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# Personnel Policy

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July 15, 2010

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Northwest Arkansas  
Conservation Authority

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## **Section 1 – General Policies**

1.1 PURPOSE-this Personnel Handbook contains policies, practices and procedures which are necessary to implement and administer the Northwest Arkansas Conservation Authority's (hereinafter referred to as "NACA") personnel system. By adopting this handbook, NACA endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures. This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

1.2 SCOPE-All employees of NACA are subject to the application of the personnel policies and procedures described in this Handbook.

1.3 GENDER STATEMENT-Reference is made throughout this Handbook to the personal pronouns "his", "him" and "he". The use of these words is not intended to imply gender, and consequently, such references mean both male and female.

1.4 DEFINITIONS-

**EMPLOYEE** – a person who is compensated by and provides a service to NACA regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any member of the NACA Board of Directors, or any person performing services for NACA on the basis of a service contract, retainer, or prescribed fee.

**EXEMPT EMPLOYEE** – an employee not eligible for overtime as defined by the Fair Labor Standards Act (hereinafter referred to as "FLSA").

**NON-EXEMPT EMPLOYEE** – an employee who is eligible for overtime as defined by the FLSA.

**FULL-TIME EMPLOYEE** – an employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by NACA for full-time work.

**OVERTIME** – hours worked in excess of 40 hours during a regular work week.

**PART-TIME EMPLOYEE** – employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

**SUPERVISOR** – a person who has been designated to oversee other employees in a department.

**FACILITY MANAGER**- the person hired to oversee the operations, maintenance and personnel of the NACA Regional Wastewater Treatment System.

**EXECUTIVE DIRECTOR** – the person hired by the NACA Board of Directors as the Authority's chief executive officer.

**TEMPORARY EMPLOYEE** – an employee hired for intermittent or a specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

**WORK WEEK** – seven (7) day period beginning at 5:00 p.m. on Friday, except for employees specifically excluded from this provision by the terms of this Handbook.

1.5 AMENDMENTS AND REVISIONS-this Handbook may be amended and revised periodically as necessary at the direction of the NACA Board of Directors. Personnel practices and procedures are in a constant state of change and this Handbook has been designed to be routinely reviewed, updated and amended as the need arises. The NACA Board of Directors shall have the exclusive right to change, alter, delete, add or modify any provision of this Handbook at any time, with or without notice. Changes made to this Handbook shall be communicated through standard communications channels, however advance notice may not always be possible.

1.6 DISTRIBUTION LIST-A copy of this Handbook and all subsequent revisions or amendments shall be distributed to all employees and the NACA Board of Directors.

## **Section 2 – Equal Employment Opportunity**

2.1 EQUAL OPPORTUNITY EMPLOYER – NACA is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. NACA’s commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

2.2 AMERICANS WITH DISABILITIES ACT (hereinafter referred to as the “ADA”) – NACA abides by the requirements of the ADA and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Facility Manager. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

### **2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT**

2.3.1 POLICY – NACA expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin, sex, marital status, age, status as a veteran or special disabled person or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of NACA policy and will not be tolerated.

2.3.2 PROHIBITED CONDUCT DEFINED – discrimination is any annoying, persistent act or actions that single out an employee, over that employee’s objection to his or her detriment, because of a person’s protected status, such as race, religion, creed, color, national origin, sex, marital status, age, status as a veteran or special disabled person, or the presence of any physical, mental or sensory handicap. Discrimination or harassment includes slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks, or other verbal or physical conduct, including, but not limited to: verbal abuse, ridicule or derogatory comments, interference with an employee’s work, making offensive sexual, racial or other derogatory hints, displaying or distributing sexually offensive, racist, or other derogatory materials, discriminating against any employee in work assignments or job-related training, intentional physical contact with either gender specific portions of a person’s body (such as pinching, gestures, unwelcome touching), requesting favors (sexual or otherwise) as a condition of

employment, promotion, transfer or any other term or condition of employment, overtly using one's title or position to sexually or otherwise harass employees.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and violates NACA policy when submission to the conduct is either explicitly or implicitly a term or condition of employment; submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual; and/or the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Discrimination or harassment based upon a person's protected status is prohibited by federal and state anti-discrimination laws, and violates NACA policy where it has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; and/or otherwise unreasonably affects an individual employment opportunity.

