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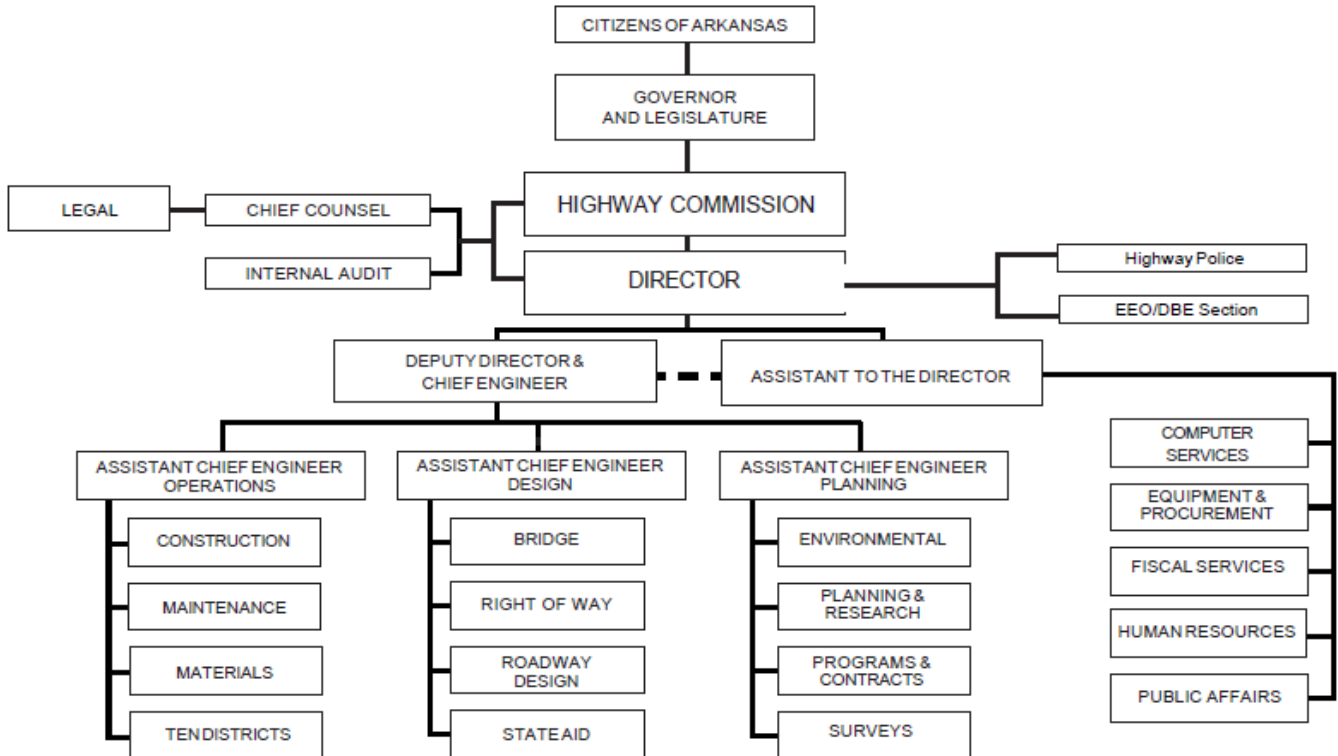
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ORGANIZATION CHART

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT ORGANIZATION CHART





 DIRECTOR OF HIGHWAYS AND TRANSPORTATION

9-22-2011
 Date

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 7/1997

It is the Department’s policy to afford equal opportunity to all individuals regardless of race, religion, color, sex, national origin, age, disability, or political affiliation. 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
- AHTD Accounting Manual
- AHTD 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

The Arkansas State Highway and 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 Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, 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 James B. Moore, Jr., 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: james.moore@arkansashighways.com.

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

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EEO POLICY – DISCRIMINATION AND HARASSMENT

Revised 8/2005

It is the policy of the Arkansas State Highway and Transportation Department that there be no discrimination against any employee or applicant on the basis of a person's race, color, religion, sex, national origin, age, or disability. In keeping with that policy, the Department will not tolerate discrimination or harassment by 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 7/2011

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 Assistant to the Director 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 findings within 15 working days from receipt of the complaint. 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 7/2011

The Arkansas State Highway and Transportation Department 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**: 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.
- C. **Employee Relationships**: The Department expects a harmonious and productive attitude among employees, especially from employees toward their supervisors. Supervisors have been carefully selected for their knowledge and leadership qualities. They should be given full cooperation from every employee in all aspects of Department operations. Employees should constantly strive to make their Division and Section, or District and Crew, a better place in which to work.
- 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. **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 certified law enforcement officers).
 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 or signing another employee's timesheet.
 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 4/2006

The Department has specific work standards and regulations which are considered conditions of employment. In the event of misconduct or unsatisfactory job performance, 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. Oral warning
2. Written reprimand
3. Disciplinary action involving a forfeiture of pay (suspension, demotion, salary increase withheld, or other)
4. Discharge

Each step, except step 1, should be documented and signed by the employee or witnessed if the employee refuses to sign. When it is necessary to advance to step 2, previous warnings (step 1) should be referenced in the written reprimand (step 2).

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. 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 and evidence was not found to indicate that the person had violated a workplace conduct rule, the suspension would have to 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.

If progressive discipline has been properly implemented and documented and the employee's 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 oral warning or written reprimand need precede disciplinary action resulting in a forfeiture of pay or discharge. However, it should also be noted that 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.

