

RESOLUTION NO. 2003-04

**A RESOLUTION ADOPTING THE AMENDMENT TO THE EMPLOYEE POLICIES
AND PROCEDURES MANUAL FOR THE CITY OF CHEROKEE VILLAGE.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. That the Employee Policies and Procedures as set out in a final draft dated March
17, 2003 by Alderman Russell Stokes is hereby adopted by reference herein, as if set out word
for word.

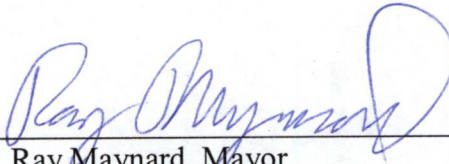
SECTION 2. Should any of the provisions of these Employee Policies and Procedures be
determined to be contrary to federal, state, or local law, the remaining provisions of these
Employee Policies and Procedures shall remain in full force and effect.

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

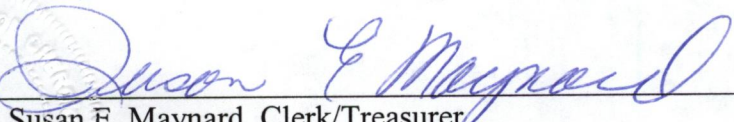
PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: March 17, 2003

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer

PERSONNEL POLICY CITY OF CHEROKEE VILLAGE

Mission statement

The quality of the employees hired by the City is a vital component of an effective and well-managed city government. The Mayor and City Council will make every effort possible to attract and retain the best qualified personnel to serve the citizens of Cherokee Village.

General Policy

The City of Cherokee Village is an at-will employer. This means that the City of Cherokee Village or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employee relationship. No policies, comments or written documents made herein or during the employment process shall be construed in any manner to nullify this provision.

The City of Cherokee Village shall provide equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, or veteran status as required by all federal and state laws. Furthermore, the City does not discriminate on the basis of disability. This provision shall extend to all employment-related decisions, terms and conditions of employment, job assignments and training, plus wages and benefits.

Hiring, notification of employment and notice of acceptance by the employee shall be in full conformity with state and federal laws governing employment as well as all city regulations governing the employment relationship.

Hiring

An interview shall be required of all persons hired. This interview shall be conducted by the Mayor or Department Head, or Mayor's designee. All regular full-time employees (*those who regularly work a full-time schedule and qualify for employer-provided benefits*) subject to hiring shall be recommended by the Department Head to the Mayor for approval. Department Heads shall be hired by the Mayor, unless the City Council overrides the mayor's action by a two-thirds majority vote of the total

membership of the council. Casual employees (*those with an established employment relationship who are called to work on an intermittent and/or unpredictable basis*) may be hired directly by the Mayor, or Department Head, without being submitted to the City Council for approval, if such hires have been previously authorized by the City Council.

Conditions of Employment

Employees are responsible for acquainting themselves with the policies and regulations of the City pertaining to their job assignment and for performing all duties incumbent upon them. Upon accepting employment, an employee agrees to accept assignments as determined by his/her immediate supervisor, Mayor, or Department Head. The appropriate supervisor is responsible for the assignment, scheduling, and supervision of their designated employees.

Employees are expected to perform their duties in an effective and efficient manner. They are expected to be punctual in fulfilling their assignments and to represent the City in a positive manner while in the workplace and when dealing with patrons when performing assigned tasks.

Discipline and Dismissal of Employees

Both regular and casual employees are subject to discipline and dismissal by the employee's supervisor at any time. Dismissal may be with or without cause. If dismissal is contemplated for cause, the employee may be informed of the need to improve or change a behavior and be given a specified amount of time to make this correction. Failure of the employee to make this correction will subject the employee to immediate dismissal. Grounds for dismissal shall include but are not limited to the following:

- Excessive absenteeism without just cause
- Flagrant inefficiency, incompetence or insubordination
- Willful and persistent failure to perform assigned duties
- Failure to improve performance in the workplace

Termination

An employee shall be terminated for violation of the City's policy or regulations and the employee forfeits all accrued rights, privileges and benefits. Terminations by a supervisor of a casual employee are subject to approval by the Mayor. Department Heads shall be terminated by the Mayor, unless the City Council overrides the mayor's action by a two-thirds majority

vote of the total membership of the council. Regular full-time employees may be terminated by a supervisor or Mayor.

