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:

1. Unwelcome sexual advances, including unwelcome requests for dating and requests for sexual acts or favors.
2. Verbal abuse of a sexual nature, including sexually-related comments or joking and graphic or degrading sexual comments about another’s appearance.
3. Nonverbal abuse of a sexual nature, including suggestive or insulting noises, leering, whistling or making obscene gestures, e.g., giving someone the finger, and the display of sexually suggestive objects or pictures.
4. Physical conduct of a harassing nature, including inappropriate touching or brushing the body of another.
5. Any other verbal, nonverbal or physical conduct of a harassing nature.

(2) If you believe you have been the subject of harassment by anyone, including supervisors, elected County officials, co-workers, citizens, or vendors, you should **immediately** report the conduct to your supervisor. If the conduct allegedly involves your supervisor, you should immediately report it to the elected County official under whom you serve. The elected official shall notify the HR Director upon receiving such complaints. If the conduct allegedly involves the elected County official, you should immediately report the conduct to the HR Director and the County Judge. If the conduct allegedly involves the County Judge, you should immediately report the conduct to the HR Director who will report to the County Grievance Committee. “Immediately” normally means the same day of the alleged harassment. The failure to make a timely report of alleged harassment may be a factor used in determining the merits of the allegation. Your complaint will be promptly investigated. All County employees are expected to cooperate fully in such investigations. To the extent feasible, all internal investigations and/or actions taken to resolve complaints of harassment will be confidential.

(3) Discrimination or retaliation against any County employee for making a complaint under this policy or for providing information during an investigation is strictly prohibited, will not be tolerated, and is a violation of this policy.

(4) Any County employee who violates this policy will be subject to appropriate discipline, up to and including termination. Any supervisor who knowingly permits harassment or retaliation to take place in his/her areas of supervision will be subject to appropriate discipline, up to and including termination.

E. Disabilities Policy. The County will provide reasonable accommodations to qualified individuals with disabilities, unless to do so would cause an undue hardship. An accommodation is a change in the work environment or in the way things are customarily done that is not unreasonable and that enables an individual with a disability to enjoy equal employment opportunity. Generally, an individual with a disability must inform his/her elected official and/or immediate supervisor that an accommodation is needed. When the disability and need for accommodation are not obvious, the County may require the individual to provide documentation from a medical provider concerning the disability and the need for a reasonable accommodation.

F. Genetic Information Nondiscrimination Policy. The County complies with the Genetic Information Nondiscrimination Act (GINA) and the Genetic Information in the Workplace Act (GIWA). GINA and GIWA prohibit employers and other entities covered by these laws from requesting or requiring the disclosure of genetic information of an employee or family member of an employee, except as specifically allowed by these laws. To comply with these laws, employees should not, directly or indirectly, disclose any "Genetic Information" to the County at any time. "Genetic Information" includes an employee's family medical history, the results of an employee's or family member's genetic tests, the fact that an employee or an employee's family member sought or received genetic services, and genetic information of a fetus carried by an employee or an employee's family member or an embryo lawfully held by an employee or family member receiving assisted-reproductive services.

G. Immigration Reform and Control Acts. The County complies with the Immigration Reform and Control Acts of 1986 and 1990. Every newly-hired County employee shall complete an I-9 Form before commencing employment.

H. Political Activity. County employees are encouraged to participate in the election process, but assistance to candidates or issues must only be rendered on the employees' own time and County property must not be involved. County employees are not to endorse candidates or issues in their official capacities as County employees, or on behalf of the County or any County office. The legal provisions are summarized as follows: (1) County employees are prohibited from engaging in partisan political activity during the hours they are performing work for the County, excluding personal leave time; (2) political banners, posters, or literature should never be allowed or displayed in a County office; (3) political bumper stickers or decals should never be displayed on County property or any County-owned vehicle; County-owned vehicles must not be used during or after work hours to promote or assist the candidacy of any person or any ballot issue; (4) no County employee shall approach other County employees for

any political purpose or use threats or coercion to require or persuade any employee to contribute to a particular candidate or cause. In the discretion of the County Judge or other elected County official who supervises a County employee, a County employee may be granted leave without pay for an extended absence to participate in a campaign. This section is intended to comply with Ark Code § 7-1-103 and any amendments shall supersede this section.

I. Social Media Policy. Social media includes all means of communicating or posting information or content of any sort on the Internet. The same principles and guidelines applicable to County employee conduct also apply to County employees' activities online. Any conduct that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects the interests of the County may result in disciplinary action up to and including termination. This policy applies to comments made under the employee's name or under a pseudonym used by the employee as a username. Harassment and cyber-bullying of any County employee will result in termination. Racist or sexist comments or comments that target the religious beliefs of others will result in termination. County employees should avoid posts, "likes," or other social media activity during work hours and on County-owned equipment, unless authorized to do so by a supervisor or consistent with County policy. State law prohibits electioneering by public servants during work hours. Employees should consider any political activity to be electioneering—employees should follow the County's Political Activity Policy with all online posts. Employees are prohibited from visiting Social Networking sites on County time for personal use. Any violation may result in discipline up to termination.

J. Freedom of Information Act. The County complies with the Arkansas Freedom of Information Act (FOIA). Upon receiving a FOIA request, a County employee shall immediately notify his/her supervisor of the FOIA request. Any County official receiving notice of a FOIA request shall take steps to ensure timely compliance with the FOIA request.

K. County Property. The County's telephones, fax machines, photocopying equipment, computers, vehicles, and other property are to be used for business purposes only. County property is restricted to business use to assist County employees in the performance of their jobs. Occasional de minimus use of County property for personal, non-business purposes is permitted—however, such personal use should not negatively affect the use of County property for business purposes or negatively affect employee performance. All business equipment, software, computer systems, electronic systems and all information stored, transmitted, received, initiated, or contained in the County information system are County property. The County reserves the right to monitor, copy, use, delete, publish, and log all network, internet or local activity including email, software use, or other activity with or without notice—County employees should have no expectation of privacy when using these resources.

4. **Hiring, Promotion and Demotion, Transfer, and Termination**

The County Employment Policies set forth in this County Personnel Policy (§ 3 above) apply equally to hiring, promotion and demotion, transfer, and termination.

A. Hiring. The County Quorum Court shall establish the number and compensation of all County employees. The job title, classification, and annual pay rate shall be specified for each position of a County department or County office in the annual budget. Newly created positions cannot be advertised as vacancies, nor may persons be hired into newly created positions, until positions are authorized by the Quorum Court. The County Judge shall hire all County employees except those employed by other County elected officials as permitted by Ark. Const. Amend. 55, section 3. Policies regarding hiring and firing adopted by the Quorum Court shall be only advisory upon County elected officials and employees hired by them as required by Ark. Const. Amend. 55. Employment policies of a general nature adopted by the Quorum Court shall be the decision of the County and binding as permitted by Ark. Const. Amend. 55, section 1 and Ark. Code Ann. § 14-14-805 (2). Prospective employees who are required to register with the selective service system must certify compliance with the Military Selective Service Act as a condition for employment.