SAFETY

Revised 1/2004

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.

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 7/2001

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.

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 2/2009

Employees whose jobs require a Commercial Driver's License (CDL) are responsible for advising 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, and the employee makes the proper notification as outlined above, the Department will make an effort to accommodate the employee with a temporary transfer to a 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, the employee may be subject to termination.

In the event that an employee fails to make proper notification as outlined above, the employee will be transferred or demoted to a position that does not require a CDL and prohibited from driving a commercial motor vehicle for a period not less than ninety- days, even if the employee's CDL is reinstated before then. (This action will be considered disciplinary.) If an employee fails to make proper

notification a second time, the employee will be demoted and prohibited from driving a commercial motor vehicle for a period not less than one year. If an employee fails to make proper notification a third time or the employee's CDL is suspended, revoked or cancelled for longer than one year, the employee will be subject to termination. 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.

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.

POLITICAL ACTIVITIES

Revised 2/2012

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.

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.

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 7/2001

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

Former employees are permanently disqualified from working on matters in which that employee was personally involved. Former employees in decision-making positions with statewide responsibilities are prohibited for a period of one year from working on matters that were within the employee's official responsibility. Former employees in decision-making positions with direct responsibility over particular

geographical areas are prohibited for a period of one year from working on matters that were within the employee's geographical area of responsibility.

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 CODE OF ETHICS

Revised 7/2011

Code of Ethics

The Department's Code of Ethics (Code) is the written document that 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 all applicable laws and regulations. The Department will not condone employee conduct that either violates, or has the appearance of violating the law, including the ethical provisions. This includes receiving payments for illegal acts, indirect contributions, rebates or bribery.

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.

Conflicts of Interest

Employees must perform their duties in an ethical manner. 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 should immediately communicate all facts to his or her immediate supervisor, Division Head or District Engineer, or the Chief Auditor.

Outside Activities, Employment and Directorships

Employees should 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 Director 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.

Gifts, Entertainment and Favors

Employees must not accept entertainment, gifts, personal favors or preferential treatment that could influence, or appear to influence, their decisions in performing their job functions. Specific procurement law addressing gratuities is codified in ACA §19-11-707.

Refer to Rules and Gifts issued by the Arkansas Ethics Commission for detailed rules on gifts at: http://arkansasethics.com/rules/Rules_on_Gifts.doc

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.)

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 that can be verified through investigation. Employees shall be protected against any form of retaliation, including discharge, for reporting, in good faith, occurrences of ethical violations,

fraud, waste or abuse of Department resources as stated in the Arkansas Whistleblower Act (ACA §21-1-601–609). Investigations to substantiate reported allegations will be conducted in a confidential manner.

Allegations of ethical violations or fraud may be reported to the Chief Auditor by e-mail (ChiefAuditor@arkansashighways.com) or telephone (501-569-2245). 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 State Highway and Transportation Department
Internal Audit Section
Attention: Chief Auditor
Post Office Box 2261
Little Rock, Arkansas 72203-2261

The envelope should be clearly marked "confidential."

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 7/1998

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 Affairs Office. If the Division or District provides information to the media, it is necessary to inform the Public Affairs 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 7/1997

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 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 1/2004

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 other cause 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 7/1998

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.

SMOKING

Revised 8/2006

The smoking of tobacco or products containing tobacco in any form shall be prohibited in all Arkansas State Highway and Transportation Department 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 2/2012

Employees with computer access must read and agree to abide by the terms of this Electronic Information Systems Policy. The Computer Services Division shall provide an automated means for employees to provide this acknowledgement.

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, communication servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, software, data files,

and all internal and external computer and communications networks (i.e., Internet, commercial online services, value-added networks, e-mail systems) that may be accessed directly or indirectly from our 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.

E-Mail and Internet Use

In order to reduce legal liability, boost employee productivity, conserve network bandwidth resources and enforce this Internet access policy, Internet access may be filtered. Division Heads, District Engineers, or independent Section Heads will designate categories and/or sites to broaden Internet access as necessary for the effective performance of the employee's job requirements.

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, Usenet, news groups, chat rooms) 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 bulletin board systems, newsgroups, chat groups) 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 or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, 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 e-mail or Internet use. Management has the ability and right to view employees' e-mail and Internet usage patterns, and take action to assure 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 personal code.
3. Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other 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 computer 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 online, or given to others. Users are responsible for all transactions made using their passwords.

2. Contact should be made with the Computer Services 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, 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. To ensure security and avoid the spread of viruses, accessing the Internet by modem using a personal account with an Internet Service Provider is strictly prohibited. The only acceptable access to the Internet is through the Department's internal network, which is protected by a managed firewall service.

Retention of Records

Internet logs and e-mail records will be retained for 30 days. Each night, the Computer Services Division will purge all e-mail records that are more than 30 days old. There will be no back-up of these records once they are purged. E-mail records requiring retention should be saved to an appropriate file or folder off-line. In order to afford employees the opportunity to archive e-mail records needing retention, purging of e-mail records will begin 30 days after the effective date of this policy.

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 Computer Services 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 Computer Services 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.

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.

SECTION III

EMPLOYMENT POLICIES

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APPLICANTS

Revised 7/2001

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 in the Central Office are to be directed to the Personnel Office. No applicant is ever required to pay a fee to any person or agency to obtain employment with the Department.

CRIMINAL BACKGROUND CHECKS

Revised 2/2011

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 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 sign a consent form for a criminal background check. This consent form will be provided to the Interviewing Supervisor by Human Resources prior to the interview. The applicant will be required to sign the consent form at the time of the interview in order to be considered for the position.

