

**Pulaski County Fire Protection District #5  
dba Sherwood Fire Department**

**Administrative Regulations  
and  
Employee Policies**



**Release 2012.1.1**

**Revised: December 20, 2011**

**Effective: January 1, 2012**

**District Formation:**

The Pulaski County Fire Protection District # 5, dba Sherwood Fire Department, was formed in August 2005 by a resolution from Pulaski County Judge Floyd G. "Buddy" Villines. The Board of Commissioners is a five-person board appointed by the Pulaski County Judge made up of local homeowners and businesspersons that oversee the actions of the Fire Department, represent the citizens of the Sherwood Fire District, and ensure proper checks and balances. The Board has the sole authority to determine the purpose, mission, and title of the department and the amount and allocations of the budget; and to take such measures as the Board may determine to be necessary for the orderly, efficient, and economical operation of the Department. The Board of Commissioners shall approve and sign all contracts. The Board shall also authorize other consents and arrangements which are enforceable by law.

**State Law:**

The Sherwood Fire Department operates under authority of ACA §§ 14-284-101 through 14-284-411, and other State and Federal statutes; and the Arkansas Fire Prevention Code ACA §§ 12-13-101 through 12-13-116, in which the Fire Chief and members of the fire department are ex officio deputies to the State Fire Marshal under the "Fire Prevention Act".

**Purpose:**

The Board of Commissioners has approved these Administrative Regulations and Employee Policies. These policies and procedures describe many employee responsibilities, define the requirements and expected standard of action for employees, and outline the programs and benefits available to employees of the Department; but they are not intended to answer all questions regarding employment or to cover every situation that may arise. They are not intended to create any contractual or other legal rights and should not be construed as an employment contract, either express or implied. These policies and procedures have been established for the good of the department and must be followed by all employees. In all respects, these procedures should comply with all federal, state, and local laws and statutes, and the Bylaws of the department, hereinafter, "Laws." If at any time, any statement contained herein conflicts with any Laws, the Laws shall prevail. If any statement contained herein is found subservient to Laws, the remainder of the document shall remain in effect. Every effort shall be made to ensure that the procedures contained herein reflect the most appropriate and beneficial procedures for the Department.

**Scope:**

This is the principal document specifying rules, regulations, and policies for the administration and financial operation of the Sherwood Fire Department. The Standard Operating Procedures (SOPs) and any other directives shall be secondary. These procedures apply to all employees. **These procedures do not supersede Standard Operating Guidelines (SOGs) providing on-scene Strategic Incident Command.**

**Amendments and Revisions:**

The Board of Commissioners shall have the exclusive right to change, alter, delete, add, or modify any provision of this document at any time, with notice to the Fire Chief. Final approval of all changes to these policies shall be by resolution of the Board.

The Board may revise, supplement, or rescind policies or portions of these Administrative Regulations and Employee Policies as it deems necessary or appropriate. Changes and revision shall be approved by the Board, who will determine the effective date of any changes.

Because personnel practices and procedures are in a constant state of change, the Board will periodically review documents for amendments or revisions which might better serve the needs of the Board and Department employees.

Changes and revisions made to Department policies shall be communicated through standard communication channels.

These Administrative Regulations and Employee Policies (Release **2011.1.1**) are meant as directives for all policies, orders, letters, memoranda, and understandings unless otherwise noted.

**Distribution:**

A copy of the Administrative Regulations and Employee Policies (Release **2011.1.1**), Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) manuals and all subsequent revisions or amendments shall be distributed to all Board members and to each fire station, and shall be posted to the Sherwood Fire Department's web site as public documents.

## TABLE OF CONTENTS

**ORGANIZATIONAL CHART** **Page 1**

**DEFINITIONS** **Page 2**

**SECTION 1. – FIRE CHIEF** **Page 2**

1.1	RESPONSIBILITIES	3
1.2	AUTHORIZATIONS	4

**SECTION 2. – STANDARD OPERATING PROCEDURES (SOPS)** **Page 4**

**SECTION 3. – COMPENSATION** **Page 5**

3.1	COMPENSATION SYSTEM	5
3.2	WORK SCHEDULE/TIMESHEET/PREPARATION OF PAYROLL	5
3.3	FULLTIME HOURLY DIFFERENTIAL PAY	6
3.4	HOLIDAY PREMIUM PAY	6
3.5	AVAILABILITY SCHEDULE	6
3.6	OVERTIME	6
	FAIR LABOR STANDARDS ACT (FLSA)	6
	OVERTIME APPROVAL	7

**SECTION 4. – STAFFING OF STATIONS AND APPARATUS** **Page 7**

4.1	MINIMUM HOURLY WORK REQUIREMENT	7
4.2	JOB DESCRIPTIONS	7
4.3	REASSIGNMENTS	7
4.4	PROMOTIONS	7

**SECTION 5. - PERFORMANCE EVALUATION** **Page 8**

5.1	PERFORMANCE EVALUATION DATE	8
5.2	PERFORMANCE EVALUATION PROCEDURE	8

**SECTION 6. - INFORMAL PROBLEM RESOLUTION** **Page 8**

**SECTION 7. – EMPLOYEE CONDUCT** **Page 8**

7.1	OFFICIALS STATEMENTS	9
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**SECTION 8. – DISCIPLINARY ACTION** **Page 10**

8.1	CATEGORIES OF OFFENSES	10
8.2	DESCRIPTION OF OFFENSES	10
8.3	COMPLAINTS AND INVESTIGATION	11
8.4	INVESTIGATIVE PROCEDURES	11
8.5	FACTORS OF DISCIPLINARY ACTION AND PROCESS	12
8.6	PROGRESSIVE DISCIPLINE PROCESS	13
8.7	APPEALS OF DISCIPLINARY ACTION(S) TO THE FIRE CHIEF	14
8.8	APPEALS TO THE BOARD OF COMMISSIONERS	14

**SECTION 9. – HARASSMENT** **Page 14**

9.1	EXAMPLES OF HARASSMENT	14
9.2	HARASSMENT COMPLAINT PROCEDURES	15

**SECTION 10. – DRUG FREE / ALCOHOL FREE WORKPLACE** **Page 15**

10.1	PRE-EMPLOYMENT TESTS	16
10.2	SMOKE-FREE ENVIRONMENT	16

**SECTION 11. – UNIFORMS, EQUIPMENT,  
(PPE) AND PERSONAL APPEARANCE** **Page 16**

**SECTION 12. – WORKPLACE VIOLENCE** **Page 16**

**SECTION 13. – PERSONAL USE OF DEPT EQUIPMENT AND SUPPLIES** **Page 17**

**SECTION 14. – PUBLIC RELATIONS** **Page 17**

14.1	FREEDOM OF INFORMATION ACT (FOIA) REQUESTS	17
14.2	ACTIVITIES OUTSIDE OF FIREFIGHTING DUTIES	17

**SECTION 15. – SOLICITATIONS** **Page 18**

**SECTION 16. – JOB SAFETY** **Page 18**

**SECTION 17. – OUTSIDE EMPLOYMENT OR MOONLIGHTING** **Page 18**

**SECTION 18. – OUTSIDE COMPENSATION** **Page 18**

**SECTION 19. – PAID AND UNPAID LEAVE** **Page 19**

19.1	ANNUAL LEAVE	19
	19.1.1 BONUS HOURS	19
19.2	SICK LEAVE	20
19.3	FUNERAL/BEREAVEMENT LEAVE	21
19.4	JURY DUTY/COURT LEAVE	21
19.5	LEAVE OF ABSENCE WITHOUT PAY	21
19.6	MILITARY LEAVE (USERRA)	21
19.7	FAMILY MEDICAL LEAVE ACT (FMLA)	22

**SECTION 20. – INCLEMENT WEATHER POLICY** **Page 23**

**SECTION 21. –VOTING AND POLITICAL ACTIVITY** **Page 23**

**SECTION 22. – EMPLOYEE DATA AND ADMINISTRATIVE RECORDS** **Page 24**

22.1	CURRENT EMPLOYEE INFORMATION REQUIRED	24
22.2	CHANGE OF ADDRESS AND/OR CONTACT NUMBERS	24
22.3	CONFIDENTIAL EMPLOYEE INFORMATION	24

**SECTION 23. – BENEFITS** **Page 24**

23.1	EMPLOYEE PAYROLL DEDUCTIONS	24
23.2	RETIREMENT PLANS	24
23.3	WORKERS COMPENSATION	25
23.4	TRAINING	25
23.5	WELLNESS PROGRAM	25