**2.4 COMPLAINT REPORTING AND INVESTIGATION-** NACA is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, NACA shall take appropriate disciplinary action, up to and including termination. The NACA procedure is designed to deal with complaints in a fair, discreet and timely manner to: (1) Determine if the conduct alleged in the complaint took place and constitutes harassment which violates federal and/or state law and NACA policy or constitutes harassment in the form of inappropriate or offensive behavior which violates NACA policy; (2) Stop the offending behavior; (3) Restore the complainant's working environment; and (4) Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

It is every employee's and officials' responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place: (1) An employee must immediately report the harassment or suspected harassment, in writing, to the Facility Manager. The Facility Manager will immediately report the complaint to the Executive Director and the Chairman of the Personnel Committee. The Facility Manager will investigate the complaint and report the findings to the Executive Director and the Chairman of the Personnel Committee. If the Facility Manager is the source of the alleged harassment, or is so closely associated with the source of harassment that the

employee does not feel comfortable reporting to that person, the employee may report the complaint to the Executive Director. The Executive Director will immediately report the complaint to the Chairman of the Personnel Committee. The Executive Director will investigate the complaint and immediately report the findings to the Chairman of the Personnel Committee. If the Executive Director is the source of a complaint, the complaint will be investigated by the Chairman of the Personnel Committee. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment; (2) Any supervisor or department head who learns of or receives a complaint of harassment is obligated to report it to the Facility Manager; (3) Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that harassment has occurred, NACA shall take appropriate corrective disciplinary action, which may include but not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.

No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witness shall suffer retaliation as a result of their involvement in the investigation. NACA will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated NACA's policy against such retaliation.

If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred back to the Facility Manager for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the Facility Manager shall determine the manner in which to act upon the findings set forth in the investigation report.

An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

### **Section 3 – General Employment Practices**

3.1 AT-WILL EMPLOYER – NACA is an at-will employer. NACA or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision. The NACA Personnel Policy Handbook is not intended to create any contractual or other legal rights, nor does it alter NACA's at-will employment policy or create an employment contract for any period of time.

3.2 CHAIN OF COMMAND – The Executive Director shall answer to the NACA Board of Directors. The Facility Manager shall report to and be supervised by the Executive Director. Employees working in the Regional Wastewater Treatment Facility shall report to and be supervised by the Facility Manager.

3.3 EMPLOYMENT APPLICATIONS AND RESUMES – NACA relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, material omissions, or falsifications in any of this information may result in the exclusion of the individual from further consideration for employment or, if discovered after the person has been hired, may result in discipline, up to and including termination.

3.4 POST-OFFER PRE-EMPLOYMENT PHYSICALS – Post-offer pre-employment physicals will be required for every applicant to be hired. The examination will be performed by licensed physicians selected by the Executive Director and approved by the Personnel Committee. Such examinations will be paid for by NACA. A summary report of the examining physician shall be provided to the Executive Director, or his designee, as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or reasonable accommodations. Although the physician may make medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, such determinations are only recommendations; final authority to hire rests with NACA. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Executive Director, or his designee, to be kept in a confidential file apart from the individual's

personnel file. NACA may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health-care professionals when seeking advice in making reasonable accommodation determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodations including job restructuring, the report shall be made available to the necessary supervisory or administrative personnel within NACA or its legal counsel.

3.5 FITNESS FOR DUTY EXAM – Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation or who pose a direct safety threat to themselves or others, shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Executive Director, or his designee, shall take such action that is necessary to make reasonable accommodations and ensure that the requirements of the individual's position are satisfied.

