

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Sections:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Emergency Services
- 2.16 Social Security Coverage
- 2.20 Unclaimed Property
- 2.24 City Council
- 2.28 Mayor
- 2.32 Clerk/Treasurer
- 2.36 City Attorney
- 2.28 Public Safety Commission
- 2.40 Volunteer Fire Department
- 2.42 Police Department
- 2.44 Marshal
- 2.48 Court
- 2.52 Salaries of City Employees
- 2.54 Personnel Policy Manual

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city That from and after the passage of this ordinance, the city of West Fork, Arkansas, shall be a first class city as provided by the laws of the state of Arkansas, and shall have all of the rights, powers, privileges and duties provided for cities of the first class under the laws of the state of Arkansas. (Ord. No. 229, Sec. 1)

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Map of city
- 2.08.02 Ward boundaries

2.08.01 Map of city The ward redistricting plan, depicted on the map attached hereto and made a part hereof, be and is hereby adopted as the official Ward Map for the city of West Fork, Arkansas. (Ord. No. 422, Sec. 1.)

2.08.02 Ward boundaries

Ward 1 - shall contain all that portion of land contained within the city limits, south of White Street and west of the railroad right-of-way.

Ward 2 - shall contain all that portion of land contained within the city limits north of White Street, West of the railroad right-of-way and all that portion contained within the city limits lying south of Pleasant Street East of the railroad right-of-way to Highway 71 right-of-way.

Ward 3 - shall contain all that portion of land within the city limits north of Pleasant Street and west of Highway 71.

Ward 4 - shall contain all that portion of land lying within the city limits east of Highway 71.

A map dated the 11th day of March, 1986, known as the Ward Redistricting Map, shall be incorporated herein and made a part hereof as if set forth word for word. (Ord. No. 164)

CHAPTER 2.12

EMERGENCY SERVICES

Sections:

2.12.01	Policy and purpose
2.12.02	Emergency services defined
2.12.03	Powers of the mayor
2.12.04	Director of emergency services
2.12.05	Duties of director
2.12.06	Advisory council
2.12.07	Duties
2.12.08	Mutual aid agreements
2.12.09	Appropriations and authority to accept services, gifts, grants, and loans
2.12.10	Utilization of existing services and facilities
2.12.11	Political activity prohibited
2.12.12	Emergency services personnel
2.12.13	Workmen's Compensation benefits

2.12.01 Policy and purpose

- A. Because of the existing and possibility of the occurrence of disaster of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of this city will be adequate to deal with such disaster, and generally to provide for the common defense and to protect the public property of the people of this city, it is hereby found and declared to be necessary:
1. To create a city Emergency Services agency
 2. To provide for the rendering of mutual aid to other cities within the state, and those adjoining states, and to cooperate with the state government with respect to carrying out emergency services functions.
- B. It is further declared to be the purpose of this chapter and the policy of this city, that all emergency services functions of this city be coordinated to the maximum extent with the comparable functions of the state government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this city's manpower, resources, and facilities for dealing with any disaster that may occur.
- C. It is further declared to be the purpose of this chapter and the policy of the city to organize its emergency services organization in conformity with A.C.A. 12-75-101.

2.12.02 Emergency services defined As used in this chapter, "emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation., fire fighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

2.12.03 Powers of the Mayor The Mayor of the city shall be responsible for and have general direction and control of the emergency services of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this chapter not inconsistent with other ordinances of this city.

2.12.04 Director of Emergency Services The mayor, with the consent of the City Council, is hereby authorized to appoint a Director of Emergency Services, who shall perform such duties as are imposed upon him by this chapter, and as are delegated to him by the Mayor when not contrary to other ordinances of this city.

2.12.05 Duties of Director The Director shall coordinate the activities of all organizations for emergency services within this city and shall maintain liaison with and cooperate with the emergency services agencies and organizations within the state and with the state government.

2.12.06 Advisory council There is hereby created an emergency services advisory council consisting of four (4) citizens, appointed by the Mayor and confirmed by the City Council who shall advise the Mayor and the Director on all matters pertaining to emergency services. The Mayor shall serve as chairman of the council and the members thereof shall serve without compensation.

2.12.07 Duties

- A. In performing his duties under this chapter, the Mayor, or the Director of Emergency Services when such authority is delegated to him by the Mayor, is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the emergency services of this city and the state.

- B. In performing his duties under this chapter and to effect its policy and purpose, the Mayor is further authorized and empowered:
1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the state government;
 2. To prepare a comprehensive plan and program for the emergency services of this city, such plan and program to be integrated into and coordinated with the emergency services plans of the state government and of other cities and counties within the state to the fullest extent;
 3. In accordance with such plan and program for the emergency services of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of emergency services organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency service personnel in time of need;
 4. To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for emergency services, and to plan for the most efficient emergency use thereof;
 5. On behalf of this city, to enter into mutual aid arrangements with other cities and counties within this state and also with emergency services agencies or organizations in other states for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Emergency Services;
 6. To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority;

7. To cooperate with the Governor and the Arkansas Office of Emergency Services and other appropriate state offices and agencies, and with the officials and agencies of other cities and counties within the state pertaining to the emergency services of the state including the direction or control of:
 - a. Black-outs and practice blackout, air-raid drills, mobilization of emergency services forces, and other tests and exercises,
 - b. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith,
 - c. The effective screening or extinguishing of all lights and lighting devices and appliances,
 - d. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services,
 - e. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack,
 - f. Public meetings or gatherings, and
 - g. The evacuation and reception of the civilian population.

2.12.08 Mutual aid arrangements

- A. The Director of the Organization for Emergency Services may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency services plan and program, and in time of emergency it shall be the duty of each local organization for emergency services to render assistance in accordance with the provisions of such mutual aid arrangements.
- B. The Director of the Organization for Emergency Services may, subject to the approval of the Governor, enter into mutual aid arrangements with emergency services agencies or organizations in other states for reciprocal emergency service aid and assistance in case of disaster too great to be dealt with unassisted.

2.12.09 Appropriations and authority to accept services, gifts, grants, and loans

- A. Whenever the state government or any agency or officer thereof shall offer to this city, services, equipment, supplies, materials, or funds by way of gifts, grants, or loans, for purposes of emergency services, the city, acting through the Mayor, may accept such offer and upon such acceptance, the mayor may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of this city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.
- B. Whenever any person, firm, or corporation shall offer to this city services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of emergency services, the city acting through the Mayor, may accept such offer and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or other funds on behalf of the city, and subject to the terms of the offer.

2.12.10 Utilization of existing services and facilities In carrying out the provisions of this chapter, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the emergency services organizations of the city upon request.

2.12.11 Political activity prohibited No organization for emergency services established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

2.12.12 Emergency services personnel No person shall be employed or associated in any capacity in the emergency services organization of this city established under this chapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state, or in this city or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this organization for emergency services shall, before entering upon his duties, take an oath, in writing before a person authorized to administer oaths in the state which oath shall be substantially as follows:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Arkansas against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." "And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the emergency services Agency of the city, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

STATE LAW REFERENCE-see A.C.A. 12-75-101.