**SECTION 24. – MISCELLANEOUS INFORMATION** **Page 25**

24.1	POLICY STATEMENT	25
24.2	AT-WILL EMPLOYER	25
24.2	SEVERABILITY	25

**EMPLOYEE ACKNOWLEDGEMENT** **Page 26**

**DOCUMENT REVISION HISTORY** **Page 27**

# **ORGANIZATIONAL CHART**

**PULASKI COUNTY FIRE PROTECTION DISTRICT #5  
DBA SHERWOOD FIRE DEPARTMENT**

## **ADMINISTRATION**

**Pulaski County Fire Protection District #5  
Board of Commissioners**

**Legal Counsel**

**Fire Chief**

**Accountant**

## **DEFINITIONS**

<b>ACA</b>	Arkansas Code Annotated
<b>Availability Schedule</b>	A form used in scheduling employees for a two-week work period.
<b>Board</b>	The Board of Commissioners of the Pulaski County Fire District #5 dba Sherwood Fire Department.
<b>Chain of Command</b>	The order of authority and responsibility by which department business is conducted, allowing information to flow in an orderly manner from Firefighter to the Fire Chief, and to all steps in between.
<b>COLA</b>	Cost of Living Adjustment
<b>Commissioner</b>	A member of the Board
<b>Demotion</b>	A reduction of a regular employee from one rank to another rank or a reduction in pay, or both.
<b>Disciplinary Action</b>	An action taken against an employee for deficiencies in job performance or misconduct.
<b>FLSA</b>	Fair Labor Standards Act. The links below provide additional details and information on FLSA: <ul style="list-style-type: none"> <li>• <a href="http://www.dol.gov/whd/flsa/">http://www.dol.gov/whd/flsa/</a></li> <li>• <a href="http://www.dol.gov/whd/regs/compliance/whdfs8.pdf">http://www.dol.gov/whd/regs/compliance/whdfs8.pdf</a></li> <li>• <a href="http://www.dol.gov/whd/regs/compliance/whdfs21.pdf">http://www.dol.gov/whd/regs/compliance/whdfs21.pdf</a></li> </ul>
<b>FMLA</b>	Family and Medical Leave Act. The links below provide additional details and information on FLMA: <ul style="list-style-type: none"> <li>• <a href="http://www.dol.gov/esa/regs/compliance/whd/whdfs28.pdf">http://www.dol.gov/esa/regs/compliance/whd/whdfs28.pdf</a></li> <li>• <a href="http://www.dol.gov/compliance/laws/comp-fmla.htm">http://www.dol.gov/compliance/laws/comp-fmla.htm</a></li> <li>• <a href="http://www.dol.gov/esa/regs/statutes/whd/fmla.htm">http://www.dol.gov/esa/regs/statutes/whd/fmla.htm</a></li> <li>• <a href="http://www.dol.gov/dol/topic/benefits-leave/fmla.htm">http://www.dol.gov/dol/topic/benefits-leave/fmla.htm</a></li> </ul>
<b>Fundraising</b>	The process of soliciting and gathering money or other gifts in-kind, by requesting donations from individuals, businesses, charitable foundations, or governmental agencies.
<b>PPE</b>	Personal Protective Equipment
<b>Promotion</b>	The advancement of an employee to a rank of higher class from a rank of lower class.
<b>SCBA</b>	Self Contained Breathing Apparatus
<b>SOGs</b>	Standard Operating Guidelines – on scene incident and emergency operations directives.
<b>SOPs</b>	Standard Operating Procedures – necessary details and instructions for frequently assigned unit tasks; and for staffing, apparatus, and training.
<b>USERRA</b>	Uniformed Services Employment and Reemployment Rights Act. The links below provide additional details and information on USERRA: <ul style="list-style-type: none"> <li>• <a href="http://www.dol.gov/compliance/guide/userra.htm">http://www.dol.gov/compliance/guide/userra.htm</a></li> <li>• <a href="http://www.dol.gov/compliance/laws/comp-userra.htm">http://www.dol.gov/compliance/laws/comp-userra.htm</a></li> <li>• <a href="http://www.dol.gov/vets/programs/userra/userra_fs.htm">http://www.dol.gov/vets/programs/userra/userra_fs.htm</a></li> <li>• <a href="http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf#Non-Federal">http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf#Non-Federal</a></li> </ul>

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**Pulaski County Fire Protection District #5 dba Sherwood Fire Department  
Administrative Regulations and Employee Policies**

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The Pulaski County Fire Protection District #5 dba Sherwood Fire Department is an equal employment opportunity employer and does not discriminate because of race, color, religion, sex, national origin, disability, or age.

**SECTION 1. FIRE CHIEF**

An offer of employment for the position of Fire Chief shall originate from the Board of Commissioners. An offer of employment for other positions with the Department will originate from the Fire Chief. The Fire Chief is appointed by and reports to the Board of Commissioners of the Pulaski County Fire Protection District #5, dba Sherwood Fire Department.

The Chief shall have full control of the apparatus and effects of the Department and staff while in the fire station and at all fires, inspections, drills, parades, etc. The Chief shall be responsible to the Board of Commissioners for the keeping and filing of all records and reports of the Department, and such other duties as shall hereafter be prescribed.

As authorized by the Board of Commissioners, the Fire Chief has direct charge, control, management, and direction of the department, pertaining to duties, with authority to transfer or assign employees specific departmental duties. The Fire Chief is considered to be the Chief Fire Officer.

**1.1 The responsibilities of the Fire Chief are to:**

- a) Provide a proposed annual budget and salary schedule to the Board of Commissioners.
- b) Attend meetings of the Board of Commissioners and provide the Board a monthly report of department operations, actions, and emergency responses.
- c) Seek grants for operations and/or equipment for the Department and present grants for Board consideration and approval.
- d) Handle the daily operations of the fire department.
- e) Ensure that the fire department is operated in a fiscally responsible manner, and in the most efficient manner possible that provides the highest level of public safety and emergency response.
- f) Ensure the safety of the public and the firefighters by setting training standards and drills for firefighters.
- g) Increase the public's awareness of fire sensitive issues.
- h) Investigate all fires for cause, origin, criminal activity, and other matters of standard fire investigation.
- i) Inspect and review all new commercial, governmental, educational, institutional, religious, dense residential, and industrial occupancies to ensure the safety of the structures and verify compliance with the Arkansas Fire Prevention Codes before they are built.
- j) Inspect all existing commercial, governmental, educational, institutional, religious, dense residential, and industrial occupancies on a regular basis to ensure the safety of the structures and verify compliance with the Arkansas Fire Prevention Code.
- k) Establish guidelines for a Departmental uniform dress code.
- l) Establish safety and awareness programs that will increase the safety of the employees in their official actions.
- m) Ensure that all fire apparatus and equipment is functioning in the proper manner.



- n) Ensure that proper National Fire Incident Reporting System (NFIRS) reporting is completed and received by the Arkansas Fire Academy.
- o) Ensure that the proper Act 833 paperwork is filed annually with Pulaski County Office of Emergency Management.
- p) Establish a formal system to ensure that Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) are adequately developed, maintained, and enforced.
- q) Review and revise (SOPs) and (SOGs). Changes shall be clearly identifiable and shall be recorded in the document revision section of each manual. The Chief shall notify the Board of any changes to the SOPs and SOGs.
- r) Ensure that all employees have access to and understand the Administrative Regulations and Employee Policies, (SOPs), (SOGs), and General Orders of the Department.
- s) Maintain a workplace free of unlawful drugs, alcohol and workplace harassment.
- t) Attend meetings of the Sherwood City Council, and report any appropriate business or information.
- u) Specify response districts and response guidelines for each station, and direct the staffing and placement of companies, apparatus, and equipment.
- v) Respond to any alarm, and assume direct command as needed.
- w) Perform problem resolution, provide counsel, and ensure adherence to the Administrative Regulations and Employee Policies, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs).
- x) Take necessary disciplinary actions.
- y) Set meeting dates and times of Chief Officers, Captains, and all other department personnel as needed.
- z) Delegate any of the above duties, as he/she deems appropriate to ensure the efficient operation of the department.

1.2 The Fire Chief is authorized to:

- a) Develop the Departmental chain of command.
- b) Employ, administer disciplinary action in a fair and consistent manner, promote, demote, and terminate from employment.
- c) Purchase property, sell departmental property, dispose of department property, and compensate employees or private contractors as authorized by the Board.
- d) Implement, review, and revise policies and procedures as authorized by the Board.
- e) Create and implement short-term and long-term plans and programs.
- f) Create departmental divisions and organization chart(s).
- g) Create short-term and long-term strategic plans for the direction of the department.
- h) Enforce the ordinances of the City of Sherwood that pertain to fire department issues, Arkansas Fire Prevention Codes, and Arkansas State laws that pertain to fire department issues.
- i) Assign duties and grant powers to officers of the fire department as necessary.
- j) Perform other tasks necessary to carry out the daily operations of the fire department.

**SECTION 2. STANDARD OPERATING PROCEDURES (SOPS)**

SOPs are statements that summarize behavioral requirements and expectations in a certain functional area, e.g., safety at emergency scenes, training and education, communications, maintenance, post-incident analyses, and public education among many others. SOPs also contain some narrative statements that explain the purpose and intent of the guidelines and

possible exceptions. SOPs should provide enough guidance to control operations without overwhelming personnel or unnecessarily limiting flexibility in special situations.

SOPs should be organized into a logical framework of functions and topic areas, using headings that help clarify standard of conduct, functional relationships, and the roles played by different groups that address each major component of the Department's mission.

The Fire Chief should establish a formal system to ensure that SOPs are adequately developed, maintained, and enforced.