Suspension

An employee may be suspended without pay in lieu of dismissal for violation of City policies and regulations and/or for reasons stated in grounds for dismissal noted above. A Department Head may suspend an employee for the above reasons upon notifying the Mayor.

Demotion

An employee may be demoted in assignment and pay for non-performance of duties and no specified time for improvement and/or change of employee's behavior need occur and/or be mandated prior to this action. This action may be initiated by the appropriate Department Head upon approval of the mayor. The City Council shall be notified within 24 hours following such action.

Due Process Procedure

Only regular full-time employees have an opportunity to appeal their discipline and/or dismissal to the City Council. The employee shall have the right to a hearing before the City Council. The employee must request such a hearing by stating in writing his/her request and cause for the hearing. This request must be filed with the City Clerk within 72 hours following the disciplinary and/or dismissal action taken against the employee. If such a hearing is requested, the council will hear testimony from the employee, the employee's supervisor and any other person(s) the council may deem necessary for presenting testimony. The Mayor shall preside over the council at the hearing unless the Mayor is the immediate supervisor of the employee requesting the hearing. If this be the case, a council member approved by a majority vote of the City Council shall preside at the hearing. The hearing shall be conducted according to the rules and regulations of the City's personnel policies and ordinances and laws governing such meetings. The date, time, and location of this hearing shall be set by the Mayor, within 10 days following receipt of the written request and all person(s) required to attend shall be so notified.

The decision rendered at the hearing by the City Council shall be approved by a majority vote of the members of the City Council. The employee shall be notified of the City Council's decision no later than 72 hours following the hearing session.

POST-OFFER PRE-EMPLOYMENT PHYSICALS

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

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

FITNESS FOR DUTY EXAM

Employees who become incapacitated due to mental or physical disabilities from performing their essential job functions with or without reasonable accommodation and/or who pose a direct safety threat shall be subject to a Fitness For Duty Examination. Based on the findings of the exam and other job restructuring factors, the City of Cherokee Village shall take whatever action appropriate for performing the essential job function.

**THE OMNIBUS TRANSPORTATION
EMPLOYMENT TESTING ACT OF 1991**

It is the City of Cherokee Village's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow-up testing. The City of Cherokee Village will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Cherokee Village a copy of the City's written substance abuse policy. CDL drivers are required to read this Policy and sign a statement acknowledging they have received a copy of the City's Substance Abuse Policy.

OTHER DRUG AND ALCOHOL TESTING

Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlined in the City's policy on this subject. All employees must obtain from the City of Cherokee Village the City's written Narcotics, Alcohol & Tobacco policy (see page). Employees are required to read this Policy and sign a statement acknowledging they have received a copy of the City's Narcotics, Alcohol & Tobacco Policy.

COMPENSATION

As stated in the introduction, the Mayor and City Council shall make every effort possible to attract and retain the best qualified personnel to serve the citizens of Cherokee Village. This effort includes a comparable pay and benefits package. Your compensation at The City of Cherokee Village is more than just your paycheck. It also includes health, dental, prescription drug, life insurance, and AD&D benefits as well as a Voluntary Life Insurance and a Voluntary 457(b) Retirement Plan, which allows employees to make tax deferred contributions to provide benefits toward their retirement.

PAY

Your rate of pay is based on your job responsibilities. Your rate of pay shall be determined upon your accepting employment. The City of Cherokee Village reviews pay periodically and may provide for an increase in pay at their discretion. Pay periods are Friday through Thursday and pay checks are issued on a bi-weekly basis.

