



## **Arkansas Military Department Employee Policy, Procedures and Orientation Handbook**

**Effective 01 July 2018**

This Handbook does not constitute any employment contract or agreement, either expressed or implied, between the Department and its employees. This handbook is subject to change without notice. Modifications due to Governor Directives, Adjutant General Policy Memorandums, or DSR Policy Memorandums supersede this policy. Directives and/or Policy Memorandums are to be distributed and placed in the back of your handbook for future reference. Employees should contact their supervisor or DSR for any questions or clarifications. They can also refer to <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy/> at any time.

In accordance with Federal and State laws, The Arkansas Military Department prohibits discrimination by any employee based upon race, sex, pregnancy, religion, national origin, disability, age, military service or affiliation, anticipated deployment with the Reserves or National Guard, bankruptcy or bad debts, genetic information, citizenship status, or gender. The Arkansas Military Department has established policies that prohibit discrimination and will take swift and appropriate action to eliminate discriminatory activities when discovered.

Arkansas recognizes the doctrine of "employment at will". This means that, as a general rule, either the employer or the employee may end the employment relationship, with or without cause. There are, however, a number of exceptions to this general rule under state and federal law. For example, state and federal law prohibit an employer from firing an employee on the basis of age, sex, race, religion, national origin or disability. Also, a woman cannot be fired because she is pregnant or has had an abortion. The Equal Employment Opportunity Commission administers the federal discrimination laws.

It is encouraged that all employees periodically research policy changes, and that supervisors inform their employees of said changes by updating their office handbook or providing the policy change to the employee in hardcopy form. Policy changes may be found on the Arkansas Military Department's homepage, accessible through the Arkansas SharePoint Portal.

**Command Structure:** The Adjutant General (TAG) is a state employee and is the final arbiter in employment decisions. The Adjutant General may authorize an AGR, Federal Technician or State Employee to the role of a supervisor to any employee command structure.

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**Attachments (Governor Directives, Adjutant General Policy Memorandums and/or DSR Policy Revisions):**

Adjutant General’s Policy Memorandums

- Prohibition of Nonconsensual Use of Recording Devices in the Work Environment
- Fax Transmissions containing PII
- Electronic Mail
- Driving Records
- Security of Government-owned or Leased IT Equipment
- Energy Management
- Workplace Violence
- Discrimination and Sexual Harassment
- Use of Cellular Phones/Texting in Vehicles
- Tobacco Use in the Workplace
- Guidelines of Inclement Weather
- Privately Owned Firearms
- Prohibition of Ark. National Guard Facilities Usage as Living Quarters
- News Media Contact
- Alcohol and Drug Abuse Testing Policy
- Nepotism
- Environmental Policy Statement

## General Policies Overview

**Working Hours:** All Arkansas Military Department offices will be open for business from 7:00 a.m. until 3:30 p.m. The normal work day for full-time employees working in an administrative office shall consist of 8 hours. Divisions or sections operating on a 24-hour basis or other than the normal work week shall be responsible for setting effective schedules. Consult your supervisor regarding your working hours and the policy on absences.

**Work Breaks:** Work breaks may be authorized each day at the discretion of your supervisor. Work breaks are a privilege rather than a right and should not interfere with work schedules or deadlines.

**Parking:** Parking facilities differ at each location. Employees should consult with their supervisor for specific information.

**Telephone Usage:** Carrying on the business of the State often depends on the telephone. Consequently, local calls are permitted but should be kept to a minimum. Personal cell phones are to be set on vibrate or at the lowest possible level and may be used on work breaks or during meal periods.

### **Dress and Appearance:**

The agency's objective, in establishing a dress code, is to enable employees to project a professional, business-like image while experiencing the comfort advantages of more casual and relaxed clothing. Business casual dress is the standard for this dress code. (Certain areas may recognize certain unique situations that require flexibility, such as allowing employees to wear jeans, t-shirts and tennis shoes for assignments involving manual labor.)

Because not all casual clothing is suitable for the office, these guidelines will help you determine what is appropriate to wear to work. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests may not be appropriate for a professional appearance at work.

Below is a general overview of acceptable business casual attire. Items that are not appropriate for the office are listed, too. **Neither list is all-inclusive and both are open to change.** The lists tell you what is generally acceptable as business casual attire and what is generally not acceptable as business casual attire.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about what constitutes acceptable Professional business attire for work, please ask your supervisor or manager.

**Slacks, Pants, and Suit Pants** Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, and nice looking dress synthetic pants are acceptable. All clothing items (jackets, shirts, dresses, skirts, etc.) whether blue denim or some other color of denim are acceptable on Fridays ONLY. Inappropriate slacks or pants include sweatpants, exercise pants, warm-up pants, shorts, bib overalls, leggings and any spandex or other form-fitting

pants, and any cropped/capri pant shorter than mid-calf (mid-calf is defined as no more than 4 inches above the ankle).

**Skirts, Dresses, and Skirted Suits** Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be no shorter than four inches above the knee, or a length at which you can sit comfortably in public. Miniskirts, skorts, sun dresses, beach dresses, and spaghetti-strap dresses are inappropriate for the office.

**Shirts, Tops, Blouses, and Jackets** Casual shirts, golf shirts, dress shirts, sweaters, shell tops, and turtlenecks are acceptable. Suit jackets or sport jackets are also acceptable attire for the office, if they violate none of the listed guidelines. Inappropriate attire includes t-shirts (may be worn on Fridays only), sweatshirts, midriff-baring tops, and halter-tops, spaghetti-strap tops, and shirts of any style with potentially offensive words, terms, logos, pictures, cartoons or slogans. Fashion brand names or small print university or sports team affiliations are generally acceptable on knit golf shirts with collars. Tank tops or spaghetti-strap tops are acceptable only if worn under another blouse, shirt, jacket or sweater.