B. Reduction or Removal of Pay or Position. A County elected official may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate County objective. It is not possible to list all conceivable rational bases for reduction or removal of pay or position; however, examples include but are not limited to:

- (1) Misrepresentation, dishonesty, or self-dealing conduct;
- (2) Intemperate conduct;
- (3) Insubordination, including the failure or refusal to follow the legal orders of an elected County official or other supervisor;
- (4) Negligent, reckless, knowing, or intentional destruction of County property;
- (5) Abuse or misuse of your position as a County employee;
- (6) Any conduct, act, or omission that interferes with or impairs your ability to properly and effectively perform your duties as a County employee;
- (7) Any rational change in the mode or manner of operations, including any rational decision regarding the persons selected by an elected County official or supervisor for the delivery of County services.

C. Constitutionally-Protected Conduct.

(1) It is the policy of the County to comply with the Constitutions and laws of the State of Arkansas and the United States, and the public policy of the State of Arkansas. These laws include: (i) laws prohibiting unlawful discrimination based on race, color, national origin, sex or gender, religion, age, disability, veteran or military status, genetic information, or any other legally-protected status; (ii) laws prohibiting retaliation for exercising a constitutionally-protected liberty right (e.g., free speech, free association, political patronage,

access to courts, privacy, etc.); and (iii) laws requiring that governmental action be rationally related to a conceivable legitimate government objective.

(2) Should any applicant, employee, or person requesting County assistance or services contend that he or she is the victim of unlawful discrimination, unlawful retaliation, or unlawful arbitrary government action, he/she shall request, in the time and manner set forth in this County Personnel Policy, a hearing before the County Grievance Committee to provide the County's final policymaker with notice of the alleged unlawful discrimination or unlawful retaliation or unlawful arbitrary government action, and the opportunity to voluntarily conform the conduct of the County, County officials, and County employees to the requirements of the Constitutions and laws of the State of Arkansas and the United States, and the public policy of the State of Arkansas.

D. Background Investigations. Background investigations may be performed on department heads, any position with access to County funds, and upper-level employees as determined by the hiring elected official. Background investigations may be conducted for other positions at the discretion of the hiring elected official. All background investigations will be performed by a third party in compliance with the law.

E. Drug-Free and Alcohol-Free Workplace Policy. The County is committed to protecting the safety, health, and wellbeing of all employees and the public in our workplace. The County has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol-free and drug-free environment. The purpose of this policy is to assure worker fitness for duty and to protect the County's employees, passengers, and the public from the risk posed by misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable federal regulations governing workplace anti-drug and anti-alcohol programs.

(1) 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 his/her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on County property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

(2) Testing. To ensure the accuracy and fairness of drug and alcohol testing, all testing will be conducted by a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, according to SAMHSA guidelines, in accordance with procedures required by the U.S. Department of Transportation where applicable, and in compliance with all applicable laws and regulations. Prohibited controlled substances are those defined by the Federal Controlled Substances Act and applicable Arkansas statutes governing controlled substances. An employee whose initial drug test result is positive and who requests a test of the split sample will be suspended without pay until the County receives the result of the split test. The split test will be paid by the County to be reimbursed to the County by the employee via withholding from the employee's paycheck. A negative result from the split test

will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the cost of the split test.

(3) Prescription Drugs, Over-the-Counter Drugs, and Medical Marijuana.

Prescription drugs and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription—however, a safety-sensitive employee who has been prescribed a medication that might cause drowsiness or otherwise impair the employee's ability to safely perform job functions shall notify the employee's supervisor and provide a written statement from the prescribing practitioner certifying that such use will not impair the employee's ability to safely perform his or her essential job functions. When proper notification is made and a licensed medical practitioner's statement is provided, the employee may continue working in the same position. If a statement is not provided or if a provided statement does not certify that the employee's use of the prescription will not impair the employee's ability to safely perform job functions, a reasonable effort will be made to temporarily assign the employee to another position, if available. The illegal or unauthorized use of prescription drugs is prohibited. Medical marijuana usage under the Arkansas Medical Marijuana Amendment is subject to Act 593 of 2017, which restricts an employee in a safety-sensitive position from performing those duties if a positive test result occurs even if the employee is a qualifying patient under the Amendment and/or holds a registry identification card.

(4) Post-Offer / Pre-Employment Testing. County officials who hire for safety sensitive positions shall conduct post-offer/pre-employment drug testing on any prospective County employee. County officials who hire for non-safety sensitive positions may elect to conduct post-offer/pre-employment testing on any prospective County employee. A prospective employee cannot start work until the post-offer/pre-employment test result is received.

(5) "Safety-Sensitive Positions" include, but are not limited to, positions involving a safety-sensitive function pursuant to regulations governing drug and alcohol testing adopted by the U.S. Department of Transportation and the Arkansas General Assembly. Safety-sensitive positions typically involve job duties where impairment may present a clear and present risk to co-workers or other persons. A safety-sensitive position includes any position where a momentary lapse in attention could result in injury or death to another person. A safety-sensitive position includes, but is not limited to, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to:

- (A) carry a firearm;
- (B) perform life-threatening procedures;
- (C) work with confidential information or criminal investigations;
- (D) work with controlled substances;
- (E) maintain a commercial driver's license;
- (F) drive a vehicle or operate heavy equipment as part of normal duties;
- (G) serve as a mechanic on County vehicles;
- (H) serve as a dispatcher for law enforcement or emergency services; or

(I) be prepared to use justified physical force against persons to maintain order or security for persons detained by the county.

(6) Testing of Safety-Sensitive Employees. Safety-sensitive employees are subject to testing to detect the presence of alcohol and controlled substances, including:

- (A) post-offer / pre-employment testing;
- (B) random testing;
- (C) reasonable-suspicion testing;
- (D) post-accident testing; and
- (E) return-to-duty testing and follow-up testing.

(7) Random Testing of Safety-Sensitive Employees. Employees in safety-sensitive positions will be subject to random, unannounced testing. A computerized program shall determine the individual safety-sensitive employees to be randomly tested.

(8) Reasonable-Suspicion Testing of Safety-Sensitive Employees. A safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of alcohol or drugs, or not fit for duty, shall be suspended from job duties with pay pending an investigation and verification of condition. Only an elected County official or supervisor who has been trained in reasonable-suspicion testing requirements may initiate reasonable-suspicion testing.

(9) Post-Accident Testing. A County employee shall be suspended with pay pending an investigation and verification of condition, and screened for the presence of controlled substances and alcohol, as soon as practicable, following his/her involvement in an accident involving a County vehicle or equipment, under the following situations:

- (A) an accident that results in the loss of human life;
- (B) an accident that results in a moving violation citation;
- (C) an accident that involves bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.

(10) Disciplinary Action. The following shall result in immediate discharge:

- (A) refusal to take a mandated test for drugs or alcohol;
- (B) a positive drug test (once the time limit for requesting a split test has expired, or upon receipt of a positive result from the split test); or
- (C) a positive alcohol test

(11) Records. All records regarding the County's Drug-Free and Alcohol-Free Workplace Policy shall be confidentially maintained, in a secure location with controlled access. Although records maintained by the County will remain confidential, such records may be used in legal proceedings in defense of the County, its agents, and employees, and such records may be otherwise disclosed as required or allowed by law.

5. Employment Applications

The government of Pope County is an equal opportunity employer and County policy is to comply with the provisions for the Equal Opportunity Act of 1972 as well as other non-discriminatory state and federal statutory requirements. Applications for employment will be accepted from any person who wishes to apply upon forms provided by the County. Applications will be kept on file for one year. County employees shall possess a Social Security Number at the time of employment with legal name.

