

TITLE 2

CLASSIFICATION, ADMINISTRATION

AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 Clerk/Treasurer
- 2.32 City Attorney
- 2.36 Volunteer Fire Department
- 2.40 Police Department
- 2.44 City Court
- 2.48 Personnel Policies
- 2.52 Emergency Response Expense
- 2.56 Independent Candidates
- 2.60 Contribution and Deferred Compensation Plan
- 2.64 Drug-Free Workplace

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city
- 2.04.02 Certification

2.04.01 Operation as first class city Pursuant to A.C.A. 14-37-103, from and after the passage of this ordinance, the city of Bald Knob, Arkansas, having a population in excess of 2,500 inhabitants, shall be classified as a city of the first class, and shall have all rights, duties and obligations attendant to that classification. (Ord. No. 167, Sec. 1.)

2.04.02 Certification The Mayor of the city of Bald Knob, Arkansas, be and he hereby is empowered to submit this ordinance to the Board of Municipal Corporations for the state of Arkansas, for approval and certification of the change in classification. The said Mayor is further empowered to file a certified copy of this ordinance in any other public office as is required by law. (Ord. No. 167, Sec. 2.)

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Ward boundaries
- 2.08.02 Property value

2.08.01 Ward boundaries There is hereby established in the city of Bald Knob, Arkansas, three wards, whose boundaries shall be as follows:

Ward No. 1

All that part of the city which lies north and west of the following streets: the centerline of North Main Street to the centerline of U.S. Highway 67, southwesterly along said centerline of U.S. Highway 67 to the centerline of North Hickory Street, thence North along the centerline of North Hickory Street to the centerline of West Center Street, and westerly along said centerline of West Center Street.

Ward No. 2

All that part of the city which lies east of the center of North Main Street to the intersection of U.S. Highway 67, southwesterly along said centerline of U.S. Highway 67 to the centerline of South Hickory Street, thence south along the centerline of South Hickory Street.

Ward No. 3

All that part of the city which lies south and west of the centerline of West Center Street and the centerline of that part of North Hickory Street lying south of West Center Street and the centerline of South Hickory Street. (Ord. No. 156, Sec. 1.)

2.08.02 Property value The Council hereby determines that the assessed value of the property, and the number of inhabitants and citizens, of the city will be substantially equal in each of said wards. (Ord. No. 156, Sec. 2.)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding

2.12.01 Contract. The Mayor and the City Council are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Bald Knob, Arkansas, under the terms and provisions of the Federal Social Security Act.

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

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

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

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

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall

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

2.16.03 Proceeds of sale to owner The Mayor shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Clerk/Treasurer or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

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

CHAPTER 2.20

CITY COUNCIL

Sections:

- 2.20.01 Council meetings - regular
- 2.20.02 Council meetings - special
- 2.20.03 Freedom of information procedure
- 2.20.04 Order of business
- 2.20.05 Agenda
- 2.20.06 Prior placement
- 2.20.07 Waiving requirements
- 2.20.08 Adopting ordinances

2.20.01 Council meetings - regular All regular meetings of the Council shall be held at the municipal building on the first Monday of each month.

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

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

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

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

2.20.05 Agenda The agenda for the regular meeting of the Bald Knob City Council shall be prepared on Tuesday prior to the meeting date of the council; usually the first Monday of every month. The agenda may be picked up at the City Hall by council members and the media anytime during the week prior to the council meeting. (Ord. No. 85-2, Sec. 1.)

2.20.06 Prior placement All ordinances, resolutions and appointments which are to be considered at the regular meeting of the Bald Knob City Council shall be placed on the agenda prior to the Tuesday pick-up date. No ordinance, resolution or appointment shall be considered by the Bald Knob City Council at the regular meeting unless said ordinance, resolution or appointment was included in the agenda for the meeting. (Ord. No. 85-2, Sec. 2.)

2.20.07 Waiving requirements The Bald Knob City Council shall have the power to waive the requirements in Section 1 and Section 2. This may be accomplished by a two-thirds (2/3) majority vote of the Bald Knob City Council members in attendance at the meeting in which the requirements are to be waived. (Ord. No. 85-2, Sec. 3.)

2.20.08 Adopting ordinances The reading of all by-laws and ordinances of general or permanent nature may be waived prior to any reading of said by-law or ordinance upon the vote of 2/3 of the City Council members composing the City Council. The waiver of the reading of any by-law or ordinance for the three different times may take place on one occasion by the City Council.

The reading of the ordinance by title only one time after such waiver vote shall constitute a complete reading of the ordinance for adoption purposes. (Ord. No. 2014-2, Secs. 1-2.)

CHAPTER 2.24

MAYOR

Sections:

2.24.01	Office created
2.24.02	Election
2.24.03	Duties
2.24.04	Appointment of officers
2.24.05	Salary

2.24.01 Office created. The office of Mayor is hereby created for the city of Bald Knob, Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Bald Knob, Arkansas, shall elect a Mayor for four (4) years.

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

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

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

CHAPTER 2.28

CLERK/TREASURER

Sections:

2.28.01	Offices combined
2.28.02	Compensation
2.28.03	Duties
2.28.04	Collector

2.28.01 Offices combined. The offices of Clerk and Treasurer are hereby combined into one office to be known as the Clerk/Treasurer.