HEALTH, DENTAL, AND LIFE INSURANCE BENEFITS

Employees are eligible for Health, Dental, Life Insurance, and AD&D Benefits the first of the month following their employment in a regular status. These benefits are provided at no cost to the employee. Dependent coverage is available at total cost to the employee. Upon reaching eligibility, employees shall receive the Municipal Health Benefit Fund benefits book, which describes the provisions of these benefits.

DEFERRED COMPENSATION 457(b) PLAN

The Arkansas Municipal League Deferred Compensation 457(b) Plan is a voluntary retirement savings plan available to all government employees, whereby, the IRS allows employees to direct their employer to deduct from their periodic pay certain amounts that will be invested and held until the employee retires. The funds deducted from the employee's pay and any earnings on the investment are not taxed until the money is actually paid out, normally, after retirement. Upon reaching eligibility, employees will receive the Arkansas Municipal League Deferred Compensation Plan 457(b) benefits book, which describes the provisions of these benefits.

VOLUNTARY LIFE INSURANCE BENEFIT

The Voluntary Life Insurance Protection Plan (VLIPP) is available to all government employees, whereby, employees can make contributions toward a life insurance benefit. The minimum contribution is \$2 per week. The Plan provides for a death benefit or a guaranteed cash value at age 65. In addition, all unmarried children up to age 25 can be covered at a rate of 99 cents per week providing a \$9,000 benefit.

EMPLOYEE LIFE INSURANCE OPTIONS

ELO/Life Plus Guaranteed Benefits, Level Premiums and Greater Polity Values

The Employee Life Options is more than just life insurance at an affordable price. It combines the guaranteed premiums, coverage and values that have always been so attractive in whole life insurance with the advantages of cash accumulation at current interest rates.

Basic Plan

Traditional whole life insurance provides cash value accumulation based on a very low fixed interest rate. The ELO Basic Plan provides current interest rates on your policy's value. This means that along with guaranteed premiums and guaranteed coverage, you may also benefit from competitive interest rates. ELO is affordable and is available through the convenience of payroll deduction. The Basic Plan is offered to eligible employees, their spouses, children and grandchildren

THE OPTIONS

Waiver of Premium

This benefit pays all the premiums on your policy in the event you become totally disabled before age 60. The disability must last at least six consecutive months and meet the definitions set forth in your policy.

This benefit is available to employees up to and including age 55 at a cost of 10% of your basic premium.

Accidental Death Benefit (ADB)

This option could double or even triple your ELO death benefit. It pays double the basic coverage to the beneficiary if the insured is killed accidentally and triple the basic coverage if accidental death occurs while the insured is a passenger on a bus, plane, train, or any other common carrier. This extra protection is available at

affordable rates. Any Basic Plan participant age 5 years through age 60 is eligible for this benefit.

Children's Term Benefit (CTB)

For pennies a week, you can provide level term coverage for all your unmarried, dependent children, age 15 days up to age 25. Future children will be automatically covered with no increase in the premium. This benefit may be added to any policy issued to any employee or spouse age 18-55. Coverage's range from \$1,000 - \$10,000 in unit increments of \$1,000.

The weekly cost is 11cents per unit. One premium covers all children. As many as 10 units of CTB are allowed regardless of the parents' ELO Basic Plan contribution. Any number of CTB units may be split between an Employee's and Spouse's policies, not to exceed the 10 units. If the insured parent dies, coverage on the children will continue without further premium payments until each insured child's 25th birthday.

Additionally, any insured child between the ages of 21-25 may purchase without evidence of insurability a permanent policy up to the lesser of 5 times the children's benefit or \$25,000.

OVERTIME PAY

Except for Police Officers, the City has the option of giving compensatory time, or paid overtime, for hours worked in excess of 40 hours per week for all Regular full-time employees. All overtime, both compensatory time and overtime, shall be accrued at the rate of 1 ½ hours for each hour of overtime hours worked. All overtime must be pre-approved by the immediate supervisor. An employee cannot accrue more than 120 hours of compensatory overtime (80 worked hours), and no compensatory overtime can be carried over to a new year without the Mayor's approval.

