BAXTER COUNTY
PERSONNEL POLICY

REVISED 05/2026

TABLE OF CONTENTS

Page	Section	Topic
100.00 WELCOME		
4	100.01	Introduction & Purpose
4	100.02	County Policy Directives
200.01 EMPLOYMENT POLICIES		
5	200.01	At-Will Employment
5	200.02	Claims of Property Interest in Employment
5	200.03	Equal Employment Opportunity
6	200.04	Time Liability Control
6	200.05	Anti-Harassment Policy
7	200.06	Americans with Disabilities Act
8	200.07	Genetic Information Nondiscrimination Policy
8	200.08	Immigration Reform and Control Acts
9	200.09	Political Activity
9	200.10	Social Media Policy
9	200.11	Freedom of Information Act
9	200.12	County Property Policy
10	200.13	County Credit Card Policy
10	200.14	Technology Resources, Artificial Intelligence, and Automated Decision Tool Policy
12	200.15	Constitutionally Protected Conduct
14	200.16	Drug-Free, Alcohol-Free, & Tobacco-Free Workplace Policy
16	200.17	Outside Employment
16	200.18	Arrest or Conviction
17	200.19	Pregnant Workers Fairness Act/PUMP Act
300.00 EMPLOYMENT POLICIES		
17	300.01	Hiring
18	300.02	Probationary Period Policy
19	300.03	Reduction or Removal of Pay or Position
19	300.04	Background Investigations
19	300.05	Improvement Warning Policy
20	300.06	Termination of Employment
21	300.07	Rehire Eligibility & Service Recognition
400.00 EMPLOYEE CLASSIFICATION, COMPENSATION, & ATTENDANCE		
21	400.01	Employee Classifications
22	400.02	Employee Compensation
22	400.03	Direct Deposit Policy
23	400.04	Employee Attendance
23	400.05	Overtime & Compensatory Time
26	400.06	Travel Policy
25	400.07	Inclement Weather Policy
25	400.08	County Gift Policy

TABLE OF CONTENTS

Page	Section	Topic
500.00 ADMINISTRATIVE LEAVE & OTHER BENEFITS		
26	500.01	Vacation Leave
26	500.02	Sick Leave
27	500.03	Personal Leave
27	500.04	Holiday Leave
29	500.05	Family & Medical Leave Act (FMLA)
31	500.06	Military Leave
33	500.07	Jury/Witness Leave
33	500.08	Emergency Leave
33	500.09	Occupational/Accidental Leave
33	500.10	Workplace Injury/Illness Reporting Policy
34	500.11	Leave Without Pay
34	500.12	Donation of Paid Leave
36	500.13	Service Awards
36	500.14	Qualifying Life Event Policy
37	500.15	COBRA Policy
37	500.16	Group Insurance Programs
37	500.17	Fringe Benefits - County Owned Vehicles
40	500.18	Fringe Benefits - Meal & Lodging
40	500.19	Retiree Benefits
600.00 INFORMAL PROCEDURE FOR REPORTING COMPLANTS		
41	600.01	Purpose
41	600.02	Affirmative Duty to Report
41	600.03	Affirmative Duty to Act
41	600.04	Continuing Duty to Report
41	600.05	Confidentiality
42	600.06	No Adverse Employment Action
700.00 GRIEVANCE HEARING PROCEDURE		
42	700.01	Purpose
42	700.02	County Grievance Committee
43	700.03	Back Pay Provisions
43	700.04	Written Response to Hearing
43	700.05	Mediator Role
43	700.06	Grievance Hearing Procedure
800.00 GRIEVANCE HEARING ISSUES		
43	800.01	Property Interest Hearing
44	800.02	Liberty Interest Hearing - Retaliation
44	800.03	Liberty Interest Hearing - Discrimination
45	800.04	Liberty Interest Hearing - Equal Protection Violation
45	800.05	Liberty Interest Hearing - Claim Arbitrary Decision
45	800.06	Liberty Interest Hearing - Violation of State Policy
45	800.07	Liberty Interest Hearing - Future Employment
900.01 ISSUES NOT ADDRESSED		
45	900.01	Issues Not Addressed in the Personnel Policy

100.01 Introduction & Purpose

Welcome to employment with Baxter County, Arkansas (the County). The purpose and intent of this County Personnel Policy is to establish at-will employment as the default policy for the County and to state the general employment policies issued by the County Quorum Court in its capacity as the legislative branch of the County government. *See Ark. Const. Amend. 55 §§ 1 & 4; Ark. Code Ann. § 14-14-805(2)*. The Policy is also intended to establish uniform personnel policies and benefits for all County employees.

County employees are "at-will" employees. County employment is not for a specific period and employment may be terminated at any time, with or without notice, and with or without cause. The provisions set forth in this Personnel Policy do not guarantee any fixed terms or conditions of employment. The Policy neither creates an expectancy of future employment nor establishes grounds upon which employee discipline or dismissal must be based. At any time, the County Quorum Court may revise, supplement, or rescind the policies, practices, and benefits set forth in the Policy subject to, or as may be required by, applicable law.

Consistent with the day-to-day administrative responsibility of his or her elected office, a County elected official may adopt executive employment policies to apply to the employees of that office. Such executive employment policies shall not conflict with this uniform Personnel Policy adopted by the Quorum Court. A County elected official has discretion to determine the application, meaning, and intent of the provisions of the Personnel Policy as they relate to the employees of that official's office. *See Ark. Code Ann. § 14-14- 805(2).*

We are serious about the important work of the County. We are equally serious about adhering to the procedural and substantive requirements of applicable law. County employees are expected to read, understand, and comply with the policies set forth in the County Personnel Policy. Any questions should be directed to an employee's elected official or supervisor.

100.02 County Policy Directives

A. The County and its officials will treat all employees and citizens in a manner that is: (i) rationally related to the effectuation of legitimate County objectives; and (ii) uniformly applied to all persons similarly situated.

B. County officials and employees shall not misuse or abuse governmental power.

C. County officials and employees shall not engage in any intentional act that is illegal (contrary to applicable statutes or judicial decisions) or unconstitutional (contrary to the Arkansas Constitution or the United States Constitution).

D. County officials and County employees shall not omit the performance of any duty that is affirmatively required by applicable law (statutes and judicial decisions).

E. County officials and employees shall not participate in any County contract or transaction in which they have a direct or indirect personal interest. County officials and employees shall not accept or receive any property, money, or anything of value in exchange for or arising out of any County contract or transaction. See Ark. Code Ann. § 14-14-1202.

F. County officials and employees shall not engage in any act that would constitute corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in the office. See Ark. Code Ann. § 14-14-1311.

G. Each County elected official shall administer the day-to-day administrative affairs of his or her County office in a lawful and constitutional manner, and in accordance with applicable law (statutes and judicial decisions), the U.S. Constitution and Arkansas Constitution, and this County Personnel Policy.

H. The use of deadly force against a person by the Sheriff or a Deputy Sheriff is limited to the following:

(1) Effect an arrest or to prevent the escape from custody of an arrested person whom the Sheriff or Deputy Sheriff reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or

(2) Defend himself or herself or a third person from what the Sheriff or Deputy Sheriff reasonably believes to be the use or imminent use of deadly physical force.

200.00 EMPLOYMENT POLICIES

200.01 At-Will Employment

(1) Under its authority as the legislative branch of County government, the County Quorum Court adopts "at-will" employment as the default employment policy for each County employee. County employment is not for a specific period and employment may be terminated at any time, with or without notice or liability of any kind (except for wages earned and unpaid), and with or without cause.

(2) A County employee serves the pleasure of the elected County official who hires and supervises the employee. Newly elected County officials have the discretion to rehire County employees who served under a predecessor. County employees have no expectancy of continued employment or property interest in future employment under a newly elected County official.

200.02 Claims of Property Interest in Employment

If, notwithstanding the express provisions to the contrary in the Baxter County Personnel Policy, a County employee contends that he or she has a property right in his or her employment or a substantial expectancy of continued employment, or that the County or supervising Elected Official must have just cause for reduction in pay or removal of position, then the employee must assert such contention at a grievance hearing requested in the time and in the manner set forth in this policy.

200.03 Equal Employment Opportunity

It is the policy of Baxter County to provide equal employment opportunities for all County employees. Accordingly, Baxter County will not engage in any form of employment discrimination based on race, color, national origin, sex or gender, religion, age, disability, veteran or military status, genetic information, sexual orientation, gender identity, or any other legally protected status. The County hereby affirms its desire to maintain a work environment for all County employees that is free from all forms of unlawful employment discrimination. Employment discrimination based on race, sex or gender, color, national origin, religion, age, disability, veteran or military status, genetic information, sexual orientation, gender identity, or any other legally protected status is a violation of County policy as well as federal and state law and will not be tolerated.

(1) If you believe you have been the subject of unlawful employment discrimination, you should immediately report the problem to your supervisor. If the conduct or condition allegedly involves your supervisor, you should report it immediately to the elected County official under whom you serve. If the conduct or condition allegedly involves the elected County official, you should immediately report the conduct or condition to the County Judge. If the conduct or condition allegedly involves the County Judge, you should immediately report the conduct or condition to the County Grievance Committee. "Immediately" normally means the same day of the alleged discrimination. The failure to make a timely report of alleged discrimination may be a factor used in deciding the merits of the allegation. Your complaint will be promptly investigated. All County employees are expected to cooperate fully in such investigations. To the extent feasible, all internal investigations and/or actions taken to resolve complaints of unlawful employment discrimination will be confidential.

(2) Retaliation against any County employee for making a complaint under this policy or for providing information during an investigation under this policy is prohibited, will not be tolerated, and is a violation of this policy.

(3) Any County employee who violates this policy will be subject to appropriate discipline, up to and including termination. Any supervisor who knowingly permits discrimination or retaliation to take place in his or her areas of supervision will be subject to appropriate discipline, up to and including termination.

200.04 Time Liability Control

Baxter County requires each exempt and non-exempt employee to utilize the timekeeping system and shall personally submit hours for approval. This certifies that the recorded hours worked, and leave taken are correct.

(1) In the event that circumstances prevent personal submission of time records, the County elected official or supervising department head is the only alternative to complete the task. Furthermore, for the week(s) affected, the employee shall furnish a signed paper time sheet to the Payroll department for legal purposes.

(2) The signed/certified employee time sheets shall be provided timely to the County Clerk's Office at the end of each pay period to be kept as a permanent record *(for at least five years).* Electronic time data will be stored indefinitely in the County Electronic Back-up Storage.

(3) The County Clerk will calculate payrolls for all employees, including overtime pay *(non-exempt employees)*, vacation leave pay, sick leave pay, personal leave pay, and holiday pay, based on the submitted, approved, and certified time sheets and in reliance upon the employees' certification that the hours worked, and the leave time taken are correct.

(4) The County Clerk shall keep a record of accumulated compensatory time, sick leave time, personal leave time, and vacation leave time, showing all such time earned and all such leave time taken by the employees who have earned such time.

(5) The County Clerk shall provide a monthly report to the County Treasurer, the County Judge, and the Quorum Court, reporting the amount of the County's accrued leave liability.

(6) The County Clerk shall issue an overtime check to an employee any time the employee's total hours of accrued compensatory time exceed the compensatory time limit set by the Quorum Court in the County's Personnel Policy. Any hour over 40 will be paid out as overtime on their next paycheck.