2.12.13 Workmen's Compensation benefits

- A. Recovery for the injury or death of persons appointed and regularly enrolled in emergency services organization as contemplated by this Act (AS 11-1934 - 11-1957), while actually engaged in emergency, shall be limited to the provisions of the Workmen's Compensation Act, if such person are regularly employed by the state of Arkansas, and if such person is (a) qualified emergency services volunteer worker of an accredited local organization for emergency services, recovery shall be limited as hereinafter provided.
- B. The remedy provided herein shall be the exclusive remedy as against the State and political subdivision thereof.
- C. For the purpose of workmen's compensation coverage in cases of injury to or death of an individual, all duly registered and qualified emergency services volunteer workers shall be deemed state employees within the meaning and requirements of Act 462 of 1949 as amended by Act 373 of 1951 (AS 13-1402 - 13-1407, 13-1409 - 13-1413) and shall receive compensation and their survivors shall receive death benefits in like manner as regular state employees for injury or death arising out of and in the course of their activities as emergency services volunteer workers.
- D. For the purpose of subsection (3) of this section, such emergency services volunteer workers who receive no monetary compensation for services rendered as such workers shall be deemed to have received such wages as will qualify them for maximum benefits applicable with respect to injury, disability, or death. The reimbursement of fifteen dollars (\$15.00) or less for out-of-pocket expenses incurred in response to an emergency situation, such as gasoline, oil, uniforms, and required equipment, etc., shall not be construed "monetary compensation" for the volunteer worker.

- E. In the event that any person who is entitled to receive benefits through the application of subsection (3) of this section receives, in connection with the injury, disability or death giving rise to such entitlement benefits under an Act of Congress or federal program providing benefits for emergency services workers or their survivors, the benefits payable hereunder shall be reduced to the extent of the benefits received under such other act or program. Any person who performs the duties of such member or trainee as an adjunct to his regular employment and who otherwise would be entitled to receive Workmen's Compensation benefits for his injury, disability, or death, if injured in the performance of such duties, shall be deemed to have been injured, disabled or killed in the course of his regular employment.
- F. An emergency services volunteer worker shall be deemed duly registered and qualified when he meets the following requirements:

When he is a member of and has on file in either an accredited local emergency services organization, or in the office of Emergency Services the following information:

1. Name and address
2. Date enrolled
3. Loyalty oath
4. Class of service assigned
5. Payments, death and disability benefits as herein provided shall be made from the Workmen's Compensation revolving fund for state employees.

STATE LAW REFERENCE-see A.C.A. 12-75-129; Sec. 22, Act 511 of 1973; Sec. 6, Act 408 of 1977; Hdbk. 4-3.6

CHAPTER 2.16

SOCIAL SECURITY COVERAGE

Sections:

- | | |
|---------|------------------------------|
| 2.16.01 | Contract |
| 2.16.02 | Withholding taxes from wages |
| 2.16.03 | City to match withholding |

2.16.01 Contract The Mayor and Recorder/Treasurer are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the federal Social Security Act.

2.16.02 Withholding taxes from wages Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.16.03 City to match withholding There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

CHAPTER 2.20

UNCLAIMED PROPERTY

Sections:

2.20.01	Disposal
2.20.02	Sale
2.20.03	Proceeds of sale to owner
2.20.04	Proceeds remaining after six months

2.20.01 Disposal The Marshal under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the city court with the exception of confiscated liquor.

STATE LAW REFERENCE-For procedure relating to liquor, see A.C.A. 3-3-312 – 3-3-315; Hdbk. 29-4.9 - 29-4.13

2.20.02 Sale All unclaimed personal property coming into the hands of the Marshal will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city once each week for three (3) consecutive weeks setting forth in notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Marshal shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.20.03 Proceeds of sale to owner The Marshal shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by city warrant out of the special account the amount of which the property was sold. The Marshal or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property

passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.20.04 Proceeds remaining after six months. All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

CHAPTER 2.24

CITY COUNCIL

Sections:

- 2.24.01 Council meetings - regular
- 2.24.02 Council meetings - special
- 2.24.03 Freedom of information procedure
- 2.24.04 order of business

2.24.01 Council meetings - regular All regular meetings of the Council shall be held at the municipal building on the second Tuesday of each month.

2.24.02 Council meetings - special Special meetings of the Council may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or upon request of three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally, or through the mails, to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

STATE LAW REFERENCE-see A.C.A. 14-43-301

2.24.03 Freedom of information procedure All meetings of City Council shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Washington County which have requested to be notified at least two (2) hours before the special meeting takes place.

2.24.04 Order of business At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise:

- (1) Call to order
- (2) Roll call
- (3) Reading of minutes of the previous meeting
- (4) Reports of boards and standing committees
- (5) Reports of special committees
- (6) Unfinished business
- (7) New business
- (8) Announcements
- (9) Adjournment

CHAPTER 2.28

MAYOR

Sections:

- | | |
|---------|-------------------------|
| 2.28.01 | Office created |
| 2.28.02 | Election |
| 2.28.03 | Duties |
| 2.28.04 | Appointment of officers |
| 2.28.05 | Salary |

2.28.01 Office created The office of Mayor is hereby created.

STATE LAW REFERENCE-See A.C.A. 14-42-102

2.28.02 Election On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of West Fork shall elect a Mayor for four (4) years.

STATE LAW REFERENCE-See A.C.A. 14-44-105

2.28.03 Duties As chief executive of the city the Mayor shall preside over all meetings of the City Council and shall perform such duties as may be required of him by state statute or city ordinance.

2.28.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.28.05 Salary The rate of pay of the Mayor shall be determined by ordinance of the City Council from time to time in a manner that will comply with the Arkansas Constitution.

CHAPTER 2.32

CLERK AND TREASURER

Sections:

- 2.32.01 Offices combined
- 2.32.02 Separated
- 2.32.03 Filing petition

2.32.01 Offices combined The present City Clerk/Treasurer shall serve as the City Clerk/Treasurer until a new City Clerk is elected and qualified in the November 2008 election. (Ord. No. 2008-403, Sec. 1.)

2.32.02 Separated The offices of City Clerk and City Treasurer for the city of West Fork are hereby separated and the office of city Clerk is hereby made an elected position and the office of City Treasurer is hereby made an appointed position. (Ord. No. 2008-403, Sec. 2.)

2.32.03 Filing petition All persons desiring to run for the office of City Clerk shall file their petition in a manner provided by law so that the same may be placed on the ballot for the election to be held in November of 2008. (Ord. No. 2008-403, Sec. 3.)

CHAPTER 2.36

CITY ATTORNEY

Sections:

- 2.36.01 Appointment
- 2.36.02 Duties

2.36.01 Appointment The City Attorney may be appointed by the mayor and approved by a majority of the City Council for a term equal to the term of the Mayor. Such attorney shall be subject to removal by the Mayor upon approval by the Council,

2.36.02 Duties It shall be the duty of the City Attorney to prosecute all cases in the city court for violation of the city ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

CHAPTER 2.38

PUBLIC SAFETY COMMISSION

Sections:

- 2.38.01 Establishment of Public Safety Commission
- 2.38.02 Powers and duties of the Commission

2.38.01 Establishment of Public Safety Commission There is hereby established for the city of West Fork, Arkansas, a Public Safety Commission consisting of five (5) members. These five (5) members will be appointed by the Council and will serve as follows: The initial Commissioners shall, by lot, determine the initial term. Position One term shall be for a period of one (1) year. Position Two term shall be for a period of two (2) years. Position Three term shall be for a period of three (3) years. Position Four term shall be for a period of four (4) years, and Position Five term shall be for a period of five (5) years. Following the initial appointment, each Commissioner shall be appointed for a term of five (5) years. (Ord. No. 172, Sec. 2)

2.38.02 Powers and duties of the Commission The Commission shall have the duty to oversee the operation of the Police Department and Fire Department subject to ratification of recommendations by the West Fork City Council. The Commission shall submit yearly to the Council estimates for budget requirements for each respective department. The Commission shall report to the City Council on a regular basis their recommendations, the activities of the respective departments and shall nominate candidates for the respective departments.

The Commission shall have the duty to, as far as practical, coordinate the activities of the respective departments but shall not in any manner attempt to combine those departments.