**Shoes and Footwear** Loafers, boots, flats, clogs, women's dress heels and slides, men's dress shoes, leather deck shoes, and leather or canvas sandals are acceptable. Wearing no stockings/socks is acceptable if the look is appropriate to the outfit. Non-dress Flip-flops and slippers are never acceptable. Sneakers or other athletic shoes are permissible on Fridays ONLY unless you provide a doctor's statement indicating a medical necessity.

**Conclusion** - If clothing fails to meet these standards, as determined by the employee's supervisor or the TAG/DAG office, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes, and will receive a verbal warning for the first offense. All other policies about personal leave time use will apply. Progressive disciplinary action will be taken for further dress code violations.

**Chain of Command:** Each Directorate has a chain of command employees are to follow. Employees shall first contact their supervisor, then manager, etc... before reaching out for assistance at higher levels. Employees shall contact the Directorate of State Resources Director prior to contacting the TAG and/or the DAG.

**Political Activity:** Arkansas State law prohibits State employees from engaging in partisan political activities during the hours they are performing work for and being paid by an agency of State government. Employees are not to endorse candidates, including the Governor, in their official capacity as State employees. The State further prohibits the use of any campaign literature (including bumper stickers) on a vehicle belonging to the State. The solicitation or collection of contributions for elected officials, candidates for office, or for any political activity is specifically prohibited during working hours. In addition, employees who receive more than 50% of their salary from Federal funds are covered by the Federal Hatch Act in addition to State laws, which may restrict off-duty activities.

**Union Activity:** Freedom of organized labor to bargain collectively and freedom of organized labor to bargain individually is the public policy of the State under Amendment 34 to the Constitution:

No person shall be denied employment because of membership in, or affiliation with, a labor union; nor shall any person be denied employment because of a failure or refusal to join, or affiliate with a labor union, nor shall any person, unless he/she shall voluntarily consent in writing to do so, be compelled to pay dues, or any other monetary consideration to any labor organization as a prerequisite to, or condition of, employment.

**Direct Deposit as a Condition of Employment:** As a condition of employment, a person hired or appointed to a position in any agency in state government on or after August 12, 2005 shall be required to accept payment of salary or wages by electronic warrants transfer. The electronic warrants transfer shall be made in the form of a direct deposit of funds to the account of the beneficiary of such payment in any financial institution equipped for electronic fund transfers, provided that such financial institution is designated in writing by such beneficiary and has lawful authority to accept such deposits.

Any person affected by the direct deposit requirement set forth may request an exemption from the requirement. The Chief Fiscal Officer of the State shall have the authority to grant exemptions from the direct deposit requirement upon a showing of hardship to the person requesting the exemption or upon any other reasonable basis. New hires or rehires as of August 12, 2005 must complete the Mandatory Direct Deposit Notification Form at the time of the job offer.

The direct deposit requirement set forth shall not apply to a person who is in the employment of the state prior to August 12, 2005 and subsequently receive a promotion appointment, transfer, or other change in position within the same personnel system on or after August 12, 2005.

Any new hire or rehire applicant requesting exemption from direct deposit due to hardship, or any active employee who currently has direct deposit and experiences a hardship resulting in the loss of ability to continue Direct Deposit must fill in the Direct Deposit Hardship Exemption Request Form to request an exemption.

**Probation:** Arkansas Military Department (AMD) probationary periods are as follows:

1. All new and transferred employees are placed on a six (6) month probationary period with an option of a three (3) month extension at the discretion of the supervisor.
2. Employees promoted or demoted to new positions will be placed on a three (3) month probationary period with an option of a three (3) month extension at the discretion of the supervisor.
3. Employees may be placed on a six (6) month disciplinary probationary period with an option of a three (3) month extension at the discretion of the supervisor if a disciplinary action has been taken against an employee.

Arkansas recognizes the doctrine of "employment at will". This means that, as a general rule, either the employer or the employee may end the employment relationship at any time, with or without cause.

### **General Benefits Overview**

**Insurance Benefits:** Group health insurance benefits are offered to employees through the Employee Benefits Division. Depending on the insurance option an employee chooses, a portion of the coverage is paid by the employee, with the employer paying the matching costs. In addition to group health insurance options, group life insurance benefits are available. You will need to contact our DSR Benefits Analyst, at (501) 212-5115, for detailed information and assistance.

**Cafeteria Plan Benefits:** The State also offers a tax-free method of paying eligible benefits under the Arkansas Cafeteria Plan (ARCAP). In accordance with IRS guidelines, an employee may reduce his/her taxable income by converting health insurance premiums to a tax-free basis and/or establishing a tax-free spending account for medical expenses or dependent day care expenses.

**Deferred Compensation Benefits:** An employee may elect to participate in the deferred compensation program. The tax sheltered investment options offer a means of setting aside money for future use which is not subject to current federal or state income tax. Taxes become payable when the deferred income plus earnings are paid to the employee, usually at retirement, when the employee is probably in a lower income tax bracket. This deferred income can serve as a supplement to social security, pension, or retirement benefits.