2.28.02 Compensation. The salary of the Clerk/Treasurer shall be set by the City Council.

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties. The duties of the Clerk/Treasurer shall be:

A. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.

B. To perform such other duties as may be required by the ordinances of the city or laws of the State.

2.28.04 Collector. The Clerk/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The Clerk/Treasurer shall keep records on all occupational and other taxes and moneys collected.

CHAPTER 2.32

CITY ATTORNEY

Sections:

- | | |
|---------|----------------------------|
| 2.32.01 | Funds for legal assistance |
| 2.32.02 | Legal services |
| 2.32.03 | Fees |

2.32.01 Funds for legal assistance It is hereby authorized, that funds be appropriated from the city treasury, as needed, to secure any legal assistance approved by the City Council. (Ord. No. 211, Sec. 2.)

2.32.02 Legal services The City Council hereby appoints and retains the services of Lightle, Beebe, Raney & Bell of Searcy, Arkansas, to assist the city with its civil legal matters or Lee Biggs, III in the event of a conflict in reference to the above firm, said attorney to work as needed and agreed upon; and the services of Madison P. Aydelott, III, of Searcy, Arkansas, to assist the city with its criminal matters as needed and agreed upon. (Ord. No. 86-06, Sec. 1.)

2.32.03 Fees All fees for said legal assistance are subject to approval by the City Council. (Ord. No. 211, Sec. 4.)

CHAPTER 2.36

VOLUNTEER FIRE DEPARTMENT

Sections:

2.36.01	Creation
2.36.02	Personnel
2.36.03	Duties of Fire Chief
2.36.04	Meetings
2.36.05	Compensation
2.36.06	Records

2.36.01 Creation There is hereby created a Volunteer fire Department for the city of Bald Knob to be officially known as “The Bald Knob Volunteer Fire Department.” (Ord. No. 115, Sec. 1.)

2.36.02 Personnel That the Bald Knob volunteer Fire Department shall consist of the Fire Chief, Two Assistant Fire Chiefs, Two Captains, Secretary and Treasurer, and such number of hosemen as the City Council may order, but not less than 14. (Ord. No. 115, Sec. 2.)

2.36.03 Duties of Fire Chief. The Fire Chief shall be elected by the Fire Department and confirmed by the City Council and shall receive compensation of not less than \$150.00 per month, and he shall be directly charged with the responsibility and accountability to the city for all equipment and have control and management of the organization. The Fire Department shall name and select, with the approval of the City Council, the members of the Department, and the Chief shall direct and control all the work of the Department. (Ord. No. 115, Sec. 3.)

2.36.04 Meetings There shall be held not less than two meetings each month of the Department for the purpose of instructing and training and all members shall attend unless excused for reasonable cause, the regular meeting to be held the 2nd and 4th Monday in each month; that the Bald Knob Volunteer Fire Department shall adopt such rules as may be deemed necessary for the proper functioning of the Department, but that all such rules shall be subject to the approval of the City Council. (Ord. No. 115, Sec. 4.)

2.36.05 Compensation All members of the Bald Knob Volunteer Fire Department who have been selected and approved as herein provided, shall receive the sum of \$6.00 for attendance upon and for service at each and every fire; and shall receive \$1.00 per quarter hour thereafter, and \$5.00 for each meeting attended; service at each and every fire being deemed to have been performed when the circumstances of such fire are such as to require the necessity of unloading the hose and connecting the same to the fire hydrant. (Ord. No. 115, Sec. 5.)

2.36.06 Records The Fire Chief shall keep a record of the names of the members who attend the monthly meetings and who perform service at each fire, and that he shall submit a full

statement of the number of fires attended by each member each month to the City Council at its next regular meeting. (Ord. No. 115, Sec. 6.)

CHAPTER 2.40

POLICE DEPARTMENT

Sections:

- 2.40.01 Established
- 2.40.02 Duties of Police Chief

2.40.01 Established The city hereby establishes a Police Department which shall be known as the "Bald Knob Police Department" and the duties thereof shall be to maintain police protection and police services within the city of Bald Knob.
 STATE LAW REFERENCE - See A.C.A. 14-52-101 et seq.

2.40.02 Duties of Police Chief The Police Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of city funds. He shall attend the first Council meeting of the month and make his monthly report to the City Council concerning the operation and equipment of the department, and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

CHAPTER 2.44

CITY COURT

Sections:

- 2.44.01 Court costs
- 2.44.02 Court Judge assesses
- 2.44.03 Collection
- 2.44.04 Additional court costs

2.44.01 Court costs There shall be levied and collected from each defendant upon each conviction, each plea of guilty or *nolo contendere*, or forfeiture of bond the following court costs:

- A. For offenses which are misdemeanors or violations under state law or local ordinance, excluding violation of the Omnibus DWI Act, in municipal, city, or police court - \$75.00

- B. For traffic offenses which are misdemeanors or violations under state law or local ordinance excluding violation of the Omnibus DWI act, in municipal, city or police court - \$50.00.
- C. For violation of the Omnibus DWI Act in circuit, municipal, and city court - \$300.00. (Ord. No. 2008-1, Sec. 1.)

