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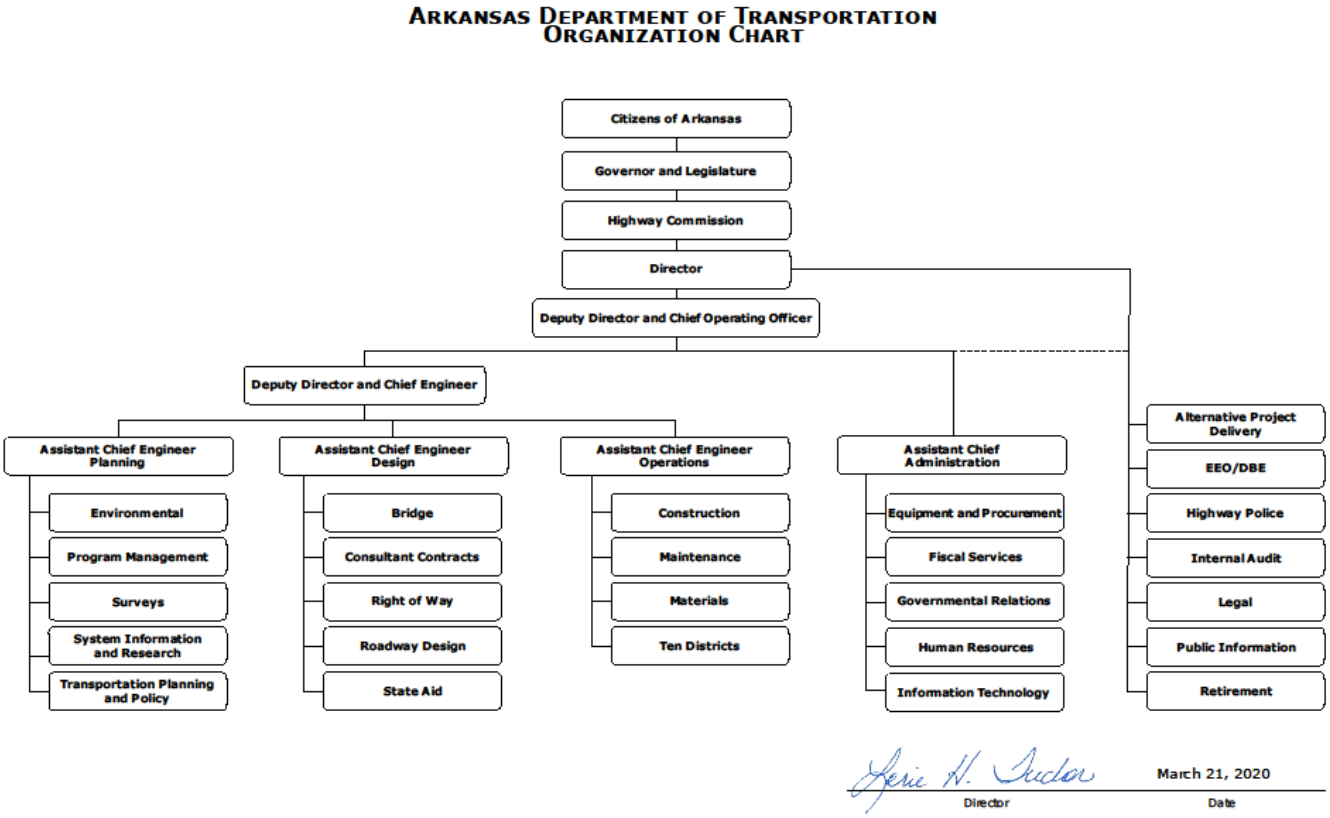
ORGANIZATION CHART



EMPLOYMENT AT WILL

Revised 1/2004

At all times during the employment relationship, employees are employed "at will" and the employment relationship may be terminated at any time by the Department or the employee with or without cause. By accepting employment, employees agree to conform to the rules and regulations of the Department, including any changes, deletions, or additions to these rules and regulations during the course of their employment. Nothing contained herein creates a contract between the Department and its employees; the Personnel Manual simply serves as a set of guidelines for employees to follow.

EQUAL EMPLOYMENT OPPORTUNITY

Revised 4/2021

The State of Arkansas does not discriminate in access to employment opportunities or in employment or practices on the basis of race, color, religion, sex, national origin, age, disability, or genetic information. The policy applies to all employees and applicants for employment and includes recruiting, hiring, placement, transfer, promotion, demotion, rates of pay or compensation, treatment while employed, training and termination.

PURPOSE

Revised 1/2004

The Personnel Manual provides information for employees and supervisors on policies and procedures, organizational data, and other pertinent information. It should be used as a policy guide and offers examples of how to properly prepare and submit essential documents of personnel actions. Application of these policies and procedures is important for maintaining uniformity in the administration of personnel matters.

In addition to this manual, supervisors should keep a current file of the following publications for reference:

- Affirmative Action Plan
- ARDOT Accounting Manual
- ARDOT Safety Manual
- Drug and Alcohol Testing Policy
- Employee Retirement System Booklet

- Payroll and Human Resources (PAHR) User Manual
- Supervisors' Equal Employment Opportunity Handbook

SCOPE

Revised 7/1997

To explain all personnel policies and procedures in detail within this manual would be impractical. Many of the policies and procedures in effect are the general application of good business practices that should be exercised without specific instructions and, therefore, are not included.

The manual is generally brief and explains in detail only the frequently misinterpreted personnel concerns. It is believed that unusual problems should be processed individually, and each case handled on its own merit.

Division Heads, District Engineers, and supervisors responsible for personnel actions should be familiar with the manual and with the policies and procedures it contains.

NOTICE OF NONDISCRIMINATION

Revised 4/2021

The Arkansas Department of Transportation (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the State of Arkansas and the Department do not discriminate on the basis of race, sex, color, age, national origin, religion, (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, genetic information, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ARDOT.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

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GENERAL INFORMATION

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EEO POLICY – DISCRIMINATION AND HARASSMENT

Revised 4/2021

The State of Arkansas does not discriminate in access to employment opportunities or in employment or practices on the basis of race, color, religion, sex, national origin, age, disability, or genetic information. According to the United States Supreme Court, discrimination in employment against an individual because of gender identity, including transgender status, or because of sexual orientation, is discrimination because of sex. In keeping with that ruling, the Arkansas Department of Transportation will not tolerate discrimination or harassment by or against any of its employees. Harassment consists of unwelcome conduct designed to threaten, intimidate or coerce and includes verbal taunting (racial, ethnic, religious, etc.) which impairs an employee's ability to perform his/her job. The Department will not tolerate harassing conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when:

1) submission to the conduct is made either an explicit or implicit condition of employment,
2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee, or
3) the harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms including sex-based remarks, kidding, joking, pressure for sexual activity and physical assault. Sexual harassment between individuals of the same sex, as well as the opposite sex, is prohibited. Examples of conduct which can constitute sexual harassment are:

- Sexually suggestive objects or pictures placed in the work area that may be embarrassing or offensive.
- Language of a sexual nature including comments about a person's body or sexually degrading words to reference or describe an individual.
- Inappropriate touching.
- Propositions of a sexual nature.
- Threats or insinuations that an employee's employment, pay, promotional opportunities, benefits or other conditions of employment may be adversely affected for not submitting to sexual advances or participating in conduct that is unwelcome.

Any employee or applicant that believes he or she has been discriminated against or harassed should tell the harasser to stop and/or report the behavior to his or her supervisor, the Human Resources Division Head, the EEO Section Head, the Internal EEO Coordinator, or any member of management without fear of reprisal. All employees play an important role in maintaining an environment of equal opportunity and have a responsibility to treat co-workers with respect and in a professional manner. Managers and supervisors will be held personally accountable for ensuring that no form of discrimination or harassment occurs in the workplace or in the services provided by the Department.

RACIAL COMMENTS

Revised 8/2005

It is the policy of the Department that there be no discrimination against any employee on the basis of race. The Department will not tolerate racial discrimination, racial harassment, or the use of racial remarks, jokes, slurs or other racially disparaging statements in any Department workplace. Such statements may constitute racial harassment, which is prohibited by Department policy and Title VII of the Civil Rights Act of 1964.

Any employee who believes he or she has been discriminated against due to his or her race should report such incidents to his or her supervisor, the Division Head or District Engineer, the Human Resources Division Head, the EEO Section Head, the Internal EEO Coordinator, or any other member of management without fear of retaliation.

The Department considers racial harassment to be a major offense. Therefore, any use of racial comments will result in written counseling, at a minimum, even when such comments are not directed at another employee or individual. Furthermore, more severe disciplinary action, up to and including termination, will be taken against any offending supervisor or employee when complaints of intentional racial discrimination or harassment are substantiated.

DISCRIMINATION COMPLAINT PROCEDURE

Revised 9/2019

Complaints are processed on an individual basis only. Department policy strictly prohibits retaliation against anyone who exercises his or her rights under the complaint procedure.

Persons who have cause to think they have been treated unfairly due to discrimination in their present job or as a result of application for a job within the Department shall follow the procedures below in processing and resolving their allegations of discrimination. The complainant is first encouraged to

discuss the alleged discrimination with the immediate supervisor. In the event the complainant believes it would not be in his or her best interest to approach the immediate supervisor with the problem, the complainant should contact the EEO Section for counseling. It will be the responsibility of the Internal EEO Coordinator to counsel with the complainant to determine if there may be a legitimate discrimination complaint.

When a verbal complaint is received, as a minimum, the following information shall be recorded:

1. Date complaint received
2. Name, job title and telephone number of the complainant
3. Name(s) of alleged discriminating official(s)
4. Basis of the complaint
   (i.e. race, color, religion, sex, national origin, disability, age)
5. Date of alleged discriminatory act(s)
6. A statement of the complaint

When a written complaint is received, the complainant will be advised of the receipt of the complaint. The complaint will be reviewed with the complainant to ensure inclusion of all the information previously listed.

If it is determined there may be a legitimate discrimination complaint, the Internal EEO Coordinator will immediately notify the Section Head – EEO/DBE, who will immediately report it to the Director, the Deputy Director and Chief Operating Officer and the appropriate Division Head or District Engineer to request a meeting. A thorough review will be conducted and the complainant will be notified of the status of the review periodically until a decision is reached. If the complaint cannot be processed within the designated time frame, the complainant will be apprised of the current status of the complaint periodically until a decision is reached.

Should the complainant not be satisfied with the determination, he or she will be advised that avenues of appeal include the Equal Employment Opportunity Commission. If it is determined that the complaint is not a matter of discrimination, the Internal EEO Coordinator will explain the internal grievance procedure and offer to assist the complainant in filing an internal grievance.

GRIEVANCE PROCEDURE

Revised 7/2011

It is the policy of the Arkansas State Highway Commission to provide a means for addressing, through the Grievance Procedure, any reasonable complaint an employee may have concerning employment with

the Department. Complaints alleging discrimination or sexual harassment must be processed and handled in accordance with the Discrimination Complaint Procedure.

Participation in the grievance procedure does not create any expectation of continued employment since the Department is an "at will" employer. The Grievance Procedure does not prohibit employees from using remedies outside the Department; it simply provides an avenue for review and resolution of internal situations.

This procedure is available to any current or recently discharged employee of the Department, except unclassified (Grade 99) employees. Administrative officials, by virtue of their position, are expected to address their needs and/or concerns directly to the appropriate senior administrative staff.

In the event an employee wishes to file a grievance, the grievance shall be submitted, in writing, within 30 calendar days after the event causing the grievance. Problems that are not brought to the attention of supervisors within 30 calendar days after the occurrence or knowledge of the problem are not grievable.

Retaliation, discrimination, interference, or reprisal against an employee who exercises his or her rights under the Grievance Procedure is strictly prohibited.

The Grievance Procedure consists of four steps:

Step 1 – The completed grievance form is submitted to the employee's immediate supervisor for review and, if possible, resolution of the grievance.

Step 2 – The grievance form is forwarded to the Division Head or District Engineer, should the grievance not be resolved by the immediate supervisor.

Step 3 – The grievance form is forwarded to a Grievance Review Panel, should the response of the Division Head or District Engineer not resolve the grievance.

Step 4 – The Grievance Review Panel's recommendation is forwarded to the Director for a response. The written decision of the Director is the final phase of the Grievance Procedure.

The Grievance Review Panel will consist of three members:

- Each District Employee Advisory Committee selects six District employees as potential Grievance Review Panel members.

- Likewise, the Central Office Employee Advisory Committee selects ten Central Office employees as potential Grievance Review Panel members.

- The Employee Advisory Committees may select any current regular full-time employee, except for the following:

    - Unclassified employees (Grade 99)
    - Division Head of Human Resources
    - Section Head of EEO
    - Internal EEO Coordinator
    - Attorneys or Staff Attorneys

- The names of those selected for the Grievance Review Panel pool will be forwarded to the Division Head of Human Resources.

- If a grievance reaches Step 3, the Division Head of Human Resources, using computer software, will randomly select three Grievance Review Panel members from the pool.

- In the interest of maintaining objectivity, the Division Head of Human Resources will interview the three randomly selected panel members. If a panel member has previously filed a grievance about the same issue, had direct or indirect involvement in a decision or policy which triggered the grievance in question, works in the same Division or District as the grievant, or for other valid reasons, that person will be excluded from serving on this particular panel, and another name will be randomly selected.

- The Division Head of Human Resources or his/her designated representative will serve in an advisory capacity to the Grievance Review Panel.

- At the end of each calendar year, the Employee Advisory Committees will select replacements for those employees in the pool who have, during the year, served on a Grievance Review Panel, or whose employment with the Department has ended.

The following procedures shall be followed when a grievance is filed:

Step 1 – Immediate Supervisor

The grievance shall be clearly and concisely stated, in writing, on Step 1 of the grievance form (Form 19-228) and submitted to the immediate supervisor. The following information must be included:

1. The date of the occurrence and the specific behavior, condition, or violation of policy or procedure that is considered to constitute a grievance.
2. Names of all witnesses.

3. How the employee has been adversely affected by the grievable situation.
4. The specific action the employee has taken to reconcile and improve the situation, including discussions with supervisors, and the outcome of those efforts (if any).
5. The specific remedy requested by the employee.

It is the duty of the grievant's immediate supervisor to make a fair review or investigation of the matter and, if possible, resolve the complaint at Step 1. The supervisor may respond to the grievance immediately or may postpone the response in order to study the situation and/or obtain more information. However, the response should be given to the employee, in writing on the grievance form, within five working days. If the immediate supervisor should find that it is not reasonably possible to gather all of the pertinent information within the five-day time period, the employee should be notified, in writing, within the original five-day period that additional time is needed, with an explanation of the reason and an estimate of the length of time required.

If the immediate supervisor's response does not resolve the grievance, the employee shall indicate, in writing at the bottom of Step 1 of the grievance form, his or her desire to refer the grievance to the Division Head or District Engineer. Should the employee be satisfied with the immediate supervisor's response, the employee should so indicate by signing the appropriate line on the grievance form under Step 1. In either event, the original form must be returned to the immediate supervisor within five working days following the employee's receipt of the immediate supervisor's response. If the employee does not, within the specified time, indicate his or her desire to proceed to Step 2, the Department will consider the grievance resolved.

Step 2 – Appeal to Division Head or District Engineer

It shall be the responsibility of the grievant's immediate supervisor to notify the Division Head or District Engineer if the employee desires to advance to Step 2 of the Grievance Procedure. The immediate supervisor shall provide the Division Head or District Engineer with the original grievance form, with the employee getting a copy of the same.

The Division Head or District Engineer should meet with the immediate supervisor and the employee, either individually or together, in an effort to acquire all pertinent facts relative to the grievance. In addition, it may be necessary to consult with others to acquire all the pertinent information. A response shall be given to the employee, in writing on the grievance form, within five working days following the date of receipt of the grievance form from the employee's immediate supervisor. If the Division Head or District Engineer should find that it is not reasonably possible to gather all of the pertinent information within the five-day time period, the employee should be notified, in writing, within the original five-day period that additional time is needed, with an explanation of the reason and an estimate of the length of time required.

If the response from the Division Head or District Engineer does not resolve the grievance, the employee shall indicate, in writing at the bottom of Step 2 of the grievance form, his or her desire to refer the grievance to a Grievance Review Panel. Should the employee be satisfied with the response of the Division Head or District Engineer, the employee should indicate so by signing the appropriate line on the grievance form under Step 2. In either event, the original form must be returned to the Division Head or District Engineer within five working days following the employee's receipt of the response from the Division Head or District Engineer. If the employee does not, within the specified time, indicate a desire to proceed to Step 3, the Department will consider the grievance resolved.

Step 3 – Appeal to a Grievance Review Panel

It shall be the responsibility of the Division Head or District Engineer to forward the original grievance form to the Division Head of Human Resources if the employee desires to advance to Step 3. The employee shall be given a copy of the same.

Upon receipt of the grievance form, the Division Head of Human Resources, or designated representative, will take the following actions:

1. Using computer software, randomly select three employees from the pool to serve on the Grievance Review Panel.
2. Notify the employees who have been selected to serve on the Grievance Review Panel, and interview each to determine if they can be objective.
3. Assist the panel members with coordinating a date, time and location for the hearing.
4. Notify the grievant, by certified mail, of the members of the Grievance Review Panel and the scheduled hearing date, time and location.

The grievance hearing will normally be conducted at the Department's Central Office in Little Rock, unless circumstances dictate otherwise. Each member of the panel performing duties in connection with a grievance is conducting such duties as a part of his or her official capacity and will be entitled to transportation and travel expenses in accordance with the Accounting Manual.

The grievant shall present his or her grievance to the Grievance Review Panel. All testimony and statements should be relevant to the grievance. In the interest of collecting accurate information for reference, the hearing will be recorded. However, the recording will not be transcribed unless the grievance becomes a matter of review.

The Grievance Review Panel shall review all available documentation and will, if necessary, make or direct further investigations. The Grievance Review Panel may request the presence of any Department

employee or the submission of any document it deems necessary to effectively dispose of the grievance. Failure to cooperate with the panel may be considered grounds for disciplinary action.

The grievant and witnesses will not be charged leave time and will be entitled to transportation and travel expenses in accordance with the Accounting Manual if they are requested to appear before the panel. After the facts have been thoroughly reviewed and considered, a report will be made to the Director. The report must: (1) highlight the facts presented by the grievant, supervisors and other witnesses; and (2) detail the remedial action, if any, that is being recommended.

The following guidelines have been established for the Grievance Review Panel:

- Grievances often involve sensitive personnel issues and, as such, shall not be discussed with anyone outside the grievance review process.
- Panel members shall not engage in misconduct during the review proceedings or demonstrate an actual partiality.
- Panel recommendations shall not violate any existing Department policy, or state or federal law.
- Panel recommendations shall not include the removal of an employee from his or her current position for the purpose of placing another employee in that position.
- In the interest of maintaining equality and fairness, panel members should determine how similar situations have previously been addressed by the Department, and make every effort to be consistent with past remedies as they make their recommendations.

Step 4 – Response from the Director

The Director or Director's designee will review the recommendations and may request additional relevant information. The final decision from the Director will be given, in writing, to the grievant, the Grievance Review Panel, and the appropriate Division Head or District Engineer. The written decision of the Director will be the final phase of the Grievance Procedure.

CONDUCT OF EMPLOYEES

Revised 11/2019

The Arkansas Department of Transportation is a public service agency. Courteous and respectable conduct among employees and with people outside the Department should be practiced at all times. Employees' actions, statements, and personal conduct in public and on the job may determine how the public views the entire Department.

The Department does not attempt to become involved in employees' personal lives, but requires conduct which will not negatively impact the Department. The following policies are essential for good public relations.

A. **Personal Indebtedness**: The Department expects employees to manage their financial obligations in such a manner as to be prudent and punctual in every way. The Department is not a collection agency nor does it desire to be coercive in these matters.

B. **Use of Department Vehicles**: Department employees have the responsibility to demonstrate that we (ARDOT) are providing the best service possible to the public through the proper operation of our vehicles / equipment, the care and appearance of our vehicle and equipment fleet, and our absolute adherence to the traffic laws of the State, especially speed limits and courtesy to other motorists. Public perception of the Department and the work we perform is based, in part, on the appearance of our vehicles / equipment and the manner in which we operate that equipment. Authorization to drive on State business is recognized through the completion of ARDOT Form 19-462 – "Authorization to Operate State Vehicles and Private Vehicles on State Business".

The use of Department vehicles for unauthorized activities is strictly prohibited. Not only is state equipment misused, but the Commission and Department are subjected to unnecessary embarrassment. Employees should exercise discretion when operating a Department vehicle. Simply parking a Department vehicle near an establishment of questionable repute can jeopardize the attitude of the public toward the Department.

Employees are advised that all Department on-road passenger vehicles have been fully equipped with a Vehicle Management System that includes a Diagnostic System and a Global Positioning Tracking System (GPS). The application of these systems is designed to provide environmental benefits, safety and security to employees, cost savings to the Department and efficiencies in use and assignments of one of the Department's valuable resources.

C. **Employee Relationships**: The Department expects a harmonious and productive attitude among all employees, regardless of job title or tenure. Employees should constantly strive to make their Division and Section, or District and Crew, a better place in which to work and treat one another with courtesy and professionalism at all times.

D. **Lateness and Absenteeism**: Employees are expected to report to work on time and to leave work at the proper time. Employees are to notify their supervisors of any delay in reporting to work. Excessive incidents of tardiness or unscheduled absenteeism will lead to counseling or corrective

action and could ultimately lead to discharge of an employee. (Exceptions, of course, are those absences which are designated as FMLA leave.) An employee who is absent for three consecutive days without notifying the supervisor shall be considered to have voluntarily abandoned employment, unless there exist circumstances that preclude notification.

E. **Attire and Grooming**: The Department strives to maintain a work environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, employees should maintain a neat and clean appearance that is appropriate for the work being performed. Division Heads and District Engineers may determine and enforce guidelines for appropriate attire and grooming in their areas. These guidelines may limit natural or artificial scents that may be distracting or annoying to others. Violations of policy can range from inappropriate clothing to offensive perfumes and body odor. If an employee's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the employee in private and point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action procedure. Employees may also be required to go home, change into conforming attire or properly groom, and return to work. Hourly (non-exempt) employees will not be compensated for any work time missed because of failure to comply with workplace attire and grooming standards. (The Department recognizes the importance of individually held religious beliefs, and will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for certain employees. Nonetheless, those requesting an accommodation based on religious beliefs should be referred to the EEO Section.)

F. **Inappropriate Conduct**: Conduct deemed inappropriate for the workplace, including, but not limited to, the following is considered grounds for dismissal **(THIS LIST IS NOT EXCLUSIVE):**

1. Discrimination based upon race, creed, religion, national origin, age, sex, gender or disability.
2. Being under the influence of alcohol or drugs on state time or while driving a Department vehicle.
3. Unauthorized possession, use or removal of property belonging to the state or another employee.
4. Willful insubordination.
5. Theft of Departmental property, failure to report any known theft of Department property or concealment of any theft of Departmental property. (NOTE: Department property includes items found on the roadway and right of way.)
6. Dereliction of duty.
7. Unsatisfactory attendance and punctuality or failing to give required notice of absence or tardiness.

8. Refusing to accept job assignments.
9. Trouble-making or instigating a fight.
10. Falsifying application for employment or any other Department record.
11. Non-compliance with Department policy.
12. Derogatory acts or remarks toward the Department, supervisors or employees.
13. Threatening, intimidating or otherwise interfering with another employee.
14. Causing or attempting to cause physical injury to another person.
15. Behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
16. Negligence or improper conduct leading to damage of Department property or property of another employee.
17. Possession of a weapon while on Department property, in a Department vehicle, or while on Department business (with the exception of Highway Police officers and other on-duty law enforcement officers who are conducting official business on Department property). Employees with a concealed carry license may leave a concealed handgun in his or her locked and unattended personal vehicle in a parking lot on Department property, if that parking lot is publicly accessible. Employees shall NOT carry a weapon in a Department vehicle, into a Department building, or into an area marked "ARDOT Vehicles Only."
18. Being convicted of a crime bearing on your suitability as an employee, including but not limited to, theft or any other act of dishonesty.
19. Dishonesty.
20. Falsifying punch information in your own or another employee's timecard, including the use of Teletime, or approving another employee's timecard.
21. Engaging in illegal gambling activity on Department property.
22. Leaving the job without permission.
23. Making statements that could result in a loss of public goodwill or that are offensive to others.
24. Possession, use or distribution of alcohol or drugs during working hours.
25. Sexually or otherwise harassing another employee.
26. Sleeping on the job.
27. Unsatisfactory work performance, whether or not deliberate.
28. Unauthorized use of telephones, mail system or other Department equipment.
29. Unauthorized absence from work station during the work day.
30. Violating safety rules.
31. Interference in or failure to cooperate with an investigation.
32. Accessing, posting or sharing any racist, sexist, threatening, obscene or otherwise objectionable language or material.

PROGRESSIVE DISCIPLINE

Revised 8/2019

The Department has specific work standards and regulations which are considered conditions of employment. In the event of misconduct or job performance not meeting expectations, the following policy is established.

Progressive discipline may be applied in those cases where the severity of the problem does not warrant bypassing steps or immediate termination. The Department may use this warning system to provide both the employee and the agency with a vehicle for addressing and resolving personnel problems. The purpose of progressive discipline is to recognize the importance of early identification and take prompt action to successfully resolve the problem.

The four-step procedure consists of:

1. Verbal warning/coaching session
    a. Discuss ways to improve the employee's conduct/performance.
    b. Seek input from the employee about whether the issue can be corrected through a process change or additional training.
    c. Outline the steps to be taken to improve, including the specific timeframe for improvement.
    d. Identify the consequences of failure to improve.
    e. Define a follow-up date.
2. Written reprimand/performance improvement plan
    a. If the conduct/performance is repeated or does not improve during the designated timeframe, the reprimand/performance improvement plan will be in writing.
    b. State the specific conduct/performance that is the reason for the reprimand.
    c. State the specific steps to be taken to improve conduct/performance, including the specific timeframe for improvement. (In some cases, immediate improvement may be necessary, such as safety concerns.)
    d. State the consequences of failure to make the required improvements.
    e. Establish a follow-up date.
3. Disciplinary action involving a forfeiture of pay (suspension, demotion, salary increase reduced or withheld)
    a. If the conduct/performance is repeated, does not improve during the designated timeframe, or if the improvement is not maintained at an acceptable level, then the employee may be subject to either an unpaid suspension and/or a demotion to a more suitable position (if such a position exists).

b. If an employee receives step three of progressive discipline during the performance cycle for any reason, then there will be a two percent (2%) reduction in the percentage salary increase which the employee would have otherwise been granted based on the manager's final year-end rating. For example, if the manager's final rating would have resulted in the employee receiving a 2.5% salary increase, then the salary increase will be reduced to 0.5%. If the manager's final rating would have resulted in the employee receiving a salary increase of 2% or less, then there will be no salary increase.

4. Discharge

Each step, including step 1, should be documented and signed by the employee or witnessed if the employee refuses to sign. Step 1 should be recorded on the Record of Verbal Counseling, Form 19-223. When step 1 is administered, the original should be sent to Human Resources for inclusion in the disciplinary database to help management ensure the consistent application of discipline. Step 1 disciplinary actions are not included in the employee's personnel file.

When it is necessary to advance to step 2, previous warnings (step 1) should be referenced in the written reprimand (step 2). Step 2 and subsequent warnings should be recorded on the Employee Warning Notice, Form 19-224. Copies should be provided to the appropriate Assistant Chief and the employee, with the original being sent to Human Resources. These forms will be included in the employee's personnel file and the disciplinary database.

An employee may be placed on leave without pay for disciplinary reasons at the discretion of the Division Head or District Engineer without regard to accumulated paid leave. However, in accordance with the Fair Labor Standards Act (FLSA), employees who are classified as **exempt** may be placed in disciplinary leave without pay status if two conditions are met:

First, such deductions from pay are made on a full-day basis only. Partial-day docking of exempt pay is not permitted for disciplinary suspensions. Therefore, if an exempt employee is sent home early due to disciplinary issues, he/she will be paid for the remainder of the day and officially begin the suspension the following day.

Second, the suspension must be imposed as a result of a violation of workplace conduct rules. This means some forms of suspension do not qualify to be unpaid. For example, if an exempt employee is suspended pending investigation prior to evidence being found to indicate that the person violated a workplace conduct rule, the suspension will be paid.

Disciplinary action resulting in a forfeiture of pay will disqualify an employee from receiving a promotion for twelve months from the date of action.

Disciplinary actions that involve leave without pay (LWOP), demotion or discharge will be reviewed by the EEO Section prior to taking final action. These actions must be initialed, signed, or accompanied by a memo or other written documentation from the EEO Section Head before they are final or before they are distributed to the Administrative Staff for approval.

If progressive discipline has been properly implemented and documented and the employee's conduct and/or performance does not improve, the supervisor may recommend discharge.

It should be stressed that management is not bound by a progressive discipline formula in the case of serious offenses. Some offenses are serious enough that no verbal warning or written reprimand need precede disciplinary action resulting in a forfeiture of pay or discharge. However, it should also be noted the purpose of progressive discipline is not termination. Ideally, through this approach, the supervisor will be able to improve the conduct or performance of the employee and protect the Department's investment in the employee.

WORKPLACE VIOLENCE

Effective 8/2019

PURPOSE

The Arkansas Department of Transportation (ARDOT) does not tolerate acts or threats of workplace violence committed by or against employees. ARDOT strictly prohibits employees from making threats or engaging in violent acts.

PROHIBITED CONDUCT

Physical aggression and/or violent behavior cannot and will not be tolerated. Threats to commit violence cannot and will not be tolerated, even if nothing comes of the threat. Veiled or indirect threats are considered a violation of this policy and constitute grounds for immediate termination.

Prohibited conduct includes, but is not limited to:

- Causing or attempting to cause physical injury to another person
- Making threatening remarks (verbal or written)
- Behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging ARDOT property or property of another employee
- Trouble-making or instigating a fight, including indirect threats and/or violent acts committed by a third party

- Possession of a weapon while on ARDOT property, in an ARDOT vehicle, or while on ARDOT business (with the exception of certified law enforcement officers) *

REPORTING PROCEDURES

Any situation which may invoke this policy should be reported immediately to a supervisor, Human Resources, or Highway Police. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

* "Weapon" means any device employed or intended to be employed to subject another to physical harm or fear of physical harm. Employees with a concealed carry license may leave a concealed handgun in his or her locked and unattended personal vehicle in a parking lot on ARDOT property, if that parking lot is publicly accessible.

SAFETY

Revised 11/2012

Employees are urged to study, observe and keep updated on all safety rules, and report unsafe conditions and equipment. Some jobs may require using provided safety equipment such as hard hats, reflective safety vests and rain gear. Efficient job performance and on-the-job safety practices go hand in hand. The Safety Manual is made available to all employees through their supervisors, and can also be accessed on the Human Resources Division intranet page and the Department's external website.

INJURIES — FIRST AID

Revised 7/1997

Any injury suffered by an employee shall be reported to the immediate supervisor, who is required to file a report of industrial injury. This report must state whether or not the accident is connected with the employee's job duties. First aid kits, located in each Division and District office, are available to employees for treatment of minor injuries.

ACCIDENTS — VEHICLE

Revised 11/2012

Whenever a Department vehicle is involved in an accident, the driver should remove the vehicle from the roadway unless it is disabled or there is a visible or apparent injury to a person. Law enforcement investigation is required whenever outside parties are involved or where there is any damage or personal injury. The employee or employees involved will submit a full report to their immediate supervisor.

Drivers and/or passengers should obtain all possible information concerning the accident such as names and addresses of the owner and operator of the other vehicle and any passengers or witnesses, operator's license number, vehicle description and license number, name and badge numbers of law enforcement officers investigating the accident, etc. No employee should give or sign a statement, written or verbal, to anyone at the scene other than as may be required by the investigating officer. Under no circumstances should any employee publicly express an opinion on the question of liability.

