Faulkner County Personnel Manual 2015

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I. INTRODUCTION

This Manual is designed to inform Faulkner County employees of the County's operating policies and practices as they apply to all County employees. Additional policies and practices may be adopted by Officials, as defined below, provided that these do not conflict with the policies contained herein. Any additional policies or practices adopted by an Official shall become effective after approval by the Quorum Court. County employees are defined as those deputies and others employed by and serving at the pleasure of the officials. Each County employee is responsible to the official who hires or appoints that employee.

For additional information, employees should ask their supervisor, the official under whom they serve, or the Human Resource Administrator.

II. DEFINITIONS

A. Constitutionally protected class—includes race, color, religious creed, sex, or national origin.

B. County—a political subdivision and corporation within specified geographic limitations which administers justice and exercises local legislative authority.

C. Emergency—a situation (e.g. injury, loss of life, damage to property, or catastrophic interference with normal activities) that requires immediate attention and remedial action.

D. Employee—a person who is employed in the service of the county. This definition excludes a person who is required to perform work for a municipality, county, the State, or federal government, upon being convicted of a criminal offense or while incarcerated.

E. Official—an elected person vested with authority in a County office. This will also refer to the top authority in any department not headed by an elected person.

F. Retiree—a person who withdrawals from service of the employer and who is a member of the Arkansas Public Employee's Retirement System. This person has a valid retirement application with the system and is entitled to an annuity payable from the funds of the system.

G. Relative—husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, step-daughter, step-son, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, niece, grandparents, granddaughter, or grandson.. A.C.A. §25-16-1001.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Purpose

The purpose of this document is to familiarize the employee with the County's employee policies. Nothing herein creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

B. General County Policy

1. The county is to treat all employees and citizens in a manner that is:

    a. Rationally related to the effectuation of legitimate County objectives and

    b. Uniformly applied to all persons similarly situated.

2. No official or employee of the County is to abuse or misuse his or her governmental power.

3. No official or employee is to engage in any overt act that is either illegal (contrary to applicable statues or judicial rulings) or unconstitutional (contrary to the United States or the Arkansas Constitution).

4. No official or employee is to omit the performance of any duty that is affirmatively required by applicable laws (statutes or judicial rulings).

5. No officer or employee 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 an entity created by 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 A.C.A. 14-14-1202(2)A)(i).

6. No official or employee of County government is to engage in any act that would constitute "corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office." A.C.A. §14-14-1311.

7. Each 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 (United States and Arkansas), and this

general County policy.

C. County Employment Policy

1. All County employees are “at will” employees. County employment is not for a specific period of time and may be terminated at any time without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. If, notwithstanding this document, any employee contends that they have a problem listed at Section D of the grievance policy, that employee may request a hearing as provided in the Grievance section.

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

D. Rational Basis for Removal of Pay or Position

1. An Official may reduce or remove pay or position of an employee for any reason that is rationally related to the effectuation of any conceivable legitimate County objective.

2. The Official shall obtain Quorum Court approval to eliminate a position from the budget.

3. Examples

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 a supervisor.

d. Negligent, reckless, knowing, or intentional destruction of County property.

e. Abuse or misuse of your position as a County employee.

f. Any conduct, acts, or omissions that interfere with or impair your 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.

E. Constitutionally Protected Conduct

1. It is the policy of this County not to violate the Constitution or the laws of Arkansas or the United States.

2. Should any applicant, employee, or person requesting County assistance or services contend that he or she has been unlawfully discriminated against, the applicant or employee shall request, in the time and manner set forth in the County Grievance policy, a grievance hearing 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 modify the conduct of the County officials and County employees to the requirements of the County policy. For more information grievance hearings, please see the section on Employee's Grievance Hearing.

F. Hiring and Promoting

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

2. Prospective employees who are required to register with the selective service system must certify compliance with the Military Selective Service Act as a condition of employment.

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

IV. RECRUITMENT

A. Notice of Opening and Recruitment

1. The Human Resource Office shall be notified of the official's intent to hire by means of a "Notice of Job Opening." This form shall contain the necessary information to identify the position to be filled, provide the rate

of pay, and be authorized by the responsible official.

2. The “Notice of Job Opening,” completely filled out, will be delivered by the official to the Human Resource Office.

3. If the request conforms to the County’s policy establishing an open position, the Human Resource Office shall use the following practices for recruiting applicants for the selection and hiring of Faulkner County employees.

4. The Human Resource Office shall establish forms and procedure which all officials shall use and follow.

B. Hiring Procedures

1. Exemptions

   a. All candidates for all full time positions shall be subjected to the hiring procedures detailed in two (2) thru five (5) below. Employees, part-time employees, and persons hired on an emergency basis are exempt from the hiring procedures detailed in sections two (2) through five (5) below.

   b. In an emergency, an employee may be hired on a temporary basis, with the understanding that the position they were hired for would remain open the full waiting period, be advertised, and the most qualified applicant will be hired even if it is not the temporary hire.

   c. Persons hired on an emergency basis are limited to thirty (30) days employment and are eligible for rehire.

2. All full-time positions shall remain open for a minimum of fourteen (14) calendar days before hiring and may remain open longer, at the request of the hiring official. No person may be hired until the position is closed. (See 3 on the next page.)

3. An open position will close at 11:59 p.m. on the last day it is advertised and may not be filled until the following day. Officials and employees shall not accept applications from individual applicants.

4. All County positions will be listed with the Arkansas Employment Security Department and posted on the County’s website.

5. All unsuccessful applications shall be retained for two (2) years post hire date. All successful applications go into personnel files and shall be retained for two (2) years post resignation or termination.

C. Retirees -- If a retiree is recruited, he or she shall be hired in accordance with applicable State statutes and regulations.

V. SELECTION

A. All qualifications required for hiring must be “bona fide” occupational qualifications. “Bona fide” means that applicants possess the minimum qualifications actually required for the job. All questions asked during an interview shall be related to bona fide qualifications.

B. No interview shall be conducted before the application period closes.

C. Once the application period closes, if an official or department head chooses to screen applicants before interviewing, 10% of the applicants or a minimum of three must be interviewed before a job offer is made.

VI. HIRING

A. New employee data shall be submitted by the hiring official to the Human Resource Office within two (2) business days of a job acceptance. An employee cannot receive a paycheck unless all employment data is received by the Human Resource Office.

B. When the hiring official has made the job offer and it has been accepted, the hiring official shall call the Human Resource Office to schedule the newly hired employee for orientation and to insure that all employees are equally informed concerning the benefits and policies of Faulkner County employment.

C. The Immigration Reform and Control Act of 1986 requires that persons hired after May 31, 1987 complete a Form I-9 within three (3) business days of the date of hire. (If a person is employed for less than three (3) days, the Form I-9 must be completed before the end of the employee’s first working day.)

VII. NEPOTISM

A. An official shall not contract with, hire, appoint for employment, or promote any relative of that official.

B. An official shall not hire, appoint or promote for employment any relative of any person in the same department or office if either one will have direction or supervision of the other.

C. If a person is placed on the payroll in violation of subsection (a) or subsection (b) of this section:

1. The person shall not be entitled to pay at the rate for which the employee was initially hired;

2. The person shall be entitled to receive pay at the greater of the minimum hourly wage rate under A.C.A. § 11-4-210 or the federal minimum hourly wage rate under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., for time actually worked while in violation of subsection (a) or subsection (b) of this section; and

3. The employment shall be void.

VIII. BACKGROUND CHECKS

A. Offers of employment at Faulkner County may be contingent upon the results of a background check. Background checks may be conducted on all newly hired staff members and on all employees who are promoted, as deemed necessary.

B. Back ground checks may include:

1. Social Security verification to confirm the applicant's social security number, date of birth, and former addresses.

2. Prior Employment Verification to confirm applicant's employment with the provided companies, including dates of employment, position held, and additional information available pertaining to salary/wages, performance rating, reason for departure, and eligibility for rehire.

3. State Criminal History checks in states that applicants have listed on the release form.

4. Federal Criminal History checks with district courts for any crimes committed in violation of federal law in district or current residence.

5. Verification of Personal and Professional References: calls may be placed to individuals listed as references by an applicant.

6. Educational Verification to confirm the applicant's claimed educational institution including the years attended and the degree or diploma received.

7. Driving History report from the Department of Motor Vehicles on an individual's driving history in the state requested.

8. Credit History check to confirm candidate's past credit history.

C. Procedure

1. After a verbal employment or promotion offer is made, the chosen candidate must complete the Pre-Employment Certification/Release form and return it to the Human Resource Department.

2. The Human Resource Department will notify the hiring manager upon receipt of the signed release. The chosen candidate is not to begin work prior to the hiring manager receiving approval from the Human Resource Department.