### **SECTION 3. – COMPENSATION**

#### **3.1 COMPENSATION SYSTEM**

It is the policy of the Department to establish a compensation system allowing the Department to compete for qualified personnel and ensure salaries are equitable and commensurate with duties performed by each employee. A salary schedule shall be presented to the Board of Commissioners by the Fire Chief along with the Department's proposed annual budget, and shall be adopted by the Board, and shall apply to all employees.

- a. **New Employees:** The minimum hiring age shall be twenty-one (21). All new employees will ordinarily be paid based on their education, prior experience, and skills for the job. An employment background check shall be required. The hiring wage will be established by the Board, and applicants will be reviewed by the Fire Chief before final approval to hire is given. New employees' probationary period shall be one (1) year.
- b. **Cost-of-Living:** Cost-of-living adjustments (COLA's) may be given annually as approved by the Board based on the District's funding.
- c. **Maintenance of the Compensation Plan:** The Board of Commissioners and the Fire Chief shall be responsible for the continuous maintenance and administration of the Department's Compensation Plan. The Board of Commissioners shall authorize any changes. The Fire Chief will submit recommendations regarding compensation in the proposed annual budget submitted to the Board.
- d. **GARNISHMENT:** Wage garnishment is a legal procedure in which a person's earnings are required by court order to be withheld by an employer for the payment of a debt (<http://www.dol.gov/dol/topic/wages/garnishments.htm>). The Fire Chief or an Battalion Chief will receive and sign for any notice of garnishment. He\she shall notify and forward a copy to the Payroll Administrator. The Payroll Administrator will ensure that appropriate deductions are made from the employee's paycheck and will forward a check for the garnishment amount to the Creditor as directed in the notice of garnishment.
- e. **PAY ADVANCES SHALL BE PROHIBITED:** The Department shall not loan money to any employee.

#### **3.2 WORK SCHEDULE/TIMESHEETS/PREPARATION OF PAYROLL**

The Fire Chief is expected to maintain work schedules, timesheets, and leave records for employees in support of the Department's payroll function. All employees are classified into one of three categories for timekeeping purposes:

- 3.2.1 **Fulltime Hourly** – Employees who work one 24-hour day on duty, two 24-hour days off duty.
- 3.2.2 **Part-time Hourly** – Employees who work in 12-hour shifts. Part-time hourly employees are required to complete an availability schedule for work.

- 3.2.3 **Ninety-Six Hour** – Part-time employees who are assigned regular shifts, up to 96 hours per pay period, as designated by the scheduling officer.
- 3.2.4 The Fire Chief must sign the timesheet prior to payroll processing.

**3.3 FULLTIME HOURLY DIFFERENTIAL PAY**

Each fulltime hourly employee shall receive a differential payment of \$275.00 per month, with said payment designated as assistance for payment of employee’s health insurance. Fulltime hourly employees shall provide proof of current coverage for health insurance. If an employee does not provide proof of employee coverage for health insurance, taxes shall be withheld from said fulltime employee’s differential payment.

**3.4 HOLIDAY PREMIUM PAY**

Department employees shall be paid holiday premium pay for eight (8) hours providing that they work the 7 a.m. to 7 p.m. shift for the following holidays:

New Years day	January 1
Memorial Day	last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

Holiday premium pay is paid at the regular hourly rate for eight (8) hours provided that the employee works the entire twelve (12) hour shift.

**3.5 AVAILABILITY SCHEDULE**

The availability schedule is the form used in scheduling employees for a two-week work period. The availability schedule must be completed by each employee, indicating when the employee is available to work for the upcoming two-week period. The completed availability schedule forms will be filed and retained by the Fire Chief.

**3.6 OVERTIME**

Fire protection personnel are employees working for an organized fire department or fire district who have been trained for and have the legal authority and responsibility to engage in the prevention and control of fires. Hours of work include all of the time an employee is on duty at the department.

**FAIR LABOR AND STANDARDS ACT (FLSA)**

It is the policy of the Department that overtime pay is made in accordance with the Fair Labor Standards Act (FLSA). This policy shall apply to firefighting personnel of the Department. Under the FLSA, firefighting personnel are subject to different statutory provisions than are applicable to other categories of employees.

All Department employees will be paid on a biweekly basis, with twenty-six pay periods in a calendar year. Employees working a total of 106 hours or less within the scheduled 14-day pay cycle will be compensated at a set hourly rate as determined by the Board of Commissioners. Consistent with the FLSA, any time worked by an employee in excess of 106 hours in a 14-day pay cycle shall be compensated at the pay rate of time and a half.

Employees of State and local governments are covered by the Fair Labor Standards Act - Section 7(k) of the FLSA provides that employees engaged in fire protection may be paid overtime on a "work period" basis.

The Department must make, keep, and preserve payroll-related records as described by U.S. Department of Labor Regulations, 29 CFR Part 516.

**OVERTIME APPROVAL:** Overtime hours must be approved only in instances where it is not possible to accomplish the department's objectives within the normally scheduled hours for employees. In no instances should an employee be permitted to work overtime without prior authorization by their immediate supervisor or Battalion Chief. It is the responsibility of the Fire Chief to equitably administer the provisions of this policy. The Fire Chief shall ensure that all overtime earned and used is recorded on the employee's official time record for payroll purposes.

#### **SECTION 4. STAFFING OF STATIONS AND APPARATUS**

The fire department is committed to providing superior levels of quality service that exceed the public's expectations for timely and effective delivery of fire prevention, fire control, emergency response, and public education. The Department is under contract with the City of Sherwood to provide two employees per station 24 hours a day, 7 days per week, and 365 days a year. This is a mandatory minimum. At no time will a station be left with less than two employees on duty.

##### **4.1 MINIMUM HOURLY WORK REQUIREMENT**

To ensure that all employees are an active part of and an asset to the Department, all employees must schedule to work a minimum of four twelve-hour duty shifts, or forty-eight (48) hours per month. Failure to comply with this minimum work requirement may result in disciplinary action.

A waiver request for the minimum work requirement may be submitted for consideration. This request should be made in writing and submitted through the chain of command for approval by the Fire Chief. A copy of this request and the subsequent approval or denial will be maintained in the employee's personnel file.

Employees suspended due to disciplinary action are excluded from the minimum work requirement while under department-issued suspension. Such employees will be expected to adhere to this order after the last day of their suspension is completed.

Fulltime hourly employees (24/48) hour employees are excluded from this requirement.

##### **4.2 JOB DESCRIPTIONS**

The Fire Chief will assist each Battalion Chief in creating and maintaining up-to-date written job descriptions of each fulltime and part-time job. Job descriptions may change based on the needs of the Department. Job descriptions do not constitute employment agreements between the Department and its employees and are intended for information purposes to assist supervisors and their employees in identifying the primary tasks and qualifications required for successful job performance. Omission of specific statements of duties does not exclude them from the position if the work is similarly related to or a logical assignment of the position. Job descriptions are subject to change dependent upon the needs of the Department and requirements of the position. The Fire Chief will ensure that job descriptions are updated regularly.

##### **4.3 REASSIGNMENTS**

An employee may be reassigned. An employee may voluntarily or involuntarily accept a job that is classified lower than their current position. An employee who is reassigned to a position that is classified lower than their current position in lieu of a reduction in force will not receive a reduction in pay.

#### **4.4 PROMOTIONS**

The Fire Chief shall make all promotions of Fire Officers. The Fire Chief shall be fair and impartial in making promotions and shall make promotional decisions based upon the qualifications, attitude, disciplinary record, general demeanor, composite test score, and work history of a candidate. An employee may competitively apply for a position that is classified at a level higher than their current job. If they are selected, the employee will receive an increase in pay in accordance with the Department's approved budget process.

### **SECTION 5. PERFORMANCE EVALUATION**

#### **5.1 PERFORMANCE EVALUATION DATE**

The employee's performance evaluation date will be the employee's original date of hire. Performance evaluation reports shall:

- a) be in writing;
- b) be completed at least once a year; and
- c) state whether or not the employee has been performing his\her job duties successfully.

The appropriate supervisor should complete the Department's Performance Evaluation forms thirty days prior to the anniversary date of the employee. In the interest of providing an effective supervisory evaluation, an employee should have worked for the supervisor conducting the evaluation for a period of at least ninety (90) days. When this is not the case, the previous supervisor shall rate the employee's performance. The rating official shall be an individual who has direct knowledge about the employee's performance and had access to the employee's performance records.

#### **5.2 PERFORMANCE EVALUATION PROCEDURE:**

1. The supervisor will complete a progress report of the employee's job performance with the employee on the employee's anniversary date of each year. If the supervisor has identified items needing improvement in the employee's performance evaluation, the employee shall be notified at that time of ways for the employee to improve his\her performance.
2. The evaluation form may be obtained from the Battalion Chief and should be completed by the employee's evaluating supervisor. Evaluation forms shall include a section for employee comments.
3. The annual performance evaluation will be in written form and discussed with the employee before it is forwarded to the Chief for review and approval. The completed review and any self-evaluation will be filed in the employee's personnel record.