Elected Pope County officials are prohibited from employing deputies or County employees who are related by affinity or consanguinity within the second degree to any elected county official. Ordinance 78-O-15 became effective January 1, 1979. The Ordinance does not prohibit the continued employment of any County employee or deputy serving as an employee or deputy of an elected County official prior to January 1, 1979.

Persons desiring to become full-time employees must be 18 years of age unless applying for law enforcement positions. The age requirement for law enforcement is 21.

Elected officials or department heads shall require all applicants to undergo one or more of the following:

- A. A performance or demonstration test
- B. An oral or written test
- C. An evaluation and rating of the applicant experience and/or training by the County official or department head
- D. A comprehensive interview by the County official or department head

Results of the above will be documented by the County official or department head in written form and retained for official use or inclusion in the applicant's personnel file.

6. Employee Classification, Attendance, and Compensation

A. Employee Classifications. The County's office hours for normal business are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. A full-time County employee is an employee who occupies a full-time position with the County and who works a full-year schedule for the County.

Full-time County employees are expected to work during County office hours, with an unpaid lunch break each day and two paid breaks each day of up to 15 minutes per paid break. Paid breaks may not be taken at the beginning or end of the work day without supervisory approval. Employees are permitted to use their paid breaks in conjunction with their unpaid lunch. All employees must document lunch breaks, if the elected official/department head has determined the employee will be provided an un-interrupted lunch break. If the employee leaves their official work place for lunch break, they must log in and out.

All Pope County employees, excluding elected officials/department heads must document time in and time out. The only exclusion shall be when it is not practical for an employee to physically log in or out. This exclusion shall be determined by the elected official/department head. All documented work time shall be with a time recording system that is approved by the Arkansas Department of Labor.

A part-time County employee is an employee who works less than a full year schedule for the County. A regular part-time employee is hired to work less than a full workweek on a non-seasonal basis, and will be permitted to work no more than 29 hours per workweek. A seasonal part-time employee is hired to work less than a full workweek during seasonal and/or peak periods—the temporary employment period must be less than 90 days. Regular part-time and seasonal part-time employees are not eligible for benefits (other than those required under state and federal law) that are afforded to regular full-time employees.

B. Employee Compensation. County employees are paid on a bi-weekly basis (pay period every two weeks; 26 pay periods annually). Each pay period covers the two weeks prior to the week of payment, but not the week of payment if the employee was hired on or after 01/01/2012. After termination of employment, a County employee will be paid through the employee's final working day in the payment for the pay period following termination of employment. All raises are subject to budgetary conditions at the time of awarding and approval of the Pope County Quorum Court. Annual raises shall be awarded on evaluations performed by the Elected Official/Department Head (and or Chief Deputy, Supervisor or Manager) based on an overall rating on the merits of job performance. Under extraordinary circumstances at the end of the calendar year, an Official/Department Head may authorize for additional carry over for an employee who could not use scheduled vacation time due to unforeseen circumstances and/or conflicts with job duties. The additional carry over shall be taken off in the first quarter of the following year.

The policy of the County shall be to pay wages based upon an employee's level of skill, responsibility, education, and experience. Such wages shall also depend upon funds available to the county. Pope County shall pay all employees every two (2) weeks on Friday, unless that day falls on a holiday. In this event, payday will be the last working day before the holiday. Wages are calculated on annual basis from January 1 through December 31 but shall be paid in equal payments every two (2) weeks.

C. Employee Attendance. County employees are expected to be on the job during their regular work hours. Unexcused and excessive tardiness and/or absenteeism may result in disciplinary action, up to and including termination. County employees will be permitted absence without prior authorization under only the following conditions: (1) emergency, (2) family sickness or funeral, (3) County business, this is not to exclude an elected official/department head from the ability to adjust shifts as necessary to provide coverage, (4) inclement weather conditions where the employee is unable to travel safely; employees shall use accumulated leave, (5) other, if subsequently approved by the employee's supervisor. Excused absences with prior or contemporaneous authorization are governed by the leave policies set forth separately below.

D. Work Requirements. For payroll purposes the standard work week for Pope County shall begin a 12:00 am on Monday and end 11:59 pm the following Sunday. The standard workday shall begin at 12:00 am and end at 11:59 pm. The standard work week will be forty (40) hours. A pay period shall consist of two standard workweeks with the exception of emergency services (Law Enforcement, EMS). Excluding elected officials, on or after January 1, 2012 all new full time and part time employees hired will be held back one (1) week. Therefore, each pay period covers the two weeks prior to the week of payment, but not the week of payment.

(1) All employees are expected to work those hours prescribed and scheduled by their elected official/department head. The elected official/department head should schedule the hours of his/her employees so that each employee works no more than forty (40) hours in any work week with the exception of emergency services (Law Enforcement, EMS).

(2) The Pope County Courthouse will be open to transact business from 8:00 am to 4:30 pm Monday through Friday, with the exception of set-out holidays per policy. The work schedule including breaks for each employee will be determined by the elected official/department head.

(3) Employees shall be in attendance at their work in accordance with the rules and hours established by the elected official/department head.

(4) Each elected official/department head shall keep a daily record of all absentees (vacations, sick leave, etc.) of each County employee. These records will be reviewed and signed by both the elected official/department head and the employees as to correctness every pay period.

(5) Each elected official/department head is responsible for reporting any reduction in pay for an employee to the Payroll Deputy/HR Department.

(6) Absence of an employee from work including any absence for a single or part of a day that is not authorized by the elected official/department head, shall be deemed to be an absence without leave. Any such absence shall be without pay and the employee who is absent for three (3) consecutive days without approved leave shall be deemed to have resigned.

(7) No outside employment of a continual nature will be allowed unless it is approved by the elected official/department head. Under no circumstances will a person be allowed to work at a job, which conflicts in any way with duties as a County employee.

(8) A personnel file shall be maintained on each employee by the elected official/department head.

(9) County employees may be recommended for promotion and/or wage increases by their immediate supervisor subject to approval/disapproval by the elected official/department head.

(10) In order for an employee to resign in good standing from his/her job, the employee must give the elected official/department head at least two (2) weeks written notice. The resignation should contain reasons for leaving the employment of the County. The employee's resignation shall be documented in the employee's personnel file.

(11) If an employee through no fault of his/her own is terminated because of reduction of work force or elimination of a position and if rehired within one year, then employment is considered continuous for the purpose of determining vacation leave and or seniority.

(12) On special occasions or in unusual circumstances an elected official/department head may determine that non-exempt employees (defined as not employed in a bon-a-fide "executive, administrative or professional capacity") will be entitled to overtime compensation as needed to work extra hours in addition to the Standard Work Week. When the elected official/department head decides there is legitimate cause for extra hours to be worked by an employee in their office, they shall have the authority to approve an extension of the employee's work week. Exempt employees are not eligible for overtime pay under any circumstances.

Time worked in excess of 40 hours per week is overtime and will be paid at the rate of time and one-half the regular rate of hourly wage. The employee may be granted compensatory time off at the rate of time and one-half for all overtime worked in excess of 40 hours per week (one and one-half hours for each one hour of overtime worked).