The driver or other employees involved should contact their immediate supervisor and make a full report of all the facts of the accident including information about any property damage or personal injuries. When there are personal injuries to employees, the supervisor is required to file ARDOT Form 19-467 – "Report of Injury" and determine if the injury was job-related. This report must be completed and distributed as soon as possible, but at least within ten (10) days of the occurrence of the injury, as follows: Original to Training and Safety Section of Human Resources Division, copy to District / Division file, and any other copies as needed.

The supervisor, or the operator with the supervisor's knowledge, should make arrangements to get damaged Department vehicles to the appropriate District or Area Headquarters, or to the Equipment and Procurement Division located at the Department's Central Shops.

ARDOT Form 19-466 – "Report of Motor Vehicle, Equipment and/or Property Damage" must be completed and distributed as soon as possible, but at least within ten (10) days of the accident as follows: Original to Legal Division, copy to Training and Safety Section of Human Resources Division, copy to Equipment and Procurement Division, copy to District / Division file and any other copies as needed.
In accidents involving a commercial motor vehicle, ferry or aircraft, the operator will be subject to the provisions of the Drug and Alcohol Testing Policy if the accident involved the loss of human life or if the operator received a citation under state or local law for a moving violation arising from the accident.

CDL REQUIREMENTS/SUSPENSION OF DRIVER'S LICENSE

Revised 4/2015

ANY employee who operates a Department vehicle is required to have a current and valid driver's license, and must complete an Arkansas State Vehicle Safety Program form upon hire, which will be forwarded to the Personnel Office. By signing this form, employees authorize the Department to access their driving records.

COMMERCIAL DRIVER'S LICENSES

Employees in positions requiring a Commercial Driver's License (CDL) as part of their essential job duties must advise the Department if they are in violation of the following conditions as stated in the Commercial Driver's License Law, Act 241 of 1989:

"Any driver of a commercial motor vehicle who has their driver's license ***suspended, revoked, canceled, or is disqualified*** from driving a commercial motor vehicle in any state for any period must notify their employer of the fact before the end of the ***business day following the day the driver received notice of that fact***."

In the event that an employee's CDL is suspended, revoked or cancelled for one year or less, and the employee makes the proper notification to his or her immediate supervisor as outlined above, the Department may, at its discretion, transfer the employee temporarily to an available position that does not require a CDL; however, it may necessitate a decrease in the employee's salary. If an appropriate position is not available or the employee's CDL is suspended, revoked or cancelled for longer than one year, the employee may be subject to termination. Once the employee's CDL has been reinstated (within one year or less), the employee may be transferred back to his or her original position if the position is available. If the position is no longer available, the employee will remain in the current position and may apply for advertised position vacancies.

If the employee's CDL is suspended, revoked or cancelled for one year, the District Engineer or Division Head, at his/her discretion, may allow the employee an additional 30 days beyond the one-year time period to get his/her CDL reinstated since the employee may be required to wait until the year suspension is complete before being allowed to retake the CDL test.

In the event an employee fails to make proper notification as outlined above, the employee will be temporarily transferred or demoted to a position that does not require a CDL and prohibited from driving a Department commercial motor vehicle for a period of not less than ninety (90) days, even if the employee's CDL is reinstated before then. (This action will be considered disciplinary, recorded on a Documentation of Performance Requiring Improvement form, and placed in the employee's personnel file.) If an employee fails to make proper notification a second time, the employee will be terminated.

NON-COMMERCIAL DRIVER'S LICENSES

Employees whose jobs require a non-commercial driver's license (NCL) in the performance of their job duties are also responsible for advising the immediate supervisor if their driver's license has been restricted, suspended, revoked or cancelled before the end of the business day following the day the driver received notice of the fact.

If an employee's driver's license has been ***suspended, revoked or cancelled*** for one year or less, and the employee makes the proper notification to his or her immediate supervisor as outlined above, the Department may, at its discretion, transfer the employee temporarily to an available position that does not require a valid driver's license; however, it may necessitate a decrease in the employee's salary. If an appropriate position is not available or the driver's license is suspended, revoked or cancelled for longer than one year, the employee may be subject to termination. Once the employee's driver's license has been reinstated (within one year or less), the employee may be transferred to his or her original position if a position is available. If the position is no longer available, the employee will remain in the current position and may apply for advertised position vacancies.

In the event the employee fails to make proper notification as outlined above, the employee will be temporarily transferred or demoted to a position not requiring a valid driver's license and prohibited from driving a Department vehicle for a period of not less than ninety (90) days, even if the employee's license is reinstated before then. (This action will be considered disciplinary, recorded on a Documentation of Performance Requiring Improvement form, and placed in the employee's personnel file.) If an employee fails to make proper notification a second time, the employee will be terminated.

If an employee's driving privilege has been ***restricted*** but not revoked, efforts may be made to allow the employee to continue working in his or her position without a loss of pay. Supervisors have the following options:

1. Temporarily assign work that does not require driving a Department vehicle.
2. Require the employee to ride with a coworker when it is practical to do so.
3. Allow the employee to drive his or her personal vehicle for work purposes during the period of restriction, provided that the employee provides proof of vehicle insurance, agrees not to have any non-work related passengers in the vehicle during working hours, and meets the requirements of the restriction, provided that the use of the personal vehicle does not interfere with the performance of the job duties. (Employees using their personal vehicles for work purposes are eligible for reimbursement for mileage, in accordance with the Accounting Manual. They are not eligible for reimbursement for miles driven while commuting between home and work, or while driving during an uninterrupted unpaid lunch break.)
4. Engage in an interactive process with the employee to determine if accommodations can be made to enable the employee to safely and legally operate the Department vehicle with the restriction in place. (Examples might include some type of mechanical or prosthetic aid or an outside mirror installed on the vehicle. However, an employee with an interlock device restriction shall NOT be allowed to drive a Department vehicle until the restriction is removed from the license.)

If none of the above options are achievable, then the employee with a restricted license may be temporarily transferred or demoted to a position not requiring a valid driver's license, in accordance with the procedures outlined above for driver's license suspensions.

POLITICAL ACTIVITIES

Revised 1/2016

VOTING

Employees are encouraged to register and vote in local, state and national elections. Arkansas Code Annotated § 7-1-102 requires employers to schedule the work hours of employees on election days so that each employee will have an opportunity to exercise the right to vote. The law does not provide for paid time off to employees for this purpose.

Voting hours have been extended at polling locations to allow before- and after-work voting; 7- to 10-day early voting periods have been established in all counties for primaries, runoffs, special and general elections, and absentee voting is accepted in all counties. Many employees take advantage of these liberal voting provisions to avoid missing time from work. However, to ensure compliance with the law, supervisors **shall** adjust work schedules when necessary to assure that the 40-hour work week is achieved

for employees who choose to vote during normal working hours. Employees may also utilize annual leave for this purpose.

CAMPAIGNING FOR ELECTIVE OFFICE

Employees of the Department may not:

a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or
b) Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

An employee wishing to be a candidate for an elective office should contact the Human Resources Division for:

a) A determination as to whether they can do so; and
b) Restrictions on campaigning activities.

As a guideline to political activities permitted or prohibited, employees are directed to the United States Civil Service Commission's regulations pertaining to political activities of state employees as set forth in Code of Federal Regulations (CFR) No. 151.101, No. 151.111, No. 151.121, No. 151.122, and the Employee Oath of Office, Arkansas Code Annotated 27-65-129. Copies are available in the Human Resources Division.

COMMUNICATING WITH ELECTED PUBLIC OFFICIALS

Department employees shall not be prohibited from communicating with an elected public official concerning a matter related to the employee's job, except for a matter exempted under the Arkansas Freedom of Information Act. Similarly, employees shall not be prohibited from exercising a right or privilege under the Arkansas Freedom of Information Act.

Department supervisors shall not discipline, threaten to discipline, reprimand either verbally or in writing, place any notation in an employee's personnel file disciplining or reprimanding the employee, or otherwise discriminate against an employee because the employee exercised the right to communicate with an elected public official.

Supervisors are not prohibited from disciplining an employee who has intentionally made an untrue allegation to an elected public official concerning a matter related to the employee's job.

OATH OF OFFICE

Revised 7/2001

Employees are required to sign the Oath of Office at the inception of employment. For information on the Oath of Office, refer to Arkansas Code Annotated 27-65-129 (Repl. 1994). Copies are available in the Human Resources Division.

RESTRICTIONS ON EMPLOYMENT OF PRESENT AND FORMER EMPLOYEES

Revised 4/2020

When individuals accept regular employment with the Department, they agree not to accept regular, part-time or self-employment if it conflicts with the Department's interest or adversely affects their availability and usefulness as an employee of the Department.

The following restrictions apply to present and former regular employees of the Department:

- Present regular employees are not permitted to be employed by a current Department contractor/consultant to perform work related to any Department project.
- Former regular employees are permanently disqualified from working on particular matters in which that employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the Department is a party or has a direct and substantial interest.
- Former regular employees in decision-making positions with statewide responsibilities are prohibited for a period of one year from the date of separation from working on matters that were within the employee's official responsibility.
- Former regular employees in decision-making positions with direct responsibility over particular geographical areas are prohibited for a period of one year from the date of separation from working on matters that were within the employee's geographical area of responsibility.
- Former regular employees are prohibited from performing the same or substantially similar duties for which they were responsible at the Department on any contracts with the Department for a period of one year from the date of separation. For example, an employee of the Department performing X may be hired by a contractor or consultant and may perform Y on contracts with the Department, OR he may perform X on contracts with the county, city, etc. *without any waiting period*. However, the employee of the Department performing X may not be hired by the contractor or consultant and perform X on any contract with the Department for a period of one year from the date of separation.

- Employees who are in Optional Practical Training (OPT) status and temporary employees are not restricted by this policy.

There are also restrictions on partnerships with former state employees and selling to the state after employment. For more information, see Arkansas Code Annotated 19-11-709 (Repl. 1994) and DFA Advisory Opinion #483-96-04. Copies are available in the Human Resources Division.

ANTI-FRAUD AND ETHICS CODE

Revised 2/2021

Introduction

The Department's Anti-Fraud and Ethics Code (Code) supports the culture of ethical and efficient service to the citizens of the State provided by the Department. The Code describes the behavior expected of employees that perform these services.

Employees must comply with the Code and all applicable laws and regulations. The Department will not tolerate employee conduct that either violates, or has the appearance of violating the law, including the ethical provisions in this Code. This includes receiving payments for illegal acts, indirect contributions, rebates or bribery.

Each existing employee and all new hires are required to participate in comprehensive Anti-Fraud and Ethics Code Training. Each employee is required to participate in an annual abbreviated review of this training.

If an employee is uncertain about the application or interpretation of any legal or procedural requirement, the employee should ask for guidance from the Human Resources Division or the Chief Auditor.

Conflicts of Interest

Employees must perform their duties in an ethical manner. A conflict of interest exists when an employee is in a position to derive personal benefit from actions or decisions made in their official capacity. Employees must not use their position or knowledge gained from their position for private or personal advantage. Arkansas Code Annotated (ACA) §21-8-304 lists certain activities that are ethically prohibited activities for state employees and officials. If an employee becomes involved in a situation that could be considered a prohibited activity, the employee must immediately communicate all facts in writing to the Chief Auditor.

Candidates for employment or promotion/transfer to positions with decision-making authority agree to avoid the appearance of any conflict of interest and to fully disclose *potential* or actual conflicts of interest. The following specific requirements apply:

- The employee or candidate must agree to disclose any potential or actual conflict of interest on the Conflicts of Interest Disclosure Form 19-564.
- The employee or candidate must certify or affirm that any potential conflict disclosed is not an *actual* conflict.
- The employee must acknowledge that his or her position (or the position to which a candidate is applying) includes a role of fiscal responsibility, and must certify that no conflict of interest will be allowed to interfere with his or her performance of those responsibilities.
- This is a continuing obligation, and the employee must agree to disclose any conflict of interest, whether potential or actual, to the Chief Auditor in writing immediately.
- The obligation to report a potential or actual conflict of interest arises as soon as the employee or candidate becomes aware of the conflict.
- The employee or candidate must agree not to be involved directly or indirectly within the scope of employment in any matter or contract in which he or she has a personal financial interest, or in which an immediate family member has a financial interest. If such involvement is integral to the fulfillment of the duties of the position, the employee may be terminated or transferred to a different position.
- An employee who is required to take an action in the discharge of his or her official duties that may affect his or her financial interest (or that of an immediate family member) or cause financial benefit or detriment to him or her (or an immediate family member), or a business in which he or she is an officer, director, stockholder, owner, trustee, partner, or employee, must immediately report any such conflict to the Chief Auditor in writing.
- The employee or candidate must agree, pursuant to A.C.A § 21-8-304, not to use his or her position or knowledge gained from their position for private or personal advantage.
- The employee or candidate must acknowledge that failing to disclose any *actual* conflict of interest is grounds for immediate dismissal from employment.

Employees shall not, directly or indirectly use, disclose, or allow the use of official information which was obtained in connection with his or her employment for personal gain or the benefit of others.

Outside Activities, Employment and Directorships

Employees shall avoid acquiring any business interest, engaging in outside employment or participating in any activity outside the Department that would conflict with his or her official duties.

Relationships with Clients and Suppliers

Employees must adhere to ACA §19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall notify the Chief Auditor in writing. The Department will forward the disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with ACA §19-11-706.

Gratuities

As stewards of taxpayer dollars, it is important that employees of the Arkansas Department of Transportation conduct our business in a manner that the public considers transparent, accountable and above criticism and reproach. ARDOT employees shall not accept, solicit or attempt to solicit:

- Gifts,
- Prizes,
- Meals,
- Travel,
- Lodging,
- Entertainment,
- Favors,
- Preferential Treatment, or
- Any activity that could influence, or appear to influence, an employee's decisions in performing their job functions

from any Department vendor, supplier, contractor, or any entity or individual which has, or could have, a business relationship with the Department.

A Department vendor, supplier, contractor, or any entity or individual which has, or could have, a business relationship with the Department may pay for an ARDOT employee's food, lodging or travel ***only in the event that these expenses are eligible for reimbursement by ARDOT***. However, this gratuity would need to be tracked to determine whether the maximum specified in the law of $150 was exceeded (in the aggregate for the year) and properly reported to the employee's supervisor and, if applicable, in the required annual Statement of Financial Interest.

References: ACA Â§19-11-707, Rules on Gifts issued by the Arkansas Ethics Commission.

Kickbacks and Prohibited Commissions

Employees must not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law. Specific procurement law addressing kickbacks and commissions is codified in ACA §19-11-707 and §19-11-708.

Organization Funds and Other Assets

Employees who have access to Department funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in the Department Accounting Manual, DFA's Financial Management Guide and/or other explanatory materials. If an employee has knowledge of fraud or waste of public assets, the employee should immediately advise his or her immediate supervisor, Division Head or District Engineer, or the Chief Auditor.

Personal use of Department funds or assets is strictly forbidden. (NOTE: Any items found on the roadway and right of way becomes the property of the Department. These items should be turned in to the employee's immediate supervisor to determine disposition. If not turned in, the employee will be considered to have committed theft of Department property, which is grounds for immediate dismissal.)

Any scrap material or debris removed from the roadway or right of way becomes the property of the Department. Supervisors will determine the disposition of any material or debris removed from the roadway or right of way in accordance with Department policy. Employees shall not benefit directly or indirectly from their knowledge or involvement in the removal of scrap material or debris. If an employee takes possession of any material or debris belonging to the Department the employee will be considered to have committed theft of Department property, which is grounds for immediate dismissal.

Organization Records and Communications

The Department's books and records must reflect accurate and timely recording of all business transactions. Full disclosure of assets, liabilities, receipts and disbursements must be made. Employees must not make or engage in any false record or communication whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

Dealing with Outside People and Organizations

Employees must not use their position or affiliation with the Department when communicating regarding matters not involving Department business. Employees must not use organization identification, stationery, supplies and equipment for personal or political matters.

When communicating publicly on matters that involve Department business, employees must not speak for the Department on any topic, unless they are certain the views they express are those of management, and it is management's desire that such views be expressed publicly.

When dealing with anyone outside the Department, including public officials, employees must take care not to compromise the integrity or damage the reputation of the Department or any other entity.

Prompt Communications

Employees shall respond promptly and accurately to all requests for information and complaints regardless of the source.

Privacy and Confidentiality

When handling financial and personal information about customers or others with whom the Department has dealings, observe the following principles:

1. Collect, use, and retain only the personal information necessary for Department business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
2. Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
3. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purpose should be made by management in response to a Freedom of Information Act request. Any tax information that is confidential pursuant to ACA § 26-18-303 should not be disclosed, except as allowed by law.

Reporting Suspected Fraud

Employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of Department resources. In accordance with the Arkansas Whistle-Blower Act (ACA § 21-1-601 et seq), employees shall be protected against any form of retaliation, including discharge, for reporting in good faith:

- occurrences of ethical violations;
- waste of public funds, property, or manpower;
- violations or suspected violations of a law, rule or regulation adopted under the law, or
- a loss of public funds under ACA § 25-1-124.

An employee communicates "in good faith" if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. "Good faith" is lacking when the employee does not have personal knowledge of a factual basis for the communication or when the employee knew or reasonably should have known that the communication of the waste or of the violation was malicious, false, or frivolous.

Investigations to substantiate reported allegations will be conducted in a confidential manner. The Department and its supervisors shall not take an adverse action against an employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review.

The Department and its supervisors shall not take an adverse action against an employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of the state.

Allegations of ethical violations or fraud may be reported to the Chief Auditor by e-mail (Leslie.Coddington@ARDOT.gov) or telephone (501-569-2564). An employee may also choose to report ethical violations, fraud, waste or abuse in any written format or by completing a Complaint Form. Complaint forms or any allegation in writing can be mailed directly to the Chief Auditor at the following address:

Arkansas Department of Transportation
Internal Audit Section
Attention: Chief Auditor
Post Office Box 2261
Little Rock, Arkansas 72203-2261

The envelope should be clearly marked "confidential."

Reward When Communication of Waste or Violation Results in Savings of State Funds

In accordance with ACA § 21-1-610, an employee making a communication under the Arkansas Whistle-Blower Act shall be eligible to receive a reward in an amount equal to ten percent (10%) of any savings in state funds attributable to changes made based on a communication under the Act.

Upon the resolution of a matter communicated to Internal Audit, or other appropriate authority, the Chief Auditor shall provide a written report detailing the content of the communication and the outcome of the communication to the: (1) employee who made the communication, (2) the Chief Fiscal Officer, and (3) the Director or other Department management authority as appropriate.

In accordance with ACA § 25-1-124, the Chief Fiscal Officer shall report a loss of public funds to Arkansas Legislative Audit, including without limitation: apparent unauthorized disbursements of public funds or the apparent theft or misappropriation of public funds or property. The report shall be made within five business days of the date the Chief Fiscal Officer learns of the loss of public funds.

An employee wishing to maintain confidentiality or who otherwise chooses to forego a reward shall request that the report not include the employee's name or identifying information. An employee making a request for confidentiality shall not receive a reward. The name and identifying information of the employee who requests confidentiality shall be exempt from disclosure under the Freedom of Information Act of 1967.

A reward shall not be payable for a communication made by an employee in the normal course of the employee's job duties. If a communication in the normal course of an employee's job duties detailing waste or a violation is not acted upon by the Department within 90 days, the employee may make a communication to an appropriate authority and be eligible for a reward.

For further information, please refer to the Arkansas Whistle-Blower Act, Arkansas Code Annotated, Title 21 Chapter 1.

COMMISSION HEARINGS

Revised 8/1981

Public hearings are conducted by the Arkansas State Highway Commission to give the public an opportunity to present requests or problems pertaining to highway business. Hearings are scheduled and publicly announced in advance enabling delegations to plan and present their cases directly to the Commission for consideration. The Commission recognizes and respects the rights of Department employees as taxpayers and has no desire to restrict or infringe upon those rights. However, it is considered unnecessary and inappropriate for employees to appear with delegations before the Commission or to otherwise, in any way, participate in activity organized and promoted for the purpose of influencing the action of the Commission. All Department employees are requested to refrain from participation in any and all such activities.

RELEASE OF INFORMATION

Revised 11/2012

The Department has established procedures for the release of information to the press and to the public. The Commission, the Director, or the Chief Engineer usually releases the more important news items, while Division Heads and District Engineers are responsible for routine releases. Quite often the time element is of importance in news releases. All news releases are coordinated through the Public Information Office. If the Division or District provides information to the media, it is necessary to inform the Public Information Office immediately.

"Small talk" engaged in by employees and between employees and the public can result in serious distortion of facts. Someone's guess about engineering facts, construction, right-of-way, employment conditions, or other matters is sometimes mistaken as a definite fact. Misinformation or incomplete information can result in lack of public understanding.

CONTRIBUTIONS

Revised 10/2017

No solicitations for bills, premiums, or other indebtedness may be made of employees in Department buildings during office hours. Only fund-raising campaigns that have been officially approved by the Director will be permitted within the Department. It is recognized that employees have diverse opinions regarding the worthiness of specific public service organizations or charities. Therefore, no employee is required to contribute to any particular activity. However, the Department is hopeful that employees will be civic-minded and contribute to organizations which they believe are worthy.

SOLICITATION AND DISTRIBUTION OF LITERATURE

Revised 10/2017

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any cause (other than those officially approved by the Director) during working time. Employees who are not on working time (e.g., those on lunch break) may not solicit employees who are working for any cause or distribute literature of any kind to them. This policy also prohibits solicitations via e-mail and other telephonic communications systems. Furthermore, employees may not distribute literature or printed material in working areas at any time. Non-employees are likewise prohibited from distributing material or soliciting employees on premises at any time.

TELEPHONE USAGE

Revised 11/2012

Office telephones are to be used primarily for conducting business. Personal calls can delay business transactions and must be held to a minimum. When a personal long-distance call must be made, the call must be charged to the caller's home phone number or personal credit card. Abuse of the telephone for personal use may result in disciplinary action.

Department issued mobile phones are made available to designated personnel for the convenience of the Department. Personal use of a Department-issued mobile phone should be avoided. If a Department issued mobile phone is used for personal calls, reimbursement must be made to the Department in accordance with Department policy. When personal long distance or cellular phone calls are to be

reimbursed to the Department, the Cellular Phone / Long Distance Verification Form (19-526) should be completed and submitted to Fiscal Services along with payment for reimbursement.

SMOKING

Revised 8/2006

The smoking of tobacco or products containing tobacco in any form shall be prohibited in all Arkansas Department of Transportation buildings, facilities and vehicles with the following exceptions:

- Smoking shall be permitted on Department grounds outside building enclosures, provided the smoker is at least 25 feet from any entrance to any building or enclosure. The Department may restrict outside areas if the smoking activity conflicts with the general use of the specific area.

"Smoking" is defined as inhaling, exhaling, burning or carrying any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and other lighted combustible plant material.

The Department or any of its employees shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this policy or furnishing information concerning a violation to a person, entity, or business or to an enforcement authority.

ELECTRONIC INFORMATION SYSTEMS

Revised 1/2018

Employees must read and agree to abide by the terms of this Electronic Information Systems Policy. Violations of this policy are subject to disciplinary action up to and including termination.

Definitions

The term *Computer Resources* refers to the Department's entire computer network, specifically including, but not limited to, the following: host computers, file servers, application servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, mobile devices, software, data files, and all internal and external computer and communications networks (i.e., Internet, e-mail, and cloud based systems) that may be accessed directly or indirectly from the Department's computer network.

The term *Users* refers to all employees, consultants, temporary workers, and other persons or entities who use the Department's computer resources.

The computer resources are the property of the Department and should be used for legitimate business purposes. Users are permitted access to the computer resources to assist them in the performance of their jobs. Use of the computer system is a privilege that may be revoked at any time and for any reason. Use of Department computer resources for illicit or illegal activity is strictly prohibited and may result in termination.

E-Mail and Internet Use

In order to reduce legal liability, boost employee productivity, conserve network bandwidth resources and enforce this Internet access policy, all Internet access will be filtered.

Generally, e-mail and Internet services should be used to conduct state business. Brief and occasional personal use of e-mail and Internet, however, is acceptable if the following conditions are met:

1. Personal use of these services should not impede the conduct of state business; only very incidental amounts of employee time should be used to attend to personal matters.
2. Accessing, posting or sharing any racist, sexist, threatening, obscene or otherwise objectionable language or material is strictly prohibited.
3. Neither e-mail nor the Internet should be used for personal monetary interest or gain.
4. Employees should not subscribe to mailing lists or mail services strictly for personal use, and should not participate in electronic discussion groups (i.e., list server and news groups,) for personal purposes.
5. Neither personal e-mail nor Internet use should cause the state to incur a direct cost in addition to the general overhead of e-mail or an Internet connection. Consequently, employees, upon receiving personal e-mail, should read it and delete it. Employees are not permitted to store personal e-mail.
6. Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Use of e-mail and the Internet is a privilege. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege will result in appropriate disciplinary action.

Prohibited Activities

1. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, racial, or unlawful may not be sent by e-mail or other form of electronic communication (such as blogs, Twitter, Facebook, newsgroups, or other online forms of communication) or displayed on or stored in the Department's computers. Users encountering or receiving this kind of material should immediately report the incident to their supervisors.

2. The Department's computer resources may not be used for dissemination or storage of destructive programs (viruses or self-replicating code), commercial or personal advertisements, solicitations or promotions of outside business ventures, or political, religious or charitable causes.
3. Users may not deliberately perform acts that waste computer resources or monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings, spending excessive amounts of time on the Internet, playing games, or otherwise creating excessive network traffic.
4. Users may not copy software for use on their home computers. Users who become aware of any misuse of software or violations of copyright law should immediately report the incident to their supervisors.
5. Employees are strictly prohibited from disclosing confidential information outside the Department's place of operation, including via e-mail, without written authorization.

Privacy and Related Issues

1. Employees should keep in mind that they have no right to privacy with regard to computer use, including e-mail, Internet use and file access. Management has the ability and right to view employees' computer use, including e-mail, Internet usage patterns, and file access, and take action to ensure that the Department's Internet resources are devoted to maintaining the highest levels of productivity.
2. The Department retains the right to access, examine, or disclose any material transmitted or stored in its systems, including e-mail sent or received. The Department reserves the right to monitor use of such systems and to inspect information contained in them, with or without notice, even when data is stored under the employee's Department credentials.
3. Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or Department computer network. The Department may access and review all materials users create, store, send, or receive on the computer or through the Internet or any other Department network. Users understand that the Department will monitor use of its computer resources.

Passwords and Security

1. Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should be kept secure, not printed, stored unencrypted, or given to others. Users are responsible for all transactions made using their passwords.
2. Contact should be made with the Information Technology Division whenever situations arise where access levels need to be raised for any reason, including authorized access to another employee's files.
3. Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive on the computer system. Supervisors may access data, communication, and information as necessary.

4. Each user is responsible for ensuring that use of outside computers and networks, such as the Internet or home network, does not compromise the security of the Department's computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the Department's network without authorization and to prevent introduction and spread of viruses.
5. In their use of computer resources, users must comply with all software licenses, copyrights, and all other state, federal, and international laws governing intellectual property and online activities.

This policy does not supersede any state or federal laws, or any other Department policies regarding confidentiality, information dissemination, or standards of conduct.

COMPUTER GAMES AND UNAUTHORIZED SOFTWARE

Effective 2/2009

The Information Technology Division is responsible for providing Department employees with secure, stable and robust computer resources optimized to help employees accomplish their work efficiently while also helping to project a positive public image. It has been a practice of the Information Technology Division to remove all games from Department computers and to install only Department authorized software prior to delivering these tools to employees.

Playing games on Department computers projects an unprofessional and wasteful image to coworkers and to the public. Game play as part of a training/education session sponsored by the Department in a formal classroom setting, however, has proven to be an effective learning technique and is an authorized activity. Any other "game play" situations require pre-authorized written consent. This includes playing games online, from a floppy disk, USB device, CD/DVD or any other source.

Games and unauthorized software should not be run on Department computers without prior written authorization or unless performed in a classroom setting as outlined above. These items needlessly take up resources, can make a computer perform less efficiently, and are a major source of viruses, worms and other types of malware. Department computers may be randomly checked at any time for compliance with this policy and disciplinary action may be taken against violators.

SOCIAL MEDIA

Effective 11/2013

The following policy is intended to address the official and non-official/personal use of social media and social networking services and tools. The use of social media refers to a method of communication or

sharing of information, knowledge, opinions or interests designed to reach or capable of reaching a broad audience through online or electronic media. Such media include but are not limited to Facebook, Twitter, YouTube, MySpace, LinkedIn, Flickr, Wikipedia, blogs, message boards, chat rooms, personal websites, web bulletin boards, etc., whether or not associated or affiliated with ARDOT, as well as any other form of electronic communication.

Guidelines for Official Use

ARDOT management encourages the official use of technology to communicate and engage with the public. Social media services and tools are powerful and effective means to communicate quickly and broadly, share information, and interact with colleagues and the public. ARDOT is taking advantage of these tools and services in order to reach a wider audience and to facilitate and enhance professional communication and collaboration.

It is critical that social media tools be accessed and used in a responsible manner. As with e-mail and other electronic means of communication, official use of these applications to communicate and engage with the public must be in accordance with all applicable federal and state laws and Department policies and procedures.

Before beginning any social media project, employees must first be granted approval to use social media, social networking or other web services or tools to directly support or enhance activities being undertaken in an official Department capacity. The following principles should be employed when using social media services in an official capacity:

- Do not discuss any ARDOT-related information that is not considered public. The discussion of sensitive, proprietary, or confidential information is strictly prohibited. This rule applies even in circumstances where password or other privacy controls are implemented.
- Non-ARDOT (third-party) social media websites should never be the only place in which the public can view ARDOT information. Any information posted to a third-party social media site must also be provided in another publicly available format such as the ARDOT website.
- When you are representing ARDOT in an official capacity, ARDOT is responsible for the content you publish on blogs, wikis, social networking websites, or other forms of social media. Assume that any content you post may be considered in the public domain, will be available for a long period of time, and can be published or discussed in the media – likely beyond your or ARDOT's influence.
- Know and follow ARDOT guidelines, including but not limited to the *Conduct of Employees*, *Code of Ethics*, *Release of Information*, and *Electronic Information Systems* policies.
    - Do not engage in vulgar or abusive language, personal attacks of any kind, or offensive terms targeting individuals or groups.
    - Do not endorse commercial products, services or entities.
    - Do not endorse political parties, candidates or groups.

Guidelines for Non-Official/Personal Use

ARDOT recognizes that social media has become a popular way to share thoughts, information and opinions with family, friends and coworkers around the world. Generally, the Department is not concerned with the conduct of employees outside of working hours, and employees who use social media for strictly personal use outside the workplace do not require approval to do so. However, ARDOT recognizes these types of tools can sometimes blur the line between professional and personal lives. Therefore, employees are reminded that the rules and guidelines must be taken into consideration when participating in these services at any time, particularly when identifying themselves as employees of ARDOT or when context leads to that conclusion.

The principles and guidelines found in ARDOT's *Conduct of Employees*, *Code of Ethics* and *Electronic Information Systems* policies should serve as guidance concerning non-official/ personal online activity when such online activity has a connection to ARDOT. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Any information published online can be accessed around the world within seconds and may be publicly available for all to see.

While it is not possible to fully detail specific guidelines for every aspect of social media activity, the following list is provided to assist you in understanding the permissible and impermissible activities when your online activities may have a logical association with ARDOT:

- Be aware of your ARDOT association in online social networks. If you identify yourself as an ARDOT employee or have a position for which your ARDOT association is known to the general public, ensure your profile and related content is consistent with how you wish to present yourself as an ARDOT professional and is appropriate for the public trust associated with your position.
- If you choose to list your employment with ARDOT on your personal social media sites, do not represent yourself as a spokesperson for the Department or make representations that are likely to be attributable to ARDOT.
- When in doubt, stop. Don't post until you're free of doubt. Be certain your post would be considered protected speech for First Amendment purposes. Also, add a disclaimer to your social networking profile, personal blog, or other online presences that clearly states the opinions or views expressed are yours alone and do not represent the views of the ARDOT.
- Do not use your ARDOT email address or password for your personal social media accounts. Your personal social media sites should remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a distinction between sharing personal and Department views.