3.6 DRUGS AND ALCOHOL – NACA has a responsibility to ensure safe working conditions for its employees and a productive workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, NACA is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. NACA prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on NACA premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination. Any NACA employee who violates this substance abuse policy, or who is convicted of, an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal.

3.6.1 FITNESS FOR DUTY – Current abuse of drugs or alcohol is not a protected disability under the ADA. NACA will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business, or representing NACA on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

3.6.2 – NOTIFICATION – As a condition of employment with NACA, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute, including DWI convictions or convictions under implied consent laws. "Conviction," as used in this policy, shall also include a plea of "nolo contendere" or "no contest." A report of a conviction shall be made within five (5) days



after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

## **Section 4 – Compensation and Employment Status Matters**

4.1 ATTENDANCE – employees shall be in attendance at their work stations in accordance with the rules and regulations established by NACA.

4.2 WORK HOURS - the standard workweek shall consist of forty (40) hours per week within a seven (7) day period, unless otherwise arranged by Facility Manager to meet specific needs. The standard workday shall begin at 7:30 a.m. and end at 4:00 p.m. unless otherwise arranged the Facility Manager to meet specific needs. The standard workweek is Monday through Friday. Flexible work arrangements are dependent on specific needs and are left to the discretion of the Facility Manager. Flexible work arrangements allow the Facility Manager to schedule the workweek of forty (40) hours to meet specific situations. NACA reserves the right to adjust and change hours-of-work, days-of-work and schedules to fulfill its responsibilities. In an emergency situation, previously-scheduled hours-of-work, days-of-work and work arrangements may be altered at the discretion of the Facility Manager. Changes in work schedules will be announced as far in advance as possible. Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour shift. Reasonable time off for a meal will be provided.

4.3 UNAUTHORIZED WORK TIME – because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during the meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor. FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action, including but not limited to suspension without pay.

### 4.4 COMPENSATION -

4.4.1 REPORTING AND VERIFYING HOURS WORKED – compensation for employment with NACA may be subject to the FLSA. All employees shall report their hours worked by time clock. It is the responsibility of each employee to properly complete a time card recording the time that he/she worked during every payroll period and to sign each time card. By signing the time card, each employee is verifying its accuracy. Signed and completed time cards must be turned in on a bi-weekly basis to the Facility Manager. The Facility Manager will sign each time card and forward the same to the Finance Officer in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken.

4.4.2 PAYROLL RECORDS – the Finance Officer shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay.

4.4.3 PAYROLL PROCEDURES AND PAYDAY - employees are paid bi-weekly. Time cards are to be turned in to the Facility Manager on the Wednesday before paychecks are issued. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday. Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to the Facility Manager.

#### 4.5 OVERTIME AND COMPENSATORY TIME

4.5.1 NON-EXEMPT AND EXEMPT EMPLOYEES – non-exempt employees are subject to the FLSA overtime requirements and therefore are subject to the overtime policies set forth in this Handbook. Exempt employees are not subject to the FLSA overtime requirements (certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the FLSA) and shall not be eligible for hours worked in excess of the regular workweek.

4.5.2 OVERTIME – NACA will pay overtime in accordance with the FLSA at one and half times the base rate or hourly rate for all hours worked in excess of the hours per week set forth in the WORK HOURS section of this Handbook. Overtime will be permitted only with the prior approval of the Facility Manager prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to suspension without pay or even termination for repeat offenders.

4.5.3 COMPENSATORY TIME – compensation for overtime to non-exempt employees may be made in the form of compensatory leave time (“comp time”) to an employee. Comp time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek. No employee may accumulate more than 240 hours of comp time at any given time during the calendar year. Hours in excess of 240 shall be paid at the appropriate overtime rate. Upon termination of employment, any unused comp time is to be paid at a rate equal to the employee’s then-prevailing rate of pay subject to the federal regulation regarding a three (3) year average. Each employee shall be responsible for maintaining and timely submitting accurate records of overtime and comp time. However, the overtime and comp time records of the Finance Officer shall

be final with respect to the number of compensatory leave days earned by an employee. Compensatory leave must be taken during the calendar year and should be scheduled in the same manner required for vacation days.