At the discretion of the elected official/department head all overtime accumulated during the calendar year will either be taken off as compensatory time by the end of that calendar year or be paid at the end of that calendar year. However, overtime received in the last quarter of the year will be allowed to be carried over to the following year at the discretion of the elected official/department head. It is the employee's responsibility to provide contemporaneous written documentation of overtime authorized by the appropriate elected official/department head.

E. Overtime Work and Compensatory Time. The County complies with the Fair Labor Standards Act (FLSA).

(1) Any County employee who makes less than the minimum pay amount set by the FLSA is, regardless of job duties, is eligible for overtime compensation.

(2) Otherwise, only County employees defined by the FLSA as "non-exempt" - which means not employed in a bona fide "executive, administrative, or professional capacity" - are eligible for overtime compensation.

(3) The fact that an employee is paid a "salary" has nothing to do with whether an employee is (or is not) eligible for overtime compensation.

(4) As authorized by the FLSA, the County's employees who are eligible for overtime compensation may receive, in lieu of overtime pay, compensatory time off at the rate of one and one-half hours of compensatory time for each hour of overtime worked.

(5) The normal work period shall be 40 hours per week for all County employees except employees engaged in the provision of law enforcement (including jailers). The normal work period for law enforcement (including jailers) shall be 86 hours per consecutive 14-day work period.

(6) Overtime shall only be worked in emergencies or when public health, welfare, and the safety of the community is in danger. Overtime shall not be worked without the approval of the elected County official or supervisor designated by the elected County official to approve overtime. This includes checking emails and/or phone messages outside business hours—non-exempt employees shall not check emails and/or phone messages, or otherwise work outside of business hours without approval. Overtime worked shall be compensated as set forth in this policy whether approved in advance or not, but employees who work overtime without approval as set forth in this policy are subject to discipline up to and including termination.

(7) No employee shall accrue more than 240 hours of compensatory time. After an employee accrues the maximum 240 hours of compensatory time, the employee shall be paid any additional overtime in cash at a rate of one and one-half times the employee's normal hourly rate, for each hour of overtime worked (subject to normal withholdings for taxes, etc.). At the end of each year, all accrued but unused compensatory time will be paid in full with the exception of compensatory time earned during the last quarter of the year.

(8) An employee who has accrued compensatory time shall, upon termination of employment, be paid for the unused compensatory time at the employee's average hourly rate during the last three years of employment, or the employee's final hourly rate, whichever is higher.

(9) An employee who has accrued compensatory time off and who has requested the use of compensatory time off shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operation of the County or employing department.

(10) All County elected officials and department heads will maintain time sheets to be filled out by each non-exempt employee on a weekly basis. All time sheets shall be signed under oath by the non-exempt employee and signed by the elected official/department head.

(11) Paid leave days shall not count toward time worked in a work period for calculating overtime. Only time worked by an employee shall count toward calculating overtime (including time worked on a holiday).

(12) A person who accepts employment with the County or continues in employment with the County shall be deemed to have agreed to receive compensatory time off in lieu of overtime compensation as set forth in this policy.

F. Overtime and Leave Time Liability Control Procedure.

(1) Employees required to personally sign and certify timesheets. Each non-exempt County employee shall *personally* sign his/her time sheet, certifying: "My signature certifies that the above recorded hours worked and leave taken are correct."

(2) Each County department to keep employee time sheets as a permanent record. The signed/certified employee time sheets shall be kept in each department as a permanent record (for at least five years).

(3) Payroll Deputy/HR Department to process payroll from departmental time sheets for exempt and non-exempt employees. The Payroll Deputy/HR Department will process payroll for exempt and non-exempt employees, including overtime pay, vacation leave pay, sick leave pay, and holiday pay, based on the signed/certified time sheet provided by each department. It is each department's responsibility to certify the employees' hours worked and leave time taken are correct.

(4) Departments not to turn in payroll timesheet to Payroll Deputy/HR Department without signed/certified timesheet from employee.

(5) Comp Time Tracker to log County's total overtime liability. The HR Department shall keep a record of accumulated compensatory time by month for each department.

(6) Report total County overtime liability monthly. The HR Department shall provide a monthly report to the County Treasurer, the County Judge, County Clerk and the Quorum Court, reporting the amount of the County's accrued compensatory time debt.

(7) Pay overtime in cash when required by Policy. The Payroll Deputy/HR Department shall go to cash and issue an overtime check to an employee any time the employee's total hours of accrued compensatory time exceed the compensatory time limit set by the Quorum Court in the County's Personnel Policy (240 hours).

(8) Quorum Court to manage the County's compensatory time debt from month to month. The Quorum Court shall use its appropriation power (including re-appropriation power) to modify the County's budget throughout the year so that the County has the funds to pay the compensatory time debt that has accumulated throughout the year at the end of the year.

G. Code of Ethics

The holding of public office or employment is a public trust created by the confidence, which the electorate reposes in the integrity of officers and employees of county government. An officer or employee shall carry out duties assigned by law for the benefit of the people of the county. The officer or employee may not use their office, the influence created by their official position, or information gained by virtue of their position, to advance their individual or an immediate member of their family, or an associates personal economic interest, other than advancing strictly incidental benefits as may accrue to any of them from the enactment of administration of law affecting the public generally. ACA 14-14-1202 (1).

The efficiency and effectiveness of county government depends on public trust and confidence. To maintain this trust, conformance to these standards is expected of each county

employee. Violation of this code of ethics will result in disciplinary action or dismissal.

(1) County employees shall not grant any special consideration or advantage to individuals or groups beyond that which is available to every other individual or group.

(2) County employees shall not engage in conflict of interest activities that prove to be incompatible with assigned duties, bring discredit upon the County or give them an advantage in their outside activities over persons working in similar vocations.

(3) County employees shall not use official positions to receive special favors for themselves or others.

(4) County employees shall exercise care and emphasize safety in the use of County property and equipment.

(5) County employees shall keep themselves mentally alert, neat and clean, and shall perform their duties fairly, impartially and in a professional manner. Working under the influence of alcohol or any other narcotic or controlled substance may result in immediate dismissal.

It shall be a violation of County policy to possess any alcohol beverages/controlled substances in County vehicles or on County property, including medical marijuana.

(6) The County's Smoking Policy Ordinance 2009-O-19 shall be in Accordance with County ordinance relating thereto. Use of tobacco products is not allowed in County buildings, vehicles or other enclosed structures.

(7) County employees shall conduct themselves, both on the job and off duty, so as to command the respect of fellow workers and the general public.

(8) County employees shall not display prejudice against persons or organizations, thus affecting cordiality or contacts with other employees or the public.

(9) Employees of the County shall at all times be civil, orderly and Courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his/her appearance, actions and statements are in essence those of the County.

In dealing with the public, each employee must attempt to make his/her conduct one which inspires respect for both himself/herself and the County and further, one which generates the cooperation and approval of the public.

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

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

(10) A County employee's commitment is public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the County or other refusal to work shall cause the employee to forfeit his/her employment and result in the termination of the employee from the County.

NOTE: The above Code of Ethics for County officials and employees generally follows the requirements of Arkansas Code Annotated 14-14-1202. (Amendment 55, Act 742 or 1977, as amended.)

(11) No County Gifts. The Arkansas Constitution prohibits the County from using public money to confer a private benefit. Ark. Const. Art. 12, § 5. County elected officials/department heads, and supervisors shall comply with this constitutional provision and shall not offer or award more paid leave time (holiday, vacation, sick, or compensatory) than authorized by this County Personnel Policy.