- Be fair and courteous to coworkers, consultants, contractors and any others with whom you have a work-related relationship. Keep in mind that you are more likely to resolve work-related conflicts by speaking directly with your coworkers, managers, or Human Resources than by posting complaints on a social media outlet. However, should you choose to post comments, complaints or criticism, you must avoid using statements, photographs, video or audio that reasonably could be construed as malicious, obscene, defamatory, threatening, intimidating, or that could constitute discrimination, harassment or bullying, or that could be construed as invading the privacy of others. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, national origin, or any other status protected by law or Department policy.
- In a publicly accessible forum, do not discuss any ARDOT related information that is not already considered public. The discussion of sensitive, proprietary or confidential information is strictly prohibited. This rule applies even in circumstances where password or other privacy controls are implemented.
- When sharing or posting content owned by others, adhere to copyright, fair use and anti-piracy laws.

Guidelines for Managers

Pursuant to Arkansas Code Annotated § 11-2-124 (2013), Department managers, supervisors and administrative officials are prohibited from requiring, *requesting, suggesting, or causing* a current or prospective employee to disclose his or her username or password for a personal social media account *or to provide access* to the content of his or her personal social media account (emphasis added).

In other words, managers may NOT send "friend requests" to employees or ask to "follow" employees on Facebook, Twitter, LinkedIn, MySpace, Instagram, etc.

Furthermore, managers shall not require or request employees to disclose their usernames or passwords, or to change the privacy settings associated with their personal accounts. If a manager inadvertently receives an employee's username, password or other login information to the employee's personal social media account, the manager may not use the information to gain access to the employee's personal accounts, even if the information is obtained through the use of an electronic device provided to the employee by the Department.

Managers are **NOT** prohibited from viewing information about a current or prospective employee that is publicly available on the Internet.

If a manager sent a "friend request" or asked to "follow" an employee prior to the effective date of the

law taking effect, then there is no liability. Furthermore, the law does not prohibit a manager from accepting a “friend request” from an employee, as long as the request is unsolicited. Despite this, because the prohibition is broad against “requiring, requesting, suggesting, or causing” an employee or prospective employee from adding a supervisor or another employee to their social media account’s contact list, managers should consider disconnecting with current employees and not accepting “friend requests” from employees in the future.

Nothing in this section or State law affects the Department’s existing rights or obligations to request an employee to disclose his or her username and password for the purpose of accessing a social media account if the employee’s social media account activity is reasonably believed to be relevant to a formal investigation of allegations of an employee’s violation of the law or regulations or of the Department’s written policies. If the Department exercises its rights to request an employee to disclose his or her username and password, the employee’s username and password shall only be used for the purpose of the formal investigation or related proceeding.

DRUG-FREE WORKPLACE

Revised 12/1999

In accordance with the Drug-Free Workplace Act of 1988, drug abuse in the workplace is prohibited. "Drug abuse" includes the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. "Workplace" is defined as anywhere an employee is physically located during the performance of or transportation to and from any work related assignment. "Controlled Substance" is defined in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Appropriate personnel action up to and including termination will be taken against any employee who violates this prohibition. Illegal drug use or drug abuse in the workplace endangers fellow workers, public safety, Department morale, production and the health and well-being of the employee.

The Department will assist employees in identifying counseling or rehabilitative services for drug abuse. This assistance is available by contacting the Human Resources Division.

As a condition of employment, employees are required to abide by the terms of this statement and notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Appropriate personnel action will be determined on a case by case basis within 30 days of receiving notice of each conviction. The Department will notify the

appropriate Federal Agency within 10 days after receiving notice of any criminal drug statute conviction in the workplace.

Arkansas Highway Police Operations Manual will supersede this policy for those employees subject to the provisions of the Commission on Law Enforcement Standards and Training.

DRUG AND ALCOHOL TESTING

Revised 9/2020

In accordance with regulations adopted by the United States Department of Transportation (DOT), 49 CFR Part 382 et seq., and additional policies as stated below, it is the policy of the Arkansas Department of Transportation (Department) to prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances.

All Department employees are covered by the Drug-Free Workplace policy outlined in the Personnel Manual. In addition to the Drug-Free Workplace policy, this policy applies to all employees and applicants whose positions require commercial driver's licenses (CDLs) either at the inception of employment or within 180 days of hire, ferry crew members regulated by the United States Coast Guard, certified law enforcement officers and designated personnel of the Arkansas Highway Police, and other positions designated by the Director (all such employees hereinafter designated as "testable employees"). Testable employees are prohibited from testing positive for controlled substances. "Controlled substance" means a substance subject to drug testing under DOT regulations as provided in 49 CFR § 40.85, including without limitation marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine. This also refers to any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812).

This policy does not affect the relationship between the Department and individual employees and does not create an expectancy of continued employment under any circumstances. The Department continues to be an employment-at-will organization and specifically reserves the right to terminate any employee at any time.

The Department will provide educational materials to all testable employees that explain the requirements of the drug and alcohol testing program and the Department's policies and procedures with respect to meeting those requirements. The Department will ensure that copies of these materials are distributed to each testable employee prior to the start of alcohol and controlled substances testing, and to each employee hired or transferred into a testable position.

DRUG AND ALCOHOL TESTING PROGRAM ADMINISTRATOR

The person designated by the Department to answer questions about the policy is the Section Head of Workforce Development, Health and Safety or his or her designated representative.

APPLICATION

All testable employees, as previously defined, are subject to the provisions of this policy. Testable employees may be called upon to perform safety-sensitive functions at any time during their scheduled work periods, and are expected to adhere to this policy at all times. "Safety-sensitive" means a work function in which drug or alcohol impairment constitutes an immediate threat to public health or safety, or a position in which a momentary lapse in attention could result in injury or death to another person. The safety-sensitive designation applies from the time an employee is required to be ready to work until the time he/she is relieved from work.

"On-call" testable employees have an affirmative duty to notify their supervisor when called if they are in violation of any provision of this policy. Testable employees have an affirmative duty to notify their supervisor if using a prescribed or over-the-counter medication that might cause drowsiness or impair their ability to perform their job functions. (An "affirmative duty" is defined as a legal obligation that is owed or due to another that needs to be satisfied.)

PROHIBITED CONDUCT

Conduct that is prohibited by this policy includes:

- Reporting for duty with an alcohol concentration of 0.02 or greater.
- Use or possession of alcohol while on duty.
- Reporting for duty within four hours after using alcohol.
- Use of alcohol within eight hours following an accident requiring the testable employee to submit to a post-accident alcohol test, or until the testable employee undergoes a post-accident alcohol test, whichever occurs first.
- Refusal to submit to a required alcohol or controlled substance test, or tampering with samples offered at such a test.
- Use or possession of a controlled substance at any time except when the use is pursuant to the instructions of a physician who has advised the testable employee that the substance does not adversely affect the testable employee's ability to safely perform job functions.
    - If the licensed medical practitioner has advised the testable employee that the substance will not adversely affect the testable employee's ability to safely perform job functions, the employee will be allowed to continue to work without restrictions.
    - If the licensed medical practitioner has prescribed a controlled substance that might cause

drowsiness or impair the employee's ability to safely perform job functions, the employee must notify the supervisor as outlined above. When proper notification is made, a reasonable effort will be made to temporarily assign the employee to non-safety-sensitive job duties. If there is not full-time work available which is non-safety-sensitive, the employee will not be allowed to work while taking and/or being under the influence of the medication and shall take appropriate leave.

FMCSA CLEARINGHOUSE REQUIREMENTS

The FMCSA Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), state driver licensing agencies, and state law enforcement personnel real-time information about CDL and CLP holders' drug and alcohol violations. It is a centralized location to query driver information and report drug and alcohol program violations incurred by current and prospective employees holding CDLs and CLPs. The Clearinghouse contains records of drug and alcohol prohibitions outlined in 49 CFR Part 382 Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty process and follow-up testing plan, this information is also recorded in the Clearinghouse. The Department is required to use the Clearinghouse to:

- Conduct a full query as part of each pre-employment background check.
- Request electronic consent for full queries, including pre-employment queries.
- Conduct limited queries at least annually for every employee with a CDL or CLP.
- Report drug and alcohol program violations.
- Record the return-to-duty test results and the date of successful completion of a follow-up testing plan for any driver with unresolved drug and alcohol program violations.

The Department will conduct annual limited queries in compliance with FMCSA Clearinghouse requirements. All employees in safety-sensitive positions who have a CDL or CLP are required to sign a limited query consent form. If a limited query indicates that information exists in the Clearinghouse that warrants a full query, the affected employee will be notified immediately and must log into the Clearinghouse to give consent for a full query within 48 hours of notification. If an employee refuses to provide consent for a full query, the employee will be considered to have violated this policy and will be immediately removed from safety-sensitive functions and subject to disciplinary action, up to and including termination.

TESTING

The circumstances under which testable employees will be tested for alcohol and/or controlled substances under this policy are as follows:

Pre-employment

Pre-employment testing applies to new hires and transfers into testable positions. The pre-employment test will be conducted after a contingent offer of employment has been made, but must be completed prior to a testable employee performing safety-sensitive functions as defined by this policy.

- CLP/CDL holders will receive a DOT pre-employment test.
- Non-CLP/CDL holders will receive a non-DOT pre-employment test. If the testable position requires a CLP/CDL after hire, then immediately upon obtaining the CLP, the employee will also be subject to a DOT test before being allowed to perform safety-sensitive functions as defined by the FMCSA.

All CLP/CDL holders must also consent to a full query of the FMCSA Clearinghouse before being considered for, or continue employment in, a testable position. The employment process may proceed if the full Clearinghouse query indicates no violations have been reported to the Clearinghouse within the past three years or, if a violation exists, the applicant has completed a return-to-duty program and those results have been recorded in the Clearinghouse.

Post-accident

As soon as practicable following an accident involving a Department vehicle or equipment, the testable employee will be tested if:

- The accident involved the loss of human life, OR
- The employee received a citation under state or local law for a moving violation arising from the accident, AND
    - The accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; OR
    - One or more vehicles incurred disabling damage as a result of accident, requiring any motor vehicle to be transported away from the scene by a tow truck or other vehicle.

As soon as practicable following an accident involving a Department ferry, the testable employee will be tested in accordance with United States Coast Guard regulations.

If an alcohol test is not administered within two hours following a qualifying accident, the supervisor(s) shall prepare a report stating the reasons the test was not promptly administered. If an alcohol test is not administered within eight hours following a qualifying accident, the supervisor(s) should cease attempts to administer an alcohol test and prepare the same report.

If a controlled substances test is not administered within 32 hours following a qualifying accident, the supervisor(s) should cease attempts to administer a controlled substances test and prepare the same report. Copies of these reports shall be sent to the Workforce Development, Health and Safety Section.

A testable employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a testable employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
At the time of the accident, the supervisor should contact the Workforce Development, Health and Safety Section or HR representative for further guidance.

Random

Testable employees are subject to unannounced, random drug/alcohol testing at any time. If an employee is absent and unable to participate on the date he or she is selected for a random test, the employee will be tested as soon as practicable on the first day he or she returns to work. Each testable employee who is notified of selection for random testing is required to remain at the test site or, if testing is to be conducted off-site, to proceed to the test site immediately.

Reasonable suspicion

A testable employee will be removed from duty and subjected to testing when a supervisor determines there is a reasonable suspicion to test the employee based on specific, contemporaneous, articulable observations concerning the testable employee's appearance, behavior, speech or body odors. The supervisor's observations will be recorded on the Reasonable Suspicion Checklist Form, and must be reviewed and concurred upon by the appropriate Division Head or District Engineer or a designated representative. Upon concurrence, the employee should be transported to the nearest approved testing facility to administer the drug and/or alcohol test.

Reasonable suspicion drug tests must be completed within 32 hours and alcohol tests must be administered within two hours of the suspicious behavior. In either case, testing should be administered as soon as possible.

If the Division Head or District Engineer believes additional information is needed to determine whether or not reasonable suspicion exists prior to testing, the Arkansas Highway Police may be contacted and an officer who is certified as a Drug Recognition Expert will be dispatched to the location. If the officer, based on his or her training and experience, believes the employee to be under the influence of alcohol and/or controlled substances, then a test will be administered as soon as possible.

In accordance with 49 CFR Part 382.603, all supervisors of CDL drivers must have received training on the symptoms of alcohol and controlled substances use to identify circumstances and indicators that may create reasonable suspicion, supporting referral of an employee for testing.

Return-to-Duty

When a testable employee has his or her license suspended due to a DUI/DWI conviction, the employee is subject to a DOT return-to-duty test upon reinstatement of the license and before being allowed to perform safety-sensitive functions. Return-to-duty tests must be directly observed. The employee must provide consent for the Department to conduct a full FMCSA Clearinghouse query. Employees who refuse to submit to the return-to-duty test or fail to give consent for a full query will be subject to disciplinary action as outlined in this policy.

Arkansas Highway Police (AHP)

In addition to the preceding tests, certified law enforcement officers and safety-sensitive civilian positions within the AHP may be subject to periodic testing as a condition for assignment to specialized positions. In addition, testing may be ordered for any officer involved in a critical incident as defined by AHP policy.

TESTING PROCEDURES

The procedures used to test for the presence of alcohol and controlled substances, to protect the testable employee and integrity of the testing processes, to safeguard the validity of the test results, and to ensure that those results are attributed to the correct employee are as follows:

- Testing will be conducted by Department personnel with appropriate training and/or by contractors with appropriate abilities.
- Testing and analysis will be conducted in conformance with DOT regulations, copies of which are available in the Workforce Development, Health and Safety Section.
- Testing will be conducted in as private a manner as practical.
- Although records maintained by the Department will remain confidential, such records may be used in legal proceedings in defense of the Department, its agents and employees.
- In the case of a positive drug test, the Medical Review Officer (MRO) will contact the employee and advise him/her of the test results and the recourse available to the employee. (An MRO is defined as a licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.) The employee can request in writing or verbally to the MRO and to the Workforce Development, Health and Safety Section to have

the initial test challenged by testing the split sample. The Department will pay the costs of split sample testing.

TESTING IS MANDATORY

Testable employees must submit to alcohol and controlled substances tests administered in accordance with this policy.

CONSEQUENCES

The following circumstances will result in immediate removal from safety-sensitive functions and termination of employment:

- A verified positive drug test
- A verified adulterated or substituted drug test
    - If a sample is diluted, an immediate recollection/retest under direct observation will be required.
- A refusal to submit to an alcohol or controlled substances test
- An alcohol concentration of 0.04 or greater
- An alcohol concentration of 0.02 – 0.039 more than one time
    - Testable employees found to have an alcohol concentration of 0.02 – 0.039 will be temporarily removed from safety-sensitive functions and placed on disciplinary leave without pay until the start of the testable employee's next regularly scheduled duty period. Before the testable employee can be allowed to resume the performance of safety-sensitive duties, 24 hours must have passed since the administration of the test and the testable employee must have another alcohol test indicating an alcohol concentration of less than 0.02.

Any testable employee who engages in prohibited conduct will be provided a list of resources for evaluation and resolution of alcohol and controlled substance abuse upon termination.

<u>Employees who are discharged for violating this policy may be eligible for rehire if there are no violations recorded in the FMCSA Clearinghouse for the past three years, or if a violation exists, the employee has completed a return-to-duty program and the results have been recorded in the Clearinghouse.</u>

ALCOHOL AND CONTROLLED SUBSTANCE INFORMATION

A copy of this policy is distributed to each testable employee prior to the start of alcohol and controlled substances testing, and to each employee subsequently hired or transferred into a testable position. This policy is also available, upon request, to any other employee of the Department. Information is also

available to employees concerning the effects of alcohol and controlled substance use on an individual's health, work and personal life; signs and symptoms of an alcohol or controlled substances problem; and referral to an Employee Assistance Program. All employees have access to an Employee Assistance Program for mental health counseling, which includes assistance for alcohol and/or controlled substance abuse.

VOLUNTARY REHABILITATION OR EDUCATION

Self-referral to the Employee Assistance Program or any alcohol and/or drug abuse program is advised for anyone who believes he or she has an alcohol and/or drug problem; however, self-referral to a program will not excuse any violation of this policy. After a testable employee has been instructed to complete a drug or alcohol test, admitting to use of alcohol or controlled substances and entering a rehabilitation program will not preclude the required testing or avoid the consequences outlined in this policy.

A testable employee who makes a voluntary admission of alcohol or controlled substance use *without being instructed to complete a drug or alcohol test* will be temporarily removed from safety-sensitive functions and required to complete an educational or treatment program. After completion of an educational or treatment program, the employee must do the following prior to performing safety-sensitive functions:

- Provide proof of successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor); and
- Undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative test result for controlled substances use.

Failure to meet the requirements of the treatment program and/or the return-to-duty process will result in termination of employment.

Employees are responsible for any costs associated with the education or treatment program. Employees may contact the Employee Assistance Program or the insurance provider to determine available options and coverage.

NOTICE AND ACKNOWLEDGMENT

In accordance with the Arkansas Department of Transportation's Drug and Alcohol Testing Policy and applicable regulations of the United States Department of Transportation, I acknowledge I have received training and understand my obligations.

I understand the use or possession of alcohol in any form is prohibited in the workplace, and there are restrictions on alcohol use for a period prior to reporting for work and after an accident.

I understand the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not.

As a condition of employment, I understand I must provide consent for the Department to conduct queries in the FMCSA Clearinghouse, I must submit to random testing, and I must submit to collection of breath, urine, blood, and/or saliva samples when requested by the Department or a contractor acting for the Department. I also understand I may be subject to drug and alcohol testing in any other circumstances, including, but not limited to, post-accident and reasonable suspicion.

I understand that successful completion of drug and/or alcohol testing, does not create any expectation of continued employment and that the Department is an at-will employer.

Name (please print) _____

Employee ID # _____

Division/Section or District/Crew _____

Employee Signature _____

Date _____

Instructor Signature _____

Date _____

EMPLOYEE IDENTIFICATION (ID) BADGE

Effective 10/2019

To help ensure the safety and security of ARDOT employees and visitors, all employees are required to have an ARDOT-issued employee identification (ID) badge on their person at all times while on ARDOT property. The ID badge contains imbedded technology that is used for access to secure facilities as well as other ARDOT systems such as FuelMaster. Each badge is assigned a unique identifier that is tied directly to each individual employee. The Personnel Office issues ID badges to employees who work in the Central Office Complex. Each District Headquarters issues ID badges to employees who work in the District.

Employees are responsible for the safekeeping of ID badges and must not loan or allow anyone else to use their ID badge. Unauthorized use of another employee's ID badge will result in disciplinary action, up to and including termination.

If an ID badge is lost or stolen, employees must immediately report the loss to the immediate supervisor. The issuing office (either the Personnel Office or the District Headquarters) must also be notified as soon as possible to ensure the badge is deactivated and unauthorized access to ARDOT facilities or systems is prevented. Employees who fail to notify the supervisor in a timely manner of a lost ID badge may face disciplinary action.

ID badges that are damaged or no longer functioning must be turned in to the issuing office for destruction before a new badge will be issued. Because these badges contain embedded technology, they are not cheap. Therefore, a fee of $8 may be assessed for a badge that is lost or damaged due to employee negligence.

When employees transfer to another District or Division, the Personnel Office will notify the Highway Police Division if any adjustments to security access are required. A Form 19-425 AHP After-Hours Building Access Authorization is required for all employees needing after-hours access.

Employees shall surrender the ID badge to their supervisor when beginning an extended leave of absence, upon separation from employment, or upon request for any other reason.

Policies and procedures regarding ID badges for contractors, visitors and employees who forget their badges may vary depending on location.

PRIVACY

Effective 2/2020

All state-owned vehicles, facilities, storage areas, offices, furniture, file cabinets and workspaces, including desks and lockers, are the property of the Arkansas Department of Transportation (ARDOT) and ARDOT management reserves the right to have access to and/or inspect these areas and property at any time, without advance notice to any employee, when there is a legitimate work-related reason, in connection with a reasonable suspicion of criminal or civil wrongdoing, or a suspected violation of Department policy. Therefore, employees should not expect that such property will be treated as private and personal to the employee.

Employees also have no expectation of privacy with respect to their use of ARDOT equipment or electronic resources. Additionally, employees are reminded that communication records are subject to the Arkansas Freedom of Information Act.

To promote the safety of employees and visitors, as well as the security of its facilities, ARDOT reserves the right to conduct video surveillance of any portion of its premises at any time. Video cameras will be positioned in various places within and around ARDOT buildings in compliance with local, state and federal laws. The only exceptions/private areas include restrooms, showers and dressing rooms.

SECTION III

EMPLOYMENT POLICIES

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APPLICANTS

Revised 8/2014

Applicants seeking employment constitute one of the Department's most important contacts with the public and should be treated with courtesy and diplomacy. Employees having the responsibility for interviews should adhere to these policies. Applicants for employment should be directed to the Department's website. No applicant is ever required to pay a fee to any person or agency to obtain employment with the Department.

CRIMINAL BACKGROUND CHECKS

Revised 1/2015

Definitions

The following definitions shall apply unless the text clearly indicates otherwise:

- Applicant: A person applying for employment in or transfer to an applicable position.
- Cash and Negotiable Assets: Currency and checks.
- Personal Information: Social Security numbers, dates of birth, home addresses, home telephone numbers, etc.
- Criminal Background Check: A criminal history report produced by the Identification Bureau of the Arkansas State Police.

Procedures

The Department's employment application notifies applicants that some positions may require background checks to determine suitability for employment and that failure to meet these standards may cause the applicant to be rejected or terminated from that position. Applicants affirm this notification by their acknowledgement and electronic signature on the employment application.

All applicants for positions that handle cash or negotiable assets or have access to employees' personal information are required to electronically consent to the criminal background check in the employment application. The applicant's consent will be noted in the application. When a recommendation is made for a selection in a position that requires a background check, a representative from the Personnel Office will review the application to ensure the applicant has consented.

Human Resources will submit an electronic request for a criminal background check to the Arkansas State

Police. If the background check reveals no arrests or an arrest for which there is no disposition, the Interviewing Supervisor will be notified of the results.

An applicant will be disqualified for positions handling cash or negotiable assets or having access to employees' personal information if the background check reveals any felony conviction or a misdemeanor conviction of a criminal offense that is of a financial nature and/or involves identity theft.

Current Employee Applications

A current Department employee applying for a position that handles cash or negotiable assets or that has access to employees' personal information will be subject to the same requirements as any other applicant for the position. If the results of the background check disqualify the current employee for the position, the Interviewing Supervisor will be notified.

If the employee's current job involves handling cash or negotiable assets or having access to employees' personal information, then the results of the background check will be provided to the Director or his designee for disposition. All employees whose positions are subject to pre-employment background check are subject to random background checks.

Notification and Challenge

If the background check reveals a financial or identity theft/fraud misdemeanor conviction or a felony conviction, Human Resources will notify the applicant by telephone of the disqualification due to results of the background check. Human Resources shall log all such telephone calls. If unable to reach the applicant by telephone within a two-day period, then the disqualification shall be final. Any message left on the applicant's answering machine shall be considered a completed notification. Included in the notification by Human Resources shall be a statement that the applicant has the right to challenge the accuracy of the information included in the background check and that they have two working days to provide a signed statement of intent to challenge the convictions with the Arkansas State Police. If the applicant declines to provide a signed statement to Human Resources within two working days from the date of notification, then the disqualification shall be final. After receiving a signed statement of an applicant's intent to challenge, the applicant will be given an additional three working days to resolve any background check disagreements with the Arkansas State Police.

After the applicant resolves any disagreements with the Arkansas State Police, Human Resources shall obtain a new background check for the applicant and the results of the new background check will be considered final.

CITIZENSHIP/FORM I-9

Revised 7/2001

Under the provisions of the Immigration Reform and Control Act of 1986, once an applicant is hired, employers must complete the Government Form I-9 attesting that, based on an examination of documents presented by the employee, he or she is authorized to work in the United States. Employers are prohibited from discriminating against workers or applicants on the basis of national origin or citizenship status; however, the law does specify that an employer may lawfully prefer U. S. citizens over equally qualified aliens.

The Personnel Office will retain Forms I-9 for all employees for the duration of employment, plus three years after separation. For more information or copies of the Form I-9, contact the Personnel Office.

EMPLOYMENT OF RELATIVES

Revised 7/2015

It is the official policy of the Commission that no relative of any administrative official (Salary Level 18 or above) shall be authorized for and begin employment with the Department.

In accordance with Act 2262 of 2005 (which amended Arkansas Code Title 25, Chapter 16 to add subchapter 1001 et seq.) no relatives of employees shall be placed within the same line of supervision whereby one relative is a supervisory employee over the other. A temporary change in supervision resulting in the supervision of a relative is not considered a violation of ACA § 25-16-1001 et seq. provided the supervision does not exceed 30 days. No hiring, firing, pay adjustments or other personnel actions may occur during this temporary period of supervision.

In the event an employee wishes to apply for a supervisory position which, if selected, would place them in the same line of supervision over a relative, the employee should be allowed to apply and be considered for the position. If it is determined that the employee is the best suited applicant for the position, then efforts will be made to resolve the potential conflict before the employee is placed in the supervisory position. Options might include transferring the relative to another available position within the Department or reassigning the relative to another supervisor. If the conflict cannot be resolved with a transfer or reassignment of the relative, then other options will be considered. The final decision may depend upon the availability of other qualified candidates for the supervisory position and the needs of the Department. In any case, the Department reserves the right to take whatever action is deemed to be in the best interest of the Department and to comply with state law.

If an employee of the Department plans to marry another employee or the relative of another employee, each must notify his/her supervisor who will notify the Division Head or District Engineer. The Division Head or District Engineer, or a designee, will complete the Marriage Disclosure Form, listing both employees' names, job titles, and Division and Section, or District and Crew, in which employed. The form will be submitted to the Human Resources Division for review.

If it is determined that the marriage will result in a violation of ACA § 25-16-1001 et seq., the Director or his designee will provide written notice of each of the alternatives to resolve the violation as listed below:

1. Transferring one of the employees to another position within the Department;
2. Transferring one of the employees to another state agency, or
3. The resignation of one of the employees.

The employees will be given the opportunity to select among the available alternatives. However, there is no guarantee that a position will be available within the Department or another state agency. If the employees are unable to agree upon an alternative within 60 days, the Director will choose from the alternatives or termination to correct the violation.

The nepotism section of the Department's Application for Employment must be completed in its entirety listing the name, relationship, and work location of all relatives currently employed by the Department. The hiring official will then determine if the hiring of the applicant is in violation of this policy. Questions should be directed to the Human Resources Division.

If any employee of the Department suspects a violation of this policy or of ACA § 25-16-1001 et seq., they may report the suspected violation to the Human Resources Division. The Human Resources Division will determine if a violation has occurred and report such violations in accordance with state law.

This policy shall apply to all personnel actions (hiring, transfers, promotions, etc.) occurring on or after August 12, 2005. Any selections, transfers or promotions occurring prior to August 12, 2005, are not subject to the provisions of this policy.

"RELATIVE" is defined as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law,

daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew or niece.

"SUPERVISORY EMPLOYEE" is defined as any individual having (1) authority in the interest of the Department to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees of the Department; or (2) the responsibility to direct other employees of the Department, to adjust their grievances, or to effectively recommend an action if the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

For assistance in determining which Department positions meet the legal definition of a "supervisory employee," please see the following list. This list is intended to be a guide and may not include all positions which meet the definition.

- On a District crew, Crew Leader and up
- In a District storeroom, Storeroom Supervisor and up
- In a District shop, Shop Supervisor and up
- In a Resident Engineer office, Assistant Resident Engineer and up
- In a Division or District office, Division/District Office Manager and up
- In a Section of a Division, Section Head or Staff Engineer (except Staff Construction Engineer) and up
- In a Highway Police District, the rank of Sergeant and up
- On a Surveys crew, Survey Crew Chief and up
- In the Materials Division, Laboratory Coordinator and up

NEW EMPLOYEE ORIENTATION

Revised 8/2014

New employees are to complete all necessary employment documents *on their first day of employment* at a location to be determined by the hiring manager. New hires will also be required to watch a brief orientation video on their first day of employment, and may be scheduled for additional safety training depending on the job title. Supervisors should ensure that these procedures are followed in order to provide a uniform and smooth entrance into the workforce.

PROMOTIONS AND/OR TRANSFERS

Revised 1/2015

Applying for promotions/transfers:

Through self-improvement, education, training and other methods, employees may become qualified to serve the Department in a capacity different from the one in which they are working. Therefore, employees are eligible to apply for a different job within the Department at any time during their employment, even if it would entail a transfer. Employees shall be allowed sufficient time off for interviews anywhere within the Department at no loss of time to the employee.

It should be noted that disciplinary action resulting in a forfeiture of pay will disqualify an employee from receiving a promotion for 12 months from the date of the action. Employees requesting consideration for another job within the Department shall apply online through the Workforce Talent Acquisition Internal Applicant website. The link to the internal applicant website can be found under the Employment tab on the ARDOT public website. The link to the internal applicant website can also be found under the Jobs link on the Human Resources page of the ARDOT Intranet site. Any employee who has acquired additional education, skills or qualifications should submit this information to the Personnel Office for inclusion in the personnel file. Employees should complete all information in the application accurately and to the fullest extent possible with all necessary information regarding their skills, education, and work experience.

Employees may also be subject to transfer to other locations or positions when their service is needed and/or a transfer is deemed necessary. This discretion is not available to the individual, but will be determined in the interest of the Department.

TRANSFER-HARDSHIP

Revised 8/2013

An employee of the Department with a severe hardship may request reassignment from work at one geographic location to comparable work at another location. Employees should first discuss the problem with their supervisor to ascertain if a satisfactory course of action other than a transfer can be established.

If there are no other options, the employee should make the request on an Inter Office Memorandum stating the Division and Section, or District and Crew to which he or she is requesting a transfer, and a brief but thorough statement justifying the request. This memorandum should be presented to the

employee's immediate supervisor, and the employee's supervisor should forward his or her written recommendation with the request to the Division Head or District Engineer. If the Division Head or District Engineer concurs, he or she will forward all related documentation to the Human Resources Division, where the request will receive appropriate consideration.

Hardship transfers based on the price of fuel, the distance of the commute (assuming it has not changed since accepting/applying for the job), or temporary situations are not permitted. Some examples of hardship transfers granted in the past include, but are not limited to, the following:

- A spouse is being relocated by his/her employer or has accepted employment in another part of the state, causing the family to move.
- An immediate family member lives in another part of the state and is no longer able to care for him/herself, and there are no other caregivers upon which to rely.
- An employee has suffered from domestic abuse, has fled his/her current home and has no other option but to relocate to another part of the state with other family members.

As illustrated above, most hardship transfers involve unavoidable situations requiring relocation to another part of the state that is not within a reasonable commuting distance from the employee's current duty station. Most of these situations will cause the employee to resign if the hardship transfer request cannot be granted. Documentation may be requested to establish the existence of a hardship. It must also be noted that the Department will not create a position in response to a hardship transfer request. There must be a position available or a need that exists in the area being requested.

REASONABLE ACCOMMODATIONS

Effective 4/2015

Purpose

Federal and state laws prohibit employers from discriminating against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the Department to comply with all federal and state laws concerning the employment of persons with disabilities. Further, it is the Department's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Procedures

The Department will make every reasonable effort to accommodate employees that are unable to perform one or more essential functions of their job due to a physical or mental impairment that substantially limits one or more major life activities if requested unless the accommodation will impose an undue hardship on the Department.

Employees should notify their supervisor if reasonable accommodations are required to perform essential job functions due to a temporary or permanent disability, including pregnancy related impairments. The supervisor, with input and assistance from Human Resources, will engage in an interactive dialogue with employees to determine what, if any, reasonable accommodations can be provided to help employees perform essential job functions. Employees should provide information about how the disability affects their ability to perform the essential functions of the job and identify what accommodations are necessary to assist them in performing the job duties. The Department will evaluate the limitations and offer suggestions for possible reasonable accommodations. The Department may request medical documentation of the functional limitations to support the request for a reasonable accommodation. All medical information will be collected and maintained in accordance with appropriate confidentiality procedures.