(7) Accrued compensatory time accumulated by County employees throughout the year shall be paid in full at the end of the year in which it was earned.

(8) The Quorum Court shall use its appropriation power (including re-appropriation power) to modify the County's budget throughout the year so that the County has the funds to pay the compensatory time debt.

200.05 Anti-Harassment Policy

Baxter County provides a workplace free from harassment based on race, color, national origin, sex or gender, religion, age, veteran or military status, genetic information, disability, sexual orientation, gender identity, or any legally protected status. Harassment includes any verbal or other conduct that demeans, insults, or intimidates an employee or group of employees because of their race, color, national origin, gender, religion, age, veteran or military status, genetic information, disability, sexual orientation, gender identity, or other legally protected status. Prohibited conduct includes, but is not limited to, jokes, labels, names, verbal abuse, ridicule, or stories offensive to a protected group of people.

(1) Because of the County's strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:

a. Unwelcome sexual advances, including unwelcome requests for dating and requests for sexual acts or favors.

b. Verbal abuse of a sexual nature, including sexually related comments or joking and graphic or degrading sexual comments about another's appearance.

c. Nonverbal abuse of a sexual nature, including suggestive or insulting noises, leering, whistling, or making obscene gestures, e.g., giving someone the finger, and the display of sexually suggestive objects or pictures.

d. Physical conduct of a harassing nature, including inappropriate touching or brushing the body of another.

e. Any other verbal, nonverbal or physical conduct of a harassing nature.

(2) If you believe you have been the subject of harassment by anyone, including supervisors, elected County officials, co-workers, citizens, or vendors, you should immediately report the conduct to your supervisor. If the conduct allegedly involves your supervisor, you should immediately report it to the elected County official under whom you serve. If the conduct allegedly involves the elected County official, you should immediately report the conduct to the County Judge. If the conduct allegedly involves the County Judge, you should immediately report the conduct to any member of the County Grievance Committee. "Immediately" normally means the same day of the alleged harassment. The failure to make a timely report of alleged harassment may be a factor used in determining the merits of the allegation. Your complaint will be promptly investigated. All County employees are expected to cooperate fully in such investigations. To the extent feasible, all internal investigations and/or actions taken to resolve complaints about harassment will be confidential.

a. Discrimination or retaliation against any County employee for making a complaint under this policy or for providing information during an investigation is prohibited, will not be tolerated, and is a violation of this policy.

b. Any County employee who violates this policy will be subject to appropriate discipline, up to and including termination. Any supervisor who knowingly permits harassment or retaliation to take place in his or her areas of supervision will be subject to appropriate discipline, up to and including termination.

200.06 Americans with Disabilities Act

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training,

and other terms, conditions, and privileges of employment. The ADA does not alter the County's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of his or her disability, or because of a perceived disability. As a matter of County policy, the County prohibits discrimination of any kind against people with disabilities.

Disabled Defined

An applicant or employee is considered disabled if he or she (1) has a physical or mental impairment that limits one or more major life activities; (2) has a record or history of such an impairment; or (3) is regarded or perceived *(correctly or incorrectly)* as having such impairment. A qualified employee or applicant with a disability is an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Qualified applicants or employees who are disabled should request reasonable accommodation from the County to allow them to perform a particular job. If you are disabled and you desire such reasonable accommodation, contact your Elected Official, Department Head, or the Human Resources Department. On receipt of your request, we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodation. We will then collaborate with you to determine whether your disability can be accommodated, and if it can be accommodated, we will explore alternatives with you and endeavor to implement mutually agreeable accommodation. Reasonable accommodation may take many forms, and it will vary from one employee to another. Please note that according to the ADA, the County does not have to provide the exact accommodation you want, and if there is more than one accommodation, we may choose which one to provide. Furthermore, the County does not have to provide accommodation if doing so would cause undue hardship for the County.

200.07 Genetic Information Nondiscrimination Policy

Baxter County complies with the Genetic Information Nondiscrimination Act (GINA) and the Genetic Information in the Workplace Act (GIWA). GINA and GIWA prohibit employers and other entities covered by these laws from requesting or requiring the disclosure of genetic information of an employee or family member of an employee, except as specifically allowed by these laws. To comply with these laws, employees should not, directly, or indirectly, disclose any "Genetic Information" to the County at any time. "Genetic Information" includes an employee's family medical history, the results of an employee's or family member's genetic tests, the fact that an employee or an employee's family member sought or received genetic services, and genetic information of a fetus carried by an employee or an employee's family member, or an embryo lawfully held by an employee or family member receiving assisted-reproductive services.

200.08 Immigration Reform and Control Acts

Baxter County complies with the *Immigration Reform and Control Acts of 1986 and 1990*. Every newly hired County employee shall complete an I-9 Form before commencing employment.

200.09 Political Activity

Baxter County employees are encouraged to participate in the election process, but assistance to candidates or issues must only be rendered on an employee's own time and County property must not be involved. County employees are not to endorse candidates or issues in their official capacities as County employees, or on behalf of the County or any County office. The legal provisions are summarized as follows: (1) County employees are prohibited from engaging in partisan political activity during the hours they are performing work for the County, excluding personal leave time; (2) political banners, posters, or literature should never be allowed on County property or any County-owned vehicle; (3) political bumper stickers or decals should never be displayed on County property or any County-owned vehicle; County-owned vehicles must not be used during or after work hours to promote or assist the candidacy of any person or any ballot issue; (4) no County employee shall approach other County employees for any political purpose or use threats or coercion to require or persuade any employee to contribute to a particular candidate or cause. In the discretion of the County Judge or other elected County officials who supervise a County employee, a County employee may be granted leave without pay for an extended absence to participate in a campaign.

200.10 Social Media Policy

Social media includes all means of communicating or posting information or content of any sort on the Internet. The same principles and guidelines applicable to County employees conduct also apply to County employees' activities online. Any conduct that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects the interests of the County may result in disciplinary action up to and including termination. This policy applies to comments made under the employee's name or under a pseudonym used by the employee as a username. Harassment and cyber- bullying of any County employee will result in termination. Comments that discriminate against any protected class of individual under Title VII, the United States or State Constitution, or under any other civil rights statute will result in appropriate discipline, up to and including termination. County employees should avoid posts, "likes," or other social media activities during work hours and on County-owned equipment, unless authorized to do so by a supervisor or consistent with County policy. State law prohibits electioneering by public servants during work hours. Employees should consider any political activity to be electioneering. Employees should follow the County's Political Activity Policy with all online posts.

200.11 Freedom of Information Act

The County complies with the Arkansas Freedom of Information Act (FOIA). Upon receiving a FOIA request, a County employee shall immediately notify his or her supervisor, or elected official, of the FOIA request. Any supervisor or elected official receiving notice of a FOIA request shall take steps to ensure timely compliance with the request. Employees shall not provide records, or otherwise respond to a FOIA request, without consulting with their elected official or their designee.

200.12 County Property Policy

Baxter County's telephones, fax machines, photocopying equipment, computers, vehicles, office supplies, and other property are to be used for business purposes only. County property is restricted to business use to assist County employees in the performance of their jobs. Occasional de minimis use of County property for personal, non-business purposes is permitted-however such use should not negatively affect the use of County property for business purposes or negatively affect employee performance. All business equipment, software, computer systems, electronic systems and all information stored, transmitted, received, initiated, or contained in the County information system are County property. The County reserves the right to monitor, copy, use, delete,

publish, and log all network, Internet or local activity including email, software use, or other activity with or without notice-County employees should have no expectation of privacy with these resources.

200.13 County Credit Card Policy

Baxter County Government offers credit cards for employees who travel frequently as part of their duties, purchase large volumes of goods for use by the company or incur frequent business expenses that are paid by credit card.

Credit cards cannot be used to obtain cash advances, bank checks, and electronic cash transfers or for anything other than the expenses incurred by the employee whose name appears on the credit card. The card is not to be used for the personal expenses of the employee.

- *Misuse of a County credit card may result in the loss of privilege to use the credit card. If the card is used for personal expenses, Baxter County Government has the right to recover these expenses from the cardholder. All employee cardholders will be required to sign an agreement authorizing Baxter County Government' to recover any charges incurred for personal reasons through payroll deduction.*

- *Credit card expenditures must be submitted with original receipts through the process set by the Elected Officials. Cardholders who do not submit their expenditures within the time designated by the Elected Official will be asked to submit them immediately.*

- *The original receipt for online purchases shall indicate the date the product was received.*

- *Purchases are never allowed to be shipped to an employee's personal residence.*

- *If a credit card holder does not follow this policy, he/she may lose the privilege to use the County credit card.*

- *Lost or stolen County credit cards must be reported to the Elected Official or Department Head immediately.*

Violation of this policy may include disciplinary action up to and including termination of employment.

200.14 Technology Resources, Artificial Intelligence, and Automated Decision Tool Policy

This policy is established in accordance with *Ark. Code Ann. § 25-1-126*.

1. ***"Artificial intelligence"*** is defined as a machine-based system that can, based on a given set of human-defined objectives, make predictions, or decisions influencing a real or virtual environment.

2. ***"Automated decision tool"*** is defined as a system or services that uses artificial intelligence and has been specifically developed and marketed, or specifically modified, to make or be a controlling factor in making consequential decisions.

3. ***"Employee"*** is defined as a person employed by a public entity, which includes individuals employed by counties as a political subdivision of the state.

4. ***"Personally identifiable information"*** (PII) is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

"Technology resources" is defined as:

a) The machines, devices, and transmission facilities used in information processing, including computers, word processors, terminals, telephones, cables, software, and related products;

b) The devices used to process information through electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and include telecommunications and office automation functions;

c) Any component related to information processing and wired and wireless telecommunications, including data processing and telecommunications hardware, software, services, planning, personnel, facilities, and training;

d) The procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and the associated personnel, including consultants and contractors; and

e) All electronic mail accounts issued by a public entity.

Artificial intelligence and/or ***automated decision tools*** may only be used for the following authorized purposes:

1) Drafting non-confidential documents, presentations, emails, or basic job descriptions;

2) Summarizing publicly available information;

3) Automating repetitive, non-sensitive tasks (e.g., scheduling formatting);

4) Translating public information into other languages;

5) Brainstorming or generating ideas for general-use content, provided no sensitive or confidential information is included, be sure to verify no copyrighted information/images are included in your final product;

6) Assisting with research using public on non-sensitive data sources.

Prohibited uses of ***artificial intelligence*** and/or ***automated decision tools*** include, but are not limited to:

1) Inputting or exposing personally identifiable information (PII) (e.g., names, addresses, Social Security numbers, employee IDs, etc);

2) Disclosing protected health information (PH) or information subject to HIPPA, FMLA, ADA, or similar regulations;

3) Inputting or exposing confidential information or sealed information related to cases in the county's courts;

4) Generating or distributing false, misleading, discriminatory, or harassing content;

5) Using AI for automated interactions with government agencies, vendors, or clients that could be perceived as official without clear disclosure;

6) Using AI to make or influence decisions involving legal interpretation, personnel actions, eligibility for services, or enforcement actions without human oversight;

7) Uploading proprietary software code, security configurations, passwords, or system architecture diagrams;

8) Relying on AI output as a sole source of legal, medical financial, or compliance advice; and

9) Using AI to create, reproduce, or distribute content in a way that violates copyright law, including generating material that closely mimics or reproduces copyrighted works without proper rights or attributions.

