

Benton County

Employee Policy Handbook



Benton County Employee Policy Handbook

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Article 1. PURPOSE

- Section 1.01 The purpose of this document is to establish at-will employment as the default employment policy for the county and to state the *General Employment Policies* issued by the Quorum Court in its capacity as the legislative branch of county government. The General Employment Policies set forth herein apply uniformly to all county employees because they relate exclusively to “employee practices and policies of a general nature.”
- Section 1.02 *Executive Employment Policies* are those adopted by an elected county officer to apply to the employees of that office in the course of administering the day-to-day administrative responsibility of his or her elected office. A.C.A. § 14-14-805(2). An elected official can create and administer his own employee discipline measures, subject, however, to the condition that these cannot contravene these general, uniformly applicable measures adopted by the quorum court.
- Section 1.03 Each and every county employee is entitled to request a hearing before the County Grievance Council in the event the employee believes that the executive decision of an elected official violates the Constitution, the Law, or the General Employment Policy duly adopted by the Quorum Court.
- Section 1.04 Nothing in this General Employment Policy adopted by the Quorum Court creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

Article 2. GENERAL COUNTY POLICY

- Section 2.01 The county is to treat all employees and citizens in a manner that is: 1) rationally related to the
- Section 2.02 effectuation of legitimate county objectives and 2) uniformly applied to all persons similarly situated.
- Section 2.03 No official or employee of the county is to abuse or misuse his or her governmental power.
- Section 2.04 No official or employee is to engage in any overt act that is either illegal (contrary to applicable statutes or judicial rulings) or unconstitutional (contrary to the U.S. Constitution or the Arkansas Constitution).
- Section 2.05 No official or employee is to omit the performance of any duty that is *affirmatively* required by applicable laws (statutes or judicial rulings).

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- Section 2.06 No official of county government shall “be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the county ... or accept or receive any property, money, or other valuable thing, for his [or her] use or benefit on account of, connected with, or growing out of any contract or transaction of a county”, except as provided by ordinance pursuant to Ark. Code Ann. 14-14-1202.
- Section 2.07 Each elected official of the county is to fully and completely administer the day-to-day affairs of his or her office of county government on behalf of the county, in a manner that is in accord with applicable laws (statutes or judicial rulings), the constitutions (U.S. and Arkansas), and this general county policy.
- Section 2.08 Use of deadly force against another person by the Sheriff or any Deputy Sheriff is limited to the following:
- (a) to affect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes:
 - (b) there is probable cause to arrest the felony suspect;
 - (c) the felon cannot otherwise be apprehended; and,
 - (d) the felon either:
 - (i) had used deadly force in the commission of the felony or,
 - (ii) would use deadly force against the officer or others if not immediately apprehended or,
 - (iii) to defend himself or a third person from what he reasonably believes to be the use of imminent use of deadly force.

Article 3. COUNTY EMPLOYMENT POLICY

- Section 3.01 Pursuant to its authority as the legislative branch of county government, the Quorum Court adopts “at-will” employment as the default employment policy for each county employee. At-will employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause.
- Section 3.02 Unless rehired by a newly elected supervising county official, employment shall cease at the conclusion of the county's biennium (December 31 of even-numbered years). If, notwithstanding this document, any employee contends that he or she has a property right in his or her employment or a substantial expectancy of continued employment (express, implied, written, or oral) until "just cause" exists for reduction or removal in pay or position, then that employee shall assert such contention at a "property right" grievance hearing requested in the time and manner set forth in this policy.

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Section 3.03 It is the county's policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.

Article 4. REDUCTION OR REMOVAL OF PAY OR POSITION

Section 4.01 A county official may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate *county objective*.

Section 4.02 *It is not possible* to list all “rational bases” for reduction or removal of pay or position; however, examples include (without limitation):

- (a) misrepresentation, dishonesty, or self-dealing conduct;
- (b) intemperate conduct;
- (c) insubordination, including the failure or refusal to follow the legal orders of an employee’s supervisory or other supervisors;
- (d) negligent, reckless, knowing, or intentional destruction of county property;
- (e) abuse or misuse of an employee’s position as a county employee;
- (f) any conduct, acts, or omissions that interfere with or impair and employee’s ability to properly and effectively perform your duties as a county employee;
- (g) any rational change in the mode or manner of operations, including any rational decision regarding the persons selected by the county official for the delivery of county services;
- (h) theft or inappropriate removal or possession of property;
- (i) falsification of timekeeping records;
- (j) working under the influence of alcohol or illegal drugs;
- (k) 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;
- (l) fighting or threatening violence in the workplace;
- (m) boisterous or disruptive activity in the workplace;
- (n) negligence or improper conduct leading to damage of employer-owned property;
- (o) disrespectful conduct;

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- (p) violation of safety or health rules;
- (q) smoking in prohibited areas;
- (r) sexual or other unlawful or unwelcome harassment;
- (s) possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- (t) excessive absenteeism or any absences without notice;
- (u) unauthorized use of telephones, mail system, or employer-owned equipment;
- (v) unauthorized disclosure of confidential information; and/or
- (w) unsatisfactory performance or conduct.

Article 5. CONSTITUTIONALLY PROTECTED CONDUCT

- Section 5.01 It is the policy of this county not to violate the Constitution or the laws of Arkansas or the United States.
- Section 5.02 Should any applicant, employee, or person requesting county assistance or services contend that he or she has been unlawfully discriminated against because of the race, color, religion, gender, national origin, age, or disability or that he or she has been unlawfully punished for the exercise of a constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy, etc.) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall request, in the time and manner set forth in this county employment policy, a "liberty right" hearing before the County Grievance Council to provide the county's final policymaker with authority and opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of county officials and county employees to the requirements of county policy.

Article 6. HIRING AND PROMOTING

- Section 6.01 The at-will employment policy set forth herein applies equally to hiring and promoting. Nothing herein shall create a property right in employment, entitlement to be hired or promoted, or an expectancy of continued employment. Nothing herein establishes grounds upon which hiring or promoting must be based.

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Article 7. IMMIGRATION LAW COMPLIANCE

- Section 7.01 Benton County is compliant with the Immigration Reform and Act of 1986. Every new employee at Benton County is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.
- Section 7.02 The employee must complete Section I of the form no later than the first day of work. The employer must view your documents and complete Section II no later than the third business day of the employee's first day of work. The I-9 form is available in the Human Resources Department and during new employee orientation.
- Section 7.03 If the employee must order copies of required documents, he/she must submit receipts of the order of documents within 3 days and the official copies of the documents within 90 days.
- Section 7.04 If you leave Benton County and are rehired, you must complete another Form I-9 if the previous I-9 with Benton County is more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9. If you have questions or want information on immigration laws, contact the Human Resources Department.
- Section 7.05 Prospective employees who are required to register with the selective service system must certify compliance with the Military Selective Service Act as a condition for employment.

Article 8. EMPLOYEE BENEFITS

- Section 8.01 Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

Article 9. INFORMAL PROCEDURE FOR REPORTING/ RESOLVING PERCEIVED HARRASSMENT

- Section 9.01 This policy provides an informal procedure for reporting any conduct or condition perceived to be race, color, religion, gender, sex, national origin, age, or disability harassment to enable the county to receive timely notice and to act affirmatively, if needed, to assure compliance with the law. If this informal procedure does not achieve the desired result, the affected person should utilize the Grievance Hearing procedure to bring the matter before the County Grievance Council. Race, color, religion, gender, sex, national origin, age, or disability harassment (by conduct or condition) is prohibited.

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- Section 9.02 If the conduct of a county official or a county employee, or a workplace condition is considered to be harassment due to race, color, religion, gender, sex, national origin, age, or disability, it should be reported immediately to any supervisor, elected official, or the County Attorney or the human resources manager.
- Section 9.03 The supervisor or elected official receiving any such report shall report the matter to the appropriate elected official or officials which, for the implementation of this procedure, shall be the elected official(s) responsible for managing the day-to-day affairs of the office of county government in which the alleged harassment occurred or in which the alleged harasser works.
- Section 9.04 Any supervisor or elected official receiving any report of race, color, religion, gender, sex, national origin, age, or disability harassment shall take appropriate action and make report to the County Attorney or the human resources manager to remedy any race, color, religion, gender, sex, national origin, age, or disability harassment and shall respond to the person reporting the matter so the person originating the report can be informed of the action taken.
- Section 9.05 If the person reporting the alleged harassment is not satisfied with the action taken or if the alleged harassment continues, that person shall report the matter to the county's Prosecuting Attorney or Deputy Prosecuting Attorney.
- Section 9.06 Except to the extent needed to implement this policy and remedy the alleged harassment, the identification of the person reporting the conduct or condition shall remain confidential.
- Section 9.07 Reporting conditions or conduct reasonably believed to be prohibited harassment shall not adversely affect the reporting citizen or employee.

Article 10. WHISTLE-BLOWER ACT Ark. Code Anno. 21-1-6-1 through 608, 21-1-610

- Section 10.01 The Arkansas Whistle-Blower Act prohibits a public employer from taking adverse action against a public employee who communicates, in good faith, to an appropriate authority the existence of waste of public funds, property, or manpower, or a violation of the law;
- Section 10.02 participates, or gives information in an investigation, hearing, court proceeding, legislative inquiry, or administrative review; or
- Section 10.03 objects to carrying out a directive the public employee reasonably believes violates the law.
- Section 10.04 Good faith is lacking when the public employee does not have personal knowledge of a factual basis for the communication or when the public

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employee knew or reasonably should have known that the communication of the waste or of the violation was malicious, false, or frivolous.

Section 10.05 The employee may report this violation to his/her supervisor, elected official, county attorney, human resources manager, prosecuting attorney, Office of the Auditor of the State, Arkansas Ethics Commission, or the Office of the Arkansas Attorney general.

Section 10.06 If a public employer takes adverse action against an employee, that employee may bring civil suit against the public employer to recover actual damages and injunctive relief.

Article 11. GRIEVANCE HEARING PROCEDURE

Section 11.01 CAVEAT: The purpose of this Grievance Hearing Procedure is to establish a required procedure to resolve applicant and employee grievances, and to thereby enable the county to voluntarily conform the conduct of county officials and county employees to the requirements of county policy. If the applicant or employee does not follow this affirmatively required county grievance hearing procedure, the county will raise waiver and estoppel as affirmative defenses to any claims against the county filed by the applicant via any administrative or judicial procedures otherwise available for redress of grievances.

Section 11.02 Availability of Property Right Hearings

- (a) At-will employment may be terminated by either the county or the employee at any time without prior notice, without cause, and without any property right hearing.
- (b) Any claim that any employee has a constitutionally protected property right in employment, entitling the employee to continued employment, must be timely asserted in writing by the affected employee in accordance with this Grievance Hearing Procedure, or the property right claim will be waived by the employee.

Section 11.03 Availability of Liberty Right Hearings

- (a) Any claim of illegal county employment discrimination on the basis of race, color, religion, gender, national origin, or disability or because the county is acting in a manner that is arbitrary, capricious, or unreasonable, in hiring, compensation, conditions of employment, discipline, or dismissal must be timely made in writing by the affected applicant or employee in accordance with this grievance hearing procedure.

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- (b) Any claim that any employee treatment, discipline, or dismissal is unconstitutional punishment due to the employee's exercise of a constitutionally protected "liberty right" or other constitutionally protected activity of the employee must be timely made in writing by the affected employee in accordance with this grievance hearing procedure.
- (c) Any claim that any employee treatment, discipline, or dismissal is contrary to the public policy of Arkansas must be timely made in writing by the affected employee in accordance with this grievance hearing procedure.

Section 11.04 Availability of Name Clearing Hearings

- (a) Any claim that any employee's liberty interest in future employment has been damaged as a result of any "stigmatizing charge" publicly communicated by the county must be timely asserted by the affected employee in accordance with this grievance hearing procedure.

Section 11.05 Availability of Hearing Generally

- (a) A grievance hearing requested by an applicant or employee is not required to be held unless it is timely requested in the manner required by this Employee.
- (b) Grievance Hearing Procedure are not required by the constitution or by this policy.
- (c) Neither liberty rights nor property rights are created by this document.
- (d) The county may, in its discretion, hold a hearing prior to any decision or deprivation.

