

## **PROPOSED ORDINANCE 20-18**

Be it enacted by the Quorum Court of the County of Faulkner, State of Arkansas. An Ordinance to be entitled: An Ordinance to amend and supplement the Faulkner County Personnel Manual 2015 and declaring an emergency.

WHEREAS, the Faulkner County Personnel Manual 2015 is in need of amendments and additions in order to comply with federal law and set clear expectations to the employees of Faulkner County.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF FAULKNER COUNTY, ARKANSAS:

The Faulkner County Personnel Manual of 2015 is hereby amended as follows:

**Section 1:** Section XXIII Harassment will be amended to the following:

- A. Faulkner County is committed to providing a work environment free of unlawful harassment. Faulkner County's anti-harassment policy applies to all persons involved in the operations of the County and prohibits unlawful harassment by any employee of Faulkner County including supervisors and co-workers. Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands, and retaliation is prohibited. Unlawful harassment includes but is not limited to:
  - 1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments; and
  - 2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures; and
  - 3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work; and
  - 4. Threats and demands to submit to sexual requests in order to remain employed or to avoid some other loss, and offers of job benefits in return for sexual favor; and

5. Retaliation for having reported or threatened to report unlawful harassment.
- B. The law prohibits any form of protected-basis harassment that impairs working ability or emotional well-being at work.
- C. If you believe you have been the subject of unlawful harassment by anyone, including supervisors, elected County officials, co-workers, citizens, or vendors, you should **immediately** report the conduct to your supervisor. If the conduct allegedly involves your supervisor, you should immediately report it to the elected County official under whom you serve. If the conduct allegedly involves the elected County official, you should immediately report the conduct to the County Judge. If the conduct allegedly involves the County Judge, you should immediately report the conduct to the County Human Resources Officer or the County Attorney. Charges should be in writing and must include the details of the incident or incidents, the names of the individuals involved and the names of any witnesses. The County Attorney will promptly investigate all complaints. All County employees are expected to cooperate fully in such investigations. A determination regarding the alleged harassment will be made and communicated to the employee as soon as practical. To the extent feasible, all internal investigations and/or actions taken to resolve complaints of harassment will be confidential.
- D. If the County Attorney determines that unlawful harassment has occurred, Faulkner County will take effective remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment. Whatever action is taken against the perpetrator will be made known to the victim. Faulkner County will take appropriate action to remedy any loss to the employee resulting from harassment. Discrimination or retaliation against any County employee for making a complaint under this policy or for providing information during an investigation is strictly prohibited, will not be tolerated, and is a violation of this policy.
- E. Any County employee who violates this policy will be subject to appropriate discipline, up to and including termination. Any supervisor who knowingly permits harassment or retaliation to take place in his or her areas of supervision will be subject to appropriate discipline, up to and including termination.
- F. Faulkner County encourages all employees to report any incidents of harassment forbidden by this policy immediately so that charges can be quickly and fairly resolved. All employees who believe they have been the subject of unlawful harassment **MUST** report the unlawful claim of harassment within thirty (30) days of the alleged unlawful conduct.

**Section 2:** Section XV Standard Workweek will have the following addition:

E. Attendance Policy

Faulkner County employees are expected to be on the job during their regular work hours. Unexcused and excessive tardiness and/or absenteeism may result in disciplinary

action, up to and including termination. County employees will be permitted absence without prior authorization under only the following conditions: (1) emergency, (2) family sickness or funeral, (3) other, if subsequently approved by the employee's supervisor.

Employees must take earned vacation or sick time for every absence unless otherwise allowed by policy (e.g., leave of absence, bereavement, jury duty).

### **Tardiness and Early Departures**

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately.

### **Job Abandonment**

Any employee who fails to report to work for a period of three days or more without notifying his or her supervisor will be considered to have abandoned the job and voluntarily terminated the employment relationship.

## **Section 3: Section XXIV Employee Speech will have the following addition:**

### **J. Social Media Policy**

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

#### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's social networking page, blog, personal web site, bulletin board or chat room, whether or not associated or affiliated with Faulkner County, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Any conduct that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects the interests of the County may result in disciplinary action up to and including termination.

Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Post only appropriate and respectful content:

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

Using social media at work:

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor. Do not use Faulkner County email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited:

Faulkner County prohibits retaliatory action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

**Section 4:** Section XXXVIII Family and Medical Leave Policy Section C will be amended to state the following:

- C. Leave Year Defined. Generally, leave used under the FMLA policy is considered unpaid leave. For the purpose of this policy, Faulkner County will use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave taken during the 12-month "look back" period from the 12-week total allowed.

**Section 5:** The following paragraph shall be added to Section XXXIV. Fringe Benefits:

CELL PHONES: When authorized by the managing Elected Official, an employee may request to use their personal cell phone for business use. If such use is approved by the managing Elected Official, the employee may receive a monthly allowance for expenses as allowed by the managing Elected Official in an amount up to \$50.00 per month. This allowance is considered taxable income and will appear on the employee's W2 form. Employees should understand that if they use their personal phone for business use, the information contained on their personal phone may be subject to Freedom of Information Act requests.

**Section 6:** EMERGENCY CLAUSE. The adoption of this Ordinance is an emergency, so this Ordinance shall be in full force and effect immediately upon its passage and approval.

Approved by the Quorum Court on July 21, 2020.

**Dated:** July 21, 2020

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**Attest:** \_\_\_\_\_  
**Margaret Darter**  
**Quorum Court Secretariat**  
**Faulkner County, AR**

**Approved:** \_\_\_\_\_  
**Jim Baker**  
**Faulkner County Judge**  
**Faulkner County, AR**