4.5.3 NON-EXEMPT AND EXEMPT EMPLOYEES – non-exempt employees are subject to the FLSA overtime requirements and therefore are subject to the overtime policies set forth in this Handbook. Exempt employees are not subject to the FLSA overtime requirements (certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the FLSA) and shall not be eligible for hours worked in excess of the regular workweek.

4.6 EMERGENCY SITUATIONS - it is the policy of NACA to maintain hours of operation which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of the offices. Such situations shall normally be determined by the Executive Director, although some situations may require action by the NACA Board of Directors after consideration of all the facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay. At times it may be necessary to close offices for such reasons as special meetings, training, etc. Arrangements should be made to cover phones and assist the public when at all possible.

4.7 TEMPORARY OR SEASONAL EMPLOYEES - on occasion, NACA may hire temporary or seasonal employees who are hired for a set duration or for a specific project. These employees are not intended to be employed on a regular basis and employed at-will. Temporary employees may be hired full- or part-time and are paid for actual hours worked at a rate to be determined by the Facility Manager with approval by the Executive Director. Temporary, non-exempt employees are eligible for overtime hours exceeding 40 hours per workweek, subject to all other overtime policies set forth in the Handbook. Temporary employees may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the Personnel Committee, temporary and seasonal employees do not qualify for annual leave, sick leave, or other NACA benefits.

4.8 VACANCIES AND PROMOTIONS - it is the intent of NACA to hire and promote the most qualified applicant for all vacant positions. To give NACA employees an opportunity to apply for job vacancies, announcements of job openings will be made through normal communications channels. A job description will be provided upon request. The decision regarding promotions shall be made by the Facility Manager in consultation with the Executive Director.

4.9 TRAINING – NACA is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible to notify through the chain of command. Expenses incurred in on-the-job training should be assumed by NACA.

4.10 PERFORMANCE EVALUATIONS – all employees will participate in a performance review, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities. Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the supervisor's direct observation of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee. Your signature on any required formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

4.11 JOB SAFETY – NACA strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor for the correct method. Unsafe conduct constitutes misconduct. The following safety rules should always be observed: (1) Follow all facility safety rules; (2) Use all mechanical safeguards on or for employee equipment; (3) Immediately cease using and report any faulty or potentially faulty equipment to the supervisor; (4) Immediately report any unsafe or potentially unsafe working condition or equipment; (5) Immediately report any and every accident to the supervisor. Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed at an employee or his or her friends/family members; stalking; and the destruction of personal and/or NACA property. Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted on NACA property, or in an employee's possession while conducting NACA business offsite. Theft of any kind will not be tolerated.

4.12 REFUSAL TO WORK – a NACA employee's commitment is to public service. Any work stoppage, slowdown, or other intentional interruption of NACA operations shall cause the employee to forfeit his or her employment and result in termination.

4.13 RESIGNATION/TERMINATION – employees who wish to terminate their employment with NACA are urged to notify NACA at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the supervisor. Although not required,

proper notice generally allows NACA sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments. All employment relationships with NACA are on an at-will basis. Thus, although NACA hopes that the relationship with employees is rewarding, NACA reserves the right to terminate the employee relationship of any employee at any time.

4.14 EXIT INTERVIEWS - employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any NACA property in his/her possession or which was entrusted to him/her.

4.15 JOB DESCRIPTIONS – it shall be the responsibility of the Facility Manager to maintain a job description on file for each position. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgement.