2.44.02 Court Judge assesses The above costs shall be levied and collected from each defendant appearing in the City Court of Bald Knob, Arkansas, upon each plea of guilty, *nolo contendere*, forfeiture of bond or a determination of guilt for misdemeanors or traffic violations. The City Court Judge shall assess said court costs in each such case as deemed appropriate, with the duly elected or appointed Court Clerk of the City Court of Bald Knob, Arkansas, to collect and deposit said court costs into the Bald Knob City Court Bond and Fine Account in accordance with any applicable statutory law or city ordinance. (Ord. No. 2008-1, Sec. 2.)

2.44.03 Collection The monies collected as stated above shall be collected by the City Court Clerk and disbursed to the proper authorities on a monthly basis. (Ord. No. 2008-1, Sec. 3.)

2.44.04 Additional court costs From and after the passage of this ordinance there shall be a Five Dollars (\$5.00) fine imposed upon all misdemeanor and traffic cases prosecuted in the Bald Knob City Court and which are concluded by either a plea of guilty, *nolo contendere* plea or a finding of guilt by the City Court. All fines imposed under this ordinance shall upon collection by the Bald Knob City Court Clerk be tendered to the White County Treasurer's office on a monthly basis. (Ord. No. 2009A-7, Secs. 2-3.)

CHAPTER 2.48

PERSONNEL POLICIES

Sections:

- 2.48.01 Personnel Policy Handbook
- 2.48.02 Employment policies
- 2.48.03 Employee benefits
- 2.48.04 Employee status
- 2.48.05 Labor grade listing
- 2.48.06 Standards of conduct

2.48.01 Personnel Policy Handbook It is the intent of Ord. No. 0-00-01 to provide:

- A. A unified and up-to-date personnel policy for all employees of the city of Bald Knob regardless of the department in which they work.
- B. A common means of scheduling vacations without affecting city services.

- C. A method and procedure for reviewing and evaluating personnel.
- D. Methods and procedures that will ensure that all employees work in a drug free environment.
- E. A personnel file system which will be kept and maintained by the City Clerk for all employees. The first page of the said ordinance is a statement, which declares that each employee has received a copy of this policy. This statement must be retained in the personnel file of each employee. (Ord. No. 0-00-01)

2.48.02 Employment policies

Employment Statement - The city of Bald Knob is committed to providing equal employment opportunity and advancement without regard to race, color, religion, national origin, sex, age, handicap, or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms, and conditions of employment, including job opportunities, promotions, pay and benefits.

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

Authority to Hire and Fire - That Section 1.2 in Section I of the Bald Knob Personnel Policy adopted by Ordinance #0-00-01 and Ordinance #2018-03 are specially repealed and any ordinance or parts of any ordinance in conflict with this Ordinance is likewise repealed and replaced with the following:

Employment Policies Section 1.2 Authority to Hire and Fire. The Mayor shall appoint and remove all Department Heads for the City of Bald Knob, Arkansas, subject to the provisions of ACA § 14-42-110 which includes the right of the Bald Knob City Council to override any such appointment or removal by a 2/3rds vote of the city council. All other employees of the City of Bald Knob, Arkansas, shall be hired and terminated by the Mayor or the various Department Heads of the city. Before any employee is hired the department head shall contact the committee chair person of that department to attend the interview and that person will not be hired until the committee approves the hiring of said person. (Ord. No. 2018-11, Sec. 1)

Job Posting & Advertising - Application for employment will be accepted from anyone who wishes to apply for employment upon forms provided by the city. Application forms are available at city hall. Applications for full time employment will not be accepted from anyone under 18 years of age.

Job openings will be posted in a newspaper of general circulation in White County, Arkansas at least ten days prior to the deadline for receiving applications. Job announcements to recruitment resources will be made ten days prior to the deadline for receiving applications. Promotions from within a department need not be posted.

Except as otherwise provided by state law, the City Council shall make the final decision with respect to hiring new employees and promoting existing employees.

Post Offer Psychological Examination - Psychological exams are required of police applicants only. Such exams will be paid for by the city and will determine whether the applicant can perform the job.

Fitness for Duty Exam - Employees who become incapacitated due to mental or physical disabilities from performing the essential job function with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty exam. Based on the finding of said exam, the city of Bald Knob shall take such action that is necessary for the good of the city.

Drug Testing - Drug testing is mandatory for all new employees and will be performed randomly on a routine basis for all full time city employees. Failure to comply with the test or efforts made to falsify the results of the test are grounds for termination. Testing will be performed at the expense of the city of Bald Knob and by a testing service selected by the city of Bald Knob.

Omnibus Transportation Employee Testing Act of 1991 - It is the intent of the city of Bald Knob to comply with all regulations and requirements of this act. (Ord. No. 2000-1, Sec. 1.)

Hiring of Relatives –

- A. It is established as the policy of the city of Bald Knob, Arkansas, to handle the hiring of related individuals even if such employment placed one relative under the supervision of another relative on a case-by-case basis.
- B. The Department Head of any department when desiring to hire any individual who would be working in a position which would place that individual under or over the supervision of a relative defined as by being married to the possible supervisory person or related within two degrees of consanguinity by blood would have to propose the hiring to the Mayor.
- C. The Department Head would make the recommendation for such a hiring of any such individual to the Mayor with reasons as to why the Department Head did not think hiring such an employee who would be under or over the supervision of a relative would be detrimental to the department of the city as a whole.