The Interviewing Supervisor will forward the signed consent form of the applicant recommended for the position to Human Resources. The Interviewing Supervisor will maintain all signed consent forms of

applicants interviewed until the hiring process has been completed. 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 9/2006

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.

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 job title 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.

NEW EMPLOYEE ORIENTATION

Revised 7/1997

New employees are to report to their respective Divisions or Districts to complete all necessary employment papers. They will be given an orientation packet that includes this manual and the Arkansas State Highway Employees Retirement System Booklet. Supervisors should insure that this procedure is followed in order to provide a uniform and smooth entrance into the Department's workforce. An orientation program will be provided for all new employees on a regular basis.

PROMOTIONS AND/OR TRANSFERS

Revised 12/2007

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 submit Form 19-132 to the Human Resources Division and the interviewing supervisor stating the position and the Division and Section, or District and Crew, for which they would like to apply. Applications will not be considered after 4:30 p.m. on the closing date that appears on the position vacancy announcement. 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 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 1/2004

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 effected. If not, 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.

POSITION ADVERTISEMENT PROCEDURE

Revised 2/2011

To effectively expedite advertisements for position vacancies, all requests should be made via e-mail or fax on the Position Advertisement Request form and submitted directly to the Personnel Office. 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.

When a Form 19-125 is circulated for approval to promote, transfer or terminate an employee, a Request to Advertise the position being vacated may be attached to the back of the Form 19-125. This will allow management to approve the personnel action and, at the same time, grant approval to advertise for a replacement.

Requests to advertise District positions in salary levels I through XI may be approved by the Division Head of Human Resources. All other requests must be approved by the Division Head of Human Resources, the Assistant to the Director, the appropriate Assistant Chief Engineer, the Deputy Director and Chief Engineer, 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 “closing date” which appears on the Position Vacancy Announcement. However, interviewing supervisors may elect to begin the interview process prior to the closing date. Applications received after 4:30 p.m. on the closing date will not be considered.

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.)

Position Vacancy Announcements must be posted at designated locations within each Division and District for the convenience of all employees. 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 2/2011

Qualified inside applicants should be interviewed in person. It is appropriate to contact an employee by telephone if a review of the personnel records reflects the applicant does not meet minimum requirements. The purpose of this contact is to establish whether or not the employee’s records are complete. If it is determined that the employee is not minimally qualified, the employee should be so advised and a personal interview is not necessary. If, however, it is determined that the employee meets minimum qualifications, a personal interview should be scheduled.

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 9/2005

Once a selection is made and entered in the computer system, the applicant flow data sheet and supporting documentation should be faxed or e-mailed to the Personnel Office so the approval process can begin.

Personnel actions should never be discussed with an employee until the paperwork has been approved and the Division or District has been notified by the Personnel Office. 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.

<u>Category</u>	<u>Proof Required</u>
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 7/2001

It shall be the policy of the Department to maintain all personnel or employment records, including but not necessarily limited to employment applications, time sheets, time cards, insurance forms, and other records having to do with hiring, promotion, demotion, transfer, layoff, termination, selection for training, and rates of pay or other terms of compensation. There shall be two personnel files maintained on each employee: one master file in the Personnel Office, and one temporary file maintained in the

Division/District to which the employee is assigned. The master file will be microfilmed one (1) year after separation from the Department. All personnel files located outside of the Personnel Office shall be temporary files, to be maintained only as long as the employee is assigned to that Division/District. If the employee is transferred to another Division/District within the Department, the temporary file shall be transferred with the employee. Upon separation from the Department, the temporary file shall be destroyed.

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

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

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 1/2004

Employees are expected to be at work every workday and to give their best efforts toward the objectives of the Department. The workweek is normally five days, and the workday is normally eight hours; however, employees may be asked to work more. Certain Divisions and/or Districts vary their schedules. For example, during the summer months, the workweek may be four days and the workday 10 hours. For information concerning the work schedule, contact a supervisor.

WORK SCHEDULES, MEAL PERIOD AND BREAKS

Revised 2/2011

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.

NOTICE OF RESIGNATION / ABANDONMENT OF EMPLOYMENT

Revised 1/2004

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.

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

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.

WORKFORCE REDUCTION POLICY

Revised 7/2001

It is the policy of the Arkansas Highway and Transportation Department 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 2/2011

The Arkansas State Highway and Transportation Department (AHTD) 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 AHTD 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 AHTD for a semester. Students must seek employment through their college Cooperative Education Office. Students hired as interns 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 AHTD 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 AHTD in a temporary status 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 considered for temporary employment, and temporary 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.

All temporary employees are to be hired in one of the following titles: Seasonal (Salary Level I), Engineering Student Intern (Salary Level III), or Office Administrative Assistant I (Salary Level V). The title will depend on the nature of the work to be performed.

SEASONAL EMPLOYEES

Salary Level I

	<u>Non-HS Grad</u>	<u>College Under Grad</u>	<u>Post Graduate</u>
No experience	Step 1	Step 1	Step 2
Three months service/One summer worked - AHTD		Step 2	Step 3
Two summers worked - AHTD		Step 3	Step 4
Three or more summers worked – AHTD		Step 4	Step 5

ENGINEERING STUDENT INTERNS

Salary Level III

	<u>30 - 59 Hrs</u>	<u>60 - 89 Hrs</u>	<u>90 - 119 Hrs</u>	<u>120 + Hrs</u>
No experience	Step 3	Step 4	Step 5	Step 6
One summer worked - AHTD	Step 4	Step 5	Step 6	Step 7
Two summers worked - AHTD		Step 6	Step 7	Step 8
Three or more summers worked - AHTD			Step 7	Step 8

OFFICE ADMINISTRATIVE ASSISTANT I

Salary Level V, Step 1

Temporary employees may be hired in a part-time or full-time capacity. 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.

