



MEETING: **CITY COUNCIL WORK SESSION**  
DATE AND TIME: **Tuesday January 21, 2020 Work Session, 5:30PM**  
Location: **Bella Vista District Court Room**  
612 Lancashire Blvd., Bella Vista, Arkansas

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with the Section 25-19-106 of the Freedom of Information Act, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
  
- II. **ATTENDANCE:** Council Members John Flynn, Linda Lloyd, James Wozniak, Larry Wilms, Doug Fowler and Steven Bourke. Mayor Peter Christie, Staff Attorney Jason Kelley and City Clerk Wayne Jertson.
  
- III. **BUSINESS:**     **Appoint Mayor Pro-Tem for 2020**
  - A. **R2020-RESOLUTION** DESIGNATING AUTHORIZED DISBURSING OFFICERS AND MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA FOR CALENDAR YEAR 2020.
  
  - B. **R2020-RESOLUTION** AMENDING THE 2020 CITY BUDGET TO APPROPRIATE \$55,000 IN UNDESIGNATED RESERVES TO THE CITY HALL/POLICE/FIRE SECURITY FENCE PROJECT.
  
  - C. **R2020-RESOLUTION** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A TRAIL LICENSE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC. FOR PURPOSES OF FACILITATING AN EXTENSION OF THE RAZORBACK GREENWAY INTO THE CITY.
  
  - D. **R2020-RESOLUTION** APPROVING THE MAYOR'S APPOINTMENTS OF CUYLER SCATES TO POSITION 6 ON THE BELLA VISTA BOARD OF CONSTRUCTION APPEALS.
  
  - E. **R2020-RESOLUTION** ADOPTING AMENDMENTS TO THE CITY OF BELLA VISTA EMPLOYEE HANDBOOK.

**Discussion Items:**

**Security**

**Central Trails**

**Sunset Drive**

**Kingsland Stoplight Update**

**Republic Services Application of BV City Ordinance**

**ADJOURNMENT**

\*\*\* Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**DESIGNATING AUTHORIZED DISBURSING OFFICERS AND  
MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA  
FOR CALENDAR YEAR 2020**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,  
ARKANSAS:**

**SECTION 1:** The following individuals are hereby authorized to sign the disbursements, on all fund accounts, on behalf of the City of Bella Vista for calendar year 2019. Two signatures shall be required on all transactions:

Mayor Peter Christie and  
Cary Elsten, Finance Director.

In the event that one or the other of the above-named persons are absent or unavailable, the following individuals are hereby authorized to sign disbursements:

- Alternate No. 1—Mayor Pro Tempore
- Alternate No. 2—City Clerk Wayne Jertson
- Alternate No. 3—Police Chief James Graves
- Alternate No. 4—Council Member Jim Wozniak

**SECTION 2:** The Municipal Depository Board for the City of Bella Vista for calendar year 2020 shall consist of the following:

Mayor Peter Christie  
Cary Elsten, Finance Director  
Council Member Doug Fowler.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

Attest:

\_\_\_\_\_  
City Clerk Wayne Jertson  
Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: January 27, 2020

AGENDA ITEM: Resolution

ITEM TITLE: Budget Amendment

SUBMITTED BY: Chief James Graves

SUMMARY EXPLANATION: Whereas the city has realized a need to provide security fencing around the police parking lot funds need to be set aside. This need was not identified prior to the establishment of the 2020 department budget therefor money should be identified and provided from the city general surplus.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION:

It is recommended that the City Council approve up to \$55,000 of city surplus funds for the purchase of security fencing, gates and all general construction related to said project.

Once funds are identified and provided by council resolution a bid process will be established for the procurement of a qualified company to complete identified security project.

ACTION REQUESTED:

Motion to adopt

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AMENDING THE 2020 CITY BUDGET TO APPROPRIATE \$55,000 IN UNDESIGNATED RESERVES TO THE CITY HALL/POLICE/FIRE SECURITY FENCE PROJECT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**SECTION 1:** The City Council of the City of Bella Vista hereby amends the 2020 City Budget to appropriate \$55,000 from undesignated reserves to Dept. 100. GL Acct. 52850-Capital Expense-Land and Buildings to fund the City Hall/Police/Fire Security Fence Project.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

Attest:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

## LIMITED TERMINABLE LICENSE AGREEMENT

**THIS LIMITED TERMINABLE LICENSE AGREEMENT** (the “**Agreement**”) entered into by and between the Bella Vista Village Property Owners Association, an Arkansas nonprofit corporation (herein “**Licensor**”) and the City of Bella Vista, Arkansas (herein “**Licensee**”).

### WITNESSETH:

**WHEREAS**, Licensor is the owner of certain parcels of land located in Benton County, Arkansas, as more particularly identified in Exhibit “A”, which is attached hereto and incorporated herein by reference (“**Real Property**”);

**WHEREAS**, Licensee has requested permission to construct a hard surface walkway on the Real Property intended to be open to the general public for the purpose of pedestrian walking, hiking, jogging, cycling and other human-propelled uses (the “**Greenway**”);

**WHEREAS**, Licensee has requested permission to construct, operate and maintain the Greenway for the purposes stated immediately above;

**WHEREAS**, the Licensee’s actions on the License Area (hereafter defined) will result in considerable benefit to Licensor’s members and the surrounding community by creating and operating an additional recreational amenity; and

**WHEREAS**, Licensor is willing to license the construction, operation and maintenance of the Greenway by Licensee under certain conditions and restrictions which are set forth herein and acceptable to both parties;

**NOW, THEREFORE**, in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **CONSTRUCTION LICENSE**. Licensor hereby grants to Licensee the right and license, but not the obligation, to locate and construct the Greenway in accordance with plans and specifications to be agreed to and approved by Licensor on that portion of the Real Property as described in Exhibit “B”, which is attached hereto and incorporated herein by reference (“**License Area**”), and subject to the terms and conditions of this License (“**Construction License**”, and collectively with the Operation License, the “**Licenses**”). It is understood and agreed that the permission granted hereunder shall not create an obligation for Licensee to construct any or all of such Greenway as may be approved by Licensor or to construct any specific number or mileage of Greenway beyond what it elects to construct and for which it receives funding. Such construction shall be performed at the expense of the Licensee and funded through grants received by the Licensee. The Construction License granted hereunder shall be for a term of three (3) years and includes a license to traverse over portions of the Licensor’s property as is reasonably necessary to effect ingress and egress to the Licensed Area.

Upon completion of the construction on the License Area, this Construction License shall terminate.

2. PURPOSE OF CONSTRUCTION LICENSE. The Construction License is solely for the purpose of allowing Licensee and its respective contractors and subcontractors (the “**Permittees**”) to construct the Greenway. This Construction License shall not be construed as an easement for utilities of any kind, nor may Licensee grant or exercise such rights. In particular, the Construction License may not be used for buried pipes or cables or electric lines or overhead lines or poles of any kind (except to the extent such items are utilized in the construction of the Greenway itself, for example, lighting). This Construction License may not be transferred by the Licensee to any non-governmental entity nor to any other entity without Licensor’s prior written consent which may be withheld at the sole discretion of Licensor.

3. OPERATION AND MAINTENANCE LICENSE. Subject to the terms and conditions stated herein, Licensor hereby grants to Licensee the right, obligation, and license to operate, maintain, and repair the License Area after the completion of construction of the Greenway by Licensee (“**Operation and Maintenance License**”). Necessary maintenance and repair of the Greenway shall be performed in a reasonable and timely manner as agreed to herein by Licensor and Licensee. Licensor hereby agrees to provide maintenance of the Greenway from where it commences on Parcel # 16-43407-000 and said maintenance responsibility shall terminate after the Greenway passes through Parcel # 16-27754-000 at the intersection of Manchester Drive and Euston Road. Licensee hereby agrees to provide maintenance of the Greenway from where it commences at the intersection of Manchester Drive and Euston Road and said maintenance responsibility shall terminate after the Greenway passes through Parcel # 16-20950-001.

4. PURPOSE OF OPERATION AND MAINTENANCE LICENSE. After the Greenway is constructed, the License Area shall be used by members of Licensor and by the general public as guests of Licensor without charge but only for pedestrian walking, hiking, jogging, cycling, and other human-propelled uses. The License Area shall not be used for internal combustion motorized conveyances of any kind, other than as may be appropriate to provide access for motorized vehicles for emergency or maintenance purposes. This Operation and Maintenance License shall not be construed as an easement for utilities of any kind, nor may Licensee grant or exercise such rights. In particular, this Operation and Maintenance License may not be used for buried pipes or cables or electric lines or overhead lines or poles of any kind (except to the extent such items are utilized in the development of the Greenway itself, for example, lighting). This Operation and Maintenance License may not be transferred by the Licensee to any non-governmental entity nor to any other entity without Licensor’s prior written consent which may be withheld at the sole discretion of Licensor.

5. USE. Neither the License Area nor any part thereof shall be used, or permitted to be used, by the Licensee for any purpose other than as provided herein, without the prior written consent of the Licensor, which consent may be withheld in the Licensor’s sole discretion.

6. RECREATIONAL USE STATUTE. The intended use of the License Area stated herein shall be governed by Ark. Code Ann. §§ 18-11-301 *et seq.* and nothing herein shall be

construed to be an admission of liability by any party to this Agreement. No entry or use fee shall be charged by Licensor or Licensee in violation of Ark. Code Ann. §§ 18-11-301 *et seq.*

7. TERM OF OPERATION AND MAINTENANCE LICENSE. The Operation and Maintenance License (a) is granted for a primary term of twenty-five (25) years from the date of termination of the Construction License, and (b) may be renewed by Licensee for an additional term of ten (10) years (the “**Initial Renewal Term**”) upon not less than six (6) months’ prior notice to Licensor, and (c) shall thereafter automatically renew for additional ten (10) year terms unless otherwise assigned or terminated in accordance with the provisions of this Agreement. In the event either party decides to terminate the License upon expiration of the Initial Renewal Term or thereafter, such party shall provide not less than six (6) months’ prior notice to the other party. After construction of the Greenway, in the event of termination of the License for any reason, Licensor agrees to make the Greenway available for use by the general public thereafter on such fee or other basis as it may reasonably determine.

8. TERMINATION OF CONSTRUCTION LICENSE. If, at any time, (i) the Licensee fails or refuses to comply with or carry out the covenants or conditions contained herein or (ii) uses the License Area for any other purpose than for the construction of the Greenway, Licensor may terminate the Construction License at any time upon written notice to Licensee. If Licensee elects to abandon or release its interest in this License, it shall provide sixty (60) days’ advance written notice thereof to Licensor.

9. TERMINATION OF OPERATION AND MAINTENANCE LICENSE. If, at any time, (i) the Licensee fails or refuses to comply with or carry out the covenants or conditions contained herein, or (ii) the Licensee uses the License Area for a continuous time period of six (6) months for any other purpose than use by the general public for pedestrian walking, hiking, jogging, cycling and other human propelled uses, Licensor may terminate the Operation License at any time upon written notice to the Licensee. If the Licensee elects to abandon or release its interest in this License, it shall provide sixty (60) days’ advance written notice thereof to Licensor.

10. CONSTRUCTION. Construction performed by the Licensee or Permittees shall be accomplished in such a manner that it will not interfere with or pose a danger to Licensor’s other real or personal property. Access to the License Area for construction purposes under the Construction License shall be coordinated with the Licensor to minimize harmful effects to the Licensor’s other real or personal property. Licensee shall at all times retain full liability and responsibility for all aspects of the installation or construction of the Greenway, including responsibility for damage or injury to its Permittees during construction. At no time shall the Licensee or its Permittees be construed as an employee, contractor or subcontractor of the Licensor.

11. MANNER OF CONSTRUCTION. Licensee agrees that any and all work performed on the License Area related to the License shall be done in a good, safe, workmanlike manner and in accordance with all applicable federal, state, and local statutes, rules, regulations and ordinances. The location, design, and installation of related amenities for the Greenway



(signage, mile markers, trailheads, benches, and the like) shall be subject to the prior approval of all parties hereto.

12. INSURANCE. During the term of the Construction License, the Licensee shall cause its Permittees to obtain and maintain in full force and effect insurance as required by Licensor in the amounts and coverage specified and issued by insurance companies as described in Exhibit "C". Said liability policies shall name Licensor and Licensee as additional insureds and shall provide that the insurance policy cannot be canceled except upon thirty (30) days' prior notice to the Licensor. Prior to entering the Real Property or performance of any work on the License Area, Licensee shall cause its Permittees to furnish Licensor with the insurance endorsements and certificates in the form and amounts specified in Exhibit "C", evidencing the existence, amounts and coverage of the insurance required to be maintained hereunder. Further, the insurance endorsements and certificates shall be provided to Licensor on or prior to each anniversary date of the Construction License and upon the reasonable request of Licensor as long as construction is being performed on the License Area, and Licensee shall cause its Permittees to replace certificates, policies and endorsements for any insurance expiring prior to the termination of this Agreement.

13. LICENSOR USE. Licensor retains the right to use the Real Property in any manner not inconsistent with the rights herein granted to Licensee provided, however, that the Licensor shall not disturb, damage or restrict access to the License Area during the term of the Licenses.

14. LIENS. Licensee shall not permit to be placed against the Real Property, or any part thereof, any design professionals', mechanics', materialmen's, contractor's or subcontractors' liens with regard to the Licensee's actions upon the Real Property or License Area and respectively agree to hold the Licensor harmless for any loss or expense, including reasonable attorneys' fees and costs, arising from any such liens which might be filed against the Real Property, or any part thereof, during the term of the respective Licenses.

15. CONSTRUCTION LICENSE AMENDMENT. The Construction License may be amended at any time by the written agreement of the Licensor and the Licensee. All amendments to the Construction License shall be binding upon the parties despite any lack of additional legal consideration, so long as the same shall be in writing and executed by the parties.

16. OPERATION AND MAINTENANCE LICENSE AMENDMENT. The Operation and Maintenance License may be amended at any time by written agreement of the Licensor and the Licensee. All amendments to the Operation and Maintenance License shall be binding upon the parties despite any lack of additional legal consideration, so long as the same shall be in writing and executed by the parties.

17. SUCCESSORS AND ASSIGNS. All the covenants and provisions of this Agreement shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the Licensor and Licensee to the same extent and effect as the same are binding upon and inure to the benefit of the parties hereto.

18. WAIVER. The waiver by Licensor of the performance of any covenant or condition under this Agreement shall neither invalidate this Agreement nor be considered a waiver by Licensor of any other covenant or condition under this Agreement.

19. SEVERABILITY. In the event any of the provisions, or portions thereof, of this Agreement is held to be unenforceable or invalid by any court, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

20. APPLICABLE LAWS. Licensee shall comply with all applicable laws and regulations now in effect or hereafter enacted or promulgated pertaining to the use of the License Area.

21. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties regarding the above matters and supersedes any other written or oral agreements or understandings between Licensor and Licensee.

22. GOVERNING LAW. This Agreement and the rights and obligations of the parties shall be governed by, construed, and enforced in accordance with the laws of the State of Arkansas.

**EFFECTIVE** as of the \_\_\_\_ day of \_\_\_\_\_, 2020.

**BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, Licensor**

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

**CITY OF BELLA VISTA, ARKANSAS,  
Construction, Operator and Maintenance  
Licensee**

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARKANSAS     )  
   ) ss.  
 COUNTY OF BENTON     )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me \_\_\_\_\_, a Notary Public, (or before any officer within this State or without the State now qualified under the existing law to take acknowledgements), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named \_\_\_\_\_ and \_\_\_\_\_ (being the person or persons authorized by said corporation, [business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity] to execute such instrument, stating their capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that [he, she, or they] was [were] the \_\_\_\_\_ and \_\_\_\_\_ of Bella Vista Village Property Owners Association, [business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity], and was [were] duly authorized in in [his, her, or their] respective capacity [capacities] to execute the foregoing instrument(s) for and in the name and behalf of said corporation [business trust, estate, partnership, limited liability company, association, joint venture or other legal entity], and further stated and acknowledged that [he, she, or they] had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES:  
 \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARKANSAS     )  
  ) ss.  
COUNTY OF BENTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me \_\_\_\_\_, a Notary Public, (or before any officer within this State or without the State now qualified under the existing law to take acknowledgements), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named \_\_\_\_\_ and \_\_\_\_\_ (being the person or persons authorized by said entity to execute such instrument, stating their capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that [he, she, or they] was [were] the \_\_\_\_\_ and \_\_\_\_\_ of City of Bella Vista, Arkansas, a municipal entity], and was [were] duly authorized in in [his, her, or their] respective capacity [capacities] to execute the foregoing instrument(s) for and in the name and behalf of said entity and further stated and acknowledged that [he, she, or they] had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
  
\_\_\_\_\_

## **Exhibit "A"**

### Parcels Owned by Licensor

Parcel #

16-43407-000  
16-40236-000  
16-40236-001  
16-40236-010  
16-09076-000  
16-70331-001  
16-27754-000  
16-31217-000  
16-38495-000  
16-38496-000  
16-07693-001  
16-38496-001  
16-29995-000  
16-29995-001  
16-21070-000  
16-21070-001  
16-20951-000  
16-11101-001  
16-20953-000  
16-20950-001

## **Exhibit “B”**

For purposes of operating and maintaining the Greenway, the License Area as defined in this Agreement shall include an area extending twenty (20) feet from the center line on both sides of the center line created by a list of GPS coordinates to be established and agreed between Licensor and Licensee. At such time as the GPS coordinates have been established and agreed, an additional Exhibit “B-1” shall be prepared and appended hereto.