3. Human resources will order the background check upon receipt of the signed release form and an employment screening service will conduct the check. A designated Human Resource representative will review all results. The Sheriff's Department is authorized to conduct the criminal portion of such background check for their department.

4. The Human Resource representative will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and the Director of Human Resource will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

5. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements.

6. The Human Resource representative will be responsible for handling such FCRA requirements as necessary. Faulkner County will follow all applicable FCRA requirements throughout the background check process.

7. Any questions regarding FCRA must be directed to the Director of Human Resource.

8. Background check information will be maintained in a file separate from employee's personnel files.

IX. REINSTATEMENT

An employee may, at the discretion of the official, be reinstated with credit for the years of service which the employee held before termination, if employment was terminated in good standing and the employee is reinstated within sixty (60) days of termination in the same position. Employees being considered for rehire under other circumstances must have final approval by their official and must follow the procedures in Section IV. If an employee is rehired, then they start with credit for the years previously served with the County.

X. PERSONNEL RECORDS

A. Personnel Records of all County employees shall be kept by the Human Resource Office. Whenever there is a change in address, phone number, dependents, or beneficiaries, it is the responsibility of the employee to report such changes to the Human Resource Office. If any official keeps a separate personnel record within his or her office, that record shall be duplicated in the Human Resource Office file.

B. Time Records of all County employees shall be kept by the applicable Official or Department Head and stored in an easily accessible location. Time Records must be reviewed for accuracy and signed by both the employee and the supervisor. They must be available for viewing by representatives of the Department of Labor and be retained for a minimum of three (3) years.

XI. REQUESTS TO QUORUM COURT

All requests for personnel and salary changes for full time employees shall be submitted to the Quorum Court at its May and/or September meeting. Any such requests submitted at other times may be considered by the Personnel Committee to determine if it warrants consideration. Meeting In the event that the Court grants such requests, they will take effect immediately. If the Quorum Court finds the County to be out of compliance with State or Federal law, it will make salary or personnel changes to remedy the problem regardless of the language above.

XII. JOB CLASSIFICATION

A. Full-time Regular – Upon completion of the one-month waiting period, an employee shall be considered a regular employee and shall be entitled to all rights and benefits in accordance with Faulkner County policy. Vacation and sick leave accrual shall be retroactive to the date of hire.

B. Temporary – An employee hired to work on a short term basis, not to exceed eighty-nine (89) days, shall be considered temporary. A temporary employee shall not be eligible to participate in any benefit plan or to receive paid leave.

C.

Retention on the payroll for more than eighty-nine (89) days, either as extended temporary service in an emergency situation or as promotion to a full-time positions is conditional upon Official's approval and their appropriation of funds to pay retirement benefits and penalties retroactive to the date of hire. A temporary employee who is granted full-time status shall not have his or her temporary service applied to the satisfaction of the benefit waiting period and sick leave hours, vacation hours, and holiday hours accrual shall not be retroactive to the date of hire. Date of hire for insurance enrollment purposes, leave benefit calculation, and other employment purposes shall be the date of promotion to full-time service.

D. Part-time – An employee hired to work less than an average of thirty (30) hours per week on a regular basis shall be considered part-time. A part-time employee who is granted full-time status shall not be required to satisfy a benefit waiting period for purposes of leave. Date of hire for insurance enrollment and other employment purposes shall be the date of promotion to full-time service.

E. Appointed – A person designated or selected to fill a Board or Commission position for a specified period of time shall not be eligible to participate in any benefit plan and shall not receive paid leave.

XIII. PAYDAY AND SALARY CHECKS

A. Payday shall be Thursday following the close of the pay period. In the event Thursday is a holiday, payday will be the last work day before Thursday.

The County Judge may alter a specific period for an unusual circumstance.

B. A statement of earnings and deductions will be attached to the paycheck and should be retained as it is the employee's record of:

1. Pay period dates

2. Hours worked

3. Vacation hours paid

4. Sick hours paid

5. Compensatory hours paid

6. Bereavement hours paid

7. Current and year-to-date mandatory deductions. Mandatory deductions are those deductions mandated by state or federal law including Federal Insurance Contributions Act (FICA), federal income tax, state income tax, garnishments, and wage attachments for child support.

8. Current and year-to-date voluntary deductions. Voluntary deductions shall be limited to those programs endorsed and approved by the Faulkner County Judge.

9. Accrued vacation hours and maximum accrual balance

10. Sick leave hours

11. Compensatory time earnings for current payroll period

12. Accrued compensatory time

13. Gross pay

14. Total deductions

15. Net pay

C. Questions concerning paychecks should be directed to the department head, official, or payroll at the County Clerk's Office.

D. Paychecks will be issued only at the regularly scheduled times. Employees who will be on vacation when checks are issued must make arrangements to have their paychecks picked up or deposited.

E. Manually prepared payroll checks will be issued only to correct an error on a payroll check which is the fault of payroll processing.

F. Terminated employees shall receive their paychecks on their regularly scheduled payday. Any earned vacation pay or compensatory time will be paid at this time.

XIV. RAISE REQUESTS

Raise requests will be accepted by the appropriate Quorum Court Committee in the September meeting of the full Court so that they may be considered in the course of the end-of-the-year budget processes. Any raise requests submitted at another time of the year will be tabled until the next September meeting. If the

Quorum Court finds the County to be out of compliance with State or Federal law, it will make salary or personnel changes to remedy the problem regardless of the language above.

XV. STANDARD WORKWEEK

A. The standard workweek for Faulkner County shall begin at 12:00 A.M. on Saturday and end at 11:59 P.M. the following Friday. A pay period shall consist of two standard workweeks.

B. All employees are expected to work the hours prescribed by their official. The scheduling of these hours is the responsibility of each official. Employees may not use leave policy to exceed forty (40) hours paid in a work week. If an employee works on a Holiday, then Holiday pay can be used to exceed forty (40) hours paid in a week.

C. Employees are determined “exempt” and “non-exempt” by the provisions of the Fair Labor Standards Act. All employees who are not exempt from the minimum wage and overtime provisions of Faulkner County policy, whether full-time or part-time, shall record on a time card their total hours worked each workday. At the end of the pay period the employee must sign his or her time card to certify accuracy of hours worked and submit the time card to his or her official or department head for verification and approval. Payroll processing shall be based on this documentation.

D. All employees who are exempt from the minimum wage and overtime provisions of Faulkner County policy shall average forty (40) hours per week.

XVI. OVERTIME COMPENSATION

A. Any county employee who makes less than the $ 455 per week (regardless of job duties) is eligible for overtime compensation. Revised FLSA Section 13(a)(1).

B. 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 suspects; preparing investigative reports; and similar work are eligible for overtime compensation. *New* FLSA Section 541.3(b)

C. 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.

D. The fact that an employee is paid a “salary” has nothing to do with whether an employee is (or is not) entitled to receive overtime compensation.

E. Employees who are eligible to receive overtime compensation may, at the discretion of the official, 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. To compensate an employee for overtime work, the official supervising each department shall have the discretion to authorize overtime pay only, compensatory time only, or to give each employee the option between the two.

F. The normal work period shall be 40 hours per week for all employees except employees engaged in the provision of law enforcement (including jailer) and ambulance services. The normal work week for law enforcement (including jailer) and ambulance personnel shall be no more than 171 hours in a 28 consecutive day work period.

G. No Employee shall accrue more than 120 hours of compensatory time. After accruing the maximum 120 hours of compensatory time, an employee eligible to receive overtime compensation shall be paid overtime in cash (net of tax and other payroll deductions) at a rate of one and one-half times the rate earned for each hour of time worked in excess of the normal work period.

H. 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:

1. The average regular rate received by such employee during the last three years of the employee’s employment or

2. The final regular rate received by such an employee, whichever is higher.

I. 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.

J. No overtime hours shall be worked without the approval of the Official, Department Head, or such supervisory personnel designated by the Official or Department Head to approve the overtime.

K. All Officials and Department Heads will maintain time sheets to be filled out by each employee on a bi-weekly basis and signed by the Official, Department Head, or their designee. The time sheets will be provided to the County Clerk's office at the end of each pay period to be kept as a permanent record. If the Officials or Department Heads fail to give the required approved time sheets to the County Clerk, the County Clerk is not to issue subsequent paychecks.

L. Overtime pay calculations shall only be based on hours actually worked during the pay period. Holiday or leave hours shall not be used in calculating overtime pay.

XVII. REST PERIODS

The County provides two (2) fifteen (15) minute paid rest periods each work day. The placement of which lies within the official's discretion. Each official shall set rest and lunch periods for their office but at no time shall an office be left without adequate staff to perform necessary duties.