Any use of ***artificial intelligence*** and/or ***automated decision tool*** requires an authorized human employee or designee to make any final decisions in the course of his or her employment, regardless of what artificial intelligence or automated decision tool the employee or designee recommends.

Baxter County's technology resources, artificial intelligence, and automated decision tools shall not be used to:

a) Express a personal political opinion to an elected official unless the opinion is:

i. Within the scope of the employee's regular job duties; or

ii. Requested by an elected official or public entity;

b) Engage in lobbying an elected official on a personal opinion if the employee is not a registered lobbyist for the public entity;

c) Engage in illegal activities or activities otherwise prohibited by federal law or state law; or

d) Intentionally override or avoid the security system integrity procedures of the public entity.

Each Elected Official shall create disciplinary procedures for a violation of this policy concerning authorized use of technology resources. The disciplinary procedures created pursuant to this section shall not apply to employee communications made in compliance with the *Public Employees Political Freedom Act of 1999, Ark. Code Ann. §§ 21-1-501, et seq., or the Arkansas Whistle-Blower Act, Ark. Code Ann. §§ 21-1-601, et seq*.

200.15 Constitutionally Protected Conduct

(1) It is the policy of the County to comply with the Constitutions and laws of the State of Arkansas and the United States, and the public policy of the State of Arkansas.

These laws include:

(i) laws prohibiting unlawful discrimination based on race, color, national origin, sex or gender, religion, age, disability, veteran or military status, genetic information, or any other legally protected status;

(ii) laws prohibiting retaliation for exercising a constitutionally protected liberty right *(e.g., free speech, free association, political patronage, access to courts, privacy, etc.)*

(iii) laws requiring governmental action to be rationally related to a conceivable legitimate government objective.

(2) Should any applicant, employee, or person requesting County assistance or services contend that he or she

is the victim of unlawful discrimination, unlawful retaliation, or unlawful arbitrary government action, he or she shall request, in the time and manner set forth in this County Personnel Policy, a hearing before the County Grievance Committee to provide the County's final policymaker with notice of the alleged unlawful discrimination or unlawful retaliation or unlawful arbitrary government action, and the opportunity to voluntarily conform the conduct of the County, County officials, and County employees to the requirements of County policy *(including conformity with the Constitutions and laws of the State of Arkansas and the United States, and the public policy of the State of Arkansas).*

(3) Each full-time Baxter County Employee shall be permitted the privilege of carrying a firearm on County property, pursuant to *Act 1259 of the State of Arkansas*, within the guidelines of the plan created by Baxter County, Arkansas, as approved by the Baxter County Quorum Court on *Ordinance No. 2016-14*.

- Must possess a Concealed Carry license and provide the Baxter County Judge's Office with a copy of the license.

- Must successfully achieve qualification through the Civilian Response to Active Shooter (CRASE) class offered by the Baxter County Sheriff's Office.

200.16 Drug-Free, Alcohol-Free, & Tobacco-Free Workplace Policy

Baxter County is committed to protecting the safety, health, and well-being of all employees and the public in our workplace. The County has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol-free and drug-free environment. The purpose of this policy is to assure worker fitness for duty and to protect the County's employees, passengers, and the public from the risk posed by misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable federal regulations governing workplace anti-drug and anti-alcohol programs. Baxter County prohibits the use of all tobacco products in all County-owned facilities and vehicles, plus offers to all County employees and officials an opportunity to attend a tobacco cessation training program.

(1) Testing. To ensure the accuracy and fairness of drug and alcohol testing, all testing will be conducted by a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, according to SAMHSA guidelines, in accordance with procedures required by the U.S. Department of Transportation where applicable, and in compliance with all applicable laws and regulations. Prohibited controlled substances are those defined by the Federal Controlled Substances Act and applicable Arkansas statutes governing controlled substances. An employee whose initial drug test result is positive and who requests a test of the split sample will be suspended without pay until the County receives the result of the split test. The split test will be paid by the County to be reimbursed to the County by the employee via withholding from the employee's paycheck. A negative result from the split test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the cost of the split test.

(2) Prescription Drugs, Over-the-Counter Drugs, and Medical Marijuana. Prescription drugs and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription-however, a safety-sensitive employee who has been prescribed a medication that might cause drowsiness or otherwise impair the employee's ability to safely perform job functions has an affirmative duty to report use of such prescription. The County shall engage in the interactive process to determine if the prescription drug use creates a direct threat of safety to the employee, or others, and shall inquire as to accommodations that would permit the employee to continue to work in a safety-sensitive position, despite the use of the prescription. Reasonable accommodation that does not create undue hardship, or a direct threat, shall be discussed with the employee. A reasonable accommodation is one that would permit the employee to work in a safety-sensitive position, despite the use of the prescription.

When proper notification is made and the prescribing healthcare practitioner provides a statement that the employee will not pose a direct threat to themselves or others and is otherwise able to perform their essential duties, despite the use of the prescription medication, the employee may continue working in the same position. If a statement is not provided, or if a provided statement does not certify that the employee's use of the prescription will not impair the employee's ability to safely perform job functions, a reasonable effort will be made to assign the employee to another position, if available.

The illegal or unauthorized use of prescription drugs is prohibited. Medical marijuana usage under the Arkansas Medical Marijuana Amendment is subject to Act 593 of 2017. An employee who holds a safety- sensitive position is not permitted to engage in the current use of medical marijuana while employed in the safety sensitive position. A safety-sensitive employee shall be removed from their position if they test positive for marijuana, or if the employer has a good faith belief the employee is engaged in the current use of medical marijuana. This applies even if the employee is a qualifying patient under the Amendment and/or holds a registry identification card.

Employees are also subject to discipline, up to and including termination for the following acts related to medical marijuana:

(1) Possession, ingestion, smoking, or otherwise using marijuana while on duty, or on the premises of the County, regardless of duty status; or

(2) Being under the influence of marijuana while on duty, or on the premises of the County, regardless of duty status.

(3) County officials who are hired for a position may elect to conduct post-offer / pre-employment testing on any prospective County employee. Testing under this section shall be consistent among job classes under an elected official and within departments. The prospective employee will not be employed until the test results are received by the Safety Coordinator. A prospective employee cannot start work until the post-offer / pre-employment test result is received.

(4) "Safety-Sensitive Positions" include, but are not limited to, positions involving a safety- sensitive function pursuant to regulations governing drug and alcohol testing adopted by the U.S. Department of Safety- sensitive positions typically involve job duties where impairment may present a clear and present risk to co- workers or other persons. A safety-sensitive position includes any position where a momentary lapse in attention could result in injury or death to another person. A safety-sensitive position includes, but is not limited to, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires an employee to:

1. Carry a firearm

2. Perform life-threatening procedures

3. Work with confidential information or criminal investigations

4. Work with controlled substances

5. Maintain a commercial driver's license

6. Drive a vehicle or operate heavy equipment as part of normal duties

7. Serve as a mechanic on County vehicles

8. Serve as a dispatcher for law enforcement or emergency services; or

9. Be prepared to use justified physical force against people to maintain order or security for people detained by the County.

(5) Safety-sensitive employees are subject to testing to detect the presence of alcohol and controlled substances including:

1. Post-offer/pre-employment testing

2. Random testing

3. Reasonable-suspicion testing

4. When otherwise permitted by law

(6) Employees in safety-sensitive positions will be subject to random, unannounced testing. A computerized program shall determine the individual safety-sensitive employees to be randomly tested.

(7) Reasonable-Suspicion Testing of Safety-Sensitive Employees. A safety-sensitive employee who is suspected of being intoxicated, impaired, under the influence of alcohol or drugs, or not fit for duty, shall be suspended from job duties with pay pending an investigation and verification of condition. Only an elected County official or supervisor who is trained in reasonable-suspicion testing requirements may initiate reasonable-suspicion testing.

(8) Disciplinary Action. The following shall result in immediate discharge:

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

2. a positive drug test (once the time limit for requesting a split test has expired, or upon receipt of a positive result from the split test); or

3. a positive alcohol test.

(9) Records. All records regarding the County's Drug-Free and Alcohol-Free Workplace Policy shall be confidentially maintained, in a secure location with controlled access. Although records maintained by the County will remain confidential, such records may be used in legal proceedings in defense of the County, its agents, and employees, and such records may be otherwise disclosed as required or allowed by law.

200.17 Outside Employment

If an employee is considering additional employment, he/she should discuss the additional employment with the supervising elected official or department head for approval. If, as an employee of the County, an employee participates in additional employment, it must not interfere with the proper and effective performance of his/her position with the County.

The work of a full-time employee of the County shall have precedence over any other occupational or voluntary interest or pursuit of the employee. A full-time County employee is expected to be available for work during all regular working hours and for overtime as required. An employee's outside employment must not be of a nature that adversely affects the image of the County, or of a type that may be construed as a conflict of interest.

200.18 Arrest or Conviction

An employee arrested or convicted of a crime – whether the crime is related or unrelated to the individual's employment activities with Baxter County – must report the arrest or conviction within three (3) business days of the arrest or conviction to the Human Resources Department, Elected Official or supervisor. The Human Resources Department and/or supervisor shall immediately report the information to the Elected Official.

Disclosing an arrest or conviction does not automatically impact an employee's eligibility for employment with Baxter County. Continued employment depends on a variety of factors, such as the nature and gravity of, and circumstances surrounding, the arrest or conviction, including the employee's truthfulness and completeness in

disclosing the information in a timely manner. If an employee is convicted of a criminal offense while employed with Baxter County, the employee may be terminated and ineligible for rehire.

Conviction includes any unlawful offense, including but not limited to major traffic violations (such as DUI/DWI, reckless or negligent driving, driving with an invalid license, or leaving the scene of an accident); check violations; or any citation for violation of federal, state, or local ordinances or statutes that resulted in a fine, restitution, or incarceration, other than minor traffic violations or ordinance violations that carry a small fine $150 or less. Guilty verdicts, guilty pleas, prayers for judgment (PJC) and pleas of no contest must be disclosed.

An employee who fails to disclose an arrest or conviction to his/her supervisor is in violation of this policy. In addition, Human Resources and/or Department Head who is made aware of an employee's arrest or conviction and fails to disclose the information to the Elected Official will be in direct violation of this policy.

Violation of the policy shall result in disciplinary action, up to and including termination of employment.

200.19 Pregnant Workers Fairness Act (PWFA)/PUMP Act

Pursuant to federal law, nursing mothers are entitled to reasonable break time to express breast milk for her child for one (1) year after the child's birth.

- Employees who are the sole occupant of an office with a shielded view free from the intrusion of coworkers and the public shall utilize their office to take breaks to express breast milk.
- Employees whose offices do not meet these criteria, and for employees who share an office with other employees, shall use a space designated by the Elected Official or Department Head for breaks to express breast milk. The space designated by the employee's Elected Official or Department shall meet the criteria under federal law.
- Breaks to express breast milk shall run concurrently with the two (2) paid breaks already afforded to employees by the County. If additional breaks are needed to express breast milk, they will be unpaid. Employees are required to clock in and clock out for these additional breaks.
- Employees are required by state law to make reasonable efforts to take these breaks in a manner that will minimize disruption to the operations of the office.

300.00 HIRING, PROMOTION, DEMOTION, TRANSFER, & TERMINATION

300.01 Hiring

The County Employment Policies set forth in this County Personnel Policy (§ Section 200) apply equally to hiring, promotion and demotion, transfer, and termination.