During the construction period, the precise location of the Greenway shall require variances due to terrain and topography, and the GPS coordinates therefor shall be established and agreed as aforesaid prior to commencement of the operations phase.

### Exhibit "C"

Permittees of Licensee shall maintain the following insurance coverages:

A. **Commercial General Liability Insurance.** Occurrence version commercial general liability insurance or equivalent form with a combined single limit of not less than \$1,000,000 per occurrence and aggregate coverage of \$2,000,000.

B. **Automobile Liability Insurance.** Automobile liability with a combined single limit of not less than \$1,000,000.

C. **Workers' Compensation Insurance.** Workers' compensation insurance with statutory limits and employers' liability insurance with limits of not less than \$100,000 for each accident.

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A TRAIL LICENSE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC. FOR PURPOSES OF FACILITATING AN EXTENSION OF THE RAZORBACK GREENWAY INTO THE CITY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

SECTION 1: The Mayor and City Clerk are hereby authorized to enter into a Trail License Agreement and Trail Maintenance Agreement with Bella Vista Village Property Owners Association, Inc. for purposes of facilitating an expansion of facilitating an extension of the Razorback Greenway into the City. A copy of the agreement are attached to this Resolution as if set out word for word herein.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

Requested by: Mayor  
Prepared by: Jason Kelley, Staff Attorney



**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: February 24, 2020

AGENDA ITEM:

ITEM TITLE: Appointing Member(s) to the Board of Construction Appeals, and For Other Purposes.

SUBMITTED BY: Doug Tapp, Director, Community Development Services

SUMMARY: Section 103-44 of the Municipal Code established the Board of Construction Appeals, set its membership at 7 positions, and dictates that the members serve staggered three-year positions which expire on January 1<sup>st</sup> of each year.

Mr. Cuyler Scates has agreed to volunteer for Position 6 with a term expiring on January 1, 2023.

ATTACHMENT: Ordinance  Resolution  Other

RECOMMENDATION: Staff recommends approval of this resolution.

ACTION REQUESTED: Motion to adopt

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**APPROVING THE MAYOR'S APPOINTMENTS OF CUYLER SCATES  
TO POSITION 6 ON THE BELLA VISTA BOARD OF CONSTRUCTION  
APPEALS**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,  
ARKANSAS:**

**SECTION 1:** The following Mayor's appointment to the Bella Vista Board of Construction Appeals is hereby approved for the terms ending as indicated:

Cuyler Scates, Position 6, Term Ending January 1, 2023.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

Attest:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney



**BELLA VISTA**  
*A place to call home*

# **EMPLOYEE HANDBOOK**

JANUARY 2020

ADOPTED: JANUARY 22, 2018  
RESOLUTION NO. R2018-06  
EFFECTIVE: JANUARY 23, 2018

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Welcome to employment with the City of Bella Vista. We are pleased that you are joining us and we know your contributions will directly impact the city's growth and success, and we hope you will take pride in being a member of our team.

As an employee of the City of Bella Vista, you need to know what we expect from you and what you can expect from us. This handbook will give you that information by outlining our policies.

We believe that our employees are our most important asset and our policies are designed to reflect these values. Because of this, we encourage you to pass on your suggestions, criticisms and praise. The management of the city is eager to hear from you. We are committed to constantly reviewing and assessing our policies and procedures to benefit all of us.

Your handbook will serve as a guide and reference throughout your employment here. If you have questions as you read through this handbook, please do not hesitate to discuss them with your supervisor.

We hope that your experience working with the City of Bella Vista will be challenging, enjoyable and rewarding. Again, welcome!

Sincerely,

A handwritten signature in black ink that reads "Peter Christie".

Peter Christie, Mayor

## **ABOUT THIS EMPLOYEE HANDBOOK**

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

This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of or exceptions to the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resources Director.

This handbook states only general city guidelines. The City reserves the right to change, revise or eliminate any of the policies and/or benefits described in this handbook, except for the employment at-will policy. All recognized deviations from the employment at-will policy are those authorized and signed by the Mayor of Bella Vista.

This handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. The City of Bella Vista is an at-will employer under the law and nothing in this handbook shall waive the city's at-will status.

## **CITY OF BELLA VISTA OVERVIEW**

The City of Bella Vista has a very short history as a city since it was incorporated on January 1, 2007. Prior to that date, the area was a portion of Benton County and the majority of the area was included in the Bella Vista Property Owners Association (BVPOA). While Benton County was the official local government of the area known as Bella Vista, the BVPOA actually performed many of the typical local government functions such as police protection, fire and ambulance service, street maintenance, trash pickup, and water service. The BVPOA still exists and maintains entities available to members, such as golf courses, lakes, tennis courts, and swimming pools. They also provide water service to the majority of the city's residents.

Since January 2007 the City of Bella Vista has assumed responsibilities for most of those functions typically provided by a municipality. The city now operates a police department, fire and emergency services department, street maintenance department, planning and code enforcement department, public library department, and also provides household trash pickup for all citizens.

The city operates with a Mayor-City Council form of government. The city is divided into 3 wards with 2 councilpersons each elected to 4-year terms by an at large vote of all registered voters of the city.

## **SECTION 1: GOVERNING PRINCIPALS OF EMPLOYMENT**

### **1-1 EQUAL OPPORTUNITY EMPLOYMENT**

The City of Bella Vista provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin (including ancestry), age, disability unrelated to job requirements (including the presence of any sensory, mental or physical disability), genetic information, political status, marital status, status as a veteran or member of the military or any classification or activity protected by the U.S. or Arkansas Constitutions, in accordance with applicable federal, state, and local laws. The city's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, discipline and training.

Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment. GINA also restricts employer's acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or requests of genetic services by applicants, employees or their family members.

Any employee with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including termination.

### **1-2 EMPLOYMENT APPLICATION**

The City relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.



### **1-3 EMPLOYMENT ELIGIBILITY VERIFICATION**

The City of Bella Vista is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid. Failure to provide the needed documents within the time limits, or providing false information on the documents submitted by the employee, may result in the City having to terminate the employment relationship.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Administration Department. Employees may raise questions or complaints about immigration law compliance without fear or reprisal.

### **1-4 EMPLOYMENT RELATIONSHIP**

The City of Bella Vista strives to provide a workplace that is pleasant and productive, provides good benefits, and offers interesting and challenging work. The City hopes that our relationship with employees will be a mutually beneficial one. The City of Bella Vista is an at-will employer. Employment is based on the mutual consent between the employee and the City. Employees are free to terminate their employment with the City for any reason. Likewise, the City reserves the right to terminate an employee's employment at any time for any reason, with or without notice. This is called an "at will" policy. The "at will" policy takes precedence over and supersedes any oral or written representations made to an employee that contradicts the policy. The only exception to the "at will" policy would be a written agreement authorized and signed by the Mayor.

Employees who are Department Heads, though otherwise subject to this policy, are subject to reinstatement after a termination decision by the Mayor, by a two-thirds (2/3) vote of the entire membership of the City Council as provided by state laws.

All other employees, with the exception of elected officials, shall only be subject to hire, discipline, and/or termination by the Department Head of the employee's department, or by the Mayor.

## **1-5 DISABILITY ACCOMODATION**

The City of Bella Vista is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of disability or perceived disability so long as the employee can perform the essential functions of the job.

For the City to consider whether a reasonable accommodation can be made, the employee in need of such consideration must first notify Human Resources of their need for the City to consider the accommodation due to a health condition that may qualify under the ADA, and offer any ideas as to what may be a possible method of accommodation. The City is committed to discussing the issue with the employee, and in turn, may also offer ideas as to what may constitute a reasonable accommodation. The City is not bound to accept the employee's suggestion, but will give it due consideration, as well as offer other possible solutions, if appropriate. The City will consider such things as what particular job function is needing accommodation, the impact such accommodation has on the functions of the job, and the impact it might have on the workload of other employees. The City is committed to engaging in this interactive process with employees who have made known to the City their need for possible accommodation for their health condition. However, there is no guarantee that any accommodation will be made as each circumstance must be viewed individually and is dependent upon the existence of a reasonable solutions.

## **1-6 ANTI-HARASSMENT**

The City of Bella Vista does not and will not tolerate any type of harassment of our employees or applicants. The term "harassment" includes, but is not limited to, slurs, jokes and other verbal, graphic, or physical conduct related to an individual's race, color, sex (including same-sex harassment), religion, national origin, citizenship, age, genetic, or disability. "Harassment" also includes sexual advances, requests for sexual favors, offensive touching and other verbal, graphic, physical conduct, or electronic communications (e-mail, text messages) of a sexual nature involving either members of the opposite or the same sex.

**VIOLATION OF THIS POLICY WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION, UP TO AND INCLUDING IMMEDIATE TERMINATION.**

If you feel that you are being harassed in any way by a co-worker, a citizen or a vendor, you should notify your supervisor or manager immediately. The matter will be thoroughly investigated and where appropriate disciplinary action will be taken.

Our supervisors and managers are also covered by this policy and are prohibited from engaging in any form of harassing conduct. Further, no supervisor or department leader has the authority to suggest to any employee or applicant that the individual's employment, continued employment, or future employment

will be affected in any way by the individual's entering into (or refusing to enter into) any form of personal relationship with the supervisor or department leader. Such conduct is a direct violation of this policy.

Any person who feels that he or she is being harassed or discriminated against must immediately report the offensive conduct to his or her direct supervisor. However, if the employee's direct supervisor is any way involved in the alleged inappropriate behavior or is unavailable, the employee should report the conduct directly to Human Resources. Finally, if the employee's direct supervisor and the Human Resources Director are involved in the alleged inappropriate conduct or are unavailable, immediately contact the Mayor or the next person in command.

YOU WILL NOT BE PENALIZED IN ANY WAY FOR REPORTING SUCH IMPROPER CONDUCT.

Please do not assume that the City is aware of the problem. Bring your complaints and concerns to our attention so that we can resolve them.

## **1-7 SEXUAL HARASSMENT**

It is the City's policy to prohibit harassment of any employee by any supervisor, employee, citizen or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the City. It is to ensure that at the City, all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending on the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, comments about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact Human Resources or a member of management. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be

guaranteed. The City of Bella Vista prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was purposefully fabricated or intentionally misleading, the individual who provided the false information will be subject to disciplinary action, up to and including termination, when such purposeful fabrications are found to have been made with malicious intent.

### Complaint Procedure

The City provides employees with a convenient and reliable method for reporting incidents of harassment, including sexual harassment. Any person who feels they have been harassed, or discriminated against, is encouraged to immediately inform the alleged harasser that the behavior is unwelcomed. In most instances, the person is unaware that their conduct is offensive and when so advised, can easily and willingly correct the conduct so that it does not reoccur.

If the formal discussion with the alleged is unsuccessful in remedying the problem, or if such an approach is not possible, the employee must immediately report the conduct and/or incident to their immediate supervisor, manager, department leader, or Human Resources.

Employees have a responsibility to report harassment. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment. Employees should note that failure to report harassment creates a situation where a harassed employee's situation is much more likely to remain unresolved. The very worst thing for an employee to do in a harassment situation is fail to report it.

If the complaint involves sexual harassment and the complaining employee prefers to speak with a person of the employee's same gender, the City will make every effort to accommodate that request.

Any supervisor or department leader who learns or receives a complaint of harassment through any means (including witnessing, overhearing, learning of a rumor, or otherwise becomes aware of alleged harassment in the workplace) is obligated to report it to the Human Resources Director.

### **1-8 RETALIATION**

No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Bella Vista will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary

action will be taken against those who are found to have violated the City's policy against such retaliation.

## **1-9 DRUG AND ALCOHOL-FREE WORKPLACE**

The City of Bella Vista is committed to maintaining a safe and healthy work environment free from the influence of alcohol and the illegal use of drugs. Compliance with the City's Drug-Free Workplace policy is a condition of employment.

Most prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the employee's ability to safely perform his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs, including medical marijuana, is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action, up to and including termination, will be taken if job performance deterioration and/or accidents occur while under the influence of alcohol or due to the misuse of medications.

Employees in safety-sensitive positions must report and disclose use of controlled prescription medications, [including medical marijuana](#), that may impact the ability to safely perform essential functions and impose or create a direct threat to public safety. Safety-sensitive positions are defined as those:

- carrying a firearm;
- performing life-threatening procedures;
- working with confidential information or documents pertaining to criminal investigations;
- operating, repairing, maintaining, or monitoring of heavy equipment, machinery, or motor vehicles as part of the job duties.

Under no circumstances are employees allowed to use or be in possession of alcohol or any controlled medication, including medical marijuana, during working hours.

When it is determined that an employee shall be tested to discover whether or not he/she has used prohibited substances, whether due to random testing or testing due to reasonable suspicion, and it is found that there is marijuana in the employee's system, the employee will be required to provide a medical marijuana

card issued by the State Department of Health. Not providing such a card within two (2) days may be grounds for immediate termination.

The City of Bella Vista has adopted a Drug-Free Workplace policy pursuant to Bella Vista City Code 2-361. A copy of the City's Drug-Free Workplace policy/Ordinance is attached as Exhibit A.

### **Post Accident Testing**

Employees shall be required to submit to urine testing for use of prohibited drugs and/or breathalyzer alcohol testing as defined in Bella Vista City Code 2-361.

When an employee in a non-safety sensitive position suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee, testing may be required. Such testing will be required only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.

When an employee in a safety-sensitive/security-sensitive position is involved in an accident involving a motor vehicle on a public road while on duty, the employee driving the vehicle will be required to be tested.

Refer to Bella Vista City Code 2-361 for complete information regarding the City's drug-free workplace policy.

## **1-10 WORKPLACE VIOLENCE**

Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation or other threatening, disruptive behavior that occurs at the work site. Workplace violence can affect or involve employees, visitors, vendors or City residents.

The City of Bella Vista is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of a non-work related situation such as domestic violence or other personal issues. Workplace violence can be inflicted by an abusive employee, a manager, supervisor, co-worker, vendor, family member, or even a stranger. Whatever the cause, or whoever the perpetrator, workplace violence is not accepted or tolerated by the City.

Each employee is responsible for reporting instances of workplace violence in accordance with this policy. Every supervisor is responsible for responding promptly and thoroughly to allegations of workplace violence in accordance with the terms of this policy. All reports of threats of (or actual) violence and of suspicious individuals or activities will be promptly and thoroughly investigated.

All persons at the City must report instances of workplace violence. In true emergency situations where the threat of harm is imminent, employees should call 9-1-1 and request immediate assistance from the authorities. In non-emergency situations, workplace violence must be reported first to an immediate supervisor. If the immediate supervisor is contributing to the risk of the workplace violence, the incident must be reported immediately to Human Resources.

The City takes potential and actual threats of workplace violence very seriously and will take immediate disciplinary action, including termination, when such threats occur. As a result, employees accepting employment with the City accept and agree that they will be subjected to such disciplinary action if they make verbal or written threats of violence to other employees.

#### Disciplinary Procedures for Employees Who Commit Acts or Threats of Violence

The City is committed to a workplace in which the perpetration of domestic or sexual violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on city premises, during work hours, or at a City-sponsored event, is a serious violation of this policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to disciplinary action, up to and including termination.Weapons and Guns in the Workplace

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises, worksites, and vehicles of the City of Bella Vista, except for law enforcement purposes.