Section 11.06 Timely Request for Grievance Hearings

- (a) It is the applicant's or employee's duty to request a grievance hearing.
- (b) The applicant or employee must timely file a written grievance hearing request after any claimed deprivation of the applicants or employee's liberty or property, or any right to a hearing or to object to the deprivation shall be waived.
- (c) The grievance hearing request should state, in writing:
 - (i) the grievance for which a hearing is requested;
 - (ii) the factual basis of the grievance; and
 - (iii) the relief sought.
- (d) The written grievance hearing request shall be delivered to the County Grievance Council in care of the County Judge no later than

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four-thirty o'clock (4:30) p.m. on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a grievance hearing is requested.

- (e) Any dismissal decision shall automatically be a suspension with pay for three full business days (weekends and holidays excluded) during which time the employee subject to dismissal may request a pre-deprivation hearing, in which case the suspension with pay shall continue until the conclusion of the County Grievance Council hearing. All accrued but unpaid leave time -- e.g., vacation, comp. time, etc. -- will automatically run concurrently with the period of suspension with pay, unless the employee prevails in his or her grievance. Any discipline decision that will result in reduction or removal of pay or position shall automatically be deferred for three full business days (weekends and holidays excluded) during which time the employee subject to discipline may request a pre-deprivation hearing, in which case the deferral shall continue until the conclusion of the County Grievance Council hearing. If the employee is not successful, the effective date of termination is retroactive to the end of the automatic 3-day suspension period.
- (f) The Grievance Council shall respond in writing to all timely submitted Grievance Hearing Requests stating:
 - (i) the time and place of the hearing, if the hearing request is granted, which shall be no later than 14 working days of the request, and
 - (ii) the reason for denial, if the hearing request is denied.

Section 11.07 Hearing Procedures

- (a) After an employee requests a grievance hearing, the employee shall be notified of the date, time, and place of the hearing.
- (b) If the set time/date of the hearing is not acceptable, the grievant may request a change in date, time, and/or place.
- (c) If the grievant fails to notify the Office of the County Judge of the intent to cancel the hearing, within twenty-four (24) hours of the hearing, they may be charged for the expenses incurred to hold the hearing, with the expense being withdrawn from his/her final paycheck.
- (d) **SUSPENSION WITH PAY:** If it is determined that the grieving employee should continue to work until the hearing is concluded, the employee may be requested to perform duties for the benefit of the County with pay pending the outcome of the hearing.

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- (e) HEARING RECORD: The hearing shall be reported by a court reporter (not merely a tape recorder) for transcription upon request by either party at the expense of the requesting party.
- (f) PROCEDURAL ISSUES: At the hearing, on the record, the parties shall suggest any desired hearing procedures and state any complaints regarding: a) the notice; b) the date, time, or place of the hearing; c) the opportunity to refute fairly the charges; and d) the impartiality of the decision maker(s).
- (g) RULES OF PROCEDURE AND EVIDENCE: Informal rules of procedure and evidence (Ark. Code Ann. 25-15-208) shall be followed
 - (i) witnesses shall testify under oath;
 - (ii) parties shall be allowed, at their own expense, to obtain and use legal counsel for representation;
 - (iii) parties shall be allowed to obtain and use the presence of witnesses for examination, cross-examination, and rebuttal; and
 - (iv) parties shall be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.
- (h) PUBLICATION: The County Grievance Council shall hear the evidence offered by the parties, hear any argument desired by the parties, and vote without public discussion or deliberation. Only the decision and not the factual or legal reasons therefore, shall be announced publicly. The hearing shall be held in public if so required by the F.O.I.A.; however, the employee may, at any time, decline the hearing and accept the intended discipline or dismissal.
- (i) CONFIRM IN WRITING: After the hearing, the grieving applicant or employee shall be sent a letter stating the factual and legal bases found by the County Grievance Council for any refusal or removal of pay or position.

Section 11.08 Hearing Issues and Burdens of Proof

- (a) Property Interest Hearings
 - (i) Since this County employment policy affirmatively creates at-will employment, the employee has the burden of proving by a preponderance of the evidence that he or she has a property interest in his or her employment.

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- (ii) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving "just cause" for the supervisory official's intended discipline or dismissal of the employee.

Section 11.09 Liberty Interest Hearings

(a) Claim of Arbitrary Discrimination (Unequal Treatment)

- (i) The grieving employee has the burden of proving by a preponderance of the evidence that he or she is being treated differently than another person otherwise similarly situated with the employee.
- (ii) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the reason for the difference in treatment is rationally related to the effectuation of a legitimate County objective.
- (iii) Claim of Unconstitutional Punishment The employee has the burden of proving by a preponderance of the evidence that he or she has engaged in constitutionally protected conduct that was a substantial or motivating factor in any adverse employment decision, discipline, or dismissal.
- (iv) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving that the adverse employment decision, discipline, or dismissal would have occurred even in the absence of the constitutionally protected conduct.

(b) Claim of discrimination due to race, color, religion, gender, sex, or national origin

- (i) The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is being treated or affected differently than another person who, other than for race, color, religion, gender, sex, or national origin, is similarly situated with the applicant or the employee.
- (ii) Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven inequality of treatment or effect is necessary to effectuate a compelling County objective.

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- (c) Claim of Discrimination Due to a Disability
- (i) The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is a qualified individual with a disability who, because of the disability, is being treated or affected differently than another person in regard to job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment.
 - (ii) Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven difference in treatment or effect is job-related and necessary to effectuate a legitimate county objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in undue hardship on the county.
 - (iii) Definitions: The following definitions apply to claims of discrimination due to a disability.
 - 1) "Disabled" or "disability": A physical or mental impairment that substantially limits one or more of the major life activities of an individual; having a record of such an impairment; or being regarded as having such an impairment.
 - 2) "Regarded as having such an impairment": includes those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.
 - 3) "Discrimination" includes:
 - a) Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status;
 - b) Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination;

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- c) Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;
 - d) Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with county necessity;
 - e) Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the county; or
 - f) Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.
 - g) "Reasonable accommodation" examples include:
 - i) Making existing facilities used by employees readily accessible to the disabled;
 - ii) Job restructuring;
 - iii) Flexible or modified work schedules;
 - iv) Reassignments to other positions; and
 - v) The acquisition or modifications of equipment or devices.
- 4) "Undue hardship": an action requiring "significant difficulty or expense," considering:
- a) The overall size of the county with respect to the number of employees, number and type of facilities, and size of the budget;
 - b) The type of operation maintained by the county including the composition and structure of the work force of that entity; and

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- c) The nature and cost of the accommodation needed.
- 5) "Qualified individual with a disability": an individual with a disability who, with or without reasonable accommodation, can perform the "essential functions" of the employment position held or desired.
- 6) "Essential functions": job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions.)
- 7) "Disabled" or "disability": A physical or mental impairment that substantially limits one or more of the major life activities of an individual; having a record of such an impairment; or being regarded as having such an impairment.
- 8) "Regarded as having such an impairment": includes those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.
- 9) "Discrimination" includes:
 - a) Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status;
 - b) Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination;
 - c) Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;
 - d) Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with county necessity;
 - e) Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the county; or

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- f) Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.
- 10) "Reasonable accommodation" examples include:
 - a) Making existing facilities used by employees readily accessible to the disabled;
 - b) Job restructuring;
 - c) Flexible or modified work schedules;
 - d) Reassignments to other positions; and
 - e) The acquisition or modifications of equipment or devices.
 - 11) "Qualified individual with a disability": an individual with a disability who, with or without reasonable accommodation, can perform the "essential functions" of the employment position held or desired.
 - 12) "Essential functions": job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions.)
- (d) Claim of Completely Arbitrary Decision
 - (i) The grieving employee has the burden of proving by a preponderance of the evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the county.
 - (ii) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the action taken against the grieving employee is rationally related to the effectuation of a conceivable legitimate governmental objective of the County.
 - (e) Claim of a Violation of Arkansas Public Policy
 - (i) The grieving employee has the burden of providing by a preponderance of the evidence that he or she is being treated in a manner that violates public policy in Arkansas.
 - (ii) Where the employee meets his or her burden of proof, the supervisor and/or elected official have the burden of proving that the adverse employment decision,

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discipline, or dismissal would have occurred even in the absence of the violation of public policy in Arkansas.

- (f) Name Clearing Hearings
 - (i) The grieving applicant or employee has the burden of alleging that a "stigmatizing charge" has been publicly communicated by the county or a county official or county employee and requesting an opportunity to publicly clear his or her name.
 - (ii) Where the applicant employee meets his or her burden of proof, the county shall provide the applicant or employee a public hearing opportunity to clear his or her name.

Section 11.10 County Grievance Council

- (a) The County Grievance Council shall be five (5) members of the Quorum Court, selected, on the **biennium** by the Quorum Court at their organizational meeting. If the Quorum Court fails to select members of the Grievance Council, then it shall be composed of all members of the Quorum Court. The Grievance Council shall elect a chair from their number who shall serve for the year. The decision of the Grievance Council shall only be advisory to the County Judge.
- (b) The purpose of the grievance hearing is to enable the county, through its Grievance Council, to hear from both the employee and the employee's supervisory official and to thereafter determine whether or not an executive decision of the county official or employee violates the Constitution or the Law. If the decision being challenged in the Grievance Hearing process is determined by the County Grievance Council to violate the Constitution or the Law, then the County Grievance Council shall declare the decision to be unconstitutional or illegal and shall direct the supervising elected county official to modify that executive decision to conform that decision to the requirements of the Constitution or the Law.
- (c) The County Grievance Council is not to substitute its operational judgment for that of an elected official if the decision of the county official or employee does not violate the Constitution or the Law.
- (d) If the employee's supervisory official refuses to abide by the County Grievance Council's decision, then the County

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Grievance Council must either access the courts to seek an order enjoining the supervisory official from acting contrary to the Constitution or the Law, or the County Grievance Council shall be deemed to have acquiesced to the decision of the supervisory official and the decision of the supervisory official shall become the *County's* final decision with respect to the employment action taken.

Section 11.11 Release of Employee Grievance Records

- (a) Public access to employee grievance records is authorized only if approved by the effected employee or authorized by the Arkansas Freedom of Information Act.

Article 12. FMLA LEAVE POLICY

Section 12.01 Purpose. The purpose of the Family and Medical Leave Act (FMLA) of 1993 is to balance the needs of families with the demands of the workplace. It was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers.

Section 12.02 Equality. The FMLA legislation seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available when necessary for both men and women.

Section 12.03 Twelve weeks' unpaid leave. The county will grant up to twelve (12) weeks of unpaid leave per year to employees who need to care for family members.

Section 12.04 Qualifying employees. An employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous twelve (12) months to qualify for FMLA leave.

Section 12.05 Purposes for which leave can be taken. Employees are entitled to take up to twelve (12) weeks unpaid FMLA leave a year for:

- (a) The birth of the employee's child;
- (b) The placement of a child with the employee for adoption or foster care;
- (c) To care for the employee's spouse, child or parent who has a serious health condition;

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- (d) A serious health condition rendering the employee unable to perform his or her job.
- (e) If both parents of a newborn, adopted child, or foster care work for the county, the twelve weeks of protected unpaid leave is divided between both employees.