The County Quorum Court shall establish the number and compensation of all County employees. The job title, classification, and annual pay rate shall be specified for each position of a County department or County office in the annual budget. New positions cannot be advertised as vacancies, nor may people be hired into new positions, until new positions are authorized by the Quorum Court. The County Judge shall hire all County employees except those employed by other County elected officials as permitted by Ark.

Const. Amend. 55, section 3. Policies regarding hiring and firing adopted by the Quorum Court shall only be advisory upon County elected officials and employees hired by them as required by Ark. Const. Amend. 55. Employment policies of a general nature adopted by the Quorum Court shall be the decision of the County and binding as permitted by *Ark. Const. Amend. 55, section 1 and Ark. Const. Ann. § 14-14-805*.

300.02 Probationary Period Policy

NEW HIRE

Baxter County has a 90-day probationary period for all new employees. The probationary period is defined as the time between signing an offer of employment and being granted permanent employment status. It is a "trial period" during which the employee is being evaluated as a suitable fit to the position and Baxter County. The new employee will be given consistent feedback and coaching to have the chance to learn the position and improve during the probationary period. At the end of the probation period, or before, the Department Head or Elected Official will determine if the employee should be retained. The decision will be made during the 90-day evaluation and appraised in the following criteria:

- *The skills, competencies, and knowledge of the employee on the job.*
- *The employee's progress on given assignments.*
- *The reliability, loyalty, trustworthiness, and additional relevant personality characteristics of the employee.*
- *The employee's relationship and collaboration with subordinates, supervisors, and peers*

The criteria will be assessed with quantitative measures and the progress will be documented when possible. The decision to retain or separate will be at the discretion of the Department Head or Elected Official.

EXTENSION

If it is determined that an employee requires additional time to achieve the intended benchmark of permanent employment, the Department Head or Elected Official have the authority to extend the probationary period beyond the 90-day threshold.

TERMINATION

Dismissal During Probationary Period

If an employee is deemed unsuitable while on a probationary period, termination may occur. The termination of employment during this period may be for cause or without cause depending on the circumstances and the individual's performance during the probationary period.

Termination of employment during the probationary period does not allow for an appeal to the Grievance Committee unless a constitutional claim is asserted.

Employees may still be dismissed for several reasons beyond completion of the probationary period and the extension of a permanent position. In such cases, Baxter County will follow employment law, legal guidelines, and the Termination of Employment policy.

TRANSFER

An employee may also be placed on a probationary period if they have been promoted or transferred to a position. The purpose of this is to ensure the employees can complete their new duties. If they are deemed unsuitable, the employee may be allowed to be demoted or return to their previous position if vacant. However, employment is not guaranteed, and the decision remains at the discretion of the Department Head or Elected Official.

300.03 Reduction or Removal of Pay or Position

A Baxter County Elected Official may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate County objective. It is not possible to list all conceivable rational bases for reduction or removal of pay or position; however, examples include but are not limited to:

(1) Misrepresentation, dishonesty, or self-dealing conduct.

(2) Intemperate Conduct.

(3) Insubordination, including the failure or refusal to follow the legal orders of an elected County official or other supervisor.

(4) Negligent, reckless, knowing, or intentional destruction of County property.

(5) Abuse or misuse of your position as a County employee.

(6) Any conduct, act, or omission that interferes with or impairs your ability to perform your duties properly and effectively as a County employee.

(7) Any rational change in the mode or manner of operations, including any rational decision regarding the persons selected by an elected County official or supervisor for the delivery of County services.

300.04 Background Investigations

Background investigations may be conducted for applicants at the discretion of the hiring Elected Official or as required by law. All background investigations will be performed by a third party in compliance with the law.

300.05 Improvement Warning Policy

An Improvement Warning (or Written Warning) serves the purpose of enforcing Baxter County policies and is a form of employee discipline used to correct poor performance or misconduct. Improvement Warnings describe the behavior issue at hand, the changes that are required to be completed, and a warning that further discipline may occur if corrective actions are not put in place to improve performance or behavior.
Improvement Warnings can be utilized to address a variety of issues, such as:

- *Frequent tardiness*
- *Excessive absenteeism*
- *Poor work performance*
- *Dress code violations*
- *Behavioral problems like poor attitude or inappropriate workplace conduct*
- *Disregarding safety procedures*
- *Failing to meet deadlines*
- *Insubordination*
- *Violations of the Baxter County Personnel Policy, Baxter County Sheriff's Office Policy, and Office Executive Policy.*

Improvement Warnings occur in three phases – ***1st Warning, 2nd Warning, and Final Warning***. A Department Head or Elected Official has the authority to skip a phase depending on the nature of the warning, up to and including immediate termination.

Once the Improvement Meeting is held with the employee, the Department Head or Elected Official will forward all documentation to Human Resources to be retained in the employee's personnel file.

300.06 Termination of Employment

Termination of employment is an inevitable part of personnel activity within any organization, and many reasons for termination are routine. Below are some common circumstances under which employment is terminated.

Resignation/Retirement – *voluntary employment termination initiated by an employee.*

Discharge – *involuntary employment termination initiated by the County.*

Layoff – *involuntary employment termination initiated by the County for non-disciplinary reasons.*

Because employment with the County is based on mutual consent, both the employee and the County have the right to terminate employment at will, with or without cause at any time.

Voluntary Resignation and Retirement

The County must plan its budget(s) and activities well in advance. Should you decide to resign please complete the Separation Notice and notify your supervisor in writing at least two (2) weeks in advance.

Should you plan to retire please complete an "Intent to Retire" form and schedule a time to meet with the Human Resources and Payroll office at least three months in advance when possible. This will allow sufficient time to complete APERS documentation and discuss benefit payouts and insurance options.

Employee benefits will be affected by employment termination in the following manner: Regular, full-time employees who have been employed by the County for one (1) year or more, who resign from the job in good standing, shall be compensated for Vacation Leave *(current and accrued)* and unused Personal Leave up to the date of resignation. Sick Leave compensation at resignation will be calculated against the date or hire and service year(s).

Termination with Cause

An employee terminated with cause shall be paid through the last day of work. However, the employee is not eligible to receive employee benefit compensation *(Vacation Leave, Personal Leave, or Sick Leave).*

Health Insurance

Medical, Dental, Vision and Life insurance coverage will terminate the last day of the month the employee separates employment, with or without cause. Information about COBRA continuation will be provided.

Final Pay Policy

Final paychecks will be issued in the form of a paper check, regardless of prior methods, which will be available from the Elected Official or Department Head on the next pay day following termination of employment. The next pay day will be calculated by the last day worked in a pay period.

All County owned property including vehicles, uniforms, keys, badges, or other items issued by the County must be returned before final pay is released.

In the case of an employee's death, the final pay due to that employee will be paid against the employee's Outstanding Wages Beneficiary Designation Form.

300.07 Rehire Eligibility & Service Recognition

It is the policy of Baxter County to consider rehiring former employees who voluntarily left employment or were laid off due to business needs.

Eligibility for Rehire

Employees who were part of an involuntary reduction in force, as well as those employees who voluntarily resigned, will be eligible for rehire if they have a satisfactory work record while employed by Baxter County Government.

Service Restoration Rules for Eligible Employees

Former employees who are rehired within 30 days of separation will retain their original hire date for service recognition. In addition, the employee will have PTO not paid out through the final pay process reinstated.

Former employees who are rehired after 30 days of separation will not be eligible for prior service recognition and all PTO not paid out through the final pay process will be forfeited.

400.00 EMPLOYEE CLASSIFICATION, COMPENSATION, & ATTENDANCE

400.01 Employee Classifications

Baxter County's administrative office hours for normal business are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Full-Time Employee

A full-time County employee is an employee who occupies a full-time position who works more than 30 hours per work week and has a full-year schedule. Full-time employees are expected to work during County office hours, with a 30-minute unpaid lunch break each day and two paid breaks each day of up to 15 minutes per paid break. Employees will have work schedules determined by the respective Elected Officials and/or Department Head.

Employees will have work schedules determined by the respective Elected Official and/or Department Head.

Part-Time Employee

A part-time County employee is hired to work less than a full work week on a non-seasonal basis and will work no more than 29 hours per work week, or 119 hours per month.

Seasonal Employee

A seasonal employee is hired to work less than a full work week during seasonal and/or peak periods and the temporary employment period must be less than 90 days.

Regular part-time and seasonal employees are not eligible for benefits (other than those required by state and federal laws) that are afforded to regular full-time employees.

400.02 Employee Compensation

Baxter County employees are paid on a biweekly basis *(pay period every two weeks; 26 pay periods annually).* Each pay period covers the two weeks prior to the week of payment, but not the week of payment. After termination of employment, a County employee will be paid through the employee's final working day in the payment for the pay period following termination of employment.

There are written job descriptions of all positions in Baxter County Government. These descriptions detail the principal function, major duties, and responsibilities, along with the educational and experience requirements and working conditions of each position. In addition, for an employee to know what the County expects of him/her in the performance of the position, performance standards have been developed for each position. These standards of performance are measurable criteria by which each employee's professional development is evaluated. All positions are classified based on duties and responsibilities, skills required, and job demands. Elected Officials may request the Personnel Committee to evaluate and approve position reclassifications as needed. For every classification, a minimum pay rate has been assigned for each position. Based on experience, a service credit may be applied to the starting rate, not to exceed 24% of the minimum pay rate.

The Baxter County Pay Scale is not published in this manual, as it is subject to periodic change. A copy of the current schedule can be obtained from the Baxter County website and/or Human Resources Department.

Annual raises are not guaranteed, and annual budgets must be approved by the Quorum Court. If annual raises are budgeted by the Quorum Court, Elected Officials will be responsible for allocation of the budgeted funds to the employees within their department using a merit-based format. Raise justification will be based on the employee's performance, which will be documented on each employee's annual evaluation form. Raise information will be communicated to each employee during their performance review which is conducted on the employees' anniversary date.

400.03 Direct Deposit Policy

It is the policy of Baxter County Government to issue employee payments solely through electronic direct deposit. Direct deposit provides a benefit for employees, including greater security and faster access to funds. Checks will not be issued.
Employee payments will be electronically deposited directly into one or more checking, or savings accounts designated by each employee. Accounts must be established with financial institutions, such as banks or credit unions that support direct deposits.

Temporary exceptions to this policy may be made to new hires, to provide adequate time to set up a direct deposit account. Exceptions may also be made for employees who provide evidence that they cannot obtain an account at a financial institution offering direct deposit.

The Payroll or Human Resources Department will assist employees with completing the necessary documentation as well as answering any questions or concerns about direct deposit.

NOTE: It is each employee's responsibility to review his or her payroll stub for accuracy of personal information and payment information. Employees must immediately notify the Payroll or Human Resources Department if there is a discrepancy.

NOTE: Employees are not entitled to keep wage overpayments and Baxter County Government' may recoup overpaid amounts from future payments.

NOTE: Employees must notify the Payroll Department when there is any change to bank accounts that affect direct deposit. Changes must be received IN PERSON two weeks prior to the payday for which the change is to occur.

400.04 Employee Attendance

As public servants, timely and consistent attendance is an essential job function for every employee of Baxter County, therefore County employees are expected to be on the job during their scheduled hours. Excessive tardiness and/or absenteeism creates undue hardship in County Offices and Departments and will result in disciplinary action, up to and including termination.