The Commission shall meet as often as they deem necessary; however, in no case shall they meet less often than bimonthly. They shall have the power to adopt internal rules of procedure governing their activities. (Ord. No. 172, Sec. 3)

CHAPTER 2.40**VOLUNTEER FIRE DEPARTMENT**Sections:

2.40.01	Created
2.40.02	Personnel; control and management
2.40.03	Appointment of Fire Chief
2.40.04	Other appointments
2.40.05	Duties of Fire Chief
2.40.06	Officers
2.40.07	Budget request
2.40.08	Training and rules
2.40.09	Fire fighting teams
2.40.10	Fire station custodians
2.40.11	Compensation
2.40.12	Records, reports
2.40.13	Firemen's Pension and Relief Fund
2.40.14	Outside fire service
2.40.15	Compensation
2.40.16	Salary of Fire Chief
2.40.17	Increases in compensation
2.40.18	Prior service unaffected

2.40.01 Created. There is hereby created a City Volunteer Fire Department to be officially known as "The West Fork Volunteer Fire Department." (Ord. No. 62, Sec. 1)

2.40.02 Personnel; control and management The West Fork Volunteer Fire Department shall consist of volunteer firemen who shall be classified as follows:

- A. Fire Chief
- B. Assistant Chief
- C. Captains
- D. Lieutenants
- E. Fireman

The number of firemen shall be determined by the Fire Department Officers.

The Fire Department shall be under the control and management of the Fire Chief, who shall be directly responsible to the Mayor and the City Council of West Fork. In the absence of the Fire Chief, the Assistant Chief shall assume command. The command shall transfer to the senior officer and then to the senior fireman on the scene if the Fire Chief or the Assistant Chief

is not on the scene. The Incident Command System shall be used and the officer in charge may pass the command to a more qualified person upon his arrival at the scene. The Fire Chief and the Assistant Fire Chief are responsible for the overall supervision of the West Fork volunteer Fire Department, coordination with local, county, state and federal agencies, establishing mutual aid agreements with other fire fighting units, preparing budgets and requesting adequate funds for the plans and operation of the West Fork Volunteer Fire Department and shall serve as the permanent representative on fire fighting matters to the West Fork City Council and the West Fork Rural Fire Protection Association. (Ord. No. 358, Sec. 3.)

2.40.03 Appointment of Fire Chief. The Fire Chief shall be appointed by the Mayor subject to confirmation by the West Fork City Council. The Mayor shall have the right to terminate the Fire Chief. The Mayor's termination of the Fire Chief may only be overridden by a 2/3 majority vote of the West Fork City Council. (Ord. No. 358, Sec. 4.)

2.40.04 Other appointments All appointments, other than the Fire Chief, in the Fire Department shall be made by the Fire Chief. The appointments shall be reported to the Mayor and the City Council at the next regularly scheduled City Council meeting. (Ord. No. 358, Sec. 5.)

2.40.05 Duties of Fire Chief The Fire Chief shall have the duty to operate and manage the Fire Department in such a manner as to protect life and property of the inhabitants of the city of West fork. The Fire Chief shall be responsible for the direction and performance of all Fire Department personnel and equipment belonging to the Fire Department. The Fire Chief is hereby authorized and directed to formulate and prepare such rules, regulations, and guidelines regarding Fire Department personal equipment, qualifications to serve, training and any other problem that might affect the well-being of the Fire Department and Firemen. (Ord. No. 358, Sec. 6.)

2.40.06 Officers. The Fire Chief shall appoint the following officers of the Volunteer Fire Department who shall have the responsibilities indicated:

Operations officer

- A. Schedules activities of the West Fork Volunteer Fire Department.
- B. Assists in the training of firemen.
- C. Supervises the qualification and employment of firemen.
- D. Coordinates communication requirements and operations.
- E. Supervises the status of equipment for adequacy and readiness for employment.
- F. Coordinates training and personnel requirements.
- G. Conducts liaison with local organizations and other fire departments.
- H. Ensures that all elements of the West Fork Volunteer Fire Department and all equipment is ready for re-employment upon completion of any activity.

- I. Monitors the employment of the resources of the West Fork Volunteer Fire Department in any emergency and call for timely additional support from other agencies if required.

Training officer

- A. Prepare training program to include:
 - 1. Annual requirements
 - 2. Semi-annual requirements
 - 3. Recurring qualification requirements
 - 4. Basic program for new personnel
- B. Schedule bi-weekly activities of the department to ensure program requirements are accomplished.
- C. Coordinate bi-weekly activities and schedule with operations and maintenance officers to ensure adequate time for maintenance of equipment and readiness requirements.
- D. Ensure that training results in plans for the employment of all equipment.
- E. Ensure that CPR Training and required refresher requirements are met.
- F. Establish training and qualification records for all members of the department.
- G. Supervise training in coordination with the operations officer.

Maintenance officer.

- A. Establish maintenance program for: Fire Fighting equipment to include pumps, hose, tools, protective clothing fire extinguishers, air packs and other equipment.
- B. Coordinate maintenance schedules with training officer.
- C. Recommend equipment replacement schedule in coordination with property officer.
- D. Ensure periodic testing of all equipment to ensure readiness for operation and employment.

Property officer.

- A. Establish records and control measures for property of the West Fork Volunteer Fire Department.
- B. Coordinate adequate control of property belonging to the West Fork rural fire Protection Association.
- C. Coordinate requirements and priorities for equipment.
- D. Establish program for replacement of equipment.

Communications officer.

- A. Responsible for coordinating and ensuring adequate radio and telephone communications for all elements of the West Fork Volunteer Fire Department.
- B. Ensure that Fire Station Base Stations is manned during any employment of any element of the department.
- C. Furnish location data from available books by radio to elements en route to fire locations.
- D. Coordinate communication requirements, training, operations and maintenance with operations, training and maintenance officers.

Security officer.

- A. Assist in clearing routes to location of employment of elements of the West Fork Volunteer Fire Department.
- B. Provide traffic and crowd control in areas of employment of fire fighting elements.
- C. Supervise adequate measures for security of facilities and firefighting equipment.
- D. Coordinate security with other county and state agencies.

Administrative officer.

- A. Establish and maintain required records for fire calls.
- C. Prepare reports as required for the West Fork Volunteer Fire Department.

2.40.07 Budget request Each year the West Fork volunteer Fire Department shall present a budget request to the West Fork City Council. Upon approval, this budget will be used to operate and maintain the West Fork Volunteer Fire Department. (Ord. No. 358, Sec. 7.)

2.40.08 Training and rules. There shall be held not less than two (2) meetings each month of the Department for the purpose of instructing and training and that all members shall attend unless excused for reasonable cause. That the West Fork Volunteer Fire Department shall adopt such rules as may be deemed necessary for the proper functioning of the Department, but that all such rules shall be subject to the approval of the City Council. (Ord. No. 62, Sec. 4)

2.40.09 Fire fighting teams.

- 1. Members will be assigned to a fire fighting team in such a manner as to ensure adequate fire fighting capabilities within each team.
- 2. Each team will include members with the following responsibilities and qualifications:

Team Leader
Assistant Team Leader
Hose Laying and Employment
Interior and Exterior Fire Fighters
Pump Operators
Vehicle Drivers
Mechanics
Radio Operator

2.40.10 Fire station custodians.

1. Coordinate requirements for maintenance of the West Fork Fire Station.
2. Recommend measures to ensure proper cleanliness and use of the Fire Station.
3. Maintain contact with other agencies using the Fire Station to ensure proper security.