XVIII. INCLEMENT WEATHER

Employees are expected to work regardless of the weather unless the County Judge declares the County offices officially closed. If the said offices are closed, the employees will be paid for the hours they normally work. If there is a delay in the opening of offices, employees shall likewise be paid if they work the remainder of the hours normally worked. Any employee unable to work due to the inclement weather when the offices are not closed or delayed in opening, will be charged vacation hours earned, if any, after compensatory time accrued, if any, for each day he or she does not report to work.

A. However, any employee may be required to work by their official, regardless of closing by the County Judge.

B. Employees who are not scheduled to work because of vacation, sick, or other leave will be charged leave if their absence occurs coincidentally with the court house closure.

XIX. GENERAL WORK RULES

A. Purpose

Rules and standards are necessary to protect the health and safety of all employees, to maintain uninterrupted service, and to protect the County's goodwill and property.

B. Policy

Employees who violate any County rule or regulation will be disciplined fairly, consistently, and in proportion to the seriousness of the circumstances. The following list includes but does not limit the major items which are deemed sufficient cause for disciplinary action:

1. Arrest and conviction on criminal charges.

2. Unauthorized possession of firearms or weapons of any kind on County Property.

3. Intoxication during working hours, including the use of intoxicating beverages, marijuana, or hallucinogenic drugs on County property or any other violation of the County's Drug Free Workplace Policy.

4. Unauthorized possession of County property or of the property of a fellow employee.

5. Willful destruction of County property or the property of a fellow employee.

6. Deliberate misuse of or unauthorized use of County supplies, materials, or machines.

7. Altering one’s paycheck in any manner.

8. Fighting with, threatening, or attempting bodily injury to another on County premises.

9. Falsifying County records or reports including one’s time card or the time card of another employee.

10. Sleeping during scheduled working hours, or leaving the work area without permission of one’s supervisor.

11. Receiving or making excessive personal telephone calls on County telephones or personal cell phones.

12. Disobedience or insubordination.

13. The use of abusive, threatening, or obscene language.

14. Exceeding the authorized number or length of break periods.

15. Absenteeism or tardiness.

16. Working unauthorized overtime.

17. Failing to properly complete required reporting.

18. Failing to meet County work standards in terms of quantity and quality.

19. Interfering with another employee's efforts to meet County work standards.

20. Violation of sanitary or safety rules.

21. Tampering with or mishandling any mechanical equipment.

22. Unauthorized disclosure of confidential information.

23. Positive alcohol test during working hours

XX. GENERAL SAFETY RULES

A. Safety rules are primarily for employee protection. Injuries impose severe burdens on employees and their families. They often result in loss of pay and can lead to permanent disability or disfigurement.

B. These safety rules must be observed at all times and should impose no hardship on anyone. It will make Faulkner County a better and safer place in which to work and with whom to do business.

1. Possession or unauthorized use of alcoholic beverages, narcotics, or dangerous drugs on County property and reporting or returning to work under the influence of the same is prohibited.

2. Use of prescription drugs on the advice of your physician must be reported to your supervisors if there is any possibility of the drug causing a safety hazard.

3. Disorderly conduct or horseplay on County premises is prohibited.

4. Fighting or being involved in a fight will not be tolerated on County property.

5. All injuries and accidents (including but not limited to those involving County vehicles), regardless of their severity, must be reported

immediately to the employee's supervisor.

6. Employees should familiarize themselves with all exits proximate to their work area. Aisles, hallways, and fire exits must always remain open and access to firefighting equipment must be kept clear.

7. The use of all fire extinguishers, regardless of type, must be reported to the employee's supervisor and exchanged for a full extinguisher.

8. Employees shall familiarize themselves with the location of storm refuge areas.

9. Employees shall not operate any machinery or equipment unless properly trained. When an employee requires training to complete a job within the employee's job responsibilities, the employee shall coordinate such training with the employee's supervisor.

10. Lift properly; use legs and not back. For heavier loads, ask for assistance. Observe and practice the safety procedures established for the job.

11. Protective equipment and clothing, including but not limited to safety shoes, safety glasses, goggles, long pants and sleeves, fire retardant clothing, and hearing protection, must be worn when appropriate.

12. Employees are prohibited from wearing clothing or clothing accessories which interfere with their work responsibilities or could potentially get entangled in machinery or other equipment. Employees may be prohibited from wearing items such as rings, bracelets, and necklaces that could catch or create electrical contact points in areas where such could occur. Headphones or earbuds are prohibited for use by any employees during working hours if such use would impede the safe and diligent accomplishment of their tasks.

13. Tools and other equipment shall be maintained in good serviceable condition. Tools must be used in a safe manner and should not be used where they are broken or badly worn. All electrical tools must be grounded, unless they are double insulated. Broken or badly worn tools should be given to the employee's supervisor for repair or replacement.

14. Machines appearing to be electrically or mechanically unsafe must not be operated. Under such circumstances, such equipment must be locked or tagged out and the employee must notify their supervisor immediately. Employees who observe an unsafe condition are required to report it to their respective supervisor immediately.

15. Upon repairing or adjusting equipment, employees must follow safe operating procedures such as the proper use of lockouts and safe buttons. Further, the power source to such equipment must be locked or tagged out.

16. AII equipment specific safety procedures must be followed. All guards must be in place when machines are in operation. When starting, stopping, or changing the speed of machinery, operators must ensure proper clearance of other individuals, debris, and materials. Safety equipment shall not be rendered ineffective.

17. Waste and trash containers must be used to keep work areas clean and orderly. All gasoline and/or oil soaked rags and papers must be disposed of in approved safety containers. Where no such containers are available, employees should contact their respective supervisors.

18. AII water, oil, chemicals, or grease on the floor must be removed immediately. All gasoline and other flammable liquids must be stored in approved and properly labeled safety containers at all times.

19. All stored materials must be stacked properly on a firm and even foundation. Stacks must not be allowed to reach a hazardous height, and where possible, stacks must be cross tied or braced for mutual support. Extension or drop cords shall not be placed in areas where they will create tripping or other hazards.

20. Access to electrical breaker panels must be kept open at all times. Temporary or permanent storage of materials should be avoided within three (3) feet of any electrical panel. Panel doors should be closed when not in use.

21. The location of all storm refuge areas, fire equipment, and fire exits shall be posted in each county building.

XXI. DRUG FREE WORKPLACE ACT

Drug abuse and alcohol use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs and alcohol may impair the wellbeing of all employees, the public at large, and result in damage to County property. Therefore, it is the policy of Faulkner County that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a County agency's workplace is prohibited. Any

employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. County agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.

2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to: heroin, marijuana, cocaine, PCP, and "crack." They also include "legal drugs" which are not prescribed by a licensed physician.

3. Each employee is required by law to inform the agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contender) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

4. Faulkner County must notify the U.S. government agency with which it has a grant or contract within ten (10) days after receiving notice from the employee or other notice of such a conviction.

5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination.

XXII. PUBLIC SAFETY EMPLOYEE DRUG AND ALCOHOL TESTING

A. Employees are subject to testing by the County to detect the presence of controlled substances, mind-altering chemicals, and alcohol in their body; including

1. Pre-employment testing (controlled substances only)

2. Reasonable Suspicion testing

3. Random testing on safety personnel only

4. Post-accident testing

5. Return-to-duty and Follow-up testing

B. Safety personnel subject to testing shall include only employees whose duties require them to:

1. Maintain a commercial driver's license.

2. Carry a firearm or otherwise perform law enforcement functions, including with or supervision of juveniles.

3. Routinely operate an emergency vehicle (one equipped with siren and red or blue lights) in order to lawfully carry out their duties.

4. Routinely perform repair and maintenance on heavy road equipment or vehicles.

C. The Drug and Alcohol Testing Procedures required by the U.S. Department of Transportation (the Rules) shall be the procedures followed by the County. These procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.

D. Upon the County's adoption of this policy, or at the point of hiring, each County employee shall certify in writing that:

1. 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.

2. The employee understands that the unauthorized 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, see Section XX(B)(1), to reporting for work and after an accident.

3. The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not.

4. The employee understands that, as a condition of employment, the employee must submit to a collection of breath, urine, blood, and/or saliva samples when requested by the County employer or contractor acting for the County employer. Also, an 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 employee has engaged in prohibited actions concerning

controlled substances or alcohol.

E. When used, drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules (In Appendix B).

F. “Reasonable suspicion” means suspicion based upon the actions, appearance, or conduct of the employee which are indicative of the use of alcohol or a controlled substance.

G. The following shall result in immediate discharge

1. Refusal to take a mandated test for drugs or alcohol.

2. 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.

H. 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 Official 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.

I. 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 Official.

XXIII. HARASSMENT POLICY

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.

2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work.

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.

5. Retaliation for having reported or threatened to report harassment.

B. An employee may have a claim of harassment even if he or she did not lose a job or some other economic benefit. The law prohibits any form of protected-basis harassment that impairs working ability or emotional well-being at work.