**Arkansas Diamond Compensation Plan:** The ADCP is voluntary. Pre-tax contributions are tax-deferred. New employees are immediately eligible to participate. Investment options include mutual funds, index funds and fixed investment option. Contact your DSR Benefits Analyst at (501) 212-5115 for more information.

**Retirement:** Questions regarding the Arkansas Public Employee Retirement System (APERS) may be directed to a Directorate of State Resources (DSR) representative at (501) 212-5115, APERS at (501) 682-7800 or the APERS website at <http://www.apers.org/index.html> for additional information.

**Retirement Benefits:** As a condition of employment, an employee is enrolled in the Arkansas Public Employees Retirement System (APERS) effective the first employment day. Employees must contribute 5% of their base pay. This Department pays a pre-determined amount to APERS, and along with investment income determined by APERS, retirement allowances and other benefits will be provided to the employee based on service. An employee is vested with 5 years of service.

**Credit Unions:** An employee may utilize two credit union options, Arkansas Federal Credit Union and Arkansas Employees Federal Credit Union (requires ASEA membership), offering comparable full banking services and competitive rates.



**Open Enrollment:** Open enrollment is provided once a year within our Agency. Information briefings are conducted annually during the month of October to provide benefits information to Agency employees.

**Additional Benefits:** [https://arbenefits.org/ebd\\_pages/entryHomePage.shtml](https://arbenefits.org/ebd_pages/entryHomePage.shtml)

**Career Service Recognition Payments**

AMD Employees shall become eligible for annual career service recognition payments upon completion of ten (10) or more years of state service in either elected positions, classified or non-classified regular full-time position or positions.

**Years of Service Annual Payment:**

10 through 14 years of state service \$600

15 through 19 years of state service \$700

20 through 24 years of state service \$800

25 or more years of state service \$900

Employees become eligible to receive career service recognition payments on their career service credit date. Employees who have received career service payments in previous biennium(s) shall receive payments on their career service credit date or their increase eligibility date, whichever occurs first within the fiscal year. Payments to non-classified employees shall be made on the anniversary of the employee's latest hire date.

**Employee Assistance Program (EAP)**

EAP is designed to provide short-term counseling services, work-life support, legal and financial guidance to help you and your family handle concerns constructively before they become major issues. Areas of assistance include:

- Confidential, free counseling
- Legal assistance and support
- Financial Information and Resources
- Personalized work-life solutions for childcare, eldercare, moving and more!

For information, call (877) 247-4621.

**Arkansas State Employees Association (ASEA)**

Through A.S.E.A., state employees work with the legislative and the executive branches to enhance state services and state employment. State employees provide services which have been mandated by the General Assembly and Arkansas citizens. The Arkansas State Employees Association is an independent non-profit organization of state employees working together for better state government and state employment. For additional Information visit the ASEA website at <http://aseaar.org/>

### **State Employee Benefit Corporation (SEBCO)**

Members of A.S.E.A. are eligible to purchase optional products available through the State Employees Benefit Corporation. Products include auto, cancer, dental, disability, homeowners, life, manufactured home, and renters insurance. For information on SEBCO products, you may call 378-0187 or, from outside Pulaski County, 1-800-950-8139. For additional information visit the ASEA/SEBCO website at <http://aseaar.org/sebco>

### **Annual Performance Evaluation**

All employees, regardless of their hire date, will be rated in April of every year. Evaluations are completed by the employee's supervisor and accessed through the EASE application.

The purpose of the evaluation is to give employees candid, honest feedback about their work, highlighting areas of strong performance while pointing out areas that require additional professional development. Performance increases are not guaranteed and are at the discretion of the agency.

Employees who dispute their rating should discuss the matter with their supervisor, up to the area manager.

### **Extra-Help Policy**

The Arkansas Military Department (AMD) utilizes full-time, regular salaried positions to perform the duties and responsibilities necessary to accomplish the Agency's mission. A limited number of extra-help positions are available to be used for short term, temporary or seasonal job duties for which a full-time, permanent employee is not needed.

An extra-help employee may work up to, but not more than, 1500 hours during the state fiscal year (from July 1 through June 30 each year). It is the supervisor's responsibility to insure that no extra-help employee under his/her supervision is scheduled to work any hours that would cause the employee to exceed the 1500 hour limit. The supervisor will periodically review the work schedule and make adjustments as necessary for the extra-help employee to insure the employee does not exceed 1500 hours.

An extra-help employee may work up to, but not more than 40 hours during a work week (Sunday through Saturday). Overtime/compensatory time is not authorized for extra-help employees. It is the supervisor's responsibility to insure that no extra-help employee under his/her supervision is scheduled to work more than 40 hours per work week.

An extra-help employee may work concurrently in two different extra-help positions for two different work units, either within the Arkansas Military Department (AMD), or with one of the work units being in a different State Agency. However, the total of hours worked, combining both positions, cannot exceed 40 hours per work week or 1500 hours per State fiscal year.

**Extra-Help Benefits:** Extra-help employees will have Federal Income Tax, State Income Tax, and FICA withheld from their pay and the Agency will pay normal FICA matching contributions. Extra-help employees are NOT eligible to participate in any of the Agency Insurance programs. Retirement credit will be given and the Agency's retirement matching contributions will be paid if the employee works at least 80 hours per month for at least three consecutive months. If in doubt, retirement matching will be paid. Employees hired after 1 July 2005 will be required to be an Arkansas Public Employees Retirement System (APERS) contributory member.

Extra-help employees are covered by the Agency's normal Workers' Compensation and Unemployment benefits. The Agency will pay the required premiums. Extra-help employees DO NOT earn, and are not entitled to, any type of leave other than holidays.