### **SECTION 6. INFORMAL PROBLEM RESOLUTION**

The purpose of this policy is to provide an informal process to resolve job-related problems internally. Whenever problems arise, supervisors should address them as quickly as possible to resolve misunderstandings or conflicts. Most issues can be resolved directly with the employee and immediate supervisor. Unless an exceptionally sensitive situation exists, this process should occur before proceeding to the next level for assistance.

Employees are to speak with their immediate supervisor if they encounter problems that affect their work performance. If the problem can not be resolved in speaking with their immediate supervisor, the employee should then speak with their Captain. If the problem can not be resolved in speaking with their Captain, the employee should speak with their Battalion Chief. Supervisors and employees may at any time speak with their Captain or their Battalion Chief to clarify how Department policies, or federal and State employment statutes, regulations, or guidelines may impact a particular employment circumstance. The Battalion Chief may consult with the Fire Chief, and if there are questions concerning the application of a law or regulation to an individual set of facts, then the Fire Chief should consult with the department's legal counsel regarding other actions that may be needed to obtain information.

If an employee is unable to resolve a work-related problem they are having by speaking with their immediate supervisor, Captain, or Battalion Chief, they may request to meet with the Fire Chief.

### **SECTION 7. – EMPLOYEE CONDUCT**

Employees are required to familiarize themselves with and follow department policies and procedures and all applicable laws that govern their conduct. When in doubt about the meaning or intent of a policy or procedural requirement, or an applicable law, employees should seek guidance from their immediate supervisor.

Employees within the initial probationary period may be terminated at any time during the probationary period if the employee does not demonstrate the skills necessary to perform the function(s) of their job.

While on duty, employees shall not accept any rewards or gifts that are the result of services rendered, or as a result of official action. Employees shall not use their position, identification cards, or badges for personal or financial gain. Employees shall not lend their identification cards or badges to another person.

Employees shall not endorse, sanction, or knowingly permit the use of their names, ranks, titles, or photographs, generic title of "firefighter", or any department insignia or uniform to be used in connection with any advertisement or testimonial or for any other non-official purpose without authorization from the Board.

**7.1 OFFICIAL STATEMENTS:** The Fire Chief or his designee must authorize any official statements for public release concerning the affairs of the fire department. Unless specifically authorized, employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to news media, release, or divulge investigative information or any other matters of the department while representing the department. Employees shall not release reports or information relative to any investigation except in accordance with the policies of the department.

Employees shall not solicit or accept any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) from any person, business, or organization, for the benefit of the employee or the department if it may reasonably be inferred that the gift:

- Seeks to influence the performance or nonperformance of an official nature or duty, or
- Has an interest that may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty.

Employees shall not conceal their own or another employee's violation of department policy, local, state, or federal law from their immediate supervisor or any other department officer. If personnel are found to have knowingly concealed another employee's violation of departmental policy, local, state, or federal law from a supervisor or department officer, the employee committing the offence and the employee(s) with knowledge of the offence may be disciplined.

Department equipment is for emergency response usage and must be maintained in a constant state of readiness. No department employee shall loan out, or use department equipment for personal business or gain.

It is the duty of all employees to maintain high standards of cooperation, efficiency, and integrity in their work within the Department. If an employee's conduct falls below standard, he/she may be subject to disciplinary action. The Progressive Disciplinary Action Procedure shall be used in an attempt to correct the deficiency in the employee's performance.

## **SECTION 8. DISCIPLINARY ACTION**

A "disciplinary action" is an action taken against an employee for deficiencies in job performance or misconduct. The failure to follow department policies may subject an employee to disciplinary action. In some circumstances, additional training and/or counseling may be the most appropriate method to deal with an employee's violation of department policy. Each violation of department policy or applicable laws will be handled on an individual basis. Any written reports for violation of a department policy or applicable laws will be forwarded through the chain of command to the Fire Chief for review and consideration, and placed in the employee's personnel file.

The principal objective of disciplinary action is to improve or correct performance, efficiency, and morale of the employee receiving discipline, as well as that of the Department. Disciplinary proceedings and the results thereof are confidential. The supervisor is responsible for maintaining this confidentiality. All media inquiries pertaining to disciplinary actions shall be directed to the Fire Chief. Contents of a reprimand or separation notice are public record and are subject to disclosure.

### **8.1 CATEGORIES OF OFFENSES**

Performance deficiencies are listed in categories based on their severity. The Department is an at-will employer, and as such, may choose to terminate an employee's service without cause at any time. The following guidelines outline customary outcomes of discipline for the offenses listed above.

**8.1.1 Category A:** Offenses listed in Category A are of such a nature that may require the employee's immediate termination for the first offense.

**8.1.2 Category B:** Offenses listed in Category B are of such a nature that may require at least a written disciplinary notice to the employee.

**8.1.3 Category C:** Offenses listed in Category C are of such a nature that may require at least an oral or written reprimand for the first offense.

Subsequent offenses in Category B or Category C within a twelve-month period may result in accelerated disciplinary action.

### **8.2 DESCRIPTION OF OFFENSES**

The following lists are NOT all-inclusive and do not restrict the Department's ability to make any employment-related decision it considers appropriate as an at-will employer.

**8.2.1 Category A:**

1. Conviction of a felony offense.
2. Reporting to work under the influence of intoxicants, or controlled substances that impair the employee's ability to perform their job in an effective or safe manner.
3. Violence of any nature against a fellow employee or member of the public.
4. Bringing prohibited items onto Department property.
5. Falsifying or altering a department report or record.
6. Contributing to a hostile or intimidating work environment.
7. Job Abandonment ("No-Call, No-Show" instances).
8. Insubordination or disrespect towards superior.
9. Theft or removal of Department money, equipment, property, or evidence in custody of the Department.

**8.2.2 Category B:**

1. Divulging or misusing confidential information, including removal from Department premises, without proper authorization, any records, lists, or confidential information.
2. Violating safety rules and regulations.
3. Conduct unbecoming an employee of the Department.
4. Reporting sick when not sick, or obtaining sick leave pay under false pretenses.
5. Feigning injury or illness to avoid duty.
6. Being absent from work without permission or failure to notify the supervisor when absent.
7. Making false accusations so as to discredit other employees or supervisors.
8. Providing false information to supervisors in connection with the job.
9. The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a Department employee.
10. Violation of any of the Department's Administrative Regulations and Employee Policies, Standard Operating Procedures (SOPs), Standard Operating Guidelines (SOGs), or General Orders.
11. Excessive absenteeism or tardiness.

**8.2.3 Category C:**

1. Failure to perform assigned duties in an efficient and effective manner.
2. Any act of omission or an act contrary to good order and discipline of Department employees.
3. Failure to appear neat and clean on duty, (as job duties dictate).

**8.3 COMPLAINTS AND INVESTIGATION**

Any accusation of misconduct or complaint involving Fire Department employees shall be thoroughly investigated before formal action is taken. The investigation is a fact-finding process and supervisors are cautioned not to make judgments until a thorough investigation is concluded.

**8.4 INVESTIGATIVE PROCEDURES**

For accusations and complaints of serious on-duty misconduct, an investigative report must be completed. Exceptions to this are infractions of the law, which will be investigated by the appropriate law enforcement agency with jurisdiction. The Fire Chief may suspend an employee (with pay), or reassign an employee pending the outcome of the investigation. An investigative report must include the following information:



1. Summary of the incident - answer the questions: who?, what?, where?, why?, when?, and how?
2. In a criminal situation, a copy of the Police Report will be included.
3. Interviews conducted - this must include the interviewee, rank and assignment, date, time, location, those present, and the information discussed.
4. If possible, a signed statement by the interviewee should be obtained.
5. When an accused employee is being interviewed, and the complaint is of a criminal nature, the employee shall be advised that:
  - a. He/she has the right to representation.
  - b. The questions asked will be narrowly and specifically related to employment issues.
  - c. Failure to cooperate may serve as a basis for separate disciplinary action.
6. Conclusions - from the information available, the supervisor must make a determination of responsibility. Extenuating circumstances may be discussed in this section.
7. Recommendations - state the recommended disciplinary action or alternate course of action, if any.
8. Attachments - relevant documents that the supervisor considers part of the investigative report.

After an incident or complaint has been thoroughly investigated, the supervisor must make a decision concerning the action that would be most appropriate. Factors to be considered in making this determination are:

1. The seriousness of the offense.
2. The employee's past history with the Department.
3. The past practice of the Fire Department in dealing with similar offenses (supervisors may need to consult with the Fire Chief for this information).

Following are legal issues that should be kept in mind when conducting administrative investigations:

1. An employee under investigation should be so advised prior to an administrative interview.
2. An attorney may be permitted.

The investigative report is CONFIDENTIAL and for administrative use only. Care will be taken to maintain the confidentiality of the report.