C. Employees have a right to redress for unlawful harassment. In order to secure this right, the employee must provide a written charge to his or her supervisor, official, the County Attorney, and the Human Resource Officer as soon as possible after any incident he or she feels is prohibited harassment. The charge should include the details of the incident or incidents, the names of the individuals involved and the names of any witnesses. Supervisors will refer all harassment complaints to the County Attorney. The County Attorney will immediately undertake an effective, thorough, and objective investigation of the harassment allegations. This investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee as soon as practical.

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. Faulkner County will not retaliate against the employee for filing a charge and will not knowingly permit retaliation by management employees or co-workers.

E. 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. Employees should also be aware that the United States Equal Employment Opportunity Commission (EEOC) investigates and prosecutes charges of prohibited harassment in employment. If an employee

has been harassed or retaliation has been taken for resisting or charging, such employee may file a charge with the EEOC. The nearest area office of the EEOC is 820 Louisiana Street, Suite 200, Little Rock, AR, 72201, and may be reached at 1-800-669-4000. Go to www.eeoc.gov for information on how to file a charge. The EEOC will investigate the charge. If the charge has merit, the EEOC will attempt to resolve it. If no resolution is possible, the EEOC may prosecute the case with its own attorney before an administrative tribunal which may order the harassment stopped and can require the employer to pay monetary damages, reinstate the employee, or give other appropriate relief.

See the EEOC website at www.eeoc.gov for additional details.

XXIV. EMPLOYEE SPEECH POLICY

A. General Statement Regarding Employee Speech Right and Obligations

County employees have a constitutional protection to engage in free speech activities, including work related criticism and complaints. This employee speech policy is designed to promote protected speech while providing guidelines to ensure that employee speech does not unnecessarily harm legitimate County interests. Employees are encouraged to express their views in a responsible and productive manner.

B. Speech Unprotected as a Matter of Law

Employees enjoy the same speech rights as other citizens except for restrictions imposed by law. Employees are subject to employment termination for speech constituting treason, libel, slander, perjury, incitement to riot, or false statements regarding County operations or personnel when such speech is known to be factually inaccurate or is made with a reckless disregard for its truth or falsity is prohibited.

C. Protection of Confidential Information

Employees shall not disclose or divulge any information obtained by virtue of their employment to persons not specifically authorized to receive such information. Uncertainty over whether particular information may be disclosed should be resolved by consultation with the County Attorney prior to disclosure.

D. Whistle Blower Protection and Procedures

Officials and employees are required to report any evidence of an official or employee’s wrongdoing to the appropriate Official or County Attorney immediately upon obtaining such evidence.

Employees are protected from retaliatory disciplinary action for reporting under

this rule.

E. Impartiality Requirement

Officials and employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, a professional service, or a commercial service including but not limited to the services of an attorney, bondsmen, funeral director, ambulance service or towing service. Officials and employees are prohibited while on duty or in uniform from making political endorsements or expressions of favoritism toward a particular political issue or candidate. Officials and employees are prohibited from using their official capacity to influence or interfere with the results of any political election.

F. Public Appearances Representing the Department

Employees must receive the prior permission of the appropriate official before making any public appearance officially representing the County or a County office or one that gives the impression they are officially representing the County or a County office. Employees in County uniform, whether on or off duty, shall not make speeches or presentations to any civic club, religious gathering, private or public organization, or other organized gathering without the prior approval of the appropriate official. The off-duty expression of personal views by employees in their capacity as private citizens is not covered by this rule.

G. On Duty Speech Restrictions

Employees on duty or in uniform shall restrain from using indecent or profane language. Employees shall be courteous to citizens, maintain command of their temper, and refrain from coarse, boisterous, or insolent language. Upon request, employees must provide citizens their name and any badge number. Employees shall treat superiors, subordinates, and associates in a respectful manner. Employees should practice professional courtesy and refrain from making personal attacks that ridicule, belittle, or defame any person or group of people.

H. Public Criticism

Public criticism of County operations or personnel can undermine the public's confidence in County government. Employees are encouraged to express any work-related criticism to their immediate supervisor and the appropriate official. Constructive criticism is encouraged. Employees will not be disciplined for responsibly expressing their criticism to their immediate supervisor or the appropriate official, or, thereafter, responsibly expressing their criticism publicly.

I. Contact with the News Media

All inquiries by the public or the news media concerning information under the control of a County department (e.g. computerized information of the status of either a closed or pending investigation) should be referred to the appropriate official in charge of that office and the County Attorney.

XXV. ELECTRONICS

A. Access to Faulkner County technical resources, including, but not limited to, computers, software, network applications, Internet, e-mail and other technology based services has been provided to officials and staff for the benefit of Faulkner County. Every official and staff member has the responsibility to use this technology in a professional manner and consistent with their elected and appointed responsibilities. The purpose of such advanced communications technology is to assist public officials and staff members in presenting a more efficient and advanced level of government services to the county. Other departments or County governmental entities availing themselves of the County network and associated software and hardware shall be compatible with the minimum standards as set by the Data Processing Department and such information regarding the minimum standards shall be distributed by Data Processing to each governmental department.

B. Faulkner County computing systems and associated electronic devices are provided as tools for furthering the government's business and all information created, accessed, or stored using these systems are the property of the county and/or individual governmental department and subject to monitoring, auditing, or review. Due to the fact that this equipment is property of the county it is subject to public disclosure under the Freedom of Information Act.

C. Examples of reasons for which the specific County Department may access employee voice mail, e-mail, computer files, computer networks or other County property include, but are not limited to:

1. Instances when an employee is unavailable, but the County must access a system to operate its business.

2. Instances when the specific Official suspects that its property is being used in an unauthorized or illegal manner.

3. For quality control purposes or for training activities.

4. To monitor job performance.

5. For any other legitimate governmental purpose.

D. The following is a list of restricted activities associated with the use of the provided technology. This list is not exhaustive, and shall include but not be limited to:

1. Harassing, insulting or attacking others.

2. Damaging computers, computer systems or computer networks.

3. Violating copyright laws.

4. Accessing resources not related to the user's department or work without permission.

5. Intentionally wasting limited resources.

6. Using or damaging the network for any purposes which violate federal, state or local laws.

E. Notwithstanding any stand-alone systems, The Faulkner County Personnel Manual shall equally apply to all departments.

F. Violations of any guidelines listed above will be presented to the department supervisor, human resources and/or County Administrator. It may result in disciplinary action up to and including termination. If necessary, the person duly advised will contact the appropriate legal officials of any illegal violations.

XXVI. USE OF COUNTY PROPERTY

No county official or employee may use county property such that its value is diminished or cost to taxpayers is increased, for his or her personal use or benefit; however, officials who have employees on call shall develop regulations for use of county vehicles while the employee is on call.

XXVII. POLITICAL ACTIVITY

A. No County employee shall participate in any political activity during hours in which he or she is paid to work. County employees may campaign during time off.

B. Use of any County property or facilities (e.g. vehicles, computers, Internet, electronic mail, stationery, telephones, offices, etc.) for campaigning is prohibited.

C. It shall be unlawful for any county employee to use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials, unless such office or room is regularly used by the members of the

public for such purposes without regard to political affiliation. It shall further be unlawful for any county employee to use for campaign purposes any item of personal property provided with public funds.

D. County officials and employees shall not place campaign banners, cards, or campaign literature in or on any County property, including vehicles.

E. County meeting rooms may be used on an equal basis by all political parties with permission of the County Judge.

F. Any county employee who has filed as a candidate for any elected office shall be prohibited from any involvement in the election process for the election in which he or she filed, or, in the case of a county clerk race, provide safeguards for the integrity of the process.

XXVIII. TOBACCO POLICY

Faulkner County is dedicated to providing a healthful, comfortable, and protective environment for its employees and for citizens that visit County premises.

1. Use of Tobacco and E-Vapor devices in County buildings and facilities is prohibited. Tobacco use will be permitted only in areas designated by the County Judge. Smoking will not be permitted where it poses a fire hazard.

2. Use of Tobacco and E-Vapor devices will not be permitted in County owned vehicles.

XXIX. CONCEALED CARRY POLICY

Any Faulkner County employee or elected official who is licensed to carry a concealed handgun is hereby allowed to carry the type of weapon named on the license in accordance with Act 1259 of 2015, on county property as specified in Act 1259. The licensee is still prohibited from carrying a weapon in a detention facility, in an office of the Sheriff's Department, in the Faulkner County Justice Building, or in any courtroom without permission from the presiding judge. The licensee who chooses to carry a firearm pursuant to Act 1259 and this ordinance shall maintain possession of such firearm on their person or locked in a secure location at all times on county property.

XXX. MEDICAL INSURANCE

All full-time County employees are eligible to participate in the Faulkner County benefits program. The Human Resource Office will provide additional information.