- Section 12.06 Intermittent leave. The employee may take leave intermittently or on a reduced work schedule when medically necessary due to the employee's or a family member's illness.
- Section 12.07 Notice required. The employee is to provide at least thirty (30) days' notice, if possible, of the intention to take leave.
- Section 12.08 Medical certification. The county requires medical certification that the leave is needed due to the employee's own, serious health condition or that of a family member. The county may, at the county's expense, require a second medical opinion. If the first and second opinion differs, the county may request a third opinion, at the county's expense, which is then binding. All leave accruals and holiday pay will continue while the employee is receiving pay from the use of sick, vacation, or compensatory time. Once an employee stops receiving pay from accrued leave, accruals will cease and holiday hours will not be paid.
- Section 12.09 Unable to return to work. An employee who has used all of the twelve weeks of protected leave and is unable to return to full duty, will be treated as a resignation from county employment. It is important to communicate your situation to your supervisor. An employee is welcome to submit a reasonable accommodation request as defined under the American Disabilities Act.
- Section 12.10 Continuation of benefits. The county will continue the employee's health insurance under the same conditions as if the employee were working. Under this circumstance, the employee will still be required to pay his or her share of the premium if the county's health insurance plan provides for such co-payments. Leave under this Act is not a "qualifying" event under COBRA. If the employee does not return to the job, the employee shall be liable to the county for repayment of the health insurance benefits paid by the county during the employee's FMLA leave.
- Section 12.11 Return to the job. Upon returning from leave, an employee is entitled to be restored to the same or equivalent position with equivalent pay, benefits and other terms and conditions of employment.

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- Section 12.12 Concurrent leave. FMLA leave will automatically run concurrent with all other available leave time. (E.g., sick leave, maternity leave, etc.)
- Section 12.13 Service Member FMLA. The Family Medical Leave Act was amended to provide leave rights related to military service to eligible employees who are working for covered employers. This policy supplements current FMLA policy. Except as mentioned in this section, an employee's rights and obligations to Service Member FMLA Leave follows the existing FMLA policy.
- (a) Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Examples of qualifying exigency leave could include: Arranging for childcare, attending pre-deployment briefings, attending family support meetings.
- (b) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to a combined total of 26 weeks of all types of FMLA leave in a single 12-month period to care for the service member.

Article 13. DRUG-FREE WORKPLACE

- Section 13.01 Benton County prohibits the unlawful manufacturing, distribution, dispensation, sales, possession or use of any illegal drug or alcohol by employees in its workplace.
- Section 13.02 Each employee agrees, as a condition of employment, to abide by this policy and to notify his or her supervisor and/or elected official no later than five days after any conviction under a criminal drug statute for a violation that occurred in the workplace.
- Section 13.03 Under no circumstances may an employee operate a County vehicle while on a prescribed medication that may influence his/her abilities to function at normal capacity. If your physician prescribes a medication, inform your supervisor, prior to beginning work. Failure to comply may result in your termination.

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- Section 13.04 All employees are subject to reasonable suspicion testing and post-accident testing if operating county equipment or vehicle.
- Section 13.05 All job applicants at the time of hiring will be subject to pre-employment drug testing. Results must be received by the human resources department prior to starting work for the county.
- Section 13.06 An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR390.4 (and receives a citation for a moving traffic violation in this section) by the Rules, may be suspended immediately with pay until the results of the drug or alcohol test are received by the county's Human Resource Department.
- Section 13.07 Public safety employees are subject to testing by the county to detect the presence of controlled substances and alcohol in their body, including:
- (a) Pre-employment Testing (controlled substances only)
 - (b) Reasonable Suspicion Testing
 - (c) Random Testing
 - (d) Post-accident Testing
 - (e) Return-to-duty and Follow-up Testing.
- Section 13.08 Public safety employees subject to testing shall include only employees whose duties require them to:
- (a) Maintain a commercial driver's license; or
 - (b) Drive a vehicle as a part of the employee's normal county duties (excluding to and from work); or
 - (c) Carry a firearm; or Routinely operate an emergency vehicle (one equipped with siren and red or blue lights) in order to lawfully carry out their duties; or
 - (d) Serve as mechanics on county vehicles; or
 - (e) Be prepared to use justified physical force against persons to maintain order or secure security for persons detained by the county.

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- Section 13.09 The Drug and Alcohol Testing Procedures required by the U.S. Department of Transportation (the Rules) shall be the procedures followed by the county, which procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.
- Section 13.10 Upon the county's adoption of this policy, or at the point of hiring, each county employee shall certify in writing that:
- Section 13.11 The employee has been informed of and understands his or her obligations under the county's drug and alcohol testing policy and the drug and alcohol regulation of the U.S. Department of Transportation;
- Section 13.12 The employee understands that the use or possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident;
- Section 13.13 The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and
- Section 13.14 The employee understands that, as a condition of employment, the employee must submit to collection of breath, urine, blood, and/or saliva samples when requested by the county employer or contractor acting for the county employer and, also, that the employee may be subject to drug and alcohol testing in other circumstances including, but not limited to post-accident and when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions concerning controlled substances or alcohol.
- Section 13.15 Drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules.
- Section 13.16 Reasonable suspicion testing shall not be conducted until after the facts are reviewed by the Prosecuting Attorney's office or the County Attorney and the reviewing attorney agrees with the supervising elected official that reasonable suspicion exists under the particular facts of the particular case.
- Section 13.17 The following shall result in immediate discharge:
- (a) Refusal to take a mandated test for drugs or alcohol;
 - (b) A positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test; or
 - (c) A positive alcohol test result.

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- Section 13.18 Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the county's
- Section 13.19 'Designated Representative' receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed to the county by the employee. The county shall withhold from the employee's paycheck the cost of the second (split sample) test to reimburse the county. A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.
- Section 13.20 An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.5 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the county's 'Designated Representative.'
- Section 13.21 Prescription Drugs, Over-the-Counter Drugs, and Medical Marijuana. Prescription drugs and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription—however, a safety-sensitive employee who has been prescribed a medication that might cause drowsiness or otherwise impair the employee's ability to safely perform job functions shall notify the employee's supervisor and provide a written statement from the prescribing practitioner certifying that such use will not impair the employee's ability to safely perform his or her essential job functions. When proper notification is made and a licensed medical practitioner's statement is provided, a reasonable effort will be made to temporarily assign the employee to another position, if available. The illegal or unauthorized use of prescription drugs is prohibited. Medical marijuana usage under the Arkansas Medical Marijuana Amendment is subject to Act 593 of 2017, which restricts an employee in a safety-sensitive position from performing those duties if a positive test result occurs even if the employee is a qualifying patient under the Amendment and/or holds a registry identification card.

Article 14. COMPENSATORY TIME

- Section 14.01 Police officers and similar public safety employees (including jailers) who perform work such as preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; interviewing witnesses; interrogating and fingerprinting

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- suspects; preparing investigative reports; and similar work are eligible for overtime compensation.
- Section 14.02 Otherwise, only employees defined by the Fair Labor Standards Act (Title 29, Part 541 of the Code of Federal Regulation) as "non-exempt" - which means NOT employed in a bona fide "executive, administrative, or professional capacity" -- will be entitled to overtime compensation.
- Section 14.03 As authorized by the Fair Labor Standards Act, the county's employees who are eligible to receive overtime compensation shall receive, in lieu of over-time pay, compensatory time off at a rate of one and one-half hours for each hour of time worked in excess of the normal work period.
- Section 14.04 The normal work period shall be 40 hours per week for all employees except employees engaged in the provision of law enforcement (including jailer). The normal workweek for law enforcement (including jailer) shall be no more than 80 hours in a 16-consecutive day work period (including weekends.) Non-exempt employees should not access job-related e-mails or conduct other county business outside of scheduled work hours unless approved by the elected official or department manager.
- Section 14.05 Overtime shall only be worked in emergencies or when public health, welfare, and the safety of the general community are in danger.
- Section 14.06 No employee shall accrue more than 40 hours of compensatory time. After accruing the maximum 40 hours of compensatory time, an employee eligible to receive overtime compensation shall be paid overtime in cash (subject to the normal withholdings for taxes and etc.)
- Section 14.07 An employee who has accrued compensatory time shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation of not less than:
- (a) the average regular rate received by such employee during the last three (3) years of the employee's employment; or
 - (b) the final regular rate received by such an employee, whichever is higher.
- Section 14.08 An employee who has accrued compensatory time off and who has requested the use of such compensatory time off shall be permitted to use such time within a reasonable period after making a request if the use of compensatory time does not unduly disrupt the operation of the employing agency. Paid compensatory time may not be used for the purpose of receiving additional pay.

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- Section 14.09 No overtime hours shall be worked without the approval of the elected official or such supervisory personnel designated by the elected official to approve the overtime.
- Section 14.10 All elected officials and department heads will maintain time sheets to be filled out by each non-exempt employee on a weekly basis under oath and signed by the elected official or department head. The time sheets will be provided to the county's personnel office at the end of each month to be kept and filed in the County Clerk's office as a permanent record. If the elected officials or department heads fail to give the required approved time sheets to Payroll, Payroll is not to issue subsequent paychecks.
- Section 14.11 The county requests that any compensatory time incurred in any 28-day work period be used by the employee during the next 28-day work period. The amount of overtime is calculated in fifteen (15) minute increments. If less than eight (8) minutes are worked, the number of minutes of overtime will be rounded downward. If eight (8) minutes or more are worked, the number of minutes of overtime will be rounded upward. Elected officials and department heads are encouraged to make every effort to afford the time off requested during the period stated herein.
- Section 14.12 Paid leave days shall not count toward calculating overtime unless the employee actually worked on a paid leave day (e.g. a holiday worked by an employee).
- Section 14.13 A person who accepts employment of the county or continues in its employment shall be considered or deemed to have agreed to receive compensatory time off in lieu of overtime compensation.
- Section 14.14 When an employee transfers to a different department, all earned compensatory time will be paid prior to transfer.
- Section 14.15 Overtime pay with regards to Grants/Federal Program reimbursements (i.e. STEP grants, Corp grants, US Marshall) will be paid regardless of how many regular hours are worked during the current pay week and regardless if benefits hours (sick, vacation) are used during the current pay week.

Article 15. OVERTIME LIABILITY CONTROL PROCEDURE

- Section 15.01 Non-Exempt Employees Required to Personally Sign and Certify Timesheets: Each non-exempt county employee shall *personally* sign his or her employee time sheet, stating: "My signature certifies that the above recorded hours worked and leave taken are correct."

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- Section 15.02 County Clerk to File and Keep Employee Time Sheets as Permanent Record: The signed/certified employee time sheets shall be timely provided to the County Clerk's Office at the end of each pay-period to be kept as a permanent record (for 5 years).
- Section 15.03 Payroll will figure payroll from employee time sheets.
- Section 15.04 County Payroll is Not to Issue Check without Signed/ Certified Timesheet: County Payroll shall NOT issue paychecks if the required signed/certified employee time sheets are not signed/certified *by the employee* (personally) or are not timely delivered to the County Payroll.

Article 16. SPECIFIC BENTON COUNTY PERSONNEL AND SALARY ADMINISTRATION POLICIES AND GUIDELINES:

Section 16.01 The following personnel policies are designed to inform Benton County employees of the county's operating policies and practices as they apply to all county employees. The individual elected officials may adopt additional policies and practices, provided that they do not conflict with the law. County employees are defined as those deputies and others employed by and serving at the pleasure of the elected officials. Each county employee is responsible to the elected official who hires and/or appoints that employee.

Section 16.02 Definitions:

- (a) Benton County Employee - Any individual providing labor to Benton County for salary or wages payable through County funds. State employees who receive compensation from Benton County funds are excluded from this definition.
- (b) Elected Official - Any person holding an elective county office, whether elected or appointed to that office.
- (c) Hiring Official - An elected official or any designated agent of such elected official.
- (d) Department Head - Any person who is appointed or designated by an Elected Official as a head of a department and who has hiring authority and supervision of a department.
- (e) Continuous Service - Uninterrupted employment while working as a full-time employee of the County.

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Section 16.03 Job Classifications

- (a) Job positions, grade, classifications and pay ranges are determined in accordance with the Job Evaluation and Salary Administration sections of this Policy, and paid accordingly upon appropriation of the Quorum Court. A copy of the Salary Ranges is available at the office of the County Clerk or the Personnel Office.