4.16 DRIVER'S LICENSE – An employee must report to the Facility Manager the revocation of the employee's driver's license. If driving is part of the core job description of the employee, the employee, at a minimum, will be suspended until such time as the driver's license is fully restored and may be disciplined further. Also, any employee whose license has been revoked may not drive any NACA vehicles and shall surrender any keys to NACA vehicles during the period of the revocation.

**Section 5 – Benefits**

5.1 VACATION TIME – after one (1) year of full-time employment, employees accrue five (5) working days of paid vacation annually. After three (3) years of full-time employment, employees accrue ten (10) working days of paid vacation annually. After seven (7) years of full-time employment, employees accrue fifteen (15) days of paid vacation annually.

5.1.1 VACATION ACCRUAL RATE

YEARS OF SERVICE	VACATION
Less than 1 Year	None
1 year but less than 3 years	5 working days
3 years but less than 7 years	10 working days
7 years or more	15 working days

Accrued vacation time will be paid if the employee leaves the employment of NACA unless terminated for cause. Vacation days do not carry over from year to year. Policies concerning vacation time in no way alter NACA’s at-will employment as described in this Personnel Handbook.

5.1.2 SCHEDULING VACATIONS – each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and the Facility Manager. All vacation leave must have the advance approval of the Facility Manager, so that the leave fits in to the overall scheduling of the facility. Vacation schedules shall be arranged as near as possible to the wishes of the employee; however, efficient operation of the facility shall remain paramount. The permissible number of employees taking vacation at any one time will be governed by the Facility Manager based on workloads. NACA reserves the right to alter vacation schedules. Vacation time can be used in minimum increments of full days. If a NACA-observed holiday occurs within an employee’s vacation period, equivalent time off with pay will be provided, or at the employee’s request the employee’s vacation may be extended for one (1) additional working day.

5.2 HOLIDAYS AND HOLIDAY PAY - NACA will observe the following holidays each year:

New Year’s Day	January 1 <sup>st</sup>
Martin Luther King, Jr./R.E. Lee Day	Third Monday in January

George Washington's Birthday or President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
The Day after Thanksgiving	
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25 <sup>th</sup>

In addition, each employee shall be provided an annual holiday on the date of his/her birthday. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the succeeding Monday.

All full-time employees shall receive eight hours of pay for each holiday. If an hourly employee is required to work on a holiday, then he or she shall be paid for the number of hours worked in addition to receiving holiday pay. The eight hours of holiday pay shall not accrue toward the number of hours counted before overtime is paid. Salaried or hourly employees that are required to work on holidays may be granted the option of taking equivalent time off, provided such equivalent time is approved in advance and the time off for holiday hours is taken within the same work week. A work week is defined as the seven-day period beginning at 5 p.m. each Friday.

5.3 SICK LEAVE – NACA recognizes that inability to work due to illness or injury may cause economic hardships. For this reason, NACA provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one (1) eight hour day of sick leave at straight time rate of pay for each full calendar month of employment. Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of thirty (30) days.

An employee may be eligible to use sick leave days due to personal illness or physical incapacity; illness, injury or death in an employee's immediate family which require the employee's presence (immediate family includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child,



grandchild, mother-in-law, father-in-law, or any relative living in the employee's household); necessity of medical and dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the Facility Manager or his designee within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such a report has been made as aforementioned.

Employees absent for more than three (3) consecutive days due to illness or injury may be required by the Facility Manager to submit a physician's statement. Employee's absent due to illness and under a physician's care may be requested to present a certificate of release to the Facility Manager before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued sick leave in amounts not less than one-half day increments.

An employee may use earned sick leave while receiving workers' comp benefits only to the extent that the leave augments the employee's workers' comp benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six (6) months.

Employees will not be paid for accrued sick leave upon termination of employment with NACA.

5.4 FUNERAL OR BEREAVEMENT LEAVE – sick leave with pay up to a maximum of three (3) calendar days will be granted to all NACA employees in cases of death or in the circumstances of death in the immediate family only (Immediate Family: see Section 5.3).