7. Administrative Leave and other Benefits

A. Group Insurance Programs: The County offers group insurance programs for full-time County employees. The County pays portions of some but not all premiums for group insurance programs. All insurance benefits are subject to change at any time. This Personnel Policy does not guarantee continuation of any group insurance benefits.

B. Holiday Leave. The County will be closed and all County employees will be granted paid leave to observe the twelve holidays listed below. Additional holidays may be proclaimed by the County Judge.

1. New Year's Day—January 1
2. Martin Luther King Birthday—January 19
3. Presidents Day—3rd Monday in February
4. Good Friday--Friday before Easter Sunday
5. Memorial Day—Last Monday in May
6. Independence Day—July 4
7. Labor Day—1st Monday in September
8. Veterans Day—November 11
9. Thanksgiving Day—4th Thursday in November
10. Day after Thanksgiving
11. Christmas Eve—December 24
12. Christmas Day—December 25

When a holiday falls on Sunday, the following day will be observed as a holiday. When a holiday falls on a Saturday, the preceding day will be observed as a holiday. Note with regard to vacation, sickness, and other fringe benefits outlined herein, it must be understood these benefits are not required by law. No contract is entered into by the County with any employee, nor does the County incur any debt or obligation.

No more than forty (40) hours of holiday leave shall be allowed to be carried over into the following year.

C. Vacation Leave. Vacation leave is a benefit like wages that each full-time County employee earns, and that accrues to all eligible employees in accordance with the schedule set out in this section. Vacation leave begins to accrue with the enrollment date of the new full-time employee. A new employee must work their first full bi-weekly pay period to receive four (4) hours vacation. If a new hire employee terminates before their first bi-weekly payroll cycle is completed, no vacation time is awarded.

Vacation leave shall be granted by the employee's appropriate supervisor in advance of the leave and at such time, or times, as will least interfere with the efficient operation of the County. Vacation leave shall be scheduled by the elected officials/department head who shall take into consideration the efficient operations of the County. Vacation leave may be taken in increments as low as .25 hours (15 minutes). No vacation leave may be taken unless earned—employees are not permitted to borrow against leave days to be accrued in the future.

An employee may carry over a maximum of 240 hours of vacation and any accrued vacation leave in excess of 240 hours (30 days) at the end of each calendar year will be automatically donated to the Catastrophic Leave Bank Program. Employees will be paid for accrued but unused vacation leave (up to the maximum accrual of 240 hours) following termination of employment. The estate or next of kin of employees separated from employment by death shall be compensated for the accrued vacation leave of the deceased employee at regular rate of pay.

Vacation leave shall accrue as follows:

Service Time	Accrued Vacation Leave
1 day	4 hours per biweekly pay period
3 years	5 hours per biweekly pay period
5 years	6 hours per biweekly pay period
12 years	7 hours per biweekly pay period
20 years	8 hours per biweekly pay period

D. Sick Leave. Sick leave accrues to all full-time eligible employees at the rate of four (4) hours per biweekly pay period. Sick leave begins to accrue with the enrollment date of the full-time employee. Sick leave shall be granted by the employee's appropriate supervisor in advance of the leave whenever possible and at such time, or times, as will least interfere with

the efficient operation of the County. Sick leave shall be deducted from the employee's accrued sick leave based on the number of accrued sick leave hours requested and granted. Sick leave may be taken in increments as low as .25 hours (15 minutes). No sick leave may be taken unless earned—employees are not permitted to borrow against leave days to be accrued in the future.

Any sick leave above 720 hours at the end of a calendar year will be automatically donated to the Catastrophic Leave Bank Program. Therefore, the employee can carry over the maximum of 90 days (720 hours) on January 1st each year. Employees are not entitled to be paid for any accrued but unused sick leave with the exception of verified retirement with APERS (Arkansas Public Employees Retirement System) at the time of termination. Retiring employees with APERS shall be paid at the rate of \$50 a day for up to 60 days for a maximum of \$3000 to be paid on the payroll following termination.

An employee may be eligible for sick leave due to a personal illness or physical incapacity resulting from causes beyond the employee's control, or due to illness in the immediate family which would require the employee to take care of the family. An employee who is unable to report for work due to one of the designated reasons shall make a reasonable effort to report the reasons for his/her absence to their supervisor or someone acting for the supervisor one (1) hour before their scheduled time to report to work. Sick leave with pay shall not be allowed unless such report has been made. Proper sick leave forms shall be completed and forwarded to the elected official/department head's office immediately after each leave.

For each day of sick leave taken beyond two consecutive days employees must present a written statement from a physician certifying that the employee's condition prevented him/her from appearing for work and indicating when the employee can return to work. If an employee accepts sick leave benefits based on false statements or evidence, he/she is subject to severe disciplinary action, which could include termination. The County reserves the right to investigate any application for sick leave, including examination of satisfactory medical proof of sickness or disability. If there is a perceived history of abuse of sick leave, the County reserves the right to require a written statement from a physician certifying the employee's condition prevented him/her from appearing for work beginning with the first day missed.

E. FMLA Leave. The County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our Country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available for both women and men.

(1) Employee Eligibility Criteria. To be eligible for FMLA leave, employees must have been employed by the County at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the twelve 12-month period. All absence from work for covered military service is counted in determining an employee's eligibility for

FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) Qualifying Events for FMLA Leave. FMLA leave may be taken for any one, or a combination of, the following reasons:

- Care of the employee's child (birth or placement for adoption or foster care);
- Care of the employee's spouse, dependent child, or parent with a serious health condition;
- Serious health condition that makes the employee unable to perform the essential functions of his/her job;
- A "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and,
- Care of the employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (Employees eligible for this type of leave may be eligible for up to 26 workweeks of leave, rather than the usual 12.)

(3) "Serious Health Condition." A "serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care at a medical facility, including any period of incapacity, or any subsequent treatment regarding such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

(4) Pay Status During FMLA Leave. FMLA leave is unpaid leave. However, any available paid time off, including qualifying workers' compensation leave, sick, vacation or comp time, will run concurrently with FMLA leave, until such leave is exhausted. Once an employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her FMLA leave. It is at the employee's discretion which type of paid leave to use, with the exception of qualifying workers' compensation leave.

(5) How Much FMLA Leave May be Taken. An eligible employee taking FMLA leave is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious

health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons.

(6) Intermittent or Reduced Work Schedule Leave. FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness. Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule. If an employee takes leave intermittently on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt County operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(7) Notice. An employee should request FMLA leave by completing required paperwork and submitting it to the employee's supervisor or the HR Director as soon as practicable. When leave is foreseeable, the employee must provide the County with at least 30 days' notice.

(8) Medical Certification. An eligible employee is required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. The County may have a designated individual contact the employee's health care provider to clarify or authenticate the initial certification with notice to the employee; and/or require the employee to obtain a second opinion by an independent County-designated provider at the County's expense. If the initial and second certifications differ, the County may, at the County's expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider. During FMLA leave, the County may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. The employee must provide the County with periodic reports regarding the employee's status and intent to return to work when requested. If the employee gives the County notice of his/her intent not to return to work, the employee will be considered to have voluntarily resigned. Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may lead to termination of employment.