Holidays are paid (in the respective pay period) to extra-help employees on a prorated basis according to the number of hours the employee is normally scheduled to work during that pay period. For example, if an extra-help employee is normally scheduled to work 40 hours per pay period, he/she would be paid for 4 hours of the holiday. If scheduled to work 80 hours per pay period, he/she would be paid for 8 hours of the holiday. If the employee is required to work on the holiday, he/she would receive pay for the worked hours, plus the equivalent prorated hours of paid time off at a later date. An extra-help employee must work the scheduled day before and the scheduled day after the holiday in order to qualify for the paid holiday.

The time that an employee serves in an extra-help position does not count toward permanent State career service time or towards leave accrual time. A new Career Service Date and Leave Accrual Date must be established at the time of an extra-help employee's transfer/hire into a regular, full-time position.

An employee transferring from an extra-help to a regular position must be placed at the minimum rate of pay for the assigned classification, regardless of the salary the employee was paid as extra-help, unless a special entry rate has been approved prior to hire/transfer to the regular position.

**Extra-Help Timesheets and Pay:** It is the responsibility of the Extra-Help employee to enter his/her time worked for each week into EASE by the established deadline each pay period. Time entered must be an accurate record of the actual hours worked and any holiday taken by the employee.

It is the supervisor's responsibility to review and approve the time entered to insure that it is accurate, and entered, by the established deadline.

If the time is not entered into EASE, no hours are entered into the pay system, and the extra-help employee will not receive a paycheck or direct deposit of pay on that payday. The earliest time that delayed pay can be received is the following payday.

### **Job Sharing**

One budgeted position may be occupied by two employees to allow job sharing—a form of employment in which the hours of work of two persons are arranged in such a way as to cover a single extra-help or regular full-time salary position in agencies/institutions. The number of hours worked between the two part-time employees cannot exceed the number of hours a full-time employee would work in the same position.

Any extra-help or regular full-time salary position may be job shared. This includes miscellaneous federal grant, supplemental, unclassified and vo-tech instructor positions.

Both employees in a job share position must be part-time. The total number of hours worked for both employees for a given biweekly pay period may not exceed eighty (80) hours.

Each employee in a job share position must use the position in the same way. For example, if the position is classified as a secretary, both employees must perform secretarial duties. Requests must be reviewed and approved by the Office of Personnel Management.

### **Time/Leave/Holiday Procedures**

The following time, leave and holiday procedures will assist each person in properly documenting all required work hour transactions and ensure consistent department-wide reporting.

Supervisors are responsible for establishing and maintaining adequate time and leave records while keeping employees informed of State and internal policies and procedures. Leave accounting records are subject to Legislative and internal audit, which makes strict compliance with existing laws necessary.

#### **Holiday Leave**

The following days are the official holidays applicable to State Government in Arkansas:

New Year's Day	January 1
Dr. Martin Luther King Jr's Birthday	Third Monday in January
George Washington's Birthday & Daisy Gatson Bates Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November

Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	Employee is given one day to celebrate his/her birthday.

**Eligibility for Holiday Pay and/or Equivalent Time:** To be eligible for holiday pay, the employee must be in pay status at least one (1) hour the last scheduled work day before the holiday, and at least one (1) hour the first scheduled work day after the holiday.

Holiday during Leave: When a holiday falls while an employee is on annual or sick leave, that day is charged as a holiday and will not be charged against the employee's annual or sick leave.

Holiday during Day Off: When a holiday falls on an employee's regularly scheduled day off, the employee will be given equivalent time off. The following provisions apply to employees who cannot take holidays as scheduled:

Employees must work on holidays when the needs of the agency require it. Each department head and supervisor will determine the need. Days off for holidays may be taken at a time approved by the employee's supervisor. Holidays will not be forfeited if unused. Supervisors are responsible for scheduling days off in lieu of holidays for their employees. Department heads and supervisors are responsible for informing their employees of the schedule and the observation of all provisions.

Holidays falling on a Weekend: When a holiday falls on Saturday, the holiday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the succeeding Monday. This is true with the exception of the Birthday Holiday; a birthday occurring on Saturday or Sunday may be observed on the following Monday.

The Governor, by Executive Proclamation, may proclaim additional days when State offices shall be closed in observance of special events, or for other reasons at his discretion.

**Attendance**

Each office has a policy which details how to request leave, requirements for reporting tardiness and absences, reporting emergency absences, and other attendance related issues. Contact your supervisor for more information.

**EASE/Timekeeping**

The Arkansas Military Department (AMD) uses an electronic time tracking system that is managed by the online system called Empowering Arkansas State Employees (EASE). EASE allows employees and supervisors to complete timekeeping actions anywhere they have access to a Web browser. AMD is required to comply with federal and state laws of maintaining accurate employee time records. The laws that regulate employees' wages and hours are designed to insure that employees are paid, as specified, within these regulations. These records contain valuable information pertaining to scheduled hours worked, non-exempt employees hours worked, vacation accruals, sick accruals and leave reporting. Non-exempt employees (employees who are

eligible for overtime) are responsible for recording all time worked in the electronic timekeeping system.

Each employee is responsible for reporting his/her time worked, meal periods, and/or leave for each pay period. Inappropriate misrepresentation of time and attendance information may result in disciplinary action up to and including termination. Electronic Timesheet Approvers (Managers, Supervisors, HR Representatives) are responsible for ensuring that the work and leave time reported reflects each employee's activity for each pay period. Approvers are also responsible for validating employee time by approving the employee's time through the EASE system. Managers/supervisors are responsible for notifying their human resources liaison 2 weeks prior to any work schedule changes for employees in their assigned areas.