2.40.11 Compensation. All members of the West Fork Volunteer Fire Department, who have been selected and approved as herein provided, shall receive the sum of \$00, for attendance upon and for service as each and every fire, or drill, where service at such being deemed to have been performed when the circumstances of such services are required or requested by the Fire Chief. (Ord. No. 62, Sec. 5)

2.40.12 Records, reports. The Fire Chief shall keep a record of the names of the members who attend the monthly meetings and who perform service at each fire and that he submit a full statement of the number of fires attended by each member to the City Council at its next regular meeting. (Ord. No. 62, Sec. 6)

2.40.13 Firemen's Pension and Relief Fund. The City Council shall, on or before the time fixed by law for levying county taxes, make out and certify to the County Clerk the rate of taxation levied by the city on the real and personal property within the city, not to exceed one (1) mill on the dollar of the assessed value, for the purpose of paying pensions to retired firemen and pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen as provided by law. The Council shall make the rate of taxation, not to exceed one (1) mill on the dollar of the assessed value of the real and personal property within the city, sufficient to raise and provide such amount of money as the Board of Trustees of the Firemen's Pension and Relief Fund certified to the Council will be required to pay pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen for the following year. If the amount certified to the Council by the Board of Trustees is more than a levy of one (1) mill will produce, the Council shall make the full levy of one (1) mill. All members of the Fire Department, whether past, present or future and whether they be paid, part-paid or volunteer firemen, their widows and minor children and who meet the

requirements established by the laws of the state for such eligibility, shall be included in the estimate of the amount of money required to pay pensions, which said Board is required to submit to the City Council, and all persons eligible to receive such benefits shall be entitled to receive them.

This code shall at all times conform to state law governing the Firemen's Pension and Relief Fund and any amendment to such state law shall automatically amend this code to assure compliance with state law.

STATE LAW REFERENCE-See Amendment 31, Ark. Const.; Hdbk. 33-1.1 - 33-1.38

2.40.14 Outside fire service The West Fork Volunteer Fire Department and the West Fork Rural Fire Protection Association operate and share equipment to serve residents in the designated 911 West fork area, subject to any existing Mutual Aid Agreements. (Ord. No. 358, Sec. 8.)

2.40.15 Compensation Members of the West Fork Volunteer Fire Department shall receive compensation for each response, the purpose of which is to reimburse the fire fighters for their expenses per response. Training meetings, regular meetings, fire calls, service calls and medical calls shall be included as responses. Four Thousand Dollars (\$4,000.00) shall be set aside each year to compensate members of the West Fork Volunteer Fire Department for their expenses incurred during responses. This amount of Four Thousand Dollars (\$4,000.00) shall be divided by the total number of responses that are made by each fireman in order to determine the amount awarded to each fireman per response. However, in the utilization of this formula to determine the amount awarded per response, in no case shall the amount awarded each fire fighter exceed Five Dollars (\$5.00) per response. (Ord. No. 358, Sec. 9.)

2.40.16 Salary of Fire Chief The Fire Chief is hereby made a part time employee of the city of West Fork and the Fire Chief shall be paid a monthly salary in an amount to be determined by the West Fork City Council in its budgeting process. In addition to the aforementioned monthly salary, the Fire Chief shall receive compensation for each response on the same formula outlined in 2.40.15 as the other members of the West Fork Volunteer Fire Department, with the understanding that in no case shall he receive in excess of Five Dollars (\$5.00) per response. Training meetings, regular meetings, fire calls, service calls and medicals shall be included as responses. (Ord. No. 358, Sec. 10.)

2.40.17 Increases in compensation The West Fork City Council is hereby authorized to increase the rate of compensation referred to in 2.40.15 by resolution without the necessity of amending this ordinance. (Ord. No. 358, Sec. 11.)

2.40.18 Prior service unaffected Accumulated service time as it applies to and affects promotions, rank retirement, pensions and other related benefits of current members of the West

Fork Volunteer Fire Department shall in no way be affected by the passage of this ordinance. All such rights, privileges and rank shall continue in full force and effect. (Ord. No. 358, Sec. 12.)

CHAPTER 2.42

POLICE DEPARTMENT

Sections:

- 2.42.01 Created
- 2.42.02 Police Commission
- 2.42.03 Term of commissioners
- 2.42.04 Powers of commissioners
- 2.42.05 Chief of Police

2.42.01 Created. There is hereby created a City Police Department.

2.42.02 Police Commission. There is hereby created a City Police Commission to consist of three (3) qualified electors of the city at least two-thirds (2/3) of said Commission shall not hold any other elective or appointive municipal office. The members of the Commission shall be confirmed by the City Council upon nomination by the Mayor.

2.42.03 Term of commissioners. Each commissioner shall be appointed for a term of five (5) years. Each commissioner shall file the oath required of public officials by the laws of this state; any such commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council.

2.42.04 Powers of commissioners. The Commission shall have full and complete authority to oversee the operation of the Police Department and/or the Marshall's office. The Commission shall submit yearly to the City Council estimates for budget requirements. The Commission shall report to the City Council at the June and November Council meeting on the activities of the Commission and Police Department including suggestions on needs, problems and accomplishments. The commissioners shall nominate candidates for the Police Department including the Chief of Police, to the City Council who shall make the appointments by majority vote of the City Council.

2.42.05 Chief of Police. The Chief of Police shall assume those duties assigned by the West Fork Municipal Code to the Marshall (Chapter 2.44) and shall have the title of Marshall. The Chief of Police shall report to the Police Commission excepting where specified reports shall be submitted to the City Council. The Chief of Police shall have supervision control over all members of the Police Department.

CHAPTER 2.44

MARSHAL

Sections:

- 2.44.01 Appointment and removal of Marshal
- 2.44.02 Duties of Marshal
- 2.44.03 Compensation

2.44.01 Appointment and removal of Marshal. Such Marshal shall be appointed by the Mayor and approved by a majority of the City Council. Such Marshall shall be subject to removal by the Mayor upon approval of a majority of the Council.

STATE LAW REFERENCE-Appointment of Marshall, Hdbk. 4-9.1

2.44.02 Duties of Marshal. The Marshal shall be the head of the department and shall be fully responsible for the operation of the department and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of city funds therein. He shall make periodic reports to the City Council concerning the operation and equipment of the department and such other matters as shall be determined necessary by the City Council. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

STATE LAW REFERENCE-For statutory provisions pertaining to duties of Marshal, Hdbk. 4-9.2 - 4-9.3

2.44.03 Compensation. The rate of pay for members of the Marshal's office shall be determined by the City Council, from time to time.

CHAPTER 2.48

DISTRICT COURT

Sections:

2.48.01 District Court established

2.48.01 Court established. The City Council hereby ordains in compliance with Act 251 of 1985 that there shall be reestablished a District Court in and for the city of West Fork, Washington County, Arkansas. (Ord. No. 165, Art. I)

CHAPTER 2.52

SALARIES OF CITY EMPLOYEES

Sections:

2.52.01 Includes pay for holidays
2.52.02 Vacation time
2.52.03 Sick leave
2.52.04 Employee insurance
2.52.05 Personal time

2.52.01 Includes pay for holidays. The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to uniformed employees, as provided by the laws of the State of Arkansas.

Holidays - Official holidays to be observed by the city for which employees will be compensated:

New Year's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday following Thanksgiving
One-half day on Christmas Eve
Christmas Day
(Ord. No. 319, Sec. 1)

2.52.02 Vacation time. Employee vacation time shall be based on length of service with the City pursuant to the following table:

<u>Fully Completed Year of Service</u>	<u>Paid Vacation Time</u>
	1 week
1 year	2 weeks
3 years	3 weeks
7 years	4 weeks
15 years	

Employees shall schedule their vacation time with a minimum consecutive time of one (1) week unless approval for a shorter vacation period is received from the department head in advance.

Vacation time shall be scheduled with the department head in advance.

Vacation time may not be accumulated from year to year. Any unused vacation time shall expire at the end of the year in which it accrues.