### **8.5 FACTORS OF DISCIPLINARY ACTION AND PROCESS**

In most cases, minor job performance problems can be resolved by the supervisor bringing the problem to the attention of the employee, and the employee making the proper modification in his/her performance. Each situation or issue will be considered separately, and it will be the supervisor's responsibility to make a determination as to the best course of action to take to resolve the situation or issue. When a serious job performance problem is identified, the supervisor must decide whether to solve it through:

1. Training
2. Employee Assistance Services
3. Non-Disciplinary Counseling or
4. Disciplinary Action

When disciplinary action is required, the decision concerning the appropriate level and amount of discipline shall be determined by the "Category of Offenses" and by the following factors:

1. The nature of the violation of policy or law.

2. Whether the violation was willful and intentional, reckless, or involuntary.
3. Whether the employee was candid and forthcoming concerning the violation.
4. The extent to which the violation reflects adversely on the department.
5. The level of honesty and integrity that the employee displays.
6. Whether and to what extent the employee has a prior disciplinary record.

The final action will be determined after considering the factors previously listed, and applying them to the particular situation. If a supervisor determines that disciplinary action is necessary to correct an employee's behavior, the supervisor should complete an interaction report and if appropriate gather interaction reports from other employees familiar with or involved in the situation. A memo of disciplinary action should then be processed through the chain of command to the Fire Chief. The memo should include the facts of the incident(s) that have contributed to the unacceptable conduct, the date(s) of the offense, and disciplinary actions that the supervisor imposed.

Supervisors should keep in mind that all disciplinary actions imposed are reviewed by their superiors and the Fire Chief. The Training Officer shall be notified of disciplinary action involving a probationary Firefighter or Firefighter Trainee.

It is the policy of the Department that supervisors administer discipline in a corrective, progressive, and lawful manner. Corrective in that the supervisor and employee come to an understanding about the causes and/or reasons for an employee's deficiencies, correct the deficiencies and restore the employee to a productive and positive employment status. Progressive in that discipline will normally begin with a verbal counseling or warning and, when circumstances of separate or related incidents warrant, proceed to written warning(s), suspension without pay, demotion, and finally to termination. Lawful in that discipline and the procedure by which it is administered does not violate Administrative Regulations and Employee Policies, Departmental Rules of Conduct, Departmental Standard Operating Procedures (SOPs), or the employee's constitutional or civil rights.

The plan for corrective action is a structure for employee development and assistance in correcting undesirable behavior. Accelerated disciplinary action may be taken depending upon the severity or category of the violation, or if multiple infractions have occurred. Disciplinary actions shall be consistent with prior actions taken in similar instances throughout the Department.

## **8.6 PROGRESSIVE DISCIPLINE PROCESS**

A progressive discipline process should be used to assist employees in correcting unacceptable conduct or behavior. Counseling sessions are used to bring a problem to the attention of the employee before it becomes so serious that it has to become part of a written warning and placed in the employee's file.

### **The progressive discipline process steps are:**

1. **Verbal counseling/verbal warning** as a reminder of a work rule, documented in writing by the supervisor and placed in the employee's personnel file. This warning must be documented in writing and signed by employee (acknowledging receipt only) and supervisor; and placed in the employee's personnel file.
2. **First warning**: a written reprimand, stating specific conduct or action giving rise to discipline, referencing previous counseling and detailing next disciplinary action(s). The first warning must be documented in writing and signed by employee (acknowledging receipt only) and supervisor; and placed in the employee's personnel file.
3. **Second warning**: a written reprimand, stating specific conduct or action giving rise to discipline, referencing previous counseling and disciplinary actions, warning of next disciplinary action(s), (final warning, plus suspension and possible termination).

The second warning must be documented in writing and signed by employee (acknowledging receipt only) and supervisor, and placed in the employee's personnel file.

4. **Final warning:** a written reprimand, stating specific conduct or action giving rise to discipline, referencing previous counseling and disciplinary actions. Suspension and/or probation extension may be enacted. Warn employee that the next action will be termination. The final warning must be documented in writing and signed by employee (acknowledging receipt only) and supervisor, and placed in the employee's personnel file.
5. **Termination:** Employee(s) shall be suspended pending a decision on termination. Any prior counseling and disciplinary actions shall be referenced and the specific conduct giving rise to termination shall be stated. Articulate legitimate reason(s) for termination. A written notice of termination is prepared after the discussion and consideration of all available information. Terminated employees' files shall be maintained for a minimum period of seven (7) years.

If an employee refuses to sign a Written Warning, the supervisor shall obtain a witness' signature on the document indicating that the employee refused to sign. The document is then processed as previously described. An employee's refusal to sign is not grounds for separate disciplinary action.

#### **8.7 APPEALS OF DISCIPLINARY ACTION(S) TO THE FIRE CHIEF:**

Department employees have the right to appeal a disciplinary action to the Fire Chief for his\her review and consideration within seven (7) calendar days of the action. Any request for a grievance hearing must be passed through the proper chain of command to the Fire Chief, who will evaluate the action(s) taken and provide a written determination to the employee within three (3) calendar days.

#### **8.8 APPEALS TO THE BOARD OF COMMISSIONERS:**

Department employees have the right to appeal certain disciplinary action(s) to the Board of Commissioners. Demotions, suspensions for more than two (2) weeks, and terminations may be appealed in writing to the Board in within seven (7) calendar days of the action or written response from the Fire Chief.

### **SECTION 9. HARASSMENT**

The Department is committed to maintaining a healthy work environment in which all employees are free from harassment and discriminating behavior that may adversely affect their ability to perform their job. All employees must be aware that they may not engage in any acts that threaten, harass, demean, or torment fellow employees. Harassment is defined as any annoying, persistent act or actions that singles out an employee to that employee's objection or detriment, because of, but not limited to race, color, religion, sex, national origin, disability, or age.

#### **9.1 Examples of harassment may include but are not limited to the following:**

1. Verbal abuse or ridicule;
2. Interference with an employee's work;
3. Display or distribution of sexually offensive or racist material;
4. Discrimination against any employee in work assignment or job-related training based upon their membership in a protected class;
5. Unwelcome physical contact;
6. Unwelcome sexual or racial innuendoes;

7. The demanding of favors (sexual or otherwise), explicitly or implicitly, as a condition of continued employment, promotion, transfer or any other form or condition of employment.

The Department complies with applicable State and federal laws regarding sexual harassment in the workplace. The Department will not tolerate any conduct or action(s) that constitute sexual harassment when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of employment; and/or
2. Submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting such employee or applicant; and/or
3. The conduct has the purpose or effect of substantially interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Actions defined as sexual harassment are not limited to the "supervisor to employee" relationship, and may include co-workers, the same sex or opposite sex or individuals external to the Department, but who have contact with employees in the work environment. The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor. Employees are expected to assist in the prevention of harassment and discrimination by:

1. Refraining from participation in or encouragement of acts that constitute or could be perceived as constituting harassment or discrimination;
2. Reporting observed acts in violation of this policy to a supervisor, Battalion Chief, and/or;
3. Encouraging any employee who confides that they are being harassed or discriminated against to report the behavior to a supervisor, Battalion Chief, or the Fire Chief.

## **9.2 Harassment Complaint Procedures:**

1. Employees who believe they have been subjected to sexual harassment, harassed, or otherwise discriminated against should immediately report the incident. The employee has the right to file a complaint in writing or orally. All complaints shall be properly investigated. The Department will make every effort to maintain the confidentiality of all parties involved in any complaint. A complaint may be initiated by reporting the incident to their supervisor, Battalion Chief, or the Fire Chief. The supervisor receiving the complaint will notify the Fire Chief immediately of the complaint. The Department will initiate an investigation within 72 hours. The Fire Chief will prepare a report of the results of the investigation for the Board. It will be the Fire Chief's responsibility to determine appropriate action to be taken in regard to the complaint, consistent with prior actions taken in similar instances throughout the Department. The Fire Chief will communicate the decision(s) in writing within five (5) business days to all parties of the complaint.
2. A complaint regarding the Fire Chief must be submitted to the Board of Commissioners.
3. This policy applies to all Department employees.

The department will not tolerate harassment. Employees who knowingly permit, engage in, or instigate harassment will be subject to disciplinary action.

Workplace decorations will be in good taste and not cause offense to any group or person. The following are not appropriate and may not be displayed: cartoons, pictures, posters or other items that display inappropriate gestures or offensive language, that promote political beliefs, that ridicule or belittle any person or group or that contain derogatory comments about the workplace.

#### **SECTION 10: DRUG FREE / ALCOHOL FREE WORKPLACE**

The Department is a drug-free and alcohol free-workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of employees, exposes others to unacceptable safety risks, and undermines the Department's ability to operate effectively and efficiently. A licensed medical physician must prescribe any use of a controlled substance by a Department employee.

The Department prohibits the illegal manufacture, distribution, dispensing, possession, sale or use of a controlled substance or alcohol in the workplace, or while engaged in Department business. Such conduct is also prohibited during off duty hours to the extent that it impairs an employee's ability to perform on the job, or threatens the reputation and integrity of the Department.

Employees convicted of controlled substance(s) violations must inform the Department within five (5) days of such conviction or plea.