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

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

5.5 MATERNITY LEAVE – employee's affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy-related health impairments, illnesses or injuries. The employee may use accrued sick leave and/or accrued annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

5.6 WITNESS OR JURY DUTY – employees who have completed a minimum of ninety (90) calendar days of service will be granted leave with pay for witness or jury duty. This paid leave shall not exceed two (2) weeks of paid jury or witness duty over any two (2) year period. If

employees are required to serve jury or witness duty beyond the period of paid leave, they may use other available paid time off (such as, vacation leave), or may request an unpaid leave of absence. Employees are permitted to retain the allowance for services from the court for such jury or witness duty.

To qualify for jury or witness duty leave, employees must submit to the Facility Manager a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the Facility Manager when the employee's period of jury or witness duty is completed.

5.7 MILITARY LEAVE and RE-EMPLOYMENT OF VETERANS – The Uniformed Services Employment and Re-Employment Rights Act 9(USERRA) of 1994, 38 USC 430-1 et seq., and Ark. Code Ann. 21-4-102 grants certain rights to re-employment after service in the uniformed services, as well as containing provisions relating to pension and health benefits. It is the policy of NACA to honor and comply with the provisions of those statutes.

The USERRA prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the rights of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the USERRA is contained in a poster developed by the U.S. Department of Labor and posted on the employee bulletin board.

In addition, under Ark. Code Ann. 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time.

5.8 MISCELLANEOUS LEAVE – the attendance of employees at seminars and training programs is considered part of continual professional development. Attendance at these meetings must be pre-approved by the Facility Manager. If employees are required to attend these meetings at a location requiring overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, NACA will pay reasonable out-of-pocket expenses for lodging, travel cost, and meals, pursuant to its regular expense policy.

5.9 EMPLOYEE HEALTH BENEFITS – NACA provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire.

5.10 OCCUPATIONAL INJURIES – all NACA employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify the Facility Manager who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Worker's Comp are posted on the facility bulletin board.

5.11 ACCIDENTAL INJURY – If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for each day of absence related to such injury up to the number of days of accumulated sick leave available to that employee at the time the accident occurred.

## **Section 6 – Standards of Conduct**

6.1 RELATIONSHIP WITH THE PUBLIC – all employees of NACA are representatives and ambassadors of the organization and, as such, shall be civil, courteous, and helpful in contacts with the public. The public is to be treated with respect and any inquiries or requests are to be answered efficiently. If an employee is uncertain of a correct response, he or she should refer a member of the public to the individual within NACA who can provide a response to the inquiry.

6.2 APPROPRIATE CONDUCT – NACA expects its employees to be responsible, to adhere to acceptable principles of personal conduct, and exhibit a high degree of integrity. Employees are to maintain respect for the rights and feelings of others and are to refrain from behavior that might be harmful to co-workers, citizens, and/or NACA. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of NACA policies, and/or rules and regulations, an employee will be subject to disciplinary action up to and including dismissal.

6.3 UNIFORMS AND PERSONAL APPEARANCE – uniforms or uniform allowance will be provided to personnel as authorized by the Facility Manager. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure as what is acceptable attire, he/she should check with the Facility Manager.

6.4 ABSENTEEISM AND TARDINESS - unnecessary absences and tardiness are disruptive and place an unnecessary burden on fellow employees, NACA, and the citizens we serve. Should an employee be unable to report to work on time because of illness or personal emergency, he/she should give proper notice to the Facility Manager. Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, unacceptable patterns of absences/tardiness, or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action. "Unacceptable patterns" include such behavior as reporting late on Monday mornings or calling in absent on Fridays. "Proper notice" is defined by NACA as notice in advance of the time an employee should report for work or no later than two (2) hours thereafter if advance notice is impossible. Any absence or tardiness in violation of the Personnel Policy shall be deemed absence without leave and shall be without pay.