XXXI. CONTINUATION OF COVERAGE PLAN (COBRA)

A. In order to comply with federal regulations, this Plan includes a continuation of coverage option for certain individuals whose coverage would otherwise terminate. The following is intended to comply with the Public Health Services Act. This continuation of coverage may be commonly referred to as "COBRA coverage" or "continuation coverage."

The coverage which may be continued under this provision consists of health coverage. It does not include life insurance benefits, accidental death and dismemberment benefits, or income replacement benefits. Health coverage includes medical and prescription drug benefits as provided under the Plan.

B. QUALIFYING EVENTS

Qualifying events are any one of the following events that would cause a covered person to lose coverage under this Plan or cause an increase in required contributions, even if such loss of coverage or increase in required contributions does not take effect immediately, and allow such person to continue coverage beyond the date described in Termination of Coverage:

1. Death of the employee.

2. The employee's termination of employment (other than termination for gross misconduct), or reduction in work hours to less than the minimum required for coverage under the Plan. This event is referred to below as an "18-Month Qualifying Event."

3. Divorce or legal separation from the employee.

4. The employee's entitlement to Medicare benefits under Title XVIII of the Social Security Act, if it results in the loss of coverage under this Plan.

5. A dependent child no longer meets the eligibility requirements of the Plan.

6. The last day of leave under the Family and Medical Leave Act of 1993, or an earlier date on which the employee informs the employer that he or she will not be returning to work.

7. The call-up of an employee reservist to active duty.

8. A covered retiree and their covered dependents whose benefits were substantially eliminated within one (1) year of the employer filing for Chapter 11 bankruptcy.

C. NOTIFICATION REQUIREMENTS

1. When eligibility for continuation of coverage results from a spouse being divorced or legally separated from a covered employee, or a child's loss of dependent status, the employee or dependent must submit a completed Qualifying Event Notification form to the plan administrator (or its designee) within sixty (60) days of the latest of:

2. The date of the event;

3. The date on which coverage under this Plan is or would be lost as a result of that event; or

4. The date on which the employee or dependent is furnished with a copy of this Plan Document and Summary Plan Description.

   A copy of the Qualifying Event Notification form is available from the plan administrator (or its designee). In addition, the employee or dependent may be required to promptly provide any supporting documentation as may be reasonably requested for purposes of verification. Failure to provide such notice and any requested supporting documentation will result in the person forfeiting their rights to continuation of coverage under this provision.

   Within fourteen (14) days of the receipt of a properly completed Qualifying Event Notification, the plan administrator (or its designee) will notify the employee or dependent of his rights to continuation of coverage, and what process is required to elect continuation of coverage. This notice is referred to below as "Election Notice."

5. When eligibility for continuation of coverage results from any qualifying event under this Plan other than the ones described in Paragraph 1 above, the employer must notify the plan administrator (or its designee) not later than thirty (30) days after the date on which the employee or dependent loses coverage under the Plan due to the qualifying event. Within fourteen (14) days of the receipt of the notice of the qualifying event, the plan administrator (or its designee) will furnish the Election Notice to the employee or dependent.

6. In the event it is determined that an individual seeking continuation of coverage (or extension of continuation coverage) is not entitled to such coverage, the plan administrator (or its designee) will provide to such individual an explanation as to why the individual is not entitled to continuation coverage. This notice is referred to here as the "Non-Eligibility Notice." The Non-Eligibility Notice will be furnished in

accordance with the same time frame as applicable to the furnishing of the Election Notice.

7. In the event an Election Notice is furnished, the eligible employee or dependent has sixty (60) days to decide whether to elect continued coverage. Each person who is described in the Election Notice and was covered under the Plan on the day before the qualifying event has the right to elect continuation of coverage on an individual basis, regardless of family enrollment. If the employee or dependent chooses to have continuation coverage, he must advise the plan administrator (or its designee) of this choice by returning to the plan administrator (or its designee) a properly completed Election Notice not later than the last day of the sixty (60) day period. If the Election Notice is mailed to the plan administrator (or its designee), it must be postmarked on or before the last day of the sixty (60) day period. This sixty (60) day period begins on the later of the following:

   a. The date coverage under the Plan would otherwise end; or

   b. The date the person receives the Election Notice from the plan administrator (or its designee).

8. Within forty-five (45) days after the date the person notifies the plan administrator (or its designee) that he has chosen to continue coverage, the person must make the initial payment. The initial payment will be the amount needed to provide coverage from the date continued benefits begin, through the last day of the month in which the initial payment is made. Thereafter, payments for the continuation coverage are to be made monthly, and are due in advance, on the first day each month.

D. COST OF COVERAGE

1. The Plan requires that covered persons pay the entire costs of their continuation coverage, plus a two percent (2%) administrative fee. Except for the initial payment (see above), payments must be remitted to the plan administrator (or its designee) by or before the first day of each month during the continuation period. The payment must be remitted on a timely basis in order to maintain the coverage in force.

2. For a person originally covered as an employee or as a spouse, the cost of coverage is the amount applicable to an employee if coverage is continued for himself alone. For a person originally covered as a child and continuing coverage independent of the family unit, the cost of coverage is the amount applicable to an employee.

E. WHEN CONTINUATION COVERAGE BEGINS

When continuation coverage is elected and the initial payment is made within the time period required, coverage is reinstated back to the date of the loss of coverage, so that no break in coverage occurs. Coverage for dependents acquired and properly enrolled during the continuation period begins in accordance with the enrollment provisions of the Plan.

F. FAMILY MEMBERS ACQUIRED DURING CONTINUATION

A spouse or dependent child newly acquired during continuation coverage is eligible to be enrolled as a dependent. The standard enrollment provision of the Plan applies to enrollees during continuation coverage. A dependent acquired and enrolled after the original qualifying event, other than a child born to or placed for adoption with a covered employee during a period of COBRA continuation coverage, is not eligible for a separate continuation if a subsequent event results in the person's loss of coverage.

G. EXTENSION OF CONTINUATION COVERAGE

1. In the event any of the following events occur during the period of continuation coverage resulting from an 18-Month Qualifying Event, it is possible for a dependent's continuation coverage to be extended:

   a. Death of the employee.

   b. Divorce or legal separation from the employee.

   c. The child's loss of dependent status.

   Written notice of such event must be provided by submitting a completed Additional Extension Event Notification form to the plan administrator (or its designee) within sixty (60) days of the latest of:

   a. The date of that event;

   b. The date on which coverage under this Plan would be lost as a result of that event if the first qualifying event had not occurred; or

   c. The date on which the employee or dependent is furnished with a copy of this Plan Document and Summary Plan Description.

   A copy of the Additional Extension Event Notification form is available from the plan administrator (or its designee). In addition, the dependent may be required to promptly provide any supporting documentation as may be reasonably required for purposes of verification. Failure to properly provide the Additional Extension Event Notification and any requested supporting documentation will result in the person forfeiting their rights to extend continuation coverage under this provision. In no event will any extension of continuation coverage extend beyond thirty-six

(36) months from the later of the date of the first qualifying event or the date as of which continuation coverage began.

Only a person covered prior to the original qualifying event or a child born to or placed for adoption with a covered employee during a period of COBRA coverage may be eligible to continue coverage through an extension of continuation coverage as described above. Any other dependent acquired during continuation coverage is not eligible to extend continuation coverage as described above.

2. A person who loses coverage on account of an 18-Month Qualifying Event may extend the maximum period of continuation coverage from eighteen (18) months to up to twenty-nine (29) months in the event both of the following occur:

   a. That person (or another person who is entitled to continuation coverage on account of the same 18-Month Qualifying Event) is determined by the Social Security Administration, under Title II or Title XVI of the Social Security Act, to have been disabled before the sixtieth (60^{th}) day of continuation coverage; and

   b. The disability status, as determined by the Social Security Administration, lasts at least until the end of the initial eighteen (18) month period of continuation coverage.

   The disabled person (or his representative) must submit written proof of the Social Security Administration's disability determination to the plan administrator (or its designee) within the initial eighteen (18) month period of continuation coverage and no later than sixty (60) days after the latest of:

   a. The date of the disability determination by the Social Security Administration;

   b. The date of the 18-Month Qualifying Event;

   c. The date on which the person loses (or would lose) coverage under this Plan as a result of the 18-Month Qualifying Event; or

   d. The date on which the person is furnished with a copy of this Plan Document and Summary Plan Description.

   Should the disabled person fail to notify the plan administrator (or its designee) in writing within the time frame described above, the disabled person (and others entitled to disability extension on account of that person) will then be entitled to whatever period of

continuation he or they would otherwise be entitled to, if any. The Plan may require that the individual pay one hundred and fifty percent (150%) of the cost of continuation coverage during the additional eleven (11) months of continuation coverage. In the event the Social Security Administration makes a final determination that the individual is no longer disabled, the individual must provide notice of that final determination no later than thirty (30) days after the later of:

e. The date of the final determination by the Social Security Administration; or

f. The date on which the individual is furnished with a copy of this Plan Document and Summary Plan Description.