Baxter County employees will be permitted absence without prior authorization under only the following conditions:

(1) emergency, (2) immediate family sickness or funeral, (3) inclement weather conditions where the employee is unable to travel safely; (4) other, if subsequently approved by the employee's supervisor. Excused absences with prior or contemporaneous authorization are governed by the leave policies set forth separately in this policy.

400.05 Overtime & Compensatory Time

Baxter County complies with the Fair Labor Standards Act (FLSA).

(1) Non-exempt, hourly status shall be the default status for all employees of the County and shall be eligible for overtime compensation. This status is not affected by the Quorum Court's appropriation of wages in a "salary" amount for budget purposes. The salary amount set by the Quorum Court shall be divided by the expected annual number of hours worked for each position to determine an hourly amount. *(EX: Appropriation of $26,000.00 salary. Employees scheduled 40 hours a week, 52 weeks a year for 2,080 hours expected to be worked annually. $26,000 / 2,080 = $12.50 per hour.)*

(2) For the purpose of calculating overtime pay, the normal scheduled work period shall be 40 or more hours per week for all full-time non-exempt County employees, Sunday through Saturday. Exempt employees are expected to work the hours required by business demand, even if it exceeds their normal work week. Exempt employees are not eligible to receive overtime premium pay.

(3) Overtime shall not be worked without the approval of the elected County official or supervisor designated by the elected County official to approve overtime. This includes checking email and/or phone messages, or other work outside of normal business hours without approval. Overtime worked shall be compensated as set forth in this policy whether approved or not, but employees who work overtime without approval as set forth in this policy are subject to discipline up to and including termination.

(4) In lieu of overtime pay, compensatory time may be accrued at a maximum of forty (40) hours. After the maximum compensatory time is accrued, the employee shall be paid for all additional overtime hours *(subject to normal withholding for taxes, etc.)* at a rate of one and one half of the employee's normal hourly rate. At the end of each year, accrued by unused compensatory time will be paid in full.

(5) Upon termination of employment, an employee who has accrued compensatory time shall be paid for the unused compensatory time at the employee's final hourly rate at termination.

(6) An employee who requests time off for any reason excluding sick leave, shall be required to exhaust their accrued comp time before they are permitted to use other forms of leave.

(7) An employee who has accrued compensatory time off and who has requested the use of compensatory time off shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operation of the County or employment department.

(8) All County elected officials and department heads shall utilize the electronic time keeping system whenever possible or practical. If the electronic time keeping system is inoperable, all County elected officials and department heads will maintain time sheets to be filled out by each non- exempt employee daily and submitted to the County Clerk bi-weekly per the payroll schedule. All time sheets shall be signed or electronically signed under oath by the non- exempt employee and signed or electronically signed by the elected official or department head. If an elected County official or department head fails to provide the required and approved time sheets to the County Clerk, the County Clerk shall not issue subsequent paychecks. Electronic signatures within an electronic time keeping system are allowed to replace physical time sheets.

(9) Paid leave shall not count toward time worked in a work period for calculating overtime. Only time worked by an employee shall count toward calculating overtime *(including time worked on a holiday)*.

400.06 Travel Policy

Section 111 of the 1977 Acts of Arkansas allow Elected Officials and County Employees to be reimbursed for reasonable travel expenses in the conduct of county affairs where such incurrence of expense is not discretionary in the conduct of duties assigned by the law; and allows for the reimbursement of expenses for meals, lodging, and travel.

County Elected Officials and employees shall be entitled to receive a daily allowance for lodging for any individual while traveling within the State of Arkansas at a rate not to exceed $175.00 per day *(pre-tax)*, and at a rate not to exceed $200.00 per day *(pre-tax)* while traveling beyond the borders of the State of Arkansas. In extraordinary circumstances, the County Judge may approve of an amount more than these limits.

Reimbursement for the purchase of meals shall be based on reasonable actual expenses, not to exceed $75.00 per day. Elected Officials have the option to set individual reimbursement per meal rate, based on circumstance of travel. Meals provided as part of a registration fee shall not be a reimbursable expense.

When a personally owned vehicle is used for County business travel, expenses shall be reimbursed at the current rate of reimbursement *(obtainable by contacting the Clerk's Office)*. Such travel expense claims shall show location of travel, purpose of the trip, and total number of road miles traveled between beginning and ending locations using the shortest route between the two locations.

When County business requires travel by airline, bus, or rail, actual expenses will be allowed. In the case of air travel, only economy class accommodation will be allowed.

Reimbursement for out-of-pocket travel expenses, the Baxter County Travel Reimbursement Form shall be completed for all travel related expenses and accompanied by itemized receipts, justification for mileage *(if applicable)* and registration conference agenda *(if applicable).* The Baxter County Travel Reimbursement Form is available on the Employee Portal or by contacting the Human Resources Department.

For travel expenses paid for by a County credit card, itemized receipts, justification for mileage *(if applicable)* and registration conference agenda *(if applicable)* shall be submitted to the Elected Official or Department Head to be attached to the credit card invoice.

Each employee shall request reimbursement for his/her own travel. An Elected Official or County Employee may include the expenses of another county employee on his/her Baxter County Travel Reimbursement form, only if the submission shows documentation that he/she has paid a reimbursable expense for the specifically named employee.

If an Elected Official is host to a guest from another governmental agency, an industry prospect, or other county-related visitor, expense reimbursement for meals, lodging or other related expenses may be allowed, provided the guest will not be reimbursed by any other source, provided the circumstances are thoroughly documented and receipts attached to the reimbursement form.

Law Enforcement transport(s) that require an overnight stay, but deputies choose to rotate driving will be excluded at the discretion of the County Sheriff.

Meals or lodging shall not be reimbursed to an Elected Official or County Employee for expenses within Baxter County, unless documentation is provided.

400.07 Inclement Weather Policy

The general policy regarding inclement weather is that Baxter County government offices do not normally close because of hazardous driving conditions. However, the obligation to provide services to the citizens of Baxter County must be balanced with the risk of danger to the public and County employees. It is, therefore, appropriate that guidelines which reflect the need for the safety of our citizens and employees be established.

In the event of early morning severe inclement weather conditions, the Judge's Office will determine whether this inclement weather policy will be placed into effect and will announce its implementation before 6:30 a.m. to the local radio station. Employees should listen to radio broadcasts or access the website during periods of inclement weather for an announcement of a full day closing or late opening. Essential personnel (i.e., 911 Emergency Dispatchers and Road & Bridge Employees) required to be at work in inclement weather shall be compensated at their regular rate of pay.

1. If the Judge's Office announces that Baxter County government offices will be closed due to inclement weather, employees shall be compensated for a full day equal to their regular shift length.

2. When severe inclement weather occurs during office hours, Elected Officials and Department Heads will have the discretion to allow employees to leave work early for safety reasons and employees shall be compensated for the remaining time equal to their regular shift length.

3. Sick leave cannot be used to cover an absence caused by inclement weather.

400.08 County Gift Policy

The Arkansas Constitution prohibits the County from using public money to confer private benefits. *Ark. Const. Art. 12, § 5*. County Elected Officials, department heads, and supervisors, shall comply with this constitutional provision and shall not offer or award more paid leave time *(holiday, vacation, sick, personal, or compensatory)* than authorized by this County Personnel Policy.

500.00 ADMINISTRATIVE LEAVE & OTHER BENEFITS

500.01 Vacation Leave

Each full-time employee of Baxter County shall accrue vacation leave as follows:

1 year - 4 years: 15 Days 5 years - 9 years: 20 Days 10+ Years: 25 Days

Days will be converted to hours based upon the Employee's regular work schedule hours and applied prorated per month. Accrued vacation leave shall not exceed 240 hours for 8-hour employees, 290 hours for 10-hour employees, or 348 hours for 12-hour employees. This includes a maximum carryover of 48 hours for 12-hour shift employees and 40 hours for non-12-hour shift employees.

In the event an employee changes their shift length, vacation hours available as of the effective date reflected on the Notification of Personnel Action Form will be converted to their new scheduled hours.

Vacation leave for employees may be taken in increments of a minimum of .25 hours *(15 minutes)* and a maximum of two weeks *(hours are calculated based on shift length)*. Leave requests that extend beyond the maximum of two weeks of Vacation leave shall be at the discretion of the Elected Official.

Vacation leave shall not be taken unless earned, therefore, employees are not permitted to borrow against leave days to be accrued in the future. Vacation accrual occurs on the date of the employee's anniversary and all vacation leave above 40 hours *(48 hours for 12-hour shift employees)* on the employee's anniversary date will be automatically forfeited.

Employees will be paid for accrued but unused vacation leave, unless employed less than 12 consecutive months, at his/her most current hourly rate of pay, following termination of employment -- unless terminated for cause.

500.02 Sick Leave

Sick leave is paid time off work for an employee or their immediate family who is sick or injured.

A non-exempt full-time employee of Baxter County shall accrue 20 working days per year of paid sick leave, accruing at the beginning of the month following 30 days of continuous full-time employment. Days will be converted to hours based upon the employee's regular work schedule and applied prorated per month. Non-Exempt employees shall accumulate a maximum of ninety (90) working days of sick leave.

Accrued sick leave shall not exceed 720 hours for 8-hour employees, 900 hours for 10-hour employees, and 1080 hours for 12-hour civilian employees.

In the event an employee changes their shift length, sick hours available as of the effective date reflected on the Notification of Personnel Action Form will be converted to their new scheduled hours.

If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any non-exempt employee who works for the County for five (5) consecutive years or longer and leaves for any purpose other than termination for cause, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

In the event of three consecutive absences where sick leave is utilized, a doctor's note may be required by the supervising Elected Official or Department Head.

Exempt employees do not accrue sick leave.

Once an employee submits their resignation sick leave is not authorized for use throughout the duration of their notice. Eligible retirees may be exempt.

Abuse or excessive use of sick leave will be monitored by the Department Head and/or Elected Official and may result in disciplinary actions, up to and including termination.

Effective January 1, 2024

Any non-exempt employee hired on or after January 1, 2024, shall be compensated for their remaining sick leave at the below percentages at termination, unless terminated for cause.

1 year - 4 years: 0% 5 years - 9 years: 50% 10+ years: 100%

500.03 Personal Leave

All regular full-time employees will receive two (2) paid personal days the first of the month following thirty (30) days of continuous employment. These two Personal Days will be converted to hours based on shift length and shall be awarded annually on the anniversary date of the employee. Eligible employees should submit their request for time off for these days within a reasonable period, for approval given by the immediate supervisor. Personal leave not used within one year shall not be carried over past the employee's anniversary hire date.

In the event an employee changes their shift length, personal hours available as of the effective date reflected in the Notification of Personnel Action Form will be converted to their new scheduled hours.

500.04 Holiday Leave

Baxter County will be closed, and all County employees will be granted paid leave to observe the holidays listed below. Additional holidays may be proclaimed by the County Judge.

New Year's Day

Martin Luther King Jr. Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day

Christmas Eve

Christmas Day

(1) When a holiday falls on a Sunday, the following workday will be observed as a holiday. When a holiday falls on a Saturday, the preceding workday will be observed as a holiday.

(2) For non-emergency service personnel, when a holiday falls on a regularly scheduled day off, the employee shall be compensated.