Unused vacation time will not be monetarily compensated for. (Ord. No. 153, Sec. 1)

2.52.03 Sick leave. Sick leave shall be earned and accrued in the following manner:

<u>Fully Completed Years of service</u>	<u>Days of Compensable Sick Leave</u>
1 Year	7 days
5 Years	14 days

Unused sick leave shall not be accumulated from year to year. Unused sick leave shall expire at the end of the fiscal year for which it accrued. Employees shall be monetarily compensated for unused sick leave at that individuals regular pay rate for up to the maximum of fourteen (14) days. (Ord. No. 287)

2.52.04 Employee insurance. Each full-time employee of the City of West Fork shall be covered one hundred percent (100%) for the cost of Arkansas Municipal League Health Insurance either for the individual employee or the employee and dependents.

2.52.05 Personal time. Personal leaves and leaves for personal time are hereby abolished. No compensation shall be paid to employees during any absence from work for personal reasons. (Ord. No. 153, Sec. 3)

CHAPTER 2.54

PERSONNEL POLICY MANUAL

Sections:

- 2.54.01 Definitions
- 2.54.02 Employment policies
- 2.54.03 General employee benefits
- 2.54.04 Matters affecting the status of employees
- 2.54.05 Standards of conduct
- 2.54.06 Controlled substance drugs and alcohol policy
- 2.54.07 Controlled substance and alcohol testing for safety sensitive positions
- 2.54.08 Controlled substance and alcohol testing for DOT positions
- 2.54.09 Compliance with the Drug Free Workplace Act of 1988
- 2.54.10 Miscellaneous information

2.54.01 Definitions

Department head means a person who is responsible for the administration of a department.

Employee means a full-time hourly, monthly, or salaried employee on a permanent basis with the city of West Fork.

Employer means the city of West Fork and refers to all departments.

Governing body means the City Council

Immediate family means mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relatives who live in the employee's household including "step" relatives.

Part-time employee means an employee who works on an hourly basis when, and as needed, (less than 32 hours a week). These employees do not receive any benefits listed in 2.54.03 and 2.54.04 of the Personnel Handbook.

Full-time employees means any employee, either hourly, monthly, or salaried, who is on a permanent basis with the city and works 32 hours per week or more.

Regular earnings means the amount an hourly worker would normally earn during a pay period.

Regular salary rate means the amount paid to a worker paid on a monthly basis.

Work week means any one shift during which a department is open for business or on which an employee is scheduled to work.

Work week means a period of time consisting of seven (7) consecutive days.

Classified personnel means employees who are eligible to receive overtime pay in accordance with the provisions of the most recently adopted pay and classification plan.

Unclassified personnel are employees who are exempt from the overtime requirements of the Fair Labor Standards Act, and/or whose position is listed in the unclassified section of the most recent pay and classification plan. (Ord. No. 02-08, Sec. 1.)

2.54.02 Employment policies

- A. **Equal opportunity employer** The city of West Fork is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.
- B. **Gender statement** In drafting the Personnel Policy Handbook, we have avoided the specific use of gender pronouns where possible. However, where such avoidance would have led to awkward sentences, we have used the masculine pronoun. This reference should be considered to refer to both genders alike.
- C. **At-will employer** The city of West Fork is an at-will employer. This means that the city of West Fork or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on any thing but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

- D. **Authority to hire and fire** The department heads of the city of West Fork serve at the will of the Mayor. The department head has specific authority to hire and/or fire other non-department head employees of the city. The department head for the Water and Wastewater Department serves at the will of the Water and Wastewater Commission. The department head of the Water and Wastewater Department has specific authority to hire and/or fire employees for the department.
- E. **Job posting and advertising** An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the office of the City Clerk of the city of West Fork.

In the event of a job opening, the position or positions open will be announced and posted in the newspaper with local circulation at least ten (10) days prior to the deadline for receiving applications.

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

- F. **Post offer/pre-employment physicals** Per-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the city of West Fork. These medical files shall be maintained in the physician's office with a summary report provided to the department head whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the department head. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examination.

Reports and records of all physical, psychological and mental examinations shall be kept in the offices of the physicians or mental health practitioner with only a summary report provided to the department head to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the examination, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel with the city government.

- G. Fitness for duty examination** Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the examination and other job restructuring factors, the department head shall take such action that is necessary for the service of the job.
- H. The Omnibus Transportation Employee Testing Act of 1991** It is the city of West Fork's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees who have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The act required alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow-up testing. The city of West Fork will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of West Fork the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy.
- I. Other drug and alcohol testing** Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlines in the city's policy on this subject. All employees must obtain from the city of West Fork the city's written substance abuse policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy. (Ord. No. 02-08, Sec. 2.)

2.54.03 General employee benefits

A. Vacations

Police Department The Chief of the Police Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay A.C.A. 14-52-106.

Fire Department The Chief of the Fire Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) days with full pay A.C.A.14-53-107.

Non-uniformed employees Vacation time is granted to all employees who have completed one year of service.

Vacation time shall be based on length of service with the city pursuant to the following table:

Fully completed year of service	Paid vacation time
1 year	1 week
3 years	2 weeks
7 years	3 weeks
15 years	4 weeks

Vacation time is granted to all employees who have completed twelve (12) months of service.

The employee becomes eligible for vacation on the employee's anniversary date. Employees shall schedule their vacation time with a minimum consecutive time of one (1) week unless approval for a shorter vacation period is received from the department head in advance. Vacation time shall be scheduled with the department head in advance. Vacation time may not be accumulated from year to year.

Any unused vacation time shall expire at the end of the year in which it accrues. Unused vacation time will not be monetarily compensated.

If a city holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee's vacation shall be extended for one (1) additional working day.

The uniformed employees of the Police and Fire Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes. It should be understood that policies concerning vacation time for non-uniformed employees are simply a suggested method of computing vacation time. This suggested method in no way alters the city of West Fork at-will employment policy as described on page 1 of the Personnel Policy Manual.

- B. Holidays and holiday pay** The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants, and employees of the city, including but not limited to uniformed employees, as provided by the laws of the state of Arkansas.

Holidays – Official holidays to be observed by the city for which employees will be compensated:

New Year's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday following Thanksgiving
One-half day of Christmas Eve
Christmas Day

- C. Sick Leave**

Police Department All law enforcement officers, regardless of their titles, such as City Marshal, employed by cities of the first and second class or incorporated towns shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment.

If unused, sick leave shall accumulate to a maximum of sixty (60) days unless the city of West Fork, by ordinance authorizes the accumulation of a greater amount, in no event to exceed a maximum accumulation of ninety (90) days, except for the purpose of computing years of service for retirement purposes.

In cities having sick leave provisions through ordinance, the total sick leave accumulated by the individual officer shall be credited to him and new days accumulated under the provisions of this section until the maximum prescribed above is reached.

Time-off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave as provided in this section shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed ninety (90) days salary.

Fire Department Firefighters shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days A.C.A. 14-53-108.

Time-off may be charged against accumulated sick leave only for such days that a firefighter is scheduled to work. No sick leave, as provided in this section, shall be charged against any firefighter during any period of sickness, illness or injury for any days which the firefighter is not schedules to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any firefighter has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when firefighter's employment ends for any reason other than death or retirement.

Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

Non-uniformed employees The city of West Fork recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of West Fork provided paid sick leave to full-time employees. Sick leave will accrues at the rate of one and one fourth (1 ¼) working days per month.

Eligible sick leave days will be for the following reasons:

1. Personal illness or physical incapacity.
2. Quarantine of an employee by a physician or health officer.

3. Illness in the immediate family, which would require employee to take care of the family member(s). Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relative who live in the employee's household including "step" relatives.
4. Medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employee's supervisor or someone acting for the employee's supervisor within two (2) hours of the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to unconfirmed illness may be required by the supervisor or department head to submit a physician's statement. Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving worker's compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to an amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six (6) months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the city.

Unused sick leave shall not accumulate from year to year. Unused sick leave shall expire at the end of the fiscal year for which it accrued. Employees shall be monetarily compensated for unused sick leave at that individual's regular pay.