(9) Designation of FMLA Leave. The County will notify the employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the County of the reason for the leave, and the employee desires that leave be

counted as FMLA leave, the employee must notify the County within two business days of the employee's return to work that the leave was for an FMLA reason.

(10) Continuation of Benefits. During FMLA leave, the County will continue an employee's group insurance coverage under the same conditions as if the employee were working. An employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the employee does not return to work, the employee may be liable to the County for repayment of insurance premiums paid by the County during the employee's FMLA leave.

(11) Return from FMLA Leave. Upon return from FMLA leave, the County will place the employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of layoff, reduction in force, or other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An employee returning to work must be able to perform the essential functions, with or without reasonable accommodations, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms. The County may require a fitness for duty report before allowing an employee to return to work.

(12) FMLA Rights and Obligations. The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

F. Workers' Compensation. The Association of Arkansas Counties Workers' Compensation Trust (AACWCT) provides workers' compensation coverage for Pope County. Employees shall immediately report all work-related injuries. Any employee who is on leave arising from an occupational injury while performing work for the County shall receive full salary the first seven (7) days. FMLA leave will run concurrently with workers' compensation leave.

On the initial workers' comp appointment, and workers' comp follow up appointments once the employee has returned back to work, the employee shall be paid at regular pay and time off for appointment will not be counted against an employee's accrued leave balance.

G. Light Duty Policy. For specifics on Pope County's light duty policy, refer to the addendum on file in the Human Resources Department.

H. Leave Without Pay. Leave without pay may be granted at the discretion of an employee's supervising elected official/department head. An employee on leave-without-pay

retains all earned vacation leave and sick leave, but does not accumulate leave time, does not participate in County group insurance programs (at County expense), and does not receive pay for holidays or otherwise. An employee on leave-without-pay shall have the right to reinstatement to the position vacated or an equivalent position upon the conclusion of the approved leave-without-pay period. An employee on leave-without-pay shall pay the total cost of any County group insurance program during such leave and be fully reinstated into such program(s) on return, where the program allows this. Any employee who enters leave without pay status shall not be entitled to any leave accrual.

I. Military Leave. The County complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military, and it provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services. The County will grant a military leave of absence to any employee who is required to miss work because of service in the United States uniformed services in accordance with USERRA. You must notify the County if you receive notice that you will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable. You shall provide the County with a copy of your official orders. When you receive notice that you will need a military leave of absence, please contact your supervisor for further information regarding your rights and responsibilities under USERRA.

J. Jury Duty Leave. A County employee called to serve on a jury must notify his/her supervisor immediately upon notice so that his/her work schedule can be modified to accommodate jury duty. A full-time County employee serving as a juror in state or federal court shall be entitled to their regular pay for the time spent in jury service in addition to per diem as set out by A.C.A. § 16-34-103. Regular pay will not be counted against employee's paid leave time available. This section shall not apply when the employee is personally involved in the lawsuit or litigation.

County employees may be excused from work with pay without charge to earned leave if subpoenaed as a witness or jury member in a court case. Fulltime employees on a jury or witness leave shall receive their regular pay and retain all jury fees. The County shall not apply jury or witness leave to cases when the employee is personally involved in a suit or litigation.

K. Bereavement Leave. Unpaid emergency leave will be granted up to a maximum of three (3) calendar days in case of death or imminence of death in the immediate family. Any additional leave will be at the discretion of the elected official/department head per accrued vacation time or compensatory time or as an unpaid leave of absence. Definition of Immediate Family for the purpose of the leave shall include spouse, parent, brother, sister, child, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, step-children, step-parents. Employees must use their own personal paid leave time to cover the three (3) days of bereavement leave. Employees shall use sick, vacation

and/or comp time to cover bereavement leave. If no paid leave time is available, employee shall go on leave without pay.

8. Informal Procedure for Reporting/Resolving Perceived Harassment and other Job-Related Complaints

A. Purpose. The purpose of this section is to provide a procedure for reporting any conduct or condition perceived to be discrimination, harassment, retaliation, violation of state or federal law, or other job-related complaints and to enable the County to act affirmatively, if needed, to assure compliance with the law.

B. Affirmative Duty to Report. If a County applicant or employee considers the conduct of a County official, agent, or employee, or a workplace condition, to constitute prohibited discrimination, harassment, or retaliation, or a violation of state or federal law, the applicant or employee has a duty to report it immediately to the applicant or employee's supervisor, supervising elected official, HR Director or the County Judge. If the conduct or condition allegedly involves the employee's supervisor and/or supervising elected official, the employee shall report to the HR Director. If the conduct or condition allegedly involves the County Judge, the employee shall report the conduct or condition to the HR Director who will report to the County Grievance Committee.

C. Affirmative Duty to Act. Any County supervisor, elected official, the HR Director or the County Judge receiving any report of discrimination, harassment, retaliation, or violation of state or federal law has a duty to take appropriate action and report the matter to either the supervising elected official, the HR Director, or the County Judge, or the County Grievance Committee so that appropriate action can be taken and the person originating the report can be informed of the action taken.

D. Continuing Duty to Report. If the person reporting the alleged discrimination, harassment, retaliation, or violation of state or federal law is not satisfied with the action taken or if the alleged discrimination, harassment, retaliation, or violation of law continues, the reporting person shall report the matter to the County Grievance Committee.

E. Confidentiality. Except to the extent necessary to implement this policy and remedy the alleged discrimination, harassment, retaliation, or violation of law, the identification of the person reporting the conduct or condition shall remain confidential.

F. No Adverse Employment Action. The County shall not take adverse action against a person for reporting conditions or conduct reasonably believed to be prohibited discrimination, harassment, or retaliation, in violation of the law or the state or federal Constitution, or in violation of state public policy.

9. Grievance Hearing Procedure

A. Purpose.

(1) The purpose of this Grievance Hearing Procedure is to establish a procedure for resolving grievances of County applicants and County employees to enable the County, through its Grievance Committee, to: (i) hear about alleged violations of the law, the state or federal Constitution, or state public policy, and (ii) have the opportunity to take affirmative action to enable the County to voluntarily conform the conduct of County officials and County employees to the requirements of the law, the state or federal Constitution, and state public policy.

(2) If an applicant or employee does not follow this affirmatively required Grievance Hearing Procedure, the County will raise waiver and estoppel as affirmative defenses to any claims against the County filed by the applicant or employee via any administrative or judicial procedures otherwise available for redress of grievances.

(3) The Grievance Committee shall not substitute its operational judgment for that of a County elected official.

B. County Grievance Committee.

(1) The County Quorum Court may appoint the membership of the County Grievance Committee as a standing Personnel Committee—such appointment of the Grievance Committee membership must be done by ordinance, and members of the Grievance Committee must be designated by position (not by name). If the Quorum Court has not appointed a Grievance Committee, then the Grievance Committee shall be the Quorum Court. The persons to serve for any hearing will be the persons holding the committee position at the time the discipline or dismissal decision was made for which a hearing is requested.

(2) If the Grievance Committee determines that an executive decision or action of a County official violates the law or the Constitution, the Grievance Committee shall declare the decision or action to be illegal or unconstitutional and direct the County official (or advise the County Judge) to modify the decision or action to conform to the law, the state or federal Constitution, or state public policy.

(3) The Grievance Committee shall not substitute its operational judgment for that of a County elected official if the official's decision or action does not violate the law.