For Police Officers, the City has the option of giving compensatory time or paid overtime, for all overtime hours. All overtime, both compensatory time and overtime pay, shall be accrued at a rate of 1 ½ hours for each hour of overtime worked. All overtime or compensatory time worked must be approved by the Chief of Police.

Police Officers working a scheduled eight-hour shift, would have standard hours in a 28 - day work period of 171 hours. Hours worked above the 171 hours would be paid as compensatory time off.

Employees who miss a shift due to illness, vacation, personal leave, or any other reason, shall not have those hours count as hours worked for overtime or compensatory time.

Police officers can accumulate up to 480 hours of compensatory time (320 hours worked). After an employee accumulates the maximum compensatory time, the employee must be paid in cash for overtime worked.

Employees may use accrued "comp time" within a reasonable period of time after requesting it if to do so would NOT "unduly disrupt" the operations of the City.

Upon termination, "comp time" owed the employee must be paid based on the average regular rate of pay for the final three years of employment or the final regular rate received, whichever is HIGHER.

All overtime must have approval from the employee's immediate supervisor.

VACATION POLICY

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in this policy.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation, such as bonuses. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

POLICE DEPARTMENT

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

All employees of the Police Department shall accumulate vacation time at the rate of one and one-quarter (1 1/4) working days for each month of working service (see chart below).

Service Months	Days Accrued
1	1 ¼
2	2 ½
3	3 ¾
4	5
5	6 ¼
6	7 ½
7	8 ¾
8	10
9	11 ¼
10	12 ½
11	13 ¾
12	15

It is the specific duty of the Police Chief to see that each employee of the Police Department take ALL of their vacation time before the end of the

calendar year - no vacation time will be allowed to be carried over into the next calendar year.

ALL NON-POLICE EMPLOYEES

Vacation time is granted to all regular full-time employees who have completed 12 months of eligible service. See the following chart for Vacation Accrual Rate:

Years of Service	Vacation Accrued
1	5 working days
2 to 5 years	10 working days
6 years or more	15 working days

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except uniformed services leave of absence. Uniformed services leave has no effect on this calculation.

All vacations must receive prior approval from the Mayor, and may not be carried over to the next vacation year.

HOLIDAYS AND HOLIDAY PAY

All regular city employees shall be eligible for the following paid (determined by the average hours worked in a typical week) holidays:

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Day After Thanksgiving

Christmas Eve

Christmas Day

* The above holidays are based on State holidays and may change each year as designated by the State, but will never exceed 12 vacations per calendar year. Unless otherwise designated, holidays falling on Saturday will be observed the preceding Friday and holidays falling on Sunday will be observed the following Monday.

TRAVEL POLICY

City employees, traveling on "City" business, shall be reimbursed based on the standard IRS rate per mile for their travels. City officials shall NOT be reimbursed for their travel costs, except, for miles traveled to an educational seminar, convention, or conference.

Any travel to an educational seminar or convention must have prior approval from the Mayor, and must be included in the city budget.

Lodging costs shall be reimbursed for all city employees when traveling on business that takes them away from the City. When it is necessary to stay overnight, meal costs will be reimbursed up to \$25 per day.

GUIDELINES FOR APPROPRIATE CONDUCT

Employees of the City of Cherokee Village are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This involves a sincere respect for the rights and feelings of others, and demands that while at work and in their personal lives employees refrain from behavior that may be harmful to the co-workers, other employees, the citizens and/or the City. Whether employees are on-duty and/or off-duty, their conduct reflects on the City. Employees should observe appropriate standards of professional behavior at all times.

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

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

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

DISCIPLINARY ACTION

When an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory including violations of any other city policy, rules or regulations, directive or ideal, the employee shall be subject to disciplinary action up to and including dismissal.

Disciplinary action includes, but is not limited to the following:

- **Warning or Reprimand.** A warning or reprimand is action used to alert the employee that their performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees must be officially reprimanded in writing.

- **Suspension.** Suspension involves the removal of an employee from the job, normally without pay.