(3) To receive holiday pay, employees must work the regularly scheduled workday before, their regularly scheduled working day of, and the regularly scheduled workday following said holiday unless the time off before, on the holiday, or after the holiday is an approved leave by the Elected County Official or Department Head.

(4) Sick leave utilized, on the regularly scheduled workday on the day that the holiday will be observed, will require a supporting doctor's note for the affected date(s) OR vacation leave or personal time may be utilized without the requirement of a doctor's note. The employee will not receive holiday pau when using any type of PTO on the day that a holiday is being observed.

(5) An employee that does not have sick leave, vacation leave, or personal time and calls in sick on the day that the holiday is being observed, will not receive pay for that day.

(6) Sick Leave utilized for a full workday the last scheduled day before or after a holiday will require a doctor's note for the affected date(s) or vacation leave or personal time may be utilized without the requirement of a doctor's note. To be compensated for the holiday pay, this documentation shall be delivered to the Elected Official of the department the day the employee returns to work. A copy will be sent to Human Resources to be retained in the employee's personnel file.

(7) An employee on unpaid leave of absence will not receive holiday pay.

(8) Permanent full-time employees are due paid leave for holidays at a rate equal to their normal workday.

(9) Seasonal or part-time employees are not eligible to receive paid holidays.

500.05 Family & Medical Leave Act (FMLA)

Baxter County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA 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 for both women and men.

(1) To be eligible for FMLA leave, exempt or non-exempt employees must have been employed by the County for at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the 12-month period. All absence from work for covered military service is counted in determining an exempt or non-exempt employee's eligibility for FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) FMLA leave may be taken for anyone, or combination of, the following reasons:

- *Care of the exempt or non-exempt employee's child (birth or placement for adoption or foster care).*

- *Care of the exempt or non-exempt employee's spouse, dependent child, or parent with serious health condition.*

- *Serious health condition that make the exempt or non-exempt employee unable to perform the essential functions of his/her job.*

- *A 'qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the exempt or non-exempt employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces.*

- *Care of the exempt or non-exempt employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty.*

(3) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care at a medical facility, including any period of incapacity, or any subsequent treatment regarding such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a regimen of continuing treatment to resolve or alleviate the condition or treatment two or more times by a health care provider within 30 days of the incapacity. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

(4) FMLA leave is unpaid leave. However, any non-exempt employee’s available paid time off, including qualifying workers' compensation leave, sick, vacation, personal or compensatory time, will run concurrently with FMLA leave, until such leave is exhausted. Non-Exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once a non-exempt employee's paid benefits are exhausted, he/she will be in unpaid status during the remainder of his/her FMLA leave.

(5) After FMLA requirements are established, exempt employees will be eligible for FMLA-qualifying leave without losing FLSA exemption status and 12 weeks of employer paid leave will be allowed per rolling FMLA year. Subject to Elected Official approval, additional leave may be granted after 12 weeks, and exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once an exempt employee's paid benefits are exhausted, he/she will be in unpaid status. All other FMLA restrictions apply.

(6) All holiday hours encompassed during consecutive or intermittent FMLA will be counted against the rolling calendar year allotment.

(7) An eligible exempt or non-exempt employee taking FMLA leave is entitled to up to 12 work weeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to more FMLA leave for other FMLA qualifying reasons.

(8) FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness. Leave to care for a newborn or newly placed child may not be taken intermittently or on a reduced work schedule. If an employee takes leave intermittently on a reduced work schedule basis, the employee must, when asked, try to schedule the leave to duly disrupt County operations. When an exempt or non-exempt employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(9) An exempt or non-exempt employee shall request FMLA leave by completing the required paperwork and submitting it to the employee's supervisor as soon as practicable. When leave is foreseeable, the employee must provide the County with at least 30 days' notice.

(10) Before the exempt or non-exempt employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a return-to-work designation form located in the FMLA Notice of Eligibility and Right & Responsibilities paperwork. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may result in termination of employment.

(11) The County will notify the exempt or non-exempt employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County may request additional medical certification at the discretion of the elected County official. In addition, the County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the exempt or non-exempt employee has not notified the County of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the County within two business days of the employee's return to work that the leave was for an FMLA reason.

(12) During FMLA leave, the County will continue an exempt or non-exempt employee's group insurance coverage under the same conditions as if the employee were working. An employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the exempt or non-exempt employee does not return to work for 30 days, the employee shall be liable to the County for repayment of insurance premiums paid by the County during the exempt or non-exempt employee's FMLA leave.

(13) Upon return from FMLA leave, the County will place the exempt or non-exempt employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee is entitled to reinstatement only if he/she has continued to be employed had FMLA leave not been taken. Thus, an exempt or non-exempt employee is not entitled to reinstatement if, because of layoff, reduction in force, or other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees, who are among the highest paid ten percent of the County's employees *("key employees")* if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An exempt or non-exempt employee returning to work must be able to perform the essential functions, with or without reasonable accommodation, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and employment terms. The County may require a fitness for duty report before allowing an employee to return to work. (29 C.F.R. 825.213(c)) An exempt or non-exempt employee who returns to work for at least 30 days is considered to have returned to work. An exempt or non-exempt employee who transfers directly from taking FMLA leave to retirement or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(14) The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement of any proceeding under or relating to FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

An eligible exempt or non-exempt employee shall be required to provide the County with periodic reports regarding the employee's status and intent to return to work when requested. If the employee gives the County notice of his/her intent not to return to work, the employee will be considered to have voluntarily resigned.

500.06 Military Leave

Baxter County Employees who are members of the armed forces of this state or any other state, including without limitation with the National Guard or a reserve component if the armed forces, shall be granted leave at a rate of fifteen (15) days per calendar year plus necessary travel time for annual training requirements or other duties performed in an official duty status.

Whenever an employee as defined under § 21-4-203 or an employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under this section, the military leave shall accumulate for use on succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of thirty (30) military leave days available in any one (1)

calendar year or fiscal year.

This leave shall be granted without loss of pay and in addition to regular paid leave.

Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.

An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within ninety (90) days after the effective date of his or her release from active duty, shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any other benefits and privileges of employment.

The right of employment shall conform with all federal government rules and regulations.

Military personnel called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time.

During any military leave of absence, the employee preserves all seniority rights, efficiency or performance ratings, promotional status, and retirement privileges, to which the employee has come entitled.

During military leave for thirty (30) days or less, employer paid benefits will continue as if the employee is actively working.

During military leave that extends thirty-one (31) days or more, the employee shall maintain the monthly full-time status threshold of 120 hours, through supplemental PTO, to remain eligible for employer paid benefits. Otherwise, employer paid benefits will be paused and COBRA benefits will be offered. At the end of military leave, employer paid benefits will be reinstated, effective the month the employee returns to work.

An employee on military leave, that remains eligible for employer paid benefits, is responsible for any dependent and voluntary deduction(s) while on military leave.

During military leave where the employee elects to continue employer paid benefits, the employee shall be required to make retirement service contributions.

During military leave where the employee elects to terminate employer paid benefits, the period of military service shall be deemed continuous service, and the employee shall not be required to make retirement service contributions.

Additionally, if employment is interrupted by a period of service, the employee shall be permitted to request to use any earned vacation leave, personal leave, or compensatory leave, to continue civilian pay. Accordingly, vacation leave, personal leave, or compensatory leave shall not be utilized unless earned. Employees shall not be permitted to borrow against any leave to be accrued in the future.

Baxter County complies with all applicable laws concerning military leave, and with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and with Ark. Code Ann. §21-4-102, 21-4-212, 14-15-506 and 14-53-113 which protects applicants and employees who serve in the military from discrimination in the areas or hiring, job retention, and advancement.

Both USERRA and state law provide job and benefit protection for employees who serve in the military, and they provide certain leave and reemployment rights to any employee who has been absent from work due to service in the United States uniformed services. The County will grant military leave of absence to any employee who is required to

miss work because of service in the United States uniformed services in accordance with USERRA and/or state law after successful completion of the new hire probationary period.

An employee must notify the County if you receive notice that they will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable. The employee shall provide the Elected Official/Department Head AND Human Resources with a copy of their official orders.

When an employee receives notice that they will need military leave of absence, they should immediately contact their supervisor for further information regarding their rights and responsibilities under USERRA and state law.

500.07 Jury/Witness Leave

A Baxer County employee called to serve on a jury or as a witness shall notify his/her supervisor immediately upon notice so that his/her work schedule can be modified to accommodate the employee's absence. A full-time County employee serving as a juror or witness in state or federal court, outside their official duty, shall be entitled to a leave-without-pay for jury service, and such service or necessary appearances in court shall not be counted as vacation leave or sick leave, though an employee may choose to use vacation leave, compensatory time or personal leave to be paid for absence necessitated by jury duty or as a witness.

500.08 Emergency Leave

Emergency leave with pay up to a maximum of three (3) calendar days in case of death or imminence of death in the immediate family may be granted. Two (2) days' travel time may be granted upon prior approval of the supervising Elected Official, in addition to the three (3) days, when the employee must travel a long distance. Any additional leave will be considered unpaid leave of absence.

500.09 Occupational/Accidental Leave

In the event of an occupational injury or an occupational illness incurred by the employee in the course of employment, which illness or injury is not the result of sole negligence, recklessness, self-infliction, or drug or alcohol use by an employee, the County may grant full salary to the employee for up to the first seven (7) calendar days. Should occupational injury extend beyond seven (7) days, a portion of the employees' full salary may be granted. If available, the difference between these portions shall be supplemented with accrued PTO.

500.10 Workplace Injury/Illness Reporting Policy

Baxter County Government is committed to establishing and maintaining a comfortable and safe working environment for all employees. Safety is often taken for granted. Though generally, we may not be exposed to the same degree of risk as employees of a manufacturing firm or health care facility, we must still recognize that safety risks are present and take steps to reduce the risk of injury or illness. Safety is everyone's responsibility.

All work-related injuries and illnesses must be reported immediately to the Safety Coordinator, even if you are not sure whether they are truly work-related. Small, insignificant injuries left untreated can result in serious conditions. To prevent continued injuries, all injuries and illnesses must be immediately reported to investigate and incorporate corrective action.

If you see any potential hazards that need attention, notify the Safety or Human Resources Department immediately.

500.11 Leave Without Pay

Leave without pay may be granted at the discretion of an employee's supervising elected official or department head. An employee on leave-without-pay retains all earned vacation leave and sick leave, but does not accumulate leave, does not participate in County group insurance programs *(at County expense)*, and does not receive pay for legal holidays or otherwise. An employee on leave-without-pay shall have the right to reinstatement to the position vacated or an equivalent position upon the conclusion of the approved leave-without-pay period. An employee on leave-without-pay may pay the total cost of any County group insurance program during such leave and be fully reinstated into such program(s) on return, where the program allows this.

500.12 Donation of Paid Leave

Baxter County Government allows employees to donate vacation leave and accrued compensatory hours to other county employees who do not have sufficient accumulated paid leave credits to meet a verifiable, catastrophic circumstance as noted below. While the County establishes a mechanism for such leave transfers, participation is entirely voluntary and donations are anonymous, unless donors elect otherwise. The supervising Elected Official shall make the final decision to either approve or disapprove applications for the donation of paid leave.