"Exempt" refers to employees who are exempt from Federal and State laws regarding the payment of overtime. Exempt employees are not required to track or report hours worked for performing assigned duties in EASE. Exempt employees are not eligible for overtime compensation. Exempt employees must enter any leave taken in each workweek. Note: FMLA/Catastrophic leave quota hours awarded to employees by OPM will be entered into the EASE system by the AMD HR Representative and cannot be used until this action has been completed.

Errors in reporting hours worked, even those occurring inadvertently; can result in serious consequences to AMD and to the individuals involved. It is the expectation that every AMD employee will adhere to all timekeeping practices and policies that address payment/EASE time entry of employee hours.

#### Employee Responsibilities:

- Record time worked for absences from work for each pay period and inform supervisor/manager of any discrepancies as soon as possible.
- When applicable, use the notes field to explain corrections, updates, changes, etc.
- Obtain approval in advance for all scheduled leave whenever possible.

#### Supervisor/Manager Responsibilities:

- Review and approve subordinates time reporting records.
- Review and approve subordinates requests for leave.
- Ensure that subordinates complete training in EASE timekeeping procedures.

#### Timekeeping guidelines:

- Employees **shall not** give their user logon and password to any other employee.
- No one may change an employee's time sheet except the employee. (DSR may make changes under limited circumstances.)
- When an employee is unable to access the timekeeping system for any reason, they must contact the AASIS helpdesk at (501) 683-2255.
- If the Employee fails to enter time before the end of the pay period, the late time submission will be paid on the next pay period.
- **Time entry is the sole responsibility of each employee.**

Training for the EASE timekeeping is offered online and the following are the required training courses:

**Leave Entry (All State Employees)**

**Printable Job Aids Title**

Create Leave Request

Create Leave Requests with Two Leave Types

Delete (Withdraw) Approved Leave Request

Leave Request for Holiday Leave

Shift Work Schedule Partial Day Leave Request

**Time Entry (Non-exempt – Employees who completes timesheets)**

**Printable Job Aids Title**

Alternate Work Schedule

Change Time Entry

Create Time Entry

Delete Approved Time Entries

Delete Time Entry

Multiple Day Time Entry

Shift Work Schedule Time Entry

**Time and Leave Approval (Supervisors)**

**Printable Job Aids Title**

Approve Deleted Time Entries

Assign Workflow Substitution

Leave Approval

Reject Time Entry for Multiple Days on Timesheet Submission

Time Approval

**Employee Responsibilities:**

1. Submit an Employee Request for Leave through EASE.
2. Submit a separate request for each period of leave requested through EASE.
3. Submit separate requests when a request involves hours in more than one (1) pay period.
4. Submit requests for annual leave five (5) days in advance.
5. Submit requests for sick leave in advance for medical, dental, or optical treatment, and within two (2) days after return to work for illness or injury.
6. All employees of the State of Arkansas, as defined by ACA §21-4-203, who have been rated by the United Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be entitled to a leave of absence with pay for a period not to exceed six (6) days for that purpose during any one (1) calendar year. If an employee receives a leave of absence under this section the employee shall be entitled to his or her regular

salary during the time the employee is away from his or her duties during leave of absence. The leave of absence shall be in addition to the regular annual leave and sick leave allowed to the employee. During a leave of absence, the employee shall be entitled to preserve:

- a. All seniority rights, efficiency or performance ratings, promotional status, retirement privileges, and life and disability insurance benefits.
- b. Any other rights, privileges, and benefits to which he or she has become entitled.

7. For purposes of computations to determine whether the employee may be entitled to retirement benefits, the period of leave of the absence shall be deemed continuous service.

8. The state shall continue to contribute its portion of any life or disability insurance premiums during leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

**Supervisor responsibilities:** Approve all leave requests via EASE, except for emergency situations, manning of affected work center will be the guiding principle, with a view to honoring the employee's request whenever possible.

Forward approved Doctor's certifications when required to supervisor/DSR.

**Annual Leave**

Each regular or probationary employee shall be entitled to annual leave with full pay computed on the basis of the following schedule for each complete month of service, including the probationary period. (Extra-help employees are ineligible for annual leave.)

YEARS OF SERVICE	ACCRUAL PER MONTH	AMOUNT PER YEAR
Through 3 years	1 day (8 hours)	12 days per year
4 through 5 years	1 day, 2 hours (10 hours)	15 days per year
6 through 12 years	1 day, 4 hours (12 hours)	18 days per year
13 through 20 years	1 day, 6 hours (14 hours)	21 days per year
Over 20 years	1 day, 7 hours (15 hours)	22 1/2 days per year

Each fire and emergency service employee of the Arkansas Military Department who works a regularly scheduled shift of more than forty-seven (47) hours per week is entitled to annual leave with full pay computed on the basis of the following schedule for each complete month of service:

Through 3 years	1 day and 4 hours (12 hours)	18 days per year
4 through 5 years	1 day, 7 hours (15 hours)	22 1/2 days per year
6 through 12 years	2 days (16 hours)	24 days per year
13 through 20 years	2 days, 3 hours (19 hours)	28 1/2 days per year
Over 20 years	2 days, 5 hours (21 hours)	31 1/2 days per year

Annual leave shall be cumulative, provided that no employee shall have more than thirty (30) days annual leave or (45) days annual leave accumulated at the end of each calendar year. The employee



may accumulate more than thirty (30) days of annual leave during the calendar year. At the end of the calendar year, annual leave accumulated in excess of thirty (30) days will be forfeited. Fire and emergency service employees at the end of the calendar year will forfeit annual leave if over (45) days.