The critical mission of the Department requires a reasonable drug-testing program. The public has a right to expect that those sworn to aid them in times of emergency are at all times physically and mentally prepared to assume these duties. Therefore, in order to ensure the integrity of the Department and to preserve public trust, the Department shall implement a drug-testing program to detect prohibited drug use by all employees.

To educate employees on the dangers of drug abuse, the Fire Chief shall establish a drug awareness policy.

Employees who violate any aspect of this policy may be subject to disciplinary action.

#### **10.1 PRE-EMPLOYMENT TESTS**

Pre-employment tests (post-offer of employment) that are demonstrated to be job-relevant and valid according to accepted professional practices may be used. Every prospective employee, after a conditional offer of employment has been made, will be required to submit to a drug test. Such tests are to be administered only by trained personnel in the prescribed professional manner. Offers of employment may be conditioned on a physical examination, including drug and alcohol screening. Refusal to take the drug test, or results that indicate a presence of illegal drugs, or prescription drugs for which the individual has no prescription, will be basis for disqualifying the individual from employment.

#### **10.2 SMOKE-FREE ENVIRONMENT**

Smoking is not permitted inside Department buildings, apparatus, or vehicles. For the safety and health of its employees, the Department is committed to a smoke-free environment. This policy applies equally to all employees and visitors. The Department may provide receptacles outside buildings for employees or visitors who choose to smoke.

#### **SECTION 11. UNIFORMS, EQUIPMENT, (PPE), AND PERSONAL APPEARANCE**

The Department provides employees with uniforms and personal protective equipment (PPE). Employees shall report for duty properly equipped so that they may immediately

assume their duties. Employees shall report for duty in complete uniform. Employees should always be well groomed and dressed in a manner suitable for their job in providing public service and ensuring that they reflect a positive image for the Department. If necessary, the supervisor, may require the employee to leave their workstation to correct any area regarding an employee's personal appearance. If an employee is required to leave work to correct the problem, the employee will not be paid for that time.

## **SECTION 12. WORKPLACE VIOLENCE**

Violence or conduct that can lead to violence is strictly prohibited in the workplace and on Department property. In keeping with this policy, the following rules will be strictly enforced:

- 12.1 Violent acts or threats of violence, fighting, pranks, or horseplay are forbidden.
- 12.2 All Department employees are expected to treat their fellow employees, citizens, and Department officials with courtesy and respect.

Violations of any of these rules may result in disciplinary action, and will be dealt with accordingly by corrective counseling, written warning, suspension, or termination, consistent with the prior actions taken in similar instances throughout the Department, and depending upon the severity of the violation.

## **SECTION 13. PERSONAL USE OF DEPARTMENT EQUIPMENT AND SUPPLIES**

Computers, telephones, long-distance access lines, photocopying machines, vehicles, machinery, tools, disposable supplies, and other equipment and materials may not be used for personal activities unless authorized by the Fire Chief.

## **SECTION 14. PUBLIC RELATIONS**

Employees will treat all members of the public with courtesy and respect. The department subscribes to a policy of equality in providing services to all citizens. Employees shall recognize their primary obligation to render impartial, efficient, and effective services to the public, and to always regard their office as a public trust. Employees shall administer their duties in a courteous, impartial, and reasonable manner. They shall recognize the limitations of their authority, and at no time use their position for their own personal advantage.

### **14.1 FREEDOM OF INFORMATION REQUESTS (FOIA) ACA § 25-19-101 et seq.**

It is the policy of the department to comply with the Arkansas Freedom of Information Act (FOIA). FOIA requests can be verbal or written. Requests may be made in person, by phone, by mail, by fax, by email, or any other electronic means. Records may be requested in any medium in which the record is readily available, or in any format to which it is readily convertible with existing software. If a FOIA request is received, ask for a name and phone number and try to determine what records or information is being requested. Notify the Fire Chief, providing the contact information and outlining the FOIA request, as you understand it.

No original documents will be removed from the fire department.

If the requesting party would like photocopies, a reasonable fee for photocopies may be charged. The fee for copies of records cannot exceed the actual cost of reproduction. A copy

of an incident report may be obtained for \$5.00 per report. Copies may be furnished at a reduced cost or without charge if it is determined that the request is primarily non-commercial or that the fee reduction or waiver is in the public interest. These fees may be waived by the Fire Chief.

#### **14.2 ACTIVITIES OUTSIDE OF FIREFIGHTING DUTIES**

Any fundraising shall receive prior approval from the Board of Commissioners.

#### **SECTION 15. SOLICITATIONS**

With the exception of approved organizations, peddling or soliciting for sale or donation of any kind on Department property is not allowed. The Fire Chief may grant exceptions in writing. Employees may not solicit donations, or otherwise sell retail items to another employee during working hours. Employees are free to discuss these matters outside of their work hours, and outside of work areas.

#### **SECTION 16. JOB SAFETY**

Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he\she should ask his\her supervisor for the correct method. Unsafe conduct is misconduct. The following safety rules should always be observed:

- 16.1 Follow all departmental safety rules and Safety Program Guidelines.
- 16.2 Use all mechanical safeguards on all Department equipment.
- 16.3 Immediately cease using and report any faulty or potentially faulty equipment to a supervisor or to an Battalion Chief.
- 16.4 Immediately report any unsafe or potentially unsafe working condition or equipment to a supervisor or to an Battalion Chief.
- 16.5 Immediately report any and every accident to a supervisor or to an Battalion Chief.

#### **SECTION 17. SECONDARY EMPLOYMENT OR MOONLIGHTING**

If an employee is considering additional employment, he\she should discuss the additional employment with his\her Battalion Chief for approval. If an employee participates in additional employment, it must not interfere with the proper and effective performance of his\her job with the Department. An employee's outside employment must not be of a nature that adversely affects the image of the Department, of a type that may be construed by the public to be an official act of the Department, or in any way violate these policies. Department uniforms shall not be worn during outside employment unless a written request is approved in advance by the Fire Chief.

#### **SECTION 18. OUTSIDE COMPENSATION**

Employees of the Department shall receive no reward, gift, or other form of remuneration in addition to regular compensation from any source for the performance of their duties as employees of the Department. If a reward, gift or other form of remuneration is made available to any employee; it shall be credited to a designated employee fund with approval of the Fire Chief.

## **SECTION 19. PAID AND UNPAID LEAVE**

### **APPROVAL FOR ANNUAL LEAVE**

There will be no more than two (2) fulltime hourly employees on leave at any time without approval by the Fire Chief or his/her designee. The basis for approval for annual leave shall be rank, and seniority and first request.

### **19.1 ANNUAL LEAVE**

**Fulltime hourly** employees who have completed their probationary period receive **annual** leave as an employee benefit. Annual leave hours are accrued as listed below. Annual leave accrual for the next level for "years of service completed" shall start the pay period following the employee's hire date anniversary.

#### **ANNUAL LEAVE RATES**

<u>Years of Service</u> <u>Completed</u>	<u>Annual</u> <u>Leave Hours</u>	<u>Hours Accrued</u> <u>Per Month</u>
1 – 4 years	120 ( 5 Tours of 24-hour Duty)	10
5 – 15 years	192 ( 8 Tours of 24-hour Duty)	16
Over 15 years	240 (10 Tours of 24-hour Duty)	20

Annual leave requests shall be submitted by December 1 of each year, and shall be based on estimated annual leave hours accrued as of December 31.

Employees should schedule and use annual leave within the calendar year. With prior permission from the Fire Chief, fulltime employees may carry forward to the next year a **maximum** of 48 hours.

During the initial annual leave selection process, each fulltime employee will select annual leave days they would like to schedule. After initial selections have been completed, consideration for other selections will be by first request. Carry-forward hours will not be selected in the initial selection process.

Employees are expected to give two weeks advanced written notice to their Battalion Chief prior to taking annual leave. The Battalion Chief may approve annual leave requests from an employee, or may request that the employee schedule their annual leave time at a time that will least interfere with the efficient operation of the Department. The Battalion Chief is responsible for transmitting approved annual leave requests to the scheduling officer.

With prior approval from the Fire Chief, annual leave hours may be donated to a fulltime employee in 12-hour increments.

With prior approval from the Fire Chief, a fulltime employee may sell back to the fire department a **maximum** of 48 hours annual leave. Employees shall submit requests to sell back time to the Fire Chief not later than December 1.

Upon termination, resignation, retirement, or other action by which a person ceases to be an active employee of the Department, the employee shall be paid the amount of unused annual leave hours in a lump sum. Upon death of an active fulltime employee, the amount of unused annual leave hours shall be paid to the employee's estate or authorized beneficiary.

#### **19.1.1 BONUS HOURS**

Fulltime employees below the rank of Chief of Department may earn bonus hours in the following manner:



After completion of one year of service as a fulltime employee, the employee who works three consecutive months without using sick leave benefits or any unauthorized absence or reporting late for duty will be eligible for six (6) hours of leave with pay. Bonus hours will be awarded in a like manner for subsequent three-month periods. Employees may earn a **maximum** of seventy two (72) bonus hours. The use of bonus hours must be scheduled in advance with the on duty Battalion Chief. The three-month accrual period toward bonus hours starts over with the first full day that the employee is at work after sick leave or authorized leave. Bonus hours may also be sold back to the Department by the employee at their regular rate of pay.