- D. The Mayor would review any such proposed hiring of an individual and the reasons submitted by the Department Head as to why such a hiring would not be detrimental to the department of the city as a whole even if the new hired employee would be under or over the supervision of a relative and confirm or deny the hiring with the Mayor being required to state in writing his or her reasons for confirming or denying the hire request.

- E. Any decision by the Mayor is subject to review by the City Council of the city of Bald Knob, Arkansas, by either the employee or the Department Head who shall cause said review to be at the next regularly scheduled City Council meeting at which time the City Council may affirm or overrule the decision of the Mayor as the City Council determines. (Ord. No. 2015-3, Secs. 2-6.)

2.48.03 Employee benefits

Vacations - Vacation time for uniformed employees shall be accrued in accordance with the provisions set forth in A.S.A. 14-52-106.

Vacation time for non-uniformed employees shall accrue as follows:

- Less than one year of employment - 0 days
- After one year of employment - 5 days
- After two years of employment - 10 days
- After five years of employment - 15 days
- After eight years of employment - 20 days

Vacation time can not be carried over. It is mandatory that the Department Head block schedule at least half of each employee's vacation time at the beginning of the year. The remaining days are to be scheduled by the employee on a first-come, first-served basis dependent on department workload. Unused vacation time will be forfeited without compensation.

Holidays & Holiday Pay - The following days are recognized as paid holidays for the city of Bald Knob employees:

New Year's Day	Hero's Day	Presidents' Day
Memorial Day	Independence Day	Labor Day
Veterans' Day	Thanksgiving Day	The Day After Thanksgiving
Christmas Eve	Christmas Day	New Years' Eve

Holiday pay will be considered straight-time pay. To be eligible for holiday pay, you must work the first work day before and the first work day after the holiday unless it is an approved absence, a non-scheduled work day, or a scheduled vacation. If you are required to work on a holiday, you will be paid for the time at work plus eight hours of holiday pay.

Sick Days

- A. All uniformed employees of the city of Bald Knob shall accrue sick days in accordance with the provisions set forth in A.C.A. 14-52-107. Twenty (20) days sick leave after the anniversary date of employment and it may accumulate to a maximum of sixty (60) days.

- B. All non-uniformed employees shall accrue sick days at a rate of one and two-thirds (1 2/3) days per month. An employee may be eligible for sick leave for the following reasons:
 - 1. Personal illness or physical incapacity;
 - 2. Quarantine of an employee by a physician or health officer;
 - 3. Illness in the immediate family which would require the employee to take care of the family member(s);
 - 4. Medical, dental, and optical visits, but only time for the actual appointment plus reasonable travel to and from the appointment.

- C. An employee who is unable to report for work due to one of the previously listed reasons for sick leave shall report the reason for his/her absence to the employee's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report to work or as soon as practical. Sick leave with pay may not be allowed unless such report has been made as aforementioned.
- D. Employees who are absent more than one (1) day, due to unconfirmed illness may be required by the supervisor or Department Head to submit a physician's statement.
- E. Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave amounts of not less than one hour increments. An employee who uses all of his or her accrued sick leave shall therefore be placed on an inactive, without pay, status.
- F. Employees will not be paid accrued sick leave upon termination of employment with the city. However, in all matters concerning sick leave for fire and police employees, strict compliance with Arkansas statutes is required. (Ord. No. 2006-3, Sec. 2.)

Personal Days - Three personal days per calendar year will be granted each employee with full pay. Personal days are awarded at time of hire for new employees. Personal days are to be scheduled in the same manner as vacation days when possible.

Leaves of Absence

Bereavement Leave - Up to three (3) days total per calendar year will be granted each employee with pay. Additional time off due to bereavement must come from personal or vacation days.

Maternity Leave - Employees affected by pregnancy, childbirth, or related medical conditions shall be treated, for all employment related purposes, as persons disabled for non-pregnancy related reasons. Therefore, sick time and vacation time will be granted, if accrued, for maternity. After use of these days, leave without pay must be used.

Court Duty - Employees will be granted leave with pay plus all allowances from the court for witness or jury duty. To qualify, a copy of the summons or other relevant court paperwork must be submitted to the department head as soon as possible.

Health Benefits - The city of Bald Knob will provide health insurance for all employees. Family health insurance will be provided to only certain labor grades.

Injuries & Accidents - All non-life-threatening injuries that occur during working hours must be reported to the department head. The department head will make the determination if medical attention is required and if so transport the employee to the nearest medical facility. If an injury is serious enough to require medical attention, a drug test is then mandatory. All accidents, to city or private property, which occur during working hours, must be reported to the department head who will then report it to the Mayor. All accidents that result in damage over \$100.0 must be accompanied by an accident report. This report will document any fact that is relevant to the accident, date and time of the accident, and be signed by the employee and department head. All injuries or accidents that result while the employee is driving city-owned equipment would subject the employee to a drug test. (Ord. No. 2000-1, Sec. 2)

2.48.04 Employee status

Attendance - As this policy provides the employees of the city of Bald Knob with ample time away from work for their enjoyment or the completion of personal business, the city of Bald Knob requires that all employees be at work when so scheduled. Vacation time is subject to the prior approval of the department head. The use of sick days, personal days, or other types of leaves must be discussed with and approved by the department head as soon as possible. Failure to obtain approval for vacations or communicate the need for a leave will result in the employee not being paid for the missed time away from work. The individual department heads can establish deadlines for calling off work.