- D. Funeral or bereavement leave** Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only. Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relative who live in the employee's household including "step" relatives.

Travel time may be granted upon prior approval of the department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The department head may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

- E. Maternity leave** Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave of the employee will be granted for maternity use after which leave without pay must be used.
- F. Uniformed services** Employees who are members of a military service organization or National Guard Unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time A.C.A. 21-4-102.
- G. Family medical leave** The Family Medical Leave Act (FMLA) of 1993 required cities offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:
 1. The birth and care of the employee's child; the placement of a child into an employee's family by adoption or by foster-care arrangement;
 2. The care of an immediate family member (spouse, child or parent) who has a serious health conditions; and
 3. The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job.

The Federal Act requires that the city maintain the employee's health coverage under any group plan during the time the employee is on Family Medical Leave Act leave. To be eligible for the Family Medical Leave Act benefits employees must:

1. Be employed by the city for at least one year;
2. Have worked 1,250 hours over the previous twelve (12) months preceding the leave request.

City employees must use vacation or accrued leave before Family Medical Leave Act leave will be granted. City employees are required to provide advance leave notice, in writing, (at least 30 days) to the employee's supervisor when leave is foreseeable (such as childbirth, adoption or planned medical treatment or as early as possible if the leave taken is not foreseeable 30 days in advance). The city requires written medical certification that the leave is needed due to the employee's own serious health condition or that of a family member. Depending on each individual situation, the city may require a fitness for duty report to return to work.

The city understands that upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. Furthermore, the use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

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

Firefighters are no longer exempt from jury duty. The statute providing for exemption, 14-53-103, was repealed in 1997.

- I. Miscellaneous leave** The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance at these meetings must be pre-approved by the department head. The city will pay all reasonable out-of-pocket expenses for lodging, travel cost, meals, etc., pursuant to its regular expense policy.
- J. Employee health benefits** Each full-time employee of the city of West Fork shall be covered one hundred percent (100%) for the cost of Arkansas Municipal League Health Insurance either for the individual employee or the employee and dependents.
- K. Occupational injuries** All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated.

- L. Accidental injury** If any full-time employee is involved in an accident (not job related) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred. (Ord. No. 02-08, Sec. 3.)

2.54.04 Matters affecting the status of employees

- A. Attendance** Employees shall be in attendance at their workstations in accordance with the rules and regulations established by the City Council.
- B. Work hours** Except for police officers and firefighters, work hours for all full-time employees shall be forty (40) hours per week, which begin each Friday at 5:00 p.m. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

The city reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of West Fork. In an emergency, previously schedules hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable. Whenever possible, employee work schedules shall provide a 15 minute rest period during each four-hour work shift. One hour off, unpaid, will be provided for a meal.

- C. Personal leave** Personal time is hereby abolished. No compensation shall be paid to employees during any absence from work for personal reasons.
- D. Overtime** Hourly employees will be paid overtime for hours worked in excess of the hours per week set forth in the WORK HOURS section of this handbook. The rate of pay for overtime shall be one and one-half (1 ½) the employee's normal hourly rate.

Upon the direction or approval of the department head, compensation for overtime may be made in the form of compensatory leave to the employee. The overtime record of the department head shall be final with respect to the number of compensatory leave days earned by an employee. Compensatory leave must be taken within 30 days from time earned and should be scheduled in the same manner required for vacation days with the approval of the department head.

- E. Uniform/personal appearance policy** The city business manager and the City Council shall provide uniforms or uniform allowances to personnel of certain departments as authorized. Personnel provided uniforms or uniform allowances

shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Personnel shall be provided uniforms acquired by the city which shall be laundered and cared for by the city and which shall remain the property of the city or the uniform rental agency.

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

- F. Vacancies and promotions** It is the intent of the city of West Fork to hire and promote the most qualified applicant for all vacant positions. To give the employees of the city of West Fork an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.

In accordance with equal employment guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request. The final decision regarding promotions shall be made by the City Council upon the recommendation of the department head.

- G. Training** The city of West Fork is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the city for various job, each employee has a responsibility of ascertaining for himself that he has sufficient training to enable him to perform his job. If the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training will be paid by the city.

- H. Vehicles** Various vehicles are used in almost every department in the city of West Fork. Since these vehicles are public property, two categories have been set up regarding the use of all city-owned vehicles.

1. General use: these are vehicles that the employees operate while working for the city. The vehicles are kept in an assigned place and used when they are needed for a job and then they are returned to their assigned place.
2. Privilege use: city vehicles including those assigned to an individual position or employee shall be used for city purposes only.

Persons other than city employees may be passengers in city vehicles:

1. If they are on city related business or in the custody of city officials.
2. If they are members of the driver's family and the vehicle is being used in the course of city business.
3. In emergency situations.

City vehicles may be taken home by department heads and other city employees who are subject to call during "off-duty" hours as designated by the department head provided the department head or the employee taking the vehicle home does not live more than one mile outside the West Fork city limits. Employees who are assigned city vehicles and who are subject to call during "off-duty" hours and who do not take city vehicles home shall be compensated for their use of personal vehicles on emergency calls.

When travel has been approved, the policy regarding reimbursement for use of private vehicles for city business for the city of West Fork is allowable as mandated by federal regulations.

- I. Performance evaluations** To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary.

Consistent with this goal, an employee's performance should be evaluated by the supervisor on an on-going basis. Final evaluations are normally done annually.

All written performance reviews should be based on the employee's overall performance in relation to the employee's job responsibilities and also should take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

Any employment action including performance evaluations should be thoroughly documented and placed in chronological order within his/her personnel file.

- J. Job safety** Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If any employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method.

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

1. Follow all departmental safety rules.
2. Use all mechanical safeguards on or for employee equipment.
3. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
4. Immediately report any unsafe or potentially unsafe working condition or equipment.
5. Immediately report any and every accident to the supervisor or department head.

- K. Refusal to work** A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the city of West Fork.

- L. Resignation/termination** Employees desiring to terminate their employment relationship with the city of West Fork are urged (but not required) to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice, however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

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

As mentioned elsewhere in this handbook, all employment relationships with the city of West Fork are on an at-will basis. Thus, although the city of West Fork hopes that the relationship with employees are rewarding, the city reserves the right to terminate the employment relationship of any employee at any time. (Ord. No. 02-08, Sec. 4.)

2.54.05 Standards of conduct

- A. Conduct toward the public** Employees of the city of West Fork 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 appearance, actions and statements are in essence those of the city.

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

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

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

- B. Unlawful harassment** The city of West Fork expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, religion, color, gender, national origin, age, disability or status as a veteran or special disabled veteran.

Harassment is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include, but is not limited to the following actions:

1. Verbal abuse or ridicule;
2. Interference with an employee's work;

3. Displaying or distributing sexually offensive, racist or other derogatory materials;
4. Discriminating against any employee in work assignments or job-related training because of one of the above referenced biases;
5. Intentional physical contact with either gender-specific portions of a person's body or that person's private parts;
6. Making offensive sexual, racial or other derogatory remarks, hints or impressions.
7. Demanding favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

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

1. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor or grievance coordinator in the chain of command. This complaint should be made in writing.
2. Anytime an employee has knowledge of harassment he/she shall inform the department head or grievance coordinator in writing.
3. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The city of West Fork will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

- C. Guidelines for appropriate conduct** An employee of the city of West Fork is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

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

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

1. Falsifying employment or other city records;
2. Violating any city non-discrimination and/or harassment policy;
3. Soliciting or accepting gratuities from citizens;
4. Excessive absenteeism or tardiness;
5. Excessive, unnecessary or unauthorized use of city property;
6. Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
7. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
8. Fighting or using obscene, abusive or threatening language or gestures;
9. Theft of property from co-workers, citizens or the city;
10. Unauthorized possession of firearms on city premises or while on city business;
11. Disregarding safety or security regulations;
12. Insubordination;
13. Neglect or carelessness resulting in damage to city property or equipment.