Annual leave can be taken only with the prior approval of the supervisor and will be granted at such time or times as will least interfere with the efficient operation of the division. Saturdays, Sundays, holidays, and other non-working days within a period of annual leave shall not be charged as annual leave. The minimum charge for absence on account of annual leave shall be fifteen (15) minutes. Employees may not borrow against their unearned annual leave. Annual leave will not be accrued during a calendar month which contains leave without pay (LWOP) totaling ten (10) days or more or 80 hours or more. Annual leave accrues on the last day of the month.

Employees transferring between State agencies without a break in service will, at the time of transfer, retain all accumulated annual leave. Regular, probationary, and job share employees who are working less than full time will accrue annual leave in the same proportion as time worked. Annual leave must be earned before it can be used.

Whenever an employee is separated from the agency, the unused annual leave to their credit as of their last day of work shall be liquidated by a lump sum payment, not to exceed thirty (30) working days, inclusive of holidays, (45) working days, inclusive of holidays for fire and emergency service employees.

### **Sick Leave**

Sick leave with pay will be granted to regular and probationary employees (extra help is ineligible for sick leave) when they are unable to perform their duties due to (1) sickness or (2) injury, or for (3) medical, dental, or optical treatment.

Sick leave with pay is also granted to an employee due to the death or serious illness of a member of the employee's immediate family. Immediate family shall be defined as: the father, mother, sister, brother, husband, wife, child, grandparent(s), grandchild, in-law(s), or any individual acting as a parent/guardian of the employee. In-laws are defined as father-in-law, mother-in-law, sister-in-law or brother-in-law.

Regular or probationary employees are entitled to sick leave with full-pay computed on the basis of one day for each complete month of service including the probationary period. Regular, probationary, and job share employees, working less than full-time, will receive sick pay in the same proportion as time worked. Sick leave with pay will not be granted to hourly or extra help employees.

Sick leave will be accrued at a rate of one (1) day of each completed month of service. The maximum number of sick leave days that can be carried forward at the end of December is 120 days. An employee may accrue in excess of 120 days (960 hours) of sick leave during the calendar year; however, sick leave in excess of 120 days (960 hours) will be lost if not used by December 31st. Sick Leave accrues on the last day of the month.

Fire and emergency employees sick leave will be accrued at a rate of one (1 ½) day of each completed month of service. The maximum number of sick leave days that can be carried forward at the end of December is 180 days. An employee may accrue in excess of 180 days (1440 hours) of sick leave during the calendar year; however, sick leave in excess of 180 days (1440 hours) will be lost if not used by December 31st Sick Leave accrues on the last day of the month. Sick leave will not be accrued during a calendar month which contains leave without pay (LWOP) totaling ten (10) days or more or 80 hours or more.

Sick leave should be requested in advance; however, if the nature of the illness makes advance notice impossible, notification must be given to the supervisor or designated alternate on the first day of absence. A request for sick leave must be submitted within two (2) days after return to work. If notification is not made in accordance with established procedures, the absence will be charged to annual leave, compensatory time, or leave without pay, at the discretion of the supervisor or his/her designee. Absence due to illness or disability will be charged against cumulative leave totals in the following order: (1) earned sick leave, (2) earned annual leave, (3) catastrophic leave, when authorized, (4) leave without pay, when authorized. Absences of 5 or more days on sick leave require a physician's note documenting the illness and releasing the employee to return to work.

If an employee is receiving Workers' Compensation benefits, special rules apply to the use of leave time, depending on the circumstances in each case. For guidance in each situation, the timekeeper should call the Human Resource Office at 501-212-5115.

An employee requesting maternity leave may elect to take leave without pay (LWOP) without first exhausting accumulated annual and sick leave. The same procedures used to request sick leave apply to maternity leave.

Sick leave cannot be used in addition to or in place of annual leave.

### **Misuse of sick leave**

If employees are suspected of misusing sick leave and a pattern can be established, the Agency may require verification of illness from a Physician for each sick day taken. The Physician's statement will verify the nature of the illness/appointment, and the period of illness, and will be signed by the Physician. Patterns can be, but are not limited to, taking sick leave one (1) or two (2) times a month; leaving a marginal balance; taking sick leave on a consistent basis; using sick leave before and/or after holidays, weekends or scheduled days off; or using sick leave routinely, regardless of previously established balances.

### **Family and Medical Leave Policy and Military Caregiver Leave**

The Family and Medical Leave of 1993 (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled to twelve work weeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

**Eligibility:** To be eligible for leave under this policy an employee must have been employed by the state for at least twelve (12) months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

**Returning to work following a serious health condition:** A Fit for Duty report must be received from the treating physician before an employee may be cleared for work following leave due to a serious health condition that causes him or her to be unable to perform the essential functions of the job.. The Fit for Duty Report must indicate the employee is able to perform the essential job functions. If the employee cannot perform the essential job functions the report must indicate the specifics of any requested reasonable accommodation under the Americans with Disabilities Act (A.D.A).

For additional information regarding FMLA, please contact the Agency Benefits Analyst at (501) 212-5115.

### **Military Leave and Re-Employment of Veterans**

Military leave may only be used by active members of the US Armed Forces which include: United States Marine Corp, United States Army, United States Navy, United States Air Force, Arkansas National Guard, and all reserve branches of the armed forces.