The Department is not required to eliminate an essential job function as an accommodation for a disability. "Essential job function" is a fundamental function of the position or the primary reason that the position exists. No change or modification is required if it would cause undue hardship to the Department. Reasonable accommodations are determined on a case-by-case basis and may include, among other things, job restructuring, modification of work schedules, alternative or temporary work assignments, providing or modifying equipment or devices, or reassignment to a vacant position. Reassignment to another available vacant position for which the individual is qualified will be considered only as a last resort when an employee cannot perform the essential functions of his/her current position and no reasonable accommodation is available or the only effective accommodation would cause an undue hardship on the Department. The Department will make every effort to reassign an employee to an equivalent vacant position in terms of pay, grade, promotional opportunities, benefits, and geographical location. The Department will assist employees in identifying eligible vacant positions; however, employees seeking reassignment as a reasonable accommodation are encouraged to visit the Department's internal Position Vacancy Announcement website, which includes a list of vacant positions within the Department for the entire State of Arkansas and the minimum qualifications required for each. Please refer to the "Applicants" section of this manual for details on how to view and apply for vacant positions.

If no equivalent vacant (or anticipated to be vacant) position is available, the Department will consider reassignment to a lower level position. Promotion is not a reasonable accommodation.

Temporary reassignment may be considered as a reasonable accommodation for an employee who is unable to perform the essential functions of his/her job due to a temporary physical or mental impairment. Continuation of temporary accommodations, including reassignment, will be reviewed periodically by the Department with the goal of returning the employee to his/her original position and job duties.

Coverage

This policy covers all full-time and part-time Department employees. Individuals who are currently using illegal drugs are excluded from coverage under this policy.

Applicant requests for reasonable accommodation during the hiring process may be made to Human Resources.

Human Resources is responsible for implementing this policy, including the determination of reasonable accommodations, safety/direct threat and undue hardship issues.

Other Rights Not Affected

Nothing in this policy affects an employee's eligibility for leave under the Family Medical Leave Act (FMLA) or the right to receive workers' compensation benefits.

POSITION ADVERTISEMENT PROCEDURE

Revised 10/2018

All requests to advertise for job vacancies must be submitted through the Workforce Talent Acquisition Hiring Management Console. The Hiring Management Console can be found on the Human Resources page on the ARDOT Intranet. Position vacancies which are Grade 99 are not required to be advertised. In support of in-house promotions and non-discrimination policies, all other position vacancies must be advertised statewide within the Department (advertised internally). Position vacancies will also be listed on the Department's website and other external sources (advertised externally), unless it is anticipated that the position will be filled with a qualified employee from within the Department.

Requests to advertise District positions in salary levels I through XI may be approved by the Division Head of Human Resources or appointed delegate. All other requests to advertise positions in salary level XII through XVII must be approved by the Division Head of Human Resources and the appropriate Assistant Chief Engineer. All requests to advertise at a salary level XVIII and higher require the approval of the Deputy Director and Chief Engineer, Deputy Director and Chief Operating Officer, and the Director.

All classified positions must be advertised for a minimum of two weeks, unless otherwise approved, and must not be filled until after the advertisement "closing date." However, interviewing supervisors may elect to begin the application review and interview process prior to the closing date. Applications will be accepted in the system until midnight on the closing date.

Exceptions to the two-week advertisement requirements are as follows:

- Emergency situations when a two-week advertisement would hamper the operation of a particular function within the Department.
- Transfers may be made without advertisement to reduce forces and avoid layoffs.
- Transfers and/or title changes may be made without advertisement for the convenience of the Department.
- Entry-level positions may be filled without advertisement if circumstances dictate.

If a position is not filled within three months of the closing date, the position may be re-advertised in order to provide all qualified applicants proper consideration. Exceptions may be made in unusual circumstances (for example, if a criminal background check is required for a position, more time may be needed to complete the entire selection process.)

If a position is identified as critical and difficult to fill, then management reserves the right to advertise the position at a higher starting salary.

Supervisors are charged with the responsibility of encouraging minority and female employees to apply for positions that offer progression and promotional opportunities.

SELECTION PROCEDURE

Revised 1/2015

Applicants who meet the minimum qualifications should be reviewed thoroughly to determine whether the applicant will be selected for interview. When selecting applicants to interview, supervisors must ensure consistent and non-discriminatory selection procedures are utilized. Once interviews are conducted and an applicant has been recommended to fill a position, the supervisor should complete the appropriate steps in the Hiring Management Console and should include a note in the selected applicant's application to document the reason that applicant is being recommended.

Employees should be carefully chosen to insure efficient performance in the particular job for which employed. Dependability, initiative, compatibility, experience, education, training and staffing needs (i.e. crew complement, anticipated work load, etc.) are all important factors to be considered in the selection process. Failure to impartially consider these factors could be interpreted as negligence by the selecting official.

Applicants who voluntarily submit official proof of status as a veteran, disabled veteran, or a surviving spouse of a deceased veteran who remains unmarried at the time of preference is sought, and who are citizens and residents of this state, shall be entitled to preference over other applicants after meeting substantially equal qualifications (see Veteran's Preference Policy).

It should also be noted that disciplinary action resulting in a forfeiture of pay will disqualify an employee from receiving a promotion for twelve (12) months from the date of the action.

ALL OF THE ABOVE WILL BE ADMINISTERED IN A NON-DISCRIMINATORY MANNER

NOTIFICATION PROCEDURE

Revised 1/2015

Once a recommended applicant is approved by all appropriate officials, the hiring manager will be notified by a representative from the Personnel Office that he or she may proceed to the offer step of the hiring process.

Personnel actions should never be discussed with an employee until the selection has been approved and the Division or District has been notified. After notification of approval, the Division or District will send the prospective employee for a pre-employment drug screen, if the position is subject to the drug and alcohol testing program and the person selected is an outside applicant. Once a negative drug screen result is received by the Division or District, the new employee may begin work. New hires may become effective at any time, except the last two days of the pay period. Promotions, transfers and title changes may only become effective at the beginning of a pay period.

VETERAN'S PREFERENCE

Revised 9/2005

Applicants seeking employment who voluntarily submit official proof of status as a veteran, disabled veteran, or a surviving spouse of a deceased veteran who remains unmarried at the time the preference is sought, and who are citizens and residents of this State, shall be entitled to preference in employment over other applicants after meeting substantially equal qualifications. The qualified veteran's status shall be considered on questions of promotion and retention of employees.

For purposes of this policy, "veteran" means: (1) A person honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States; or, (2) Any person who has served honorably in the National Guard or Reserve Forces of the United States for a period of at least six years, whether the person has retired or been discharged or not.

Listed below are categories in which a person may be qualified for veteran's preference.

Category	Proof Required
1. Service connected disabled veterans.	A, B
2. Spouses of service connected disabled veterans whose disability disqualifies them for appointment to the position for which the spouse is applying.	A, B, D, F
3. Veterans over 55 years old who are disabled and entitled to pension or compensation under existing laws.	A,G
4. Spouses of veterans listed in 3 whose disability disqualifies them for appointment.	A, D, F, G
5. Honorably discharged veterans.	A
6. Surviving spouse of a deceased veteran who remains unmarried at the time preference is sought.	C, D, E

7. Honorable current, retired, or discharged members of the National Guard or Reserve Forces of the United States who have served for a period of at least six years. H

Individuals in categories 1 through 4 are given a higher preference than individuals in categories 5, 6 or 7. This means that the hiring official, after determining that substantially equal qualifications exist, must give serious consideration to first, category 1-4 veterans; second, categories 5-7; and third, all other applicants.

"Serious consideration" means the hiring official must justify or be able to justify in clear and unambiguous language the valid job-related reason or reasons the veteran was not selected or appointed to fill the position.

Proof Required

A. Honorable discharge or certificate of service
(proof indicating date of entry and date of separation, such as Form DD-214)

B. Service connected disability
(letter from Veteran's Administration dated within the last six months)

C. Spouse's enlistment, induction or entry to active duty

D. Marriage license or certificate of marriage

E. Death certificate or other acceptable proof showing date of spouse's death

F. Affidavit showing spouse is so incapacitated that he/she is unable physically to hold position if appointed

G. Birth certificate or other acceptable proof of veteran's age and proof of disability

H. Letter from Guard or Reserve Unit, certificate of service, or other acceptable proof
(proof indicating date of entry and years of service, such as Form 2-1)

PRESERVATION OF RECORDS

Revised 11/2013

In addition to Section 60 of the Accounting Manual concerning retention of records, it shall be the policy of the Department to maintain the following types of employment records *no less than* the following periods of time:

Equal Employment Opportunity Plan..... Until plan is replaced by an updated version
Training and Education Records ..... Four years or longer if necessary
Discrimination Complaint Case Files.....Three years from the incident report
Eligibility Verification Form and Records (I-9).....Three years after hire date or one year after separation
Employee Benefit Records ..... Five years after separation
Employee Personnel Records ..... Five years after separation
Employment History Records.....Permanently
Employee Wage and Hour Records.....Until authorized by Legislative Audit
Grievance Records and Reports..... Three years after closure
Position Classification and Job Descriptions.....Until superseded plus three years
Recruitment, Hiring, Interview and Selection Records .....Three years from date position is filled
Unemployment Insurance Records and Reports..... Five years after case closure
Workers' Compensation Accident Reports .....Three years from date of injury
Workers' Compensation Illness Reports .....Six years from the date incident occurred

NOTE: If a charge of discrimination is filed or other legal action is pending, all relevant records must be preserved until final disposition of the charge or the legal action.

The following definitions apply:

Equal Employment Opportunity Plan – A plan that includes goals and objectives which delineates the steps the Department will take to provide equal opportunity within its workforce.

Training and Education Records – Documents classes, meetings, and seminars for training or educational purposes.

Discrimination Complaint Case Files – Any charge or allegation of discrimination including all records of the charge or allegation, regardless of whether or not a formal charge was filed.

Eligibility Verification Form and Records – Documents that the Department has verified prospective employee/recruit is a U.S. citizen, resident alien or legal immigrant eligible to work in U.S., as required by federal law.

Employee Benefit Records – Documents pertaining to an employee's personal health information such as medical and dental benefit records.

Employee Personnel Records – Records documenting an individual's employment, such as professional certification, promotions, evaluations, disciplinary actions, and security check records.

Employment History Records – Documents pertaining to an employee's length of service and pay grade evidencing proof of service.

Employee Wage and Hour Records – Records pertaining to time and leave information.

Grievance Records and Reports – Documents the proceedings of an employee grievance, including the initial complaint, actions, investigation, summary and disposition.

Position Classification and Job Descriptions – Documents job description by a position or class of positions.

Recruitment, Hiring, Interview and Selection Records – Documentation of recruitment, selection, hire, and promotion of employees. Includes position descriptions, job announcements and advertisements, selection criteria, evaluations, rankings, and employment applications of successful and unsuccessful applicants.

Unemployment Insurance Records and Reports – Documents payment or denial of unemployment claims.

Workers' Compensation Accident Reports – Documents the occurrence of occupational injuries as reported to the Arkansas Workers' Compensation Commission.

Workers' Compensation Illness Reports – Documents the occurrence of occupational disease or occupational infection as reported to the Arkansas Workers' Compensation Commission.

There shall no longer be two personnel files maintained on each employee. The master file in the Human Resources Division shall be the official file. The master file is scanned and accessible to those having security access. All employment records located outside of the Human Resources Division shall be temporary files, to be destroyed once scanned into the master file.

For information regarding preservation of other types of records, refer to the Agency Wide Retention Schedule in the Accounting Manual.

PERSONAL DATA CHANGES

Revised 1/2004

When employees are hired, they provide the Department with various information needed to place them on the payroll. Keeping this record up to date is important.

Employees should promptly notify the supervisor of any changes in name, address, telephone number, number of dependents, education or training, professional registration or certification, etc. For beneficiary changes, contact either the Retirement Office or the Insurance Office, whichever is appropriate.

HOURS OF WORK

Revised 8/2019

Purpose

The Department recognizes that many of its employees have a desire for flexible work arrangements. The Department also recognizes that the provision of flexible work options may contribute to our success in employee recruiting and retention efforts. Therefore, when it is possible to accommodate employee desires and, at the same time, continue to provide the level of service expected by the public, the Department will allow employees to deviate from the normal eight-hour day, Monday - Friday work week schedule. All employees, regardless of position or exempt/non-exempt status, are expected to maintain communication with the supervisor regarding work schedules, absences and work that requires the employee to be away from the assigned duty station. All Department employees are held to the highest standards of accountability and transparency, and as such are expected to accurately report time and attendance at all times.

Employees should be aware that not all jobs lend themselves to flexible work options. For example, flexible work options may not be available to construction project inspection staff during construction season but may be permitted during off-season if workloads permit. Also, members of most field crews need to work the same, fixed schedule in order to work efficiently. Likewise, areas of the Department directly supporting field operations, including but not necessarily limited to District storeroom and shop crews, may also need to work the same schedule as those crews they support. The nature of other

operations, such as the radio room, the ferry crew, guards, Highway Police patrol units and weigh stations may require 24-hour staffing, which dictates fixed shift schedules. In all cases, however, the employee's supervisors must determine whether flexible work arrangements can be accommodated by considering workload, work flow, work quality, employee safety, and accomplishment of the Division's/District's mission.

Employees must recognize and accept that the Department's operational and staffing needs take precedence over individual desires. There inevitably will be requests that cannot be accommodated due to work needs. No employee should therefore view a flexible work arrangement as a right. The implementation of alternative work hours is a revocable privilege and all employees must take responsibility for the success of this program.

Policy

The work week for the Department is a seven-day period, beginning at 12:01 a.m. each Saturday and ending at 12:00 midnight the following Friday. Although individual employees may have various work schedules during this work week, most Department offices will be staffed and open for business from 8:00 a.m. to 4:30 p.m., Monday through Friday. Phones will be answered and all services fully provided during these hours. (Exceptions include Area Maintenance Headquarters and District Storerooms, which are typically open for business from 7:00 a.m. to 3:30 p.m., Monday through Friday, and are closed on Fridays during Daylight Saving Time.)

Options

Given these parameters, the types of flexible work options that may be available to Department employees (other than night shift workers or those working a 24/7 rotational shift schedule) and the characteristics of each are listed below:

A. Flextime

Employee works eight hours per day, five days per week, Monday through Friday. Employee and supervisor determine what schedule is optimal, while ensuring business and staffing needs are met. As explained in the "Schedule Adjustments" section below, temporary or occasional adjustments to the chosen schedule may be made.

B. Compressed Work Week

Distributive employee works 40 hours per work week in fewer than five full days; administrative exempt employee works 80 hours per pay period in fewer than ten full days. Common weekly schedules include four 10-hour workdays or four nine-hour workdays plus one four-hour workday. A common biweekly schedule (available to administrative exempt employees only due to federal aid billing and overtime regulations) includes eight nine-hour workdays plus one eight-hour workday.

C. Reduced working hours (part-time)

Employee works no more than 30 hours per week on a fixed schedule. Part-time employees are not eligible for benefits or leave accrual.

D. Job Sharing

Two part-time employees are assigned to the same position, and the total hours scheduled per week by the two employees combined shall not exceed 40. Alternatively, one full-time employee is assigned to two part-time positions. In other words, the employee is "shared" between two offices.

E. Telecommuting

Telecommuting is normally defined as working at home or at a location away from the office by using a computer which is electronically linked to the office. Rather than traveling to the office, the employee "travels" via telecommunication links, keeping in touch with coworkers and supervisors online and via telephone and email. The worker may occasionally enter the office to attend meetings and touch base with the supervisor.

At the time of this policy's issuance, telecommuting is limited to circumstances authorized by the Director. Examples include, but are not limited to, work that must be performed during inclement weather such as processing payroll, and work performed after hours by Information Technology employees to address major computer processing failures, to install upgrades and patches to computer workstations, and to address network/server and other hardware failures requiring emergency repair, rebooting and/or maintenance.

Procedures

In all cases, the employee's schedule, and any subsequent changes to the schedule, must receive prior approval from the employee's supervisor or designee. Communication between employee and supervisor is vital to ensuring success with any flexible working arrangements. Each Division Head/District Engineer (or designee) is also responsible for the following:

- Reviewing/approving individual work schedule requests to ensure all work requirements are met. If disapproving a request, the Division Head/District Engineer will explain to the employee the reasons for disapproval.
- Submitting a written Division/District work schedule plan to the appropriate Assistant Chief for approval. Plan should reflect work schedules and demonstrate that operational services and priorities are maintained. After approval, the schedule should be distributed to affected employees and entered into the Workforce Management System. The Division Head/District Engineer should also submit revisions when major changes occur.
- Ensuring that supervisors and employees are aware of their responsibilities, that adequate supervision is provided, and that timesheets in the Workforce Management System reflect actual

hours worked.

- Withdrawing alternative work schedule privileges from employees for reasons of abuse, failure to perform adequately, failure to attain productivity requirements, or inability to efficiently accomplish the Department's mission.

Schedule Adjustments

A. Temporary

Temporary adjustments to the employee's chosen schedule may be approved and even required when necessary. These time adjustments must be approved by an employee's supervisor. Time adjustments are temporary. An employee who continues to use minor time adjustments may be required to change his or her schedule. This flexibility is not to be used to resolve problems of tardiness or absenteeism. An example of a need for temporary adjustment would be for scheduled training or a meeting. If an employee's normal workday begins or ends earlier or later than the scheduled meeting or training, the employee would adjust his or her workday to accommodate attendance at the meeting or training. (Example: Employee's work schedule is Monday - Thursday 7:00 a.m. - 5:30 p.m. Class is 8:00 a.m. - 4:30 p.m., Monday - Friday. Employee is authorized to work 8:00 a.m. - 4:30 p.m. for the week of the class.) Temporary adjustments may be entered in the employee's schedule in the Workforce Management System, provided the adjustment is approved in advance. Schedules should otherwise remain unchanged and supervisors should add comments on exceptions in the timecard to explain the temporary schedule adjustment.

B. Holidays

In accordance with state law, all state employees shall receive the same eight hours of compensation for holidays. Therefore, distributive employees who work compressed workweeks for their own or for the Department's convenience must either revert to eight-hour workdays during a holiday week, work additional hours at some point during the holiday week, or use paid leave to ensure that no less than 40 hours are accounted for. Administrative exempt employees must account for no less than 80 hours during the pay period including the holiday. (Please refer to the Legal Holidays section of the Personnel Manual.)

The Department can require any employee to work on a holiday or regularly scheduled day off. Employees must then be compensated for hours worked in accordance with the Fair Labor Standards Act and applicable regulations.

WORK SCHEDULES, MEAL PERIODS AND BREAKS

Revised 8/2019

Work hours, meal periods and breaks are scheduled to provide consistent and adequate coverage. It is required that you report to your assigned duty station and are ready for work when the work schedule begins. A break each morning and afternoon is a privilege and may be given or not given by the supervisor depending on work requirements each day. If awarded, they are approximately 15 minutes in length and the break begins when you leave your duty station and ends when you return. Breaks are paid time away from your job so do not abuse them. Breaks may not be used to add to lunch periods or change work day starting and ending times. The meal periods (lunches) are non-paid times and begin when you leave your duty station and end when you return. Absenteeism and tardy rules apply to all of the above.

Employees who have access to a computer or time clock at the time the lunch break begins must punch in and out for lunch, regardless of whether or not they are leaving the premises for lunch. These same employees are not required to punch in and out for a paid 15-minute break, unless they are leaving the premises. When leaving the premises, they are required to punch out. If they return to work and punch back in within the requisite time period, the break will be paid in accordance with Department policy. If they punch back in later than the requisite time period, the break will be rounded to the nearest quarter-hour and will be unpaid.

Management employees who are designated as “pay by schedule” are not required to punch at any time. Employees who are working in the field and do not have access to a computer or time clock at the time the lunch break begins are not required to punch in and out for lunch. Field employees who do not punch in and out for lunch may have an automatic meal break of 30 or 60 minutes removed from their total hours for the day based on their assigned pay rule and based on their answer to the end-of-shift question when they punch out at the end of the day.

Employees who leave their duty station for any other non-work related reason must punch out at the time they leave and must punch back in when they resume working.

When a non-exempt employee is punched out for lunch and is interrupted by work activity, he or she should immediately punch back in if possible. If he or she punches back in from lunch at a later time (after the interruption), he or she must ensure the question, “Was your lunch interrupted prior to clocking back in,” is answered truthfully. When the question is answered “yes” a notification is immediately sent to the employee’s supervisor, requiring action by the supervisor. The supervisor will ask the employee the exact time of the interruption and take appropriate action to record the interruption in the timecard.

For example, an employee clocks out at 11:30 a.m. and is eating lunch in the office but the employee is interrupted by a phone call at 11:45 a.m. (The phone call is not of a personal nature.) In this scenario, the employee should attempt to punch back in at the time he or she takes the phone call (or as soon as possible) and should answer the lunch interruption question "yes". The supervisor will be sent notification that the employee's lunch was interrupted and should ask the employee if he or she clocked back in at the time of the interruption. If the employee did clock back in at the time of the interruption, then no further action is necessary by the supervisor. If the employee did not clock back in at the time of the interruption, then the supervisor must adjust the employee's in punch back to 11:45 a.m. with a comment and explanation that the employee's lunch was interrupted at 11:45 a.m.

Employees who are not able to punch in and out for lunch must ensure they answer the End of Shift meal question truthfully. If the employee did not receive an uninterrupted lunch break greater than 20 minutes during the shift, he or she should answer the question "no meal taken". This will result in a cancelation of the automatic meal deduction and the employee will be compensated for the entire time he or she was on the clock. Supervisors must ensure that employees are attesting accurately.

Employees who are required to punch in and out for lunch must punch out when they stop working and begin their lunch period. It is not acceptable to leave the workplace to go get lunch without punching out, only to punch out after returning and beginning to eat. Time spent getting lunch is considered part of the unpaid lunch break and should be accurately recorded. Supervisors must ensure employees are accurately reporting their lunch breaks.

The use of Teletime to record punches in the Workforce Management System must be approved by a supervisor. Supervisors must monitor employee use of Teletime. Teletime must not be used in situations when an employee has access to a computer or time clock for recording punches. Abuse of Teletime will result in disciplinary action up to and including termination.

INFANT AT WORK PROGRAM

Effective 8/2019

An Infant at Work Program is being considered for eligible employees who are new mothers, fathers, or legal guardians seeking to return to work by bringing their infant to work, rather than taking extended paid leave or maternity/paternity leave. A pilot program has been authorized for employees in three Divisions only beginning in September 2019 and concluding in March 2020 when the youngest pilot baby is six months old. At the conclusion of the pilot program, the impact on productivity in the three

participating Divisions will be evaluated and a determination will be made whether or not to expand the program to eligible employees statewide.

Through the establishment of this program, the Department seeks to provide the following benefits to eligible employees:

- Promote baby bonding
- Enhance infant brain development
- Lower child care costs
- Provide financial stability for families
- Increase work/life balance
- Lower stress for new parents
- Make breastfeeding easier
- Provide flexibility for working mothers after giving birth
- Enable working fathers to participate more in the care of their babies

Definitions

For the purposes of this policy, the following definitions will be observed:

PARENT means full- or part-time employees who are new mothers, fathers, or legal guardians.

INFANT means a child of an employee between six weeks and six months of age.

CARE PROVIDER means an employee who volunteers to provide infrequent care for the infant up to one hour when the parent is unavailable.

Eligibility

The parent and designated care provider(s) must maintain a safe working environment while caring for an infant in the workplace. Therefore, participation will typically be considered only for those working in an office setting. Employees excluded from participation will typically include those whose primary functions involve field work, face-to-face contact with the public, conducting investigations/adjudicative processes, or working in a facility such as a laboratory.

Supervisors of parents and care providers will also be asked for input on whether participation should be allowed. If the parent or care provider disagrees with the decision, they may appeal to the Division Head of Human Resources. The Division Head of Human Resources will review the appeal with the respective Division Head or District Engineer and make a final ruling.

Employees with less than six months of service are not eligible to participate in the program as a parent or care provider, nor are employees currently involved in a performance improvement plan.

Employees may not simultaneously participate in the program as a parent bringing his or her own infant to work and as a care provider for another parent's child.

Requirements

Prior to submitting an application to participate in the program, the parent must have a meeting with the Division Head of Human Resources or designee.

Infant, parent, and care provider are strongly encouraged to be vaccinated, as appropriate for age according to the recommendations of the CDC's Advisory Committee on Immunization Practices (ACIP) against the following diseases:

Infant	Parent and Care Provider
Diphtheria Hepatitis B Pertussis (Whooping Cough) Poliomyelitis Tetanus	Diphtheria Influenza (required annually) Measles (Rubella) Mumps Pertussis (Whooping Cough) Poliomyelitis Rubella (German Measles) Tetanus

Current recommended immunization schedules are published by the U.S. Centers for Disease Control and Prevention and are available at www.cdc.gov/vaccines. Infants should be vaccinated no later than seven (7) days following the ACIP recommended ages for vaccination.

Travel

Parents and care providers are not authorized to travel with infant in any state-owned or leased vehicles.

Work Station

Each parent must provide the necessary furniture and equipment to meet the infant's needs, and must ensure that the equipment is not disruptive to the general function of the work environment. The infant is expected to be located primarily at the parent's work station during the workday, unless other arrangements are agreed upon by the parent and his/her supervisors.

Home

If the infant becomes sick, is disruptive, causes a distraction, or prevents employees (including but not limited to the parent and/or care provider) from accomplishing work, the parent must take the infant home and utilize leave in accordance with applicable policies and procedures.

Infant Feeding

The Department provides private, secure, and sanitary locations in close proximity to the work area where a parent can feed the infant if needed. Refer to the Maternity Leave and Breastfeeding Rights policy, which provides specific guidelines regarding expression of breast milk that may be applied to infant feeding.

Diapering

Diaper changes and disposal are expected to take place in a restroom or other private area. If needed, the Department may provide a diaper changing station near the parent's work area. All used cloth and disposable diapers must be stored in a sealed plastic bag or other sealed/closed container in a restroom. The container must be provided by the parent who will remove the soiled diapers from the building at the end of each day.

Sick Infant

A sick infant shall not be brought to work. The Department adopts the Inclusion and Exclusion Guidelines for Child Care, as issued by the American Academy of Pediatrics, as a means for determining whether an infant is sick. See http://www.healthychildcare.org/inclusionesclusion.html.

Work Time

The parent will provide care for the infant while performing essential job duties. In coordination with supervisors, the parent and/or care provider may flex their work hours or submit leave requests in order to accommodate excessive loss of productivity.

NOTICE OF RESIGNATION / ABANDONMENT OF EMPLOYMENT

Revised 2/2020

In the event an employee resigns without proper notice, an undue hardship is placed on the Department due to the length of time required for replacement. Therefore, employees are required to notify their supervisor two weeks prior to resignation. Should an employee resign without advance notice, he or she will not be recommended for rehire at the Department. Exceptions will be considered in emergency situations, subject to approval of the Division Head or District Engineer.

An employee who is absent for three consecutive days without notifying the supervisor shall be considered to have voluntarily abandoned employment, unless there exist circumstances that preclude notification.

Upon separation from the Department for any reason, employees should be made aware that they have the option of withdrawing their contributions from the Retirement System. Full-time regular employees withdrawing contributions from the system cannot be rehired for 12 months after withdrawal.

Employees should also be made aware that, upon withdrawal of their contributions from the Retirement System, they will no longer have creditable service in the system. This means if the employee goes to work for another agency with a reciprocal retirement system, their ARDOT service will not count toward retirement unless they are able to buy it back.

WORKFORCE REDUCTION

Revised 7/2001

It is the policy of the Arkansas Department of Transportation to maintain full employment for employees consistent with sound business principles. However, business and operational needs may necessitate a decrease in the number of employees required to operate the various units of the Department efficiently on a short-term, long-term or permanent basis. The purpose of this policy is to define reduction-in-force practices of the Department. The following steps may be taken in a reduction-in-force situation.

- The Commission shall authorize the implementation of the Reduction-in-Force Policy and initiate a hiring freeze, as appropriate.

- The Director shall notify all employees, by newsletter, of the policy.

- The Director shall notify the appropriate employees of any hiring freeze that may be put into effect.

- In an effort to avoid terminations, managers will be asked to identify employees whose performance and conduct have been satisfactory but whose job responsibilities have been or can be combined, diminished or discontinued. A personnel pool made up of these employees will be established for possible reassignment elsewhere in the organization. Reassignments may be accomplished without advertising and may result in a change in pay, grade and/or location in exchange for continued employment.

- In determining eligibility for reassignment, consideration will be given to Departmental needs, job performance, skills, competency, experience, training, attendance, conduct, other bona fide occupational qualifications, personnel files, other reports and supervisors' recommendations.

- Employees not eligible for reassignment may be considered for separation from the Department.

- A review committee will be established by the Director to review the reduction-in-force recommendations to ensure consistency in application of the policy and consideration of the effect on the Department's Affirmative Action Plan.

- Employees shall be notified two weeks prior to any personnel action, other than reassignment, resulting from the Reduction-in-Force Policy. Reassignment does not require advance notification.

- Every possible good-faith effort will be made to appropriately place productive, capable employees. The Human Resources Division will advise other operating units of the availability of identified employees prior to advertising a position or in advance of a separation notice to determine if a reassignment can be accomplished.

- The Department is an at-will employer and reserves the right to terminate any employee at any time.

- The policy will supersede all prior documents once it has been activated.

TEMPORARY EMPLOYMENT

Revised 2/2019

The Arkansas Department of Transportation (ARDOT) aggressively works to find and recruit qualified employees and provide opportunities for students to gain valuable work experience while attending school. There are several programs in place to hire temporary employees for this purpose:

College Student Intern: If the Department has a need for employees in a college student's major field of study, the student can work for ARDOT as an intern. Students must have completed at least 30 college hours toward their degree. Students must have a cumulative grade point average of 2.0 in order to work as an intern.

College Cooperative Education: Work-study programs exist where students attend classes for a semester and then work for ARDOT for a semester. Students must seek employment through their college

Cooperative Education Office. Students must have a cumulative grade point average of 2.0 in order to participate in the College Cooperative Education Program.

High School Cooperative Education: Similar to the college cooperative program, high school students can attend classes for half a day and work for ARDOT the other half. The students must be enrolled in some type of "school to work" class (COE, JAG, etc.) in order to be eligible.

Seasonal Employment: Students may work for the ARDOT during their summer or winter break from school. If the Department has a need, students may continue their employment throughout the school year as long as they are enrolled in at least nine (9) credit hours. An exception could be made in instances where less than nine (9) hours are required for the fulfillment of a degree (e.g. performing clinicals or where only one class is needed to finish the degree).

Short-Term Employment: Occasionally, the need arises for a temporary employee to work on a special project or to replace a full-time regular employee for a limited period of time (maternity leave, prolonged illness, active military duty, etc.). These temporary employees may or may not be enrolled in school.

Special Needs Employment: The Department may hire a person with special needs (disadvantaged youth, partially disabled, etc.) for an indefinite period of time, but on a part-time schedule. These employees may be hired through such agencies as New Futures, HIRE, etc. These employees may or may not be enrolled in school.

No applicant under the age of 16 will be eligible for employment, and employees under the age of 18 will be limited to working in office environments only. Employees under the age of 18 shall not drive a motor vehicle on public roads at any time as part of his or her job, and shall not work in any environment considered to be hazardous.

Students who are not hired as interns will be hired using the Seasonal (Salary Level I) title. Students who are hired as interns will be hired using the Intern (Salary Level III) title. Seasonal Employees and Interns will be paid according to the Temporary Employee salary schedule which is subject to change at the Department's discretion. Short-term temporary employees who are hired to fill a specific need, such as replacing an employee while on extended leave (military, maternity, workers' comp, etc.) will be hired using a title that corresponds to the work being performed and will be paid at the entry level rate of pay for the corresponding grade level.

Temporary employees may be hired in a part-time or full-time capacity; however, no temporary employee shall exceed 1,508 paid hours in a calendar year, including paid time off for holidays. This is in

accordance with the Affordable Care Act and, to ensure compliance, supervisors must closely monitor their temporary employees' hours.