If the status of part-time employees changes to full-time regular, the service date will be the date full-time regular status became effective. If the status of full-time temporary employees changes to full-time

regular, the service date will be the date that full-time temporary employment began, minus any leave without pay. 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 AHTD administrative officials (Salary Level XVIII or above) will not be 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 (Engineering Student Intern salaries will be based on the latest transcript plus the number of hours being taken during the current semester). Students who have just graduated from high school and want to work for the AHTD 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, they must supply proof of enrollment and registration.

Monitoring of summer hires with regard to number, sex, race and other considerations will be conducted by the Personnel Office.

SECTION IV

COMPENSATION

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COMPENSATION

Revised 12/2007

- 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 all authorized hours in pay status exceeding 40 hours per work week. Overtime pay is calculated at a rate of one and one-half hours for each hour of overtime worked, regardless of a 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, page 4-2)
- 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.
- F. **Tool Allowance**: Mechanics, Welders, Body Repairers/Painters and Electrical, Plumbing, and Mechanical Repairers are eligible for an annual Tool Allowance of \$480.00 per annum payable at the rate of \$40.00 per month. Refer to the Accounting Manual for instructions on how to apply.
- G. **Reimbursement for Liability Insurance Premiums**: The Commission has authorized reimbursement of up to \$50.00 per fiscal year for Department employees for extended liability insurance premiums to cover driving Department vehicles. This reimbursement is optional for eligible employees. Refer to the Accounting Manual for instructions on how to apply.

H. **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.

COMPENSATORY TIME

Revised 2/2001

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 all authorized hours in pay status exceeding 40 hours per work week. Comp time will be calculated at a rate of one and one-half hours for each hour of overtime worked, regardless of a holiday or paid leave taken in the same pay week. 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 26 pay periods of the date earned. If the accrued comp time is not used within that time, the employee will receive overtime pay. 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.

Comp time shall be granted only in multiples of half days and full days and submitted in hours. No leave may be taken in advance. The pay week calculation must be keyed and updated into the Department's PAYR system before using.

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 Division 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
- Computer Services
- Environmental
- Equipment and Procurement
- Fiscal Services
- Highway Police
- Human Resources (except Mail & Supply)
- Internal Audit
- Legal
- Programs & Contracts
- Public Affairs
- Right of Way
- Roadway Design
- State Aid

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.

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LEAVE

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ANNUAL LEAVE

Revised 2/2011

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 after 4:30 p.m. on the accrual date and is not available for use until the next work day.

<u>Number of years service with state</u>	<u>Accrued annual per month</u>	<u>Accrued annual per year</u>	<u>Annual maximum annual carryover</u>	<u>Maximum consecutive hours allowed</u>
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.

Computation of annual leave will begin upon completion of the first major portion (51%) of the accrual month and the major portion of any accrual month thereafter. Annual leave shall accrue only when an employee is working or on authorized paid leave. 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 (resignation, termination, retirement, death) from the Department. Upon separation for any reason, employees will 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.

Employees requesting lump sum accrual who have been in working status 51% of the accrual month will have the current month's annual accrual added to the lump sum payment or extended annual leave hours. This applies only to the month the employee terminates employment. Employees do not accrue leave or receive holidays while exhausting annual accrual.

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, but requests for annual leave must be forwarded to the Personnel Office for permanent file.

SICK LEAVE

Revised 2/2011

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 after 4:30 p.m. on the accrual date and not available for use until the next work day.

Computation of sick leave will begin upon completion of the first major portion (51%) of the accrual month and the major portion of any accrual month thereafter. Sick leave will accrue to the credit of an employee who is in a leave with pay status.

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, leave without pay or any combination 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.”

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.

Administration: Copies of all requests for sick leave will be furnished to the Personnel Office for permanent record. 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.

LEAVE WITHOUT PAY

Revised 12/2011

The granting of leave without pay and reinstatement must be accomplished on Form 19-508 and a reason must be stated. 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, may use paid sick or annual leave to the extent accrued, or may use any combination during the absence from work.
- D. Employees who participate in the Department's group health insurance plan may intersperse accrued sick and/or annual leave with leave without pay, for the purpose of continuing insurance benefits during lengthy or prolonged illnesses or maternity leave. When all paid leave has been exhausted and an employee still must be off due to illness or maternity, the employee will be placed on leave without pay by his or her immediate supervisor without the employee's formal request.
- E. 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.

F. 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 and evidence was not found to indicate that the person had violated a workplace conduct rule, the suspension would have to 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.

- G. An employee may be placed on leave without pay pending approval of a recommendation to terminate, without regard to other accumulated leave.
- H. 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.
- I. Employees on leave without pay shall not accumulate leave time nor receive pay for legal holidays.
- J. Employees utilizing leave without pay without prior supervisory approval may be subject to dismissal.

FAMILY AND MEDICAL LEAVE

Revised 2/2009

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 Family Leave for Serious Injury or Illness of Covered Servicemember

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 sick and/or annual 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

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 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 State Highway and Transportation Department 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.