Work Hours - The regular work hours for all employees, except police personnel, will be forty (40) hours per week as scheduled by the department head. Work schedules will accommodate for a rest period every four hours and reasonable time off for a meal. Police work hours shall be in accordance with state law.

The city of Bald Knob reserves the rights to change work hours, days of work, and schedules to fulfill its responsibility to the citizens of Bald Knob. Said changes will be announced as far in advance as possible.

Overtime - Overtime will be paid at a rate of 1 ½ times the employees normal salary for all hours worked over those set forth in the Section 3.2

On a case by case basis, with the approval of the City Council, compensation for overtime may be made in the form of compensatory leave for the employee. When granted, it must be used within three months unless other arrangements have been made. It will be scheduled just like vacation time.

Vacancies & Promotions - It is the intent of the city of Bald Knob to hire or promote the most qualified applicant for all positions. To give current employees an opportunity to apply for vacant positions, notices will be posted within city hall of job openings.

Training - The city of Bald Knob is committed to the professional development of all employees. Requests for additional training that applies directly to the employees current position can come either from the employee or from the department head as part of a corrective action on a job evaluation. Such requests will be reviewed by the City Council. When granted, the city of Bald Knob will assume all expenses.

Evaluations - All employees of the city of Bald Knob will be evaluated on job performance on a routine basis. Evaluations will be performed with the forms provided by the city. Evaluations may be performed at anytime; however, the following times are mandatory:

New Hires:

1. Biweekly for the first two months. At the end of this period the determination will be made to keep the employee or to terminate them.
2. At six months of employment.
3. Annually on the date of hire

Current employees will be reviewed twice annually:

1. On the anniversary date of hire.
2. Six months after anniversary date of hire.

All evaluations will include a section for responses by the employee and the department head. If sub-par performance is indicated, a corrective action for improvement must be noted and agreed upon by both parties. Effectiveness of the corrective action will be reviewed at later dates set by both parties.

Safety - Safety on the job should be the first consideration of everyone employed by the city of Bald Knob. This includes not only the individual personal safety of the employee but also other employees and the citizens of the city of Bald Knob. The following items, which are listed by department, are some of the safety concerns that the city of Bald Knob requires each employee in that department to abide by. The list is not all-inclusive.

Police - The use of bulletproof vests and other personal protection devices are mandatory. During stops all police officers are required to maintain radio contact with dispatch. Failure to respond to a "10-50" call can result in disciplinary action. As per Arkansas state law, all police officers are required to re-certify on a routine basis with their firearms.

Water - The use of the "Call before you dig" hotline is mandatory. The closing of streets prior to work is also strongly recommended.

Street - The use of the "Call before you dig" hotline is mandatory. The closing of streets prior to work is also strongly recommended.

Solid Waste - Hazardous materials are not to be removed by the city of Bald Knob. If a question arises as to the composition of an item, leave it and consult with your department head.

Failure to comply with safety regulations is grounds for disciplinary action up to and including termination.

Refusal to Work - Any work stoppages, slowdowns, strikes, or other intentional interruptions of the city shall be grounds for termination.

Resignation/Termination - Please refer to Section 1.2. Employees that resign or retire should, but are not required to, give the city two weeks notice. Failure to give the notice may result in having to wait until the end of the pay period to receive monies due them.

Use of City Equipment - As per state law, the use of city equipment for personal business is prohibited. If discovered doing so, the following guidelines will be used: The first offense will result in a written warning that will be placed in the employee's file, the second offense will result in a three-day suspension without pay. A letter from the Department Head stating the reason for the suspension will be placed in the employee's file; the third offense will result in termination. A letter from the Department Head stating the reason for the termination will be placed in the employee's file.

Department heads not following his policy are subject to immediate termination.

Absenteeism & Tardiness - The city of Bald Knob expects all of its employees to be at work and on time. If an employee is unable to report to work, the department head should be notified as soon as possible. Unexcused absences and tardiness could result in disciplinary action.

Inclement Weather - Inclement weather is defined as weather that forces the closure of the Bald Knob Public School System. If this condition is met, the Mayor has the right to close certain city offices for safety considerations. If city offices are not closed the employee is expected to report for work or arrange for vacation.

Outside Employment - Outside employment of "moonlighting" is permissible if it does not interfere with your job with the city of Bald Knob; if it does not occur during city business hours; if it does not involve the use of city equipment or resources; if it does not adversely affect the image of the city.

If the outside employment does not meet these conditions, the employee is subject to termination.

Disciplinary Action - Disciplinary action may include but not limited to:

Warning - A verbal or written notice about sub-par performance or actions.

Suspension - The removal of the employee from their job for a period of time. It may be with or without pay.