Section 16.04 Classifications of Employees

- (a) **REGULAR FULL-TIME:** Employees who are regularly scheduled to work the county's full-time work schedule of 40 hours per week (36 or more hours per week-benefits eligible), and who are not assigned to a temporary classification. Regular full-time employees are, in most cases, eligible for all Benton County benefit programs, subject to the terms, conditions, and limitations of each benefit program.
- (b) **PART-TIME EMPLOYEES- Benefits Eligible:** Employees who are regularly scheduled to work LESS than 30 hours per week but more than 20 hours per week and who are not in a temporary classification. This classification is "benefits eligible" employees who receive all legally mandated benefits, such as Social Security, and worker's compensation insurance; as well as Arkansas Public Employees Retirement and part-time vacation accrual.
- (c) **PART-TIME EMPLOYEES-Non-Benefits Eligible:** Employees who are regularly scheduled to work less than 20 hours per week and who are not in a temporary classification. This classification is "non-benefits eligible" employees who receive all legally mandated benefits such as Social Security, and worker's compensation insurance; but are not eligible for any other county benefit programs.
- (d) **TEMPORARY –** Employees who are hired as an interim replacement to temporarily increase the county's workforce, or to help finish a specific project. Temporary Employees may work only up to a total of 89 days. The work hours are not limited and overtime will be paid as earned, but not accruing. Temporary Employees receive all legally mandated benefits such as Social Security, and worker's compensation insurance; but are not eligible for any other county benefit programs. If

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Temporary Employees are hired to work in one of the other classifications, the hire date will not reflect the time worked as a temporary employee.

Article 17. PERSONNEL RECORDS

Section 17.01 A personnel file for each employee is maintained in the Human Resources Office with copies maintained by respective elected officials and/or department heads. Information about job applicants or employees' medical conditions shall be filed separately from the personnel records and treated confidentially. Keeping the employee's personnel file up-to-date can be important to the employee with regard to pay, deductions, benefits and other matters.

Section 17.02 The Personnel file for each employee will include the following information:

- (a) Legal Name
- (b) Home Address
- (c) Home Telephone Number
- (d) Person to call in case of Emergency
- (e) Number of Dependents
- (f) Marital Status
- (g) Change of Beneficiary
- (h) Copy of Driver's License (and status of driving record if employee operates a County-owned vehicle)
- (i) Military or Draft Status
- (j) I-9 Requirements
- (k) Updated W-4 tax Form
- (l) Job Application
- (m) Payroll Records
- (n) Insurance Records
- (o) Worker's Compensation and Unemployment Records
- (p) Retirement records required by the Arkansas State Retirement System
- (q) Records required by the Internal Revenue Service

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(r) Records required by State or Federal Grants

Section 17.03 If an employee has a change in any of the above items, the employee will notify the Personnel Office as soon as possible. Coverage or benefits that may be received under the county's benefit package could be negatively affected if the information in the Personnel File is incorrect.

Article 18. FAIR LABOR STANDARDS ACT

Section 18.01 The Fair Labor Standard Act establishes a general minimum hourly wage for those employees who are within its coverage and not exempt from its requirements. It also provides for equal pay regardless of sex and the establishment of minimum wage rates. Except for child labor restrictions, the FLSA does not impose any limitation on the number of hours that may be worked by employees covered under the Act. Instead, it seeks to limit the number of hours worked by requiring additional pay, in the form of overtime pay or compensatory time, for hours worked in excess of the established 40-hour maximum.

- (a) The FLSA does not require:
 - (i) Extra pay for Saturdays, Sundays, or holidays, as such.
 - (ii) Pay for vacations or holidays, or severance pay.
 - (iii) Discharge notices.
 - (iv) Limits on the number of hours of work for persons 16 years of age or older, as long as overtime pay provisions are met.
 - (v) Time off for holidays or vacation. (If employees work on holidays, they need not be paid at time and one-half, or any other premium rate. Under the Act, holidays and Sundays are treated as other days.)
- (b) Not all workers are covered by the FLSA. Certain workers who are outside the reach of the Act include: elected officials and their personal staffs, political appointees, legal advisors, bona fide volunteers, independent contractors and prison laborers. Other employees, while covered by the recordkeeping provisions of the Act, are exempt from the overtime and minimum wage requirements. These include executive, administrative, and professional employees.
- (c) Exempt employees are managers, professional staff, technical staff, and others whose duties and responsibilities allow them to be Exempt from compensatory provisions as provided by the Federal

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Fair Labor Standards Act (FSLA) and any applicable State laws. All employees will be notified of this unclassified status at the time of hiring, transfer or promotion.

Article 19. STANDARD WORK WEEK

- Section 19.01 The standard workweek for Benton County shall begin at 12:00 A.M. on Monday and end at 11:59 P.M. on Sunday. A pay period shall consist of two standard workweeks. Although the hours of operation for all County buildings are determined by the County Judge, Elected Officials will determine work schedules and his/her office's hours of operation. All employees are expected to work those hours prescribed by their elected official. The scheduling of these hours is the responsibility of each elected official. The elected official should schedule the hours of his or her employees so that each employee works no more than forty (40) hours in any workweek or 80 hours per pay period for certain positions within the Sheriff's Office. Absence without authorized leave, including any day or part of the day, shall be considered a violation of the Benton County Employment Policy.
- Section 19.02 All employees who are not exempt from the minimum wage and overtime provisions of the Benton County Employment Policy, whether full-time or part-time, shall record on a time sheet/card (or electronically) their total hours worked each workday. At the end of the pay period, the employee must sign a time sheet/card to certify accuracy of hours worked and submit it to his or her elected official or department head for verification and approval. Payroll processing shall be based on this documentation.
- Section 19.03 Changes in an employee's pay or position shall be submitted to Personnel Office and become effective on or before the second Wednesday of the current pay period.
- Section 19.04 All employees who are exempt from the minimum wage and overtime provisions of the Benton County Personnel Policy shall provide the Personnel Office with a report of any hours not worked in the workweek. Missed hours may be charged to the appropriate leave (vacation, sick, holiday, etc.) in accordance with the county personnel policies.
- Section 19.05 Benton County will define "exempt" by Department of Labor regulations and may resolve any question by requesting an Administrative Letter ruling from the Department of Labor.

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Article 20. PAYDAY AND SALARY CHECKS

- Section 20.01 Employees will be paid on Friday following the close of the pay period. In the event Friday is a holiday, payday will be the last workday before Friday. Pay shall be bi-weekly consisting of 26 pay periods for a calendar year. Pay Day shall be every other Friday. Pay will be for the preceding pay period.
- Section 20.02 Questions concerning paychecks should be directed to the department head, elected official, or the payroll manager in the Accounting Department.
- Section 20.03 Paychecks will be issued only at the regularly scheduled times. Employees who will be absent when checks are issued will make arrangements with the hiring authority/department head to have their paychecks picked up or deposited.
- Section 20.04 Manually prepared payroll checks will be issued only to correct an error on a payroll check which is the fault of payroll processing.
- Section 20.05 Employees who leave county employment shall receive their final paycheck on the regularly scheduled payday. Any earned vacation or compensatory pay will be paid at this time if sufficient notice and documentation from the department has been given to the human resources office. Failure to give notice may cause a delay in the processing of special pay due on resignation.
- Section 20.06 All county employees are strongly encouraged to establish “direct deposit” of his or her pay or enroll for payroll debit card. Employees will have a choice of up to two (2) transactions (i.e. two (2) accounts in one bank/credit union or one (1) account in two (2) banks/credit unions). All employees hired after this policy becomes effective may complete a direct deposit form during their initial orientation session. If you do not have a checking or savings account, the Human Resources staff will provide a payroll debit card.
- Section 20.07 The final paycheck of a person’s employment with Benton County will be in the form of a paper check rather than direct deposit.
- Section 20.08 The employee is responsible to notify the county Human Resources Department immediately if there are any changes of the bank information or account information. Failure to timely make notification may result in delay in receiving pay. Such notice must be made no later than the Wednesday of the week prior to a pay date.

Article 21. SALARY ADMINISTRATION PROGRAM

- Section 21.01 The salary administration program will provide (a) an equitable distribution of the salary dollars based on employee contribution to the

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county, with emphasis on attainment of the performance standards for each position; (b) that Benton County's salary levels are competitive with external salary levels; (c) a sound and continuing salary administration program will aid in eliminating salary inequities and assist in the proper management of salaries; and (d) means for relating performance to salaries, plus employee performance evaluations. This process adopted by the county is known as Job Evaluation and Salary Administration Program (JESAP).

- Section 21.02 The JESAP Committee shall consist of the elected officials of Benton County, the prosecuting attorney, the circuit judges, and the chair of the personnel committee or (a representative) of the Quorum Court.
- Section 21.03 This salary administration program will include a job evaluation program and will be coordinated, integrated and administered according to the guidelines as established by the JESAP Committee.
- Section 21.04 Salary adjustments for all county employees may be given as set out herein.
- Section 21.05 Types of Increases: All employees may receive a base salary increase through a market adjustment, merit, and/or promotion. A Salary Pay Range is approved by the QC at the annual budget process for the following year.
- Section 21.06 Payment within the Range: All employees shall be paid at an equitable level within the prescribed salary range for their classification, with each position having a prescribed salary grade, as adopted by the Quorum Court in the Annual Benton County Budget. No employee will receive a salary adjustment that causes the person's salary to exceed the salary range maximum without approval by the Quorum Court. The salary range established by the JESAP Committee will fully compensate for proven performance as related to the performance standards and goals for a respective position.
- Section 21.07 Hire-in Rate: A new hire may be assigned a wage rate at any level from the minimum of the grade range up to the maximum for the position's salary range, provided the new-hire has additional experience, education, etc. that added value to the position. Any increase over 90% of the midpoint of the salary range should be reviewed with Human Resources and approved by the Elected Official. Any increase over 110% of the midpoint must be approved by the Quorum Court. No employee shall be hired above the salary grade maximum.
- Section 21.08 Salary Increase after Six-Month Anniversary Date: A salary increase may be given within an employee's second six months on the job, at the discretion of the elected official. If funds are available in the current budget, the elected official may grant a new employee a salary increase

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in an amount not to exceed 3%. This increase may not result in a wage that exceeds the salary grade maximum.

Section 21.09 Merit Increase Eligibility: Each year, all full-time and regular part-time county employees will be evaluated by their respective elected official/department head based on their past year's performance, using the Benton County's performance evaluation form.

Section 21.10 All evaluations must be completed and reviewed by the employee and his/her immediate supervisor **and** submitted to the human resources manager for placement in their respective Personnel File. If approved by the Quorum Court during the annual budget process, merit adjustments will be allocated beginning the first pay period of the next year to employees for their performance who met the eligibility requirements. Employees with less than one year of employment may receive a pro-rata share of the merit adjustment. Employees hired after October 1, are not eligible for merit adjustments. Merit adjustments will not cause an employee to go over the maximum of his/her respective range.

Section 21.11 Limit of Merit Increase: The maximum amount of any one merit increase given during a twelve-month period will be established each year, by the Quorum Court, during the annual budget process. The exact amount of merit increase to each employee should be determined by considering:

- (a) the Department's salary budget,
- (b) the incumbent's position within the salary range, and
- (c) the employee's performance, as communicated during the performance evaluation process.

Section 21.12 Elected officials are not considered county employees and any changes in compensation will be determined by the Quorum Court, in accordance to minimums and maximums established by state statutes. Any exception to this policy must be approved by the Quorum Court.

Section 21.13 Promotional Increase Eligibility: An employee may be eligible for promotional increase at any given time during the year provided the individual's classification has been changed to a higher salary range due to assignment of additional duties and accountabilities as formulated through the county's job evaluation program or the employee is moved to a position with a higher-grade level.

Section 21.14 Limit of Promotion Increases: An employee may be assigned a promotional increase up to 10% Promotional increases may not exceed the pay grade maximum. Any promotional increase that exceeds the above criteria requires approval of the Quorum Court. The individual's qualifications and performance shall determine the new salary. Promotional increases shall be in addition to, rather than instead of merit increases.