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 eligibility for FMLA leave is the leave year (April 1st through March 31st). 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. However, leave used for this purpose shall also be calculated on a leave year basis.

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 leave year, the employee is required to provide a new medical certification in each subsequent leave year. 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. Military Family Leave for Qualifying Exigency

Eligible employees may use their 12-week leave entitlement while the employee's spouse, son, daughter, or parent (the covered servicemember) is on a federal call to active duty or call to active duty status in the National Guard or Reserves 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 covered servicemember 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 covered servicemember;
- C. Childcare and school activities: To arrange for alternative childcare when the active duty or call to active duty of a covered servicemember necessitates a change in the existing childcare arrangement for the son or daughter of the member; to provide childcare for the member's son or daughter 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 or daycare facility for the member's son or daughter 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 or daycare facility for the son or daughter 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 covered servicemember'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 covered servicemember, 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 covered servicemember who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave 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 covered servicemember'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 covered servicemember'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 covered servicemember'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 covered servicemember. 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 Family Leave for Serious Injury or Illness of Covered Servicemember

Eligible employees are entitled to 26 weeks of FMLA leave to care for a current member of the military, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, 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. FMLA leave may not be taken under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

A serious injury or illness means an injury or illness incurred by the covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

Outpatient status with respect to a covered 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 care for a covered servicemember, an eligible employee must be the spouse, son, daughter, parent, or next of kin of a covered servicemember.

An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period. The single 12-month period begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember 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.

This leave entitlement is to be applied on a per-covered servicemember, per-injury basis where an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the injury or illness is subsequent. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness for the same member and the single 12-month periods overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

An eligible employee is entitled 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 for one or more of the reasons stated on page one of this policy. For example, an eligible employee may, during the single 12-month period, take 14 weeks of FMLA to care for a covered 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 covered servicemember.

In the case of leave that qualifies as both leave to care for a covered servicemember and leave for any of the other reasons listed on page one of this policy, leave to care for a covered 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 covered servicemember 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.

Certification

When leave is requested to care for a covered servicemember with a serious injury or illness, the employee is required to obtain certification completed by an authorized healthcare provider of the covered servicemember. Any one of the following healthcare providers may complete the certification: a United States Department of Defense (DOD) healthcare provider, a United States Department of Veterans Affairs (VA) healthcare provider, a DOD TRICARE network authorized private healthcare provider, or a DOD non-network TRICARE authorized private healthcare provider. If the authorized healthcare provider is unable to make certain military-related determinations, the authorized 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 covered 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 covered 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 covered servicemember medically unfit to perform the duties of the member's office, grade, rank or rating and whether the member is receiving medical treatment, recuperation, or therapy;
5. Information sufficient to establish that the covered 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 covered 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 covered servicemember:

1. The name of the employee requesting leave and the name of the covered servicemember for whom the employee is requesting leave to care;
2. The relationship of the employee to the covered servicemember;
3. Whether the covered 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 covered 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 covered servicemember is on the temporary disability retired list; and
6. A description of the care to be provided to the covered 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 Covered 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.

IV. Definitions

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;
2. 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:
 - a. 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.

3. 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.
4. 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.).

5. 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.
6. 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.
7. 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.

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 therefrom.

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 COVERED SERVICEMEMBER means the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative for purposes of military caregiver leave under the FMLA. When there is no such designation, and there are multiple family members with the same level of relationship, all such family members are considered the member's next of kin and may take FMLA leave to provide care to the member, either consecutively or simultaneously.

CATASTROPHIC LEAVE

Revised 7/2011

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 and sick leave, 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 in need. 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:

- a. The employee must be a regular, full-time employee of the Department.
- b. The employee must have been employed by the Department for at least two years in a regular, full-time position.
- c. 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 two days annual or sick leave each year and must have participated in the prior leave year.
- d. The employee must have exhausted all sick, annual, and compensatory leave. If catastrophic leave is granted, benefits will not begin until the employee has been in leave without pay status at least 40 hours and the paperwork approved.
- e. The employee must not have received a written warning for verified misuse of sick leave during the past two years.
- f. Workers' compensation illnesses or injuries may be eligible for catastrophic leave benefits. If catastrophic leave is granted, the employee will be compensated the difference between the weekly workers' compensation benefit received and the employee's regular salary.
- g. 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 per employee.
- h. No employee shall be approved for catastrophic leave unless that employee has provided an acceptable medical certificate from a physician supporting the continued absence and setting forth that the employee is and will continue to be incapacitated from performing the employee's duties due to a catastrophic illness or injury of the employee or a qualifying family member. Information relative to the employee's assigned duties shall be made available to the physician and to the Catastrophic Leave Committee.

- i. 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.
- j. 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 which will result in a substantial loss of income to the employee due to exhaustion of all paid sick and annual leave.

Prolonged Period of Time means a period of twenty working days (160 hours) or more.

Medical Condition means catastrophic and debilitating medical situations, 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. Disabilities resulting from elective surgery, self-inflicted injuries, drug or alcohol abuse, or from an illegal act do not qualify for catastrophic leave.

Physician means a person licensed by the Arkansas State Medical Board, the Arkansas State Board of Chiropractic Examiners, or the State Podiatry Examining Board.