- **Demotion.** A demotion is an action that places the employee in a position of less responsibility and less pay.

- **Termination.** This type of disciplinary action is the permanent dismissal of an employee from city employment.

ABSENTEEISM AND TARDINESS

The City of Cherokee Village expects all of its employees to report punctually to work on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers, receiving city services. When an employee is unable to report to work on time because of illness or personal emergency, that employee must give proper notice to his or her supervisor. Unexcused absences and tardiness may result in disciplinary action.

“Proper notice” is defined by the City to be notice in advance of the time an employee is scheduled to report for work or no later than two (2) hours thereafter if advance notice is impossible.

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

CONDUCT TOWARD THE PUBLIC

Employees of the City of Cherokee Village shall at all times be civil, orderly and courteous in their conduct, demeanor, and appearance.

Not everyone employees may meet in the course of their duties will be courteous. However, all employees should treat the public as they would like to be treated: with courtesy, patience, respect and understanding. **This attitude or approach to public service cannot be over emphasized.**

When employees are unsure of the proper response to an inquiry from the public, they should refer that inquiry to the individual or the department which can provide the most satisfactory response. It is better to admit lack of knowledge than to provide erroneous information.

OUTSIDE COMPENSATION

No reward, gift or other forms of remuneration, in addition to regular compensation, shall be received from any source by employees of the City for the performance of their duties. If a reward, gift or other form of remuneration is made available to any employee; it shall be credited to a designated employee fund upon approval of the Mayor.

OUTSIDE EMPLOYMENT OR MOONLIGHTING

Employee considering additional employment must discuss the additional employment with their respective department head or supervisor for approval. If, as an employee of the City, you participate in additional employment, it must not interfere with the proper and effective performance of your job with the City. An employee's outside employment must not be of a nature that adversely affects the image of the City, or a type that may be construed by the public to be an official act of the City or which in any way violates these policies. City uniforms shall not be worn during outside employment unless authorized by the department head and/or supervisor.

REFUSAL TO WORK

A city employee's commitment is to public service. Any work stoppage, slowdown, strike, and/or other intentional interruption of City operations shall cause the employee to forfeit his/her employment and result in the termination of said employee from the City of Cherokee Village.

RESIGNATION / TERMINATION

Employees desiring to terminate their employment relationship with the City of Cherokee Village are asked (but not required) to notify the City at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Sufficient and timely notice will allow the City time to calculate all final accrued monies due the employee for his/her final paycheck. However, without adequate notice the employee may be required to wait until after the end of the next scheduled pay period to receive his/her final check.

Employees planning to retire are requested to provide the City with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms so that retirement benefits to which an employee is entitled may commence in a timely manner.

SEXUAL HARASSMENT

The City of Cherokee Village shall be committed to protect each employee from any type of sexual harassment, blatant or subtle. Sexual harassment is:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

-submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

-submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

-such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

If you have a complaint of sexual harassment at work, report it immediately to the Mayor, unless the Mayor is involved in the complaint. In this event, bring it to the attention of the Council member that has been appointed "City Liaison.”

Complaints shall be investigated promptly and all complaints shall be handled in a confidential manner.

UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance shall be provided to personnel of certain departments as authorized by the City of Cherokee Village. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If employees are unsure what appropriate attire is, the employees should check with their supervisor or department head.

USE OF MUNICIPAL VEHICLE

The personal use of City owned vehicles and/or equipment is prohibited unless prior written approval is granted by the employee's immediate supervisor and/or the Mayor. Any employee using City owned vehicles and/or equipment without prior written approval may be subject to disciplinary action.

USE OF NARCOTICS, ALCOHOL AND TOBACCO

Employees of the City of Cherokee Village shall not use habit-forming drugs, narcotics or controlled substance unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

Smoking is prohibited in all municipal buildings. Each department head or supervisor shall establish smoking rules or related guidelines for their respective employees.

ACCIDENTAL INJURY

If any regular employee is involved in an accident (not job connected) and the injury sustained in such accident requires the employee to be absent from work, the employee shall be entitled to receive pay at his/her regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred.