## 1 CONDUCT and CONFLICTS OF INTEREST

The City of Bella Vista expects all employees to meet the highest standards of ethical conduct. Even the appearance of impropriety can be very damaging to the City's reputation and image. All employees should, therefore, consider the potential impact on the City of their contacts with residents, suppliers and the public, as well as their personal conduct, including investments and business dealings. Any questions should be directed to their Department Head and/or the Mayor.

The City of Bella Vista employees are expected to conduct themselves on the job in a manner that ensures productive, effective operations and a harmonious environment; to perform their assigned job duties at or above satisfactory levels and to conduct themselves in accordance with established policies and procedures.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City of Bella Vista wishes to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City of Bella Vista's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City of Bella Vista does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their Department Head or the Mayor of the City of Bella Vista as soon as possible, the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties.

Employees are advised that, by the requirements of Arkansas law, no municipal employee shall be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the City unless authorized by ordinance of the City Council. Violations of these standards will not be tolerated



and if discovered to exist, will result in disciplinary action up to and including termination of employment.

### **1-12 OPEN DOOR POLICY**

The City of Bella Vista believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered to other employees in municipalities in this area. If an employee has a concern about working conditions, compensation, or other employment-related issues, they are strongly encouraged to voice these concerns openly and directly to their supervisor. If concerns have not been addressed adequately at the supervisor level or the employee is uncomfortable discussing the issue with the supervisor, concerns can be addressed to your Department Head, the Mayor, or Human Resources. No employee will be penalized, formally or informally, for voicing a concern with the City in a reasonable, professional manner.

Our experience has shown that when employees and supervisors deal openly and directly with one another, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City of Bella Vista amply demonstrates its commitment to employees by responding effectively to employee concerns.

### **1-13 EMPLOYMENT BACKGROUND CHECK POLICY**

The City of Bella Vista is committed to protecting the security, safety, and health of employees, citizens and others, safeguarding the assets and resources of the City, and assuring individuals in City positions are worthy of the trust they are given. Therefore, the City of Bella Vista has adopted a policy regarding Pre-Employment Background Checks.

Background checks shall be required prior to employing all positions. This policy applies regardless of whether or not a competitive recruitment process is used.

#### Applicability:

1. As a condition of hire, background checks are required on all applicants offered a position, including temporary hires.
2. Additional background screenings may be required for employees obtaining safety or sensitive duties, such as a change in positions or significant change in duties as determined by Human Resources. This includes safety or sensitive duties such as handling currency, accounts payable, having access to sensitive computerized databases or laboratories, or having access to a master key.
3. Employees who leave employment with the City and who are rehired within twelve (12) months will not be required to have another background check prior to beginning work, provided their prior background check encompassed everything that is necessary for their new role.

Procedures:

1. Notification: Written notification of the requirement to successfully pass a background check will be given during advertisement and/or at the time of application.
2. Initiation of Check: Background checks will be initiated only by Human Resources. Human Resources may only initiate background checks once they receive a completed and signed authorization for pre-employment background check (either by form or electronically).
3. Background Checks: Background checks will include, at a minimum, a multi-state criminal background check including felonies and misdemeanors, a social security trace, prior employment, and a National Sexual Offender Registry check. Background checks may also include a credit check (conducted in compliance with the Fair Credit Reporting Act), driver history check, and credentials verification to include education for applicants designated by Human Resources.
4. Conditional Offer of Employment: The background check must be completed before employment begins, except as provided below. Any offers made before a background check has been completed shall be expressly conditional upon successful completion of the background check. Employment may begin prior to completion of the background check only as a conditional offer of employment and when management establishes to the satisfaction of Human Resources there is a compelling need. In such cases, Human Resources will provide management with condition of hire language. Conditional offers shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position (regardless if conditional employment began).
5. Results of Background Check: Results from a background check will be considered in the following manner.

If the background check reveals criminal records or other serious misconduct (other than minor traffic violations), Human Resources will consult with Legal Counsel. In such cases, Human Resources shall make an initial determination as to whether the background check would disqualify the candidate for the position.

Consideration shall include, but not be limited to, the following factors:

- a) number of offenses or misconduct and the circumstances of each;
- b) length of time between the offense or misconduct and the application for employment;
- c) other employment history;
- d) evidence of applicant's rehabilitation efforts;
- e) severity of the offense or misconduct;
- f) the relevance of the offense or misconduct to responsibilities of the position or safety sensitive positions.

To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed, in writing, notice of adverse information discovered in the background

check and given an opportunity to respond. Upon conclusion of the review, written notice will be sent to the candidate regarding the City's decision of eligibility for the position.

All results of the background check will remain confidential, will be maintained by Human Resources, and will be disclosed only to authorized employees who have a need to know in the performance of their job assignments.

Failure to disclose criminal convictions requested during the application process may result in disqualification for employment or termination of employment.

Disqualification of a candidate based on information discovered in the background check is not subject to grievance or appeal by the candidate.

## **SECTION 2: OPERATIONAL POLICIES**

### **2-1 EMPLOYMENT CLASSIFICATIONS**

Definitions of employment classifications help employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. **Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City.**

The City of Bella Vista uses the following terms to classify employees.

**Exempt:** If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. Salaries can be reduced due to demotion, re-assignment, change of responsibilities, transfer, or other factors related to business conditions and/or job performance.

**Non-Exempt:** If you are classified as a non-exempt employee, you must maintain a record of the total hours you work each day. These hours must be accurately recorded. Each employee must insure that the reported hours worked are complete and accurate, including, where applicable, signing, or electronically submitting, his or her own time card. Do not report time or turn in a time card if it is not accurate. Unless you are authorized by your supervisor, you should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from

performing any “off-the-clock” work. “Off-the-clock” work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

**Full-time** employees are those who are regularly scheduled to work 30 or more hours per week.. Full-time employees are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**Part-time** employees are those who are regularly scheduled to work at least 20 hours weekly and less than 30 hours weekly. Part-time employees may be eligible for some benefits sponsored by City, subject to the terms, conditions, and limitations of each benefit program.

**Casual** employees are those who are scheduled to work less than 20 hours weekly or who work only as needed, rather than having a preset schedule. There will be no expectation that the employees in this category will always be available to work when contacted to do so. While they do receive all legally mandated benefits such as Social Security and worker's compensation insurance, they are ineligible for all of the City's other benefits programs.

**Temporary** employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain this status unless and until notified of a change. While they do receive all legally mandated benefits such as Social Security and worker's compensation insurance, they are ineligible for all of the City's other benefits programs.

If an employee believes he/she has been improperly classified as exempt (as defined by the Fair Labor Standards Act), the employee should notify Human Resources at once. A review of the position and associated responsibilities will be conducted to determine if the position may have been improperly classified.

If an exempt employee feels that improper deductions were taken from their pay, the employee should immediately notify Human Resources. If improper deductions were made, the amount of the improper deduction will be reimbursed. The City prohibits improper pay deductions and makes every effort to comply with all FLSA requirements, regulations, and prohibitions.

## **2-2 INTRODUCTORY PERIOD**

The first three months (90 days) of your employment is an introductory period. This is an opportunity for the City to evaluate your performance. It also is an opportunity for you to decide whether you are happy being employed by the City. The City may extend the introductory period, should it be deemed

appropriate. Completion of the introductory period does not alter an employee's at-will status.

The City will normally conduct a performance review at the end of the introductory period.

## **2-3 EMPLOYMENT RECORDS**

The City of Bella Vista maintains a complete file of each employee's records, containing information such as performance reviews, commendations and educational attainment. The files are maintained by the Human Resources Department. All information contained in employee files is strictly confidential and is accessible only to those with a business need to know. Accessibility of employee records is governed by applicable State law, including but not limited to, the Arkansas Freedom of Information Act. Employee files are the property of The City of Bella Vista and may not be removed from the city administration offices at any time. Employees are allowed to inspect their own personnel file by scheduling an appointment with the Human Resources Department.

Personnel files are to be reviewed in the Human Resources Department, even by managers and supervisors. Personnel documents that are maintained in the Human Resources department may not be taken outside of the Human Resources department, including by managers and supervisors, nor shall any electronic employee records be distributed by way of email without prior authorization of either Human Resources or the Legal Department.

It is the responsibility of each employee to promptly notify the City of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify your supervisor.

## **2-4 TIMEKEEPING PROCEDURES**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the City of Bella Vista to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All employees must record their actual time worked for payroll and benefit purposes. Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

It is your responsibility to certify the accuracy of all time recorded. Any errors in your time record should be reported immediately to Human Resources, who will attempt to correct legitimate errors.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed. There may be times when employees are required to work overtime due to work load demand. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Civil and criminal action in accordance with the law may also be pursued.

Non-exempt employees should not report to begin work more than seven (7) minutes prior to their scheduled starting time nor stay more than seven (7) minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

It is the employees' responsibility to sign, or electronically submit, their time records to certify the accuracy of all time recorded. The supervisor will review and then sign, or electronically sign, the time record before submitting it for payroll processing. Do not sign, or electronically submit, your time card if you believe it is inaccurate in any way, but report this to the Human Resources Department immediately, if not resolved with the supervisor.

## **2-5 WORKING HOURS AND SCHEDULE**

The work week consists of seven (7) consecutive twenty-four (24) hour periods. During the work week, employees may have days off as determined by the City of Bella Vista. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The City reserves the right to change the work schedule, work hours, business hours or shifts as appropriate.

Meal Periods: Employees may be given thirty (30) minutes up to one (1) hour unpaid time for one meal period per day. Fire department employees working 24-hour shifts shall have meal periods determined by department policy.

Break Period: Short, paid breaks of up to 15 minutes or less may be taken as allowed by managers. This includes walk breaks in alignment with our *City Live Your Best Life* wellness program.

Outside Employment: Employees may hold outside jobs as long as they meet the performance standards of their job with the City and disclose the outside employment to their Department Head. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

During reasonable business hours the employee will devote his/her best effort and

full attention to the performance of his/her job responsibilities and will render efficient services to the City of Bella Vista. If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of their City employment as modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their City jobs.

## **2-6 ATTENDANCE AND PUNCTUALITY**

The City expects employees to be conscientious about attendance and punctuality at work. Each employee is a part of a team and getting the work done depends on everyone being in the right place at the right time. Be aware that the City has a variety of schedules that employees work so coordination to ensure quality service is critical.

If an employee is ill or anticipates a late arrival, the supervisor should be notified no later than the scheduled starting time if possible, but not later than 30 minutes after start time. Notification should include a reason for the absence and estimated date of return, if known. Planned absences such as vacation or leave without pay are to be reported as far in advance as possible. If the absence extends more than one day and the date of return is indefinite, the employee must keep the supervisor informed of the situation by reporting daily, or as directed by the supervisor, as to the reason for the continued absence and the probable date of return.

Absences without notification will be treated as time off without pay. If an employee is absent from work for three scheduled work days and has not contacted their supervisor, the employee will be considered to have voluntarily resigned and employment with the City of Bella Vista will be terminated. Attendance and punctuality are important considerations when being reviewed for pay increases or promotion. Poor attendance and/or excessive tardiness may lead to disciplinary action up to and including termination of employment.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Supervisor's or Department Head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked computed to the nearest quarter hour. Hourly employees who work

in excess of forty (40) hours in a workweek, will be paid at one and one-half times the base rate of pay per hour. Performing work outside of regularly scheduled hours is not permitted.

Time off on sick leave, vacation leave, holiday, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination.

## **2-7 COMPENSATORY TIME**

All non-exempt employees (except firefighters) are eligible to participate in the "Compensatory Time" (Comp Time) program. Instead of being paid overtime pay, the hourly employee may voluntarily choose to take compensatory time off at the rate of 1.5 hours for each hour of overtime worked. Employees can split any eligible time between overtime pay and comp time accrual. Eligible employees may accrue **not more than 40 hours** of compensatory time at any point during a calendar year. Once the employee accrues 40 hours of comp time, they must take the additional time as overtime pay. Approval to take earned comp time must be obtained in advance from the employee's supervisor, manager, or department head. Each department head or manager shall determine the amount of advance notice that is needed for his/her department's operation.

Whenever an employee changes departments (transfers), their comp time accrual will be paid out. Additionally, whenever an employee changes from an hourly (non-exempt) position to a salaried (exempt) position, their comp time accrual will be paid out. At the time of separation, transfer, or promotion, all comp time accruals will be paid out at the hourly rate the employee is currently earning.

Comp time must be used by the last day of the 25<sup>th</sup> pay period. Any remaining comp time balance will be paid to the employee on the last payroll of the calendar year at the rate of overtime pay they were earning when the comp time was converted.

## **2-8 PAYDAYS**

The City of Bella Vista pay week is from Monday through Sunday. All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The City strongly encourages direct deposit of payroll checks.

The City of Bella Vista issues payroll checks on a biweekly basis or 26 pay days per year. Time is accumulated from two pay weeks (Monday - Sunday) making the pay period for each payroll. If for any reason, a payroll check is not accurate or



complete, report this to the supervisor immediately. Unless required by law or upon satisfactory written authorization and release, the employee is the only person authorized to receive the employee's check.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

The City of Bella Vista takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

## **2-9 PAY DEDUCTIONS**

The law requires that the City of Bella Vista make certain deductions from every employee's compensation. Among these are applicable federal and state taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee.

The City of Bella Vista offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs. If there are questions concerning why deductions were made from your pay check or how they were calculated, the Human Resources Department can answer these questions.

Occasionally, required deductions will be taken from an employee's paycheck as directed by garnishment papers served. The City of Bella Vista is legally obligated to make these deductions. Pay deductions not required by law will only be made if the employee gives written authorization.

## **2-10 SALARY DEDUCTION POLICY FOR EXEMPT EMPLOYEES**

The Fair Labor Standards Act (FLSA) is a federal law which provides an exemption from both minimum wage and overtime pay for certain employees based on their job duties. Under the FLSA, deductions may not be made from the pay of exempt employees, except in certain circumstances. The following sections describe when deductions may be made from the pay of an exempt employee.

**Week-Long Absences:** An exempt employee's salary may be deducted for any full week in which he or she performs no work (unless a type of paid time off is used).

**Absences of Less Than a Day:** Excepted as noted below, the City will not deduct from the pay of exempt employees for absences of less than one day (i.e. partial day absences).

**Absences of Less Than a Week:**

1. Absences requested by the City. The pay of an exempt employee for absences of less than a week that occur at the request of the City (e.g. lack of work) will not be deducted.
2. Absences taken for reduced schedule or intermittent leave under the FMLA. Upon the exhaustion of all available paid time off, the City will deduct a proportionate amount from the pay of an exempt employee who takes intermittent or reduced schedule leave under the FMLA. The deductions may be made for full or partial days missed.
3. Absences in the initial week or final week of employment. During the first week and the last week of an employee's employment, an exempt employee will only be paid for time he or she actually works (whether full or partial days).
4. Absences due to sickness or injury. The City may deduct from an exempt employee's pay for full-day absences before the employee accrues paid time off or after the employee exhausts his or her paid time off.
5. Absences due to personal reasons. The City may deduct for absences of one or more full days due to personal reasons.
6. Absences due to violations of safety rules. The City may deduct for absences imposed as a penalty for violations of safety rules of major significance.
7. Absences due to violations of workplace conduct rules. The City may impose unpaid disciplinary suspensions of one or more full days for violations of workplace conduct rules.
8. Absences due to serving as a witness or while on temporary military leave. The City will not deduct from an exempt employee's salary for time spent attending court as a witness or while on temporary military leave. Any amounts paid to the employee for serving in these roles, however, will be offset against the employee's salary.

It is the intent of the City to pay employees in accordance with state and federal regulations. If any employee believes that improper deductions have been made from his or her compensation, he or she should bring the matter to the attention of Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

## **2-11 PERFORMANCE REVIEW**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. These discussions provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Formal performance evaluations may be conducted in writing after the completion of the employee's first few months of employment or in any new position. Additional performance evaluations are generally completed during

November or December of each year for every employee who has completed at least six months' employment with the City by the end of December. These evaluations are based on written performance expectations provided to the employee by the Department Head. Employees will be involved in establishing projected goals for the coming year.

Merit-based pay adjustments may be awarded by the City in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by the performance evaluation process. The performance review process may or may not result in a pay adjustment; other factors such as the comparative value of the job you hold relative to other cities in the region, budgetary considerations, and prevailing economic conditions also influence pay adjustment decisions.