There are 5 types of military leave available to state employees:

1. Called to regular active duty;
2. Annual training, including drill;
3. Called to duty in emergency situations;
4. Called to duty for specialized training; and
5. Treatment for a service-connected disability Regular Active Duty

### **Regular Active Duty**

A regular, full-time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service, shall be placed on extended military leave without pay.

All unused sick leave at the time of military leave will be reinstated at the time the employee returns. All accrued, unused annual leave at the time of military leave will be reinstated at the time the employee returns to state employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on the extended military leave.

Employees performing active military service for fewer than 31 days must report for reemployment on the first regularly scheduled workday within 8 hours after discharge from military service. Those serving more than 30 days but less than 181 days must report within 14 days after discharge. Those serving more than 180 days must report for reemployment within 90 days after discharge from military service.

The employee will be reinstated to the position vacated or an equivalent position for which he or she is qualified in the same agency or its successor in interest. The employee shall not lose any seniority rights or any of the other benefits and privileges of employment.

Former employees returning to State service after military service, but who extended their enlistment or re-enlisted for additional military service beyond the initial period for more than a period of 4 years will lose all re-instatement rights and will be considered a rehire. Military service time may be extended beyond the 5 year period for reasons stated in 38 US Code Section 4312(c).

### **Annual Training**

Employees participating in military training programs made available National Guard or any of the reserve branches or the US Public Health Service training program shall be entitled to a leave of absence for a period of 15 days plus necessary travel time for annual training requirements, including drill requirements, or other duties performed in an official duty status in any one calendar year. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals 15 days at the beginning of the calendar year. An employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.

Whenever an employee of a political subdivision is granted military leave for a period of 15 days per calendar year or fiscal year, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals 15 days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one calendar year or fiscal year to be 30 days.

The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service and the employee shall not be required to make contributions to any retirement fund. The state agency or political subdivision shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

When an employee is granted a leave of absence under this, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence. This leave of absence shall be in addition to the regular annual leave accrued by the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency

or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.

### **Emergency Situation**

Regular, full-time state agency employees who are called to active duty in emergency situations (and in situations covered by 10 United States Code §12304) as declared by the Governor or President shall be granted leave with pay not to exceed 30 working days. Periods beyond the 30 day limit may be charged as annual leave at the employee's option and, if necessary, as leave without pay.

Emergency situations means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger; threats to the public health or security; or threats to the maintenance of law and order.

The reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, Reduction in Force policies, or other benefits and privileges of employment. The period of military service, for purposes of computations to determine whether such persons may be entitled to retirement benefits, should be deemed continuous service and the employee shall not be required to make any contributions to any state supported retirement fund. To receive service credit for retirement purposes, a copy of the employee's DD214 must be submitted to the appropriate retirement system. The retirement system will notify the appropriate agency to remit the employer's contributions to update the employee's account.

To be eligible for emergency active military duty paid leave, the employee must be actively employed by the state and submit a copy of military orders for each emergency deployment. Military leave for emergency active duty situations is granted in addition to annual military leave for training purposes and annual leave.

### **Specialized Training**

An employee who volunteers or is ordered to duty for the purpose of special training is placed on leave without pay for the period of training unless the employee elects to use accrued annual leave. This training is considered sporadic and separate from the required annual training. This leave without pay is given in addition to the paid leave for annual military training.

The employee retains eligibility rights including accumulated annual leave (unless the above option has been exercised) and any sick leave not used at the time the employee begins the training. The employee does not accumulate annual or sick leave during a leave without pay period, and the annual leave accrual rate will be calculated as though there had been no period of absence.

**Service-Connected Disability** All state agency employees who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled to be reexamined or treated for the disability shall be entitled to a leave of absence with pay.

The employee shall be entitled to his or her regular salary during the time the employee is away from his or her duties during the leave of absence. The leave with pay may not exceed 6 days for

the purpose specified in this law during any one calendar year. The leave of absence shall be in addition to the regular annual leave and sick leave allowed to the employee.

During the leave of absence allowed under this law, the employee shall be entitled to preserve:

1. All seniority rights, efficiency or performance ratings, promotional status, retirement privileges, and life and disability insurance benefits; and
2. Any other rights, privileges, and benefits to which he/she has become entitled.

For computation purposes to determine whether the employee may be entitled to retirement benefits, the period of the leave of absence shall be deemed continuous service. The state agency shall continue to contribute its portion of any life or disability insurance premiums during the leave of absences on behalf of the employee, if requested, so that continuous coverage may be maintained.

### **Military Leave Vacancy and Compensation**

Any person appointed to fill the office or perform the duties of an employee on a military leave of absence who dies, resigns, or in any manner or for any cause vacates the office or position to which he or she was appointed, the Governor, or person whose duty it would be to fill the office or position if a vacancy should occur, shall select and appoint a capable and competent person to perform the duties of the office or position until the term of office or employment expires or until the official or employee appears for the purpose of resuming the office or position.

The appointment shall expire upon the expiration of the term of the office or employment of the employee for the purpose of the resumption of his or her duties. The deputies or other persons appointed to fill the office or position of the official or employee during a leave of absence under the provisions of this subchapter shall receive the same compensation and shall be paid in the same manner as the official or employee whose duties he or she assumes.

During the time any official or employee is absent from his or her office or position on a leave of absence granted under the provisions of this subchapter, he or she shall not be entitled to compensation.