Situations in which the donation of paid leave may be requested include:

- *Catastrophic illness or injury of an employee*
- *To care for a catastrophically ill or injured immediate family member*
- *To deal with the death of an immediate family member*
- *To address a catastrophic ca*sualty loss suffered due to a terrorist attack, fire, or other natural disaster

(1) Definitions

a. Catastrophic Illness or Injury: An illness or injury that is physically debilitating or life threatening and requires the employee's absence from work, with supporting documentation from physician.

b. Paid Leave Credits: For the purposes of this program, only vacation leave, and compensatory (comp) hours may be donated. Sick leave may not be donated.

c. Recipient: The employee who is eligible to accrue and use vacation, has exhausted all paid leave credits, and needs to extend his/her salary and benefits temporarily.

d. Donor: The employee who is donating leave time to another employee.

(2) Qualifying Situations

a. The DONOR *(donating employee)* must:

i. Be an employee of Baxter County Government.

ii. Be in a position that accrues vacation leave.

iii. Have accrued sufficient vacation leave and/or compensatory time to cover the amount of the donation to be made (leave may not be donated prior to accrual).

(3) The RECIPIENT *(receiving employee)* must:

a. Be an employee of Baxter County Government.

b. Have exhausted all paid leave credits (including sick, vacation, compensatory time, and all other paid leave).

c. Must be employed by the County for one year.

(4) Minimum and Maximum Donations

a. Each donation of vacation leave must be a minimum of 1 hour, with any additional time donated in whole-hour increments.

b. The recipient may receive vacation time up to, but not exceeding, their regularly scheduled hours. In other words, the recipient's paycheck should not exceed the amount of their regular paycheck.

(5) Pay Level of Donating or Receiving Employee

a. Contributions can be made to employees at a higher or lower pay level because donations are transferred on an hour-for-hour basis (not on a dollar-for-dollar basis).

(6) Responsibility of Elected Official or Designee

a. Determine if the recipient is eligible to participate in the program and obtain documentation verifying the specific need.

b. Verify that all paid leave has been exhausted by the recipient and that the donor has sufficient paid vacation leave and/or compensatory hours.

c. Complete the Application for Donation of Vacation Leave form *(available from Human Resources)* and attach supporting documentation.

d. All completed applications with required attachments must be signed by the Elected Official and then submitted to the Payroll Office for processing. The Payroll Office will ensure that the appropriate transfers are made, and paid leave account balances are updated accordingly.

(7) Responsibility of Recipient

a. Obtain the appropriate medical verification and submit it to the supervising Department Head, Elected Official, or Human Resources.

b. Agree to use the paid leave credits donated; and if any credits are not used, it is understood that they must be returned to the Donor.

500.13 Service Awards

Baxter County desires to recognize its dedication and devotion to the County through appropriate service awards. Employees will receive monetary awards for service at a rate of $50.00 per year at 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 years, as follows:

5 YEARS $ 250.00

10 YEARS $ 500.00

15 YEARS $ 750.00

20 YEARS $ 1,000.00

25 YEARS $ 1,250.00

30 YEARS $ 1,500.00

35 YEARS $ 1,750.00

40 YEARS $ 2,000.00

45 YEARS $ 2,250.00

50 YEARS $ 2,500.00

(I) Service awards are determined by the total years worked as a Baxter County employee from the most recent hire date.

(II) The Human Resources Department is responsible for the administration of this program.

(III) Eligible employees will receive their monetary service award in a separate check on the regular pay day, in the following pay period in which their anniversary date occurs.

(IV) Each department is encouraged to implement a ceremony (either formal or informal) to recognize employees who receive service awards in their respective department.

500.14 Qualifying Life Event Policy

A qualifying life event *(QLE)* is a life-changing event that can allow employees to update medical, dental, and vision insurance outside of open enrollment. Baxter County allows employees to add or drop dependents from their medical, dental, vision and life insurance plans when a Qualifying Event is experienced.

All employees experiencing a qualifying event have thirty (30) calendar days from the qualifying event date to make a benefit election change *(add/drop dependents or enroll/cancel coverage)*. If the thirty (30) day window is missed, employees can make these changes, in addition to plan changes during Open Enrollment in November of each year for coverage effective January 1 of the following year.

The following are the types of qualifying events and their descriptions:

- **Marital Status Change:** *Marriage or registered domestic partnership, death of spouse, dissolution of registered domestic partnership, divorce, or legal separation.*
- **Eligible Dependent Change:** *Birth or death or child, legal guardianship, adoption, disabled child, or placement for foster care.*
- **Court Order:** *If a Court judgement, decree, or order from a divorce, legal separation, change in legal guardianship, or order of child support requires you to provide health, dental, or vision insurance for a dependent, an election change may occur for dependent coverage consistent with terms of the order.*

The following documents are **REQUIRED** to process each qualifying event:

- Birth: *copy of birth certificate*
- Adoption: *copy of adoption agreement*
- Divorce: *copy of final divorce decree*
- Death: *copy of death certificate*
- Custody or Guardianship: *copy of custody order*

All supporting documentation must be submitted to Human Resources within thirty (30) days of the qualifying event.

500.15 COBRA Policy

Federal law requires employers to give employees, spouses, and dependent children the right to continue group health benefits for limited periods of time under certain circumstances, such as voluntary or a type of involuntary job loss, reduction in hours worked, death, divorce, and other life events.

Employees may ordinarily continue their health coverage for up to 18 months when their employment is terminated.

500.16 Group Insurance Programs

Baxter County offers group insurance programs for full-time County employees. Baxter County currently pays for the full-time employee's premiums for group insurance programs. All insurance benefits are subject to change at any time. This Personnel Policy does not guarantee continuation of any group insurance benefits.

500.17 Fringe Benefits – County Owned Vehicles

The purpose of this policy is to ensure Baxter County's compliance with Internal Revenue *(IRS)* regulations requiring employers to include personal use of County-owned vehicles in computation of employee's compensation.

In general, County-owned vehicles furnished to employees of Baxter County are to be used only for official County business. This applies to both vehicles assigned to an employee on a regular basis *(take-home)* and County-owned vehicles available for use daily *(business hours)*.

Personal use of any Baxter County vehicle furnished to an employee, other than an Elected Official, is prohibited. Employees not in compliance with this policy shall be subject to disciplinary action up to and including termination.

COUNTY VEHICLE USE: TAKE HOME POLICY

Commuting, which is defined as traveling to and from work, is the only permitted personal use of County-owned vehicles assigned to an employee on a regular basis.

IRS regulations require that the value of an employee's personal use of an employer-provided vehicle be included in the individual's compensation. Since commuting is personal use, the employee shall designate quarterly the number of days that personal miles were utilized and deliver to the Payroll department by the deadline indicated on the Quarterly Fringe Benefit Statement. This amount will reflect on the employees' paycheck as taxable earnings.

This process will occur each quarter.
January 1 – March 31
April 1 – June 30
July 1 – September 30
October 1 – December 31

DE MINIMIS FRINGE BENEFIT POLICY

An employee may stop for personal use in a County-owned vehicle if the stop is on the route of the employee's home. An employee is out of compliance with this policy if the stop is out of the way and would add unnecessary mileage to the vehicle. Employees not in compliance with this policy shall be subject to disciplinary action up to and including termination.

COUNTY VEHICLE USE: DURING BUSINESS HOURS POLICY

County vehicles are available to some County employees for use while conducting County business, during County business hours. If a County vehicle is used for commuting prior to or after a business use, that commuting valuation rule of $3.00 per day applies to all individuals commuting in that vehicle. Commuting is defined as traveling to and from work and is the only personal use of County-owned vehicles that is permitted.

IRS Commuting Exemptions:

1. Clearly marked police, fire, or public safety vehicles.
2. Unmarked vehicles used by law enforcement officers.
3. An ambulance or hearse.
4. A vehicle with a loaded gross vehicle weight over 14,000 pounds.
5. Delivery trucks with a seat for the driver only or the driver plus a folding jump seat.
6. A passenger bus with a capacity for at least 20 passengers.
7. School buses.
8. Tractors and special purpose farm vehicles.
9. Qualified specialized utility repair trucks.
10. Construction or specially designed work vehicles (i.e., bucket trucks, dump trucks, cement mixers, forklifts, garbage trucks.

SPECIAL PROVISIONS – ELECTED OFFICIALS

Elected Officials of Baxter County are not entitled to use the $3.00 per day method of calculating personal use value of their vehicle, they must use the Annual Lease Value Computation. Elected Officials who are provided with a vehicle under the lease value rule *(IRS 15-B)* will be required to report the number of days the vehicle was driven to and from work on a quarterly basis. In addition, each Elected Official shall report any additional personal mileage incurred in each quarter and deliver it to the Payroll department by the deadline indicated on the Quarterly Fringe Benefit Statement.

The annual lease value does not include the value of fuel for personal use. Whether it is provided, charged *(through County credit card)*, or reimbursed to the employee *(through AP process)* the value of the fuel must be included separately in the employee's wages. Therefore, the amount of fuel will be multiplied against the number of personal miles indicated on the Quarterly Fringe Benefit Statement at 5.5 cents per mile. The lease value rule and personal fuel use will appear as two separate earning codes on the employee's paycheck.
Each amount, mileage, and fuel will be reflected on the employee's paycheck as taxable earnings.

This process will occur each quarter.
January 1 – March 31
April 1 – June 30
July 1 – September 30
October 1 – December 31

QUALIFIED NONPERSONAL USE VEHICLES

Use of a qualified nonpersonal use vehicle, including commuting, is excludable to the employee as a working condition fringe benefit if specific requirements for this type of vehicle are met. Record keeping and substantiation by the employee are not required by the IRS.

Eligible Vehicles

A qualified nonpersonal use vehicle is any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design. Qualified nonpersonal use vehicles included:

- Clearly marked law enforcement or public safety officer vehicles
- The employee must always be on call.
- The employer must require the employee to use the vehicle for commuting.
- The employer must prohibit personal use (other than commuting) for travel outside of the officer's authority.
- It is readily apparent through words or painted insignia that the vehicle is a public safety vehicle.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- The employer must officially authorize personal use.
- Personal use must be incident to use for law-enforcement purposes; that is, no vacation or recreational use.
- The employer must be a governmental unit responsible for crime prevention or investigation.
- The vehicle must be used by a full-time law enforcement officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work.

REFERENCE
IRS Publication 15-B Employer's Guide to Fringe Benefits

500.18 Fringe Benefits – Meals and Lodging

Reimbursements for meals and lodging expenses incurred while traveling away from Baxter County overnight for business reasons may be excludable. These expenses fall under the rule for travel expenses.
The taxability of these reimbursements or allowances depends on whether the meals and lodging expenses are connected to the business trip and whether the expenses are substantiated. Reimbursements or allowances must meet the accountable plan rules to be excludable.

For travel meals and lodging reimbursements to be excludable from wages, employees must be traveling away from Baxter County on business. As with other travel-related expenses, the general area of work, not the employee's residence, determines the home tax.

The requirements of "traveling away from home" are met when:

- The employee must be traveling away from the general area of the tax home longer than an ordinary day's work, and
- The employee requires an overnight stay or substantial sleep or rest to meet the demands of the work while away from home. *Law Enforcement transport(s) that require an overnight stay, but deputies choose to rotate driving will be excluded at the discretion of the County Sheriff.*

Meals Away From Tax Home But Not Overnight
These meals are taxable as wages to the employee because travel expenses must be away from home overnight to be excludable.
Copies of meal receipts shall be provided to the Payroll office immediately upon return from travel.