6.5 INCLEMENT WEATHER- in rare circumstances beyond the employee's control, such as hazardous conditions caused by inclement weather, the employee is required to contact the Facility Manager. If the facility is open, the employee is expected to report for work. However,

if in the employee's opinion, the conditions are too hazardous for travel, he/she will have the option of taking the time off as a vacation day. Whatever the circumstances, an employee is required to give proper notice if unable to report for work.

6.6 OUTSIDE EMPLOYMENT – any consideration of outside employment must be discussed with the Facility Manager for approval. Any outside employment must not interfere with the proper and effective performance of his/her job with NACA and must not be of a nature that adversely affects the image of NACA, or of a type that may be construed by the public to be an official act of NACA, or in any way violates these policies. NACA uniforms may not be worn during outside employment.

6.7 VOTING – NACA encourages all employees to exercise their right to vote. If necessary and requested in advance, NACA will grant reasonable time for an employee to vote.

6.8 GRATUITIES – NACA prohibits its employees from receiving any gratuity, gift or other form of outside remuneration from any source for the performance of their duties as employees of NACA. If a reward, gift or gratuity is made available to any employee, it shall be credited to a designated employee fund with approval of the Executive Director.

6.9 DRUG-FREE WORKPLACE – it is the policy of NACA to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in NACA business or on NACA premises is strictly prohibited. Furthermore, such conduct is also prohibited during non-working hours to the extent that, in the opinion of NACA, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of NACA.

6.10 TOBACCO – Smoking, or the use of any tobacco products will only be allowed in designated outside locations.

#### 6.11 USE OF NACA RESOURCES

6.11.1 Telephones – land-line and, when provided, cellular telephones are to be used for business. Personal calls are allowed, but should be kept to a minimum in time and frequency and are not to interfere with work performance of the employee or his/her colleagues. When cellular phones are approved, they are to be used only when a lower cost is weighed against the level of employee need and expected usage. Personal calls are to be minimized. Long distance or toll calls of a personal nature are prohibited unless approved in writing from the Facility Manager. NACA reserves the right to monitor billing and the use of NACA-issued cellular phones and has the authority to withhold any unauthorized amounts from employee's wages. By accepting the use of

NACA-issued cellular phones, employees agree to promptly reimburse NACA for all personal calls which are deemed by NACA to be excessive in frequency or duration. Any employee who violates the conditions of these policies relating to cellular phone usage are subject to having the use of his/her NACA-issued cellular phone terminated.

6.11.2 Computers/Other Technological Resources – NACA provides various information and technology resources, such as e-mail, computers, software/computer applications, networks, the internet, the intranet, fax machines, cell phones, pagers, and other wireless communication devices, to maximize employee efficiency in carrying out their respective job duties. Occasional, personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to NACA. Reading another employee's files is prohibited unless authorized by the Facility Manager. Employees shall not transport software or data provided by NACA to another computer without prior authorization. Hacking, pirating, soliciting, distributing literature for outside entities, inappropriate e-mails, viewing inappropriate websites, or distributing confidential information to unauthorized persons/entities, are all examples of inappropriate or illegal use of NACA assets and will not be tolerated. Such inappropriate/illegal uses are subject to disciplinary action, up to and including termination of employment.

Only software which has been purchased or approved by NACA may be loaded or used on its computers. NACA's software and software manuals should not be duplicated or reproduced in any manner which would violate license agreements. Computer equipment, including software, should not be removed from NACA premises without prior written approval from the Executive Director.

NACA reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

6.11.3 Internet Access – employees accessing the internet are to do so for business-related purposes only. NACA reserves the right to monitor internet use to assure that use is for legitimate business purposes and that abuse is not by any one employee. Downloading files without the express consent of the Facility Manager is prohibited. Files downloaded from the internet, or any outside service, may contain a virus and must be scanned by a virus checking software prior to being used by a NACA computer. Uploading to the internet is prohibited unless authorized by the Facility Manager to avoid interception and unauthorized access to information.