Demotion - An action that places an employee in a position of less authority and/or pay.

Termination - Removal of an employee from city employment.

(Ord. No. 2000-1, Sec. 3.)

2.48.05 Labor grade listing

A3E (Animal Control Enforcement) - This pay grade has been established for all Animal Control Officers and/or all other personnel designated to fulfill this task and/or other assigned tasks.

CC1 (Court Clerk) - This pay grade has been established for the Court Clerk and/or other personnel designated to fulfill this task and/or other assigned tasks.

CC2 (Deputy Court Clerk) – This pay grade has been established to fill the position of assistant to the Court Clerk and other assigned tasks.

P1 (Police Supervision) - This pay grade has been established for the department head of the Police Department.

P1A (Police Assistant Chief) - This pay grade has been established for the position of Assistant Chief. This position answers to the Chief and assumes those responsibilities in his absence.

P2E (Police Sergeant) – This pay grade has been established for all police personnel with the rank of sergeant or above.

P2D (Police Dispatch Sergeant) – This pay grade has been established for the position of dispatch Sergeant.

P3D (Police Dispatch) - This pay grade has been established for all police dispatch personnel under the rank of Sergeant.

P3E (Police Enforcement) - This pay grade has been established for all police enforcement personnel under the rank of Sergeant.

P3EC (Police Enforcement Certified Officer) – This position is for new hired certified officers.

P4 (Police Office) - This pay grade has been established for all non-uniformed police personnel.

S1 (Street and Solid Waste Supervision) - This pay grade has been established for the department head of the Street Department.

S2 (Street and solid Waste Supervision) - This pay grade has been established for general supervision personnel that assist the Department Head in running the overall street operation.

S3 (Street and Solid Waste Field Technician) - This pay grade has been established for all street personnel that work in the “field.”

S4 (Street and Solid Waste Office) - This pay grade has been established for all non-field street personnel.

W1 (Water Supervision) - This pay grade has been established for the Department Head of the Water Department.

W2 (Water Team Leader) - This pay grade has been established for general supervision personnel that assist the Department Head in running the overall water operation.

W3 (Water Field Technician) - This pay grade has been established for all water personnel that work in the “field.”

W4 (Water Office) - This pay grade has been established for all non-field water personnel.

W5 (Water Office) – This pay grade has been established for water office personnel not in supervisory position.

WW1 (Waste Water Treatment Plant Operator/Team Leader) – This pay scale established for licensed operator of waste water treatment facility.

H1 (Housekeeping) – This pay grade established for all personnel responsible for the day-to-day normal housekeeping of city facility as designated.

A1 (Administrator) – This position has been established for the purpose of administering the daily functions of the city department and offices in the event that the elected Mayor cannot devote necessary time.

A2 (Administrative Assistant) – This pay grade has been established for the aide to the Mayor or the Administrator.

CE1 (Code Enforcement) – This pay grade has been established for the position of code enforcement of city ordinances.

AMB 1 (Ambulance Office) – This pay grade established for the clerical position of our volunteer ambulance service, processing forms, billings and mandated reports.
(Ord. No. 2010-3, Sec. 1.2)

Pay Scale

	Bottom	Top
Code Enforcement	8.00	10.00
ACCT p/t	10.00	14.00
ADM 2	8.00	10.00
A3E	9.00	11.00
CC1	12.00	16.00
CC2	10.00	14.00

H1	8.00	10.00
P1	15.00	20.00
P1A	12.00	14.00
P2E	11.00	13.00
P3E	10.00	13.00
P3EC	11.00	13.00
P2D	11.00	13.00
P3D	8.00	10.00
P4	11.00	13.00
S1	13.00	16.00
S2	10.00	13.00
S3	9.00	11.00
W1	10.00	18.00
W2	10.00	14.00
W3	9.00	12.00
W4	10.00	14.00

(Ord. No. 2010-3, Sec. 1.3)

Types of Raises

Merit Raise - An adjustment of pay afforded an employee because of either passage of a probationary period or exceptional performance.

Cost of Living Raise - An adjustment of pay on an annual basis to off-set the increased cost of living.

Provisions and Guidelines

Cost of Living Raises are given to all city employees on an annual basis which is usually in January providing the budget will allow.

After an employee has reached the top pay scale of a labor grade, their salaries cannot be adjusted above that point except with Cost of Living Raises.

Advancement between one pay scale and another is based on job content, acceptance of additional work related responsibility such as supervision, and/or promotion in rank.

Advancement in grade for only additional compensation purposes is prohibited.

Requests for advancement in grade must be made in writing and contain a justification for the request. All advancements in grade must be approved by the City Council of the city of Bald Knob, Arkansas.

All Department Heads requesting Merit Raises for their employees must submit their request in writing. The request must contain a justification for the raise.

Prior to being presented to the entire City Council, Merit Raises must first be approved by the Budget Committee. (Ord. No. 2010-34, Sec. 1.5.)

2.48.06 Standards of conduct

Conduct Toward the Public - the city of Bald Knob expects all employees to maintain a courteous and helpful attitude toward the public. The public is expected to also be courteous. In the event that an employee or supervisor is subjected to loud or profane language, the employee or supervisor may quietly ask the offender to cease the abusive behavior. If such behavior continues, then the offender should be asked to leave.