REFERENCE
IRC Section 162(a)(2); U.S. v. Correll, 389 U.S. 299, 302-303 (1967); Rev. Rul. 75-170; Rev. Rul. 75-432

500.19 Retiree Benefits

When any county official or county employee retires and either is age 55 or older and vested in the County Division of the Arkansas Public Employees Retirement System or has 30 or more years of actual service or 35 years of credited service in the County Division regardless of age, the official or employee may continue to participate in the county healthcare plan as long as the official or employee pays both employer and employee contributions to the healthcare plan. Failure to remit payment in a timely manner may result in termination of benefits. Retirees who are Medicare eligible and employee spouses who are Medicare eligible will not be able to participate in the County's Medical Benefit Plans.

600.00 INFORMAL PROCEDURE FOR REPORTING PERCEIVED HARRASMENT & JOB-RELATED COMPLAINTS

600.01 Purpose

The purpose of this section is to provide a procedure for reporting any conduct or condition perceived to be discrimination, harassment, retaliation, violation of state or federal law, or other job-related complaints and to enable the County to act affirmatively, if needed, to assure compliance with the law. Any County employee may also utilize the Grievance Hearing Procedure below to bring such a matter before the County Grievance Committee. Any County employee may also informally raise a grievance with the County Judge as a mediator. If the County employee is dissatisfied with the County Judge's informal resolution, the County employee may still utilize the Grievance Hearing Procedure. The County may, in its discretion, hold a hearing prior to any decision or deprivation.

600.02 Affirmative Duty to Report

If a County applicant or employee considers the conduct of a County official, agent, or employee, or a workplace condition, to constitute prohibited discrimination, harassment, or retaliation, or a violation of state or federal law, the applicant or employee has a duty to report it immediately to the applicant or employee's supervisor, supervising elected official, or the County Judge. If the conduct or condition allegedly involves the employee's supervisor, supervising elected official, and/or the County Judge, the employee shall report the conduct or conditions to the County Grievance Committee. If the person reporting the alleged harassment or other condition is not satisfied with the action taken or if the alleged harassment or other condition continues, the person shall report the matter to the County's Prosecuting Attorney or a Deputy Prosecuting Attorney.

600.03 Affirmative Duty to Act

Any County supervisor, elected official, or the County Judge receiving any report of discrimination, harassment, retaliation, or violation of state or federal law has a duty to take appropriate action and report the matter to either the supervising elected official, the County Judge, or the County Grievance Committee so that the appropriate action can be taken and the person originating the report can be informed of the action taken.

600.04 Continuing Duty to Report

If the person reporting the alleged discrimination, harassment, retaliation, or violation of state or federal law is not satisfied with the action taken or if the alleged discrimination, harassment, retaliation, or violation of law continues, the reporting person shall report the matter to the County Grievance Committee.

600.05 Confidentiality

Except to the extent necessary to implement this policy and remedy the alleged discrimination, harassment, retaliation, or violation of law, the identification of the person reporting the conduct or condition shall remain confidential.

600.06 No Adverse Employment Action

The County shall not take adverse action against a person for reporting conditions or conduct believed to be prohibited discrimination, harassment, or retaliation, in violation of the law or the state or federal Constitution, or in violation of state public policy.

700.00 GRIEVANCVE HEARING PROCEDURE

700.01 Purpose

(1) The hearing shall be held in public if required by law (such as under the FOIA). The employee may, at any time, decline or end the hearing and accept the intended discipline or termination.

(2) The hearing shall be transcribed by a court reporter (not merely a tape recorder) upon request by the grieving employee or the employee's supervising elected official at the expense of the requesting party. At the hearing, on the record, the parties shall suggest any desired hearing procedures and state any complaints regarding: (I) the notice; (II) the date, time, or location of the hearing; (III) the opportunity to refute charges; and (IV) the impartiality of any decision maker(s).

(3) Informal rules of procedure and evidence shall be followed at hearings: (I) witnesses shall testify under oath; (II) parties shall be allowed to be represented by legal counsel at their own expense; (III) parties shall be allowed to examine and cross-examine witnesses; (IV) parties should be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.

(4) The Grievance Committee will hear the evidence and argument offered by the parties and vote without public discussion or deliberation. Only the Grievance Committee's decision, expressed as a single word agreement or disagreement with the elected official's underlying employment action, but not the factual or legal reasoning, shall be announced publicly. No notes should be taken by members of the Committee.

(5) Public access to applicant or employee grievance records is authorized only if approved by the applicant or employee or authorized by the Arkansas FOIA.

700.02 County Grievance Committee

(I) The County Quorum Court may appoint the membership of the County Grievance Committee as a standing Personnel Committee—such appointment of the Grievance Committee membership must be done by ordinance, and members of the Grievance Committee must be designated by position (not by name). If the Quorum Court has not appointed a Grievance Committee, then the Grievance Committee shall be the Quorum Court. The people to serve for any hearing will be the people holding the committee position at the time the discipline or dismissal decision was made for which a hearing is requested.

(II) If the Grievance Committee determines that an executive decision or action of a County official violates the law or the Constitution, the Grievance Committee shall declare the decision or action to be illegal or unconstitutional and recommend the County official modify the decision or action to conform to the law, the state or federal Constitution, or state public policy. The Grievance Committee shall not substitute its operational judgment for that of a County elected official.

700.03 Back Pay Provisions when an Employment Decision is Reversed

If an employee is rehired, reinstated, or any employment decision is reversed after the grievance hearing, the County shall pay the wages the employee would have earned, but did not, due to the unconstitutional or illegal actions taken from the date of termination, demotion, or unpaid leave through the date of the reversal.

700.04 Written Response to Hearing Request Required

The County Grievance Committee, through the County Judge, shall provide a written response to all timely grievance hearing requests. If the hearing request is granted, the response shall state the date, time, and location of the hearing. If the hearing is denied, the response shall state the reason(s) for the denial.

700.05 Mediator Role of County Judge

Upon receiving notice of a request for a hearing before the County Grievance Committee, the County Judge may choose to conduct an informal hearing of the dispute to mediate a solution acceptable to both the grieving applicant or employee and the supervising County official(s). The mediation will be concluded by the County Judge before the hearing before the County Grievance Committee begins. The mediation may be conducted in any manner the County Judge believes will offer the best opportunity for resolving the dispute informally and by agreement.

700.06 Grievance Hearing Procedure

(1) The purpose of this Grievance Hearing Procedure is to establish a procedure for resolving grievances of County applicants and County employees to enable the County through its Grievance Committee, to : (I) hear about alleged violations of the law, the state or federal Constitution, or state public policy, and (II) have the opportunity to take affirmative action to enable the County to voluntarily conform the conduct of County officials and County employees to the requirements of the law, the state or federal Constitution, and state public policy.

(2) If an applicant or employee does not follow this affirmatively required Grievance Hearing Procedure, the County will raise waiver and estoppel as affirmative defenses to any claims against the County filed by the applicant or employee via any administrative or judicial procedures otherwise available for redress of grievances.

(3) Any decision of the Grievance Committee shall be advisory to the relevant elected official, but not binding on the elected official.

800.00 GRIEVANCE HEARING ISSUES/BURDEN OF PROOF

800.01 Property Interest Hearing - Claim of Property Interest in Employment

The grieving employee has the burden of proving by a preponderance of the evidence that he or she has a legitimate claim of entitlement to his or her employment—despite the County's at-will employment policy— and not a mere subjective or unilateral expectancy of continued employment. If the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that there is just cause for the intended discipline or dismissal.

800.02 Liberty Interest Hearing - Claim of Unconstitutional Retaliation

The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she has engaged in constitutionally protected conduct that was a substantial or motivating factor in an adverse employment decision, discipline, or dismissal. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the adverse employment decision, discipline, or dismissal would have occurred in the absence of constitutionally protected conduct.

800.03 Liberty Interest Hearing - Claim of Disability Discrimination

The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is a qualified individual with a disability who, because of the disability, has been treated or affected differently than another person regarding job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the difference in treatment or effect is job-related and necessary to effectuate a legitimate County objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would cause the County undue hardship.

The following definitions apply to claims of disability discrimination:

(1) "Disabled" or "disability": A physical or mental impairment that limits one or more major life activities of an individual; having a record of such impairment; or being regarded as having such an impairment. Being "regarded as having such an impairment" may include individuals with conditions such as obesity or cosmetic disfigurement and individuals perceived to be at elevated risk of incurring a work-related injury.

(2) "Discrimination" includes: (I) limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status; (II) participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination; (III) using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination; (IV) imposing or applying tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with County necessity; (V) failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless an accommodation would impose an undue hardship on the operation of the County; or (VI) denying employment opportunities because a qualified individual with a disability needs reasonable accommodation.

(3) "Reasonable accommodation" examples include: (I) making existing facilities used by County employees readily accessible to the disabled; (II) restructuring non- essential elements of the job; (III) flexible or modified work schedules/locations; (IV) reassignments to other positions; (V)) acquisition or modification of equipment or devices; and (VI) permitting the use of vacation or unpaid leave of absence.

(4) "Undue hardship" is an action requiring "significant difficulty or expense", considering: (I) the overall size of the County with respect to the number of employees, number and type of facilities, and size of budget; (II) the type of operation maintained by the County including the composition and structure of the workforce; and (III) the nature and cost of the accommodation needed.

(5) "Qualified individual with a disability": An individual with a disability who, with or without reasonable accommodation, can perform the "essential functions" of the employment position held or desired.

(6) "Essential functions": Job tasks that are fundamental but not marginal *(not every job task is to be included in determining the essential functions)*.

800.04 Liberty Interest Hearing - Claim of Equal Protection Violation

The grieving applicant or employee has the burden of proving by a preponderance of evidence that he or she has been treated differently than another similarly situated person. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the different treatment is rationally related to the effectuation of a legitimate County objective.

800.05 Liberty Interest Hearing - Claim Arbitrary Decision - No Legitimate County Objective

The grieving applicant or employee has the burden of proving by a preponderance of evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the County. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of evidence that the action taken is rationally related to the effectuation of a conceivable governmental objective of the County.

800.06 Liberty Interest Hearing - Claim Arbitrary Decision - Violation of State Public Policy

The grieving applicant or employee has the burden of proving by a preponderance of evidence that he or she is being treated in a manner that violates the public policy of the State of Arkansas as established by the Arkansas General Assembly or the Arkansas Supreme Court. If the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the adverse employment decision, discipline, or dismissal is not a violation of the established public policy of the State of Arkansas.

800.07 Name Clearing Hearing - Claim of Deprivation of Liberty Interest in Future Employment

The grieving applicant or employee has the burden of alleging that a *"stigmatizing charge"* has been publicly communicated by the County or a County official or employee and requesting an opportunity to publicly clear his or her name. If the applicant or employee meets his or her burden, the County shall provide the applicant or employee with a public hearing opportunity to clear his or her name.

900.00 ISSUES NOT ADDRESSED IN THE PERSONNEL POLICY

900.01 Issues Not Addressed in the Personnel Policy

Questions or issues may arise that are not specifically addressed in the County's Personnel Policy. As explained above, the County elected officials and County Judge have discretion to determine the application, meaning, and intent of the provisions of the Personnel Policy as they relate to employees of that County elected official's office.

Consistent with that discretion, the County elected officials and County Judge may issue policy memorandums to County staff to address questions or issues that are not addressed in the Baxter County Personnel Policy.