## **19.2 SICK LEAVE**

Fulltime hourly employees may be credited with sick leave. Sick leave is credited as eight (8) hours per pay period for all fulltime employees on active pay status. Sick leave may be held in reserve up to a maximum of 960 hours. Sick leave must be earned before it can be used. Employees cannot borrow from anticipated future sick leave. An employee will not earn sick leave if they are not in an active pay status for the entire pay period.

Sick leave is provided as a benefit to be used only for the following purposes:

1. When the employee is unable to work because of sickness, accident, or injury; medical, dental, optical treatment, or maternity leave.
2. Death or serious illness of a member of the employee's immediate family or requests for the employee's presence by immediate family, doctor, or clergy due to family illness or emergency. Immediate family is defined as: mother, father, brother, sister, son, daughter, grandparents, grandchildren, son-in-law, daughter-in-law, spouse, or spouse's immediate family.
3. Employees may use up to 72 hours of sick leave upon the birth or adoption of a child or grandchild.

Use of sick leave time for any other purpose is considered abuse of sick leave, and employees may be disciplined for violations. Absences due to personal illness must be charged in the following order: (1<sup>st</sup>) earned, but unused, sick leave, (2<sup>nd</sup>) unused annual leave. Earned sick leave and annual leave must be exhausted prior to taking any unpaid leave of absence for any medical reason.

Employees who are on sick leave for two (2) or more shifts within a six (6) month period will be required to furnish a certificate of illness from an attending physician. When an employee is unexpectedly ill, or is requesting sick leave because of the unexpected illness of an immediate family member, they must notify their supervisor.

Notification of unexpected absences due to illness should be made no less than one hour prior to the beginning of the employee's scheduled shift. Failure to do so may result in denial of leave pay. The employee should also let the supervisor know when they expect to return to work. Employees on disability or extended sick leave must contact their supervisor on a regular basis with information concerning their medical status. A physician's release will be required prior to return to duty on either a restricted or unrestricted basis.

Requests to use sick leave for the purposes of medical, dental, or optical examinations, or treatments should be made sufficiently in advance of the appointment to allow the supervisor to plan for the absence. Supervisors may decline to approve sick leave requests for medical or dental appointments if proper advanced notice is not given, or if the absence of the employee would cause a disruption in the department's operation.

### **19.3 FUNERAL/BEREAVEMENT LEAVE**

Fulltime hourly employees may receive up to 24 hours of paid bereavement leave to handle necessary arrangements for a death in their immediate family. Employees will be paid their regular hourly rate. Immediate family is defined as: mother, father, brother, sister, son, daughter, grandparents, grandchildren, son-in-law, daughter-in-law, spouse, or spouse's immediate family.

### **19.4 JURY DUTY/COURT LEAVE**

All fulltime hourly employees shall be granted leave with pay for jury duty or when subpoenaed as a witness during scheduled working hours, as long as they are not a party to the case. Leave with pay shall be paid at the employee's regular rate of pay. Jury/Court leave covers the time an employee is required to be in court, and normal travel time required for the employee to return to work. Employees are expected to return to work after they have completed their responsibility to the court.

All fulltime hourly employees (on duty or off duty) subpoenaed as a witness by any judicial court or commission as a direct result of their employment by the Department are considered to be in regular, active pay status, and will continue to be paid their regular hourly rate or overtime as required. A copy of the subpoena must be given to the employee's immediate supervisor and forwarded to the Battalion Chief.

### **19.5 LEAVE OF ABSENCE WITHOUT PAY**

An employee may apply for a temporary leave of absence (leave without pay) from the fire department. This request should be made in writing and submitted through the chain of command for approval by the Fire Chief. During leave of absence, the employee will not be responsible for training activities or minimum hourly work requirements. A copy of the request for leave of absence and the subsequent approval or denial will be placed in the employee's personnel file.

The Fire Chief may grant a fulltime hourly employee a leave of absence without pay not to exceed ten (10) days for non-medical purposes.

No sick leave, annual leave benefits, or any other fringe benefits shall accumulate while the employee is on leave of absence without pay. Any employee on an approved leave of absence without pay may choose to continue their optional insurance coverage by paying the total amount of the premium(s) to the Department in advance for period in which they are absent, subject to limitations set by the provider. Upon their return to work, the employee will be reinstated in the position held at the time the leave was granted or another equivalent position if available.

### **19.6 MILITARY LEAVE / USERRA**

The Department will comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA). Because of the complex nature of this Act, it is recommended that employees and/or supervisors discuss any questions concerning specific requests with the Fire Chief.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects service members' reemployment rights when returning from a period of service in the uniformed services, including those called up from the reserves or National Guard, and prohibits employer discrimination based on military service or obligation. The U.S. Department of Labor's (DOL) Veterans' Employment and Training Service (VETS) administers USERRA.

This policy applies to all Department employees who are affiliated with any branch of the United States Armed Forces, National Guard, or Coast Guard.

EMPLOYER'S RESPONSIBILITIES:

The Department shall release employees for service with the Armed Forces when the employee participates in:

- a. Annual Training (Summer Camp)
- b. Active Duty for Training (School)
- c. Inactive Duty Training Assemblies (Weekend drills)
- d. Extended leave of absence for voluntary active duty service
- e. Involuntary call-up

EMPLOYEE'S RESPONSIBILITIES:

The employee is responsible for providing their supervisor with copies of all military orders that require the employee to take a leave of absence, whether for annual training or active duty. Orders should specify the duties of absence, promulgation authority, letter order number, and signature of issuing authority.

PROCEDURE FOR REQUESTING LEAVE:

1. All military leaves will be processed through the Department chain of command.
2. It is the responsibility of the Department official verifying timesheets to annotate the use of military leave on the employee's time record.

EMERGENCY MILITARY LEAVE:

Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. This leave shall be granted in addition to all other leave the employee shall be entitled to in accordance with ACA 21-4-102. "Emergency situations" shall have the same meaning as in ACA § 21-4-212.

**19.7 FAMILY AND MEDICAL LEAVE (FMLA Leave)**

The Department will comply with The Family and Medical Leave Act of 1993. Because of the complex nature of this Act, it is recommended that employees and/or supervisors discuss any questions concerning specific requests with the Fire Chief.

Department employees who request FMLA leave must satisfy the following conditions:

- a. be employed by the Department for more than one year; and
- b. have completed 1,250 hours of work within the 12-month period preceding the leave.

This policy provides up to 12 weeks of unpaid leave in a 12-month calendar period. The twelve (12) month period will be measured forward from the date any employee's first FMLA leave begins.

- a. Family and Medical leave is to be used for the following reasons:
  1. the birth of a child of the employee and in order to care for the child;
  2. the placement of a child with the employee for adoption or foster care;
  3. to care for a spouse, a child, or parent of the employee with a serious health condition;
  4. to take medical leave for a serious health condition that makes the employee unable to perform the functions of their position.
- b. The ability to request leave covered by reasons a.1 and a.2 above expire at the end of the twelve (12) month period beginning on the date of the child's birth or placement.

- c. Paid sick or annual leave time must be used prior to requesting any unpaid FMLA leave.

**EMPLOYEES REQUESTING LEAVE UNDER THIS SECTION SHOULD:**

- a. Provide a notice to their supervisor thirty (30) days prior to expected beginning of a requested leave, such as childbirth, adoption, or planned medical treatment. However, if emergency conditions prevent thirty (30) days notification, you should notify your supervisor as soon as possible.
- b. Provide a physician's certification to verify a serious health condition. If there is a disagreement that occurs over the medical opinion provided by the physician, the Department may require a second medical opinion. Any second medical opinion will be paid for by the Department.
- c. For those taking leave as a result of a personal illness, periodic reports during FMLA leave regarding your medical status may be required.
- d. When leave is needed to care for an immediate family member, or the employee's own illness, and the leave is for planned medical treatment, the employee should attempt to schedule treatment so as not to disrupt the department's operations.

**RELEASE TO RETURN TO WORK**

A physician's statement stating that the employee is released to return to work in an unrestricted status is required for all employees who are on FMLA medical leave for their own serious health condition.

**JOB RESTORATION**

Employees are expected to return to work the next working day following their FMLA leave. Employees who fail to return to work may forfeit the job protection provided by the FMLA leave. Employees approved for FMLA leave will be returned to the same position held prior to the leave or a position of equivalent pay, benefits and other terms and conditions of employment, whenever practical to do so.

**SECTION 20. INCLEMENT WEATHER POLICY**

Employees are expected to report for work under all conditions and should make prior arrangements for safely reporting to work under such conditions, unless otherwise approved by the Fire Chief.

In exceptional conditions, such as weather causing extremely hazardous conditions, the employee is required to contact his\her supervisor for instructions.

**SECTION 21. VOTING & POLITICAL ACTIVITY:**

Department employees are encouraged to take part in the political process by voting. Employees who are not able to vote outside of normally scheduled work hours may take up to one hour of paid leave for the purpose of voting. Any additional time required to vote, if during the employee's normally scheduled work hours, may be requested as annual leave.