H. END OF CONTINUATION

Continuation of coverage under this provision will end on the earliest of the following dates:

1. Eighteen (18) months (or twenty-nine (29) months if continuation coverage is extended due to certain disability status as described above) from the date continuation began because of an 18-Month Qualifying Event or the last day of leave under the Family and Medical Leave Act of 1993.

2. Twenty-four (24) months from the date continuation began because of the call-up to military duty.

3. Thirty-six (36) months from the date continuation began for dependents whose coverage ended because of the death of the employee, divorce or legal separation from the employee, or the child's loss of dependent status.

4. The end of the period for which contributions are paid if the covered person fails to make a payment by the date specified by the plan administrator (or its designee). In the event continuation coverage is terminated for this reason, the individual will receive a notice describing the reason for the termination of coverage, the effective date of termination, and any rights the individual may have under this Plan or under applicable law to elect an alternative group or individual coverage, such as a conversion right. This notice is referred to below as an "Early Termination Notice."

5. The date coverage under this Plan ends and the employer offers no other group health benefit plan. In the event continuation coverage is terminated for this reason, the individual will receive an Early Termination Notice.

6. The date the covered person first becomes entitled, after the date of the covered person's original election of continuation coverage, to Medicare benefits under Title XVIII of the Social Security Act. In the event continuation coverage is terminated for this reason, the individual will receive an Early Termination Notice.

7. The date the covered person first becomes covered under any other employer's group health plan after the original date of the covered person's election of continuation coverage, but only if such group health plan does not have any exclusion or limitation that affects coverage of the covered person's pre-existing condition. In the event continuation coverage is terminated for this reason, the individual will receive an Early Termination Notice.

8. For the spouse or dependent child of a covered employee who becomes entitled to Medicare prior to the spouse's or dependent's election for continuation coverage, thirty-six (36) months from the date the covered employee becomes entitled to Medicare.

9. Retirees, and widows or widowers of retirees who died before substantial elimination of coverage within one (1) year of the employer's bankruptcy, are entitled to lifetime continuation coverage. However, if a retiree dies after substantial elimination of coverage within one (1) year of the employer's bankruptcy, the surviving spouse and dependent children may only elect an additional thirty-six (36) months of continuation coverage after the death.

I. SPECIAL RULES REGARDING NOTICES

1. Any notice required in connection with continuation coverage under this Plan must, at minimum, contain sufficient information so that the plan administrator (or its designee) is able to determine from such notice the employee and dependent(s) (if any), the qualifying event or disability, and the date on which the qualifying event occurred.

2. In connection with continuation coverage under this Plan, any notice required to be provided by any individual who is either the employee or a dependent with respect to the qualifying event may be provided by a representative acting on behalf of the employee or the dependent, and the provision of the notice by one individual shall satisfy any responsibility to provide notice on behalf of all related eligible individuals with respect to the qualifying event.

3. As to an Election Notice, Non-Eligibility Notice or Early Termination Notice:

    a. A single notice addressed to both the employee and the spouse will be sufficient as to both individuals if, on the basis of the most recent

information available to the Plan, the spouse resides at the same location as the employee; and

b. A single notice addressed to the employee or the spouse will be sufficient as to each dependent child of the employee if, on the basis of the most recent information available to the Plan, the dependent child resides at the same location as the individual to whom such notice is provided.

J. PRE-EXISTING CONDITIONS

In the event that a covered person becomes eligible for coverage under another employer-sponsored group health plan, and that group health plan has an applicable exclusion or limitation regarding coverage of the covered person's pre-existing condition, the covered person's continuation coverage under the Plan will not be affected by enrollment under that other group health plan. This Plan shall be primary payer for the covered expenses that are excluded or limited under the other employer sponsored group health plan and secondary payer for all other expenses.

K. MILITARY MOBILIZATION

If an employee is called for active duty by the United States Armed Services (including the Coast Guard, the National Guard or the Public Health Service), the employee and the employee's dependent may continue their health coverages, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

When the leave is less than thirty-one (31) days, the employee and the employee's dependent may not be required to pay more than the employee's share, if any, applicable to that coverage. If the leave is thirty-one (31) days or longer, then the plan administrator (or its designee) may require the employee and the employee's dependent to pay no more than one hundred and two percent (102%) of the full contribution.

The maximum length of the continuation coverage required under the Uniformed Services Employment and Reemployment Rights Act (USERRA) is the lesser of:

1. Twenty-four (24) months beginning on the day that the leave commences, or

2. A period beginning on the day that the leave began and ending on the day after the employee fails to return to employment within the time allowed.

   The period of continuation coverage under USERRA will be counted toward any continuation coverage period concurrently available under COBRA. Upon return from active duty, the employee and the employee's

dependent will be reinstated without a waiting period, regardless of their election of COBRA continuation coverage.

L. PLAN CONTACT INFORMATION

Questions concerning this Plan, including any available continuation coverage, can be directed to the plan administrator (or its designee).

M. ADDRESS CHANGES

In order to help ensure the appropriate protection of rights and benefits under this Plan, covered persons should keep the plan administrator (or its designee) informed of any changes to their current addresses.

XXXII. ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (APERS)

A. The Arkansas Public Employees Retirement System (APERS) is a defined benefit retirement plan qualified under Section 401(a) of the Internal Revenue Code, with defined contribution options. The plan year for the System is July through June. Membership in APERS does not give you the right to be retained in the employ of a participating employer, nor does it give you the right or claim to any benefit that you have not accrued in the System.

B. There are more than 750 public employers that participate in the System. A listing of the current employers can be found in the APERS Annual Financial Report (Appendix Section) on the APERS website at www.apers.org under the “Publications” tab.

C. APERS has been in existence since July 1, 1957 (Act 157 of 1957). Through the years other public employer have been added. County employees were added by Act 42 of 1959. As a condition of your employment (ACA 24-4-302) you shall be a member of APERS providing you meet the eligibility requirements. To be eligible to participate in APERS, you must be hired with the intent of working at least 80 hours a month and working at least 90 consecutive calendar days and earn at least the federal minimum hourly wage. As a contributory member of the System, you are required to contribute 5% of your salary pre-tax.

D. As a defined benefit retirement plan, your vesting requirements as well as your retirement benefit are defined in the law. To be vested with the System you must have five (5) years actual service. When you are eligible to retire, your benefit will be based on a formula in law, not the contributions that you and your employer have made to the System.

E. Once you are enrolled in the System, you will receive a Member Handbook from APERS. You can also go to the APERS website at www.APERS.org for additional information about the System. APERS Counseling Staff can respond to general questions via telephone at 1-800-682-7377. However, specific

requests regarding your retirement account must be placed in written format (including your current mailing address and social security number) and mailed to the address listed below:

APERS
Attn: Counseling
124 West Capitol, Suite 400
Little Rock, AR 72201

F. You may also schedule a one-on-one appointment with a counselor at the address listed above. APERS has informational seminars scheduled throughout the State that you may want to attend when they come to your area.

XXXIII. WORKERS' COMPENSATION

A. Reporting of Workers' Compensation Injuries

1. A.C.A. 11-9-701(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 Worker's Compensation Commission and to a person or at a place specified by the employer, and the employer shall not be responsible for disability, medical or other benefits prior to the receipt of the employee's report of injury."

2. In order to avoid the possible loss of benefits under the Worker's Compensation Act, the following procedure for reporting work-related injuries must be followed:

   a. All work-related injuries, no matter how minor, should be reported to the employee's supervisor immediately, and an injury report 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 immediately after the accident. If this procedure is followed, the employee will not be required to fill out an Employee's Notice of Injury (Form N).

   b. If a work-related injury is not reported immediately, or if an injury report was not completed, the employee must fill out an Employee's Notice of Injury (Form N) (available from the supervisors or the Human Resource Office) and submit it to the Human Resource Office before seeking treatment.

3. A lost time work related illness or injury can also be a Family and Medical Leave absence.

   a. The first seven (7) days missed after an incident (excluding the day of injury) is not compensated by Faulkner County or its carrier until the fifteenth (15) day is missed as a result of the injury. The employee shall be paid in full regardless of the number of hours worked on the day of the injury. The eighth (8) through the fifteenth (15) day missed after an incident is compensable by the County or its carrier at two-thirds (2/3) of employee salary or maximum amount allowed under the regulations whichever is less.

   b. No sick, vacation, or compensatory time may be taken while an employee is off work and receiving compensation as state in 3.a. above; however, the first forty (40) hours shall be paid as "Pre-Determination" Workers' Compensation Benefits from the County.

   c. However, if the carrier has failed to either honor or controvert the claim by the eighth (8) day, then the employee may continue "Pre-Determination" Workers' Compensation Benefits from the County until the carrier notifies the employee of the status of the claim.

XXXIV. FRINGE BENEFITS

The Human Resource Office shall provide employees with information about other fringe benefits.

XXXV. LEAVE BENEFITS

A. Each official shall be responsible for keeping records of the leave taken by his or her employee and shall make regular reports of such on the payroll worksheets. The report shall include the type and length of leave.

B. Vacation and Sick leave time can be transferred from one employee to another employee at the permission of his or her official or supervisor.

C. All leave benefits are reserved for full time employees.

XXXVI. HOLIDAY LEAVE

A. Faulkner County holidays shall be officially declared by the Faulkner County Judge. This declaration shall be issued annually, on or before December 10, and shall be for the forthcoming calendar year, if the employee is eligible, hours will be added to the holiday leave balance at the time the holiday occurs.

B. Employees working in areas that are not closed on holidays shall receive time off for the declared holidays

C. A paid holiday shall consist of one (1) normal workday, whether the employee works five (5) eight (8) hour days or four (4) ten (10) hour days at the employee's normal hourly rate. Holidays not taken within six (6) months from the holiday for which they are earned shall be forfeited.

D. Employees on leave without pay are not eligible for holiday pay and leave time cannot be reserved for use during holiday pay periods only.

E. When a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed the following Monday.

F. Holiday pay begins immediately upon employment.

XXXVII. VACATION LEAVE

A. All regular full-time Faulkner County employees who have worked at least thirty (30) days shall be entitled to take accrued vacation leave with pay. Vacation leave will begin to accrue at the date of hire, and shall accrue at the following rates:

Years of Service	Vacation Hours per Month
0-5	08
5-10	10
10-15	12
15-	16

B. Vacation leave must be earned before it is taken and no one is entitled to any vacation leave until he or she has worked at least thirty (30) days for the County. Vacation leave schedules are subject to the official's approval.

C. Vacation leave accumulated in excess of two hundred forty (240) hours will be lost as of December 31 each year.

D. Employees terminating employment prior to having worked for the County for thirty (30) days are not eligible for vacation leave pay. Employees terminating after thirty (30) days of service shall be paid any accrued vacation leave that has accumulated.

E. Vacation time will not be exchanged for cash except in the following conditions:

1. The surviving members of a deceased employee's family will be paid the accrued leave. Such payments shall be made first to the surviving

spouse, unless another person is designated by the deceased in writing, filed with the County Clerk, and second in the absence of the above, to the estate of the deceased employee.

2. On termination of service, either through resignation or dismissal, full-time employees shall be paid for accrued vacation time.

XXXVIII. SICK LEAVE

A. All full-time employees of the County are eligible to accumulate sick leave with pay at the rate of eight (8) hours per month. The sick leave can be carried over and accumulated up to a maximum of four hundred eighty (480) hours. Sick leave will not be accumulated during a leave without pay.

B. Part-time and temporary employees will not earn paid sick leave.

C. An employee may use sick leave for personal illness or injury or any appointment which is necessary for the health and well-being of the employee. Sick leave may also be used to meet health related appointments for a member of the employee's family. Sick leave may be used in any instances where the Family and Medical Leave Act applies and for specified instances of work related accidents or illnesses.

D. Employees shall be charged only for the actual number of hours of sick leave taken. The minimum charge for sick leave is half (1/2) an hour.

E. If an employee is sick for more than three (3) consecutive days, a doctor's note must be provided.

F. Evidence of abuse of sick or family leave shall justify reasonable investigation, denial of unjustifiable claim (i.e. denial of sick and Family leave pay, denial of holiday pay) and disciplinary action.

1. Where there is a pattern of sick and family leave usage abuse, the County may verify the illness by telephone calls or personal visits to the employee at his or her residence or elsewhere. If such calls or visits fail to substantiate illness or injury, the County may request verification by a physician that the reported illness or injury occurred.

2. Additionally, each subsequent illness or injury within the following ninety (90) day period in which this employee has requested sick or family leave must be verified by a physician.

XXXIX. FAMILY AND MEDICAL LEAVE POLICY

A. 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.

B. 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.

C. 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.

D. 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.

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

1. The birth of the employee's child;

2. The placement of a child with the employee for adoption or foster care;

3. To care for the employee's spouse, child or parent who has a serious health condition;

4. A serious health condition rendering the employee unable to perform his or her job.

F. 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.

G. Notice required. The employee is to provide at least thirty (30) days' notice, if possible, of the intention to take leave.

H. 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.

I. Continuation of benefits. The County will continue the employee's health insurance under the same condition 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 "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 employee's FMLA leave.

J. 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.

K. Concurrent leave. FMLA leave will automatically run concurrent with all other available leave time (E.g., sick leave, etc.)

L. Publication 1420 of the Federal Wage and Hour Division of the Department of Labor is attached as Appendix 2-1, and made a part of this Policy. If any provisions of this policy conflict with Pub. 1420, the federal laws and regulations apply.

XL. CATASTROPHIC LEAVE BANK

A. Participation

1. Participation in Catastrophic Leave Bank (CLB) is available to all full-time employees who meet the eligibility requirements. These requirements are:

   a. The employee must be a regular full-time employee.

   b. The employee must have been continuously employed by Faulkner County in a full-time capacity for a minimum of thirty (30) calendar days prior to being eligible.

2. An employee becomes a member of the CLB by contributing eight (8) hours of sick and vacation time to the bank annually. Eligible employees will be given an opportunity to sign up each year during open enrollment for a plan year effective January 1st of the next year. Additionally, new full-time employees who complete thirty (30) calendar days of continuous service will also be eligible to participate upon the first anniversary of their hire date. These employees will have thirty (30) days immediately following their thirty (30) day anniversary to declare participation by filling out a Catastrophic Leave Bank Election Form and donating eight (8) hours to the CLB. In order to continue participation, the employee will have to declare participation again at the beginning of the next year and meet all requirements including contributing a minimum of 8 hours to the CLB. Employees not electing to sign up during the enrollment period will

not be eligible to participate until the following plan year. Upon enrollment in the plan, an employee will automatically be re-enrolled each year unless the employee signs a cancellation form during open enrollment or no longer meets the eligibility criteria as of the first day of the plan year.

A declaration of participation and contribution shall be made on a Catastrophic Leave Bank Election Form distributed and collected by the Human Resource Office. The CLB form is due in the Human Resource Office between December 1st and January 31st each year for employees electing to participate that year. The committee will review such requests on an individual basis.

Employees wanting to donate additional hours of sick time to the CLB can do so throughout the year. Donations must be made in a minimum of four (4) hour increments and require a contribution form to be completed. Once the donation is made, donations cannot be credited back to the donating employee except in instances where a qualifying catastrophic leave request for time is made to the committee and approved.

B. Governance

1. The CLB shall be governed by the Catastrophic Leave Bank Committee.

2. The Catastrophic Leave Committee shall oversee the administration of the CLB. The committee shall decide on requests based on the committee's rules of operation. Requests for leave from the CLB should be submitted to the Human Resource Office.

3. The committee shall be composed of seven members who represent a cross section of the County's employees, excluding Officials.

4. The County Judge shall, at pleasure and without confirmation, appoint one (1) representative from the Road Shop, Assessor's Office, Human Resource Office, Sheriff's Department, Collector's Office, and Circuit Clerk's Office. The County Administrator shall conduct the meetings.

C. Rules of Operation

1. Only those employees who have made contributions may make requests for days from the Bank.

2. CLB days will be granted only in cases of physical, mental, or emotional illness of the employee or illness or death in the immediate family, in addition to bereavement leave. Immediate family shall include the employee's spouse, children, siblings, parents, and any other relatives

living in the same household.

3. CLB days may be used only upon exhaustion of all other paid leave and compensatory time. Days used from CLB are grants and do not require repayment.

4. Before approving a request, the Catastrophic Leave Bank Committee may review sick leave records and require appropriate documentation. This may include a doctor's or psychologist's statement verifying disability and expected duration. Disciplinary records relating to absenteeism will also be reviewed by the committee, and such records will influence the committee's decision to approve or deny requests.

5. Requests for CLB days should be made on a CLB request form and submitted to the Chairperson of the committee through the Human Resource Office. It is the responsibility of the official or their designee to fill out the leave request form. Forms may be obtained by contacting the Human Resource Office. Requests will be considered on a first filed, first reviewed basis.

6. CLB days will not be granted if an applicant is eligible for or receiving income from an income protection insurance policy or similar coverage. Employees receiving Worker's Compensation benefits will also be ineligible to receive benefits. Applicants shall disclose if they are ineligible to receive CLB days.