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

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

"Proper notice" is defined by the city to be notice in advance of the time an employee should report for work or not later than two (2) hours thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof (other than an absence authorized by this personnel handbook or by law), that is not authorized in advance by the department head or the employee's supervisor should be deemed absent without leave. Such absence shall be without pay and could result in disciplinary actions.

- E. Inclement weather** In exceptional circumstances beyond the employee's control, such as weather-causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular workday. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisors proper notice if he or she is unable to report for work.
- F. Outside employment or moonlighting** If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head, business manager and Mayor for approval.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the department head.

No outside employment shall be approved if such employment would require or induce a city employee to disclose any information acquired by reason of city employment that is declared by law or regulation to be confidential.

No city employees shall disclose any such information gained by reason of city employment, nor shall a city employee otherwise use such information for personal gain or benefit.

- G. Voting** City employees are encouraged to exercise their legal right to vote, if necessary, reasonable time will be granted for the purpose.
- H. Political activity** No employee shall involve the city's name, symbols, property, or supplies in political activities; provided, an employee who is a candidate for elected office may state his/her position with the city, the duties and responsibilities, and the length of service.

Thirty days before any primary, runoff, or general election, in which the employee has an opponent, an employee who becomes a candidate for the Arkansas General Assembly or for any national, state, or county office which is a paid, full-time position shall take accumulated paid vacation or shall be placed on leave of absence without pay; provided no employee shall become a candidate for a position on the West Fork City Council without first resigning from city employment.

An employee who is elected to a full-time county, statewide, or national office may be placed on leave of absence without pay for up to two years or may be terminated at the discretion of the City Council. An employee elected to the Arkansas General Assembly must take a leave of absence without pay when the General Assembly is in regular or extraordinary session.

No employee shall engage in any political activity infringing to any extent upon the full discharge of the employee's job responsibilities, or while on duty. No employee shall engage in any political activity, which creates an actual or apparent threat to the efficiency and integrity of the West Fork municipal government.

No city employee shall participate in the election campaign of any candidate for the West Fork City Council. No city employee shall solicit or accept a campaign donation on behalf of any candidate for the West Fork City Council.

- I. Outside compensation** Employees of the city for the performance of their duties as employees of the city shall receive no reward, gift or other form of remuneration in addition to regular compensation from any source. If a reward, gift or other form or remuneration is made available to any employee; it shall be credited to a designated employee fund with approval of the department head, business manager, and Mayor.
- J. Use of narcotics, alcohol and tobacco** Employees of the city of West Fork shall not use habit-forming drugs, narcotics or controlled substances unless a physician properly prescribes such drugs.

It is a smoke free environment within all city buildings.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination. (Ord. No. 02-8, Sec. 5.)

2.54.06 Controlled substance drugs and alcohol policy

Purpose The city of West Fork absolutely endorses a drug and alcohol-free workplace. The use and abuse of controlled substance drugs and alcohol not only affects productivity, but eh safety and well-being of employees, the public at large, and may cause property damage. This policy has been adopted in the interest of assuring a more safe, efficient and drug-free workplace and to comply with the Federal Motor Carrier Safety Regulations (49 CFR Part 382) and the Drug Free workplace Act of 1988. Additionally, there is a great public concern that those persons who drive or who hold safety sensitive positions are unimpaired by the effects of drugs or alcohol. While no system will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with possible drug and alcohol abuse among city employees. (Ord. No. 02-8, Sec. 6.)

2.54.07 Controlled substance and alcohol testing for safety sensitive positions

- A. Policy** This city policy provides for testing for drug and alcohol abuse by employees who hold safety sensitive positions which otherwise are not covered by the controlled substance screening requirements of the Federal Motor Carrier

Safety Regulations. Responsibility for identifying covered positions rests with the Personnel Division with approval by the Personnel Committee.

A safety sensitive position is defined as a job:

1. Where the compelling issue of public safety and security cannot be compromised, including, but not limited to, police protection, fire protection, and positions that involve the supervision of citizens or;
2. Where the duties of the position require the employee to regularly drive and assume the attendant risks of a vehicular accident involving possible injury to the employee, to fellow employees, or to citizens, or possible property damage. Provisions of this policy are essentially the same as the Department of Transportation (DOT) requirements. Actual drug and alcohol tests will be administered by an approved collection site in conformance with the same criteria required by DOT.

B. Procedure

Drug use prohibited An employee of the city of West Fork is absolutely prohibited from using a Schedule 1 drug of the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic or any other habit forming drug except where legally prescribed by a medical doctor. The schedule of drugs includes opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. This means that an employee shall not consume any of these controlled substances while on or off the job.

Impairment prohibited An employee is not to report for work while impaired by alcohol of any drug or controlled substance. An employee may use a substance administered by or under the instructions of a physician who has specifically advised the employee that the substance will not affect the employee's ability to perform his or her job function or to safely operate a motor vehicle.

Impaired means under the influence of alcohol or a substance such that the employee's motor sense (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be presumed affected.

Possession prohibited An employee will not possess at any work site any quantity of alcohol or any substance, lawful or unlawful, which could result in impaired performance, with the exception of a substance administered by or under the instruction of a physician. "Work site" means any motor vehicle, office,

building, yard, off-premises construction site, property operated by the city, or any other location at which the employee is to perform work. "Possess" means to have either in or on the employee's person, personal effects, motor vehicle or areas substantially entrusted to the control of the employee.

Any violation of these prohibited activities is cause for disciplinary action. A second incident by any employee involving any of the listed prohibited activities is cause for termination. Disciplinary action will be determined in all instances by the department head and the personnel committee.

Substance screening For purposes of assuring compliance with this policy, both employees and new applicants for safety sensitive positions will be subject to drug screening under the circumstances described below. Substance screening means testing of urine to determine use or impairment. Alcohol screening means testing with an evidential breath-testing device.

1. Applicants. Any offer of employment to an applicant for safety sensitive jobs is contingent upon the results of a substance-screening test. Refusal to submit to such a screening will make it impossible to qualify the applicant, and the applicant cannot be hired.
2. Employees. The substance and alcohol screening of employees will be in accordance with the circumstances described below.

Reasonable cause testing When there is reasonable evidence to suspect an employee has reported to work or is working impaired, the employee may be subject to substance and/or alcohol screening. Refusal to submit to such screening will be considered as a positive result, and will result in the employee being immediately disqualified to perform his or her duties with disciplinary consequences.

Random testing Employees will be subject to substance and alcohol screening at any time while on duty, on a random basis, as a term and condition of holding a safety sensitive job covered by this policy. Any refusal of an employee to submit to random screening will be considered as a positive result, and will result in the employee being immediately disqualified to perform his or her duties with disciplinary consequences.

Test results the test results will be reviewed to determine whether there is any indication of controlled substance use or alcohol consumption. The results are confidential. The city's business manager will be the sole custodian of the individual drug test results. The business manager will advise the city's personnel

committee only if the test results were negative, or positive, and which of the drugs were detected in the employees' system. The employee or applicant will have the opportunity to talk to the business manager before positive controlled substance results are given to the city personnel committee. Test results will not be released by the business manager to any other person or employer without written authorization of the individual tested.

Suspension from duty An employee under the influence of alcohol or a controlled substance cannot report for work or remain at work. Therefore, if an employee on duty tests positive for drugs and/or alcohol, the employee at a minimum will immediately be disqualified to perform his or her safety sensitive duties pending a management review to determine possible reassignment to a non-safety sensitive job or leave without pay.