(4) With respect to employees hired by the County Judge, the decision of the County Grievance Committee shall be only advisory as required by Ark. Const. Amend. 55, section 3. For all other employees, the decision of the County Grievance Committee shall be the decision of the County as permitted by Ark. Const. Amend. 55, section 1.

C. Timely Grievance Hearing Request Required. A grieving applicant or employee must submit a written grievance hearing request after any claimed deprivation of the applicant

or employee's property, liberty, or statutory/constitutional rights. A written grievance hearing request must be delivered to the County Grievance Committee in care of the County Judge no later than three o'clock (3:00) pm on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a hearing is requested. The written grievance hearing request must state: (1) the grievance for which a hearing is requested; (2) the alleged factual basis of the grievance; and (3) the relief sought. If an applicant or employee fails to submit a timely hearing request as required under this section, the County will raise waiver and estoppel as affirmative defenses to any claims against the County filed by the applicant or employee via any administrative or judicial procedures otherwise available for redress of grievances.

D. Written Response to Hearing Request Required. The County Grievance Committee shall provide a written response to all timely grievance hearing requests. If the hearing request is granted, the Committee's response shall state the date, time, and location of the hearing. If the hearing request is denied, the Committee's response shall state the reason(s) for the denial.

E. Mediator Role of County Judge. Upon receiving notice of a request for a hearing before the County Grievance Committee, the County Judge may choose to conduct an informal hearing of the dispute to mediate a solution acceptable to both the grieving applicant or employee and the supervising County official(s). The mediation will be concluded by the County Judge before the hearing before the County Grievance Committee begins. The mediation may be conducted in any manner the County Judge believes will offer the best opportunity for resolving the dispute informally and by agreement.

F. Hearing Procedure.

(1) The hearing shall be held in public if required by law (such as under the FOIA). The employee may, at any time, decline or end the hearing and accept the intended discipline or termination.

(2) The hearing shall be transcribed by a court reporter (not merely a tape recorder) upon request by the grieving employee or the employee's supervising elected official at the expense of the requesting party. At the hearing, on the record, the parties shall suggest any desired hearing procedures and state any complaints regarding: (i) the notice; (ii) the date, time, or location of the hearing; (iii) the opportunity to refute charges; and (iv) the impartiality of any decisionmaker(s).

(3) Informal rules of procedure and evidence shall be followed at hearings: (i) witnesses shall testify under oath; (ii) parties shall be allowed to be represented by legal counsel at their own expense; (iii) parties shall be allowed to examine and cross-examine witnesses; (iv) parties should be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.

(4) The Grievance Committee will hear the evidence and argument offered by the parties and vote without public discussion or deliberation. Only the Grievance Committee's decision, but not the factual or legal reasoning, shall be announced publicly.

(5) Public access to applicant or employee grievance records is authorized only if approved by the applicant or employee or authorized by the Arkansas FOIA.

10. Grievance Hearing Issues and Burdens of Proof

A. Property Interest Hearing—Claim of Property Interest in Employment. The grieving employee has the burden of proving by a preponderance of the evidence that he/she has a legitimate claim of entitlement to his/her employment—despite the County's at-will employment policy—and not a mere subjective or unilateral expectancy of continued employment. If the employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that there is just cause for the intended discipline or dismissal.

B. Liberty Interest Hearing—Claim of Unconstitutional Retaliation. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he/she has engaged in constitutionally-protected conduct that was a substantial or motivating factor in an adverse employment decision, discipline, or dismissal. If the applicant or employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the adverse employment decision, discipline, or dismissal would have occurred in the absence of the constitutionally-protected conduct.

C. Liberty Interest Hearing—Claim of Disability Discrimination. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he/she is a qualified individual with a disability who, because of the disability, has been treated or affected differently than another person regarding job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment. If the applicant or employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the difference in treatment or effect is job-related and necessary to effectuate a legitimate County objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would cause the County undue hardship.

The following definitions apply to claims of disability discrimination:

(1) "Disabled" or "disability": A physical or mental impairment that substantially limits one or more major life activities of an individual; having a record of such impairment; or being regarded as having such an impairment. Being "regarded as having such an impairment" may include individuals with conditions such as obesity or cosmetic disfigurement and individuals perceived to be at high risk of incurring a work-related injury.

(2) "Discrimination" includes: (i) limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status; (ii)

participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination; (iii) using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination; (iv) imposing or applying tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with County necessity; (v) failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless an accommodation would impose an undue hardship on the operation of the County; or (vi) denying employment opportunities because a qualified individual with a disability needs reasonable accommodation.

(3) “Reasonable accommodation” examples include: (i) making existing facilities used by County employees readily accessible to the disabled; (ii) restructuring non-essential elements of the job; (iii) flexible or modified work schedules/locations; (iv) reassignments to other positions; (v) acquisition or modification of equipment or devices; and (vi) permitting the use of vacation or an unpaid leave of absence.

(4) “Undue hardship” is an action requiring “significant difficulty or expense,” considering: (i) the overall size of the County with respect to the number of employees, number and type of facilities, and size of the budget; (ii) the type of operation maintained by the County including the composition and structure of the workforce; and (iii) the nature and cost of the accommodation needed.

(5) “Qualified individual with a disability”: An individual with a disability who, with or without reasonable accommodation, can perform the “essential functions” of the employment position held or desired.

(6) “Essential functions”: Job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions).

D. Liberty Interest Hearing—Claim of No Rational Basis for Different Treatment. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he/she has been treated differently than another similarly-situated person. If the applicant or employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the different treatment is rationally related to the effectuation of a legitimate County objective.

E. Liberty Interest Hearing—Claim Arbitrary Decision—No Legitimate County Objective. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the County. If the applicant or employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the action taken is rationally related to the effectuation of a conceivable governmental objective of the County.

F. Liberty Interest Hearing—Claim Arbitrary Decision—Violation of State Public Policy. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is being treated in a manner that violates the public policy of the State of Arkansas as established by the Arkansas General Assembly or the Arkansas Supreme Court. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the adverse employment decision, discipline, or dismissal is not in violation of the established public policy of the State of Arkansas.

G. Name Clearing Hearing—Claim of Deprivation of Liberty Interest in Future Employment. The grieving applicant or employee has the burden of alleging that a “stigmatizing charge” has been publicly communicated by the County or a County official or employee and requesting an opportunity to publicly clear his or her name. If the applicant or employee meets his or her burden, the County shall provide the applicant or employee a public hearing opportunity to clear his or her name.

11. Fringe Benefits

Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

A. Retirement. Pope County employees are covered by the Social Security System and the Arkansas Public Employees Retirement System (APERS) and its’ rules and regulations.

B. Insurance. Pope County may, at its discretion, provide a plan of group medical insurance to full-time County employees. Part-time (under 30 hours per week) or seasonal employees (fewer than 90 days per year) are not considered to be full time status employees and are not eligible to participate in the health insurance plan or voluntary policies offered by the County. The cost of the coverage for the employee may, at the county's discretion, be paid by Pope County. Coverage for the families of individual employees may be provided if desired by the employee and shall be at the employee's expense. Continuation of coverage for employees who would otherwise lose coverage as a result of certain events will be offered coverage in accordance with regulations resulting from the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and the Tax Reform Act of 1986. (The COBRA publications can be obtained from the U.S. Department of Labor.) (For purposes of COBRA administration health plan is defined as FSA, Medical, Dental and Vision policies.)