## **2-12 PERFORMANCE IMPROVEMENT**

Off-cycle assessments will be initiated as a result of performance issues. A Performance Improvement Plan will be presented to the employee and a thorough re-assessment usually occurs at the end of 90 days.

All employees are expected to meet the City of Bella Vista's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, job proficiency, personal conduct, and general compliance with the City's policies and procedures. The City reserves the right to impose corrective action/discipline if performance standards are not met.

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with City policies and procedures and/or other disciplinary problems. The City of Bella Vista will use a variety of corrective action strategies as appropriate; these strategies may include verbal discussions, written warnings, one-time notices, and/or suspensions. There is no set pattern of usage with these strategies, rather management will determine, based on the situation, what the best approach is to try to improve or rectify any performance problems. Consistent with the "at will" nature of the employment relationship, management also reserves the right to terminate the employment relationship without first using any of the corrective actions described in this policy.

## **2-13 PROGRESSIVE DISCIPLINE**

The purpose of this policy is to clarify guidelines for employee conduct. Employment with the City of Bella Vista is "at will," which means it is subject to termination by either the City of Bella Vista or the employee at any time, for any

reason. There are no contractual relationships between the City of Bella Vista and an employee, and letters, benefits or policy statements, performance appraisals, employee handbooks or other employee communications should not be interpreted as such. No employee or department head has the authority to enter into any oral or written employment contract without the signed explicit written approval of the Mayor, and no written employment contract will be valid without the signature of the Mayor. To monitor this at-will relationship, the City of Bella Vista has developed guidelines to track performance.

### **Responsibilities of Employees**

It is the duty and the responsibility of every City employee to be aware of and abide by existing policies and work rules.

It is also the responsibility of employees to perform their duties to the best of their ability and to the standards set forth in their job descriptions or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and to request additional instruction when needed.

### **Responsibilities of Supervisors, Managers, and Directors**

The immediate supervisor, manager, or director should approach corrective measures in an objective manner.

If the employee's performance of assigned tasks is the issue, the supervisor, manager or director should confirm that proper instructions, appropriate orientation and training have been given and that the employee is aware of job expectations. Not only single incidents, but also patterns of poor performance, should be of concern, as these are indicative of overall performance.

If misconduct is the issue, the supervisor, manager, or director should take steps to ensure that the employee has been made aware of the City's policies and regulations regarding the infraction.

If, in either case, appropriate instruction or information was not communicated, a plan for such communication should be immediately developed and reviewed with the employee.

### **Progressive Discipline Process**

The City of Bella Vista supports the use of progressive discipline to address conduct issues such as poor work performance or misconduct to encourage employees to become more productive workers and to adapt their behavior to City standards and expectations. Generally, a supervisor gives a warning to an employee to explain behavior that the supervisor has found unacceptable. There are two types of warnings: verbal and written.

A verbal warning occurs when a supervisor verbally counsels an employee about an issue of concern. A written record of the discussion, noting the date, event and recommended action, is usually placed in the employee's file for future reference.

Written warnings are used for behavior or violations that a supervisor considers serious or when a verbal warning has not helped change unacceptable behavior.

Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he or she has demonstrated an inability to perform assigned work responsibilities efficiently, the department head, in consultation with the Human Resource department or designee, may place the employee on a performance improvement plan. This status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements specified by the supervisor and the organization. At the end of the performance improvement period, the employee will either be returned to regular employee status, or, if established goals are not met, dismissal may occur.

The City of Bella Vista reserves the right to administer appropriate disciplinary action for all forms of disruptive or inappropriate behavior. Each situation will be dealt with on an individual basis.

### **Employee Conduct That Can Result in Disciplinary Action**

The City of Bella Vista has established general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline, and the examples below do not replace sound judgement or common-sense behavior.

Examples of employee conduct that may lead to discipline and the unusual course of disciplinary action have been separated into four groups, according to the usual severity and impact of the infraction. Violations may be handled differently depending on the group they are in. The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including demotion, oral and written warnings, suspension with or without pay, and discharge. Because of Fair Labor Standards Act (FLSA) requirements, exempt employees should not be suspended without pay for less than a week.

#### **Group 1**

Disciplinary process:

- 1<sup>st</sup> offense: Documented verbal warning.
- 2<sup>nd</sup> offense: Documented written warning.
- 3<sup>rd</sup> offense: Three-day suspension.
- 4<sup>th</sup> offense: Termination of employment.

Examples:

1. Creating conflict with co-workers, supervisors, visitors, citizens, or volunteers.
2. Failing to follow practices as needed for the specific job assignment.

3. Contributing to unsafe conditions.
4. Smoking or using tobacco in nonsmoking or tobacco-free areas.
5. Leaving the assigned work area or facility without the supervisor's permission.
6. Loitering or loafing while on duty.
7. Using facility computers or telephones for unauthorized purposes.
8. Disregarding the City's dress code.
9. Damaging or using City-owned equipment without authorization.
10. Abusing lunch and break periods.
11. Removing, posting, or altering notices on any bulletin board on City property without the permission from the employee's manager or Human Resources department.
12. Violating other rules or policies not specifically listed.

### **Group 2**

Disciplinary process:

1<sup>st</sup> offense: Written warning.

2<sup>nd</sup> offense: Suspension.

3<sup>rd</sup> offense: Termination.

Examples:

1. Failing to report injuries, damage to or an accident involving City equipment.
2. Violating any safety rule.
3. Acting negligently.
4. Engaging in horseplay that results in personal injury or equipment damage.
5. Spreading malicious rumors.
6. Engaging in vulgar or abusive language or conduct towards others.
7. Using City communication systems inappropriately.
8. Treating customers or co-workers in a discourteous, inattentive or unprofessional manner.
9. Quitting work early without notification or permission.
10. Being absent for less than three days without notification or permission.
11. Not following department guidelines concerning notification of absenteeism.

### **Group 3**

Disciplinary process:

1<sup>st</sup> offense: Dismissal.

Dismissal is an immediate termination of employees for serious breaches of responsibility, unsatisfactory performance or misconduct. A department head may impose dismissal after consultation with the Human Resources department.

Examples:

1. Being absent for three or more days without notification or permission (also referred to as a voluntary quit or job abandonment).
2. Fighting.

3. Demonstrating insubordination, including:
  - a. Refusal to do an assigned job.
  - b. Refusal to work overtime when required.
  - c. Refusal to render assistance.
  - d. Refusal to accept holiday work when assigned.
  - e. Insolent response to a work order.
  - f. Delay in carrying out an assignment.
4. Being dishonest, including deception, fraud, lying, cheating or theft.
5. Having intentional time card violations (falsifying hours worked, etc.).
6. Sabotaging the facility, grounds or equipment.
7. Falsifying City records, such as employment applications and time cards, in any way.
8. Engaging in indecent behavior.
9. Possessing, being under the influence of, or drinking intoxicants on the job.
10. Sleeping while on duty (excluding firefighters on a 24-hour shift).
11. Concealing defective work.
12. Carrying a weapon on City property (excluding law enforcement personnel) including in the parking lot.
13. Disclosing confidential records or information.
14. Soliciting gifts or tips from business-related contracts.
15. Using the City's computer systems, including accessing confidential computer files or data, without authorization.
16. Demonstrating gross misconduct or other serious violations of the City policies or procedures.
17. Failing to comply with licensure and certification requirements.

#### **Group 4**

Unscheduled, unexcused absences due to injury or illness, even when following appropriate guidelines, may still be deemed excessive.

Discipline for otherwise unexcused tardiness and absenteeism is generally applied as follows: the first two violations will result in written warnings; the third, a three-day suspension; and the fourth, dismissal.

**Over six (6) unscheduled absences within a twelve-month period is considered excessive and may also result in discipline up-to and including dismissal.**

## **2-14 SALARY ADMINISTRATION**

The Salary Administration program of the City of Bella Vista was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the City is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to pay received by similarly situated employees in other municipalities in the area.

Compensation for every position is determined by several factors, including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The City of Bella Vista periodically reviews its salary administration program and restructures it as necessary. Merit-based pay adjustments may be awarded in conjunction with superior employee performance documented by the performance evaluation process and approved by the Department Head and the Mayor.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisor. The Mayor is also available to answer specific questions about the salary administration program.

## **2-15 VACANCIES AND PROMOTIONS**

It is the intent of the City of Bella Vista to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City an opportunity to apply for job vacancies, announcements of job openings will be posted on the City's website in the employment section and, at times, will be announced by way of message to employees through city email.

In accordance with equal employment opportunity guidelines and this handbook, notice of job vacancies will be sent to the appropriate media outlets, employment agencies, and other relevant recruiting sites throughout the labor market. A job description of each vacant position will be provided upon request.

The final decision regarding promotions shall be made by the Department Head upon the recommendation of the immediate supervisor. The final decision regarding promotions of any Department Head, or any supervisor to the Department Head level, shall be made by the Mayor.

## **2-16 HIRING OF RELATIVES**

The employment of relatives can cause various problems including, but not limited to, charges of favoritism, conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the City and its employees.

For the purposes of this policy, the term "relative" shall include the following relationships: relationships established by blood, marriage or legal action. Examples include the employee's: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, aunt, uncle, nephew, niece, grandparent, grandson or cousin. The term also includes domestic partners (a person with whom the employee's life is interdependent and who shares a common residence) and a daughter or son of an employee's domestic partner.



It is the goal of the City to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts or management disruptions exist. The city may allow existing personal relationships to be maintained or employ individuals with personal relationships to current employees under the following circumstances:

- The relationship may not create a supervisor/subordinate relationship with a family member;
- An employee may not supervise or evaluate a family member;
- The relationship will not create an adverse impact on work productivity or performance;
- The relationship may not create an actual or perceived conflict-of-interest;
- An employee may not be employed if a member of the employee's immediate family (spouse, children, parents, grandparents, brothers, sisters, step family members, in-law family members) is a department head, serves on any city board or commission, or is an elected official.

No personal employee relationship covered by this policy shall be allowed to be maintained, regardless of the positions involved, if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest or is prohibited by any legal or regulatory mandate.

This policy must be considered when hiring, promoting or transferring any employee.

When relationships addressed within this policy are identified with either candidates for employment or current employees, the matter should be immediately reported to the Director of Human Resources and the following policies and procedures will be followed:

- A determination will be made whether the relationship is subject to the city's Nepotism policy based on the conditions described above.
- If the relationship is determined to fall within one or more of the conditions described in this policy the HR Director, in consultation with the affected employees and the Mayor, will attempt to resolve the situation through the transfer of one employee to a new position or by identifying some other action (e.g., Supervisory reassignment) which will correct the conflict issue identified. If accommodations are not feasible then, with affected employee suggestions, the HR Director in consultation with the Mayor shall determine which employee shall be retained in order to resolve the situation.

The City reserves the right to exercise appropriate managerial judgment to take such actions as may be necessary to achieve the intent of this policy. The City

reserves the right to vary from the guidelines outlined in this policy to address unusual circumstances on a case by-case-basis.

It is the responsibility of every employee to identify to the City's HR Director any potential or existing personal relationship which falls under the definitions provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including termination of employment.

## **2-17 USE OF CITY EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. Use of the City's resources, equipment, or property for personal use is prohibited unless specifically allowed by the Police and Fire Department policy manuals. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and established vehicle policies.

Employees should notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about employee responsibility for maintenance and care of equipment or vehicles used on the job.

All desks, file cabinets and other storage devices are provided for employee convenience but remain City property and are subject to search, with or without notice, if a situation warrants. Employees have no expectation of privacy with regard to any City property or the contents thereof.

Employees whose jobs require regular driving for the City as a condition of employment must be able to meet the driver approval standards of this policy at all times. In addition, employees holding those jobs must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.

Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication, or in conflict with specific department policy.

When any City of Bella Vista owned or leased vehicle is involved in an accident, regardless of the amount of damage, the Bella Vista Police Department or other law enforcement agency should be notified immediately. The vehicle should not be removed from the scene (except an emergency vehicle responding to a call) until the authorities have completed the preliminary investigation. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should not make any statements other than in reply to questions of investigating officers.

Employees must report any accident, theft, damage, breakdown, or mechanical problem involving a City vehicle or a personal vehicle used on City business to their supervisor and the Administration Department regardless of the extent of

damage or lack of injuries. These reports must be made as soon as possible but no later than 24 hours after the incident.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

### **Vehicles**

- Only authorized persons are permitted to drive City-owned vehicles. Non-business related passengers are not allowed to ride in City vehicles unless authorized by the Mayor or his designee.
- Every City vehicle must have the registration and insurance card located in the glove box. All City vehicles must contain a first aid kit. Smoking and the use of other tobacco products and using electronic cigarettes in City-owned vehicles is prohibited. The City reserves the right to do unannounced vehicle inspections at any time.
- The use of a seat belt is required at all times for the driver and any passengers. A valid driver's license must be maintained applicable to the type and class of vehicle assigned.
- All motor vehicle laws and regulations must be obeyed. Employees are responsible for all fines related to moving, parking or any other violations. The City will not reimburse for such fines, and in the case of the City being charged directly, will exercise all legal means to be reimbursed by the employee.
- City employees driving City-owned vehicles are expected to exercise good judgment and professionalism while driving and occupying City vehicles. Inappropriate behavior that does not represent The City of Bella Vista well will be subject to disciplinary action up to and including termination of employment. Employees with assigned vehicles are responsible for maintaining a clean vehicle.

Before operating a City-owned vehicle, a Motor Vehicle Report (MVR) will be run at the City's expense. Acceptable MVRs are required for employees driving City vehicles. Employees who drive City vehicles are required to report any citation received while operating a vehicle to their supervisor as soon as possible. Consequences for incurring these violations may result in the loss of the ability to utilize a City vehicle and/or disciplinary action up to and including termination of employment.

It is the responsibility of the driver to ensure City vehicles are returned with proper equipment and in the same condition as when they were taken. It is also the driver's responsibility to verify equipment that is taken out of the vehicle is returned to the vehicle.

The employee is responsible for reporting any vehicle defect or maintenance problem. An employee should never drive a City-owned vehicle which may be

unsafe to operate. Absolutely no repair work may be done until authorized by a supervisor.

Any deviation from the above regulations will be considered a violation and will result in disciplinary action up to and including termination of employment. Any supervisor that willfully disregards and allows this policy to be violated may also be held responsible and disciplined accordingly if an accident occurs as a consequence to the violation.

### Distracted Driving

Text messaging or use of a mobile device is prohibited while driving City vehicles on City business. As used in this policy:

Driving means operating a motor vehicle on an active roadway, including while temporarily stationary because of traffic, a traffic light, stop sign or otherwise. Driving does not include operating a motor vehicle with or without the motor vehicle running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Text messaging means reading from or entering data into any handheld or other electronic device, including for the purposes of short message service texting, e-mailing, instant messaging, obtaining navigational information or engaging in any other form of electronic data retrieval or electronic data communication. Text messaging does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

## **2-18 INCLEMENT WEATHER/EMERGENCIES (Amended Resolution No. R2015-30)**

At times, emergencies such as severe weather, fires, power failures, or other emergencies in the community can disrupt City operations. In extreme cases, these circumstances may hinder employees reporting to work; however, City operations never cease. Essential employees are expected to report or remain on duty in the event of closure. The designation of "essential" generally includes police, fire, dispatch and street department employees. Designation of "essential" will be noted on the employees' job description.

If there are inclement weather/emergency conditions, the Mayor or the Mayor's designated representative will decide if City employees are to report to work, and if so, when. When this occurs, the Communications Manager shall notify local radio and TV stations, and post the decision on the City website. If employees believe the conditions are too hazardous for them to travel to work safely, they will have the option of taking accrued vacation or making up the time missed during the current pay period, by notifying their supervisor of their situation. If an

employee does not have any accrued vacation or does not make up the time, the time off will be "without pay".

In the event of such an emergency, employees will work from home to perform duties whenever possible. If an employee is unwilling to work from home, they may use available vacation or take the time unpaid. If an employee's duties are such that they are unable to work from home, the supervisor should be contacted for instructions. If an employee does not report to work and working from home is not possible, the employee may use available vacation time or the missed work time will be unpaid.

The City recommends that all employees plan ahead regarding inclement weather and try to take work home with them whenever possible.