OCCUPATIONAL INJURIES

All employees of the City are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury must immediately notify his supervisor who shall arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation shall be posted on the department bulletin boards in the municipal building.

FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities to offer up to twelve (12) weeks of **unpaid**, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by foster-care arrangements.
- The care of an immediate family member (spouse, child or parent) who has a serious health condition; and
- The inability of a city employee to work because of a serious health condition which renders employee unable to perform the essential functions of his or her job.

The Federal Act requires that the City maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave. To be eligible for the FMLA benefits:

- There must be at least 50 employees within 75 miles
- Employees must be employed by the City for at least one year, and
- Worked 1,250 hours over the previous twelve (12) months preceding the leave request.

City employees must use vacation or accrued leave before FMLA leave shall be granted. City employees are required to provide advance leave notice in writing to the employee's supervisor (at least 30 days) when leave is foreseeable (such as childbirth, adoption or planned medical treatment, or as early as possible if the leave to be taken is not foreseeable 30 days in advance). The City requires written medical certification that the leave is required due to an employee's own serious health condition or that of a family member. Depending on the individual situation, the City may require a Fitness For Duty Exam before returning to work.

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

Additional information and forms on FMLA may be obtained from the City Clerk.

FUNERAL OR BEREAVEMENT LEAVE

Regular full-time employees shall be paid for regularly scheduled hours taken off from the date of death through the date of the burial of a member of the employee's immediate family. This is limited to three (3) days. Immediate family is typically defined as parents, brothers, sisters, spouse, children, step-children, grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law for purposes of this policy.

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

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

JURY DUTY LEAVE

Employees shall be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for such services awarded by the court. To qualify for jury or witness duty leave, employees must submit to the City of Cherokee Village a copy of the summons or other relevant court-related paperwork as early as possible upon receipt thereof. In addition, proof of said service must be submitted to the employee's supervisor upon completion of the employee's jury and/or witness duty.

MATERNITY LEAVE

Employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave shall be granted for maternity use after which leave without pay must be used.

SICK LEAVE

POLICE DEPARTMENT

All Police Officers shall accumulate sick leave at the rate of twenty (20) working days per year beginning with the first month of regular employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

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

If, at the end of an officer's term of service, upon retirement or death, whichever occurs first, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave shall not be paid out when an officer's employment terminates for any other reason. Payment for unused sick leave shall NOT exceed sixty (60) days' salary.

CITY REGULAR FULL-TIME EMPLOYEES

Sick leave shall accumulate at the rate of one (1) day per month beginning with the first month of regular employment, to a maximum of sixty (60) days. Sick leave shall not be paid out to employees who terminate their service for any reason (retirement, death, or termination).

An employee shall be eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness in the immediate family which would require the employee to take care of the family member(s).
- Medical, dental, and optical visits.

In order to receive sick leave pay, an employee who is unable to report to work due to one of the previously listed sick leave reasons shall report the

reason for the absence to the employee's supervisor within two (2) hours from the time the employee is expected to report for work.

Employees who are absent more than three (3) consecutive days due to unconfirmed illness shall be required to submit a physician's return to work statement.

Absence for part of a day shall be deducted from earned sick leave in amounts of not less than one-half (1/2) day increments.

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

UNIFORMED SERVICES LEAVE

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits, are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. & 4301 et seq., and in A.C.A. 21-4-102. It is the City's policy to comply with the provisions of those statutes.

SEVERABILITY

Should any of the provisions of these Employment Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

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

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EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about City of Cherokee Village, and I understand that I should consult my Supervisor, Mayor, City Attorney and/or the Personnel Director regarding any questions not answered in the handbook.

I have entered into my employment relationship with City of Cherokee Village voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or City of Cherokee Village can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to City of Cherokee Village's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Mayor with the approval of the City Council of Cherokee Village has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed):

EMPLOYEE'S SIGNATURE:

DATE: _____