6.11.4 Confidentiality and Electronic Mail – electronic mail is for business purposes. NACA maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or that access by NACA or its designated representative will not occur. Therefore, any personal use of NACA’s electronic mail system shall be kept to a minimum. Employees shall not retrieve or read e-mail messages that are not sent to them.

6.11.5 Removal of NACA Property – no NACA owned, leased, or licensed equipment or documents may be removed from NACA premises without prior written authorization from the Facility Manager or Executive Director.

6.12 NACA Vehicles – A valid and current driver’s license must be in the possession of any employee who may, occasionally, be authorized to use NACA vehicles to conduct NACA business. All employees shall comply with all applicable federal, state, and local laws pertaining to operation of the vehicle. Employees using NACA vehicles are individually responsible for all fines and penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a NACA vehicle. Thefts or accidents involving NACA vehicles must be immediately reported to the police and Facility Manager. Improper, careless, negligent, reckless or unsafe use of NACA equipment or vehicles may result in disciplinary action.

6.13 Disciplinary Action – Any policy violations by a NACA employee are subject to, but not limited to:

WARNING OR REPRIMAND – such action is taken to alert an employee that his or her performance is not satisfactory or to call attention to the employee’s violation of employment rules and/or regulations. Employees may be officially reprimanded orally or in writing.

SUSPENSION – removal of an employee from his or her job. An employee may be suspended with or without pay.

DEMOTION – a demotion places the employee in a position of less responsibility and less pay.

TERMINATION – removal of an employee from NACA employment.

## **Section 7 – Miscellaneous**

7.1 POLICY STATEMENT – NACA possesses the sole right to operate and manage its affairs.

7.2 CONFLICTS – policies in the Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

7.3 SEVERABILITY – should any of the provisions contained in this Handbook be found contrary to federal, state, or local laws, the remaining provisions of the Handbook shall remain in full force and effect. To the extent that any law provides additional or different benefits or rights to employees, the provisions of this Handbook shall be deemed to include those statements of law.

7.4 POLICY CHANGES – NACA reserves the right to suspend, revoke, or revise any of the policies in this Handbook at any time.

7.5 CHANGE OF ADDRESS AND STATUS – the Facility Manager is to be promptly advised of an employee's change of home address or telephone number. An employee is to promptly notify the Facility Manager of any change in the employee's marital status.



**APPENDIX A**

RECEIPT OF NACA PERSONNEL HANDBOOK

I, \_\_\_\_\_, acknowledge receipt of the NACA Personnel Handbook.

I understand that this Handbook is not a contract.

I understand that reading this Handbook constitutes one of my job duties and that I am required to perform my job in accordance with the policies contained in this Handbook and any additional rules, regulations, policies or procedures which may be imposed by NACA whether or not I read this Handbook. I understand that my failure to read this Handbook, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this Handbook, I should direct them to the Executive Director.

No one has the authority to verbally amend the policies set forth in this Handbook. Changes must be in writing and require the approval of the Board of Directors.

Signed \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, provided a copy of the NACA Personnel Handbook to  
\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX B**

EMPLOYMENT RECORDS RELEASE

TO: \_\_\_\_\_

You are hereby authorized and requested to give to the Northwest Arkansas Conservation Authority (NACA), or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including disciplinary reports, memos, statements, results of or physicals, drug testing results, and any and all other information which they may request concerning my employment.

You are authorized to release any information relating to my employment, including but not limited to, any information relating to my employment or otherwise maintained by you during the entire term of my employment relationship with you. This authorization is continuing in nature and does not expire unless you receive written, signed and acknowledged notice from me or my authorized agent. A photocopy of this release shall be as valid as the original.

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EMPLOYEE SIGNATURE

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EMPLOYEE (Printed Name)

STATE OF ARKANSAS )

)

COUNTY OF \_\_\_\_\_)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Notary Public

My Commission Expires:

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