Starting Work Later: If a decision is made by the Mayor or Mayor's designated representative to start late, and non-essential employees report to work at the revised start time, they will receive full pay for their entire shift. If they arrive past the revised start time, they will be paid from the time of arrival, and may use vacation (not sick time) for the time missed. Employees who are able to report at their normal work time WILL NOT receive any additional compensation. However, managers and supervisors can award "Flex-Time" on an hour-for-hour basis to those employees who do report to work and perform work during the time the City is shut down.

Leaving Work Early: The Mayor or the Mayor's designated representative shall also decide if City employees are to leave work early. If the decision is made by the City to leave early, employees who are present will receive full pay for their entire shift.

In the unlikely event that City offices are closed, except for fire, police, dispatch and streets personnel, for the entire time, all non-essential employees will receive full regular pay for that day, unless they were on leave status, such as sick leave, FMLA Leave, or vacation, in which case they will be paid out of that leave category. Employees (essential) who are required to work after the decision is made to shut down non-essential services will only be paid for those hours worked and normal overtime requirements will apply. These employees WILL NOT receive any additional compensation.

Salaried employees pay will not be affected by weather closings.

## **2-19 TRAVEL AND EXPENSE REIMBURSEMENT**

The purpose of the following policy statement is to ensure that employees who travel on behalf of the City of Bella Vista are reimbursed in a fair and equitable manner for all reasonable auto travel expenses that are incurred. It is recognized that travel often represents an inconvenience to the traveler, and it is the intent of this policy statement to minimize the impact of the inconvenience, while at the same time serving to meet the financial responsibilities of the City.

Since the City of Bella Vista is supported by taxpayer dollars, it is expected that travelers will limit their travel expenditures to levels that are commensurate with the attainment of the objectives of the City of Bella Vista.

### **Use of Private Vehicles**

An employee may claim transportation expenses within the following guidelines:

Prior to being eligible for mileage reimbursement for the use of a personal vehicle, employees must gain approval by their supervisor, manager or department head, and ascertain whether a City-owned vehicle is available for use. If so, employees must use a City-owned vehicle for City business related travel. Employees are encouraged to share rides or carpool when possible. When carpooling or sharing rides, only the employee owning the personal vehicle used shall receive a mileage reimbursement. If an employee desires to be accompanied on City-related travel by a spouse or other family member(s) and the inclusion of these passengers make otherwise available usage of a city-owned vehicle or carpooling unsuitable, the employee may make use of a personal vehicle, but shall only receive a mileage reimbursement of 50% of the rate otherwise authorized.

Mileage reimbursement will only be for actual miles driven to events outside the City of Bella Vista, unless authorized by department head. Employees will not be reimbursed for mileage driven inside the City, unless authorized by department head.

Authorized City travel includes, but is not limited to:

- Use on City business;
- Attending educational seminars, designed to improve skills, knowledge and information levels

All expenses are subject to verification that they comply with this policy.

The mileage reimbursement rate shall be at the current Internal Revenue Service rate used to calculate the deductible costs of operating an automobile for business.

### **General Instructions for Reimbursement:**

1. Department Managers must authorize and approve expense reports for travelers within their supervision, if included in approved department budget. The Mayor or Finance Director may authorize and approve any report. The traveler must also sign and date the completed report.

2. Expenses should be shown for each day. All appropriate receipts must be attached to the report in the order listed. Meal receipts must be the itemized receipt, not the summary receipt. Gratuities of up-to 20% may be expensed. Employees are not allowed to expense alcohol.
3. If an employee has been issued a City purchasing card, then he/she should use the card for meal and other travel-related expenses. A per diem allowance will not be paid to any employee in possession of a City purchasing card. Special care should be taken to ensure that receipts are obtained for each expense charged to the City credit card.
4. Receipts are required for all expenses that were not paid by per diem allowance. Again, meal receipts must be the itemized receipt showing the items ordered. The summary receipt will not be acceptable.
5. The completed and approved report should be turned in to the Finance Director within ten days of returning from the trip.

## **SECTION 3: EMPLOYEE BENEFIT PROGRAMS**

### **3-1 ELIGIBILITY**

Eligible employees with the City of Bella Vista are provided a wide range of benefits that are believed to be very attractive and competitive in our marketplace. These benefits are designed to assist employees in meeting the financial burdens that can result from illness and disability and to help them plan for retirement. Employee eligibility for benefits is dependent upon a variety of factors, including your category of employment, time with the City, etc.

Final determination of eligibility and benefits will be made in accordance with actual plan descriptions, insurance booklets/handouts, or legal documentation which describes the plans or policy. These are available to employees during the enrollment process or upon request.

The City of Bella Vista reserves the right to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described. The City reserves the right to administer, apply and interpret the benefit plans described, and to decide all matters arising in connection with the operation or administration of such plans. Some benefit programs require contributions from the employee; others are paid for by the City.

### **3-2 MEDICAL INFORMATION PRIVACY**

The City of Bella Vista is committed to protecting the private medical information of its employees. The collection of individually identifiable protected health information (PHI) is limited to that which is needed by the City for business and legal purposes. For example, the City may collect information that would allow it to determine an employee's eligibility for benefits or to facilitate payment for the



treatment and services an employee receives from health care providers. When warranted, the City may use and/or disclose PHI in compliance with the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA).

The confidentiality of all PHI retained in the City of Bella Vista records is protected and access to PHI is limited to only those employees having an authorized business-related need to use and/or disclose the information. Any employee not complying with this privacy policy may be subject to disciplinary action. Unless written authorization from the employee has been received, no employee with access to PHI may use another employee's PHI for reasons other than indicated as permissible under HIPAA regulations. Access to PHI may be given to third parties when required to do so by federal, state or local law. For example, the City may use and/or disclose PHI when required by a court order in a litigation proceeding such as a malpractice action.

If an employee believes his/her PHI has been used and/or disclosed in violation of the City's privacy policy or HIPAA, he/she has the right to file a complaint in writing. The complaint should be sent to the City of Bella Vista designated Privacy Officer, who is the Mayor. No employee may be penalized or otherwise retaliated against for filing a complaint for this purpose.

### **3-3 INSURANCE CONTINUATION – COBRA**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue medical, dental, and vision insurance coverage under the City's plan when a "qualifying event" would normally result in the loss of coverage. Some common qualifying events are resignation, termination of employment, retirement, death of an employee, a reduction in an employee's hours, a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. It is the employee's responsibility to notify the Administration Department if the employee or a covered dependent becomes eligible for COBRA. Eligible employees will be sent a written notice containing important information about their rights and obligations granted under COBRA.

### **3-4 ELIGIBILITY DATE FOR BENEFITS**

Many of the City's benefit programs have an eligibility/effective date of the first day of the month following thirty (30) days of full-time employment.

### **3-5 BENEFITS OVERVIEW**

In addition to good working conditions and competitive pay, the City of Bella Vista strives to provide a combination of City paid and provided benefits in addition to supplemental benefits to all eligible employees. While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend, or terminate these benefits at any time and for any reason.

#### **HEALTH INSURANCE**

All full-time employees are eligible for group health insurance on the first day of the month following 30 days of full-time employment. Premiums are shared between the City and the employee. Employees must enroll for benefits 30 days prior to effective date of coverage.

#### **DENTAL INSURANCE**

All full-time employees are eligible for group dental insurance on the first day of the month following 30 days of full-time employment. Premiums are shared between the City and the employee. Employees must enroll for benefits 30 days prior to effective date of coverage.

#### **VISION INSURANCE**

All full-time employees are eligible for group vision insurance on the first day of the month following 30 days of full-time employment. The employees pay 100% of the premium. Employees must enroll for benefits 30 days prior to effective date of coverage.

#### **LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE**

All full-time employees are provided term life insurance in the amount of \$50,000. Coverage is effective on the first day of the month following 30 days of full-time employment. Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. Premiums are paid in full by the City.

#### **EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. **The City of Bella Vista** wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

This free, comprehensive counseling service offers employees three **face-to-face** visits per issue each year, and a 24-hour hotline answered by professional, degreed counselors.

The company encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these

counseling services are assured the information disclosed in their sessions is confidential and not available to the company, nor is the company given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the Human Resources department.

[www.unum.com/lifebalance](http://www.unum.com/lifebalance)

### **LONG-TERM DISABILITY INSURANCE**

All full-time employees are provided long-term disability coverage effective the first day of the month following 30 days of full-time employment. The long-term disability plan pays a portion of the employee's monthly salary after an elimination period. Premiums are paid in full by the City. Coverage is effective the first day of the month following 30 days of full-time employment. Employees must enroll in this benefit 30 days prior to the effective date of coverage.

### **VOLUNTARY LIFE INSURANCE**

The City of Bella Vista provides full-time employees an opportunity to purchase additional life insurance coverages for the employee. If the employee elects additional term-life for the employee, they will also have the option to elect coverage for the employee's spouse and/or the employee's children through post-tax payroll deductions. , The employee pays 100% of the premium. Coverage is effective the first day of the month following 30 days of full-time employment. Employees must enroll in these benefits 30 days prior to effective date of coverage.

### **OTHER VOLUNTARY INSURANCE PRODUCTS**

A variety of other insurance products may be made available to employees. The employee pays 100% of any premiums. Coverage is effective the first day of the month following 30 days of full-time employment. Employees must enroll in this benefit 30 days prior to the effective date of coverage.

### **FLEXIBLE SPENDING PLAN (SECTION 125 PLAN)**

, This plan allows employees to set aside pre-tax dollars to pay for eligible medical, dental and vision expenses as well as dependent care expenses. The plan decreases taxable income. There is no cost to participate, however monies contributed must be used in a designated time period per the plan or they will be forfeited. Employees must enroll in this benefit 30 days prior to the effective date of coverage.

### **HEALTH SAVINGS ACCOUNT (H.S.A.)**

Employees who elect a high deductible health plan may also elect to start a Health Savings Account. An H.S.A. allows employees to set aside pre-tax dollars which

can be used to pay for eligible out-of-pocket medical and dependent care expenses.

#### **457 RETIREMENT PLAN**

The City of Bella Vista Retirement Plan provides the opportunity to save for retirement on a pre-tax basis as well as an after-tax (Roth) basis. Employees may enroll the first day of the month following 30 days from date of hire. Employees may defer up to the IRS maximum each year. The annual maximum contribution amount employees may contribute is available on the IRS website. Non-uniformed employees will receive a matching contribution of two times the employee's contribution up to 5% of the participant's pay. Uniformed personnel will be able to contribute to the plan; however, will not be eligible to receive a match.

#### **LOPFI RETIREMENT SYSTEM FOR UNIFORMED POLICE AND FIRE**

Uniformed police and fire personnel will be covered under LOPFI. For more information about the LOPFI retirement program, access the Local Police and Fire Retirement Plan website at [www.lopfi-prb.com](http://www.lopfi-prb.com). Police and fire personnel are also eligible to participate in the City's 457 Retirement Plan, though ineligible to receive the City's matching contribution.

#### **MANDATED BENEFITS**

The City also provides the following legally required benefits via payroll tax payments:

- Social Security and Medicare contributions
- Unemployment compensation contributions

### **3-6 EDUCATIONAL REIMBURSEMENT**

The City of Bella Vista is committed to continuing on-going training for all employees. Both the employee and the City share the responsibility for making sure that employees are receiving sufficient training to do their job to the best of their ability.

#### **JOB RELATED TRAINING**

Job related training may be provided by way of city-paid seminars, webinars, onsite training, offsite training, etc. Such training could occur during or after regular work hours. Training may be requested by either the employee's supervisor or the employee.

When an employee makes a request to receive training, the supervisor will evaluate whether the training is relevant to the employee's current position or a future position with the City, and how the training will benefit both the City and the employee. The department head or manager will determine whether a request will be approved.

At times an employee will be required to take training that is relevant to their current position. An employee may also hold a position within the City

that requires a specific certification. In both of these circumstances, the City will allow the employee time off work to attend the class and will pay for any related costs of the class, including travel expenses, when travel is required.

### **TUITION ASSISTANCE**

The City may provide tuition assistance to qualified employees to **assist** with the cost of attaining a job related degree or technical certification. If approval is granted, this program will pre-pay tuition expenses, lab fees, and books for college level **job related** courses taken by regular full-time employees who have completed at least one year of full-time employment with the City. Exceptions to these requirements and this policy can only be granted by the Human Resources Director.

Tuition assistance only applies to those programs that are voluntary on the part of the employee and are taken/attended by the employee on his or her own time. Such expenses must be approved, in writing, in advance of the course by the Department Head and the Human Resources Director. All costs must be available within the confines of the department budget at the time the course is taken. Additionally, employees wishing to participate in this program will be required to sign a tuition assistance agreement.

The **maximum** that an employee may receive during any calendar year is \$1,500. Money that is budgeted by the department for tuition assistance may be removed from the budget at any time by the department manager, finance manager, Mayor, or City Council without notice.

All employees participating in the tuition assistance program will be required to sign a written agreement between the City and the employee concerning completion of the course. The term "job related" refers to courses that will help the employee in their current position or help prepare them for advancement to a realistic future position. Non-job related electives that are required for a job-related degree or technical certification will be reviewed on a case-by-case basis to determine whether they will be covered.

The courses covered by tuition assistance will be taken outside of the employee's working hours and not be in conflict with normal City operations. (Examination fees will also be eligible for payment, by reimbursement, if an employee petitions the college for credit by examination, and successfully passes the examination rather than taking the course). A maximum of two courses per term shall be considered, including courses for which credit by examination is received.

The course must be completed with a passing grade of "B" or better, or, if the institution instead gives numerical grades, the grade must be "80" or better. If a course is not completed for any reason, or completed but without a passing grade, the total costs previously paid out by the City for that course will be repaid by the employee to the City no later than 180 days from the end of the course, through payroll deduction or by direct payment from the employee. It is the employee's responsibility to provide his/her grades to the Human Resources office within 30 days after the end of the course. Failure to do so will be deemed cause for repayment under the above schedule.

### **TUITION ASSISTANCE FOR PURPOSES OF ACQUIRING PARAMEDIC CERTIFICATION**

The City may provide tuition assistance to qualified employees to assist with the cost of attaining a Paramedic Certification. This program will pre-pay tuition expenses, lab fees, and books for courses that are required for such certification. The employee must be full-time and must have completed at least one year of full-time employment with the City in order to be eligible for consideration. Exceptions to these requirements and this policy can only be granted by the Fire Chief and the Human Resources Director.

Requests for this program must be made by the employee in writing and must also be approved by the Fire Chief, in writing, in advance of being enrolled in the program. Employees wishing to participate in this program will be required to sign a tuition assistance agreement in advance of the start of the class.

The courses covered by tuition assistance will be taken outside of the employee's scheduled working hours and not be in conflict with normal City operations.

The courses must be completed each semester with a passing grade of "C" or better. Any grade below "C" is considered to be a failing grade. If a course is not completed for any reason, or completed but without a passing grade, the total costs previously paid by the City for that semester will be repaid by the employee to the City no later than 180 days from either the date the employee drops the course during the semester or the date the employee is notified they have received a failing grade. Repayment will be made through payroll deduction or by direct payment from the employee.

If training is approved and paid for by the City and the employee is unable to complete the course due to what the City considers extenuating circumstances (illness or the illness of an immediate family member) and the employee receives a tuition and/or materials refund, the employee shall within one week of receipt, pay to the City, an amount equal to the full refund, via check payment.

The **maximum** that an employee may receive during any calendar year under the Paramedic Certification training program in combination with the City's Tuition Assistance program shall not exceed the maximum allowed under section 127 of the IRS tax code as non-taxable employer reimbursements.

Money that is budgeted by the department for tuition assistance may be removed from the budget at any time by the department manager, finance manager, Mayor, or City Council without notice.

### **REPAYMENT OF TUITION ASSISTANCE MONIES**

Tuition assistance is a financial investment that the City is making in the future of a City employee. In the event that a City employee who has participated in, or is participating in any City tuition assistance program, voluntarily ends their employment with the City for any reason, will be subject to repayment of tuition assistance monies based on the following schedule:

0 – 6 months from completion of course:	100% repayment
7 – 12 months from completion of course:	75% repayment
13 – 18 months from completion of course:	50% repayment
19 – 24 months from completion of course:	25% repayment
25+ months from completion of course:	0% repayment

The repayment formula is applied to each course individually. At the request of the employee, repayment may be made from the employee's final paycheck. In the event that the amount due to the City is in excess of the employee's final check, the employee will be required to pay the excess amount directly to the City no later than the effective date of termination.