Unlawful Harassment - The city of Bald Knob prohibits any form of harassment based on race, religion, or sex. It is the employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If harassment or suspected harassment is taking place, the employee should notify the Department Head or Mayor in writing. The department head or Mayor will determine if an investigation is warranted. Action will then be taken as appropriate.

Retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment will not be tolerated. Disciplinary action will be taken against such offenders.

Voting - The city of Bald Knob encourages its employees to exercise this right. With this in mind, time will be permitted the employees to vote as it can be arranged by their supervisor without a disruption of city services.

Drug Free Workplace - It is the policy of the city of Bald Knob to create a drug free environment in which our employees may work. The use of controlled substances is inconsistent with the behavior expected of all employees and said use puts not only the employee but also the general public at risk. Therefore, the unlawful manufacture, distribution, dispensation, possession sale, or use of a controlled substance in the workplace or while engaged in city business for the city of Bald Knob or while on city property is prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the city of Bald Knob. Violation of this policy may subject the employee to disciplinary action up to and including termination. (Ord. No. 2000-1, Sec. 4.)

CHAPTER 2.52

EMERGENCY RESPONSE EXPENSE

Sections:

- 2.52.01 Definition
- 2.52.02 Expenses
- 2.52.03 Collection

2.52.01 Definition Definitions as used in this ordinance:

Expense of an Emergency Response shall mean the costs and expenses incurred by the city in providing, sending and/or utilizing Police, Firefighting, Rescue and/or Emergency Medical services to a motor vehicle accident where one of the drivers was operating a motor vehicle under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, and is found guilty of or pleads guilty to a violation of the Arkansas Omnibus DWI Act (A.C.A. 5-65-101, et seq.), provided that the costs and expenses shall only include those costs and expenses directly arising because of the city's response to a particular accident. (Ord. No. 88-13, Sec. 1.)

2.52.02 Expenses Hereinafter, any person within the corporate limits of the city of Bald Knob, White county, Arkansas, who, while under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, and who is found guilty of or pleads guilty to operating a motor vehicle and proximately caused an accident resulting in an emergency response shall be, upon conviction of violation of the Arkansas Omnibus DWI Act (A.C.A. 5-65-101, et seq.), responsible and liable for the expenses of the emergency response. (Ord. No. 88-13, Sec. 2.)

2.52.03 Collection The actual costs and expenses incurred by the city in providing the emergency services as set forth above shall be levied against any person pleading guilty to or being found guilty of the Arkansas statute above and said additional costs shall be collected by the Bald Knob City Clerk. (Ord. No. 88-14, Sec. 1.)

CHAPTER 2.56

INDEPENDENT CANDIDATES

Sections:

- 2.56.01 Filing petitions

2.56.01 Filing petitions From and after the enactment of this ordinance, all independent candidates for municipal office in the city of Bald Knob, Arkansas, shall be required to file

petitions for nomination as such independent candidates in accordance with the laws of the state of Arkansas respecting the said petitions, with the County Board of election Commissioners no later than noon on the day before the preferential primary election as otherwise determined by law. (Ord. No. 87-02, Sec. 1.)

CHAPTER 2.60

CONTRIBUTION AND DEFERRED COMPENSATION PLAN

Sections:

2.60.01	Adoption
2.60.02	Board of Trustees
2.60.03	Amendments
2.60.04	Administrative services
2.60.05	Termination
2.60.06	Assets held in trust

2.60.01 Adoption The City/Town adopts the Plan and the Trust Agreement (“Trust”) for the Plan for its employees. (Ord. No. 02-02, Sec. 1.)

2.60.02 Board of Trustees The Cit/Town acknowledges that the Executive Committee of the AML will serve as the Board of Trustees of the AML Defined Contribution and Deferred Compensation Plan (“Trustees”) and shall only be responsible for the Plan and have no responsibility for other employee benefit plans maintained by the City/Town of Bald Knob. (Ord. No. 02-02, Sec. 2.)

2.60.03 Amendments The City/Town is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the Adoption Agreement and plan other Plan documents. The City/Town reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 02-02, Sec. 3.)

2.60.04 Administrative services

- A. The City/Town agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

- B. The City/Town accepts the administrative services to be provided by AML and any services provided by an outside service provider as selected by the Trustees. The City/Town acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the participants' accounts. (Ord. No. 02-02, Sec. 4.)

2.60.05 Termination

- A. The City/Town may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan
 - 2. The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan.

- B. The City/Town acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 02-02, Sec. 5.)

2.60.06 Assets held in trust The City/Town acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of participants and their beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the participating employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 02-02, Sec. 6.)

CHAPTER 2.64

DRUG FREE WORKPLACE

Sections:

2.64.01	Purpose of policy
2.64.02	Policy statement
2.64.03	Safety and security-sensitive positions defined
2.64.04	Drug-Free Awareness Program/education and training
2.64.05	Prohibited substances/legal drugs/unauthorized items
2.64.06	Use of alcohol and drugs/prohibited conduct
2.64.07	When drug and alcohol testing may be required of all employees
2.64.08	When drug and alcohol testing may be required of employees holding safety and security-sensitive positions
2.64.09	Disciplinary action
2.64.10	Employment status pending receipt of test results

2.64.01 Purpose of policy The city has a vital interest in providing for the safety and well-being of all employees and the public, and maintaining efficiency and productivity in all of its operation. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol-free workplace.