C. Long Term Disability Insurance. Pope County full-time employees are covered by long term disability policy at no cost to the employee.

D. Cafeteria Plan. The County offers a Cafeteria Plan to the employees as authorized under Section 125 of the IRS code.

E. Catastrophic Leave Program. The County offers the option for employees to participate in a Catastrophic Leave Transfer Program per (Ordinance No. 2010-O-71, No. 2011-O-30, No. 2014-O-57 and 2015-O-35).

12. Fringe Benefits for Tax Purposes

A. Non-Emergency County Owned Vehicles. Employees who drive non-emergency county owned vehicles will be allotted a taxable fringe in the amount of \$3.00 per day per Commuting Valuation Rule. This amount allotted to cover the personal use of the County owned vehicle when commuting to and from work. Control employees or elected officials will pay taxes based on the Automobile Lease Valuation.

Vehicles not included in this taxable fringe include:

1. Clearly marked sheriff's vehicles.
2. Unmarked vehicles used by law enforcement officers if the use is officially authorized.
3. Utility repair trucks (excluding vans or pickups) designed to carry tools, equipment, etc.
4. Pickup trucks equipped with hydraulic lift gate, permanent tanks or drums, or permanent sideboards or panels.
5. Ambulance emergency vehicles

13. Disciplinary Action

A supervisor or elected official must document each infraction and the discipline administered. Such documentation will be placed in the employee's personnel file within their department and a copy given to the Human Resource Department. This section shall not be deemed to be a progressive discipline policy. Action taken will be based on the seriousness of the individual infraction.

Disciplinary action taken against an employee will be one of the following:

- A. A verbal reprimand will be given to the employee with documentation of the reprimand placed in the employee's personnel file.
- B. A written reprimand will be given to the employee. A written reprimand is a written statement detailing the employee's alleged misconduct and informing the employee of the more severe disciplinary action the employee may be subject to in the event of repeated misconduct.
- C. Employees may be suspended for up to four (4) weeks without pay for repeated or serious acts of misconduct.
- D. Employees may be terminated for repeated acts of recorded misconduct or for a serious breach of conduct. (Ordinance No. 2018-O-20)

14. Travel, Meals and Lodging

A. The OFFICIAL STATION for County employees will be your office address (Courthouse, Sheriff's Office, Russellville, Library, Atkins Library, etc..).

B. The travel day shall commence at the beginning of your working day, include

breakfast, lunch, dinner, and one night's lodging, and shall end the following morning of the working day. The daily allowance for meals and lodging shall be limited to:

Meals: \$45.00 per day plus tax with a maximum per meal as follows:

- Breakfast \$10.00, Lunch \$15.00, Dinner \$20.00

Lodging: \$125.00 per night excluding taxes.

Meal expenses will not be reimbursed for travel which does not require an overnight stay, with the exception of lunch. Only lunch will be reimbursed if there is no overnight stay. If a lunch meal is reimbursed without an overnight stay, the cost of the meal will be attached to the employee's wages as a fringe benefit, per IRS Rules.

County employees may use the total amount not to exceed \$125.00 for lodging only. This allowance is per employee and not per office. If the vendor at an event provides the meals, the employee can take the amount that could have been claimed for meals and add it to the cost spent for a motel.

County employees will be reimbursed for actual expenses up to \$45.00 plus tax for meals per day following the maximum per meal rule above. Itemized receipts must accompany claims presented for reimbursements. Meal tips SHALL not be reimbursed by the County without approval of the County Judge. Under no circumstances will an employee be reimbursed for alcohol purchased with meal. (Ordinance No. 2018-O-35 & Ordinance No. 2018-O-41)

Reimbursement is to be claimed for actual expenses for meals and lodging within the limitations set by law and the maximum must not be claimed unless actual expenditures for such purposes were actually made.

The County will not pay for any entertainment expenses, including but not limited to rental of movies, attendance to non-seminar or non-job related activities or for alcoholic beverages.

The traveler is responsible for obtaining itemized receipts to support the items listed on the Travel Expense Reimbursement form (TR-1). This applies especially to expenses for lodging and commercial transportation and basic/economy vehicle rental.

The maximum for meals and lodging allowances may be exceeded per written authorization of the elected official when the cost of a convention registration/lodging exceeds the allowances as set forth in this policy, and shall be approved by the County Judge prior to stay.

Reimbursements cannot be claimed for meals and lodging within the city or town designated as the traveler's Official Station with the exception of the current IRS regulation per the Taxable Fringe Benefits Guide meet the following guidelines:

1. The main purpose of the combined business and meal is the active conduct of business,
2. Business is actually conducted during the meal period, and
3. There is more than a general expectation of deriving income or some other specific business benefit at some future time.

When privately owned motor vehicles are used for authorized travel on County business, the owner can claim reimbursement at the current rate set by the State of Arkansas. It is the responsibility of the County Clerk's Accounts Payable Department to keep up with the current rates being paid to state employees for travel. The maximum mileage allowed will be determined by the shortest major highway route. Whenever private automobile mileage is claimed for Official Station travel, the following practice should be adhered to:

Mileage shall be calculated from address point to address point using MapQuest. When submitting a TR-1 form, the employee SHALL submit the MapQuest page along with the TR-1 form to go with the claim affidavit.

When an employee attends a meeting and leaves from their home and their home address is a shorter distance than their official station, the employee shall use their home address. Mileage shall be calculated by the shortest distance.

The shortest distance to the destination should be claimed. If the shortest distance is from the Official Station as declared by the elected official, that distance should be listed on the TR-1 form. If more than one traveler is transported in the same vehicle, only the owner can claim mileage reimbursement. The County will reimburse for official miles driven only. The County assumes no responsibility for any maintenance, insurance, operational costs, accidents, or fines incurred by the owner of the vehicle while on official business for the County.

Any vicinity mileage claimed shall be listed separately on the TR-1 form in the "to and from" mileage columns. Vicinity mileage can only be claimed for official County business: Example: if the meeting being held is not at a hotel, you would claim vicinity mileage from the hotel to the meeting place.

Use of a privately-owned vehicle for County business, requires the driver to possess a valid driver's license and automobile insurance.

Expenses necessarily associated with authorized automobile travel, as described above, such as tolls and parking will be fully reimbursed upon presentation of the original receipt.

15. Issues Not Addressed in the Personnel Policy

Questions or issues may arise that are not specifically addressed in the County's Personnel Policy. As explained above, the County elected officials and County Judge have discretion to determine the application, meaning, and intent of the provisions of the Personnel Policy as they relate to the employees of that County elected official's office. Consistent with that discretion, the County elected officials and County Judge may issue policy memorandums to County staff to address questions or issues that are not addressed in the County Personnel Policy.

ORDINANCES REVISING PERSONNEL POLICY
ADOPTED DECEMBER 10, 2019/EFFECTIVE JANUARY 01/01/2020

<u>ORDINANCE</u>	<u>DATE</u>	<u>ADDING OR REVISING</u>	<u>PAGE</u>
2020-O-032	07/02/2020	VACATION HOURS CARRY OVER	23
2020-O-032	07/02/2020	WORKERS' COMP APPOINTMENTS	27
2020-O-032	07/02/2020	ANNUAL RAISES AWARDED ON EVALUATIONS	16