### **3-7 HOLIDAYS**

The City of Bella Vista observes the following holidays:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve Day
- Christmas
- Personal Day/Floating Holiday

The City of Bella Vista will grant paid holiday time off to full-time and part-time employees immediately upon assignment to one of these employment classifications. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

All regular full-time employees will be provided eight (8) hours of personal leave called Personal Day/Floating Holiday. The employee and their manager/supervisor need to work out an appropriate time to take the personal leave/floating holiday, taking into consideration department workload and staffing issues. The Personal Day/Floating Holiday can be taken anytime within the calendar year. An unused Personal Day/Floating Holiday will not carryover to the following year. A Personal Day/Floating Holiday that is unused at the date of termination will not be paid out. Newly hired employees are eligible for this benefit only if their birthday has not passed at their time of hire, or conversion from a part-time or seasonal status.

Holiday pay for part-time employees working less than 30 hours per week will be at the pay rate equal to 4 hours. Part-time employees who work less than 5 days per week will only receive holiday pay if they are normally scheduled to work on the day of the week that the holiday falls.

Holiday pay for full-time employees working 40 hours per week will be at the pay rate equal to 8 hours, regardless of the shift being worked (8 hours, 10 hours, 12 hours, etc). Full-time employees working between 30 and 40 hours weekly will be paid the same daily rate that their normal week averages out to (if averaging 6 hours daily, holiday pay will be paid as 6 hours). Uniformed employees (police and fire) and dispatchers will receive holiday pay once per year in December for the number of observed holidays up to twelve (12) that occurred during their time of employment, including eight (8) hours of personal leave called Personal Day/Floating Holiday.

For employees not required to work on a holiday, a recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Exempt employees, who must work on a holiday, can take an alternate day off in lieu of the holiday they worked. The day to be taken in lieu of the holiday must be cleared through the employee's supervisor and taken in the next 30 working days.

Hourly employees other than uniformed employees, who are eligible for holiday pay but must work on a holiday, will receive holiday pay as well as pay at their normal rate of pay for hours worked on the holiday. In addition, holiday hours are paid at the regular rate and added to the number of actual hours worked. Employees cannot be paid for holiday, vacation, or other non-work time for the



same calendar day. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

**3-8 VACATION**

Full-time and part-time employees are eligible to earn and use vacation time as described in this policy.

The amount of paid vacation time full and part-time employees receive each year increases with the length of their employment as shown in the following schedules. Vacation accrual amounts are determined each year on the employee's employment anniversary date and are based on the employee's length of employment.

Non-Uniformed employees may not earn annual vacation leave when on unpaid leave (leave without pay) for ten (10) or more cumulative days within a calendar month. Employees continue to earn vacation at normal accrual rate when on vacation or sick leave.

Casual and seasonal employees are not eligible for vacation.

The following charts represent the vacation policies for each group of employees based on City policy and as defined under Arkansas Code.

**FULL-TIME, NON-UNIFORMED EMPLOYEES & NON-SHIFT FIRERIGHTERS (40 or more hours weekly)**

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period		Maximum Rollover
DOH through to 5 <sup>th</sup> Anniversary	120	4.62		120
5 <sup>th</sup> year to 10 <sup>th</sup> Anniversary	144	5.54		144
10 <sup>th</sup> year to 15 <sup>th</sup> Anniversary	161	6.2		161
15 <sup>th</sup> year to 20 <sup>th</sup> Anniversary	176	6.77		176
20 <sup>th</sup> year until end of employment	192	7.39		192

**This chart does not apply.**

**PART-TIME (Less than 30 hours per week) Non-Uniformed Employees**

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period	Maximum Rollover
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DOH to 10th Anniversary	60	2.31	60
10 <sup>th</sup> year through end of employment	104	4	104

**FULL-TIME UNIFORMED POLICE**

As defined under Arkansas Code §14-52-1067, the 15 days of annual vacation requirement for uniformed police is met.

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period	Maximum Rollover
DOH to 5 <sup>th</sup> Anniversary	120	4.62	120
5 <sup>th</sup> year to 10 <sup>th</sup> Anniversary	144	5.54	144
10 <sup>th</sup> year to 15 <sup>th</sup> Anniversary	161	6.2	161
15 <sup>th</sup> year to 20 <sup>th</sup> Anniversary	176	6.77	176
20 <sup>th</sup> year through end of employment	192	7.38	192

**FULL-TIME FIREFIGHTERS – SHIFT FIREFIGHTER**

As defined under Arkansas Code §14-53-107, the 15 days of annual vacation requirement for shift firefighters is met. The City meets and exceeds this requirement. The accrual rate is as follows:

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period	Maximum Rollover
DOH to 5 <sup>th</sup> Anniversary	180	6.93	180 hours (7.5 Shifts)
5 <sup>th</sup> year to 10 <sup>th</sup> Anniversary	216	8.31	216 hours (9 shifts)
10 <sup>th</sup> year to 15 <sup>th</sup> Anniversary	264	10.16	264 hours (11 shifts)
15 <sup>th</sup> year to end of employment	312	12.0	312 hours (13 shifts)
			)

**HOURLY AND SALARIED NON-UNIFORMED EMPLOYEES, UNIFORMED POLICE & FIRE:**

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period	Length of Workweeks	Maximum Rollover
DOH through 5 <sup>th</sup> Anniversary	120	4.62	3	120
Beginning of 6 <sup>th</sup> year through 10 <sup>th</sup> Anniversary	144	5.54	3.6	144
Beginning of 11 <sup>th</sup> year through 15 <sup>th</sup> Anniversary	161	6.2	4	161
Beginning of 16 <sup>th</sup> year through 20 <sup>th</sup> Anniversary	176	6.77	4.4	176
Beginning of 21 <sup>st</sup> year until end of employment	192	7.38	4.8	192

**FULL-TIME FIREFIGHTERS – SHIFT FIREFIGHTER**

As defined under Arkansas Code §14-53-107, the 15 Days of annual vacation requirement for shift firefighters is met. The City meets and exceeds this requirement. The accrual rate is as follows:

Length of Employment	Number of Shifts	Hours Earned Annually	Maximum Rollover
DOH through 5 <sup>th</sup> Anniversary	7.5	180	7.5 Shifts
Beginning of 6 <sup>th</sup> year through 10 <sup>th</sup> Anniversary	9 Shifts	216	9 Shifts
Beginning of 11 <sup>th</sup> year through 15 <sup>th</sup> Anniversary	11 Shifts	264	11 Shifts
Beginning of 16 <sup>th</sup> year until end of employment	13 Shifts	312	13 Shifts

**PART-TIME (Less than 30 hours per week)**

Note: Seasonal employees are not eligible for vacation

Length of Employment	Hours Earned Annually	Hours Earned Each Pay Period	Maximum Rollover
DOH through 10 <sup>th</sup> Anniversary	60	2.31	60
Beginning of 10 <sup>th</sup> year through end of employment	104	4	104

Employees will not accrue vacation time during a pay period in which the employee is on a leave of absence and not receiving pay.

When a Fire Department employee transfers between a day shift schedule and 24-hour shift schedule (or vice versa), the employee's vacation leave bank shall be increased or reduced by maintaining the same percentage of the maximum accrual available for the type of shift to which the employee is transferring. Example: An employee with 90% of his/her maximum accrual for his/her present

shift will, after the transfer, now have an amount of vacation hours sufficient to equal 90% of the maximum accrual for his/her new shift.

Paid vacation time can be used in minimum increments of one hour. Vacation cannot be used in advance of accrual. Employees will need to be responsible for managing their vacation time and may need to take advantage of the vacation carryover option described below in order to have sufficient earned vacation available at the beginning of a calendar year. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Unpaid time off will not be granted if earned vacation time (and accrued sick leave, if applicable) is available.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. To facilitate staff scheduling, employees may be required to take a minimum of one-week vacation. Vacation carryover equal to the number of vacation days earned in one year is allowed as of December 31 each year. This allows employees to earn vacation in one year and use it in the next. Any excess to the number of hours earned in one year will be lost effective December 31 each year.

Employees are eligible to start taking paid vacation as soon as they earn it. Non-uniformed employees who terminate employment for any reason prior to 6 months of employment will not be paid out any vacation benefits upon termination. Upon termination of employment, all employees with more than 6 months of service with the City will be paid earned, unused vacation as of the termination date.

### **3-9 SICK LEAVE**

Sick leave benefits are authorized ONLY for the following purposes:

- Illness of an employee to a degree sufficient to prevent the employee from performing normal or required job duties;
- Medical treatment, hospitalization or convalescence;
- Other medical reasons recommended in writing by the attending physician(s);
- Medical, dental or optical examinations;
- To care for a sick or injured immediate family member or to bring that individual to a medical, dental, or optical examination. The employee's immediate family includes the employee's mother, father, legal spouse, sister, brother, son, daughter, and grandparents. Required care of a member of an employee's immediate family that includes the employee's mother, father, spouse, sisters, brothers, sons, daughters,

and grandparents.


**Accumulation for Shift Firefighters**

Full-time shift firefighters accrue 9.25 working hours of sick leave for each pay period (240.5 hours per year). At the end of the calendar year, firefighters can maintain a maximum sick bank balance of 60 shifts or 1440 hours.

**Accumulations for Non-Shift Firefighters**

Full-time uniformed fire employees (day shift) shall accrue 6.2 working hours of sick leave for each pay period.

When a Fire Department employee transfers between a day shift schedule and 24-hour shift schedule (or vice versa), the employee's sick leave bank shall be increased or reduced by maintaining the same percentage of the maximum accrual available for the type of shift to which the employee is transferring.

Upon termination of employment by retirement or disability retirement (both as defined by Social Security, or other defined benefit retirement plan), or death, employees are paid for accumulated sick leave at the rate of pay they are earning at termination or death, not to exceed 3 months of salary. Sick time pay is not paid for termination due to the employee's own volition or termination for cause. Policy pursuant to State Law. 

**Accumulation for Uniformed Police Officers.** Full-time uniformed police officers will accrue 6.20 hours of sick leave per pay period 161.2 hours per year. At the end of the calendar year, uniformed police offers can maintain a maximum sick bank balance of 720 hours. Upon termination of employment by retirement (both as defined by Social Security or other defined benefit retirement plan), or death, employees are paid for accumulated sick leave at the rate of pay they are earning at termination, not to exceed 480 hours. Sick time pay is not paid for termination due to employee's own volition or termination for cause. Policy pursuant to state law.

**Accumulation for other full-time employees.** Sick leave for other full-time employees is accumulated at the rate of 3.7 hours per pay period, which totals 96 work hours per year.. At the end of the calendar year, full-time employees can maintain sick bank balance of 480 sick leave hours. Unused days of sick leave are not convertible into cash or vacation, nor are these hours paid out upon termination of employment. Upon retirement, unused days of sick leave will be paid to a maximum of 480 hours.

**Eligibility.** The accrual of sick leave benefits will begin upon the employee's start date. Accrued sick leave for each pay period is available to be taken during or after the pay period in which it was accrued.

Employees will not accrue sick time during a week in which the employee is on a leave of absence and not receiving pay.

**Purpose.** Sick leave is intended solely to provide income protection for the employee due to reasons such as illness, injuries away from the job, pregnancy, childbirth, and doctor appointments.

In the case of doctor's appointments, the employee must notify his/her supervisor in advance, except in the case of emergencies. Sick leave may be used for the time spent traveling to and from the doctor's office in addition to the duration of the appointment. Unless the doctor refuses to release the employee to return to work, the employee is expected to return to work after the appointment, unless his/her shift would have ended by that time. If an employee appears to be too sick to work, the supervisor has the authority to require the employee to go home. If an employee is on vacation and becomes sick or injured, and would qualify for sick leave, they can change their status from vacation to sick leave by presenting a doctor's letter or note indicating the sickness or injury, provided the doctor's note is presented upon return to work and approved by the Department Head.

Exempt employees, whose work regularly requires them to work more than 40 hours a week, will not be charged for infrequent, short term absences for medical reasons of 4 hours or less.

Available, earned sick leave will be paid to employees who miss work due to a work-related injury or illness during the first seven days of absence. Available, earned sick leave will also be used to supplement any worker compensation payments up to 100% of the employee's normal pay during an ongoing work-related absence.

**Management of Sick Leave/Pay.** Sick pay is provided by the City of Bella Vista as a benefit to avoid loss of pay on those occasions where employees must miss work due to illness or doctors' appointments. Employees need to understand that sick pay is not an entitlement, like vacation, where employees are expected to use all the hours in their accounts. It is provided as a "financial safety net". An employee does not have the "right" to take off a certain number of hours every month, and are not automatically entitled to all the sick pay hours in their account if they are not sick or do not have doctor appointments. Sick leave may be requested in 30-minute increments.

All absences of three (3) consecutive working shifts or days require a doctor's explanation be provided upon return to work in order to receive sick pay. Unpaid time off will not be granted if earned accrued sick leave or accrued vacation is available.

Over six (6) unscheduled absences within a twelve-month period is considered excessive and can result in disciplinary action up to and including termination.

Employees who are ill for one week or longer must personally contact their Supervisor at the beginning of each week to provide an update on their status. Failure to do this will result in the loss of sick pay benefits.

**Reward.** Full-time employees who use no more than the equivalent of three (3) normal work days/shifts of sick time during the calendar year will be rewarded with up to three (3) days/shifts of additional vacation.

- Shift Firefighters may receive up to three (3) days/shifts at 24 hours each
- Police Officers may receive up to three (3) days/shifts at 10 hours each
- All other full-time employees may receive up to three (3) days/shifts at 8 hours each

The additional time will be added to the employee's vacation bank the 2<sup>nd</sup> pay period of the following calendar year.

Tracking of this reward will be based on actual hours used, not on full days. Newly hired full-time employees may be rewarded based on the above guidelines as follows:

- Hired January – April: 2 day/shift reward
- Hired May – August: 1 day/shift reward
- Hired September – December: 0 day/shift reward

### **3-10 WORKERS' COMPENSATION INSURANCE**

The City of Bella Vista provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately and an injury report completed by their supervisor. This will enable an eligible employee to qualify for coverage as quickly as possible.

The supervisor will complete an injury report with input from the employee and return the forms to the Human Resources department. Human Resources will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room. When an employee's injury requires medical attention but does not warrant treatment in an ER, the employee must visit a medical facility approved by the City. Employees should contact the Human Resources department for a list of medical facilities that accept the City's worker's compensation insurance.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law.

Neither the City of Bella Vista nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City or any other entity.

### **3-11 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Everyone may need help dealing with life's challenges from time to time. Through the City of Bella Vista's EAP services, full-time employees and their family members can get help that's easy, convenient, and confidential. Counselors are available by phone 24 hours a day, seven days a week. Confidential assistance is available for concerns such as: family, relationship, and parenting issues; child and elder care needs; emotional and stress-related issues, conflicts at home or work, alcohol and drug dependencies, health and wellness issues. You can view the EAP booklet on the benefits portal at any time.

## **Section 4 - LEAVES OF ABSENCE**

### **4-1 LEAVE POLICY**

An employee who is on an approved workers' compensation and/or FMLA leave, or any employee working in a limited, intermittent, or restricted capacity, is prohibited from engaging in other employment during such leave if:

- Such other employment interferes with the demands of the restricted, limited or intermittent duties, or
- The job duties of the other employment fall within the restrictions placed on the employee during their approved leave, or
- The other employment is deemed by the City to be a conflict of interest and/or contrary to the best intentions of the City and their employees.

Employees on approved personal leave are prohibited from engaging in other employment while on such leave. Employees who wish to engage in other employment while on any other authorized leave of absence must have written authorization by management prior to commencing other employment. An employee who engages in other employment without written authorization will be subject to disciplinary action, up to and including termination. This policy does not apply to approved time off for vacation or holidays. Employees who are on approved leave of absence may not engage in City business during such leave.