Donation to the Catastrophic Leave Bank:

- a. Accrued leave may be donated to the Catastrophic Leave Bank in one-hour increments. Donations of leave shall be transmitted to the Personnel Office by submitting a donation form. Leave year-end donations must be received in the Personnel Office before the end of business on the last work day of March.
- b. 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 eighty hours after donation, unless recommended by the Catastrophic Leave Committee and approved by the Director. Employees who are terminating their employment may donate any amount of accrued leave.
- c. 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. Determinations by the Catastrophic Leave Committee are subject to review 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. Catastrophic leave shall not be awarded retroactively.
- f. Employees on catastrophic leave will continue to accrue leave in accordance with existing leave policies and will receive normal benefits subject to the provisions of this policy. As a condition of voluntary participation in the program, leave accrued while an employee is on catastrophic leave shall be assigned to the Catastrophic Leave Bank. If an employee is on catastrophic leave for any period of time in an accrual month, all leave earned shall be returned to the Catastrophic Leave Bank.
- g. Employees on catastrophic leave will continue to draw their normal rate of pay but will not receive 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.
- 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 is terminated, retires, expires or returns to work prior to exhausting approved catastrophic leave, all unused catastrophic leave shall 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 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.

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 written documentation for verified misuse of sick leave has been taken during the past two years. 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 Worker's Compensation.
- 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 2/2009

Under Act 86 of 1969, the deduction of jury duty fees from the salaries of public employees is prohibited. Therefore, all employees, including full and part-time temporaries, called on to serve as jurors or to appear at court under subpoena shall be entitled to full compensation from the Department in addition to any fee paid for such service. Time off shall not be counted as leave; however, Form 19-508 (leave card) indicating the appropriate jury/witness code and 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. 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.

MILITARY LEAVE

Revised 2/2009

Military Leave: Under the provisions of Act 673 of 1991, regular full-time employees 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, 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 attached to the leave card (Form 19-508) for all leave 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 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.

DISASTER SERVICE VOLUNTEER LEAVE ACT

Revised 2/2009

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 AHTD 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 12/2011

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. They will receive pay for all hours worked and non-exempt essential personnel are also eligible to receive overtime pay for all authorized hours in pay status exceeding 40 hours per work week. Overtime pay is calculated at a rate of one and one-half hours for each hour of overtime worked. Essential personnel will receive no additional

compensation for working when state offices are otherwise closed due to inclement weather conditions. *Therefore, the remainder of this policy does not apply to essential personnel.*

Non-Essential Personnel

Unfortunately, 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 will receive their regular rate of pay for their regularly scheduled hours not worked. They will not be charged leave for time lost due to the official action, nor will their leave earned be affected. Official media notice to state agencies will apply to the Department's non-essential personnel.

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). In general, announcements will be made as follows:

- Delayed start – When the Governor declares that the Inclement Weather Policy is in effect, this usually means there will be a delayed start due to inclement weather conditions (typically a two-hour delay). In these situations, non-essential employees are expected to report to work no later than the delayed start time. Those who report to work after the delayed start time will be charged leave calculated between their arrival time and the official delayed start time. The calculated time will be made to the nearest quarter-hour. Those who do not report to work at all will be charged leave for a full day.
- Early dismissal – When the Governor or Director declares an early dismissal due to inclement weather conditions, non-essential employees are free to leave work. Those leaving after the official dismissal time will not be charged any leave time. However, those who depart before the official dismissal time will be charged leave from the time they depart to the official dismissal time. The calculated time will be made to the nearest quarter-hour. Those who do not report to work at all will be charged leave for a full day.
- Office closure – When state offices are closed due to inclement weather conditions, non-essential employees are not expected to report to work. Those who do not report to work will not be charged leave for the day. Those who had previously requested and been approved for paid leave will not be charged leave for the day. Exceptions will be made for those employees in extended leave status such as military, catastrophic, FMLA, worker's compensation, etc.

Non-essential employees who report to work or remain at work after being excused by official action will receive no additional compensation.

Employees in a part-time temporary, seasonal, or full-time temporary status are subject to the same policy as regular, full-time employees. When inclement weather is isolated to a particular area(s) of the state, the District Engineer is authorized to determine if the Inclement Weather Policy applies to that area.

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 may also be used to cover periods of absences due to inclement weather. If annual leave and compensatory time 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 7/2011

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 attending or assisting with the educational activities of a child. The eight hours of Children's Educational leave 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 declared legally incompetent.

"Educational activity" means any school-sponsored activity, including without limitation: a parent-teacher conference, participation in school-sponsored tutoring, participation in a school-sponsored volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and assisting with athletic, music or theater programs.

"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.

LIVING DONOR LEAVE

Revised 9/2003

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 completing an AHTD Leave Request Form stating the commencement time, 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.
- b. Upon return to work, submit an AHTD Leave Request Form stating the conclusion time of the leave, along with 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.

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 CARD APPROVAL

Revised 7/2001

All leave cards must be approved with a signature by the immediate supervisor. Rubber stamped signatures are not acceptable. Original leave card is forwarded to the Personnel Office for permanent record and the carbon copy retained in the Division/District Office.

LEAVE AT THE CONVENIENCE OF THE DEPARTMENT

Revised 2/2011

Leave at the Convenience of the Department (otherwise known as LCOD) is time off for the convenience of the Department and is not keyed into the payroll system; it is simply noted on the time sheet. In other words, 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 in pay status *exceed 40 hours* in a pay week. LCOD *limits* the number of hours over 40 that an employee may work in a pay week, which is a cost-saving measure for the Department. 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 worked, regardless of a 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, 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 will not be changed to LCOD. However, continued work within the remainder of the pay week will be at the supervisor's discretion.