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- Section 21.15 **Salary Assignments for Lateral and Downward Transfers:** When an employee moves to a position with an equal or lesser grade, they are accepting a job that may have less responsibilities and accountabilities. It is their choice to take this position and is not associated with a punitive action, as in the case of demotions. When an employee takes a position at an equal or a lower salary grade, they may be assigned a salary between the minimum and maximum of the salary grade. In the event their salary is above the maximum of salary grade for their new position, the employee's wages will be reduced to the maximum or to a level equivalent to others within the department with the same grade and similar length of service and experience. Employees should NOT receive and increase in pay for a lateral or downward transfer. Any salary adjustment that exceeds the above criteria requires approval of the Quorum Court.
- Section 21.16 **Salary Assignments for Demotions:** A demotion occurs as a result of poor performance and is punitive in nature. When an employee is not performing to expectations, the elected official may decide to demote the employee to a position with a lower salary grade. The new salary for the employee shall be between the minimum and maximum of the salary grade. Pay reductions should be discussed with HR to determine appropriate pay based on equivalent positions, experience, etc.
- Section 21.17 Any request for salary placement at any other level which does not fit the above guidelines should be submitted to the JESAP Committee, with supporting documentation, for review and recommendation to the Quorum Court for its approval.
- Section 21.18 **Merit Increase Procedures and Approving Authority:** The elected official and/or department head originates the merit increase request, including support documentation, e.g. performance appraisal data.
- Section 21.19 The elected official/department head counsels with and reviews the merit increase documentation with the JESAP Committee as to: (1) completeness of the information, (2) availability of salary budget funds; and (3) relationship of the merit request as to current criteria and policies.
- Section 21.20 After submission of merit adjustments for each department to the Human Resources Office, the Human Resources Office will submit adjustments to the Quorum Court for (1) review and approval; (2) approval with modifications; or (3) disapproval.
- Section 21.21 After the Quorum Court approves the payroll budget (part of the overall budget), elected officials/department heads can advise their employees of the forthcoming increase in salary resulting from merit recognized performance.

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Section 21.22 Job Descriptions: Each county position shall have an official “Job Description” for each job which shall be prepared, signed and dated by the Elected Official/Department Head. The job description, which is the basic instrument for evaluation, will be functional and current. It will:

- (a) emphasize essential and non-essential position objectives;
- (b) denote areas of operation and accountabilities;
- (c) show organizational and working relationships;
- (d) show accountability for final results;
- (e) provide pertinent data about the position; and
- (f) highlight physical and mental requirements.

Section 21.23 The County Human Resources Office will maintain and keep current copies of all position descriptions for each classification, with the originals to be filed in the office of the County Clerk. Job descriptions currently on file with job titles as listed in the *Schedule 4-Personnel and Compensation Authorization* listing are hereby adopted and approved.

Section 21.24 Position Titles: The JESAP Committee has formulated job titles in keeping with the following pattern:

- (a) Position Title, Supervisor’s Title, Department Name, Exempt Status;
- (b) Description of essential position duties and requirements;
- (c) Supervision or non-supervision responsibilities;
- (d) Minimum and preferred education and experience requirements;
- (e) Levels of accountability, decision making, authority over equipment, funds and County property;
- (f) Other skills, knowledge and abilities to perform job functions;
- (g) Physical demands and requirements; and
- (h) Work environment. Required job title changes are processed through the JESAP Committee following the same procedure used for new position descriptions.

Section 21.25 Maintenance of Job Descriptions:

- (a) To assure adequate maintenance of the job descriptions, the elected official/department head will review and compare the content of each position with the job description annually. Any significant variance between the descriptions and the position as it exists should be referred to the JESAP Committee for re- evaluation, if applicable.

Section 21.26 Descriptions for New Positions:

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- (a) The elected official/department head should prepare a job description questionnaire for a new position. The Human Resources Director in conjunction with the JESAP Committee, will prepare the job description for the approval of the elected official and schedule it on the agenda for the JESAP Committee for evaluation and rating. A newly created position will not be filled until the job has been properly described, evaluated and funded by the Quorum Court. The Job Description and grade/class adopted by the Quorum Court shall remain in effect until the process established herein changes it.

Section 21.27 Any employee grievance regarding merit pay policy or practice herein shall be brought before the Grievance Council as outlined by the Benton County Employment Policy.

Section 21.28 Elected Officials include The Benton County Assessor, Circuit Clerk, Coroner, County Clerk, County Judge, Justices of the Peace, Sheriff, Tax Collector, and Treasurer. During the annual budget process, salary increases for elected officials shall be included in the budget using the following parameters.

- (a) Elected Officials shall receive an annual percentage increase in compensation equal to the average increase, merit plus COLA, that is provided to Benton County employees.
- (b) Any difference in compensation, above or below the average increase given to employees, shall require a waiver in policy, approved by the Quorum Court.
- (c) The pay of all elected officials shall never be less than the minimum or exceed the maximum of the salary ranges established by Arkansas law.

Article 22. FRINGE BENEFITS

Section 22.01 Rates and benefits details will be provided by the Human Resources Office.

Article 23. AUTHORIZED LEAVES OF ABSENCE AND LEAVE BENEFITS

Section 23.01 Each elected official shall be responsible for keeping records of the leaves taken by his or her employees and shall make regular reports of such on the payroll worksheets. The report shall include type and length of leave. NOTE: With regard to the vacation, sick and other fringe benefits outlined herein, it must be understood that these benefits are not required by law, nor are they guaranteed by the county. No contract is entered into by the county with any employee, nor does the county incur any debt or

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obligation. Benefits described herein may be added, deleted or modified at any time.

Article 24. VACATION (Annual Leave Time)

- Section 24.01 The County shall maintain the following vacation eligibility requirements and the list of vacation rates shall accrue on a pro rata basis.
- Section 24.02 Employees start to accrue paid vacation time immediately, when beginning employment as a Regular Full-Time Employee or Part-time, Benefits Eligible.
- Section 24.03 Over-time hours are not used to calculate vacation accruals.
- Section 24.04 During the first year, before one can use vacation time, 180 calendar days of employment must be completed. After the waiting period, vacation leave may be requested up to half (40 hours) of the annual vacation accrual.
- Section 24.05 Regular Full-Time Employees, employed less than five years, are eligible to earn up to 10 vacation days each year. Vacation leave is accrued per paid hour. An employee who does not work any hours in a pay period AND does not use paid leave or earned compensatory time, (i.e. leave without pay) will not accrue vacation pay during that time. Overtime hours are not used when calculating leave hours.
- Section 24.06 Regular Full-Time Employees, who have completed five years of continuous employment, are eligible to earn up to 15 vacation days each year, accrued at a rate per paid hour. An employee who does not work any hours in a pay period AND does not use paid leave or earned compensatory time, (i.e. leave without pay) will not accrue vacation pay during that time. Overtime hours are not used when calculating leave hours.
- Section 24.07 Regular Full-Time Employees, who have completed fifteen years of continuous employment and are beginning his/her sixteenth year, are eligible to earn up to 20 vacation days each year, accrued at a rate per paid hour or up to 160 hours per year worked. An employee who does not work any hours in a pay period AND does not use paid leave or earned compensatory time, (i.e. leave without pay) will not accrue vacation pay during that time. Overtime hours are not used when calculating leave hours.
- Section 24.08 Part-time, Benefits-Eligible Employees are eligible to earn up to 5 vacation days each year. Vacation days are accrued at a rate per hour, up to a maximum of 40 hours paid leave. Employees who work less than 40 hours during any pay period will not accrue any vacation leave.

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- Section 24.09 Scheduling of vacation shall be done by the elected officials and department heads with due regard to the desires of the employee and the needs of the office or department. Vacation leave shall be charged against employees in not less than one-hour units. Vacation leave may not be used for the purpose of receiving additional pay.
- Section 24.10 Employees who do not use his/her earned vacation by the end of their anniversary year, may carry over the unused time to the next benefit year. If the total amount of unused vacation time reaches the "cap" amount, leave time will temporarily stop accruing. The "cap" amount is two times the annual vacation accrual amount. (i.e. 160 hours, 240 hours, and 320 hours) When the employee takes vacation again and the total accrued amount falls below the cap, vacation leave will start accruing again.
- Section 24.11 Regular, Full-Time employees and Part-time, Benefits-Eligible Employees who resign or are terminated and have been employed continuously for at least one year, will be paid at their current rate of pay for the unused vacation time.

Article 25. SICK LEAVE

- Section 25.01 All full-time employees of the county with at least three (3) months service are eligible for sick leave with pay with the maximum benefit of up to twelve (12) working days per year. This earned sick leave can be carried over from year to year. Sick leave shall accrue at the rate per paid hour of work, up to a maximum of 480 hours.
- Section 25.02 An employee will be eligible for sick leave for the following reasons:
- (a) Personal or family (employee's spouse, child or parent) illness or physical incapacity resulting from causes beyond an employee's control. A grandparent of a newborn grandchild may use sick leave for the day of the birth and the day following the birth. In the case where a grandparent is needed to provide primary care for his/her child or grandchild, the employee may use sick leave if approved under the Family Medical Leave Act (FMLA). A grandparent may use non-FMLA sick leave if the grandchild remains hospitalized after birth.
 - (b) An employee who is unable to report for work due to previously mentioned reasons shall report the reasons to their supervisor within one (1) hour from the time he or she is expected to report for work. Sick leave with pay shall not be

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allowed unless a report has been made to the county official or his assistant has approved the report.

- (c) County full-time employees shall receive paid sick leave if their absence is due to personal or family (employee's spouse, child or parent) illness, injury, or quarantine for the duration of the employee's absence or until accumulated sick leave is used, whichever occurs first, providing the following:
- (i) The county employee has not been terminated before the absence;
 - (ii) The county employee's illness or injury is not attributed to:
 - (iii) Intentionally self-inflicted injury;
 - (iv) Illness or injury committed while committing a felony;
 - (v) Illness or injury resulting from paid employment of any kind other than the county.

- Section 25.03 A written statement by a physician certifying that the employee's condition prevented him or her from appearing for work may be required by the elected official or department head if sick leave with pay is in excess of three (3) consecutive working days, or if a pattern of behavior can be established, or if absences become excessive.
- Section 25.04 Truthful evidence of full justification for every absence receiving sick leave benefits must be presented when requested by the elected official and/or department head. If an employee accepts sick leave benefits based upon false evidence, the employee will be discharged.
- Section 25.05 Absence for a part of the day that is chargeable to sick leave pay in accordance with these provisions will be charged in not less than one-hour increments.
- Section 25.06 An employee who uses all his sick leave benefits for which the employee is eligible and still has not returned to work shall be placed on an inactive employee status without pay, unless additional circumstances justify exceptional action by the Quorum Court. The elected official will be notified any time an employee consumes all accrued leave.

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- Section 25.07 Employees leaving the employment of the county shall not be paid accumulated sick leave.
- Section 25.08 All leave taken by employees for any purpose other than sick leave outlined above and emergency leave listed in another portion of the personnel policy will be charged against vacation time. Upon exhaustion of paid vacation time an employee may at the discretion of the elected official or department head, be granted leave without pay for a period of ninety (90) calendar days; otherwise, the employee shall be separated.
- Section 25.09 County part-time employees shall not earn paid sick leave. A full-time employee when sick will not have sick leave reduced to pay for a holiday, vacation, or approved absence if it falls during the time of the illness. Such days will be treated as if the employee was not ill and a full-time employee shall receive sick leave pay at the rate of the employee's regular base salary. County employees will not be paid for unused sick leave.

Article 26. CATASTROPHIC ILLNESS SICK LEAVE BANK

- Section 26.01 Benton County offers a Catastrophic Illness Sick Leave Bank for employees to utilize donated accrued sick leave. The Catastrophic Illness Sick Leave Bank is used for allocation of sick leave to other county employees in order to support them when the employee or an immediate family member face a major health crisis. The purpose is to support a caring environment and to alleviate the economic hard ship caused when a major health condition or injury impacts an employee or his/her immediate family.
- Section 26.02 **Qualifying for Sick Leave from the Catastrophic Sick Leave Bank**
- (a) An employee must have been employed in a full-time capacity for a minimum of one (1) year.
 - (b) At the completion of the first year of full-time employment, the employee is eligible to enroll in the catastrophic leave bank by completing the enrollment form and donating eight (8) hours of sick time. If the employee does not enroll, he/she will not be eligible to participate in the program until the following benefits

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open enrollment period. Once enrolled, no further enrollment is necessary.