### **4-2 FAMILY AND MEDICAL LEAVE**

The Family Medical Leave Act (FMLA) is a federal leave law that provides up to 12 weeks (480 work hours) of "job protected" leave for certain absences taken by an employee. Only eligible employees can be granted FMLA leave. FMLA can be used for the following reasons:



- Birth of a child or the placement of a child with the employee for adoption or for foster care
- A serious health condition of the employee
- Caring for immediate family member's serious health condition
  - Legal spouse
  - Parent (biological, adoptive, step, or foster)
  - Child (biological, adopted, foster, stepchild, legal ward, or child of a person standing *in loco parentis*) who is under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA is to commence
- Military family leave as regulated by the Department of Labor

### **SERIOUS HEALTH CONDITION**

You may take FMLA leave to care for your spouse, child or parent who has a serious health condition, or when you are unable to work because of your own serious health condition. The most common serious health conditions that qualify for FMLA leave are:

- Conditions requiring an overnight stay in a hospital or other medical care facility;
- Conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three (3) consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Employees will be required to first use any accrued paid leave time before taking unpaid leave during an approved FMLA leave. The total paid and unpaid leave time is not to exceed twelve weeks. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child, or to care for a parent with a serious health condition.

### **Eligibility**

An employee may request family and medical leave after they have completed 12 months of service and if the employee has worked 1,250 hours in the past 12 months. Leave is calculated on a rolling 12-month period (i.e. 12 months measured backward from the date the employee uses any FMLA leave). Eligible employees may request up to 12 weeks (480 hours) of FMLA leave within a rolling 12-month period. (Firefighters may take up to 720 hours of FMLA leave within a rolling 12-month period.) Any combination of family leave and medical leave may not exceed this maximum limit (except as allowed by law for military family leave which may extend for a maximum of 26 weeks).

Eligible employees may take the 12 weeks of leave intermittently or use the leave to reduce the workweek or work day when medically necessary due to a serious health condition. If an employee is taking leave for birth, adoption, or foster care of a child, FMLA must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave unless written approval is granted by the Mayor. Approval will be based on work schedules, staffing requirements and your work record.

### **Entitlements**

For eligible employees, FMLA time covers both paid sick leave and leave without pay for a maximum of 12 work weeks of 5 work days each consisting of 8-hour work days (12 work-weeks x 40 work hours) in a rolling twelve-month period looking backward from the date of the request. This calculates to a total of 60 working days (1440 work hours for firefighters; 480 work hours for all other employees).

### **Leave Designations**

Eligible employees should make requests for family or medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. A health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required shall be provided by the employee.

Employees requesting family leave related to the serious health condition of the employee, or the employee's immediate family as defined above, will be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Employees can be placed on FMLA via two routes;

1. The eligible employee requests to be placed on FMLA leave or;
2. The City designates the employee's leave to be FMLA.

Upon receipt of an employee's request for FMLA, the City will notify the employee (in writing) whether their leave is approved or denied. If the City designates the leave to be FMLA, they will also notify the employee (in writing) that their leave has been designated as FMLA leave. Whether or not FMLA notice was given by the employee or the City, it will always be assumed that an absence due to a serious medical condition or birth/adoption/foster care as defined above will be treated as an FMLA leave.

### **Insurance**

Subject to the terms, conditions, and limitations of the applicable plans, insurance benefits will continue to be provided by the City of Bella Vista during an approved family and medical leave. Employees will be required to continue any premium contributions that may apply to continue active health, dental, and other

voluntary insurance coverage. Premium contributions are due the 1st of each month. Please contact the Human Resources department in advance of a leave so that premium calculations can be determined and planned for. Employees will be required to submit payment to the City for benefits when not receiving compensation from the City. If an employee elects not to return to work for reasons other than a continued serious health condition, the employee will be responsible for reimbursing the City for the applicable insurance premiums paid by the City on the employee's behalf during the leave.

During an approved FMLA leave, benefit accruals, such as vacation or sick leave, and holiday benefits, will be suspended during any unpaid portion of the leave and will resume upon return to active employment. FMLA will run concurrently with Workers' Compensation.

Any time an employee is off work for more than five unscheduled, consecutive days, they will be sent the FMLA request form and the absences may be counted against the total FMLA leave available to the employee if appropriate. Further, the City reserves the right to designate any absences as FMLA qualifying if the City has reason to believe the absences are caused by a serious health condition or any other reason covered by the FMLA.

### **Job Protection**

Upon return from FMLA, most employees will be restored to the same or an equivalent job. So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the City with at least two-weeks advance notice of the date the employee intends to return to work. A return to work release signed by a health care provider will be required if the reason for leave is due to a serious health condition.

If an employee fails to return to work on the agreed upon return date without notice, the City will assume that the employee has resigned. Benefits will not continue beyond the expiration of the leave of absence should an employee fail to return to work as outlined under this policy.

"Key" employee exclusion: Under limited circumstances where restoration to employment will cause substantial injury to operations, the City of Bella Vista may refuse to reinstate certain highly-paid "key" employees after using FMLA leave. These employees will be made aware of their "key" status prior to any denial of their job restoration and will have a reasonable opportunity to return to work from FMLA upon this notice.

### **Doctor's Certification and Return to Work**

Both hourly and salaried employees are required to provide a doctor's certificate or "note" in the form of a release for return to work, if they are off for medical reasons more than 24 consecutive work hours (except firefighters for whom it would be 72 consecutive work hours), including long term FMLA leaves. If the

absence of more than the three work days is for family illness, a doctor's certificate from the family member's doctor is required. These requirements for doctors' notes apply regardless of the medical reason for the absence, including injuries and pregnancy. Failure to provide a doctor's note may result in a loss of pay for the time off. Employees are required to return to work on the day stated in the doctor's release unless they request and receive advance approval for vacation time off. Failure to return as stated will be interpreted as a resignation by the employee, based on the three-day/no call resignation policy.

Enforcement of Family Medical Leave is provided by the U.S. Department of Labor, Wage and Hour Division. For additional information, contact the U.S. Department of Labor at (866) 487-9243 or online at [www.dol.gov/whd](http://www.dol.gov/whd).

### **4-3 WORKERS COMPENSATION**

Employees who are on leave due to a work-related illness or injury will continue to accrue both sick and vacation until both sick and vacation banks have been exhausted. Once that occurs, and if the employee is unable to return to work to their original schedule, or light duty, the employee will be placed in an "unpaid leave" status. If an employee in this situation is covered under the City's health insurance plan and is on an approved FMLA Leave, and is in an unpaid status, he/she will remain in an "active" status, which means the City will pay the employer's portion of the health insurance premium. The employee will be responsible for his/her portion of the premium. No vacation or sick leave will be accrued while the employee is in an unpaid leave status.

If the employee is not eligible for FMLA, and is in an unpaid leave status, all health insurance premiums will be terminated. At that time, the employee will be offered continuation of benefits through COBRA. Employees will have the right to restore health coverage without condition once they have returned to work.

### **4-4 MILITARY LEAVE**

It is the City's policy to fully comply with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) of 1994 and applicable Arkansas State Law.

#### **Annual Military Training**

All employees who are members of a U.S. Military Reserve or National Guard unit will be entitled to a maximum of 15 work days per year with pay plus necessary travel time for military training requirements. Employees who request such military leave shall furnish a copy of their orders to their supervisors. These employees shall be entitled to their regular salary from the City in addition to any military pay. Additionally, all benefits that the employee is entitled to will remain in effect for the duration of their military training. Such paid time off shall be listed in the "Other" pay category on timesheets.

Any military related leave is eligible for paid time off, up to a maximum of 15 days per year, regardless of the length of the leave provided the leave occurs during assigned work days. The portion of any military leave of absence in excess of 15 days in a calendar year will be unpaid. However, employees may use any available paid vacation for the absence.

Continuation of health insurance benefits is available based on the length of the leave and subject to USERRA regulations and the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. It is the employee's responsibility to make appropriate arrangements as to how they would like their benefits handled while on leave. This should be done by contacting the Administration Department.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. In all military leave situations, the City will comply with both USERRA and Arkansas state law.

#### **4-5 PAID LEAVE FOR FIREFIGHTERS WITH OCCUPATIONALLY CAUSED CANCER**

A paid firefighter who has completed five (5) or more years of employment as a paid firefighter shall be granted a minimum of 1,456 hours of paid leave upon the initiation of treatment for an occupationally-caused cancer. Under this policy, payment of such leave:

- (a) Will not reduce the accrued sick leave or vacation of the firefighter.
- (b) Will not impact any other employment benefit of the firefighter.

A firefighter will be considered to have an occupationally caused cancer if the firefighter:

- (a) While in the official line of duty was exposed to a known carcinogen as determined by the Department of Health in consideration with the findings of the International Agency for Research on Cancer; and
- (b) Has a disability or an impairment of health as a result of a diagnosis of a cancer as defined by Arkansas Code.

An occupationally caused cancer under Arkansas Code is presumed to have resulted from a firefighter's employment if, at the time of employment, the firefighter underwent a physical examination that did not reveal substantial evidence that the occupationally caused cancer existed before his or her employment as a firefighter began.

#### **4-6 JURY DUTY**

The City of Bella Vista encourages employees to fulfill their civic responsibilities by serving jury duty when required. Full-time employees may request up to 30 days of paid jury duty leave over any 1-year period.

Notify the supervisor immediately upon being summoned to jury duty or subpoenaed as a witness or to give a deposition. An active full-time employee, required to report for jury duty, will continue to be paid his or her full regular pay, not to exceed 30 working days.

An employee released from jury duty at a time which leaves one-half of the working day or more remaining, must report as soon as possible after being released. Employees will not be compensated for absence due to personal lawsuits as either a defendant or a plaintiff.

Employees must show the jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate the absence. Employees are expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

### **Witness Pay**

If an employee (regardless of status) receives a subpoena to appear as a witness for a "third party" (meaning the employee is neither plaintiff nor defendant) he/she is entitled to be off work for the length of time necessary to appear. During that time the employee will continue to be paid his or her full regular pay. Such paid time off will be listed in the "Other" pay category on timesheets. Proof of service must also be submitted when the witness duty is completed. Other than minor compensation provided for mileage, parking, meals, etc., the City will be reimbursed by the employee for any salary the employee receives from the attorney's office who subpoenaed him or her. If the employee does receive salary compensation, it will be endorsed over to the City and submitted to the Human Resources office. If the employee is testifying in an official capacity for the City, this will be considered part of his or her normal job duties and he or she will continue to be paid his or her fully salary, including any overtime and travel expenses incurred. If the employee receives any compensation from either the court or an attorney's office, he or she will turn that money over to the City.

### **4-7 BEREAVEMENT LEAVE**

The Bereavement Leave Policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members and fellow employees or retirees of the City of Bella Vista.

All active employees are eligible for benefits under this policy. Employees who wish to take time off due to the death of an immediate family member, fellow employee or retiree should notify their supervisor as soon as possible .

Up to three (3) normal, work-days of paid bereavement (funeral) leave will be provided to full-time employees. Part-time employees will only be paid bereavement leave pay for days and hours they are normally scheduled to work..

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

The time off allowed, as stated in this policy, applies to each instance bereavement leave is requested and approved.

The City of Bella Vista defines "immediate family" as: spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, ,grandchild, step-grandchild, and the same by marriage.

Bereavement leave is available whether the employee is schedule to work or is on vacation.

With advance approval, one additional day of bereavement pay may be authorized when 300 or more miles of travel will be required.

The employee may be required to provide an obituary notice, or other related documentation in order to receive pay for bereavement leave.

Time off to attend the funeral of those outside the immediate family will normally be granted unless there are unusual business needs or staffing requirements. Such time off may be taken without pay, or the employee may use available vacation pay.

## **SECTION 5 – GENERAL STANDARDS OF CONDUCT**

### **5-1 WORKPLACE CONDUCT**

To ensure orderly operations and provide a positive work environment, the City of Bella Vista expects employees to follow rules of conduct that will protect the interests and safety of all employees and the City.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of time keeping or other City records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned, citizen, public or privately-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace or on City property (except for law enforcement purposes)
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Violation of policies and/or procedures
- Sleeping on the job (excluding firefighters who are on a 24-hour shift)
- Inappropriate use of work time
- Unsatisfactory performance or conduct

Employment with the City of Bella Vista is at the mutual consent of the City and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

## **5-2 DATING/FRATERNIZATION POLICY**

City employees who hold no supervisory or managerial role within the City may date, develop friendships and have other intimate relationships as long as the relationships do not negatively impact the City's workplace. Any relationship that interferes with the City's culture of teamwork, the harmonious work environment or the productivity of employees, will be addressed by applying the City's progressive discipline policy. Adverse workplace behavior or behavior that



affects the workplace that arises because of personal relationships will not be tolerated. All such employees actually engaged in or suspected of engaging in such relationships will be required to reaffirm their dedication to the City's no harassment policy and the corresponding complaint procedure.

**The exception to this policy relates to department leaders, managers, supervisors, or anyone with authority over another employee.**

Anyone employed in a managerial or supervisory role is prohibited from dating City employees or fellow managers within the City due to perceived favoritism, misuse of authority, or potentially, sexual harassment. Any such relationship may cause gossip, hard feelings, dissatisfaction, and distraction among other employees in the workplace and is therefore prohibited.

The fraternization that is prohibited by this policy includes dating, romantic involvement, and sexual relations.

#### Consequences of Dating and Extra-Marital Affairs

A manager or supervisor who dates or becomes romantically involved with an employee creates a serious problem for the City. Dating an employee, even when the employee is not in a reporting relationship, and extra-marital affairs (whether or not a manager is involved), create serious consequences for the City therefore are not acceptable under this policy.

This type of behavior adversely affects the careers of both employees with regard to advancement opportunities, choices of jobs and assignments. Such behavior may also affect the City's flexibility and consequently, may have an impact on our services to the public.

**Under no circumstances may a manager or supervisor date, become romantically involved with, or have sexual relations with an employee.**

Employees who disregard this policy will receive disciplinary actions up to and including termination of employment.

### **5-3 TOBACCO FREE WORK ENVIRONMENT**

The City of Bella Vista complies with the Arkansas Clean Indoor Air Act of 2006. This Act requires that smoking be prohibited in all enclosed areas within places of employment, including vehicles. Buildings with overhead doors which periodically open and close are included in this prohibition.

In addition to the requirements of this Act, the City of Bella Vista prohibits the usage of any tobacco or nicotine products, including smokeless tobacco and e-cigarettes, in all enclosed areas within places of employment, including vehicles.

No smoking or usage of smokeless tobacco or e-cigarettes may occur within thirty (30) feet of any entrance to a City building.

Employees observing what they believe to be a violation of this policy should first speak to their supervisor on duty, then the Department Head or his/her designee, and if appropriate action is not taken, should then contact the Mayor.

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Employees observing what they believe to be a violation of this policy should first speak to their supervisor on duty, then the Department Head or his/her designee, and if appropriate action is not taken, should then contact the Mayor.

#### **5-4 SOLICITATION/BULLETIN BOARDS**

In an effort to ensure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.

The City of Bella Vista recognizes that employees may have interests in events and organizations outside the workplace. Employees may only solicit or distribute literature/information concerning these activities during non-working time in non-work areas. (Non-working time includes lunch periods, or any other periods in which employees are not on paid duty.) Please use good judgment when approaching your co-workers with offers/opportunities.

Personal notices or postings may **NOT** be placed on any departmental bulletin boards; these designated bulletin boards are strictly for City business use only. The Department Head or designee is responsible for monitoring and posting items on these boards.

#### **5-5 CHILDREN IN THE WORKPLACE**

The City is committed to delivering exceptional service consistently. To achieve these objectives, it is important that we maintain a professional environment for all members of our team while supporting a healthy culture of work/life balance.

The following policy is established to prevent disruption in job duties of the employees and co-workers, reduce property and City liability, and help maintain the City's professional work environment.

- Employees and supervisors must consider issues of safety, disruption of operations, disruption to other employees, appropriateness, and legal liability, as well as sudden emergency, posed by the presence of children in the workplace.
- The City provides a generous sick policy and we encourage the use of sick leave as needed to care for your family. Should an emergency occur at a time when an employee feels the job demands make it necessary to bring their child to work, the employee must contact their direct supervisor immediately to:
  - obtain permission, or preferably,
  - resolve the work challenge that prohibits the parent from being at home with their child.
- Should a Supervisor be unable to resolve the employee's challenge, they may grant a temporary exception based on the unforeseen emergency; however, no employee/parent can have a child in the workplace without the supervisor's permission. Factors to be considered by supervisors include, but are not limited to the age of the child, how long the child needs to be present, the work environment in the employee's area, and any possible disruption to the employee's and co-workers' work.
- When authorized, a child brought into the workplace in unavoidable situations must be accompanied by and under direct supervision of the employee/parent at all times. The child will be required to leave the workplace if disruptive to the work environment.
- Consideration will not be given to any child unable to attend daycare or school due to possible illness and the workplace cannot be used as an alternative to childcare.