Employees are free to engage in campaigning and other active political expression outside of their normal work hours. No Department property, equipment, or facilities may be used for any political or campaign purpose. No employee may engage in political activity that will create an actual or perceived conflict of interest with their job responsibilities with the Department. Employees must refrain from any comment about any candidate or ballot issue that would create the appearance that the Department or the employee in their official capacity with the department favored or disfavored any candidate or ballot issue.

## **SECTION 22. EMPLOYEE DATA AND ADMINISTRATIVE RECORDS**

### **22.1 CURRENT INFORMATION**

It is the employee's responsibility to maintain accurate and current administrative information with the fire department. Upon employment, new employees are required to show their social security card, and to submit their driver's license to be copied and placed on file with the fire department; and to complete appropriate state, federal, and other administrative forms. Employees may be required to resubmit a copy of their driver's license or other required documents in the event of a change in marital status, name, or address.

### **22.2 CHANGE OF ADDRESS AND/OR CONTACT NUMBERS**

Employees are required to notify the Department of any address or telephone number changes within a reasonable period of time, not to exceed three (3) days.

### **22.3 CONFIDENTIAL EMPLOYEE INFORMATION**

It is the responsibility of the fire department administration to maintain certain employee information confidentially. This information includes, but is not limited to:

1. Telephone numbers and Home Addresses
2. Date of birth
3. Social Security number
4. Driver's license
5. Medical information
6. Names of contact persons, spouse, or children
7. Insurance, Pension, and Benefit information
8. Financial or other information gathered during a background investigation
9. Garnishment
10. Educational transcripts
11. Other confidential information as designated by law which would cause a clearly unwarranted invasion of privacy (FOIA) ACA § 25-19-101 et seq.

Exceptions to this rule may include reporting information to a law enforcement agency, or releasing information due to a subpoena.

No employee will release confidential information about another employee to the public without authorization from the Fire Chief.

## **SECTION 23. BENEFITS**

### **23.1 EMPLOYEE PAYROLL DEDUCTIONS**

The Department may allow employees to authorize payroll deductions for employee paid premiums for supplemental benefits.

### **23.2 RETIREMENT PLANS**

Employees may be covered under Arkansas Local Police and Fire (LOPFI) Retirement System Act, ACA § 24-10-101 et seq. They have vested benefits in the plan with a minimum of five years of service. It is each employee's individual responsibility to keep information such as name, address, and beneficiary up-to-date in their file related to their retirement account. Employees who plan to retire are encouraged to contact the plan at least ninety (90) days in advance of their planned retirement date to allow adequate time to calculate their benefits prior to their retirement date.

### **23.3 WORKERS' COMPENSATION**

The Department provides Workers' Compensation coverage through the City of Sherwood for all full and part-time employees. This coverage provides medical and salary continuation benefits for employees who are injured while on the job. Injuries occurring while traveling to or from work, or away from the workplace are not covered. An injured employee is expected to report any accident resulting in an injury to their supervisor as soon as possible. It is the supervisor's responsibility to notify the Fire Chief and to ensure that the appropriate Workers' Compensation forms are made available and completed in a timely manner. In an effort to assist injured employees, the Department may supplement workers' compensation benefits by providing injured employees regular pay up to a maximum of two pay periods from the time of their injury, if they are required to be off work. The Department maintains discretion to terminate this supplemental payment as the circumstances warrant. Employees injured on the job who are entitled to Workers' Compensation benefits may also use their earned leave as a supplement to any benefits received from the coverage up to the amount of their normal hourly full or part-time salary.

### **23.4 TRAINING**

All active status employees are eligible for training. The employee is responsible for providing the certified copy of their official transcript/certificate showing the final grade and/or credits for any training course within thirty (30) days following completion of the course. Training is an important part of the normal performance of the employee's duties. The Department may pay for training as approved by the Fire Chief.

### **23.5 WELLNESS PROGRAM**

The Department encourages employees in improving and maintaining their personal well-being. The department may provide all department employees the following services at no cost to employees (when available):

1. Annual Flu Shots
2. Hepatitis B Vaccination Series
3. Additional Job-Related Safety and Health Training approved by the Fire Chief

## **SECTION 24. MISCELLANEOUS INFORMATION**

### **24.1 POLICY STATEMENT**

The Pulaski County Fire Protection District #5 dba Sherwood Fire Department possesses the sole right to operate and manage the affairs of the Department.

### **24.2 AT WILL EMPLOYER**

The Department is an at-will employer. This means that the Department or any employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

These policies are not intended to create any contractual or other legal rights. It does not alter the Department's at-will employment policy nor does it create an employment contract for any period of time.

### **24.3 SEVERABILITY**

Should any of the provisions of these Policies be determined contrary to federal, State, or local law, the remaining provisions of the Policies shall remain in full force and effect. To the extent any law provides additional or different benefits or rights to employees, the provisions of these Policies shall be deemed to include those statements of law.

**EMPLOYEE ACKNOWLEDGEMENT**

I acknowledge that I have received a copy of the Department's Administrative Regulations and Employee Policies manual. This document contains policies, practices, rules, and regulations that I have read, understand and agree to comply with during my employment with the Department.

This document is not intended to create any contractual or other legal rights. It does not alter the Department's at-will employment policy nor does it create an employment contract for any period of time.

I further understand that I will be responsible for complying with future changes in policies, practices, rules and regulations communicated to employees, whether or not I have signed an acknowledgement of such changes.

I have had an opportunity to ask my supervisor and the Battalion Chief and/or Fire Chief any questions I have about the Department's policies.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

FILE A SIGNED COPY IN THE EMPLOYEE'S PERSONNEL RECORD WHEN COMPLETED

Orientation given by \_\_\_\_\_

Release 2010.1.3 of Sherwood Fire Department

Administrative Regulations and Employee Policies  
Effective Date: January 1, 2011

**DOCUMENT REVISION HISTORY –**  
**Document: Dist 5 Admin Regulations & Employee Policies**  
**Pulaski County Fire Protection District #5**  
**dba Sherwood Fire Department**

<b>Revision</b>	<b>Date</b>	<b>Revision Description</b>
<b>2005.1.1</b>	<b>11/17/2005</b>	Initial release of document.
<b>2006.1.1</b>	<b>01/17/2006</b>	Page 19, ADD NEW SECTION - 4.6 <u>FULLTIME HOURLY DIFFERENTIAL PAY</u> . Each fulltime hourly employee shall receive a differential payment of \$200.00 per month, with said payment designated as assistance for payment of employee's health insurance. Fulltime hourly employees shall provide proof current coverage for health insurance. If an employee does not provide proof of employee coverage for health insurance, taxes shall be withheld from the differential payment. (2006 Budget)
<b>2006.1.2</b>	<b>01/17/2006</b>	Page 2, Section 1.1.1 <u>New Employees</u> – Effective 01/17/2006, a new hire pay rate of \$8.53 per hour is established, with a new hire probationary period of one (1) year.
<b>2006.1.3</b>	<b>01/17/2006</b>	Page 12, Section 3.3 <u>ANNUAL LEAVE</u> – Annual leave hours adjusted to 192 for 5-15 years completed service.
<b>2008.2.1</b>	<b>05/27/2008</b>	Second release of document.
<b>2009.1.1</b>	<b>12/15/2009</b>	Page 19, 19.1.1 Bonus hours' section added.
<b>2009.1.2</b>	<b>12/15/2009</b>	Page 19, sick leave hours changed to 720.
<b>2010.1.1</b>	<b>02/16/2010</b>	Page 14, modification to Section 8.8 - Appeals to the Board of Commissioners
<b>2010.1.2</b>	<b>10/19/2010</b>	Page 5 and 6, Section 3.2.3, 96 hour employee defined
<b>2010.1.3</b>	<b>12/29/2010</b>	Changes to become effective January 1, 2011. Page 19, modification to Section 19 <u>APPROVAL FOR ANNUAL LEAVE</u> . The basis for approval for annual leave shall be rank, and seniority and first request. Section 19.1 <u>ANNUAL LEAVE</u> Annual leave accrual for years of service completed shall start the pay period following the employee's hire date anniversary. Annual leave hours are accrued per pay period as listed per Annual Leave Rates table. Fulltime employees may carry forward to the next year a maximum of 48 hours. Annual leave selection process defined. With prior approval from the Fire Chief, annual leave hours may be donated to a fulltime employee in 12-hour increments. With prior approval from the Fire Chief, a fulltime employee may sell back to the fire department a maximum of 48 hours annual leave. Section 3.3, Each fulltime hourly employee shall receive a differential payment of \$275.00 per month.
<b>2011.1.1</b>	<b>04/19/2011</b>	Changes effective April 19, 2011. 19.1 <u>ANNUAL LEAVE</u> Annual hours are accrued per month as listed per Annual Leave Rates table.
<b>2012.1.1</b>	<b>12/20/2011</b>	Changes to become effective January 1, 2012. Changes all Assistant Chief to Battalion Chief. Page 20, changes sick leave reserve to a maximum of 960 hours