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 1/2012

As the basis for application of this section, it is understood that all employees shall account for a minimum of 40 hours during each work week, 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. In such circumstances, the supervisor may award some time off. *The exempt employee is not entitled to take time off on an hour-for-hour basis for each hour of additional time worked.*

Employees in exempt positions are eligible to take time off, at the discretion of their supervisor, after working more than four additional hours beyond the normal work week. This work must have been authorized in advance, unless it is an emergency, by the employee's supervisor and it must have been caused by circumstances that were beyond the employee's control.

All hours worked by *distributive* exempt employees shall be recorded on the timesheet whether or not time off is granted for additional hours worked. Approved time off will be recorded on the time sheet coded as 089 and will also be documented on the *Exempt Employees Time Off for Additional Hours Worked* form.

The employee's supervisor has the discretion to establish a flexible work schedule within the same day allowing employees to offset unusual work requirements. Otherwise, exempt employees may be allowed time off after having worked in excess of four additional hours as described above. The supervisor shall determine when an exempt employee may take time off as follows:

1. All requests by exempt employees to take time off after having worked additional hours shall be submitted to the supervisor.
2. Only the time worked *in excess* of four additional hours in the established work week may be approved for time off, if it otherwise meets the criteria described above.
3. Exempt personnel shall forfeit approved time off if not used within 30 days of the date the additional hours were worked.
4. Upon separation from employment, exempt employees will not be paid cash, or be reimbursed in any manner, for any additional hours worked.

It will be necessary to accurately document the additional hours worked and the subsequent time off. The *Exempt Employees Time Off for Additional Hours Worked* form will be used to record the additional hours and the subsequent time off. These records will be forwarded to the Personnel Office and a copy kept on file by the originating office for review and auditing as appropriate.

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LEGAL HOLIDAYS

Revised 11/2011

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/ Robert E. Lee's Birthday	3rd Monday in January
George Washington's Birthday/ Daisy Gatson Bates 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 (with either holiday pay or time off at a later date) in addition to actual hours worked. Exempt employees who work a regularly scheduled holiday shall be given another day off at a later date. Holidays must be used in eight (8) hour increments. Holidays for part-time temporary employees must be used in four (4) hour increments.

To be compensated for a holiday, an employee must be active on the payroll and must not be on leave without pay for any reason or for any portion of the regularly scheduled day before and after the holiday.

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 10/2005

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 day of the month following the first 30 days of employment. (Example if the hire date is January 4, the Insurance effective date will be March 1.)

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 7/2001

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 State Highway and Transportation Department. To maintain the soundness of the system, each employee contributes six percent of gross earnings, and the Department contributes 12.9% 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 and employees should be made aware that they have the option of withdrawing contributions from the system should they leave the Department before retirement. After five years of service, contributions may be left in the retirement system to provide income for retirement years. Full-time regular employees withdrawing contributions from the system cannot be rehired for twelve (12) months

after withdrawal. 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. 10 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 7/2001

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. Employees must complete six (6) months of employment with the Department in order to be eligible for enrollment in this plan.

CREDIT UNION

Revised 7/2001

The Arkansas Federal Credit Union is located at the Air Force Base Branch, 2414 Marshall Road, Jacksonville, Arkansas 72076, telephone number 501-982-1000. 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.

TRAINING AND DEVELOPMENT

Revised 1/2004

Due to the complex and technical knowledge required in the successful operation of the Department, it is important that well-educated and trained personnel be utilized. The Department encourages employees and prospective employees to complete their high school and college education as well as to pursue other methods of self-improvement. The establishment of an Inter-Agency Training Program (IATP) provides a variety of training opportunities for state employees. The programs are designed to meet the continuing needs for employee development and improved job performance. Department employees are encouraged to participate in these and other programs offered. Specialized courses in surveying, basic materials, highway maintenance and safety are also scheduled by in-house personnel. Additional information can be provided by the Training and Safety Section.

ADVISORY COMMITTEES

Revised 7/1997

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 three times each year during July, November, and March. 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 groundbreaking, 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 9/2005

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. 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.
2. Upon receiving a report of injury from an employee, the supervisor should provide the employee with the preferred provider list for selection of an initial treating physician. If an injured employee requires emergency treatment and a preferred provider capable of handling the situation is not available within the immediate area, the nearest available competent medical provider should be used.
3. If an employee claims to have suffered an injury but does not believe that it is severe enough to seek medical treatment and does not wish to file a claim, 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. A supervisor may pre-approve emergency medical care as required. A supervisor should also pre-approve an initial medical evaluation in non-emergency situations by providing the injured employee with a copy of the MCO directory and a completed Workers' Compensation Authorization Form. Approval for subsequent medical treatment will be determined by the Arkansas Public Employees Claims Division (PECD) upon receipt of the claim.
5. The Department participates in a managed care system for workers' compensation. All treatment must be furnished by an authorized provider listed on the Preferred Provider List unless the injury requires emergency treatment. Fees for non-emergency treatment by providers not on the Preferred Provider List are the responsibility of the employee. The Preferred Provider List is available from the Division Head, District Engineer, Legal Division or Public Employee Claims Division.
6. 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.
7. The supervisor is responsible for reporting the injury to the person responsible for handling Workers' Compensation in the Division or District, completing the forms required of the supervisor, and providing the injured employee copies of the forms required of the employee.