This policy is not directed at family members who briefly visit the City offices.

## **5-6 NON-DISCLOSURE OF CONFIDENTIAL INFORMATION**

During the performance of job duties, employees will learn many things about the City of Bella Vista's operations, residents, and employees. It may be the type of information that should remain strictly confidential. To improperly reveal proprietary, confidential, business, financial, personnel, or personal information to anyone about the City of Bella Vista, our residents, or employees unless authorized and work requires it, will be a breach of the trust and confidence placed in the City's care. The City of Bella Vista, in matters relating to items of confidentiality, will adhere to the rules established by the Arkansas Freedom of Information Act, the federal Privacy Act and all other requirements of law.

The ability to observe confidentiality with such data, records and information is a basic requirement of every employee's job. Violation of this requirement may not only lead to discipline, including termination of employment, but to civil or criminal prosecution in accordance with state or federal law. Any question about or request for such information or interpretation of our Confidentiality policy should be referred to a Supervisor, Department Head or the Mayor, unless an employee is specifically authorized to release such information.



## **5-7 USE OF FACILITIES, EQUIPMENT AND PROPERTY**

The City provides some employees with equipment and property to assist them in performing their job duties. It is expected that employees who are provided with City-owned equipment or property, or who take City-owned equipment or property away from the workplace, have a responsibility to protect the equipment and property from being lost, damaged, or stolen.



If City-owned equipment or property is lost, damaged, or stolen because of an employee's intentional act or willful or wanton misconduct, the employee may be billed by the City an amount equal to the replacement or repair cost of the equipment or property, or the amount of the insurance deductible if the loss is covered by insurance. Disciplinary action, up to and including termination of employment may also occur in this situation.

You must have a proper reason to be in a facility after normal business hours. Keys or codes are not to be duplicated. Do not loan keys or communicate codes to anyone. Any keys or codes are the sole property of the City and must be accounted for and surrendered when employment is terminated or whenever asked for by the City. Employees must fully comply with the City of Bella Vista security rules and requests while on City property, during work hours or on assignment.

Upon termination of employment, or at any time during the course of employment in which the employee no longer requires the equipment or property assigned, all City property must be returned. The employee is responsible for payment of the value of any property issued by the City that is not returned. The City assumes no responsibility for loss or damage to the personal property of an employee.

### **Phones and Mail System**

Our communication system is important and must be kept open for business use. Our public image depends on communication courtesy. To ensure effective telephone communications, employees should always identify themselves, use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so. Any unlawful, abusive or threatening telecommunication should be reported to management immediately.

Personal use of the telephone for long-distance and toll calls is not permitted. Employees will be required to reimburse the City for any charges resulting from their personal use of the telephone. Employees should practice discretion when making or receiving personal calls by minimizing the length and number of calls. Employees will not be called away from work for phone calls except in an emergency. Messages may be taken and forwarded to the employee.

Personal cell phones, with the few exceptions where a cell phone allowance is paid by the City, are not to be used during paid work time. It is not generally expected that employees will use their personal cell phones for business purposes

outside the scheduled work day. Hourly employees are not allowed to use their personal cell phones, personal email, or City email to conduct City business while off the clock. The exception to this will be to notify the employee's supervisor of illness, to notify supervisor of late arrival, or to receive a message from the employee's supervisor regarding a change to the employee's scheduled work day or of the manager's own unexpected absence.

Cell phones may be provided to certain employees for business-related use. Employees whose jobs require that a cell phone remain turned on while driving, must use a hands-free device or safely pull off the road before conducting City business. Compliance with state laws regarding driving distractions is required.

The use of the City's paid postage for personal correspondence is not permitted. Use of the City's stationery for unauthorized correspondence is prohibited.

## **5-8 ELECTRONIC COMMUNICATION SYSTEMS POLICY**

The City of Bella Vista provides computers, software and Internet access to employees in order to assist them in efficiently performing their business responsibilities. The City of Bella Vista systems and all information created on or coming or going from these systems is the property of the City. These systems are to be utilized for job-related purposes for the benefit of the City of Bella Vista.

Incidental and occasional brief personal use is permitted within reasonable limits. However, the employee-user is reminded that use of any and all City property is primarily for the purpose of City business. Any personal use of the Internet is expected not to interfere with the person's job responsibilities. No City employee shall post to any official city site without prior authorization of their supervisor.

Be aware that the City of Bella Vista computer resources are monitored on a regular basis and that the City reserves the right to intercept and review any information transmitted or stored on its information systems. All information and data contained on the City of Bella Vista's information systems is the property of the City, and employees have no reasonable expectation of privacy with respect to any information or data that is stored, or otherwise contained on, any computer hardware, software, electronic mail, or other computer or electronic means of communication or storage owned, maintained, or supported by the City, whether or not employees have a private password into the system. Employees are expected to protect the confidentiality of their passwords and individual passwords must not be shared with anyone.

The employee must abide by all federal and state laws with regard to information sent through the Internet. The City of Bella Vista strictly prohibits unauthorized release or disclosure of any resident or employee information through the Internet or through any other means. City confidential information will not be transmitted over the Internet unless authorized. Care must be taken by all employees to ensure that accessing the Internet does not jeopardize the City. Employees are

also prohibited from using Internet access through the City of Bella Vista systems for any business or profit-making activities.

This policy should be read and interpreted in conjunction with all other City of Bella Vista policies including but not limited to policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Employees are prohibited from accessing the Internet for any unethical purposes, including pornography, violence, gambling, racism, harassment, or any illegal activity. The employees of the Bella Vista Police Department may access such sites for law enforcement purposes only.

The City of Bella Vista purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The City of Bella Vista prohibits the illegal duplication of software and its related documentation.

To protect our operations and computer systems from computer viruses and potential damage, installing software and/or downloading software from the Internet is not permitted without the approval of City Administration. Visit with a supervisor if you have a need of this nature.

The City of Bella Vista may provide remote access privileges to certain employees and vendors. Any person with remote access privileges shall not provide their login credentials to anyone and shall protect the security of their credentials. No one other than the assigned user is allowed to access the City network. It is the responsibility of the assigned user to ensure that no illegal activities are performed via their credentials and that the remote access connection is not used for outside business interests. All rules and policies concerning access to the City local area network also apply to any remote access connection. Any device used to connect to the City network must have the most recent security patches related to the operating system and must have current anti-virus software installed.

The use of technology is a great tool for communication and making work more efficient when properly utilized. Employees who violate these policies will be subject to disciplinary action, up to and including termination of employment. This policy is a very necessary step to ensure adequate security of City resources. Questions about this policy should be directed to a supervisor.

In the event that a cyber-security incident has occurred and the accused individual is not an employee of the City, the matter shall be submitted to the IT Director. The IT Director may refer the information to law enforcement agencies.

### **Bring Your Own Device (BYOD)**

The City of Bella Vista grants its employees the privilege of using personal smartphones and tablets of their choosing, at work, for their convenience. The City of Bella Vista reserves the right to revoke this privilege, with or without notice, if users do not abide by the policies and procedures outlined below.

- Devices may not be used at any time to:
  - Store or transmit illicit materials.
  - Harass others.
  - Engage in outside business activities during work hours.
  - Record activities of other employees without prior consent.
  - Compose or send text or email messages while driving, unless a hands-free system is installed in the vehicle.
  
- Employees may use their mobile device to access the following city resources: email, calendars, contacts, and documents, and wireless networks. Any such City communications that occur on a personal device shall be subjected to the provisions of the Freedom of Information Act (FOIA).
- The City of Bella Vista is under no obligation to pay for personal devices or personal service plans, unless specific arrangements have been made.
- It is recommended that devices use a six-character password to unlock the device. The use of biometric authentication (such as thumbprint scanning) may be substituted.
- It is recommended that the device is set to auto-lock after being idle for 5 minutes or less.
- The user is responsible to report any lost or stolen device to the IT department within 24 hours. The user is also responsible for contacting his or her carrier in the event of a lost or stolen device.
- The City of Bella Vista assumes no responsibility for personal device performance. This includes, but is not limited to hardware/software failures, device crashes, storage usage, or decreased performance.
- The City of Bella Vista does not maintain personal devices or provide accessories. This includes, but is not limited to cases/shells, headphones, or chargers. The City of Bella Vista will not repair damage to personal devices, such as broken screens, water damage, chips, scratches, etc. The City of Bella Vista will not handle a personal device warranty claim on behalf of the employee.

### **Cloud Computing**

- The use of cloud computing services must be authorized by the IT Department.  
Certain cloud computing services are paid for by the city and have already been approved. IT maintains a list of all approved applications. Installation of applications not already approved by the City must be made through the IT department. Each request will be reviewed and will be approved on a case by case basis.



- Personal cloud storage accounts (i.e. dropbox, google drive) may not be used for the storage, distribution, exchange or manipulation of City Documents.

## **5-9 SOCIAL MEDIA**

At the City of Bella Vista, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

### **GUIDELINES**

In the rapidly expanding world of electronic communication, *social media* can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal website, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Bella Vista, as well as any other form of electronic communication. The same principles and guidelines found in the City policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects employees, citizens, suppliers, people who work on behalf of the City, or the City's legitimate business interests may result in disciplinary action up to and including termination.

### **KNOW AND FOLLOW THE RULES**

Carefully read these guidelines, the City of Bella Vista expectations of employee conduct, the Electronic Communications policy, and the Anti-Harassment policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **BE RESPECTFUL**

Always be fair and courteous to fellow employees, citizens, suppliers, or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage employees, citizens, suppliers, and people working on behalf of the City of Bella Vista.

### **POST ONLY APPROPRIATE AND RESPECTFUL CONTENT**

- Maintain the confidentiality of the City of Bella Vista's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to the City's website without identifying yourself as a City employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the City of Bella Vista. If the City of Bella Vista is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, fellow employees, citizens, suppliers or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City of Bella Vista, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Bella Vista."

### **USING SOCIAL MEDIA AT WORK**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the City's Equipment Policy. Do not use the City of Bella Vista's e-mail addresses to register on social networks, blogs or other online tools utilized for personal use.

### **RETALIATION IS PROHIBITED**

The City of Bella Vista prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **MEDIA CONTACTS**

Employees should not speak to the media on the City's behalf without notifying the Communications Director. All direct requests from the media should be directed to the Communications Director, except in certain situations, such as fire/law enforcement on-the-scene reporting when the Communications Director is not present. In such case, media should be directed to the highest ranking official on scene.

### **FOR MORE INFORMATION**

If you have questions or need further guidance, please contact your Human Resources representative.

Nothing in this policy is intended to infringe on employee rights under the National Labor Relations Act.

### **5-10 SAFETY**

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. Employees receive periodic workplace safety training as deemed necessary. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or reduce hazards.

Some of the best safety improvement ideas come from employees. Those with ideas or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury or work related illnesses, regardless of how insignificant the injury may appear, employees should immediately notify the supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

## **5-11 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image the City of Bella Vista presents to the public.

Employees are expected to present a clean, neat, and professional appearance. Fashion trends are not always appropriate for our environment. We respect generational differences and will review our policies to ensure an acceptable environment for all. This policy is flexible enough to allow individuality, yet detailed enough to avoid misunderstandings. The success of this policy depends on everyone's good judgement. When in doubt about a particular item of clothing, opt for something more professional.

Appropriate Attire:

### **Shirts and Blouses:**

1. Tops shirts and blouses with modest neckline and length.
2. Golf shifts, polos, pullovers or sweaters
3. Jackets and blazers
4. Business appropriate, conservative attire such as dresses, skirts
- 5.
6. City of Bella Vista uniforms

**Slacks and Pants:**

1. Full-length dress slacks, capris, and other similar pants
2. Casual pants, such as Dockers, Khakis, or Chinos
3. tretch pants/leggings/stirrup pants, spandex pants or other form-fitting pants are acceptable only with an appropriate length shirt/top or dress over them
4. Slacks should not sag
5. City of Bella Vista uniforms and logoed attire

**Footwear:**

1. Loafers, oxfords, boat or deck shoes, with or without socks
2. Dress shoes, pumps, boots, open back and toe shoes and sandals

City approved and/or issued work boots

Jeans or jean-style pants without holes, rips, or patches, and that do not sag or bag, are acceptable on Fridays or any other approved day for office staff. Jeans may be approved during all working hours for some positions. Approval to wear jeans, other than on Friday, will be approved by each individual department head for their own department. The City may restrict the wearing of jeans on Friday, with notice, for certain occasions (dress for the day).

Department heads may, at times, make exceptions to the normal daily dress code and allow more casual dress for a period of time.

Examples of inappropriate daily office attire include: shorts, casual t-shirts that include things such as offensive wording, pictures or symbols or are of a political nature, clothing that is revealing or that is ripped/torn/frayed. With prior approvals, periodic casual days may be observed where more relaxed dress is acceptable.

Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Please check with your supervisor if you have questions as to what constitutes appropriate attire.

**5-12 VERIFICATION OF EMPLOYMENT**

The City will respond to reference check/verification of employment inquiries. Responses to such inquiries will confirm only dates of employment, position(s) held, and compensation as this is public record information in compliance with the Freedom of Information Act. Requests for additional employment data will NOT be released without a written authorization signed by the individual who is the subject of the inquiry, or as otherwise required by law.

**5-13 EMPLOYMENT TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization. Employees who voluntarily terminate with the City of Bella Vista should submit a written letter of resignation to their Department Head. A two week notice period, or ten (10) working days advanced notice of the last day of work is appreciated though may not always be observed. The ten (10) days must be actual working days. Holidays and paid time off will not be counted toward the ten-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

All City property in the employee's possession must be returned to the supervisor no later than the last day at work. Failure to return City property may result in the cost of items being deducted from final pay. An employee may be requested to participate in an exit interview.

Since employment with the City of Bella Vista is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law (normally, the next regular pay date) and upon return of all City property. All accrued, vested benefits with the exception of sick leave, based upon stated benefit policies or based on state or federal law will be paid at termination. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

## **GENERAL HANDBOOK ACKNOWLEDGEMENT**

This Employee Handbook is an important document intended to help you become acquainted with the City of Bella Vista. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgement of this Employee Handbook.

**I have received and read a copy of the City of Bella Vista Employee Handbook. I understand that the policies, rules, and benefits described herein are subject to change. I realize that the City may interpret, clarify, modify, or eliminate policies as set forth in this Handbook as they deem necessary. As changes and additions are made to the Handbook, I understand I will be supplied with updated information.**

**I further understand that my employment is terminable at will, either by myself or the City, with or without cause or prior notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I further understand that no representative of the City of Bella Vista has the authority to enter into an agreement for employment for any specified period of time or to make any agreement that in any way alters the at will nature of my employment except if authorized in writing by the Mayor.**

**I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" status except an express written agreement by the Mayor. I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City's Employee Handbook.**

**I understand and agree that it is my responsibility to comply with the policies contained in the Handbook and any revisions made to it.**

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management – it will be filed in your personnel file.

## **RECEIPT OF SEXUAL HARASSMENT POLICY**

It is the City of Bella Vista policy to prohibit harassment of any employee by any supervisor, employee, citizen, or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the City of Bella Vista. It is to ensure that at the City all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars, or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile work environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your manager. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact Human Resources. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the City of Bella Vista will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including termination.

I have read and I understand the City of Bella Vista's Sexual Harassment Policy.

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management – it will be filed in your personnel file.

## **RECEIPT OF NON-HARASSMENT POLICY**

It is the City of Bella Vista's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, sexual orientation or age. The purpose of this policy is not to regulate our employees' morality, but to ensure that in the workplace, no one harasses another individual.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your manager. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please inform Human Resources. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the City of Bella Vista will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Associates who make complaints in bad faith may be subject to disciplinary action, up to and including termination.

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management – it will be filed in your personnel file.



**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**ADOPTING AMENDMENTS TO THE CITY OF BELLA VISTA  
EMPLOYEE HANDBOOK**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,  
ARKANSAS:**

**SECTION 1:** Amendments to the City of Bella Vista Employee Handbook, as attached to this Resolution as Exhibit “A” and incorporated herein as if set out word for word, are hereby adopted.

**SECTION 2:** Appropriate changes to the table of contents and page numbering of the Employee Handbook to accommodate these amendments, or otherwise to correct scrivener’s errors or formatting, are hereby authorized.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

Attest:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney