

City of Dyer  
State of Arkansas

**Employment  
Policies and Procedures**

Effective:  
December 18, 2007

# ARTICLE I

## GENERAL PROVISIONS AND PROCEDURES

### SECTION 1 HIRING, ATTENDANCE AND TERMINATION PROCEDURES:

- 1.01 All persons seeking City employment MUST fill out and sign an application for position form which must be filed in the Mayor's office. All new hires must be approved by the Mayor, subject to a two-thirds (2/3) override by the City Council. Such override by the City Council must be made within forty-five (45) days of the new hire.
- 1.02 All new employees MUST report to the Mayor's office prior to the first day of work to fill out the necessary personnel and withholding forms including but not limited to W-4 and I-9 forms.
- 1.03 Minimum age as a City Employee, with the exception of a law enforcement employee, shall be eighteen (18) years of age. Minimum age for a law enforcement employee shall be twenty-one (21) years of age. Sixteen (16) years shall be the minimum age of temporary or seasonal employment, providing the employment complies with the federal and state law.
- 1.04 DAILY ATTENDANCE and promptness is vital to efficient operation of City business. Attendance records will be maintained for all employees. Should poor attendance occur to a point indicating a pattern, disciplinary action will be taken at the discretion of the department supervisor or Mayor.
- 1.05 Any individual who is offered employment by the City of Dyer must submit to a drug screen at a designated location under procedures that will be provided to the individual. The City will pay for the cost of the drug screen. The offer of employment is conditional upon the individual receiving negative test results. Any individual accepting employment by the City agrees to and is subject to random testing at the request and discretion of the Mayor.
- 1.06 The benefits, responsibilities, procedures and policies described herein are subject to change, modification and revision at the sole discretion of the City Council to meet the needs of the City and the workforce. This policy does not grant an entitlement or an expectation of employment or continued employment. This policy is not and does not create property interests or a contract, express or implied, guaranteeing employment or employment for any specific duration. All City employees are and will remain employees at-will. The employee or the City may terminate the employment relationship at any time, for any reason, with or without cause or notice. The City requests that employees provide the City with the professional courtesy of a two week notice prior to terminating their employment.

## SECTION 2 RECORDS, FORMS, REPORTS:

- 2.01 It is the responsibility of each employee to report immediately any change or address or phone number to the department supervisor. This information and any other changes (wage rate, expenses, job title, injuries incurred on the job, training courses completed, etc.) shall be reported by the departmental supervisor and submitted to the Mayor's office no later than Monday morning following such a change.
- 2.02 The City shall maintain a personnel history file of all employees. The file shall include, but not necessarily be limited to, employee's application, name, address, training and experience, class title, salary and any changes in any of these items. Medical data shall be maintained in a separate file other than the personnel history file of an employee.
- 2.03 Time and attendance records will be kept on a daily basis for all employees. Such records will be maintained by the departmental supervisor and will reflect hours worked, holidays, sick leave, funeral leave, annual leave, military leave and leave without pay. This information will be submitted on a monthly basis to the Mayor's office.

## SECTION 3 NON-DISCRIMINATION IN EMPLOYMENT:

- 3.01 It is the policy of the City to comply with the nondiscriminatory provisions of all state and federal regulations including the Arkansas Civil Rights Act of 1993. The City shall not, because of the race, sex, religious creed, color, national origin, ancestry or disability of any person, refuse to appoint or promote him/her or suspend, demote, or discharge him/her from a City position, or discriminate against him/her in compensation or in terms, condition, and privileges of employment nor refuse to hear any appeal based on alleged discrimination by an applicant or any employee regardless of status.

## SECTION 4 SEVERABILITY:

- 4.01 If any provision of these policies and procedures, or the application thereof to any person or circumstances, is held invalid the remainder of these policies and procedures, or the application of such provision to other persons or circumstances, shall not be affected thereby.

## SECTION 5 CONFLICT WITH FEDERAL AND STATE REQUIREMENTS:

- 5.01 Any provision of these policies and procedures which conflicts or is inconsistent with federal and state rules, regulations or standards governing the grant of federal funds or state assistance to a department or program shall not be applicable to such department or program.

## **ARTICLE II TYPES OF APPOINTMENT**

### **SECTION 1 FULL-TIME:**

- 1.01 A full-time position is a regular City position requiring a minimum of thirty-two (32) hours per week, unless otherwise required by City policy or state or federal law. Full-time positions may be eligible for benefits.

### **SECTION 2 PART-TIME:**

- 2.01 A part-time position is a regular City position which requires less than thirty-two (32) hours per week. Part-time employees shall not be eligible for benefits unless otherwise required by state or federal law.

### **SECTION 3 EXTRA HELP:**

- 3.01 An extra help position is a City position which requires only a few work hours per week or month. An employee appointed to an extra help position usually works on a call-in basis. Extra help employees shall not be eligible for benefits unless otherwise required by state or federal law.

### **SECTION 4 SEASONAL:**

- 4.01 A seasonal position is a City position created in response to a special need which cannot be handled by full-time, part-time or extra help employees. The duration of a seasonal position may last up to six (6) months. Seasonal employees may or may not receive the same benefits and privileges of full-time employees depending on the number of days worked per week.

### **SECTION 5 CONTRACT:**

- 5.01 The City may from time to time, in accordance with federal and state law, contract with an independent contractor. In those circumstances such an appointment is bound solely by any contracted for terms and no independent contractor shall be deemed or construed to be an employee or entitled to any of the employee benefits set forth herein.

## **ARTICLE III CODE OF ETHICS**

### **SECTION 1 GENERAL CONDUCT AND REQUIRMENTS:**

- 1.01 Dyer expects all of its employees to conduct themselves on and off the job in the best interest of the City. As public employees your attitude and actions are reflected back to the City and City elected officials. We are a public agency and our main interest is in serving the people by doing our job as accurately and efficiently as possible.
- 1.02 The maintenance of high standards of honesty, integrity, impartiality and conduct by City employees is essential to assure the proper performance of City business and the maintenance of confidence by citizens in their City government. Employees shall conduct themselves in such a manner that the work of the City is effectively accomplished. Employees shall be courteous, considerate and prompt in dealing with and serving the public and shall conduct themselves in a manner that will not bring discredit or embarrassment to the City.
- 1.03 Employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest and shall avoid any discrimination because of race, color, religious creed, national origin, sex or disability, and shall economically utilize, protect and conserve property of the City entrusted to them, and conduct all their official activities in a manner which is above reproach and free from any discretions or acceptance of gratuities or favors which cast doubt or suspicion upon themselves or the City agency which employs them.

### **SECTION 2 SPECIFIC CONDUCT AND RESPONSIBILITIES:**

- 2.01 Official positions shall not be used by City employees for personal gain. Public influence and confidential or "inside" information must never be turned to personal advantage.
- 2.02 Conflict of interest laws must be scrupulously observed. The employees must disclose his/her interest, if any, in the official records of the City and shall not participate in or vote for any contract, sale purchase, or service in which he/she has an interest.
- 2.03 The employee shall not do any work in a private capacity which may be construed by the public to be an official act.
- 2.04 The employee shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is or may appear to be designed to in any manner influence official conduct, particularly from a person who is seeking to obtain a contract or other business or financial arrangements with the City or who has interests that might be substantially affected by the performance or nonperformance of the employee's duty. This provision does not prohibit acceptance by an employee of food and refreshments of insignificant value on infrequent occasions in the ordinary course of a meeting, conference or other occasion where the employee is

properly in attendance, nor the solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee, nor the acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars, and other items of nominal intrinsic value.

- 2.05 The employee shall not directly or indirectly use or allow the use of City property of any kind, including property leased to the City, for other than approved official activities. An employee has a positive duty to protect and conserve City property entrusted or issued to him/her. Any City employee who is assigned a City vehicle and has permission from his/her immediate supervisor to drive said vehicle to and from his/her residence, shall not at any time use said vehicle for any personal use or personal business or any business other than City business. Use of said vehicle for any business other than City business shall constitute grounds for immediate dismissal. City telephones are for City business and personal calls should be held to a minimum. Personal long distance calls should not be allowed in most cases. Or at least allowed only with approval of the employee's supervisor.
- 2.06 The employee must never permit him/herself to be placed under any kind of personal obligation which could lead any person to expect official favors.
- 2.07 The employee's official acts must reflect impartiality. His/her decisions and actions must be determined by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition or partisan demands.
- 2.08 The employee shall not engage in outside or other employment or other outside activities which are not compatible with the full and proper discharge of the duties and responsibilities of his/her City employment, or which tends to impair his/her capacity to perform his/her City duties and responsibilities in an acceptable manner.

### SECTION 3 DISCIPLINARY ACTION OR DISMISSAL:

- 3.01 The right of the Mayor to establish reasonable policies and procedures regarding working practices and personal conduct of employees while on duty is recognized. Apart from specific policies and procedures, the obligation of each employee to conduct him/herself in relation to his employment, to his fellow employees and the public in a manner which respects the persons and property of others is recognized.
- 3.02 If an employee engages in misconduct, he/she may be disciplined by oral reprimand, written warning, disciplinary layoff with or without pay or termination of employment. The severity of the discipline will be determined by the Mayor, taking into consideration the circumstances in the cases and the seriousness of the offense.
- 3.03 Disciplinary action. The following types of discipline may be imposed for performance problems:

- a. Oral Warning. When an employee's performance falls below the desirable standard, the Mayor or supervisor may point out the deficiencies at the time they are observed and inform the employee of the acceptable level of performance.
- b. Written Warning. A written warning may be issued after an employee has received an oral warning(s) that his/her performance is below the acceptable level of performance and the employee's performance has continued to be below the acceptable level of performance. A written warning may also be issued when an employee has violated a rule, regulation or standard of conduct that is consistent with other disciplinary actions, considered to be too serious for an oral warning.
- c. Suspension. When an employee's ongoing performance is below the acceptable level of performance or if an employee engages in conduct deserving of severe disciplinary action, the employee may be suspended for a period of one (1) to a maximum of thirty (30) days.
- d. Termination. The Mayor may terminate an employee at anytime with or without cause; however the Mayor's decision may be terminated or overturned by a two-thirds (2/3) vote of the City Council if appealed to the Council within 10 days of the adverse employment decision. An employee seeking such appeal, shall submit to the City Clerk a written request within the ten (10) day period. Any appealed employment action will be placed on the agenda and heard at the next regularly scheduled or special City Council meeting. The requirements of this subsection shall be liberally construed so as to do substantial justice to the terminated employee.

#### SECTION 4 PROHIBITED AND UNLAWFUL HARASSMENT:

- 4.01 The City of Dyer expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, religious creed, color, gender, national origin, age, disability or status as a veteran or special disabled veteran.
- 4.02 Harassment is any annoying, persistent act or actions that single out an employee, over that employee's objection to his/her detriment, because of race, sex, religious creed, national origin, age or disability. Harassment may include, but not be limited to the following actions:
  - a. Verbal abuse or ridicule;
  - b. Interference with any employee's work;
  - c. Displaying or distributing sexually offensive, racist or other derogatory materials;
  - d. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
  - e. Intentional physical contact with either gender, specific portions of a person's body or that person's private parts;
  - f. Making offensive sexual, racial or other derogatory hints or impressions;
  - g. Demanding favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other terms or conditions of employment.

- 4.03 It is every employee's and official's responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:
- a. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command. This complaint should be made in writing.
  - b. Anytime an employee has knowledge of harassment he/she shall inform the department head in writing.
  - c. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.
- 4.04 The City of Dyer will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders as outlined in Article III, Section 3 above.

## **ARTICLE IV**

### **TERMINATION AND DISCIPLINARY POLICIES**

#### **SECTION 1 LAY OFFS:**

- 1.01 A departmental supervisor may layoff an employee whenever it is necessary by reason of shortage of funds or work or when the department is reorganized and the need for the position is eliminated, or any other reason deemed appropriate by the department supervisor.
- 1.02 When a layoff is deemed necessary by the department supervisor, he/she will notify the Mayor, who will establish in consultation with the supervisor the order of preference of layoff for as many employees as are to be separated. In any event, the Mayor will attempt to obtain a transfer of the employees to be laid off to other vacancies in the City.

#### **SECTION 2 TERMINATION OF EMPLOYEE:**

- 2.01 The departmental supervisor, with the approval of the elected official, may terminate an employee for violations of the Code of Ethics or for any reason, including but not limited to:
  - a. Fraud in securing appointment;
  - b. Incompetency;
  - c. Inefficiency;
  - d. Improper attitude;
  - e. Neglect of duty;
  - f. Insubordination;
  - g. Dishonesty;
  - h. Drunkenness;
  - i. Willful disobedience;
  - j. Misuse of government property;
  - k. Failure to obey departmental rules;
  - l. Discourteous treatment of the public;
  - m. Misuse of sick leave benefits; or
  - n. Unreported absence for one (1) work day.
- 2.02 Unreported absence will be deemed unexcused until the employee notifies the departmental supervisor of his/her inability to report for work. Failure or inability to report regularly for work will be grounds for disciplinary action, including termination.
- 2.03 In addition to the reasons stated above, the Mayor may establish other reasons for termination that are deemed necessary.
- 2.04 Nothing in these policies and procedures shall be deemed to change the status of employees as being employed "at will" under the laws of the State of Arkansas.

## **ARTICLE V HOURS OF WORK**

### **SECTION 1 REGULAR WORK WEEK:**

- 1.01 The regular work week shall consist of five (5) eight-hour days for a total of forty (40) work hours. However, special work hours and schedules will be established in departments that must schedule work according to workload and demand. For the purposes of overtime the City will utilize a one (1) week period to determine eligibility and compensation as required under Federal or State law.

### **SECTION 2 DAILY WORK HOURS OF EMPLOYEES:**

- 2.01 Regular City office working hours are from 8:00 a.m. until 5:00 p.m. Regular hours for Water and Street Department employees are from 8:00 a.m. until 5:00 p.m. Working day adjustments may be made by the Mayor as necessary. The Chief of Police will schedule any city officers or auxiliary officers as appropriate, so as to provide adequate protection services to the people. Chief of Police hours will vary according to court and school hours, but shall require a minimum of thirty-two (32) hours per week. The Chief of Police shall be deemed a full-time appointment regardless of the hours worked. The Mayor will provide a weekly schedule by Wednesday of the previous week, not to include the lunch hour.

### **SECTION 3 LUNCH BREAK:**

- 3.01 Unless otherwise stated, and whenever possible, a lunch period of one (1) hour will be scheduled during each work day.

## **ARTICLE VI COMPENSATION**

### **SECTION 1 COMPENSATION:**

- 1.01 Compensation shall be set by the Mayor, as approved in the yearly budget by the City Council of the City of Dyer, Arkansas.

### **SECTION 2 TERMINATION PAY:**

- 2.01 In addition to any wages due at the time a person is separated from the City employment he/she shall be paid, at his/her current hourly rate, for all accrued leave if he or she has completed at least (6) months of employment.

### **SECTION 3 WORKERS' COMPENSATION:**

- 3.01 This benefit is administered through the Arkansas Municipal League Workers Compensation Trust Fund. Employees should report any work related injuries that might be covered by Workers' Compensation as soon as possible. Manuals and forms are available in the Mayor's office.

### **SECTION 4 HOLIDAYS:**

- 4.01 The following seven (7) days shall be considered as paid holidays:

- a. New Year's Day;
- b. Presidents' Day
- c. Memorial Day
- d. Independence Day
- e. Labor Day;
- f. Thanksgiving Day; and
- g. Christmas Day.

### **SECTION 5 LEAVE OF ABSENCE:**

- 5.01 In order to provide for an individual's need to have time away from work for reasons such as illness or injury, doctor or dental appointments, and to attend to personal business the City shall provide Paid Time Off ("PTO") to full-time employees.
- 5.02 PTO shall be at the employee's current rate of pay. For full-time employees, it shall be calculated on an eight (8) hour per day and a five (5) day per week basis. Employees may take PTO in increments of one-half (1/2) days.
- 5.03 The employee shall schedule PTO time as far in advance as allowed by the circumstances giving rise to the PTO by notifying their direct supervisor to schedule said time.

5.04 PTO days shall be calculated on a calendar year basis and shall not carry over from one year to the next.

5.05 PTO shall accrue at the following rates:

- a. Full-time employees in their first year of continuous employment shall not accrue any PTO days during their first ninety (90) days of employment with the City. Following said ninety (90) day probationary period one PTO day shall accrue every six (6) weeks of employment up to the first January 1<sup>st</sup> of continuous employment with the city following at least 12 calendar months of continuous employment at which time PTO days shall accrue as directed below.
- b. Full-time employees in their second to ninth year of continuous employment shall receive fifteen (15) PTO days at the beginning of each calendar year.
- c. Full-time employees in their tenth to fourteenth year of continuous employment shall receive twenty (20) PTO days at the beginning of each calendar year.
- d. Full-time employees in their fifteenth or greater year of continuous employment shall receive twenty-five (25) PTO days at the beginning of each calendar year.

## SECTION 6 INSURANCE BENEFITS:

6.01 Health Insurance Benefits shall be provided as follows:

- a. Following a ninety (90) day probationary period, full-time employees shall be entitled to receive health insurance benefits as available to the City of Dyer and/or the employee from the Arkansas Municipal League.
- b. The City shall pay premiums to provide only the employee with health insurance. The employee may be eligible to add coverage to family members at the employee's own cost.
- c. The City reserves the right to change the terms of this benefit with ninety (90) days notice to employees and coverage subject to the terms and conditions of the Arkansas Municipal League and any insurance providers or underwriters.

## **ARTICLE VII JOB SAFETY**

### **SECTION 1 OSHA:**

1.01 The City shall comply with all applicable provisions of OSHA.

### **SECTION 2 ON-THE-JOB SAFETY:**

2.01 Municipal employees of all types are exposed to a multitude of on-the-job risks. The Council feels the need to emphasize the employee's responsibility to use good judgment at all times and to learn the safe way to accomplish the job. Although the policy cannot be a comprehensive guide to job safety, it can include some basic rules that employees are expected to observe. The following is a list of basic safety rules to be followed:

- a. The right way is the safe way to do your job. Plan your work. Follow instructions. If you do not know, ask.
- b. Report all injuries, however small. Also report all unsafe conditions and unsafe acts which might be the cause of an accident.
- c. Use all safety devices and protective equipment provided for your use.
- d. Maintain good housekeeping by keeping your work area clean and orderly.
- e. Wear proper clothing. Loose sleeves, cuffs, rings and bracelets are hazardous around moving machinery, and should not be worn. Proper shoes are helpful in working and walking safely.
- f. Horseplay in any form is dangerous and prohibited.
- g. Oiling, greasing, or working on unprotected machinery in motion is prohibited.
- h. All machinery and equipment under repair and adjustment shall be properly "locked out" and tagged.
- i. Know the location of fire exits, the location and way to use fire extinguishers, and the proper method of reporting fires.

## **ARTICLE VIII JOB DESCRIPTIONS**

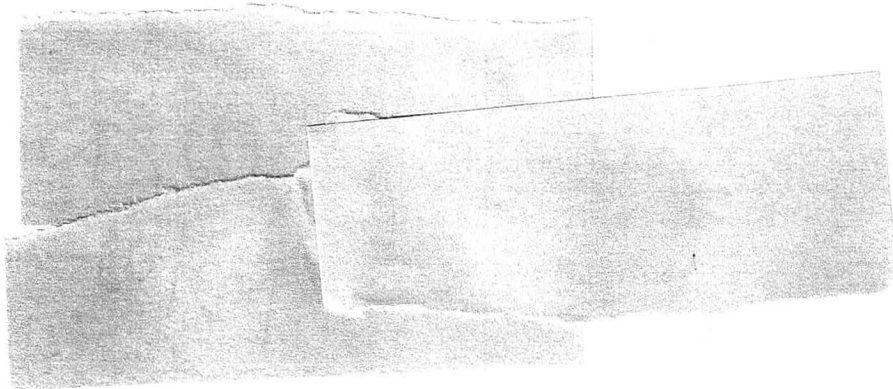
### **SECTION 1 CITY EMPLOYEE JOB DESCRIPTIONS:**

***NOTE: The following job descriptions are intended to provide a general description of the duties of various city employees. These descriptions are neither exhaustive nor exclusive, and the day to day duties of employees may vary from these descriptions as the needs of the City change. The mayor or other supervisors may assign different duties to employees in order to efficiently allocate resources to meet the needs of the citizens of Dyer, Arkansas.***

- 1.01 Street Maintenance employees are responsible for filling potholes, cleaning ditches, trimming branches, maintaining street signs, maintaining city vehicles, cleaning parks, maintaining playground equipment, and all other miscellaneous repair and maintenance of City property. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.02 Sanitation and Trash employees are responsible for picking up trash at city residences and businesses and maintaining the city sanitation trucks. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.03 Water Department employees are responsible for maintaining all inventories and the purchase of all parts and equipment required for everyday operations; repairs and maintenance on pumps, motors, electrical equipment, tools, meters, and miscellaneous equipment; installing new taps for water and sewer service; installing new meters, reading meters, repairing water and sewage system leaks and damage; performing all required testing; submitting monthly reports to required state offices; performing utility locate requests. Employees may be on-call twenty-four (24) hours a day due to the unforeseen nature of leaks or damage. Employees must also maintain a good working relationship with the public at-large, departments in surrounding areas, and various tradesmen involved in construction. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.04 Building Department employees are responsible for inspecting all types of new construction, alterations, and repairs of residential and commercial buildings for conformance with building, plumbing, electrical, mechanical, fire, life safety, zoning, and state codes and structural safety regulations and requirements. Employees must maintain records on all building permit applications, permit issuances, and all inspections. Employees must also maintain a good working relationship with the public at-large and various tradesmen involved in construction. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.05 The City Water Clerk is responsible for receiving and posting payments on customer accounts, daily cash reconciliation, preparing deposit slips, issuing receipts for all moneys received, preparing bills for payments, writing checks for bills on a weekly basis,

maintaining checking account records in balance, reconciling bank statements, reading meters and taking samples as necessary, and general office activities. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.

- 1.06 The Court Clerk is responsible for preparing court dockets, preparing arrest warrants, drafting 20 day compliance orders, issuing drivers' license suspensions, collecting and receiving all fine money, preparing monthly papers for distribution of funds, and making transfers as needed. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.07 The Administrative Assistant is responsible for collecting and receiving all payments to the city, keeping all checking account records in balance, preparing monthly reconciliation statements, report year to date totals, check all invoices and make out payments, preparing and submitting grant applications, general office activities. Duties shall also include all other duties as may be assigned by the Mayor or other supervisor from time to time.
- 1.08 The Flood Administrator is responsible for reviewing all areas of construction making sure that all National Flood Insurance Program ("NFIP") standards are met and abided by as required by city ordinance.



# CITY OF DYER

## Employee Confirmation

I \_\_\_\_\_ have received employee handbook with drug policy and I am fully aware that I can be drug tested at any time. Please sign and date.

X

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Employee

X

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Mayor