The city and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the city has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle. (Ord. No. 2014-8, Sec. 1.)

2.64.02 Policy statement

- A. All employees must be free from the effect of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during

breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on city property, in city vehicles, during breaks or at lunch.

- B. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.
- C. The city also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 2014-8, Sec. 2.)

2.64.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
 1. Law enforcement officers who carry firearms and jailers.
 2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees and where the operation of a motor vehicle is not incidental to the employee's occupation. For the purposes of this section, a "motor vehicle" is defined as every vehicle which is self-propelled and every vehicle which is propelled by electric motor obtained from overhead trolley wires but not operated upon rails.
 3. Fire department employees and volunteer firefighters who directly participate in fire-fighting activities.
 4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.

5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
6. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League, and where the operation of a motor vehicle is not incidental to the employee's occupation.

B. A security-sensitive position includes:

1. Any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
2. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery. (Ord. No. 2014-8, Sec. 3.)

2.64.04 Drug-Free Awareness Program/education and training The city will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The city will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The city's Drug-Free Awareness Program will inform employees about:

- A. The dangers of drug and alcohol abuse in the workplace;
- B. The city's policy of maintaining a drug and alcohol-free workplace;
- C. The availability of drug and alcohol treatment, counseling and rehabilitation programs;
- D. The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the city shall provide educational materials that explain the city's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life;

signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probably alcohol misuse and drug use. (Ord. No. 2014-8, Sec. 4.)

2.64.05 Prohibited substances/legal drugs/unauthorized items

- A. **Prohibited Substances** Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. Section 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, A.C.A. Section 5-64-201-216, or as defined by federal and state law), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.
- B. **Legal Drugs** The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.
- C. **Unauthorized Items** Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia. (Ord. No. 2014-8, Sec. 5.)

2.64.06 Use of alcohol and drugs/prohibited conduct All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04% or greater.
- B. Employees shall not consume alcohol while on duty.

- C. Employees required to undergo post-accident testing shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol tests.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.
- F. Employees shall not abuse, knowingly overmedicate, inappropriately consume or otherwise mistreat any prescription drugs approved by the employee's physician.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than twenty-four (24) hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety-sensitive functions. (Ord. No. 2014-8, Sec. 6.)

2.64.07 When drug and alcohol testing may be required of all employees Employees and applicants covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer testing in the following circumstances:

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs.

For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. A supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use must make the required observations.

- B. Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.

- C. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- D. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- E. When an employee 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. Such testing will be required of non-safety sensitive employees 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.
- F. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04 or greater) must have a verified negative drug test and/or and alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed twenty-four (24) months from the date of the employee's return to duty, in accordance with an SAP's recommendations. The city also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.

- G. When any prohibited drug or alcoholic beverage is found in an employee's possession.

- H. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem. (Ord. No. 2014-8, Sec. 7.)

2.64.08 When drug and alcohol testing may be required of employees holding safety and security-sensitive positions Employees in and applicants for safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- A. When safety-sensitive employee is involved in an accident involving a motor-vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C., Section 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League. (Ord. No. 2014-8, Sec. 8.)

2.64.09 Disciplinary action

- A. Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:
 - 1. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
 - 2. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.

3. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on city property, in city vehicles, during breaks or at lunch.
4. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.
5. Refusal to cooperate in a search.
6. Having an alcohol concentration of 0.04% or greater in any authorized test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the city reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

- B. In order to be re-employed following completion of a suspension for a positive drug or alcohol test, the employee must undergo and pass a return-to-duty drug and/or alcohol test, and be evaluated and released by an SAP.

The city will schedule the return to duty drug and/or alcohol test and the evaluation by an SAP to avoid any lost work time beyond the period of the suspension. The employee will remain on disciplinary suspension, without pay, until the city has received written notice that the employee has passed the return-to-duty drug test (and/or notice from the collection site that the employee has an alcohol concentration of less than 0.02 in the return-to-duty alcohol test) and written notice from an SAP that the employee has been released to return to duty. However, the employee may use accumulated leave time between the end of the original suspension and being released to return to work.

If the employee tests positive for any drug or has an alcohol concentration of 0.02 or greater in any subsequent test, he/she shall be subject to discharge.

- C. Rehabilitation and Additional Testing. In cases where an employee receives disciplinary action other than discharge for a drug and/or alcohol related infraction, the following procedures shall also apply:

1. The city may require the employee to participate in an approved treatment, counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of an SAP.
2. If the employee is required to enroll in such a program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration.

The employee must submit to any drug and/or alcohol testing administered as part of the program, and provide the city with the results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. Failure to provide such reports or the results of such tests may result in discipline up to and including termination.

3. An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to twenty-four (24) months. (Ord. No. 2014-8, Sec. 9.)

2.64.10 Employment status pending receipt of test results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which give rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results. (Ord. No. 2014-8, Sec. 10.)