- (c) All accrued vacation leave, sick leave, and comp time must be exhausted prior to requesting leave from the sick leave bank.
- (d) The employee must be on approved leave under the Family Medical Leave Act.
- (e) An employee must be absent for fourteen (14) consecutive days prior to utilizing any donated sick leave from the bank.
- (f) Employees may not receive more than 400 donated hours in any twelve-month period.
- (g) Employees actively working for another organization but not able to perform their job duties for Benton County, are not eligible to receive donated sick leave.
- (h) Employees who are being compensated for lost time through the county's worker's compensation coverage, are not eligible to receive additional sick leave through the catastrophic sick leave bank.
- (i) If an employee is receiving short-term disability benefits, he/she may not receive donated sick leave from the bank.
- (j) Employees requesting sick leave through the catastrophic sick leave bank may not have received a written disciplinary action for abuse of sick leave during the previous twelve months.
- (k) Catastrophic leave shall not be granted beyond the date, certified by the physician, as a return to work date.
- (l) The employee must complete the Request for Receiving Sick Leave form and obtain his/her supervisor's/elected official's signature. The completed and signed form must be returned to the human resources department.
- (m) Any employee who knowingly and/or purposefully provides false information in order to obtain catastrophic leave time may be subject to disciplinary action up to and including termination.

Section 26.03

Deposits to the Catastrophic Sick Leave Bank

- (a) Any donation to the sick leave bank may not cause an employee's sick leave balance to drop below 40 hours.
- (b) All deposits to the sick leave bank will be made to the bank balance and not designated for a specific employee.

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- (c) All employees who leave county employment will have any existing sick leave balance transferred to the sick leave bank.
- (d) All donations to the sick leave bank are considered final and not subject for return.
- (e) An employee wishing to donate a portion of his/her sick leave balance must complete the Donation of Sick Leave Form. The completed form should be turned into the Human Resources Department.

Section 26.04 Approval Process

- (a) Each elected official may appoint one employee, for every 50 positions or less, as listed on the Schedule 4, to serve on the Catastrophic Leave Approval Committee.
- (b) Once a request for catastrophic leave has been received from the Human Resources Department, a meeting of the Catastrophic Leave Approval Committee shall be convened.
- (c) The purpose of the committee shall be to review the applications forms for donating sick leave and make sure all requirements have been met.
- (d) The Human Resources Manager will serve as the non-voting chair of the Catastrophic Leave Approval Committee.

Section 26.05 Other Requirements

- (a) Once a leave request has been approved and the qualification requirements have been met, leave will be provided on a per pay period basis and not added as a lump sum to the individual's sick leave balance.
- (b) Employees receiving sick leave from the Catastrophic Sick Leave Bank will not accrue vacation and sick leave.
- (c) Employees receiving sick leave from the Catastrophic Sick Leave Bank will be paid for holidays during the time they are receiving paid sick leave.
- (d) If the balance of the Catastrophic Sick Leave Bank reaches zero, no further requests shall be granted until it returns to a positive balance.
- (e) Donated sick leave may only be used for an FMLA approved absence.
- (f) Donated leave will be allocated based on a 40-hour work week regardless of an employee's work schedule.

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- (g) While an employee is receiving payment from the bank, the county will continue to deduct insurance contributions from the monies paid to the employee from the Catastrophic Illness Sick Leave Bank.
- (h) If an employee is unable to personally make a Catastrophic Illness Sick Leave Bank request due to the severity of the medical condition, or the employee is incapable of making the request due to other reasonable circumstances, the employee's spouse, significant other, or family member shall call the elected official or department head to discuss the situation, and request withdrawal from the bank, if needed. If no family member exists, a friend, the employee's supervisor or co-worker may make the request.
- (i) The county reserves the right to require a second opinion concerning continuing illness or disability. If a second opinion is requested, the employee may agree to be examined by a physician of the county's choosing at the county's expense, or the employee may choose to see a physician of his/her own choice, in which case, the employee shall be liable for any cost incurred in connection with the exam.
- (j) Once an employee qualifies for long-term disability benefits under the county's insured plan, no additional leave days will be granted from the Sick Leave Bank.

Article 27. ADMINISTRATIVE LEAVE

- Section 27.01 Leave with pay while conducting an investigation to determine the propriety of an employee's action may be imposed by the elected official.
- Section 27.02 Under special circumstances an elected official may provide administrative leave. Administrative leave must be documented on the time worked records as such. Hours paid will not be deducted from the employee's leave time.

Article 28. MILITARY LEAVE

- Section 28.01 Employees who are members of the National Guard or any of the reserve branches of the armed forces shall be granted leave at the rate of fifteen (15) days per calendar year, plus necessary travel time for annual training requirements or other duties performed in an official duty status.

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- Section 28.02 To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of a calendar year.
- Section 28.03 The leave shall be granted without loss of pay and in addition to regular vacation time.
- Section 28.04 Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.
- Section 28.05 An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within ninety (90) days after the effective date of his or her release from active duty, shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.
- Section 28.06 The right of reemployment shall conform with all federal government rules and regulations.
- Section 28.07 Any employee who enlists or reenlists for a second consecutive tour of military duty shall be deemed to have forfeited his or her reemployment rights.
- Section 28.08 Personnel called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time.
- Section 28.09 “Emergency situations” means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order.
- Section 28.10 During any military leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which the employee has become entitled.
- Section 28.11 The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service, and the employee shall not be required to make any contributions to any retirement fund.
- Section 28.12 The county shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

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Section 28.13 Whenever an employee of Benton County is granted military leave for a period of fifteen (15) days per calendar year or fiscal year, under the provisions of this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.

Article 29. BEREAVEMENT LEAVE

Section 29.01 Leave with pay of up to three days may be taken in case of death in the immediate family of the employee or his/her spouse. Immediate family is defined as:

(a)	Spouse	Mother-in-law
	Child	Father-in-law
	Parent	Daughter-in-law
	Step-parent	Son-in-law
	Sister	Brother-in-law
	Brother	Sister-in-law
	Step-sister	Grandparent
	Step-brother	Grandchild

Section 29.02 One day of bereavement leave may be granted for extended family members, defined as: aunts, uncles, cousins, nephews, and nieces of the employee or his/her spouse.

Section 29.03 Vacation, compensatory time, or leave without pay may be granted for deaths other than the above. When approved by the elected official, sick leave may be used in the event of the death of an immediate family member.

Section 29.04 Bereavement leave does not apply to employees who are no longer related to the deceased due to divorce. In the event of the death of an ex-spouse, if children under the age of eighteen (18) or an older special needs child who requires the assistance of the surviving parent are involved, up to three (3) days of bereavement leave may be allowed.

Article 30. JURY DUTY AND WITNESS PAY

Section 30.01 County employees shall be excused from work with pay for the period of time necessary to fulfill their civic duty when subpoenaed for jury

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duty or as a witness. The county employee will be permitted to retain any funds paid to them for such service. Employees who receive a subpoena to testify in court, or are summoned to be a witness for Benton County will receive time off with pay.

Section 30.02 If an employee chooses to be a witness and is not served with a subpoena, time off without pay may be given. Employees may use vacation leave or compensatory time to be paid for any unpaid time off. Sick leave may not be used for witness duty. An employee who needs time off to be a witness, must show the subpoena to his/her supervisor and/or elected official as soon as it is received. Employees are expected to report for work whenever they are not needed in court. Employees will be permitted to retain any funds paid for witness duty.

Article 31. HOLIDAYS

- Section 31.01 Holidays falling on a Saturday will be observed on the proceeding Friday. Holidays falling on a Sunday will be observed on the succeeding Monday.
- Section 31.02 The Benton County Judge shall officially declare Benton County Holidays. This declaration shall be issued annually, on or before December 10, and shall be for the forthcoming calendar year.
- Section 31.03 The County Judge may at his discretion establish by Executive Proclamation additional days when County offices shall be closed in observance of special events or for other reasons. Hours will be added for record keeping purposes to the holiday leave balance at the time the holiday occurs, if the employee is eligible.
- Section 31.04 Non-exempt employees working in areas that are not closed on holidays will receive eight hours of holiday pay for each designated holiday in a lump sum in December each year. Those employed for part of the year will receive 8 hours of pay for each holiday occurring during their employment that year. Part-time employees shall receive holiday pay based on the average number of hours worked during the preceding pay period in which it occurs. Employees who work regular scheduled shifts in excess of 8 hours will receive holiday pay for the number of hours worked on their scheduled shift (i.e. 12 hours shift = 12 hours holiday pay).
- Section 31.05 Employees must work the workday before, after, and the holiday if scheduled to work those days in order to receive holiday pay. Except:

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- (a) Employees taking sick leave on the scheduled workday before or the scheduled workday after the holiday that provide a certificate of need from their doctor for the day in question. This certificate must be attached to the payroll authorization sheet before holiday pay will be processed.
 - (b) Employees on scheduled vacation leave before or after a holiday will be considered as working the scheduled workday before or the scheduled workday after the holiday.
 - (c)
- Section 31.06 Holiday pay begins immediately upon employment.
- Section 31.07 Employees on Leave Without pay are not eligible for holiday pay and leave time cannot be reserved for use during holiday pay periods only.

Article 32. LEAVE WITHOUT PAY

- Section 32.01 When an employee has not accrued any sick leave or annual leave and requires time-off from work, he or she may request leave without pay from his/her elected official. It is the decision of the elected official to determine whether or not leave without pay may be granted. Under no circumstances may a leave without pay be granted when an employee has a compensatory time available for use. Leave without pay shall be notated as such on the employee's timesheet. Leave without pay shall not interrupt continuous service; however, employees will not accrue paid leave, such as vacation or sick time.
- Section 32.02 Under circumstances where disciplinary action is being taken, an employee may be placed on leave without pay for a period not to exceed three days.

Article 33. MEDICAL INSURANCE

- Section 33.01 All full-time county employees are eligible to participate in a paid group health benefit plan. Participation becomes effective on the first of the month after completion of the initial 60-day benefit-waiting period.
- Section 33.02 The county pays the insurance premium for the employee. Family coverage is available to eligible employees at the employee's expense. Part-time employees are not eligible to participate in the county's medical insurance program.

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- Section 33.03 The elected offices of Justice of the Peace, Surveyor, and Constable are not eligible for the health benefit plan paid by the county.
- Section 33.04 Eligible employees electing not to participate in the paid health plan will not receive alternate insurance or a cash sum in lieu of the program and must sign documentation waiving their coverage choice.
- Section 33.05 Justices of the Peace may participate in the health plan at their own expense.
- Section 33.06 Current part-time employees who are promoted into a full-time position, Deputy Prosecuting Attorneys, and Deputy Public Defenders who transfer from state-funded positions to county-funded positions without any break in employment become eligible to participate in the group health benefit plan immediately.
- Section 33.07 Insurance coverage will end on the last day of the month in which you last worked. Vacation leave, non-FMLA sick leave, compensatory time, and grievance pay do not apply in the calculation of last day of coverage.

Article 34. CONTINUATION COVERAGE – COBRA

- Section 34.01 On April 7, 1986, a Federal law (Public Law 99-272, Title X) was enacted requiring that most employers sponsoring a group health plan offer employees and their families the opportunity for a temporary extension of health coverage (called “continuation coverage”) at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform all employees, in a summary fashion, of their rights and obligations under the continuation coverage provisions of that law. (Both employee and any family member affected should take time to read this notice carefully.)
- Section 34.02 If an employee of Benton County is covered by Benton County’s Group Health Plan, the employee has the right to choose this continuation coverage if group health coverage is lost because of a reduction in hours of employment or the termination of employment (for reasons other than gross misconduct on the employee’s part).
- Section 34.03 A covered spouse of an employee has the right to choose continuation of coverage if group health coverage is lost under the Benton County’s Group Health Plan for any of the following reasons:
- (a) The death of the employee (spouse);
 - (b) A termination of the spouse’s employment (for reasons other than gross misconduct) or reduction in spouse’s hours or employment;

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- (c) Divorce or legal separation from the spouse; or
- (d) The spouse becomes eligible for Medicare.