7. Catastrophic leave which would result in a negative balance in the CLB shall not be granted.

8. A person receiving catastrophic leave pay will continue to accrue sick and vacation hours. However, the person will use said leave as it is accrued, and will only be allotted time from the CLB for unpaid hours.

9. Catastrophic leave time will run concurrent with Family and Medical Leave of Absence (FMLA) time and necessary FMLA documentation is required to be on file with the Human Resource Office prior to any requests being heard. FMLA rules of certification and re-certification will apply. Failing to return to work at the end of the catastrophic leave period will result in termination.

10. Catastrophic leave grants made from the bank shall be granted in up to twenty (20) business day increments per individual, per request. Requests in excess of twenty (20) days will be reviewed monthly by the committee for re-approval of the request. In instances where a single individual presents requests for leave in excess of three (3) months, the committee will hold a special meeting to decide whether or not to grant up

to a three (3) month extension.

11. Each official may make a request to the Catastrophic Leave Bank Committee to open a special donation period, in which the county employees shall be able to donate hours for the expressed use of a designated employee in need of additional catastrophic leave benefits.

D. Timekeeper Requirements--The Human Resource Officer will submit an annual report to the Catastrophic Leave Bank Committee with the hours donated by each employee, the amounts awarded, the names of the recipients, the beginning balance, and the ending balance.

XLI. BEREAVEMENT LEAVE

A. Leave with pay of up to three (3) days may be taken in case of death of an employee's relative. Two additional days for necessary travel time may be granted if out-of-state travel is required. Maximum time for bereavement leave, including the two additional days necessary for out-of-state travel, shall not exceed forty (40) hours.

B. Vacation leave, compensatory time, or leave without pay may be granted for deaths other than above.

C. Bereavement leave not used at the time of the death cannot be used at a later date.

XLII. MILITARY LEAVE

A. 15 Day Annual Leave

Full-time Faulkner County employees are entitled to military leave in accordance with the Federal Law (The Uniformed Services Employment and Re-employment Rights Act of 1994; 38 USC part III chapter 43 as amended; USERRA) and applicable State Law regardless of anything herein to the contrary. Full-time employees who are members of the National Guard or any of the reserve branches of the armed forces of the United States shall be granted fifteen (15) days leave annually plus necessary travel time for annual training requirements. Pursuant to Ark. Code Ann. §21-4-102 employees are entitled to their regular salary during this fifteen (15) day period in addition to their military pay, unused leave under this provision may be carried forward to the next year for a maximum of thirty (30) days in any one year. The employee must report to his or her supervisor the next scheduled work period after his or her return home, allowing for hospitalization and necessary travel time. Failure to report to work at the next regularly scheduled working period shall make the employee subject to the conduct rules of Faulkner County pertaining to absence from

scheduled work.

B. Extended and Emergency Military Leave 38 USC 4312

A full-time 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. Upon application within ninety (90) days after the effective date of his or her release from active duty or from a hospitalization incident to that duty, the employee shall be permitted to return to his or her former position or to a comparable position, with the seniority, status, pay, and benefits that the employee would have had if he or she had not been absent for military purposes. Military personnel called to duty in emergences by the Governor or by the President of the United States shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted in addition to regular vacation leave. Leave under this provision shall be in addition to all other leave.

C. Use of Sick or Vacation Time

No employee will be permitted to use sick leave or required to use vacation leave for military purposes.

D. Health Insurance

If a full-time employee is on active duty for more than thirty (30) days, that employee and his or her dependents should be covered by military health care. However, pursuant to the USERRA an employee has the right to elect continued health insurance coverage through the County for his or her self and his or her dependents for up to twenty four (24) months. If military service is for thirty (30) or fewer days, the employee and his or her family may continue coverage at the same cost as before service. If military service is longer, the -employee and his or her family may be required to pay as much as one hundred and two percent (102%) of the full premium coverage. Pursuant to the USERRA the employee has the right to immediate reinstatement of health insurance coverage provided by the County upon return to the job. 38 USC 4317

E. Pension and Retirement Plans

The USERRA provides that an employee returning from military leave must be treated as not having incurred a break in County employment with regard to the County's retirement plan. Also, military service shall be considered employment with the County for vesting and benefit accrual purposes.

F. Other Entitlements

As an employer, the County is required to provide a returning employee four basic entitlements:

1. Prompt reinstatement

2. Accrued seniority, as if continuously employed

3. Training or retraining

4. Special protection against discharge, except for cause. The period of this protection is one hundred eighty (180) days following periods of service of thirty-one to one hundred eighty (31-180) days. For periods of service longer, the protection period is one (1) year.

G. Further Information

Any military leave should be discussed with the Human Resource Office for full information on Veterans' re-employment rights.

XLIII. JURY DUTY AND WITNESS PAY

County employees shall be excused from work with pay for the period of time necessary to fulfill their civic duty when called for jury duty or as a witness. The County employee will be permitted to retain any funds paid to them for such service.

XLIV. ADMINISTRATIVE LEAVE

A. Leave with pay

1. Leave with pay while conducting an investigation to determine the propriety of an employee's action may be imposed by the official.

2. Administrative leave must be documented on the time worked records. Hours paid will not be deducted from the employee's leave time.

B. Leave without pay

1. Leave without pay may be granted by an official when the employee has exhausted all their sick leave, annual leave, and comp time. All leave without pay (except military leave, which is described in section nineteen (XIX) of this manual) is subject to the following conditions:

a. Approval of leave without pay is permissive with the time involved at the discretion of the official except that it may not exceed six (6) months of the year.

b. Leave without pay is not granted in lieu of annual leave, compensatory time, or sick leave.

c. An employee on leave without pay will retain the right to be reinstated to their position unless budget actions have eliminated the positon.

d. Sick and annual leave are not earned or accumulated during leave without pay.

XLV. TERMINATION

Faulkner County is an at will employer. Employment with Faulkner County may be terminated at any time by the employee or the County for any or for no reason, with or without notice. This termination cannot violate the nondiscriminatory section of this manual (Grievance Procedures).

Employees are encouraged to give two weeks' notice of their intent to resign.

XLVI. GRIEVANCE

A. Complaints and grievances may spring from any human relationship. The associations of the workplace are no exception. Problems will arise for which resolution or recompense is requested and it is important to solve these problems in a fair manner as soon as possible.

B. It is the policy of Faulkner County to give prompt and impartial consideration to the complaints or grievances of its employees. Employees who submit complaints or grievances in accordance with the proper procedures may do so without penalty or fear of reprisal.

C. For the purpose of this policy, the term "complaint" shall be used to indicate the initial voicing of a problem. The term "grievance" shall be used to identify a problem brought forward in a formal written manner.

D. To come within the scope of the grievance procedure, a problem must deal with a County-related issue against an official, as defined on page 5 of 53.

E. Grievance Hearing Procedure

1. 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.

2. When an employee wishes to have a grievance regarding any issue mentioned in Paragraph D considered that employee must:

   a. Before 4:30 on the third full business day after the incident that gave rise to the grievance, deliver a written grievance to the County Human Resources Officer.

   b. The grievance shall be written on the form provided in this Manual and the form shall be fully and completely filled out, or the grievance will be dismissed without prejudice, but still subject to the time limitations set forth in Section 2(a).

3. Upon timely receipt of a fully filled-out grievance form, the Human Resources office will set a date and time for a hearing, no earlier than 3 business days after receipt of the grievance and no later than 10 business days after receipt of the grievance.

4. Notice of such hearing, showing the date, time and place of the hearing, shall be delivered to the grievant as well as the party against whom the grievance is filed such that proof of receipt at least three business days before the hearing is secured.

5. The Human Resources Officer will conduct all hearings under this section, unless the party against whom the grievance is filed is the County Judge or if the Human Resource officer is a party. In such cases, the Chair of the County Personnel Committee shall conduct the hearing.

6. The compensation element of any employer action against an individual employee in Faulkner County government which terminates or reduces the pay or benefits of that employee shall automatically be suspended until the filing time of Section 2(a) has expired, or the hearing allowed in this chapter has occurred, if a hearing is granted.

7. A continuance for a grievance hearing will only be granted in the case of an emergency. If a continuance is granted for any employee whose grievance concerns reduction of pay or termination, the change of pay will be effective upon the date the continuance is granted.

8. Grievance hearings shall be open to the public.

9. While subpoenas are not available for these hearings, the time frames are set in order to provide time to secure documents through FOIA and to provide advance notice to witnesses.

10. The grievance hearing shall be recorded by a certified court reporter.

11. Upon hearing the evidence and arguments, the individual facilitating the hearing shall provide written recommendations to resolve the dispute, within 3 business days. The facilitator may consult with the county attorney in the process of the hearing, and in the process of drafting the recommendations, but such recommendations shall be advisory only.

12. The final recommendations shall be delivered to the parties such that proof of receipt is secured.