The normal workweek for a part-time employee is twenty (20) hours per week. If part-time employees work their regularly scheduled hours the day before and after a holiday, four (4) hours of holiday pay will be granted. If full-time temporary employees work their regularly scheduled hours the day before and after a holiday, eight (8) hours of holiday pay will be granted.

Temporary employees will be granted service credit based on the number of hours the employee is in pay status with a maximum credit of 40 hours per pay week. If the status of a temporary employee changes to full-time regular, the employee's service date will reflect this service credit. Leave benefits begin accruing at the time the employee obtains full-time regular status and are available for use after six (6) months of continuous service, including service as a full-time temporary.

If a full-time regular employee becomes a temporary employee and has an annual and/or sick leave balance, only the annual leave may be used while in temporary status. Upon returning to regular full-time status, the prior sick leave balance will be reinstated.

Applicants whose parents or other relatives are ARDOT administrative officials (Salary Level XVIII or above) are not eligible for temporary employment. Applicants must be enrolled in school or planning to attend in the fall unless they are approved to be hired for Short-Term or Special Needs Employment. To establish school status, students must furnish a copy of their current semester classes or registration form showing the number of hours being taken during the current semester (Intern salaries will be based on the latest transcript submitted). Students who have just graduated from high school and want to work for the ARDOT as a seasonal employee must state on their application the institute of higher learning which they are planning to attend in the fall. If the students then want to continue their employment in the fall if a need exists, they must supply proof of enrollment and registration.

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COMPENSATION

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COMPENSATION

Revised 8/2017

A. **Payday**: Employees are paid bi-weekly. If they do not have direct deposit, the paycheck will be mailed to the mailing address indicated in the personnel records. It is important to notify the appropriate Division or District Personnel Clerk immediately of all address changes.

B. **Salaries**: The Department's authority to pay a salary for each employee is established by Acts passed by the General Assembly in its regular session every two years. Refer to the Accounting Manual for the proper procedure for reporting salaries.

C. **Overtime**: Eligible employees will receive overtime pay for hours physically worked more than 40 hours per pay week. Overtime pay is calculated at a rate of one and one-half hours for each hour of overtime physically worked and does not include holiday or paid leave taken in the same pay week. Employees exempt from overtime generally include supervisory, executive, and administrative employees. (See also Compensatory Time Policy)

D. **Travel**: Employees working out of a reporting station shall be paid for time from that station back to a designated station. Supervisors are responsible for employees leaving the assembly place on time and returning at the correct time. It is a supervisor's duty to establish the reporting stations for employees working under his or her supervision. Employees will not be paid for time to or from their places of lodging to the reporting station (Administrative Order 71-4). If an employee's job requires overnight travel on Department business, the Department will reimburse the employee for transportation, lodging and meals. Both meals and lodging shall be limited to the maximum amount allowed by current policy. Reports listing all expenses must be completed in detail and approved by a supervisor.

E. **Uniform Allowance**: Arkansas Highway Police personnel required to wear uniforms are eligible for an annual Uniform Allowance of $1,500.00 payable at the rate of $125.00 per month. The employee must be in pay status more than 80 hours during the month in order to receive the monthly allowance.

F. **Tool Allowance**: Mechanics, Welders, Body Repairers/Painters and Electrical, Plumbing, and Mechanical Repairers are eligible for an annual Tool Allowance of $540.00 per annum payable at the rate of $45.00 per month. The employee must be in pay status more than 80 hours during the month in order to receive the monthly allowance. Refer to the Accounting Manual for instructions on how to apply.

G. **Moving Expense Allowance**: Employees who are required to relocate due to job assignment are allowed actual moving expenses subject to the approval of the Director.

PAY PLAN

Revised 1/2018

New Hires

The expectation is that new hires will start at the entry salary. However, new employees who are exceptionally well-qualified may be hired up to 15% above the minimum rate of pay based on the written recommendation of the hiring manager, with approval from the Human Resources Division Head and the appropriate Assistant Chief or other member of senior management. This discretion applies only to external candidates accepting a position through the hiring process. In order to qualify for this type of discretion, the selected candidate must significantly exceed the minimum qualifications for the position. This means that candidates merely meeting or modestly exceeding the minimum qualifications should not receive this type of discretionary salary. The documentation used to justify the increased salary should be sufficient to withstand scrutiny. Unique needs for special entry rates in excess of 15% due to labor market conditions may also be authorized.

Discretionary Salary Increases

Discretionary salary increases of up to 10% for current employees may be authorized for two specific reasons:

- **Retention –** This means a well-trained, valuable employee has a job offer from another employer in hand or the agency has a reasonable basis to believe such an offer is imminent. (This does not apply to internal job offers.) A reasonable basis to believe a job offer is imminent should be supported by first-hand knowledge that an offer will be made to an existing employee. Retention does not mean the person has performed well in the past and could conceivably take another job someday at some undetermined time in the future. Recognition of past performance is the role of the performance-based pay system.
- **Absorption of extra duties –** The duties being absorbed are expected to be long-term, substantial deviations from the employee's current daily work. Temporary or minor changes in duties should not be the subject of discretionary requests. Preferably, the extra duties should come about from the elimination of positions either through the budget process or attrition, or through a documented expansion in the scope of duties expected of the employee or the agency.

Supervisors should not request discretionary salary increases unless the criteria established above are met. If a discretionary increase is requested due to absorption of extra duties, the positions eliminated should be included in the justification. All requests for discretionary increases for retention or the absorption of

extra duties shall be made in writing, and will be subject to approval from the Human Resources Division Head and the appropriate Assistant Chief or other member of senior management.

Promotions

For advertised promotions, employees are guaranteed a minimum percentage salary increase. For promotions involving multiple grades, the percentage increases by five percent with each additional grade. For example, employees who are promoted one grade will have their annual salary increased by a minimum of 5%, employees who are promoted two grades will have their annual salary increased by a minimum of 10%, employees who are promoted three grades will have their annual salary increased by a minimum of 15%, and so on.

If the new calculated salary is below the minimum rate of pay in the higher grade, then the salary will be adjusted to the minimum rate of pay in the new grade.

Demotions

When employees are demoted for cause or voluntarily solicit a demotion to a lower-graded position, the calculated decrease in the rate of pay will be based on the same formulas as above, but in reverse. If the employee's new calculated rate of pay is above the midpoint in the lower grade, then the salary will be adjusted to the midpoint of the new grade. An employee returning within 12 months after promotion to a position which they previously occupied will be eligible for a rate of pay not greater than that for which the employee would have been eligible had they remained in the lower-graded position. An employee who is placed in a lower-graded position because the original position has been eliminated may continue to be paid at the same rate as the employee was being paid in the higher-graded position upon approval of the Human Resources Division Head and the appropriate Assistant Chief or other member of senior management.

Transfers

Employees may also be subject to transfer to other locations or positions when their service is needed and/or a transfer is deemed necessary. This discretion is not available to the individual, but will be determined in the interest of the Department. These transfers and/or title changes may be made without advertisement for the convenience of the Department.

PERFORMANCE MANAGEMENT

Revised 5/2021

It is the policy of the Department to provide a performance management system which evaluates employees' accomplishments and behaviors, and enables employees to develop and enhance individual performance while contributing to the achievement of the overall mission, goals, objectives and strategies outlined in the Department's Strategic Plan.

Objectives

In establishing this policy, the Department seeks to achieve the following objectives:

- Facilitate effective communication between employees and managers;
- Ensure employees have a clear understanding of the performance expected of them and how their individual work contributes to achievement of the Department's mission;
- Ensure employees provide, as well as receive, input into the development of individual goals and information about how effectively they are performing relative to those goals;
- Identify opportunities for employee development and discussion of career objectives; and
- Provide policy consistency.

Covered Employees

This policy applies to all Department employees. This policy also applies to temporary and seasonal employees although the performance cycle may vary for those positions based on the employment period.

Performance Cycle

The standard performance cycle should generally correspond with the 12-month period since the previous performance evaluation. The year-end performance evaluation shall be completed, approved, and discussed with the employee by the deadlines established by Human Resources each year.

Documentation of Performance

The Human Resources Division will provide templates to be utilized by all managers and employees during the performance evaluation process. These templates will be standardized for each job title/job family.

Frequency of Performance Evaluations

Performance evaluations are required in the following instances:

- Full-time regular employee: The employee and manager should have a check-in conversation near the midpoint of the performance cycle. The manager shall conduct a performance evaluation annually, called the year-end evaluation. The manager and employee should establish goals and objectives for the coming year during the year-end evaluation.

- New hires and re-hires: If the hire occurs on or after March 1st, then a year-end evaluation will not be necessary for the first cycle, and the new hire will not be eligible for a performance-based pay increase for that cycle. However, the manager should establish goals and objectives during the first 60 to 90 calendar days of employment. The manager is encouraged to review the new hire's performance by having periodic informal performance discussions. The employee and manager should have a check-in conversation at or near the midpoint of the performance cycle, and the manager shall conduct the year-end evaluation the following year.
- Transfers from one manager to another (promotion, demotion or lateral):
    - If the transfer occurs on or after March 1st, then a year-end evaluation shall be completed prior to the transfer by the original manager and a year-end evaluation will not be necessary by the receiving manager. However, the receiving manager should establish goals and objectives for the new position during the first 90 calendar days of the transfer. Any performance-based pay raise granted as a result of the original manager's performance evaluation shall be calculated using the salary prior to the transfer.
    - If the transfer occurs prior to March 1st, the receiving manager will not only be responsible for establishing goals and objectives during the first 90 calendar days, but will also be responsible for completing the transferred employee's year-end evaluation.
- There may be occasions when an employee is not available to participate in the entire performance management process due to an extended leave of absence. If an employee is unavailable for the check-in conversation, the employee's manager will meet with the employee to discuss performance as soon as practicable once the employee returns to work. If an employee is unavailable during the year-end evaluation process, the manager shall complete the performance evaluation to the best of his or her ability based on the performance of the employee prior to the leave of absence.

<u>The Performance Management Process:</u>

STAGE ONE: PERFORMANCE PLANNING

1. Prior to the onset of a performance cycle, the Human Resources Division will publish two to five core values, which will be standard for all employees. These values will be included on each job description and reviewed with each employee. Each employee will acknowledge his/her understanding by signing off on the job description each time revisions are made.
2. Managers are encouraged to have a performance planning discussion with each employee and establish goals/objectives, either during the year-end evaluation process or within 90 calendar days of an employee's entry into a position (whether a new hire or a transfer).
3. Ideally, each employee should have at least one or two strategically aligned individual goals, a description of how goals will be measured, and the level of performance required to meet expectations. Each employee will have ready access to his/her development plan in the system.

STAGE TWO: PERFORMANCE FEEDBACK

1. Communication about performance between employee and manager should be a continual process, not to be reserved only for formal evaluation periods. Throughout the year, the manager should document and validate, based on direct observation and/or feedback from others, employee performance and behaviors on a regular and consistent basis. In addition, the manager should provide feedback to the employee, both positive and corrective, when appropriate. Both the manager and employee should document activities and accomplishments related to goals and behaviors during the performance cycle using the feedback tool in ACE to avoid any miscommunication or misunderstandings.
2. Managers should conduct a minimum of two formal performance discussions annually for each employee: (1) after the check-in conversation at mid-year, and (2) during the year-end evaluation process.
3. These formal discussions provide managers and employees with an opportunity to set goals and objectives, discuss any changes in priorities or employee goals, review progress, and/or address performance problems by identifying steps the employee should take to improve. Additional informal discussions should also be conducted as needed throughout the performance cycle to adjust goals, document progression, or address fluctuating business needs.
4. All coaching and performance discussions should be documented in the system.

STAGE THREE: PERFORMANCE EVALUATION

1. At the end of the performance cycle, the manager shall evaluate employee performance relative to the core values as well as the job-specific competencies. Managers should use quantitative and qualitative information collected throughout the cycle and documented by various sources, including information documented by the employee, to determine the extent to which the employee's actual performance has met the expectations previously defined.
2. Each core value and competency shall be rated using the standardized rating scale. The standardized rating scale consists of five levels, generally defined as follows:
    a. Exemplary – Superior performance; extraordinarily competent; widely recognized as a top performer and role model; influences others to perform better.
    b. Exceeds Expectations – Above average performance that regularly exceeds expectations; proactively takes on more duties or higher levels of responsibility through own initiative.
    c. Fully Successful – Satisfactory performance that consistently meets and occasionally exceeds expectations; fully qualified; requires little guidance to perform required duties.
    d. Meets Most Expectations – Generally adequate performance but needs some improvement or occasional guidance in order to consistently meet expectations.
    e. Not Meeting Expectations – Performance frequently below expectations and clearly problematic; work requires frequent or constant oversight; may actually be doing things that negatively affect others' performance.

3. For each level of the rating scale, the following justification will be required:
    a. Exemplary – To justify this rating, identify multiple significant events and/or examples of superior performance, extraordinary competence, and/or role model behaviors. This rating should be used sparingly and reserved for truly outstanding performance shown consistently throughout the entire performance cycle. One extraordinary incident is insufficient to justify an exemplary rating.
    b. Exceeds Expectations – To justify this rating, identify two or more events and/or examples which clearly illustrate why this employee's performance is considered above average. This rating should only be used for those who consistently perform at a high level throughout the performance cycle.
    c. Fully Successful – To justify this rating, there should have been only minor and infrequent problems with no significant weaknesses identified. The next step for this employee would be to exceed targets, take initiative to assume more responsibility, and/or influence others to improve their own performance.
    d. Meets Most Expectations – To justify this rating, identify two or more skills or tasks for which the employee needs guidance or assistance to perform at a proficient level. This rating should be used for those who show a pattern of needing guidance and/or assistance throughout the performance cycle.
    e. Not Meeting Expectations – To justify this rating, identify multiple significant events the employee has had trouble overcoming and examples of the problematic performance. This rating should be used sparingly and reserved for truly unacceptable and repeated poor performance shown consistently throughout the performance cycle. A single event is usually insufficient; however, one event could be of such serious magnitude that it alone justifies this rating.
4. Division/District management, with the assistance of Human Resources personnel, will facilitate calibration sessions with managers to systematically assess rating validity and ensure consistency.
5. Upon completion of calibration, final ratings shall be assigned and entered into the system for each core value and job-specific competency, adhering to the definitions and justification guidelines above.
6. Once the final ratings have been assigned and marked "complete" by the manager, they will be subject to a second-level manager's review and approval. The Human Resources Division and EEO Section will also review and approve final ratings. At any point during this review/approval process, performance evaluations may be sent back to the manager for reconsideration prior to finalization.
7. Once the performance evaluations are finalized, managers will be notified and shall meet with each individual employee to discuss the ratings.

Performance Management Resources and Training

Each Division and District shall:

- Ensure performance evaluations are completed in accordance with the timelines established at the beginning of each performance review process.
- Provide performance management training, made available by the Human Resources Division, to all newly hired or promoted managers.
- Provide refresher training, made available by the Human Resources Division, as needed.
- Offer additional leadership and performance management training to managers on demand through ARDOT University.

Confidentiality and Records Retention

Performance evaluations are confidential documents; however, calibration sessions may require the disclosure of individual performance evaluations on a need-to-know basis among supervisors and managers. Any information shared during calibration sessions shall be treated as confidential and shall not be shared outside of the calibration session. A breach of confidentiality shall be considered misconduct and may result in disciplinary action up to and including dismissal. Performance evaluations and supporting documentation shall be securely retained and maintained according to the Records Retention Schedule.

Performance Rating Dispute

Employees who have cause to believe they were evaluated improperly or unfairly must first attempt to resolve the disagreement with their manager. If that attempt is unsuccessful, they may appeal/dispute their performance evaluation to the second-level manager, provided that the appeal is made in writing on Form 19-222 and is received by the second-level manager *within five working days* after the performance meeting between the employee and manager. Appeals that are not brought to the attention of the second-level manager within five working days are not disputable, and appeals may not be filed later using other complaint procedures (such as the grievance or discrimination complaint procedures). This allows for review of the ratings, and revision if necessary, prior to the end of the performance cycle. If the appeal involves an allegation of unlawful discrimination, then the second-level manager shall immediately consult with the EEO Section for guidance. A thorough review will be conducted, including a review of all available documentation and a discussion with the manager and the employee. Upon conclusion of the review, the second-level manager will provide the employee (with a copy to the manager) a written response to the appeal on Form 19-222. The written response shall indicate one of the following:

- Second-level manager agrees with the original evaluation
- Manager will revise the evaluation
- Second-level manager will revise the evaluation

Employees who have concerns with the second-level manager's action may appeal that action to the appropriate Division Head/District Engineer or designee. (If the second-level manager is the Division Head/District Engineer or higher, then the appeal may be made to the Human Resources representative.) Such appeal must be made in writing on Form 19-222 within two working days of receiving the second-level manager's action. The Division Head/District Engineer or designee shall discuss the concerns with the employee and either the manager, second-level manager, or both. Following such discussion, the Division Head/District Engineer or designee shall provide the employee a written response (with copies to the manager and the second-level manager) on Form 19-222, indicating one of the following:

- Agreement with the original evaluation
- Agreement with the second-level manager's or manager's revised evaluation
- The manager, second-level manager, or Division Head/District Engineer will revise the evaluation

Employees who have concerns with the Division Head/District Engineer's action may appeal that action to the Human Resources representative. Such appeal must be made in writing on Form 19-222 within two working days of receiving the Division Head/District Engineer's action. The Human Resources representative shall discuss the concerns with the employee and the manager, second-level manager, and/or Division Head/District Engineer. Following such discussion, the Human Resources representative shall make a recommendation to the Division Head of Human Resources (or designee), who will provide the employee a written response (with copies to the manager, second-level manager, and Division Head/District Engineer) on Form 19-222, indicating one of the following:

- Agreement with the original evaluation
- Agreement with the revised evaluation of the manager, the second-level manager, or Division Head/District Engineer
- The manager, second-level manager, or Division Head/District Engineer will revise the evaluation

The written decision of the Division Head of Human Resources (or designee) is final.

Participation in the appeal process does not create any expectation of continued employment since the Department is an "at will" employer. The appeal process does not prohibit employees from using remedies outside the Department; it simply provides an avenue for review and resolution of internal situations. This procedure is available to any current employee of the Department who receives a year-end performance evaluation.

Retaliation, discrimination, interference, or reprisal against an employee who exercises his or her right to appeal the performance evaluation is strictly prohibited.

COMPENSATORY TIME

Revised 1/2015

Designated employees may be offered the option of compensatory (comp) time in lieu of overtime pay. *Designated* employees are defined as those classified as non-exempt for overtime purposes and designated by the Director as eligible to receive comp time in lieu of overtime. This designation may be rescinded by the Director at any time.

Designated employees electing to receive comp time will be granted comp time for hours physically worked more than 40 hours per pay week. Comp time will be calculated at a rate of one and one-half hours for each hour of overtime physically worked and does not include holiday or paid leave taken in the same pay week. Comp time will be accumulated and displayed in the Department's Workforce Management System in the employee's electronic timecard as Comp Time Earned. The maximum comp time accrual is 240 hours. Employees will receive pay for any overtime hours worked beyond 240. The Director may reduce the maximum comp time accrual.

Usage: Accrued comp time must be used within one year (365 days) of the date earned. If the accrued comp time is not used within that time, the employee's comp time earned balance will be reduced by the number of expired hours and the employee will receive pay for those hours. Employees requesting to use comp time will be permitted to do so if it does not unduly disrupt operations. The use of comp time will be agreed to in writing between the Department and the eligible employee before overtime work is performed. No comp time may be taken in advance, before it is earned.

Comp time shall be used in quarter-hour increments and may be submitted by the employee through the use of a time off request through a time clock or PC as applicable.

Upon separation from the Department, an employee with accrued comp time will be paid for the unused amount calculated at the final rate of pay. Non-exempt employees who transfer or promote to exempt positions will be paid for any accrued comp time based on the rate of pay at the time the payment is made.

Payment for accrued comp time may be made at any time based on the rate of pay at the time the payment is made. To withdraw from the comp bank and receive payment for accumulated comp time, a new Compensatory Time Agreement form must be completed and returned to the Personnel office for implementation.

Non-exempt employees of the following subdivisions of the Department are designated as eligible to accrue comp time pursuant to the Compensatory Time policy:

- Bridge
- Construction – Central Office Employees Only
- Environmental
- Equipment and Procurement
- Fiscal Services
- Highway Police
- Human Resources
- Information Technology
- Internal Audit
- Legal
- Materials – Excluding Field Employees
- Program Management
- Public Information
- Right of Way
- Roadway Design
- State Aid
- Surveys
- System Information & Research
- Transportation Planning & Policy

PAYROLL DEDUCTIONS

Revised 7/2001

1. Federal and State Withholding Tax — Amount depends on salary and number of dependents.

2. Social Security — Amount is determined by percent of gross salary deduction established by current Social Security Law.

3. State Highway Employees Retirement System — Six percent (6%) of gross salary. Participation is mandatory unless an employee is receiving benefits from another Arkansas Public System (Act 955 of the 1997 General Assembly) or is enrolled in the Department's Deferred Retirement Option Plan (DROP).

4. Group Health Insurance — Participation is voluntary. See page 6-2 for additional information.

5. Other voluntary deductions — U.S. Savings bonds, credit union membership, supplemental life and cancer insurance, deferred compensation, automobile insurance, disability insurance, van pooling,

automobile fringe, and military service retirement are available through payroll deduction. Participation is voluntary.

CALL-OUT PAY

Revised 5/2016

Department employees may be called to duty by telephone or other means on nights, weekends, or holidays or other situations when the Department does not have adequate staff coverage to respond to emergencies.

If a non-exempt employee is called unexpectedly at a time outside normal working hours and asked to return immediately to the designated work site, then call-out pay may be authorized. Exempt employees are not eligible for call-out pay.

A non-exempt employee receiving call-out pay shall be compensated at the overtime rate (time and one-half) for actual hours worked during such call-out with a minimum of two hours for each call-out. Supervisors will not apply Leave at the Convenience of the Department (LCOD) in the same pay week to offset any call-out pay earned.

In order to ensure adequate coverage during emergency situations and fair distribution of call-out pay opportunities, supervisors may choose to designate employees who may be called out using a rotating schedule. On their rotation, employees are expected to be accessible by telephone, acknowledge a request to report for call-out duty, and notify the supervisor if they are unable to respond so the supervisor can offer the call-out pay opportunity to the next employee on the rotation list. Repeated failures to respond may result in disciplinary action, unless a reasonable explanation is provided by the employee.

In situations where an emergency response results in more than five hours of continuous work, call-out pay will not apply. The entire duration of time worked will be considered an adjusted schedule/shift, and standard overtime rules will apply. The five-hour limit may be waived when the emergency occurs during a pay week that includes a legal holiday.

Hours worked within one hour before, or within 20 minutes after, normal working hours will not be considered as a call-out. For example, if the employee has clocked out for the day and clocks back in within 20 minutes of their previous departure time for the call-out, the time between the punches will be treated as a paid break and the remainder of the hours worked will be treated as an extension of the work day. Similarly, if the employee is called to work early and punches in within one hour of the start of his/her regular shift, the time will be treated as an extension of the work day and not as a call-out.

Irregular working hours in response to or in anticipation of a weather event, such as a snow/ice storm, are not normally expected to be designated as eligible for call-out pay because employees are typically given advance notice that they may be required to return to work during these types of emergency operations. Call-out is to be reserved for those unexpected emergency situations when the employee is needed to report to work as quickly as possible upon receiving the call, with no advance notice.

The following examples are intended for illustrative purposes and are not meant to be exhaustive:

A non-exempt employee is working a regular five-day work schedule from 7:30 a.m. to 4:00 p.m. Monday through Friday. He/she is unexpectedly called out at midnight (or anytime on a regular day off such as a Saturday or Sunday) because a tree has fallen across the highway. The employee works approximately one hour to remove the tree from the highway (from 12:30 a.m. to 1:30 a.m.). In this scenario, the employee would accurately report his/her time (time in 12:30 a.m. and time out 1:30 a.m.) and certify that the information is true and correct. The manager would designate the time worked as call-out in the Workforce Management System and then the system would automatically compensate the employee for two hours at time and one-half.

A non-exempt employee is called back to work and punches in within 20 minutes of his/her punch-out time. This is an extension of the work day and not a call-out. Standard overtime rules apply.

A non-exempt employee is called to work early and punches in one hour (or less) prior to his/her normal starting time. This is an extension of the work day and not a call-out. Standard overtime rules apply.

A non-exempt employee is called to work and punches in more than one hour prior to his/her normal starting time, but does not complete the task prior to his/her normal starting time. The manager will record a split shift in the Workforce Management System, so that the duration of time between the actual punch-in and the beginning of the normal shift will be designated as call-out.

A non-exempt employee's schedule is adjusted in anticipation of a snow storm. The employee is sent home early and asked to report back to the duty station at midnight to begin his/her shift (which may or may not be a longer shift than normal, depending on the severity of the storm). In this scenario the employee would receive overtime pay for all hours physically worked exceeding 40 hours during the work week, but it would not qualify for call-out pay.

A non-exempt employee is advised in advance that he/she may need to report to work on a holiday (which is usually a day off for this employee), due to winter weather in the forecast. The employee would receive overtime pay for all hours physically worked exceeding 40 hours during the work week, but it would not qualify for call-out pay.

A non-exempt employee is called out to assist with treating a bridge that has accumulated ice due to freezing fog. If the employee punches in more than one hour prior to his/her normal starting time, it will be designated as a call-out in accordance with policy guidelines.

Act 688 of 2009 authorizes on-call duty pay for non-exempt employees. Questions concerning the use of call-out pay should be directed to the Human Resources Division.

SECTION V

LEAVE

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ANNUAL LEAVE

Revised 7/2016

Eligible employees may earn and take accrued annual leave in accordance with the following general policies:

Eligibility: Regular full-time employees are eligible for paid annual leave after six (6) months of continuous service. Employees serving in a part-time, temporary or per diem status are not entitled to annual leave.

Accrual: Annual leave will accrue at a rate according to the formula below. Accrual will be posted at 12:01 a.m. on the last day of every month.

Number of years service with state	Accrued annual per month	Accrued annual per year	Annual maximum annual carryover	Maximum consecutive hours allowed
1 day-3 yrs.	8 hours	96 hours	136 hours	96 hours
3-5 yrs.	10 hours	120 hours	160 hours	120 hours
5-12 yrs.	12 hours	144 hours	184 hours	144 hours
12-20 yrs.	14 hours	168 hours	208 hours	168 hours
20+ yrs.	15 hours	180 hours	220 hours	180 hours

The Department's leave year is April 1st through March 31st. Employees having more than the maximum annual carryover at the end of the leave year will not be allowed to retain or "carry over" the amount above the maximum into the next leave year. For example, an employee with 10 years of service and 190 hours of annual leave on March 31st will have his/her annual leave balance adjusted to 184 hours on April 1st (the maximum annual carryover for an employee with 10 years of service). Exceptions will be made only in unforeseen emergency situations where a supervisor cancels or disallows an employee's annual leave at the end of the leave year, resulting in an unavoidable loss of annual leave. In these exceptional situations, the employee will be allowed to take an equivalent amount of administrative leave with pay within the first 90 days of the new leave year.

Annual leave shall accrue only when an employee is working or on authorized paid leave (other than catastrophic leave) more than 80 hours per month. Years of service include the total number of years of

employment with all agencies of Arkansas State Government whether or not such employment is continuous. However, years of service with other state agencies will not apply unless the employee furnishes proof of prior service.

Usage: Annual leave shall be granted in quarter-hour increments. No leave may be taken in advance.

Transfer: Employees who are officially transferred from another state agency to the Department without a break in service shall retain all accumulated leave upon presenting to the Personnel Office a Proof of Prior Service form.

Separation: Appropriate personnel shall verify annual leave balance with the Personnel Office on all separations from the Department. Upon separation for any reason, employees shall be paid for accumulated annual leave. Employees must have been employed with the Department for a minimum of six months to be eligible for any annual leave accrual payment.

All employees shall receive a lump sum accrual payment upon separation for any reason, and those who have been in paid status more than 80 hours during the month will have the current month's annual accrual added to the lump sum payment. This applies only to the month the employee terminates employment. Lump sum payments upon separation shall not be used to extend the employee's effective date of separation and shall not be used to calculate the employee's total years/months of service. Exceptions may only be made upon the death of an active employee when the additional service time would allow the employee to become vested in the retirement system, thereby positively impacting the survivors' benefits.

Upon separation, the annual leave accrual shall be posted to the timecard in a lump sum total using the Annual Payout pay code. The Annual Payout posting should be reflected on the effective date of separation and correspond with the last day worked.

In the event an employee resigns or retires without advance notice, an undue hardship is placed on the Department due to the length of time required for replacement. Therefore, employees are required to notify their supervisor a minimum of two weeks prior to separation. Should an employee resign or retire without advance notice, he or she will not be recommended for rehire at the Department. Exceptions will be considered in emergency situations, subject to approval of the Division Head or District Engineer.

In situations where an employee has been utilizing annual and/or sick leave continuously prior to providing notice of his or her intention to resign or retire, the Annual Payout posting will be applied to the last day physically worked, or the first day paid leave was taken in the employee's timecard for the

current pay period. Exceptions may be made at the discretion of Fiscal Services in situations where the timing of the final payout would have an adverse impact on the employee's DROP account. Any accruals and/or holidays that would not have been earned if the employee had made his or her intentions known on the last day physically worked will be deducted from the Annual Payout to the extent possible.

Authorization: It is important that annual leave be scheduled in advance with the Division Head or District Engineer so that work activities are not disrupted unnecessarily, and annual leave taken in less than half-day increments may be disapproved by a supervisor if such leave creates a hardship on the Department. The following guidelines should be adhered to:

Emergency — No advance notice required, but the immediate supervisor should be notified as soon as possible that the employee needs time off for an emergency.

Less than one week — One day advance notice required.

A week or more — Two weeks advance notice, with the provision that the supervisor gives reasonable consideration to requests for leave with less than two weeks notice.

Employees must give the reasons for absences and indicate when they expect to return to work. If an employee does not know when they will return, the supervisor must be notified each day of the absence, at or before the normal starting time.

Payment of Annual Leave Accrual: Upon separation from the Department, employees are entitled to annual leave accrual payment not in excess of the amount accrued.

Administration: Supervisors are responsible for the administration of annual leave policies outlined herein. Employees and supervisors must ensure the correct annual leave usage is reflected in the employee's timecard prior to final approval.

SICK LEAVE

Revised 4/2017

Eligibility: All regular full-time employees are eligible for paid sick leave after one month of continuous service. Employees serving in a part-time, temporary or per diem status shall not be entitled to sick leave.

Accrual: Sick leave will accrue at a rate of eight hours per month and there is no limit to the number of sick hours employees may accrue. Accrual will be posted at 12:01 a.m. on the last day of every month. Sick leave shall accrue only when an employee is working or on authorized paid leave (other than catastrophic leave) more than 80 hours per month.

Notification: Notification of absence due to illness shall be given as soon as possible on the first day of the absence to the employee's supervisor. If the employee fails to make proper notification, such absences may be charged to annual leave or leave without pay. Such determination will be made at the Division Head or District Engineer's discretion. Employees must give the reasons for absences and indicate when they expect to return to work. If an employee does not know when they will return, the supervisor must be notified each day of the absence, at or before the normal starting time.

Usage: Sick leave shall be granted in quarter-hour increments. An employee may utilize sick leave upon approval of the appropriate authority for absence due to illness, non-occupational injury, doctor and dentist appointments, and death or illness in the employee's immediate family. Sick leave shall be deducted from the employee's allowance on the basis of work days and not calendar days. In cases of occupational injury or disease where the compensation insurance benefit is payable under the Arkansas Workers' Compensation Law, the employee may elect to use sick or annual leave to the extent accrued, or leave without pay during the absence from work.

When all leave is exhausted, or if employee does not utilize leave, the employee will be placed on leave without pay or on the disability provision of the Retirement Plan, if applicable.

"Immediate family" is defined as husband, wife, mother, father, daughter, son, brother, half-brother, sister, half-sister, grandmother, grandfather, grandchildren or any individual acting as a parent or guardian of an employee. Step and in-law relationships are considered to be sufficiently close in nature to fall into the category of "immediate family."