Section 34.04 In the case of a covered dependent child of an employee, he or she has the right to continuation coverage if group health coverage under the Benton County's Group Health Plan is lost for any of the following reasons:

- (a) The death of a parent;
- (b) The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with Benton County;
- (c) Parents' divorce or legal separation;
- (d) A parent first becomes eligible for Medicare; or
- (e) The dependent ceases to be a "dependent child" under the terms of the contract.
- (f) Under the law, the employee or a family member has the responsibility to inform Benton County of a divorce, legal separation or of a child losing dependent status under the plan. This notification must be made within 60 days of the date of the qualifying event, which would cause a loss of coverage.

Section 34.05 This notice must be in writing, and should be sent to:

Benton County - Human Resources
215 E. Central, Suite 9
Bentonville, AR 72712

Section 34.06 When Benton County is notified that one of these events has occurred, the county will in turn forward the request to the proper agency, who will then in turn notify the person making the request that they have the right to choose continuation coverage. Under the law, a person has at least 60 days from the date coverage would be lost due to one of the events described above to elect continuation coverage. If and when this election is made, coverage will become effective on the day after coverage would otherwise be terminated.

Section 34.07 If continuation coverage is not chosen, the employee's group health insurance coverage will terminate in accordance with the provisions outlined in the booklet/certificate.

Section 34.08 If continuation coverage is chosen, coverage will be identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that an employee be afforded the

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opportunity to maintain continuation coverage for three years unless group health coverage was lost because of a termination of employment or reduction in hours. In that case, the required continuation coverage is 18 months (an extension to 29 months is available under certain circumstances to disabled persons.)

- Section 34.09 However, the law also provides that coverage may be terminated for any of the following reasons:
- (a) Benton County no longer provides group health coverage to any of its employees;
 - (b) The premium on the continuation coverage is not paid in a timely manner.
 - (c) You become an employee covered under another group health plan (as an employee or otherwise) that does not contain a pre-existing condition limitation; or
 - (d) You first become eligible for Medicare.
- Section 34.10 You do not have to show that you are insurable to choose continuation coverage. However, you have to pay all of the premium plus a 2% administrative fee for your continuation coverage. (The law also says that, at the end of the 18 months or 36-month continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under the current group health plan, if the plan provided a conversion privilege.)
- Section 34.11 If you have any questions about this, please contact the County Personnel Office. Also, if you have changed marital status, or if you, your spouse, or any eligible covered dependent have changed address, you must notify the Personnel Office in writing.
- Section 34.12 If any covered child is at a different address, you must notify Benton County in writing, so that a separate notice may be sent.

Article 35. WORKER'S COMPENSATION

Section 35.01 Reporting of Worker's Compensation Injuries:

- (a) Ark. Stat. Ann. § 81-1317(a) states in part: "Unless an injury either renders the employee physically or mentally unable to do so, or is made known to the employer immediately after it occurs, the employee shall report the injury to the employer on a form prescribed or approved by the Commission and to a person or at a place specified by the employer, and the employer

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shall not be responsible for disability, medical or other benefits prior to the receipt of the employee's report of injury." In order to avoid the possible loss of benefits under the Workers' Compensation Act, the following procedure for reporting work-related injuries must be followed:

- (b) All work-related injuries, no matter how minor, should be reported to the employee's supervisor immediately, and a WCC Form N must be completed. For the purpose of this policy, an injury shall not be considered reported unless the supervisor has been notified and an injury report has been completed and submitted to the Human Resources Office immediately after the accident.
- (c) If a work-related injury is not reported immediately, or if an injury report was not completed, the employee must fill out a WCC Form N (available from supervisors or the Human Resources Office) and submit it to the Human Resources Office before seeking treatment. The only exception to this rule shall be for emergency treatment required after regular business hours; however, in this case, the employee shall report the injury to the Human Resources Office on WCC Form N on the next business day following the treatment. Failure to give notice to the employer shall also be excused if the employee is either physically or mentally unable to do so.

- Section 35.02 Employees receiving compensation under the worker's compensation plan will receive holiday pay and will continue to accrue vacation and sick leave for the first 60 days while covered under the workers' compensation insurance program.
- Section 35.03 Benton County will pay up to a maximum of 40 hours in the first seven (7) days of absence for a work-related injury.
- Section 35.04 If you work part of the day, the time spent at the doctor and remainder of the day is considered worked hours.
- Section 35.05 You will not be paid more than your work schedule for the day of injury. The first day of the of the seven (7) day period will begin on the day following the work-related injury or when the employee first seeks medical attention. After you return to work, any follow-up doctor's appointments that occur during the normal workday schedule will be treated as time worked and should be reflected as work time on your timesheet.

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Article 36. ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (APERS)

- Section 36.01 Effective July 1, 2005, anyone hired by Benton County must participate in the Arkansas Public Employees Retirement System (APERS). Five percent of gross wages will be deducted on a pre-tax basis from each paycheck.
- Section 36.02 Employees hired prior to July 1st, 2005 or those re-hired prior to December 31, 2005 may choose to either contribute or remain on the non-contributory plan.
- Section 36.03 Although some County officials and employees working for the County before 1978 may be covered by an earlier plan, all those employed since January, 1978, are covered by Act 793 of 1977 and any Acts amendatory thereto. Under this plan, the County contributes to the Arkansas Public Employees Retirement System (APERS) an amount specified by law. Retirement benefits do not accrue during leave of absence without pay.
- Section 36.04 All full-time employees and part-time employees who work 80 or more hours each month for 90 or more days in an APERS fiscal year (July 1 through June 30) must be enrolled as a member of APERS retroactive to the date of employment.
- Section 36.05 A part-time employee hired to work less than 80 hours per month who does in fact, at some point work 80 or more hours per month, must then be enrolled in APERS. Deposits will not be retroactive to the date of hire but will continue thereafter.
- Section 36.06 Specific questions should be directed to:
- Arkansas Public Employees Retirement System
One Union National Plaza
124 West Capitol, Suite 400
Little Rock, AR 72201-1015
www.apers.org
(800) 682-7377

Article 37. TERMINATION

- Section 37.01 Benton County is an at-will employer. Employment with Benton County may be terminated at any time by the employee or the County for any or for no reason, with or without notice. Employees are encouraged but not required to give two weeks' notice.
- Section 37.02 The human resources office shall determine the compensation due the employee on termination according to records of the human resources

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office and the Elected Official. Insurance coverage will end on the last day of the month in which you last worked. Vacation leave, non-FMLA sick leave, compensatory time, and grievance pay do not apply in the calculation of last day of coverage. The employee's final paycheck will be in the form of a paper check, even if he/she previously had direct deposit of paychecks. The final paycheck will be mailed if arrangements for picking-up the check are not made with the human resources department.

Article 38. REINSTATEMENT

Section 38.01 If an employee resigns for a position outside the County or leaves service with the County for more than 30 days, they must be rescreened and will be treated as a new hire.

Article 39. EMERGENCY CLOSINGS

Section 39.01 Employees are expected to work regardless of the weather unless the County Judge declares the County offices officially closed. If the County offices are closed by the County Judge due to inclement weather, employees will be paid for the number of hours the offices were closed.

Section 39.02 If the County offices are not officially closed, any employee unable to report to work due to inclement weather will be charged vacation, compensatory time or leave without pay for each hour he or she does not report for work.

Section 39.03 If an elected official closes their office due to inclement weather, the employees may leave and document lost hours as leave without pay or use vacation leave, or compensatory time.

Section 39.04 If a non-exempt employee works at the discretion of the Elected Official during inclement weather when County buildings are closed, the employee will receive normal pay for hours worked, plus additional straight time for hours the County offices were closed.

Section 39.05 If the County is closed for a portion of a day, such as with a delayed opening, only those employees scheduled to work will be paid. If the County is closed for an entire day anyone scheduled to work before the next day will be paid according to the emergency closing policy. If you are on pre-scheduled vacation leave or sick leave, you will not be paid for the emergency closing but will receive your leave pay.

Section 39.06 Employees working in the areas of public safety including the jail, sheriff's office, emergency management, emergency communications,

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and the juvenile detention center will be expected to report to work for normal work schedules without additional compensation.

Article 40. NEPOTISM

- Section 40.01 The employment of persons who are related to each other is limited to employment not within the same line of supervision. No employee shall be under the direct line of supervision of a relative. A “relative” is a parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.
- Section 40.02 There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, we may separate the employees by reassignment or termination of employment.
- Section 40.03 When marriage results in an employee being supervised by a relative, the situation will be resolved by transfer to another available position in the County or resignation. If transfer alternatives are available, the employees will be given the opportunity to select among the available alternatives. If no alternative position is available within 60 days, the County may take action to terminate one of the employees.

Article 41. OUTSIDE EMPLOYMENT

- Section 41.01 Outside employment is permissible if it does not impact an employee’s job performance with Benton County and the job does not interfere with scheduling demands. Employees who have another job at the time of employment must notify his/her supervisor and/or elected official.
- Section 41.02 If an employee is considering a second job while employed by Benton County, prior written notification to the supervisor and/or Elected Official is required. In order to remain employed at Benton County, employees may be asked to terminate an outside job if it adversely impacts job performance
- Section 41.03 Employees may not have an outside job that is a conflict of interest with Benton County.
- Section 41.04 Employees may not be paid or receive anything in return from a person outside Benton County in exchange for something produced or a service provided as part of the employee’s Benton County job.

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Section 41.05 Outside employment of a continual nature must be reported to the elected official and/or department head. Under no circumstances will a person be allowed to work at a job which conflicts in any way with their duties as a county employee.

Article 42. EMPLOYEE MEDICAL EXAMINATIONS

Section 42.01 Benton County may require some employees to have a medical examination either as a hiring requirement or as a requirement for continued employment, if required by State Law.

Section 42.02 The job offer and clearance to begin work will depend on passing the exam.

Section 42.03 Benton County will choose the health professional and pay for the examination. All medical information is kept separate from other personnel information to protect the employee's privacy.

Article 43. REST AND MEAL PERIODS

Section 43.01 The allowance for and scheduling of breaks and meals is left to the discretion of each elected official.

Section 43.02 Federal and State law does not require meal or intermittent breaks.

Section 43.03 During meal periods, where wages are not being paid, employees are not subject to any work responsibilities or restrictions.

Article 44. TOBACCO-FREE WORKPLACE

Section 44.01 Benton County prohibits all tobacco products and electronic cigarettes throughout the workplace. In compliance with Arkansas Act 8, *The Arkansas Clean Indoor Air Act* smoking is prohibited in all county-owned buildings, facilities, vehicles, and property.

Section 44.02 This policy applies equally to all employees, as well as to our customers and visitors.

Section 44.03 Smoking is only allowed off county property.

Section 44.04 Employees may smoke in personal vehicles but may not discard used tobacco products on county property.

Section 44.05 Violations of this policy may result in disciplinary action up to and including termination.

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Article 45. DISCIPLINE

Section 45.01 Although employment is based on mutual consent, the employee and Benton County have the right to terminate employment at will, with or without cause or advance notice, the elected official may use progressive discipline at his or her discretion as a development tool. Disciplinary action may be any or all of the following four steps:

- (a) verbal warning,
- (b) written warning,
- (c) suspension with or without pay, or
- (d) termination of employment.

Article 46. POLITICAL ACTIVITY

Section 46.01 No County employee shall participate in partisan politics during working hours.

Section 46.02 All County employees are subject to the Miscellaneous misdemeanor offenses and penalties as set out in Arkansas Code Annotated § 7-1-103.

Section 46.03 Any employee who becomes a candidate for election to a County, judicial district, state or national office may take his or her accrued vacation leave or be granted a leave of absence without pay during the time he or she actively campaigns. An elected official may require an employee who becomes a candidate to take vacation leave or leave of absence without pay during the time he or she actively campaigns. However, if the employee is a candidate for the office of the elected official who supervises him or her, any involuntary leave shall be reviewed by the Quorum Court.

Section 46.04 All political parties, with permission of the County Judge, may use County meeting rooms on an equal basis.