An employee who tests positive for a controlled substance may be referred to a Substance Abuse Professional for treatment. Before returning to work, evidence of compliance with any recommended treatment and a release to return to work must be provided. Before resuming regular duties in a safety-sensitive job, the employee must also pass a confirming drug test. Upon returning to work the employee may be subject to additional unannounced follow-up testing for drugs if deemed appropriate by the Substance Abuse Professional. (Ord. No. 02-8, Sec. 7.)

2.54.08 Controlled substance and alcohol testing for DOT positions

A. Policy This policy has been adopted by the city of West Fork in order to assure a safe, efficient and drug free workplace, and to comply with the Federal Motor Carrier Safety Regulations (49 CFR part 382). This section covers employees required by Federal Regulations to have a commercial driver's license (DOT positions). There is a great public concern that those persons who drive commercial vehicles do so in a proper workmanlike manner, unimpaired by the effects of drug or alcohol abuse. While no system will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with possible drug and alcohol abuse among city employees.

B. Procedure

Drug use prohibited A driver whose job requires a commercial driver's license is absolutely prohibited from using a Schedule 1 drug of the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic or any other habit-forming drug except where permitted by the Federal

Motor Carrier Safety Regulations. The schedule of drugs includes opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. This means that the driver shall not consume any of these controlled substances while off-duty or on-duty.

Impairment prohibited A driver is not to report for work or drive while impaired by alcohol or any drug or controlled substance. A driver may use a substance administered by or under the instructions of a physician who has specifically advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle. Impaired means under the influence of alcohol or a substance such that the driver's motor sense (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be presumed affected.

Possession prohibited A driver will not possess at any work site any quantity of alcohol or any substance, lawful or unlawful, which could result in impaired performance, with the exception of a substance administered by or under the instructions of a physician. "Work site" means any motor vehicle, office, building, yard, off-premises construction site, property operated by the city, or any other location at which the driver is to perform work. "Possess" means to have either in or on the driver's person, personal effects, motor vehicle or areas substantially entrusted to the control of the driver.

Any violation of these provisions is cause for disciplinary action. A second incident by any driver involving any of the listed prohibited activities is cause for termination. Disciplinary action will be determined in all instances by the department head and the personnel committee.

Substance screening For purposes of assuring compliance with the Federal Motor Carrier Safety Regulations and the policy, both employee drivers and new applicants for positions as drivers will be subject to drug screening under the circumstances described below. Substance screening means testing of urine to determine use or impairment. Alcohol screening means testing with an evidential breath-testing device.

1. **Applicants.** Any offer of employment to an applicant for a job requiring a commercial driver's license is contingent upon the results of a substance and alcohol screening test. Refusal to submit to such a screening will make it impossible to qualify the applicant, and the driver cannot be hired.
2. **Employees.** The substance and alcohol screening of drivers will be in accordance with the circumstances described below.

Reasonable cause testing When there is reasonable evidence to suspect a driver has reported to work or is working-impaired, the driver may be subject to substance and/or alcohol screening. Refusal to submit to such screening will be considered as a positive result, and will result in the driver being immediately disqualified to drive, with disciplinary consequences.

Post-accident testing Any driver involved in a US DOT 390.5 accident must submit to substance and alcohol screening. Refusal to submit to such a screening will place the driver in violation of the Federal Motor Carrier Safety Regulations. In accordance with Federal Regulations, the driver will lost his or her CDL for one year in the event of a fatality accident if (A) the urine results are positive or (B) the driver refuses to give a urine sample.

Random testing Drivers will be subject to controlled substance and alcohol screening at any time on a random basis, as a term and condition of holding a position as a driver. Any refusal of a driver to submit to random screening will be considered as a positive result, and will result in the driver being immediately disqualified to drive, with disciplinary consequences.

Test results The test results will be reviewed to determine whether there is any indication of controlled substance abuse or alcohol consumption. The results are confidential. The city's business manager will be the sole custodian of the individual drug test results. The business manager will advise the city's personnel committee only if the test results were negative or positive, and which of the drugs were detected in the driver's system. The driver or applicant will have the opportunity to talk to the business manager before positive results are given to the city's personnel committee. The test results will not be released to any other person or employer without written authorization of the individual tested.

Suspension from duty Subpart B of Section 382 of the Federal Motor Carrier Safety Regulations provide that a driver under the influence of alcohol or a controlled substance cannot report for work or remain at work when he or she is required to perform safety sensitive functions. Therefore if a driver on duty tests positive for drugs and/or alcohol, the driver at a minimum will immediately be disqualified from driving or performing any safety sensitive duties.

A driver with a breath alcohol concentration of .02 but less than .04 will be suspended for a minimum of 24 hours and must pass a confirming test indicating a BAC of less than .02 before returning to work. A driver who tests over .04 will be referred to a Substance Abuse Professional for treatment. Before returning to work as a driver or performing safety sensitive duties, evidence of compliance

with any recommended treatment and a release to return to work must be provided. The driver must also pass a confirming test indicating a BAC of less than .02.

A driver who tests positive for a controlled substance will immediately be placed on leave without pay and referred to a Substance Abuse Professional for treatment. Before returning to work as a driver or performing safety sensitive duties, evidence of compliance with any recommended treatment and a release to return to work must be provided. Before returning to work the driver must also pass a confirming drug test. Upon returning to work the driver may be subject to additional unannounced follow-up testing for alcohol or drugs if deemed appropriate by the Substance Abuse Professional. (Ord. No. 02-8, Sec. 8.)

2.54.09 Compliance with the Drug Free Workplace Act of 1988

- A. Policy** The city intends to pursue opportunities for grants from time to time. As a condition for receiving a grant from a granting agency, the city must certify compliance with the Drug Free Workplace Act of 1988.
- B. Procedure** All employees are required as a condition of employment to execute an acknowledgment, that the Drug Free Workplace Policy has been read and understood.

Employees not covered by the requirements of Safety Sensitive Position (Section A) or DOT Positions (Section B) are none the less subject to a reasonable cause testing for both controlled substance drugs and alcohol as set for in this policy.

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

Disciplinary action may include, but is not limited to:

1. Warning or reprimand. A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

2. **Suspension.** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
3. **Demotion.** A demotion is an action that places the employee in a position of less responsibility and less pay.
4. **Termination.** This type of disciplinary action is a removal of an employee from city employment.

D. Grievance procedure The city of West Fork, Arkansas, hereby designates the city business manager, as coordinator of the city's efforts to comply with and carry out the city's responsibility in implementing the requirements. It is the responsibility of the coordinator to investigate complaints of non-compliance. The city specifies that complaints must be submitted in writing within 30 days of the alleged complaint and signed by the person filing the complaint. The coordinator shall investigate all complaint and provide a written report of findings within ninety (90) days.

If the individual filling the complaint feels the problem has not been resolved, he may appeal to the City Council in writing. Should the complainant wish to appeal the coordinator's response he may do so by filing the complaint in writing to the city of West Fork, P.O. Box 339, West Fork, Arkansas 72774. The business manager will notify the complainant of the date, time, and place of the hearing before the Council. Following the hearing, the City Council will render a decision within a reasonable time and notify the complainant in writing.

E. Civil Rights Officer The City Council hereby designates the City Business Manager as the city's Civil Rights Officer. Any employee who believes that they have been the recipient of discrimination because of sex, race, or handicap, should contact the City Business Manager, P.O. Box 339, West Fork, AR 72774 or call 839-2342. The procedure for filing shall be the same procedure as outlined in the Grievance Procedure. (Ord. No. 02-8, Sec. 9.)

2.54.10 Miscellaneous information

- A. Policy statement** The city of West Fork possesses the sole right to operate and manage the affairs of the city.
- B. Severability** Should any of the provisions of these Employment Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

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

- C. Change of address** If an employee changes his or her home address or telephone number, the employee should notify his or her department head of this change so that personnel files may be kept current. This is important in case the city must mail the employee any information that it feels the employee will need such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head. (Ord. No. 02-8, Sec. 10.)