Funerals: An employee may use up to 40 hours of sick leave from the date of an immediate family member's death. If more than 40 hours is needed, then the additional time off must be coded as annual leave or another type of leave other than sick leave. Supervisors may also request verification of the death.

Proof: A physician's statement is required for use of 40 or more hours of consecutive sick leave. However, a medical certification (Form WH-380) will be required for any amount of sick leave taken for a serious health condition, in accordance with the Family and Medical Leave Act (FMLA) policy. Furthermore, supervisors may ask for a doctor's certificate at **anytime** if it is suspected that employees are abusing sick leave.

Transfer: Employees who were terminated from another state agency due to budgetary reasons or curtailment of work activities, and who are hired by the Department within six months of termination, may be given credit for their unused sick leave accrued in their previous employment. Under normal circumstances, sick and annual leave are only retained if the employee transfers between state agencies without a break in service. In either case, the employee must present to the Personnel Office a Proof of Prior Service form before credit will be granted.

Separation: Upon the death, resignation or dismissal of any employee, the number of days of sick leave remaining to their credit will lapse, but can be donated to the Catastrophic Leave Bank at the employee's option. In the case of death, the employee's family may authorize the donation. Upon retirement, any employee with a balance of 50 or more days unused sick leave will be compensated at the rate established by Act 1127 of 1999. Once the calculation of the number of accrued hours needed to receive a full payout of $7,500.00 has been made, any remaining hours may be donated to the catastrophic leave bank. Hours used for a sick leave payout cannot be donated to the catastrophic leave bank. Once an employee has indicated his/her intention to resign or retire, the employee may be asked to provide a doctor's excuse for sick leave used beyond the date of notification.

Administration: Within any organization, there are those employees who abuse policies and do so at the expense of their co-workers. When members of a work unit are absent without notice, teamwork within that unit is destroyed. The productivity is greatly reduced by placing an additional work burden on the remaining employees. As a cost containment initiative, it is important that the Department make every effort to improve the efficiency of our organization. Eliminating the abuse of sick leave will distribute the Department's workload as intended, improve productivity, and reduce costs.

Supervisors are responsible for monitoring sick leave taken by employees under their immediate supervision. If the sick leave cannot be justified or is found abusive, the supervisor will initiate progressive discipline. If it is determined that there is flagrant abuse of the sick leave policy, the supervisor may recommend termination.

Employees and supervisors must ensure the correct sick leave usage is reflected in the employee's timecard prior to final approval.

LEAVE WITHOUT PAY

Revised 8/2014

Employees may not take leave without pay for personal matters until all annual leave has been exhausted; similarly, employees may not take leave without pay for sick leave purposes until all sick and annual leave has been exhausted. Exceptions may be made in specific circumstances described below.

A. If an employee has not been employed with the Department long enough to be eligible for annual leave, or if such leave is exhausted, the employee may utilize this method to obtain time from the Department to attend to urgent personal matters.

B. Leave without pay is granted to employees requiring extended leave from the Department to satisfy military obligations (see Military Leave Section).

C. In the case of FMLA, maternity leave or occupational injury or disease (see also Workers' Compensation Section) the employee may elect to use leave without pay without first exhausting paid leave or may use paid sick or annual leave to the extent accrued followed by leave without pay once all accrued leave is exhausted.

D. An employee's health insurance benefits will be maintained during any period of leave without pay designated as FMLA leave or workers' compensation. If the employee normally pays a portion of the premiums for health insurance, these payments will continue during the FMLA leave or workers' compensation. The employee will be contacted by the Department's Insurance Section regarding payment once leave without pay commences. If the Department normally pays a portion of the premiums for health insurance, these payments will continue during the FMLA leave or workers' compensation.

E. An employee may be placed on leave without pay for disciplinary reasons at the discretion of the Division Head or District Engineer without regard to other accumulated paid leave. In accordance with the Fair Labor Standards Act (FLSA), employees who are classified as **exempt** may be placed in disciplinary leave without pay status if two conditions are met. First, such deductions from pay are made on a full-day basis only. Partial-day docking of exempt pay is not permitted for disciplinary suspensions. Therefore, if an exempt employee is sent home early due to disciplinary issues, he/she would be paid for the remainder of the day and officially begin the suspension the following day. Second, the suspension must be imposed as a result of a violation of workplace conduct rules. This means that some forms of suspension do not qualify to be unpaid.

For example, if an exempt employee were suspended pending investigation prior to evidence being found to indicate that the person had violated a workplace conduct rule, the suspension would be paid.

Disciplinary actions resulting in a forfeiture of pay will disqualify an employee from receiving a promotion for a period of twelve months from the date of this action.

F. An employee may be placed on leave without pay pending approval of a recommendation to terminate, without regard to other accumulated leave.

G. Non-essential employees may utilize either annual leave, accrued compensatory time, or leave without pay when unable to report by the specified time due to weather-related conditions, in accordance with the Department's Inclement Weather Policy.

H. Employees on leave without pay shall not accumulate leave time nor receive pay for legal holidays.

I. Employees utilizing leave without pay without prior supervisory approval may be subject to dismissal.

ADMINISTRATIVE LEAVE WITH PAY

Effective 8/2014

Certain circumstances may arise when the utilization of administrative leave with pay is authorized to compensate an employee for an absence without requiring the use of an employee's accrued paid leave. These circumstances are as follows:

A. Unavoidable loss of accrued annual leave as outlined in the Annual Leave policy.

B. Employees who are placed on leave as a result of a pending investigation may be placed on non-disciplinary paid administrative leave for the duration of the investigation. The hours granted will be based on the employee's regularly scheduled work hours. Employees who are placed on paid administrative leave pending the outcome of an investigation must remain available for work at all times during the period of administrative leave, and must be available to provide information or appear for interviews periodically throughout the process as requested by the investigating party. The employee will be notified of the outcome of the investigation, which could result in disciplinary action in accordance with the Department's Progressive Discipline policy.

FAMILY AND MEDICAL LEAVE

Revised 1/2021

There are three types of leave authorized by the Family and Medical Leave Act (FMLA):

I. Leave for Employee's or Family Member's Serious Health Condition
II. Military Family Leave for Qualifying Exigency
III. Military Caregiver Leave for Serious Injury or Illness of Current Servicemember
IV. Military Caregiver Leave for Serious Injury or Illness of Covered Veteran

Designation

Supervisors will use the FMLA Checklist (Form 19-476) to gather information regarding leave, and employees are encouraged to disclose the information requested. An employee desiring to have a leave period designated as FMLA and obtain FMLA protection for the absence must so notify the supervisor within two business days of returning to work.

If the supervisor has knowledge that an employee's requested leave period is covered by the FMLA, it is the responsibility of the supervisor to notify the employee that he/she has been placed on FMLA leave, by completing the Form WH-381: Employer Response to Employee Request for Family or Medical Leave (Form 19-475).

When an employee requests FMLA leave or when the supervisor acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the supervisor must notify the employee of his/her eligibility within five business days unless there are extenuating circumstances beyond the supervisor's control; or, if the supervisor does not initially have sufficient information to make a determination, at the point this information becomes available. If the employee fails to explain the reasons for the leave to allow the supervisor to determine whether the leave qualifies for FMLA, the leave may be denied. If the supervisor learns that the leave is for an FMLA purpose after leave has begun or within two days of the employee's return to work, the entire or some portion of the leave period may be retroactively counted as FMLA.

FMLA leave is leave without pay. However, an eligible employee may elect to have any accrued leave run concurrently with the unpaid FMLA leave entitlement, provided he/she meets the applicable requirements of the leave policy.

Compensatory time off may not be counted as part of the FMLA entitlement. However, an employee may request to use his/her compensatory time off for an FMLA reason.

Eligibility

The 12-month period used by the Department for determining eligibility for FMLA leave is the 12-month period dating back from the day of the initial request for leave. To be eligible for leave under this policy, an employee must have been employed by the state for at least 12 months and must have physically worked at least 1,250 hours during the 12-month period prior to the commencement of the leave. The 12 months of employment need not be consecutive months; however, employment prior to a break in state service of seven years or more will not be counted. A break in state service of seven years or more to fulfill National Guard or Reserve military obligations WILL be counted. The term served performing military obligations will also be counted when determining whether the employee has been employed for at least 12 months.

Employment and Benefits Protection

Upon return from FMLA leave, an employee is entitled to be restored to (a) the position formerly occupied, or (b) an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Apart from the paid leave actually used during the FMLA period, the taking of FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, no seniority or employment benefits shall be accrued during the period of leave.

The Department shall maintain benefits coverage for the employee under its group health plan at the same level and under the conditions coverage would have been provided if the employee had continued in employment. The Department shall continue to pay the "state matching" portion of the health insurance premiums and the employee will pay the employee's portion if such was the arrangement prior to leave.

The Department's obligation to maintain health insurance coverage ceases under the FMLA if the employee's premium payment is more than 30 days late. Written notice to the employee that the payment has not been received must be mailed at least 15 days before coverage is to cease.

The Arkansas Department of Transportation or any of its employees shall not discriminate or retaliate in any manner against a person for exercising his or her rights to use FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243); TTY: 1-877-889-5627; www.dol.gov/whd.

I. Leave for Employee's or Family Member's Serious Health Condition

The Family and Medical Leave Act (FMLA) entitles eligible employees to a total of 12 weeks of job-protected leave during a 12-month period for the following reasons:

A. For incapacity due to pregnancy, prenatal medical care or child birth;
B. To care for the employee's child after birth (up to one year old), or placement with the employee for adoption or foster care (FMLA leave may be taken before the actual placement of an adopted or foster child if absence from work is required for the placement to proceed – counseling session, court appearance, travel to another country, etc.);
C. To care for the employee's spouse, son, daughter, or parent who has a serious health condition; or
D. For a serious health condition that makes the employee unable to perform the essential functions of the employee's job.

The 12-month period used by the Department for determining an employee's FMLA entitlement is the "rolling" 12-month period measured backward from the date of any FMLA leave usage. In the case of birth or adoption of a healthy child, eligibility for FMLA leave shall expire at the end of the 12-month period beginning on the date of the child's birth or placement.

In accordance with the Family and Medical Leave Act, the Department offers employees the opportunity to utilize any accrued paid leave time while on unpaid FMLA leave. Employees may choose from three leave cascades while on FMLA:

1. Utilize all accrued annual leave then utilize all accrued sick leave followed by leave without pay.
2. Utilize all accrued sick leave then utilize all accrued annual leave followed by leave without pay.
3. Use leave without pay without first exhausting accrued annual and/or sick leave.

FMLA leave may be taken intermittently or on a reduced leave schedule for medical necessity and for birth or placement of a healthy child. The Department may, if necessary, temporarily transfer the employee during the period of intermittent or reduced leave schedule to an available alternative position for which the employee is qualified and which will better accommodate recurring periods of leave.

Spouses who are both employed by the state are entitled to a combined total of 12 weeks of leave (rather than 12 weeks each) for the birth or adoption of a healthy child (bonding time). When the husband and wife both use a portion of the total 12-week entitlement for bonding time, they would each be entitled to

the difference between the amount he or she took individually and 12 weeks of FMLA leave for other purposes. For example, if each spouse took six weeks of FMLA leave to care for a healthy newborn child, each could use an additional six weeks of FMLA leave due to his or her own serious health condition or to care for a child or spouse with a serious health condition. Both the mother and father are entitled to 12 weeks of FMLA leave if needed to care for a child with a serious health condition if all other requirements are met, even if both are employed by the state, provided they have not exhausted their entitlement during the applicable 12-month period. Each employee is entitled to FMLA leave for the care of his/her own parent only.

Certification

A request for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent must be supported by a certificate issued by a healthcare provider. The certificate must contain the following information:

1. The name, address, telephone number and fax number of the healthcare provider and type of medical practice/specialization.
2. The approximate date on which the serious health condition commenced.
3. The probable duration of the condition.
4. A statement or description of appropriate medical facts regarding the patient's health condition for which leave is requested. The facts must be sufficient to support the need for leave. Such facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment, or any other regimen of continuing treatment.
5. If the leave is to care for a family member, the certificate must contain a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time required.
6. If the leave is due to the employee's illness, a statement that the employee is unable to perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of the inability.
7. If an employee requests leave on an intermittent or reduced schedule basis, information sufficient to establish the medical necessity for such a schedule and an estimate of the dates and duration of treatments and any periods of recovery or episodes of incapacity.

The employee shall provide the Department with a completed Form WH-380: Certification of Healthcare Provider 30 days prior to the date leave begins and make efforts to schedule leave so as not to disrupt Department operations when the necessity for leave is foreseeable such as for the birth or adoption of a child, or planned medical treatment. If circumstances require that leave begin in less than 30 days, the employee shall provide such certification as soon as is practical.

The FMLA Coordinator will review the certification and send Form WH-382: FMLA Designation Notice to the employee, indicating whether or not the FMLA leave has been approved. If the certification is considered insufficient or incomplete (if one or more of the applicable entries have not been completed or the information provided is vague, ambiguous or non-responsive), the employee will be notified of the additional information that is needed to make the certification complete and sufficient. The employee will then have seven calendar days (unless not practicable despite the employee's good faith efforts) to correct any deficiencies. If the deficiencies are not corrected in the resubmitted certification, the Department may deny the FMLA leave. A certification that is not returned to the Department constitutes a failure to provide certification and FMLA leave may be denied.

In cases of illness, the employee will be required to report periodically regarding his or her leave status and intention to return to work. The approving Division Head or District Engineer may require that the employee obtain subsequent recertification on a reasonable basis, but not more often than every 30 days or not before the expiration of the minimum duration listed on the previous certification. The Department may also request recertification in less than 30 days if the employee requests an extension of leave, if circumstances described by the previous certification have changed significantly, or if the Department receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. In all cases, the Department may request recertification of a medical condition every six months. When an employee's need for leave lasts beyond a single 12-month period, the employee is required to provide a new medical certification. The employee must provide any requested recertification within 15 calendar days of the request.

The Department will also require a fitness for duty report before allowing an employee to return to work, in accordance with existing Department policy. The Department may delay restoring an employee to work without such certification.

Medical information gathered as a result of the serious health condition is considered confidential.

II. <u>Military Family Leave for Qualifying Exigency</u>

Eligible employees may use their 12-week leave entitlement while the employee's spouse, son, daughter, or parent (the military member) is on covered active duty or has been notified of an impending call or order to covered active duty for one or more of the following qualifying exigencies, circumstances or demands (state calls to active duty are not covered unless under order of the President of the United States in support of a contingency operation):

A. Short-notice deployment (seven or less calendar days prior to the date of deployment): Leave can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order;

B. Military events and related activities: To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty, and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty of the military member;

C. Childcare, parental care and school activities: To arrange for alternative childcare or parental care when the active duty or call to active duty of a military member necessitates a change in the existing childcare or parental care arrangement for the son, daughter or parent of the member; to provide care for the member's son, daughter or parent on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide care arises from the active duty or call to active duty; to enroll in or transfer to a new school, daycare or full or part-time adult care facility for the member's son, daughter or parent when enrollment or transfer is necessitated by the active duty or call to active duty of the member; or to attend meetings with staff at a school, daycare or adult care facility for the son, daughter or parent of a member due to active duty or call to active duty;

D. Financial and legal arrangements: To make or update financial or legal arrangements to address the military member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust; and to act as the member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the member is on active duty or call to active duty status, and for a period of 90 days following the termination of the member's active duty status;

E. Counseling: To attend counseling provided by someone other than a healthcare provider for oneself, for the military member, or for the son or daughter of the member, provided the need for counseling arises from the active duty or call to active duty status of a member;

F. Rest and recuperation: To spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days for each instance of rest and recuperation;

G. Post-deployment activities: To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's active duty status; and to address issues that arise from the death of a member while on active duty status, such as meeting and recovering the body of the member and making funeral arrangements; and

H. Additional activities: To address other events which arise out of the military member's active duty or call to active duty status provided that the Department and the employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

FMLA leave may be taken intermittently or on a reduced leave schedule for a qualifying exigency. The Department may, if necessary, temporarily transfer the employee during the period of intermittent or reduced leave schedule to an available alternative position for which the employee is qualified and which will better accommodate recurring periods of leave.

Certification

The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the employee is required to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service. This information must be provided only once. New orders must be provided only if the need for leave is due to a different active duty or call to active duty status of the same or a different military member. The certification must contain the following information:

1. A statement or description, signed by the employee, of the appropriate facts regarding the qualifying exigency. The facts must be sufficient to support the need for leave and should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave. The documentation, for example, may include a copy of a meeting announcement for information briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;
2. The approximate date on which the qualifying exigency commenced or will commence;
3. The beginning and end dates for the absence;
4. If leave is requested on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
5. If the exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting.

The employee shall provide the Department with a completed Form WH-384: Certification of Qualifying Exigency for Military Family Leave within 15 calendar days. The FMLA Coordinator will review the certification and send Form WH-382: FMLA Designation Notice to the employee, indicating

whether or not the FMLA leave has been approved. If the certification is considered insufficient or incomplete (if one or more of the applicable entries have not been completed or the information provided is vague, ambiguous or non-responsive), the employee will be notified of the additional information that is needed to make the certification complete and sufficient. The employee will then have seven calendar days (unless not practicable despite the employee's good faith efforts) to correct any deficiencies. If the deficiencies are not corrected in the resubmitted certification, the Department may deny the FMLA leave. A certification that is not returned to the Department constitutes a failure to provide certification and FMLA leave may be denied.

III. Military Caregiver Leave for Serious Injury or Illness of Current Servicemember

Eligible employees are entitled to 26 weeks of FMLA leave during a "single 12-month period" to provide care for a current member of the Armed Forces, National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list for a serious injury or illness. A serious injury or illness means an injury or illness incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

Outpatient status with respect to a current servicemember means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

In order to qualify for Military Caregiver Leave to care for a current servicemember under FMLA, an eligible employee must be the spouse, son, daughter, parent, or next of kin of a covered servicemember.

Certification

When leave is requested to care for a current servicemember with a serious injury or illness, the employee is required to obtain certification completed by the healthcare provider of the servicemember. If the healthcare provider is unable to make certain military-related determinations, the healthcare provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator). The certification must contain the following information:

1. The name, address, and appropriate contact information of the healthcare provider, the type of medical practice, the medical specialty, and whether the healthcare provider is one of the authorized healthcare providers as listed in the above paragraph;
2. Whether the servicemember's injury or illness was incurred in the line of duty on active duty;
3. The approximate date on which the serious injury or illness commenced, and its probable duration;
4. A statement or description of appropriate medical facts regarding the servicemember's health condition for which leave is requested. The facts must be sufficient to support the need for leave. The facts must include information on whether the injury or illness may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank or rating and whether the servicemember is receiving medical treatment, recuperation, or therapy;
5. Information sufficient to establish that the servicemember is in need of care and whether the care will be for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;
6. If leave is requested on an intermittent or reduced schedule basis for planned medical treatment appointments, whether there is a medical necessity for the servicemember to have such periodic care and an estimate of the treatment schedule of the appointments. If the leave is for other than planned medical treatment, whether there is a medical necessity to have such periodic care which can include assisting in the servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

Certification that includes the following will be required from the employee and/or the servicemember:

1. The name of the employee requesting leave and the name of the servicemember for whom the employee is requesting leave to care;
2. The relationship of the employee to the servicemember;
3. Whether the servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the member's military branch, rank and current unit assignment;
4. Whether the servicemember is assigned to a medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;
5. Whether the servicemember is on the temporary disability retired list; and
6. A description of the care to be provided to the servicemember and an estimate of the leave needed to provide the care.

The employee shall provide the Department with a completed Form WH-385: Certification for Serious Injury or Illness of Current Servicemember for Military Family Leave within 15 calendar days. The FMLA Coordinator will review the certification and send Form WH-382: FMLA Designation Notice to the employee, indicating whether or not the FMLA leave has been approved. If the certification is considered insufficient or incomplete (if one or more of the applicable entries have not been completed or the information provided is vague, ambiguous or non-responsive), the employee will be notified of the additional information that is needed to make the certification complete and sufficient. The employee will then have seven calendar days (unless not practicable despite the employee's good faith efforts) to correct any deficiencies. If the deficiencies are not corrected in the resubmitted certification, the Department may deny the FMLA leave. A certification that is not returned to the Department constitutes a failure to provide certification and FMLA leave may be denied. Additional opinions of a current servicemember's serious injury or illness may be requested if certification is provided by a non-military-affiliated health care provider.

IV. Military Caregiver Leave for Serious Injury or Illness of a Veteran

Eligible employees are entitled to 26 weeks of FMLA military caregiver leave during a "single 12-month period" to provide care for a covered veteran of the Armed Forces with a serious injury or illness. A covered veteran means he or she: was a member of the Armed Forces (including a member of the National Guard or Reserves); was discharged under conditions other than dishonorable; and was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

A serious injury or illness means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces, or that existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty and that is either:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; *or*

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation because of a disability or disabilities related to military service, or would do so absent treatment; *or*

(iv) an injury that is the basis for the covered veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

In order to qualify for Military Caregiver Leave to care for a covered veteran under FMLA, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered veteran.

Certification

When leave is requested to care for a covered veteran with a serious injury or illness as outlined above, the employee is required to obtain certification completed by the healthcare provider of the covered veteran. If the healthcare provider is unable to make certain military-related determinations, the healthcare provider may rely on determinations from an authorized DOD representative (such as a DOD Recovery Care Coordinator). An employee may submit a copy of a VASRD rating determination or enrollment documentation from the VA Program of Comprehensive Assistance for Family Caregivers to certify that the veteran has a serious injury or illness. The certification must contain the following information:

1. The name, address, and appropriate contact information of the healthcare provider, the type of medical practice, the medical specialty, and whether the healthcare provider is one of the authorized healthcare providers as listed in the above paragraph;
2. Whether the covered veteran's medical condition is:
    a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    b. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    c. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    d. An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veteran's Affairs Program of Comprehensive Assistance for Family Caregivers.
3. The approximate date on which the serious injury or illness commenced, and its probable duration;
4. Information sufficient to establish that the covered veteran is in need of care and whether the care will be for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;
5. If leave is requested on an intermittent or reduced schedule basis for planned medical treatment appointments, whether there is a medical necessity for the covered veteran to have such periodic

care and an estimate of the treatment schedule of the appointments. If the leave is for other than planned medical treatment, whether there is a medical necessity to have such periodic care which can include assisting in the veteran's recovery, and an estimate of the frequency and duration of the periodic care.

Certification that includes the following will be required from the employee and/or the covered veteran:

1. The name of the employee requesting leave and the name of the covered veteran for whom the employee is requesting leave to care;
2. The relationship of the employee to the covered veteran;
3. The date of the covered veteran's discharge;
4. Whether the veteran was dishonorably discharged;
5. The covered veteran's military branch, rank and unit at time of discharge;
6. Whether the covered veteran is receiving medical treatment;
7. A description of the care to be provided to the covered veteran and an estimate of the leave needed to provide the care.

The employee shall provide the Department a completed Form WH-385-V: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave within 15 calendar days. The FMLA Coordinator will review the certification and send Form WH-382: FMLA Designation Notice to the employee, indicating whether or not the FMLA has been approved. If the certification is considered insufficient or incomplete (of one or more of the applicable entries have not been completed or the information provided is vague, ambiguous, or non-responsive), the employee will be notified of the additional information that is needed to make the certification complete and sufficient. The employee will then have seven calendar days (unless not practicable despite the employee's good faith efforts) to correct any deficiencies. If the deficiencies are not corrected in the resubmitted certification, the Department may deny the FMLA leave. A certification that is not returned to the Department constitutes a failure to provide certification and FMLA leave may be denied. Additional opinions may be requested if the certification is provided by a non-military-affiliated health care provider.

V. <u>Definitions</u>

SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care: An overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity as defined, or any subsequent treatment in connection with such inpatient care;
    a. Continuing treatment by a healthcare provider: Any period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves continuing treatment as follows:

Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider. (Extenuating circumstances means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the healthcare provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a provider determines that a second visit is needed within the 30-day period, but the provider does not have any available appointments during that time period.)

b. Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under supervision of a healthcare provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). It does not include the taking of over-the-counter medications or other similar activities that can be initiated without a visit to a healthcare provider.

Treatment by a healthcare provider as required in paragraphs "a" and "b" above means an in-person visit to a healthcare provider. The first (or only) in-person visit must take place within seven days of the first day of incapacity. Whether additional visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the healthcare provider.

2. Any period of incapacity due to pregnancy, for prenatal care, or for the mother's serious health condition following the birth of a child. The mother may take FMLA leave before the birth of a child for prenatal care or if her condition makes her unable to work. The mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a healthcare provider during the absence, even if the absence does not last for more than three calendar days. For example, a pregnant employee may be unable to report to work because of severe morning sickness.
3. Treatment for a chronic health condition that (a) requires periodic visits (at least twice a year) for treatment by a healthcare provider or by a nurse under direct supervision of a healthcare provider, (b) continues over an extended period of time (including recurring episodes of a single underlying condition), and (c) may cause episodic rather than a continuing period of incapacity (asthma, diabetes, epilepsy, etc.).
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer's, severe stroke or the terminal stages of a disease.
5. Multiple treatments for non-chronic conditions: Any period of absence to receive multiple

treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis) that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

6. Continuing supervision of, but not necessarily active treatment by, a healthcare provider due to a serious, long-term or chronic condition or disability which cannot be cured by medical intervention or treatment.

The FMLA allows leave for substance abuse only for the purpose of undergoing treatment by a healthcare provider and specifically excludes employee absence because of the use of the substance. Stress qualifies as a serious health condition only if it rises to the level of a mental illness or results in a physical illness. Mental illness or allergies may be serious health conditions, but only if all the conditions of this policy are met. Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this policy are met. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc. are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

For a current servicemember, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank or rating A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

For a veteran, a serious injury or illness means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces, or that existed before the beginning of the covered veteran's active duty and was aggravated by service in the line of duty on active duty and that is either:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; *or*

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

(iii) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation because of a disability or disabilities related to military service, or would do so absent treatment; *or*

(iv) an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

PERIOD OF INCAPACITY means a period of time when an employee or family member is unable to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore, or recovery there from.

TREATMENT, for the purposes of FMLA, includes examinations to determine if a serious health condition exists and evaluations of the condition, but does not include routine physical examinations, eye examinations, or dental examinations.

HEALTHCARE PROVIDER is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices or any other person determined by the United States Department of Labor to be capable of providing healthcare services. Included in the second part of that definition are podiatrists, dentists, clinical psychologists, clinical social workers, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray), nurse practitioners and nurse-midwives, physician assistants, and Christian Science Practitioners.

SPOUSE is defined as a husband or wife in accordance with applicable state law.

PARENT means a biological, adoptive, step or foster father or mother, or an individual who stands or who stood in loco parentis. It does not include parents-in-law. In loco parentis includes day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological relationship is not necessary.

SON OR DAUGHTER means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis:

1. Under 18 years of age; or
2. Eighteen years of age or older and incapable of self-care because of mental or physical disability. Incapable of self-care means the individual requires active assistance or supervision to provide daily self-care in three or more activities of daily life or instrumental activities of daily living, such as grooming, hygiene, dressing, eating, cooking, cleaning, using telephones, etc. Physical or

mental disability means a physical or mental impairment that substantially limits one or more of the major life activities.

NEXT OF KIN OF A CURRENT SERVICEMEMBER OR VETERAN means the nearest blood relative other than the servicemember's or veteran's spouse, parent, son or daughter, in the following order of priority:

1. a blood relative who has been designated *in writing* by the servicemember or covered veteran as the next of kin for FMLA purposes;
2. blood relatives who have been granted legal custody of the servicemember or covered veteran by court decree or statutory provisions;
3. brothers and sisters;
4. grandparents;
5. aunts and uncles;
6. first cousins

When a servicemember or covered veteran designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the servicemember's or veteran's only FMLA next of kin. When a servicemember or covered veteran has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the servicemember or current veteran, all such family members are considered the servicemember's or covered veteran's next of kin and may take FMLA leave to provide care to the servicemember or covered veteran either consecutively or simultaneously. For example, if a current servicemember or veteran has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the servicemember's next of kin. Alternatively, where a current servicemember has one or more siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the servicemember's next of kin.

CURRENT SERVICEMEMBER means:

- a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness.

COVERED VETERAN means:

- a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered veteran.

COVERED ACTIVE DUTY means:

- for the members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

DEPLOYMENT means a call to duty in a foreign country or international waters.

SINGLE 12-MONTH PERIOD

The single 12-month period for military caregiver leave begins on the first day the eligible employee takes leave for this reason and ends 12 months after that date. If an eligible employee does not take all 26 workweeks of leave, the remaining amount of leave is forfeited.

Military caregiver leave is available to an eligible employee once per-covered servicemember or covered veteran, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same servicemember or covered veteran if he or she has another serious injury or illness. An eligible employee may also take military caregiver leave to care for more than one current servicemember or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a covered veteran.

An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period as described, provided that the employee is entitled to no more than 12 weeks of leave a qualifying reason other than caregiver leave. For example, an eligible employee may, during the single 12-month period, take 14 weeks of FMLA to care for a servicemember and 12 weeks of FMLA leave to care for a newborn child; however, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 weeks of FMLA leave to care for a servicemember. In the case of leave that qualifies as both leave to care for a servicemember and leave for any other FMLA qualifying reasons, leave to care for a servicemember must be designated in the first instance. The leave must not be designated as leave taken for another qualifying reason.

A husband and wife who are both employed by the state and are eligible for FMLA leave may be limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken for a qualifying reason and includes caring for a servicemember or covered veteran with a serious injury or

illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to the full 26 workweeks of FMLA leave for this purpose.

MATERNITY/PATERNITY LEAVE AND BREASTFEEDING RIGHTS

Revised 8/2019

The following types of leave are available for maternity/paternity purposes:

- Up to four consecutive weeks of catastrophic leave *with full pay* is available to eligible employees within the first 12 weeks after the birth of the employee's biological child or the placement of an adoptive child in the home of the employee. An employee on catastrophic leave for maternity/paternity purposes is not required to exhaust sick or annual leave before being granted catastrophic leave. An employee on catastrophic leave for maternity/paternity purposes does not accrue any leave unless the employee has physically worked or has been on authorized paid leave (other than catastrophic leave) more than 80 hours during the month.
- The employee must meet the eligibility requirements for catastrophic leave, as outlined in the Catastrophic Leave policy. After the expiration of the four weeks of catastrophic leave for maternity/paternity purposes, maternity/paternity leave shall be treated as any other leave for sickness or disability.
- Accumulated sick leave and annual leave, if requested by the employee, is also available for maternity/paternity use, in addition to leave without pay.
- Family and Medical Leave (FMLA leave) may also be used for incapacity due to pregnancy, prenatal medical care or child birth, and to care for the employee's child after birth (up to one year old), or placement with the employee for adoption or foster care. FMLA leave may be taken before the actual placement of an adopted or foster child if absence from work is required for the placement to proceed – counseling session, court appearance, travel to another country, etc. FMLA leave may be taken intermittently or on a reduced leave schedule for medical necessity and for birth or placement of a healthy child. Spouses who are both employed by the state are entitled to a combined total of 12 weeks of FMLA leave (rather than 12 weeks each) for the birth or adoption of a healthy child. See the FMLA policy for details and eligibility requirements. Other types of leave granted for maternity/paternity purposes shall run concurrently with any leave granted under the FMLA policy.

Break Time for Expressing Breast Milk

Supervisors shall provide reasonable break time each day to an employee who needs to express breast milk for her child in order to maintain milk supply and comfort. To the extent possible, the break time

shall run concurrently with any paid or unpaid breaks provided to the employee (i.e., paid morning/afternoon breaks, unpaid lunch breaks, etc.).

The supervisor is not required to provide break time if to do so would create an undue hardship on the operations of the Department. Also, the employee shall make reasonable efforts to minimize disruption to the Department's operations. In the event of a problem determining how to provide break time without creating an undue hardship on operations, the supervisor shall contact the Human Resources Division for assistance.

Locations for Expressing Breast Milk

The supervisor shall make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her milk. The room or location may include the employee's normal work space if the employee's normal work space meets the requirements listed above (private, secure and sanitary).

Many different solutions can be used to give nursing mothers space to express milk at work. A variety of permanent, flexible and even mobile space options can provide support, even when space is limited.

- Dedicating a permanent space for single users would be ideal, such as a private room with a chair, a flat surface (desk, table or shelf for the employee's pump and other supplies), an electrical outlet and a door that locks. Going beyond the basic requirements to make the room comfortable, relaxing and convenient is encouraged.

- When a permanent space is not practical, an existing space may be converted temporarily for this purpose, such as allowing the employee to use a private office, meeting room, break room, closet or storage area, preferably with a door that locks. If the space cannot be locked, protect the privacy of the nursing mother with signage informing other employees when the space is in use. Employees and supervisors should work together to arrange scheduling and use of these types of spaces since they are also used for other business purposes.

- Sometimes milk expression "rooms" are not possible for employees who work primarily in outdoor settings. In these cases, pop-up tents, mobile options such as vehicles, temporary structures or shared space in nearby buildings can create solutions for flexible, portable options. Nearby access to water is helpful for washing hands and pump parts. Other amenities may not be possible in a mobile space, but privacy must be considered. For example, a pop-up tent may be able to be zipped closed. The cab of a vehicle can be made

private with windshield visors. Signage can also be used to protect the privacy of nursing mothers informing other employees that the space is in use. If standard refrigeration is not available nearby, mothers can keep their milk fresh in a small cooler with ice packs.

Breastfeeding is natural, and it is important to offer kind support to breastfeeding mothers and babies. Mothers will not be harassed, mistreated, or asked to leave as a result of breastfeeding or milk expression in the workplace.

CATASTROPHIC LEAVE

Revised 8/2019

Situations occasionally arise when an employee or an employee's spouse, parent or dependent child is faced with a catastrophic illness or injury which requires the utilization of all accrued annual leave, sick leave, floating holidays, and compensatory time off (if applicable), resulting in the employee ultimately being placed in a leave without pay (LWOP) status. The Department has established a policy where employees may donate a portion of their accrued annual and sick leave to a Catastrophic Leave Bank for use by employees who are unable to perform their duties due to a catastrophic illness or injury, including maternity/paternity purposes. The Catastrophic Leave policy creates no expectation or promise of continued employment with the Department and is intended simply to assist eligible employees during medical emergencies.

Eligibility Requirements:

1. The employee has been employed by the state for more than one year in a regular, full-time position.
2. Catastrophic leave for maternity/paternity purposes may be granted to an employee after the birth of the employee's biological child or the placement of an adoptive child in the home of the employee.
3. The employee must have elected to participate in the program by filing a written agreement to donate to the catastrophic leave bank a minimum of one day (eight hours) annual or sick leave each year and must have participated in the prior leave year.
4. a. At the onset of the illness or injury, the employee had to his or her credit at least 80 hours of combined sick and annual leave, and has exhausted all such leave (as well as all floating holidays and compensatory time off), unless the combined sick and annual leave requirement is waived by the Director.
   b. The Director may waive the donation requirement and/or the minimum 80-hour requirement for combined sick and annual leave if he determines the employee warrants eligibility because of extraordinary circumstances:
      1. The employee has been employed by the state less than one year and had a pre-existing medical condition;

2. The employee had, during the previous year, another medically documented catastrophic illness which caused the exhaustion of all annual and/or sick leave; or
3. The employee had, during the previous year, exhausted his or her sick and annual leave as a direct result of supplementing workers' compensation benefits which were received due to an on-the-job injury.

c. An employee on catastrophic leave for maternity/paternity purposes is not required to exhaust sick or annual leave before being granted catastrophic leave. An employee on catastrophic leave for maternity/paternity purposes does not accrue any leave leave unless the employee has physically worked or has been on authorized paid leave (other than catastrophic leave) more than 80 hours during the month.

5. An acceptable medical certificate from a physician supporting the continued absence is on file, or a final decree of adoption issued by a court of competent jurisdiction approving the adoption of a child by the employee.
6. The employee has not been disciplined for any leave abuse during the past year from the time of application.

Up to four consecutive weeks of catastrophic leave with full pay may be granted to an employee for maternity/paternity purposes. The employee shall be eligible for the leave only within the first 12 weeks after the birth or adoption of a child. After the expiration of the four weeks of catastrophic leave for maternity/paternity purposes, maternity/paternity leave shall be treated as any other leave in accordance with the Maternity Leave policy. Catastrophic leave for maternity/paternity purposes shall run concurrently with any leave granted under the Family and Medical Leave Act policy.

If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.

No employee shall be eligible for catastrophic leave in excess of six months (1,040 hours) in any one leave year unless it can be ascertained that the employee has been denied disability retirement, Social Security benefits, or demonstrates an extremely exceptional circumstance. Catastrophic leave shall not exceed one year total (2,080 hours) per employee.

No employee shall be granted catastrophic leave beyond the date certified by the physician as the date when the employee is able to return to work or is no longer needed for the care of the qualifying family member unless the physician certifies that continued intermittent leave is necessary after the employee has returned to work. If an employee is on intermittent catastrophic leave, but has physically worked enough to accrue, the employee's own accrued leave must be used before catastrophic leave is applied.

For purposes of this program, the following definitions apply:

Catastrophic Illness means a medical condition of the employee, spouse or parent of the employee, or of a child of the employee which may be claimed as a dependent under the Arkansas Income Tax Act of 1929, certified by a physician that an employee's absence from duty is required for a prolonged period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned leave.

Onset of the illness means the initial beginning or start, as certified by a physician, of the medical condition which created the need for catastrophic leave. If a recurrence of the same illness necessitates a subsequent request for catastrophic leave, or if the employee had a pre-existing medical condition at the time of hire, then the 80-hour requirement may be waived by the Director.

Prolonged Period of Time means a continuous or intermittent period of twenty working days (160 hours) or more whereby a medical condition prevents the employee from performing the employee's duties.

Medical Condition means catastrophic and debilitating medical situations, long-term or chronic serious health conditions, severely complicated disabilities and/or severe accidents of the employee or qualifying family member that require a prolonged period of recuperation and necessitate the employee's absence from duty as documented by a physician. The Catastrophic Leave Committee may take into consideration additional factors such as disabilities resulting from elective surgery, self-inflicted injuries, drug or alcohol abuse, or from an illegal act.

Donation to the Catastrophic Leave Bank:

Accrued leave may be donated to the Catastrophic Leave Bank in one-hour increments. Donations of leave shall be made electronically through the timekeeping system. Leave year-end donations must be made with an effective date no later than the last day of March. Donations must be made prior to the close of the pay period that includes the last day of March.

No employee shall be allowed to donate leave to the Catastrophic Leave Bank if such donation will reduce that employee's accrued annual and sick leave balances to less than a combined total of 80 hours after donation, unless recommended by the Catastrophic Leave Committee and approved by the Director. Supervisors must ensure the donating employee meets the minimum accrued leave balance requirements prior to approving the requested leave donation. Employees who are terminating their employment may donate any amount of accrued leave.

Annual and/or sick leave donations to the Catastrophic Leave Bank are irrevocable.

Administration:

The Catastrophic Leave Bank will be administered in accordance with the following guidelines:

a. Applications for catastrophic leave shall be reviewed on a first filed, first reviewed basis. Approval does not guarantee that a catastrophic leave applicant will receive leave should there be a zero balance in the Catastrophic Leave Bank.

b. Members of the Catastrophic Leave Committee will review applications and make recommendations to the Director. Recommendations by the Catastrophic Leave Committee are subject to review and approval by the Director.

c. The Director's decision is final.

d. Catastrophic leave is normally granted in eight-hour increments only. Ten-hour increments shall apply when fulfilling the four day, ten-hour work schedule.

e. Once approved by the Director or Director's designee, catastrophic leave may be retroactively applied to the date the application was sent to the committee for approval, or the date the absence began, whichever is later. Catastrophic leave shall not be applied to any date prior to the Personnel Office's receipt of all necessary paperwork.

f. Requests for extensions for continuous or intermittent leave due to the same condition for which catastrophic leave has been previously approved must be reviewed by the Catastrophic Leave Committee and approved by the Director. To request an extension for continuous catastrophic leave or to begin intermittent catastrophic leave, the employee is required to submit a new *Catastrophic Leave Bank Application Form 19-330,* but the employee may submit a letter or written statement from the doctor justifying the extension and establishing a new anticipated return-to-work date in place of the *Form 19-331 Physician's Certification for Catastrophic Leave.* If the request for an extension is received in the Personnel Office no later than the date the previously-approved period of catastrophic leave ends, and if the Director approves the request, then the employee will not lose pay between the date the initial period of catastrophic leave ends and the date the extension is approved by the Director. If the request for an extension is not received in the Personnel Office by the date the previously-approved period of catastrophic leave ends, then the employee will be placed on leave without pay until the day after the request for extension is received in the Personnel Office.

g. Employees on catastrophic leave will continue to draw their normal rate of pay but catastrophic leave will not count toward work time for the purposes of calculating uniform or tool allowances. Employees compensated by workers' compensation will draw the difference between their normal rate of pay and what they are being compensated by the Workers' Compensation Commission. Catastrophic leave will not be included in the calculations for monthly annual and sick leave accruals.

h. Catastrophic leave will not change an employee's increase eligibility date. The employee's service and accrual dates will be adjusted during the time an employee is on leave without pay.

i. In the event an employee on catastrophic leave separates from the Department or returns to work prior to exhausting approved catastrophic leave, all unused catastrophic leave shall expire and will be returned to the catastrophic leave bank. Should the qualifying family member die or be released from

continuing care and the employee returns to work prior to exhausting approved catastrophic leave, all remaining catastrophic leave will expire and will be returned to the catastrophic leave bank.

j. An employee may be terminated if such employee fails to report to work promptly at the expiration of the period of approved catastrophic leave. The employee may, however, provide satisfactory reasons in advance of the date the employee is scheduled to return to work requesting leave without pay status. The Department may grant leave without pay after the expiration of a period of catastrophic leave at the discretion of the Director.

k. Abuse of the Catastrophic Leave Bank Program is prohibited. In the event of abuse, the employee shall repay all of the leave hours drawn from the Catastrophic Leave Bank and will be subject to other disciplinary action as determined by the Director.

Prohibition of Coercion:

An employee may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with any such employee with respect to rightfully donating, receiving, maintaining or using annual or sick leave, or with respect to donating or not donating to the catastrophic leave bank. Any report of such instances shall be made in writing to the Human Resources Division. All written reports of such instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violations.

Application for Catastrophic Leave:

a. Requests for catastrophic leave may be initiated by employees or their Division Head or District Engineer by completing Part I of the Recipient Application Form. The applicant shall obtain verification of actual or projected leave exhaustion dates, attach a physician's certification of the illness, and submit the application to his or her Division Head or District Engineer.

b. The Division Head or District Engineer shall certify whether or not disciplinary action for abuse has been taken during the past year. After signing the request, the application shall be submitted to the Personnel Office.

c. The Personnel Office will verify that the employee is in a full-time regular position, a participant in the program and the amount of compensation received if the illness/injury is within the jurisdiction of the Workers' Compensation Commission.

d. After signing the Catastrophic Leave Bank Recipient Application Form, the Personnel Office will forward it to the Catastrophic Leave Committee.

e. The Committee's recommendation will be forwarded to the Director. The Director may accept or reject the Committee's recommendation.

JURY AND WITNESS DUTY

Revised 1/2016

In accordance with Arkansas Code Annotated § 16-43-806 and 21-4-213, the following policies apply to all Department employees (including temporary employees) for jury and witness duty:

Jury Duty: An employee serving as a juror in a state or federal court shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in court shall not be counted as annual leave.

Witness Duty: If an employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before any body with power to issue a subpoena, the employee is:

1. Entitled to retain any witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is:
    a. Outside the employee's scope of state employment; or
    b. The employee is a party to the matter other than as a representative of the state employer.
2. Entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is:
    a. Within the employee's scope of state employment and the employee uses a personal vehicle for travel in obeying the subpoena and the Department does not reimburse the employee for travel expenses; or
    b. Outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.
3. Entitled to his or her salary if the employee is a witness in a matter:
    a. Within the employee's scope of state employment; or
    b. Outside the employee's scope of state employment and the employee is not serving as a paid expert witness or is not a party to the matter.
4. Required to take annual leave to attend the deposition, hearing, or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert or is a party to the matter or litigant.

If the employee is subpoenaed to appear at a time when the employee is not scheduled for regular duty, and the matter is within the employee's scope of state employment, then the employee is entitled to his or her salary for the actual hours served and may not retain any witness fees tendered to him or her.

Under this circumstance, supervisors should make every attempt to adjust a non-exempt employee's work schedule prior to the end of the pay week so that the employee does not exceed 40 hours of physical work time.

The Jury/Witness Verification Form (F19-502), completed by the court, must be submitted to the Personnel Office. Documentation will be required for each day of jury/witness duty served specifying beginning and ending dates and times in attendance. Supervisors will post the Jury pay code to the employee's time card in the Workforce Management System for the appropriate number of hours. Annual leave must be utilized for voluntary appearances in court. Arrangements for time off for court appearances must be made in advance with the supervisor. When jury/witness duty does not involve a full day and employees are excused early, they are expected to report to work. Night shift employees required to serve in court during the day shall be allowed to take jury/witness leave on the night shift of the day on which they served for the amount of time served.

Employees will be granted reasonable travel time to and from court. The amount of travel time granted will be dependent on whether the employee reports to work before and/or after his or her court appearance. Employees who report to work prior to reporting to court will be granted reasonable travel time from work to court. Employees who return to work after fulfilling his or her court obligation will be granted reasonable travel time from court to work. Employees who do not report to work before or after court will be granted reasonable travel time to and from home to court, plus the number of hours served, not to exceed the number of hours the employee was scheduled to work that day. If the hours served, plus reasonable travel time, are less than the employee's scheduled shift, then annual leave should be used to fill the remainder of the shift.

MILITARY LEAVE

Revised 5/2013

Military Leave: Regular full-time employees who desire to take a leave of absence for the purpose of participating in the military training programs made available by the National Guard or any of the reserve branches of the armed forces or who are members of the Inactive Reserve Corps of the United States Public Health Service who desire to take a leave of absence for the purpose of participating in the civil defense and public health training programs made available by the United States Public Health Service are granted fifteen days of military leave per calendar year without loss of pay, to fulfill annual training requirements or other military duties performed in an official duty status. In addition, employees are entitled to carry over a maximum of fifteen days military leave from one year to the next. Once military

leave has been exhausted, the employee has the option of utilizing annual leave or military leave without pay. Employees are also allowed necessary travel time in addition to the fifteen days of military leave, which will be determined by the Division Head of Human Resources. Requests for travel must be approved prior to departure. Upon returning to work, a copy of the official military orders must be submitted to the Personnel office for all time off covered by official action (annual training, active duty special work, specialized training, etc.) The Department recognizes that official military orders may not be available for certain duties such as weekend drills; therefore, in these situations, a letter or memorandum on unit letterhead from the commanding officer is required, stating the purpose and date(s) of the duty, and that the employee was ordered to and present for such duty.

Personnel called to duty in emergency situations by the Governor or the President will be granted leave with pay not to exceed thirty working days after which leave without pay will be granted. (Emergency situations are considered to be cases of invasion, disaster, insurrection, riot, breach of peace or imminent danger thereof, threats to the public health or security, and threats to the maintenance of law and order.) The employee may elect to exhaust accrued annual leave before using military leave without pay.

Employees on active duty or deployed overseas will remain eligible for any vacant positions advertised during the absence. Activated employees should make every effort to notify their supervisors of their interest in the position, either before leaving for active duty or by staying apprised of position vacancy announcements through electronic means and providing notification prior to the closing date. These employees must be given full consideration for the position, as if they were currently working.

Leave of Absence for Reexamination or Treatment of Service-Connected Disability: Employees who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled to be reexamined or treated for the disability are entitled to a leave of absence with pay for a period not to exceed six days for that purpose during any one calendar year. The leave of absence is in addition to the regular annual and sick leave allowed to the employee.

During the leave of absence under this section, the employee will be entitled to any rights, privileges, and benefits to which he/she has become entitled.

Leave Without Pay: A leave of absence (leave without pay) may be granted to full-time regular employees who enter the National Guard, the Reserve branches of the Armed Forces, Coast Guard, or Civil Air Patrol. These employees must have three months of continuous service with the Department prior to entrance in the service.

Leave without pay may also be granted to employees who are called to active duty in an emergency situation, or for those who have exhausted accrued military leave. An employee who is granted such leave is required to leave his or her funds in the Retirement System. Sick leave accumulated prior to military duty is maintained until the employee returns to work. The employee may elect to use all or part of his or her accrued annual leave, and the remaining balance will be maintained until the employee returns to work. Sick and annual leave do not accrue during the leave of absence.

When the duration of military service is 30 days or less, the employee must return to work on the next regularly scheduled work day upon release. When the duration is 31 to 180 days, the employee must return to work within 14 days after completion of military duty. When the duration is 181 or more days, the employee must return to work no later than 90 days after completion of military duty. A DD-214 releasing the employee from duty must be provided prior to returning to work. Employees who fail to return to work immediately upon release will be placed on personal leave without pay until reporting to work.

Employees granted a leave of absence under this policy will be reinstated to employment after satisfactorily completing their tour of duty, at a salary or wage equal to or greater than that received at the time of departure, insofar as legislative appropriations and Department salary rates will permit. The veteran must return directly to the Department after release from service. Application for employment elsewhere will forfeit the veteran's benefit.

Resignation: Full-time regular employees resigning from the Department when entering active military duty may be assured of re-employment and reinstatement of accrued sick leave hours after satisfactorily completing the tour of duty unless such re-employment would impose an undue hardship on the Department. An employee resigning may elect to withdraw retirement funds or leave the funds in the system. Form 19-125 should indicate an employee is resigning to enter military service, record sick leave balance at the time of resignation, and be accompanied by a copy of the Official Military Orders.

The veteran returning to employment after military duty must make application for re-employment under the following guidelines:

- Employees whose service period was 30 days or less must make application not later than the first regularly scheduled workday. A copy of the employee's release from duty (DD-214) must be provided.

- Employees whose service period was 31 days but not more than 180 days must make application within 14 days of release from the service. A copy of the employee's release from duty (DD-214) must be provided.

- Employees whose service period was more than 180 days must make application within 90 days after release from duty. A copy of the employee's release from duty (DD-214) must be provided.

The first application for employment must be with the Department in order to be assured of re-employment. Re-employment is usually at the previous location. If a change in location is desired, a request should be made when the request for re-employment is submitted. Extended absence for medical rehabilitation is available when notice is provided within the above time constraints. This extended leave may not exceed two years.

Re-employment rights will be forfeited in the following circumstances: the employee applies for employment elsewhere before applying at the Department, is released from the service under other than honorable conditions, or the military service time exceeds five years. Exceptions to the five-year limit are: the initial period of obligation extends beyond five years, or the veteran is ordered to or retained in active duty under any provision of law during a war or national emergency declared by the President or Congress or in support of a critical mission as ordered by the Secretary of Defense.

Failure to grant a request for military leave or harassment of employees based on military participation is strictly prohibited.

EMERGENCY PAID LEAVE AND DISASTER SERVICE VOLUNTEER LEAVE

Revised 5/2017

The purpose of this policy is to allow employees to take emergency paid leave to address the losses they incur in the wake of severe weather conditions such as tornadoes, damaging high winds, heavy rain and flooding, and to allow employees to take leave to participate in disaster relief efforts.

Emergency Paid Leave

Emergency paid leave may be granted to employees who suffer the loss of, or substantial damage to, their principal place of residence due to tornadoes, high winds, rain, flooding or other severe weather conditions, upon review and approval of the supervisor. The emergency paid leave may not exceed 40 hours, and it may only be granted to employees whose principle residence is located in a county that has been declared to be a disaster area by the Governor as a result of severe weather.

Employees may use additional earned leave time over and above the emergency paid leave granted if approved by the supervisor.

Disaster Service Volunteer Leave

Act 268 of 1997 allows employees who are trained and certified as disaster service volunteers by the American Red Cross to utilize paid leave for not more than fifteen working days within the Department's leave year (April 1 - March 31), without loss of seniority, pay, or leave time. Leave under this Act is only granted for disaster relief services occurring within the State of Arkansas and/or contiguous states. In order for leave to be granted, employees' services must be requested by the Red Cross and consent must be obtained from the ARDOT Director. Employees on leave under this Act will not be considered employees of the Department for purposes of workers' compensation.

The first portion of the "State of Arkansas Disaster Volunteers Activity Report" form must be completed by the Red Cross Official and submitted to the employee's supervisor before the period of leave begins. The form requires the signature of a Red Cross Official both at the beginning and conclusion of a Disaster Relief Operation in which employees have served as volunteers.

INCLEMENT WEATHER

Revised 4/2017

The Department's primary mission centers around maintaining safe highways for the traveling public and our responsibilities during winter storms are critical to that mission. Therefore, the Department does not suspend its operations due to inclement weather.

Essential Personnel

Essential personnel, designated by the Division Head or District Engineer, are defined as employees essential for the maintaining and clearing of highways, providing for the public's safety, or the support of such functions. Resident Engineer office employees are often considered essential personnel for inclement weather purposes if the District Engineer activates them to assist with inclement weather activities. Supervisors in the Central Office can also designate employees as essential to carrying out the mission of the Department during periods of inclement weather. Essential personnel are expected to report to work for their regular schedule or a modified inclement weather schedule, in accordance with the supervisor's instructions, even in situations when the Governor declares state offices are closed due to inclement weather. Non-exempt personnel will receive pay for all hours worked and are also eligible to receive overtime pay for hours physically worked more than 40 hours per pay week, in accordance with standard overtime rules. Overtime pay is calculated at a rate of one and one-half hours for each hour of overtime physically worked and does not include holiday or paid leave taken in the same pay week.

When winter weather is predicted, essential personnel are required to provide a phone number where they can be reached during non-working hours. Employees may use this on-call time to engage in personal activities of their choosing, but they must be accessible by telephone at all times and able to report for duty within one hour of notification. Failure to be accessible by telephone or being unable to report to work may be considered as a failure to report to work and will be handled in accordance with policies contained in the Personnel Manual.

Non-Essential Personnel

There are times when the severity of weather conditions causes state offices to be officially delayed, closed, or dismissed early. In these situations, non-essential personnel should look for official media notice to state agencies. In addition to the official media notices on local radio and/or television stations, employees may access the Arkansas State Government website (www.arkansas.gov) for the most up-to-date information regarding state office closings, or call the Governor's inclement weather line at 501-682-2ICE (2423).

Paid Time Off Due to Inclement Weather

When the Governor's office declares state offices will be officially delayed, closed or dismissed early, all employees (essential or non-essential) will be granted the same number of hours as a temporary "inclement weather" accrual in the Workforce Management System. These hours will be available for immediate use and will expire each year on June 1st if they are not used. Unused inclement weather hours are not compensable at the time of expiration or upon separation.

The taking of inclement weather hours is subject to the same supervisory approval as any other accrued leave, and is also subject to the same procedures concerning LCOD to minimize overtime costs. In other words, supervisors should reduce the number of hours taken when necessary to offset hours worked in excess of 40 for the pay week in accordance with the LCOD policy.

In general, inclement weather announcements and the number of hours granted will be made as follows:

- Delayed start – When the Governor declares that the Inclement Weather Policy is in effect for state offices, the delayed start time is based on a regular operating schedule of 8:00 a.m. to 4:30 p.m. The Department will not grant inclement weather hours in excess of the number of hours between 8:00 a.m. and the official delayed start time. In these situations, non-essential employees are expected to report to work no later than the delayed start time, which is typically 10:00 a.m. unless otherwise stated in the Governor's declaration. Non-essential employees who work a flexible schedule other than 8:00 a.m. to 4:30 p.m. should adjust their arrival time

accordingly. For example, if a delayed opening is announced for 10:00 a.m., non-essential employees who work a flexible schedule of 7:00 a.m. to 3:30 p.m. would be expected to report to work no later than 9:00 a.m. if they wish to leave at their regularly scheduled time (3:30 p.m.). However, these employees may also choose to revert to an 8:00 a.m. to 4:30 p.m. schedule for the day when an inclement weather delay is announced. In the example above, an employee who normally works 7:00 a.m. to 3:30 p.m. may choose to arrive at 10:00 a.m. and adjust the departure time to 4:30 p.m. In this example, all employees would be granted two inclement weather hours. These hours would be available for immediate use by non-essential employees on the day of the delayed start, or they may be used at a later date (not later than June 1st) by essential employees and non-essential employees who choose to report for work before the delayed start time. Non-essential employees who report to work after the delayed start time will be charged annual leave calculated between their arrival time and the official delayed start time. The calculated time will be made to the nearest quarter-hour. If an employee is unable to report to work at all on a delayed start day, the employee may use the two inclement weather hours in addition to six hours of annual leave.

Once an employee reports to work when a delayed start has been announced, the employee is expected to remain at work, even if the employee was not aware of the Governor's declaration before arriving at work. A delayed start is intended to give employees extra time to commute to work safely.

- Early dismissal – When the Governor or Director declares an early dismissal due to inclement weather conditions, non-essential employees will be notified that they may leave work early. The number of hours granted to employees on such days will be based on the time of dismissal in relation to 4:30 p.m. For example, if non-essential employees are dismissed at 2:00 p.m., then all employees will receive 2.5 hours which may be used immediately by non-essential employees or at a later date (not later than June 1st) by essential employees and non-essential employees who remain at work after being dismissed. Those who depart before the official dismissal time will be charged annual leave from the time they depart to the official dismissal time. The calculated time will be made to the nearest quarter-hour.

- Office closure – When state offices are closed for an entire day due to inclement weather conditions, non-essential employees are not expected to report to work. On these occasions, all employees will be granted eight hours to be used on that date or a later date (not later than June 1st) with approval from the employee's supervisor. Employees who are in a continuous, extended leave status such as military leave, catastrophic leave, unpaid FMLA leave, worker's compensation, etc. will be granted the same number of hours; however, the granted hours will

only be available for use upon the employee's return to work. If the employee is unable to return to work prior to June 1st, the granted hours will expire.

Employees in a part-time temporary, seasonal, or full-time temporary status are subject to the same policy as regular, full-time employees.

If the offices are open, employees are expected to make every reasonable effort to report to work and continue working. Non-essential employees who elect to stay home or leave early due to weather-related conditions without being excused by official action will be charged annual leave. Accrued compensatory time and inclement weather hours may also be used to cover periods of absences due to inclement weather. If annual leave, compensatory time, and inclement weather hours are unavailable, leave without pay may be used. Sick leave may not be used for this purpose.

The Director may alter any provisions of this policy due to special circumstances.

CHILDREN'S EDUCATIONAL ACTIVITY LEAVE

Revised 4/2017

The purpose of this policy is to give full-time employees an opportunity to participate in their children's educational activities. All full-time employees shall be entitled to eight hours of leave during any one leave year for the purpose of engaging with or traveling to and from the educational activities of a child. The eight hours of Children's Educational Leave (CEAL) is in addition to the annual leave and sick leave currently available to the employees. Unused leave under this policy may not be carried over to the next leave year and is not compensable to the employee at the time of retirement.

"Child" means a person enrolled in pre-kindergarten through 12th grade who is of the following relation to an employee: natural child, adopted child, stepchild, foster child, grandchild, ward of the employee by virtue of the employee having been appointed the person's legal guardian or custodian, or any other legal capacity where the employee is acting as a parent for the child. Child also includes a person who meets the criteria listed above, but is over eighteen years of age and has a developmental disability as defined in § 20-48-101 or is declared legally incompetent.

"Educational activity" means any school-sponsored activity, including without limitation:

- attending a parent-teacher conference;
- participating in school-sponsored tutoring of the child;
- participating in a volunteer program sponsored by the school in which the child is enrolled;

- attending a field trip with the child;
- attending a school-sponsored program or ceremony in which the child is participating;
- attending a graduation or homecoming ceremony in which the child is participating;
- attending an awards or scholarship presentation in which the child is participating;
- attending a parents' or grandparents' breakfast in which the child is participating;
- attending a classroom party in which the child is participating;
- attending a school committee meeting of the school in which the child is enrolled;
- attending an academic competition in which the child is participating;
- attending an athletic, music or theater program in which the child is participating; and
- engaging in any of these activities that are connected with a pre-kindergarten program.

Events which are sponsored by a college or university for high school students (such as scheduled college tours and family days) will be eligible for CEAL. College campus visits that are not associated with a school-sponsored event will not be eligible (e.g. non-scheduled tour on your own, random visit while in the area, etc.).

"Prekindergarten" means an educational and child development program that is designed to prepare children who are at least three (3) years of age for an academic kindergarten program.

The CEAL Request Form (F19-149) must be authorized by the supervisor and then submitted to the Personnel Office. In addition, employees must request the time off in the Workforce Management System. Supplemental documentation may be required if a determination for approval cannot be made based on the information provided on the form. When the school activity does not involve a full day, employees are expected to report to work or use accrued annual leave, holiday, or compensatory time for the additional time off. Night shift employees attending or assisting with the educational activities of a child during the day shall be allowed to take CEAL on the night shift of the day on which the activity occurs for the equivalent amount of time used during the day.

LIVING DONOR LEAVE

Revised 11/2012

Purpose:
Employees are encouraged to serve as living organ and bone marrow donors if circumstances arise. Recipients of organ and bone marrow transplants are not restricted to immediate family members.

Restrictions:

In any leave year (April 1- March 31), employees are entitled to the following paid leave without loss or reduction in pay, accrued leave, or credit for time of service in order to serve as an organ donor or a bone marrow donor:

a. No more than seven (7) days of leave to serve as a bone marrow donor; and/or
b. No more than thirty (30) days of leave to serve as an organ donor.

If the procedure causes the employee to be off work more than seven (7) days to serve as a bone marrow donor, or more than thirty (30) days to serve as an organ donor, the additional leave will be designated in the following order: accrued sick leave, accrued annual leave, leave without pay.

Qualifications:

In order to qualify for paid living donor leave, the employee must:

a. Before the procedure, request the leave by notifying the appropriate supervisor stating the commencement time and estimated conclusion, along with written verification by the physician to perform the transplant that the employee is to serve as a human organ or bone marrow donor. The Pre-Transplant Physician's Certification for Living Donor Leave Form should be used for this purpose, and is available in the Department's on-line forms. This form should be forwarded to the Personnel office.

b. Upon return to work, provide written verification by the physician performing the transplant that the employee did serve as a human organ or bone marrow donor. The Post-Transplant Physician's Certification for Living Donor Leave Form should be used for this purpose, and is available in the Department's on-line forms. This form should be submitted to the Personnel office.

c. During the employee's absence for approved Living Donor Leave, the employee's supervisor will post the appropriate pay code on the employee's timecard through the Workforce Management System.

Definitions:

"Employee" means regular, full-time employee of the Department.

a. "Bone Marrow Donor" means a person from whose body bone marrow is taken to be transferred to the body of another person.
b. "Organ" means a human organ that is capable of being transferred from the body of a person to the body of another person, including eyes.

c. "Organ Donor" means a person from whose body an organ is taken to be transferred to the body of another person.

LEAVE AT THE CONVENIENCE OF THE DEPARTMENT

Revised 11/2012

Leave at the Convenience of the Department (otherwise known as LCOD) is time off for the convenience of the Department and is not recorded on the employee's time card in the Department's Workforce Management System as time off. Supervisors should add comments and notes to the employee's timecard to document and explain when an employee's work schedule is adjusted for LCOD. Time is neither charged nor deducted for this period of time off. It will usually occur when a non-exempt employee has accumulated more time in pay status than would have been accumulated under normal circumstances, and is instructed to refrain from reporting to work for a period of time in order to accumulate no more than 40 hours of pay before the end of the pay week. In such instances, the employee receives his/her full salary for the week.

LCOD should not be confused with overtime or compensatory time, because both overtime and compensatory time are compensation for non-exempt employees whose authorized hours of physical work *exceed 40 hours* in a pay week. Use of LCOD is determined by the supervisor and is considered a cost saving measure for the Department through limiting the number of paid hours for non-exempt employees during a work week to 40 hours. It should also be noted that both overtime and compensatory time are calculated at a rate of one and one-half hours for each hour of overtime physically worked and do not include paid holiday or paid leave taken in the same pay week; whereas, LCOD is simply time off from work after the non-exempt employee has worked longer hours than usual during the pay week.

LCOD should not be confused with Leave Without Pay (LWOP), which is usually for the employee's convenience in an emergency situation when all accrued leave has been exhausted. When on LWOP, the employee is "docked" pay for time missed (unless the employee is able to make up the time by working additional hours within the same pay week). Unlike LWOP, LCOD does not result in an employee's regular paycheck being reduced, since the employee has earned at least 40 hours (otherwise the use of LCOD would not be necessary). In situations where a non-exempt employee has already worked longer hours than usual and subsequently requests time off later in the same pay week, LCOD is *required* to balance out the time before the end of the pay week by adjusting the number of hours requested for time off in proportion to the number of additional hours worked, rather than deducting the time from the employee's accrued leave balance.

In situations where a non-exempt employee takes time off early in a pay week and subsequently works longer hours than usual, resulting in the employee earning more than 40 hours before the end of the pay week, the previous time off should also be reduced proportionately to offset additional hours worked. This applies to sick leave, annual leave, floating holidays, floating birthdays, CEAL, and comp time used, but cannot be applied to regular holiday pay, or jury pay. Continued work within the remainder of the pay week will be at the supervisor's discretion. Supervisors should insert comments and notes into the employee's timecard to document use of LCOD.

Similarly, any situation where a non-exempt employee has worked longer hours than usual in a pay week (whether or not the employee requests time off), the supervisor has the discretion to determine whether or not the employee will continue to work a full schedule within the remainder of the pay week.

EXEMPT EMPLOYEES TIME OFF FOR ADDITIONAL HOURS WORKED

Revised 10/2021

As the basis for application of this section, it is understood that all exempt employees shall account for a minimum of 80 hours during each two-week pay period, either by actual work or with some combination of work and approved leave.

Exempt employees are precluded from receiving cash payments for additional hours worked beyond the established work week. The salary level of exempt employees takes into account that it may be necessary for the employee to work additional hours. However, in situations beyond the employee's control, an exempt employee may be required to work significant amounts of additional hours. It is permissible for supervisors to allow exempt employees to flex their work schedule without a loss of leave time in accordance with the Hours of Work policy. Any schedule adjustments for flex time for exempt employees must be done within the same pay period. Distributive exempt employees and administrative exempt non-managers must record in and out punches in the Workforce Management System in order to document their actual work time. Employees must have approval from their supervisor to flex their work schedule.

Supervisors of employees in exempt positions may grant comp time earned to exempt employees who physically work more than 88 hours in a pay period. This work must have been authorized, unless it is an emergency, by the employee's supervisor and it should have been caused by circumstances that were beyond the employee's control or be in response to a legitimate business need. In order for administrative exempt employees to receive comp time earned, actual hours worked must be recorded in the employee's timecard. **All hours worked** by *distributive* exempt employees shall be recorded on the employee's timecard whether or not time off is granted for additional hours worked. Available comp time earned granted by an employee's supervisor will be reflected in the employee's timecard in the Comp Time Earned accrual. Exempt comp time earned will expire within one year of the date earned and will not be available for use after that time. Employees may request the use of comp time earned through the Workforce Management System in accordance with established procedures. Approval for the use of comp time is at the discretion of the employee's supervisor.

Supervisors should make adjustments to an exempt employee's time off used during a pay period when the employee's total paid time for the pay period exceeds 80 hours. This applies to sick leave, annual leave, floating holidays, floating birthdays, CEAL, comp time used, and inclement weather used, but cannot be applied to regular holiday pay or jury pay. Supervisors should insert comments and notes into the employee's timecard to document any changes made to leave usage.

Upon separation from employment, exempt employees will not be paid cash, or be reimbursed in any manner for any additional hours worked.

SECTION VI

BENEFITS

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LEGAL HOLIDAYS

Revised 11/2019

All work is suspended on the following holidays, except in cases of emergency:

New Year's Day	January 1
Dr. Martin Luther King, Jr.'s Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	Employee Birthdate, or within 12 months thereafter

Non-exempt employees who work a regularly scheduled holiday shall be compensated for the holiday in addition to actual hours worked. Exempt employees who work a regularly scheduled holiday shall be granted another day off that should be used within 30 days of the date the holiday was worked. In order for exempt employees to receive credit for time worked on a holiday, the employee must record their actual time punches in the Workforce Management System. Holidays for full-time employees will be granted in eight (8) hour increments. Holidays for part-time temporary employees will be granted in four (4) hour increments. Floating holiday/birthday hours that are banked as an accrual in the Workforce Management System may be used in quarter-hour increments.

To be compensated for a holiday, an employee must be active on the payroll and must be in paid status for a minimum of fifteen (15) minutes on their last scheduled work day before the holiday and at least fifteen (15) minutes on the first scheduled work day after the holiday. Supervisors must ensure employees meet these eligibility requirements when reviewing employee timecards. If the holiday falls on Sunday, the following Monday will be observed as a holiday. If the holiday falls on Saturday, the preceding Friday will be observed.

GROUP HEALTH INSURANCE

Revised 1/2020

One of an employee's most important concerns is the welfare and protection of their family. A Group Insurance, Hospitalization, Surgical and Diagnostic Benefit Plan is available to employees and their dependents. An employee may apply for membership at the time of employment or during open enrollment periods. If applying during open enrollment periods, the coverage is effective January 1st of the following year. If applying at the time of employment, the coverage is effective the first of the month following the date of application (Example: If the hire date is January 4 and if the insurance form is signed on January 10, health insurance is effective on February 1. Or, if the form is signed on February 2, the insurance effective date will be March 1.). New hires must apply within the first 60 days of employment.

The Group Insurance Plan is a monetary addition to salary in that the Department contributes each month for a share of each employee's insurance. This insurance plan is so constructed that employees can add supplemental life insurance to their benefits package for an additional premium. Auto, disability, deferred compensation, additional life, cancer, intensive care and long term care insurances are also available. Refer questions to the Insurance Office of the Fiscal Services Division.

RETIREMENT

Revised 7/2020

Act 454 of the General Assembly of the State of Arkansas of 1949, as amended by Act 167 of the General Assembly of the State of Arkansas of 1969, provides a Retirement System for employees of the Arkansas Department of Transportation. To maintain the soundness of the system, each employee contributes 7.0% of gross earnings, and the Department contributes 14.9% of covered gross salaries.

Employees are required to join the system unless they are receiving benefits from another Arkansas Public System or are enrolled in the Deferred Retirement Option Plan. New employees must be placed in the system on the date of employment. Necessary retirement forms should be submitted as soon as

possible. After five years of service, contributions may be left in the retirement system to provide income for retirement years. Upon separation from the Department for any reason, employees should be made aware that they have the option of withdrawing their contributions from the Retirement System. Full-time regular employees withdrawing contributions from the system cannot be rehired for twelve (12) months after withdrawal. Employees should also be made aware that, upon withdrawal of their contributions from the Retirement system, they will no longer have creditable service in the system. This means if the employee goes to work for another agency with a reciprocal system, their ARDOT service will not count toward retirement unless they are able to buy it back. A feature was added by the 1975 Legislature under Act 573 enabling employees who are veterans, as members or former members of a state supported retirement system, to purchase up to five years of credit for military service with the following qualifications:

1. five years of creditable service with the Retirement System;
2. honorable discharge, and
3. not receiving military retirement pay based on 19 or more years of active duty

The Retirement System should be thoroughly explained to all new employees before their records are forwarded to the Personnel Office. Employees entering the system must designate a beneficiary on the Application for Membership. A change of beneficiary due to death, marriage, divorce, or otherwise, should be promptly reported. Refer to the Employee's Retirement System booklet for additional information concerning the Retirement System.

SOCIAL SECURITY

Revised 7/1997

Social Security is administered by the U.S. Government and provides both retirement and survivors' insurance. To pay for these benefits, the Department is required by law to make deductions from each employee's paycheck. The deductions are matched dollar for dollar by the Department Survivor's benefits, as well as funeral expense allotment, may be payable to the family of a deceased employee.

Employees' Social Security records are kept under the name and account number shown on their Social Security cards. The same number is retained for life. It is important that the names and Social Security numbers on employees' personnel records conform with the names and numbers on Social Security cards. To change names on personnel records, transactions must be initiated in the Payroll and Human Resources (PAHR) system.

ACCIDENTAL DEATH AND DISABILITY

Revised 7/1997

In 1985, the State Legislature passed an Act under which the state shall pay to the spouse or surviving children of any State Highway Employee, as defined herein, who is killed in the official line of duty, the sum of $25,000.00. In addition, in the event any State Highway Employee, as defined, shall suffer any injury while engaged in the performance of official duties resulting in total and permanent disability, the disabled State Highway Employee shall be entitled to the sum of $10,000.00 from the State of Arkansas upon establishing proof of total and permanent disability. An additional sum of $75,000.00 is provided to the spouse or surviving children of any Arkansas Highway Police Officer whose death occurs in the official line of duty and was the result of a felonious criminal action of another person or persons.

This Act defines "State Highway Employee" as any employee of the Department who actively engages in highway maintenance, construction or traffic operations on the roadways and bridges of the State Highway System while such roadways and bridges are open for use by the traveling public.

CAFETERIA PLAN

Revised 7/2016

The Internal Revenue Service approved plan allows for the pretaxing of insurance premiums and flexible spending accounts for qualified day care expenses and unreimbursed medical expenses. Under the rules established by the IRS, each employee must either decline participation in the plan or sign up for one or more of the qualified options.

CREDIT UNION

Revised 11/2012

The Arkansas Federal Credit Union (AFCU) main branch is located at the Air Force Base, 2414 Marshall Road, Jacksonville, Arkansas 72076, telephone number 501-982-1000. There are also several other AFCU branches located throughout the State. Its purpose is to encourage employees to save regularly and profitably, and to provide low cost loans to responsible members. Savings may be made by payroll deduction. Employees of the Department are eligible to join by submitting a Payroll Deduction Authorization Card to the Insurance Office.

A $5.00 fee is required for enrollment in the credit union. A minimum balance of $25.00 must be maintained for the account to remain open.

WORKFORCE TRAINING AND DEVELOPMENT

Revised 2/2020

ARDOT is committed to providing employees with opportunities for self-development and career growth. ARDOT's workforce development programs are designed to deliver practical training solutions for efficient and effective public service, develop skills that increase employee and team productivity, improve work quality, and prepare employees for the future. ARDOT University, available through the ACE System, provides employees with a wide variety of instructor led and online learning opportunities to meet the continuing need for employee development and improved job performance and satisfaction.

Employees are encouraged to participate in learning and self-development opportunities. Due to the complex and technical knowledge required in many ARDOT career disciplines, some positions require degrees or additional secondary education and/or professional certifications. Educational opportunities from external sources may also be available to employees to further their professional development or meet continuing education requirements. Specialized courses in surveying, basic materials, highway maintenance and safety are also scheduled by in-house personnel. Requests for specialized training, training for a specific work group, or new online learning courses should be directed to the Human Resources Division Workforce Development, Health and Safety Section. Employees are required to attend Human Resources compliance training classes and subsequent refresher courses.

All training, including training provided from external sources, should be recorded in the ACE System to ensure a complete and accurate record of an employee's self-development activities. Employees are responsible for submitting external training certificates to Human Resources to be recorded in ACE and the personnel file.

ADVISORY COMMITTEES

Revised 1/2018

The Central Office Employee Advisory Committee was established in December 1953, to promote better relationships within the Department and to improve working conditions in accordance with the actual wishes of the employees. In 1976, committees were formed in each District composed of five members each. A statewide committee was established composed of eleven members: the chairperson of each District Committee and the Central Office Committee chair.

Two new members are selected for the Central Office and each of the District committees between January 1 and January 15, in even numbered years. Three new members are selected between January 1 and January 15 in odd numbered years.

The Statewide Employee Advisory Committee meets quarterly. District meetings should be held approximately two weeks prior to the dates of the state meetings.

Anonymous suggestions will not be considered. Suggestions should be limited to those which are of a Departmental nature, not complaints or suggestions to serve an individual purpose. These suggestions should affect the working conditions of a group of employees, not individuals. The District committees have the responsibility of eliminating suggestions that are inappropriate or those that pertain only to the specific District rather than bringing them to the statewide committee meeting.

SERVICE AWARDS

Revised 7/2001

Continuous service is an accomplishment that deserves recognition. Therefore, certificates of service and pins are presented to Department employees on the completion of service in five-year increments. A special annual meeting is held in each District and the Central Office in December for presentation of service certificates for 25 or more years of service.

Every effort is made by Human Resources to accurately compute service time for the awarding of service pins. With the large number of employees buying retirement credit, some errors may occur. Employees who do not receive their award or have questions regarding the service time credited to them should contact Human Resources.

CARPOOLING

Revised 1/2004

Some employees prefer to carpool or vanpool. In some areas, special parking spaces have been made available for employees who participate in these programs.

NOTARY PUBLIC

Revised 1/2004

There are many Notary Publics throughout the Department who will notarize legal documents at no charge.

EMPLOYEE MAGAZINE

Revised 7/2001

"Arkansas Highways," a magazine for and by employees of the Department, is published bi-annually. The magazine serves as historical record for meetings and events such as groundbreakings, dedications and public hearings. Employees are encouraged to contribute news, articles or stories and are invited to submit suggestions for improvement of the magazine.

EMPLOYEE NEWSLETTER

Revised 7/2001

The Department publishes the "Centerline," a newsletter that is devoted to keeping employees apprised of timely information regarding Department activities, policies and procedures.

WORKERS' COMPENSATION

Revised 2/2016

A. **Benefits**

Department employees are covered by the Arkansas Workers' Compensation Law. Employees injured in the course and scope of their duties are entitled to certain benefits. These benefits fall primarily in five (5) categories:

1. Medical and hospital payments
2. Medical mileage payments
3. Payments in lieu of wages during temporary disability
4. Payments for permanent disability
5. Death benefits

B. **Payment of Leave During "Temporary Total Disability"**

An employee who is determined by the Arkansas Public Employee Claims Division (PECD) to have a compensable injury and is eligible for temporary total disability benefits will receive 66 2/3% of the employee's average weekly wage at the time of the work-related injury up to the maximum rate allowable. Employees who are entitled to receive temporary total disability benefits may utilize their accrued leave as a supplement to workers' compensation benefits so as to receive benefits from both sources equal to but not in excess of their normal weekly pay at the time of injury or onset of illness *(Arkansas Code Ann. §21-4-208(a)(1))*. To compensate the difference, employees may receive 13 hours of paid leave per week at their current hourly rate of pay until all accrued leave options are

exhausted. The workers' compensation payment is not taxable, but the employee's pay from the Department is taxable and will reflect the same deductions as if the employee was working.

When an employee is injured on the job and must leave the work site to seek medical attention, the employee must punch out at the time he/she departs the work site. If the employee is unable to punch out, the employee's supervisor should enter an out punch in the employee's timecard to reflect the time the employee left the job site. The employee may use sick, annual, compensatory time, or floating holidays accrued for the remainder of the shift or until he/she returns to work and punches back in. The employee may continue to be paid with accrued leave until PECD makes its determination regarding the compensability of the claim. Should PECD determine the employee is eligible to receive temporary total disability benefits and the employee has been off work for more than 14 days, the disability benefits will be retroactive back to the beginning date of disability. If the employee missed less than 14 days, temporary total disability benefits will be paid beginning the eighth day and paid through the day the employee returned back to work. When the Department receives notice the claim is being accepted and temporary total disability benefits have been started, full use of leave will cease and revert to payment of 13 hours paid leave per week at the employee's current hourly rate of pay until all leave options are exhausted.

In the event an employee receives workers' compensation payments in addition to accrued paid leave and the combined payments exceed the employee's normal weekly pay, the employee will pay the excess amount to the Department for deposit in the fund from which the accrued leave was paid. Upon receipt of the excess amount of pay, the Department will then restore to the employee's credit the amount of accrued leave that was used in a proportion that the workers' compensation payment is to the employee's weekly pay. For example, if an employee is paid for 40 hours of sick leave during the first week after the injury, and PECD also pays 66 2/3% to the employee for the same week, then the Department will notify the employee that he or she must repay the equivalent of 27 hours of pay (40 minus 13). Once payment is received, the Department will restore 27 hours of sick leave to the employee's sick leave balance. This will ensure the employee receives compensation which is equal to the employee's normal weekly pay.

At the time a claim is filed, the employee will sign a statement that he/she understands overpayment will be deducted if necessary.

C. **Administration of Workers' Compensation**

1. As soon as possible after an accident on the job, an injured employee should report the injury to the immediate supervisor. If medical treatment is needed, the employee should call the Company Nurse Injury Hotline at 1-855-339-1893 before leaving the job site, if at all

possible. In emergency situations, call 911 first or transport directly to the emergency room immediately and call the Company Nurse hotline once the situation has stabilized. Ideally, the employee should call the Company Nurse; however, if the employee is incapacitated or unable to call, a supervisor or co-worker should call to report the incident. Similarly, after the employee calls Company Nurse, if he or she needs to leave to seek medical attention, the employee should punch out; however, if the employee is incapacitated or unable to punch out, a supervisor should enter an out punch into the employee's timecard. The remainder of the shift should be charged to accrued leave (if available) or to leave without pay.

The Company Nurse will utilize the Department's employee identification numbers to access vital information, so the injured employee's identification number should be available when calling. In addition, the caller should be prepared to identify the injured employee's Division/District and in what county the injury occurred. The Company Nurse will perform a triage process that will guide the injured employee to the appropriate level of treatment. If the Company Nurse deems a doctor visit to be appropriate, the employee will be instructed where to report for treatment. If the employee seeks treatment at a facility other than the one advised by the Company Nurse, the cost of the visit will **not** be paid by the Public Employee Claims Division (PECD). If the employee is in travel status away from home, the Company Nurse can advise of a facility nearer the employee's home if the status of the injury permits. Upon ending the call, the Company Nurse will provide a call confirmation number which can be referenced if a return call is necessary. The Company Nurse is to be used for the initial visit only. Approval for subsequent medical treatment will be determined by the PECD upon receipt of the claim.

2. After the initial report to the Company Nurse, a Report of Injury will be generated and emailed to the appropriate Division/District contact person. This report should then be forwarded to the supervisor of the injured employee. Following the Report of Injury, another email will be generated containing forms to be signed by the supervisor and injured employee. After signatures, the forms should be sent back to the Division/District contact person who will in turn email or fax to the PECD. Original forms should not be mailed to the PECD.

3. If an employee claims to have suffered an injury but does not believe that it is severe enough to seek medical treatment, then it is NOT necessary or appropriate to call Company Nurse. Rather, a Report of Injury Form (F19-467) should be filled out at the time of the reporting of the incident and placed in the employees personnel file. (Example: An employee states that he hurt his back while performing a work activity but says he thinks it will work itself out

and does not wish to file a claim). If a claim is filed at a later time, the original Report of Injury Form should be sent with the other workers' compensation forms.

4. The Department participates in a managed care system for workers' compensation. All treatment must be furnished by an authorized medical care facility provided by the Company Nurse unless the injury requires emergency treatment. If the employee seeks treatment at a facility other than the one provided by the Company Nurse, the cost of the visit will **not** be paid by the PECD. The Company Nurse is to be used for the initial visit only. Approval for subsequent medical treatment will be determined by the PECD upon receipt of the claim.

5. At any time an application is made for workers' compensation benefits, the claimant's supervisor shall require the employee claiming benefits to state whether or not he or she has any child support obligations, if any such obligations are current or past due, and to whom the obligations are payable. If the employee has any child support obligations, the Department will forward a copy of the application for workers' compensation benefits to the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration.

6. The supervisor is responsible for reporting the injury to the Company Nurse if the employee is unable or unwilling to call, completing and signing the forms required of the supervisor, and providing the injured employee copies of the forms required of the employee.

7. Following are documents and forms that may need to be posted, provided to injured employees, or completed by supervisors:

FORM:	COMPLETED BY:
Company Nurse Injury Hotline	Post on Department bulletin boards and keep in Department vehicles.
Company Nurse Frequently Asked Questions	Post on Department bulletin boards and keep in Department vehicles.
ARDOT Workers' Compensation Authorization, F19-470	Supervisor (give to employee only if going to emergency room prior to calling Company Nurse).

ARDOT Physician's Medical Evaluation of Employee's Work Capacity , F19-180	Supervisor (provide to employee to take to initial doctor visit plus any subsequent visits to be completed by doctor and returned to supervisor – attach job description if possible). Keep a copy in Department vehicles.
Workers' Compensation- First Report of Injury or Illness	This form will be completed by the Company Nurse and emailed to the appropriate Division/District contact who will then forward to the injured employee's supervisor. The supervisor will then verify the information, sign and date as the preparer, and then return the form to the Division/District contact to be emailed or faxed to PECD.
Arkansas Workers' Compensation Commission- WCC Form N	This form will be completed by the Company Nurse and emailed to the appropriate Division/District contact who will then forward to the injured employee's supervisor. The injured employee must sign and date the front and back of this form plus initial the boxes on the back of this form to acknowledge agreement. If the employee disagrees with any part of the form, he/she should mark through and make any corrections.

Arkansas Insurance Department-Employee's Acknowledgement of Form AR-N	Supervisor (provide to employee to sign acknowledging receipt of Form AR-N and return the completed form to Division/District contact to be emailed or faxed to PECD)
Employee Instruction Sheet for Workers' Compensation Packet, F19-482	Supervisor (provide to employee in packet upon receipt of Report of Injury)
Public Employee Claims Division-Employee's Report of Accident (PECD1)	This top portion of this form will be completed by the Company Nurse and emailed to the appropriate Division/District contact who will then forward to the injured employee's supervisor. The supervisor will then ask the employee to verify/complete the information, sign and date, and then return the form to the Division/District contact to be emailed or faxed to PECD.
Public Employee Claims Division-Information Requested from Employer (PECD2)	This top portion of this form will be completed by the Company Nurse and emailed to the appropriate Division/District contact who will then forward to the injured employee's supervisor. The supervisor will then verify/complete the information, sign and date, and then return the form to the Division/District contact to be emailed or faxed to PECD.

Arkansas Department of Transportation Safety Office - Report of Injury Form, F19-467	Supervisor
Health Care Notice for Employees under Managed Care, Form H	Supervisor (provide to employee in packet upon receipt of Report of Injury forms)
AWCC Instructions to Employers and Employees, Form P	Supervisor (provide to employee in packet upon receipt of Report of Injury)
Temporary Prescription Form	Supervisor (provide to employee in packet upon receipt of Report of Injury)
Arkansas Workers' Compensation Commission- Employer's Supplemental Report, Form S	Employee responsible for handling workers' compensation claims.

8. The employee who handles Workers' Compensation for each Division or District must review these forms for completeness and distribute copies as required. A copy of these forms must be scanned and emailed or faxed to:

Public Employee Claims Division
ATTN: Amanda Dinwiddie
1200 West Third, Suite 201
Little Rock, Arkansas 72201
Email: amanda.dinwiddie@arkansas.gov
(501) 371-2710 voice
(501) 371-2733 fax

The original of each form must be sent to:

Arkansas Department of Transportation
Personnel Office, Workers' Compensation
P. O. Box 2261
Little Rock, Arkansas 72203-2261
(501) 569- 2453
(501) 569-2664 (fax)

Copies of all forms should be provided to the injured employee to retain for his/her records.

9. Claims determinations are made by the Public Employee Claims Division. In the event a claim is denied, the injured employee will be notified by Public Employee Claims Division and informed of any rights to appeal.

10. If an employee begins losing time due to a work-related injury, PECD should be notified by way of a Form S. A Form S should also be completed and forwarded to PECD when an employee returns to work after being off from a work-related injury.

11. An employee who has been off on workers' compensation leave should be allowed to return to work upon receipt of a doctor's statement releasing the employee to return to work. Employees should ensure that the doctor's return to work report contains an adequate description of the employee's work restrictions, or otherwise specifically states that no restrictions exist. If a doctor returns an employee to work with restrictions that are not ambiguous, a form created by the doctor's office will be sufficient. If necessary for clarification, the Department has a Return to Work Form which should be sent to the doctor if the doctor's restrictions are not clear. The Department's form may be modified, if necessary, to accurately depict the injured employee's job. If a doctor states in a report that the employee is allowed to return to work without restrictions, the employee should be allowed to return to full work status. If the doctor's notice is ambiguous regarding the employee's work restrictions or lack thereof, the employee should be returned to light duty pending receipt of further clarification of restrictions from the doctor.

12. Questions about litigation regarding workers' compensation should be directed to Amanda Dinwiddie at PECD at (501) 371-2710. This service should be used whenever necessary.

13. The employee responsible for workers' compensation for the Division or District must acquire information on how to complete and submit forms necessary for making claims to the Workers' Compensation Commission. Training will be provided by the PECD.

14. Supervisors must report suspected fraud or abuse to the PECD at (501) 371-2710.

Division Heads and District Engineers have the responsibility of assuring that proper procedures are followed in handling workers' compensation claims. The duty of overseeing the details of workers' compensation may be delegated to an employee within the Division or District. The Personnel Office should be advised of the employees who assume these duties.

TRANSITIONAL DUTY ASSIGNMENTS AND TEMPORARY MEDICAL RESTRICTIONS

Effective 7/2015

The Department strives to assist employees who have temporary medical restrictions due to injury (occupational or non-occupational) or illness, including pregnancy related impairments, by establishing uniform requirements for transitional duty when employees are unable to perform one or more essential job functions. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Questions about rights and eligibility under the ADA or FMLA should be directed to the Human Resources Division.

Eligibility

This policy applies to all Department employees with temporary medical restrictions making them unable to perform one or more essential job functions.

Transitional Duty

Transitional duty consists of short-term work assignments for employees who have temporary medical restrictions making them unable to perform one or more essential job functions.

When possible, transitional duty will be made available to employees with temporary medical restrictions to minimize or eliminate time off from work. The Department cannot guarantee transitional duty and is under no obligation to offer or create any specific assignments for this purpose.

Employees performing transitional duty assignments generally will be paid their regular rate of pay for up to 12 weeks. After 12 weeks, the Department will reevaluate the status of the transitional duty assignment to determine whether an adjustment in pay is warranted. However, the Department reserves the right to adjust employee pay rates at any time during the performance of transitional duty assignments based on the business needs of the Department and the work being performed.

In the event an employee refuses a transitional duty assignment within the employee's restrictions and abilities, the Department is not obligated to provide an alternative transitional duty assignment. If the employee is receiving workers' compensation benefits, the Department will notify the Public Employee Claims Division of the employee's refusal and the employee may be found ineligible for continuing workers' compensation benefits.

Procedures

Transitional duty may be offered when all of the following conditions are met:

(1) The Department receives temporary medical restrictions from a healthcare provider detailing the employee's specific limitations;

(2) It has been determined that the employee is unable to perform one or more essential functions of the job; and

(3) Transitional duty is available and will provide a reasonable alternative enabling the employee to work within the limits of the temporary restrictions.

Employees are required to submit documentation from their healthcare providers detailing any medical restrictions and the expected duration of such restrictions prior to being offered a transitional duty assignment. Submitting insufficient documentation or failing to cooperate with the Department in obtaining additional information or documentation from healthcare providers may delay assignment to transitional duty if available.

The employee's supervisors will review information from the healthcare provider and, with assistance and input from the Human Resources Division, determine if transitional duty is appropriate and within the Department's business needs. A transitional duty description, including physical requirements, may be provided to the employee's healthcare provider if needed.

Transitional duty assignments are developed based on the medical restrictions of the worker as outlined by the healthcare provider, the business needs of the Department and the availability of work. The employee's supervisors, with assistance and input from the Human Resources Division, will determine appropriate work hours, shifts, duration and locations of all transitional duty assignments. The Department reserves the right to determine the availability, appropriateness and continuation of all transitional duty assignments.

It is the responsibility of the employee to notify the supervisor immediately of any and all changes in his/her medical condition or temporary restrictions and provide a copy of the new medical release. It is the responsibility of the employee's supervisor to notify the Human Resources Division immediately of any changes to the transitional duty assignment.

Supervisors will monitor work assignments to ensure the employee does not exceed the restrictions set by the employee's healthcare provider. Likewise, the employee must notify the supervisor if assigned duties

exceed the restrictions set by the employee's treating physician, or if the employee does not feel safe performing the duties assigned.

Duration of Transitional Duty Assignments

Transitional duty assignments are temporary and are not intended to be permanent positions. When available, transitional duty assignments normally do not exceed 12 months due to the temporary nature of the work. Depending on the duration of the employee's temporary medical restrictions and the needs of the Department, transitional duty assignments may exceed 12 months, as determined by Human Resources on a case-by-case basis.

Employees who are unable to return to their regular positions due to permanent, prolonged, or irreversible medical restrictions are not eligible for permanent transitional duty. If it becomes known that an employee's restrictions will exceed 12 months, or as otherwise determined by Human Resources, the Department will discuss available options with the employee in accordance with the Reasonable Accommodations policy.

The Department is under no obligation to create permanent positions, offer promotions, or to waive job qualifications. Employees working in transitional duty assignments are required to follow all Department policies and procedures while working in a transitional duty assignment, including but not limited to Department policies and procedures concerning leave and attendance.

Other Rights and Conditions of Employment Not Affected

Employees are not required to accept a transitional duty assignment in lieu of protected leave under the Family Medical Leave Act (FMLA). Employees do not waive their rights under the FMLA by accepting transitional duty assignments.

This policy does not create an employment contract or otherwise limit the at-will employment relationship between the Department and its employees.

SECTION VII

APPENDIX

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Personnel Forms 7-2

FORMS REQUIRED FOR EMPLOYMENT

Revised 8/2014

All new hire paperwork will be completed electronically through the on-boarding step in the Hiring Management Console. It is not necessary to print the on-boarding forms with the exception of the 19-301 "Retirement Certificate of Membership" and the I-9. Both of these forms must be printed and forwarded to the Personnel Office within three days of the employee's first day of work. The following forms will be generated and stored electronically during the on-boarding process:

1. W-4 Form Federal Withholding Exemption Certificate

2. AR-4EC Form State Withholding Exemption Certificate

3. Form 19-301 Retirement Certificate of Membership – Will be created electronically, but must be printed and signed by the employee then submitted to the Personnel Office.

4. Form 19-462 Arkansas State Vehicle Safety Program

5. Form 19-512 Political Activities, Oath of Office, Restrictions on Employment, Right to Terminate

6. Form 19-234 Administrative Order 94-10 Sick Leave Policy (not required for temporary employees)

7. Form 19-227 Drug-Free Workplace Policy

8. Form 19-225 Discrimination/Harassment Policy

8. Form 19-233 Statement of Selective Service Status

9. Administrative Order 94-11 Hours of Employment (Construction only)

10. I-9 Employment Eligibility Verification – Employee Section will be completed electronically. After the Employee Section is completed, the I-9 must be printed so the Manager Section of the form may be completed. The completed form must then be forwarded to the Personnel Office.

11. Form 19-558 Racial Comments Acknowledgement Form

12. Form 19-559 Anti-Fraud/Ethics Code Employee Affirmation

13. Form 19-564 Conflicts of Interest Disclosure Form

14. Form 19-560 Personnel Manual and Safety Manual Acknowledgement

15. Form 19-556 Direct Deposit Authorization

16. Form 19-499 Personal Data Sheet

If a new employee is a college graduate, a copy of the employee's final transcript or diploma must be forwarded to the Personnel Office.

PERSONNEL FORMS

Revised 8/2014

These forms can be found on the computer or you may obtain a copy from the Personnel Office.

1. Form 19-228 Grievance
2. Form 19-223 Record of Verbal Counseling
3. Form 19-224 Employee Warning Notice
4. Form 19-502 Jury/Witness Verification
5. Form 19-334 Catastrophic Leave Donation
6. Form 19-330, 332 Catastrophic Leave Bank Application Form and Liability Agreement
7. Form 19-333 Catastrophic Leave Participation
8. Form 19-474, 475, 476 Family and Medical Leave Act
9. Form 19-226 Voluntary Separation

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