Section 46.05 It shall be unlawful for any person to appoint or offer to appoint anyone to any office or position of trust or for any person to influence, attempt to influence, or offer to influence the appointment, nomination, or election of any person to office in consideration of the support or assistance of the person for any candidate in any election in this state.

Section 46.06 It shall be unlawful for any public servant, as defined in ACA 21-8-402, to circulate an initiative or referendum petition or to solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or during the usual office

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hours or while on duty for any state agency or any county or municipal government in Arkansas.

- Section 46.07 It shall be unlawful for any public servant, as defined in ACA 21-8-402, to coerce, by threats or otherwise, any public employee into devoting time or labor toward the campaign of any candidate for office or for the nomination to any office.
- Section 46.08 It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any equipment, vehicles, trucks, or other property owned by the State of Arkansas or county.

Article 47. USE OF COUNTY PROPERTY

- Section 47.01 No County official or employee may use the County property for his or her own personal use. This excludes vehicles assigned to elected officials as a benefit of their office.
- Section 47.02 The improper, careless, negligent, destructive, or unsafe use of operation of equipment or may result in disciplinary action, up to and including termination.
- Section 47.03 Receiving avoidable traffic or parking violations may result in disciplinary action, up to and including termination.
- Section 47.04 Inform your elected official or supervisor if the equipment or vehicle appears to be damaged or in need of repair.
- Section 47.05 County vehicles are for county business only. Passengers not employed by the county must receive prior approval from the elected official responsible for the vehicle.

Article 48. CODE OF ETHICS:

- Section 48.01 The holding of public office or employment is a public trust created by the confidence, which the electorate reposes in the integrity of officers and employees of County government.
- Section 48.02 An officer or employee shall carry out all duties assigned by law for the benefit of the people of the County.
- Section 48.03 The officer or employee may not use his office, the influence created by his official position, or information gained by virtue of his position to advance his individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally. (A.C.A. 14-14-1202)

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Article 49. RULES OF CONDUCT:

- Section 49.01 County employees shall not grant any special consideration or advantage to individuals or groups beyond that which is available to every other individual or group.
- Section 49.02 Benton County Employees and their immediate family members are prohibited, by law, to bid on or knowingly come into possession of County-owned property or property sold through the County surplus property auctions.
- Section 49.03 County employees shall not engage in conflict of interest activities that prove to be incompatible with assigned duties, bring discredit upon the County, or give them an advantage in their outside activities over persons working in similar vocations.
- Section 49.04 County employees shall not accept gifts, services, gratuities, or favors, or engage in trading or bartering with those in custody or their families or friends.
- Section 49.05 County employees shall not use county funds, supplies, or facilities for purposes other than to conduct official county business.
- Section 49.06 County employees shall not use official positions to receive special favors for themselves or others.
- Section 49.07 County employees shall exercise care and emphasize safety in the use of county property and equipment.
- Section 49.08 County employees shall perform their duties fairly, impartially, and in a professional manner.
- Section 49.09 County employees shall conduct themselves both on the job and off duty so as to command the respect of fellow workers and the general public. Use of profanity and/or comments made regarding a person's race, religion, ethnic background, or anything sexual in nature will not be tolerated and may result in disciplinary actions up to and including termination.
- Section 49.10 County employees shall not display prejudice against persons or organizations, thus affecting cordiality or contact with other employees or the public.
- Section 49.11 No employee shall engage in any private business in the hours for which the county is compensating him or her.
- Section 49.12 Outside employment of a continual nature must be reported to the elected official and/or department head. Under no circumstances will a person be allowed to work at a job that conflicts in any way with his/her duties as a county employee.

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Article 50. GENERAL SAFETY RULES:

- Section 50.01 Employees are expected to obey all safety rules and be careful at work. Immediately report any unsafe condition to the appropriate supervisor and/or elected official. Violations of Benton County safety standards may be subject to disciplinary action, up to and including termination of employment. Violations include causing a hazardous or dangerous situation, not reporting a hazardous or dangerous situation, and not correcting a problem. Some of the safety rules are:
- (a) Observe and practice the safety procedures established for the job.
 - (b) Where required, you must wear protective equipment, such as goggles, safety glasses, masks, gloves, etc.
 - (c) Horseplay and/or practical jokes are forbidden.
 - (d) Lift properly—use legs, not back. For heavier loads, ask for assistance.
 - (e) Know the location of fire exits.
 - (f) Unauthorized possession of firearms or weapons of any kind on county property is prohibited.
 - (g) Possession or use of alcoholic beverages, narcotics or dangerous drugs on county property and reporting or returning to work under the influence of same is prohibited.
 - (h) Use of prescription drugs on the advice of your physician must be reported to your supervisor if there is any possibility of the drug causing a safety hazard.
 - (i) Fighting or being involved in a fight will not be tolerated on county property.

Article 51. ELECTRONIC INFORMATION SYSTEMS USAGE

- Section 51.01 Some employees of Benton County may be required to make use of, or have access to, the computers and electronic information installed by the county to fulfill job responsibilities.
- Section 51.02 As a productivity tool, employees may also have access to the Internet and e-mail messaging. Benton County owns the computer equipment, the computer network, all software programs and all electronic data, and employees will respect all electronic equipment and information as any other county property.
- Section 51.03 Incidental and infrequent private use of e-mail and viewing of information via the internet may be allowed if approved by the elected

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official. However, documents and electronic messages are not private. Employees are prohibited from using their county-owned computer, tablet, or phone to view television, movies or inappropriate web content. E-mails and computer usage may be monitored by the county. Employees who use e-mail to transmit information that might be perceived as harassment or disrespectful may face disciplinary action up to and including termination.

- Section 51.04 Consequently, any Internet activity and e-mail activity can be subject to the Freedom of Information Act (FOI), and can be made available for public viewing.
- Section 51.05 All employees using the county information systems will be supplied electronic account(s) with encrypted password(s) that grant specific access to the supported software applications and associated electronic data. It is the responsibility of the employee to keep their password(s) confidential. Furthermore, the employee will not alter the physical configuration of the computer equipment that is provided for their use. Likewise, installation of software for personal use is prohibited.
- Section 51.06 Depending upon the department, office or agency, there may be further legal requirements or restrictions concerning electronic information system usage. An employee should contact their elected official or department supervisor for more detail on this subject.
- Section 51.07 The Information Systems Department personnel will assist employees with any questions, comments or concerns regarding the proper conduct or functional use of Benton County electronic data processing.
- Section 51.08 Violations of this policy will lead to disciplinary action up to and including termination.

Article 52. BENTON COUNTY VEHICLE POLICY

- Section 52.01 No county official or employee may use the county vehicle for his or her own personal use. This excludes vehicles assigned to elected officials as a benefit of their office. The use of a county vehicle by county employees to be driven to their home at the end of their work shift will be allowed by the elected official only. The use of this vehicle after hours will be if an employee could be called out for an emergency or county business. The use of vehicle after hours must log time used and nature of call out or business trip. County vehicles are for county business use only; no non-county employee may use or be a passenger in vehicle without permission from elected official.
- Section 52.02 Employees assigned a County vehicle or equipment are responsible for scheduling required maintenance and follow all operating instructions,

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safety standards, and guidelines. Smoking is not permitted in County-owned vehicles at any time.

- Section 52.03 The improper careless, negligent, destructive, or unsafe use or operation of County-owned equipment or vehicles; or the receipt of excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

Article 53. GPS EQUIPMENT ON COUNTY-OWNED VEHICLES

- Section 53.01 Global Positioning Systems (GPS) equipment may be installed on County-owned equipment and vehicles. The GPS equipment is able to track the position of County-owned equipment and vehicles for the purpose of dispatching equipment and measuring utilization.
- Section 53.02 Employees should know that the equipment is owned by the County, and that the information obtained from the device may be used by the County as it sees fit, including but not limited to as evidence of violation of current Employee Policies, including but not limited to 104-Ethics and Conduct; 107 Employee Conduct and Work Rules; and 507-Use of Equipment and Vehicles.

Article 54. CERTIFICATE PAY

- Section 54.01 Elected Officials may develop a plan and submit the plan to the Quorum Court for funding consideration during the annual budget process.
- Section 54.02 Each plan should include the title of the certification/type of degree; how obtaining this certification/type of degree benefits the organization; and the amount of additional wages associated with obtaining the certification/ degree.

Article 55. COUNTY PAID TRAINING AND CERTIFICATION

- Section 55.01 If the county pays for non-mandatory certification/training and the employee voluntarily leaves employment prior to one year of completing the non-mandatory certification/training, the following reimbursement of the total cost of the program (registration, travel, lodging, and expenses) applies:
- (a) Voluntarily leaves employment under the same elected official in less than six months of the completion of training will be charged 75% of the total cost of the program;

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- (b) Voluntarily leaves employment under the same elected official within six months to one year of completion of non-mandatory training will be charged 25% of the total cost of the program. Any amount owed the county for reimbursement of training/certification costs will be deducted from the employee's last paycheck. If the employee transfers to another department, during the first year following the completion of the non-mandatory training, the department hiring the employee will be charged for 50% of the training/travel costs.

Article 56. TRAVEL AND TRAINING HOURS PAID

- Section 56.01 If the conference or training is required in your job description or for continued employment, you will be paid for travel time and all time actively attending training. This means that breaks and non-educational events (lunch, receptions, etc.) are not included, but all other time spent in educational events is paid time. If you are a non-exempt employee, this time is used in the calculation of overtime.
- Section 56.02 If the training is not required in your job description or for continued employment (voluntary) you will be paid your regular work hours. Travel that occurs outside of your normal work schedule is not covered unless you are the driver for one or more additional county employees. You will be compensated for the time you serve as the driver. You are not compensated if you are driving yourself or taking alternate forms of transportation. During the training session/conference you will be paid for regular work hours, but not for time spent outside that normal number of work hours. If you travel during normal work hours on a day that you are not normally scheduled to work you will be paid for those hours. Adjustments may be made in your work schedule during the week of travel and training to offset any hours over your normal hours worked.

Article 57. COUNTY UNIFORM POLICY

- Section 57.01 County purchased uniforms and work clothing issued to employees must meet County guidelines in order to be purchased. Departments shall identify uniforms or work clothing items as being specifically required for a position, program participation, or event.
- Section 57.02 Only items required for specific position, program participation, or events may be purchased, unless otherwise approved by the appropriate Elected Official.
- Section 57.03 Department identified uniforms must bear the Benton County Government logo in a conspicuous place. Specific departments may be

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granted approval for logos other than the standard Benton County Government logo by the County Judge.

- Section 57.04 Uniforms and work clothing is defined by the IRS. (See Publication 529)
- Section 57.05 Items that are not adaptable to general use are excluded from the requirement to bear the County logo. These items include safety equipment items that are exposed to hazardous waste, items that would not be adaptable to use outside the workplace, work clothing for uniformed and/or certified public safety employees, and items that do not leave County premises.
- Section 57.06 If appropriated by the Quorum Court, employees may be eligible for a work clothing allowance. Such allowances are a benefit for a particular position. Such allowances will only be considered for specific positions and amounts, not as a gross amount for departments to allocate on a discretionary basis. In considering requests for a clothing allowance, the Quorum Court may take into account how similar positions are treated by other employers. While the Quorum Court has ultimate discretion with regard to any particular clothing allowance, such will generally not be considered for positions which are purely office work or positions which are already provided daily uniforms at the County's expense. Such allowances are taxable income and will be included on an employee's W-2. Any work clothing allowance will be divided and paid out to the employee as part of the employee's pay throughout the course of the year unless otherwise approved by the elected official for whom the employee works. With such approval, any work clothing allowance up to the full annual allowance may be expended or paid out in a single lump sum with the amount so expended to be accounted for throughout the course of the year in order to recover the amount advanced. In such instances, the employee shall sign an agreement allowing the advanced amount to be withheld from the employee's final paycheck in the event the employee separates from employment.
- Section 57.07 Care and Maintenance of Uniforms – Benton County may provide a cleaning service for all issued uniforms. The County will be responsible for the cost of cleaning/maintaining all issued uniforms. Employees are personally responsible for the proper care, cleaning, alterations and repair of any work clothing purchased with his/her allowance.