8. The forms to be completed are:

FORM:	COMPLETED BY:
Arkansas Workers' Compensation Commission- Employer's Supplemental Report, F19-469	Employee responsible for handling workers' compensation claims.
Public Employee Claims Division- Employees Report of Accident, F19-471	Injured employee
Arkansas Workers' Compensation Commission- WCC Form N, F19-470	Injured employee; the employee must initial and date the back of this form.
Arkansas State Highway and Transportation Department Safety Office- Report of Injury Form, F19-467	Supervisor
Workers' Compensation- First Report of Injury or Illness, F19-468	Supervisor
Public Employee Claims Division- Information Requested from Employer	Supervisor
Workers' Compensation Facsimile Cover Sheet	Employee responsible for handling workers' compensation claims.

9. 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 faxed to:

Public Employee Claims Division
 1200 West Third, Suite 201
 Little Rock, Arkansas 72201
 (501) 371-2700 voice
 (501) 371-2733 facsimile

The workers' compensation facsimile cover sheet should be used for all facsimiles sent to the Public Employee Claims Division. The original of each form must be sent to:

Arkansas State Highway and Transportation Department
Legal Division, Workers' Compensation
P. O. Box 2261
Little Rock, Arkansas 72203-2261
(501) 569- 2353
(501) 569-2164 (fax)

10. 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.
11. 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.
12. An employee should not be allowed to return to work until a report stating that the patient is physically able to resume work is received. When a doctor recommends that a patient is ready to return to "light work," refer to page 6-11 for the policy on "RETURNING TO WORK WITH TEMPORARY RESTRICTIONS." 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. 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 work without requiring that the doctor complete the Department's form.
13. Questions about Workers' Compensation should be directed to the Department's Workers' Compensation Attorney at (501) 569-2278. This service should be used whenever necessary.
14. 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 Department's Workers' Compensation Attorney or PECD.

15. Supervisors must report suspected fraud or abuse to the Workers' Compensation Attorney at (501) 569-2278.

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 Workers' Compensation Attorney should be advised of the employees who assume these duties.

RETURNING TO WORK WITH TEMPORARY RESTRICTIONS

Revised 12/2011

The following policy is to provide uniformity for employees returning to work with temporary restrictions as a result of both work related and non-work related injury or illness. Employees with an injury or illness that does not affect their ability to perform job requirements shall be allowed to return to normal work activities.

Employees with an injury or illness resulting in temporary work restrictions will be allowed to return to work upon receipt of a doctor's statement if there is work available the employee can perform taking into account the employee's work restrictions. This transitional work arrangement could include part-time work, temporary reassignment to other work duties, modified job duties, etc. This transitional work arrangement is intended to be temporary until such time the employee receives a release to return to work and is able to perform the essential functions of his/her job or reaches maximum medical improvement. Status of an employee's work restrictions will be reviewed periodically and discontinued upon the treating doctor's recommendation.

If an employee does not receive a full release to return to duty, but is given permanent work restrictions, the supervisor and the employee will engage in an interactive process to determine the employee's ability to perform the essential functions of his/her job with or without reasonable accommodation. If the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, then a permanent reassignment will be considered. The employee must meet the minimum requirements and have the ability to perform the essential functions of the alternative position with or without accommodation for consideration. It should also be understood that the Department will not create a job where none exists, nor will the Department remove another employee from his/her position in order to create a vacancy to accommodate an injured or ill employee with work restrictions.

If an injured employee with permanent restrictions is unable to perform the essential functions of his/her job with or without reasonable accommodation and no vacancy exists for which the injured employee is qualified and able to perform, then the employment status of the injured employee will be re-evaluated.

SECTION VII

APPENDIX

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FORMS REQUIRED FOR EMPLOYMENT

Revised 3/2011

These required forms for new and returning employees must be forwarded to the Personnel Office when the employee is placed on the payroll.

1. Form 19-125 Personnel Authorization Form
2. Form 19-126 Application for Employment
3. Form 19-121 Personnel Applicant Flow Data
4. W-4 Form Federal Withholding Exemption Certificate
(on Fiscal Services' website)
5. AR-4EC Form State Withholding Exemption Certificate
(on Fiscal Services' website)
6. Form 19-301 Retirement Certificate of Membership
7. Arkansas State Vehicle Safety Program Form
8. Form 19-512 Political Activities, Oath of Office, Restrictions on
Employment, Right to Terminate
9. Form 19-234 Administrative Order 94-10 Sick Leave Policy
(not required for temporary employees)
10. Form 19-227 Drug-Free Workplace Policy
11. Form 19-225 Discrimination/Harassment Policy
12. Form 19-233 Statement of Selective Service Status
13. Administrative Order 94-11 Hours of Employment (Construction only)
14. Transcript (if college graduate)
15. I-9 Employment Eligibility Verification
16. Racial Comments Acknowledgement Form

PERSONNEL FORMS

Revised 7/2001

These forms can be found on the computer or you may obtain a copy from the Personnel Office.

1. Form 19-121 Personnel Applicant Flow Data
2. Form 19-228 Grievance Form
3. Form 19-220 Documentation of Exceptional Performance
4. Form 19-224 Documentation of Performance Requiring Improvement
5. Form 19-502 Jury/Witness Verification Form
6. Form 19-233 Statement of Selective Service
7. Form 19-334 Catastrophic Leave Donation Form
8. Form 19-330, 331, 332 Catastrophic Leave Application Form
9. Form 19-333 Catastrophic Leave Participation Form
9. Form 19-474, 475, 476 Family and Medical Leave Act Forms

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