Employees performing active military service for fewer than thirty-one (31) days must report for reemployment on the first regularly scheduled workday within eight (8) hours after discharge from military service. Those serving more than thirty (30) but less than one hundred and eighty-one (181) days must report within fourteen (14) days after discharge. Those serving more than one hundred and eighty (180) days must report for reemployment within ninety (90) days after discharge from military service.

The reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, Reduction in Force policies, or other benefits and privileges of employment. The period of military service shall, for purposes of computations to determine whether such persons may be entitled to retirement benefits, will be deemed continuous service and the employee shall not be required to make any contributions to any state supported retirement fund. To receive service credit for retirement purposes, a copy of the employee's DD214 must be submitted to the appropriate retirement system. The retirement system will notify the appropriate agency to remit the employer's contributions to update the employee's account.

Military leave for emergency active duty situations is granted in addition to annual military leave for training purposes and annual leave.

### **Military Leave for Service Connected Disabilities**

All employees of the State of Arkansas, as defined in § 21-4-203, who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be entitled to a leave of absence with pay for a period not to exceed six (6) days for that purpose during any one (1) calendar year.

If an employee receives a leave of absence under this section, the employee shall be entitled to his or her regular salary during the time the employee is away from his or her duties during the leave of absence. The leave of absence shall be in addition to the regular annual leave and sick leave allowed to the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, and life and disability insurance benefits and any other rights, privileges, and benefits to which he or she has become entitled.

For purposes of computations to determine whether the employee may be entitled to retirement benefits, the period of the leave of absence shall be deemed continuous service.

The state shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

Effective July 15, 1991, employees who are members of the National Guard or any of the reserve branches of the armed forces shall be granted leave at the rate of fifteen (15) days per calendar year, plus necessary travel time for annual training requirements. Any military leave not used in a calendar year will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of a calendar year, for a maximum of thirty (30) days of military leave available in any one calendar year.

The leave shall be granted without loss of pay and in addition to regular vacation time. Each employee who requests military leave shall furnish a copy of his/her orders for his/her personnel file. Personnel called to duty in emergency situations, by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular annual leave.

Copies of military orders will state "Active Duty" and be attached to the request for leave form maintained by the timekeeper. The timekeeper will also forward a copy of the military orders to the DSR Human Resources Office to be placed into the employee personnel file.

### **Maternity Leave**

Maternity leave is treated as any other leave for sickness or disability; however, the employee may elect to take unpaid leave of absence without pay without exhausting accumulated annual and sick leave. An employee may request catastrophic leave to receive paid maternity leave. If an employee

is eligible for both catastrophic leave for maternity purposes and family medical leave for maternity purposes, the two shall run concurrently.

### **Disaster Service Volunteer Leave**

An employee of a state agency or a state-supported institution of higher education, who is trained and certified as a disaster service volunteer by the American Red Cross, whose specialized disaster relief services are requested by the Red Cross in connection with a disaster (as defined in Arkansas Code §12-75-103(2)) and who requests Disaster Service Volunteer Leave and obtains consent from his/her state agency director; may be granted leave from work with pay for not more than fifteen (15) working days in any calendar year period to participate in specialized disaster relief, without loss of seniority, pay, annual leave, sick leave, compensatory time, offset time, or overtime wages.

An employee shall be granted leave under this section at the employee's regular rate of pay for those regularly scheduled work hours during which the employee is absent from work.

Leave under this act shall be granted only for disaster relief services occurring within the State of Arkansas or for disaster relief services occurring within states contiguous to the State of Arkansas. An employee deemed to be on leave under this section shall not be deemed to be an employee of the State for the purposes of Workers' Compensation.

A list of certified employees, not to exceed one hundred (100) participants at any one time, shall be maintained by the American Red Cross with pertinent information provided to the state agency of each disaster service volunteer.

### **Organ Donor and Bone Marrow Donor Leave**

All state employees are entitled to leave with pay for up to thirty (30) days per calendar year in order to serve as a human organ donor. In addition, all state employees are entitled to leave with pay for up to seven (7) days per calendar year to serve as a bone marrow donor.

In order to qualify for organ donor or bone marrow donor leave, employees must provide a written request from both the employee and the medical physician that will perform the transplantation. Following the transplantation, written verification of the fact must be provided by the same physician.

### **Children's Educational Activities Leave**

"Child" means a person enrolled in pre-kindergarten through grade 12 who is of the following relation to a state employee:

- a. Natural child
- b. Adopted child
- c. Stepchild
- d. Foster child



- e. Grandchild
- f. Ward of the state employee
- g. Any other legal capacity where the state employee is acting as a parent for the child.

**“Educational Activity” means any school-sponsored activity including without limitations:**

- a. A Parent-Teacher Conference
- b. Participation in school sponsored tutoring
- c. Participation in school sponsored volunteer program
- d. A field trip
- e. A classroom program
- f. A school committee meeting
- g. An academic competition
- h. Assisting with athletic, music or theater programs

“State Agency” means an agency, bureau, board or commission of any branch of state government and all state-supported institutions of higher education, “State Employee” means a full-time employee of the State of Arkansas or any branch, department, board, bureau, commission, or state-supported institution of higher education.

All state employees shall be entitled to eight (8) total hours of leave, regardless of the number of children, during any one (1) calendar year for the purpose of attending or assisting with the educational activities of a child.

Children’s Educational Activities Leave that is unused may not be carried over to the next year.

Children’s Educational Activities Leave is not compensable to the state employee at the time of retirement.

### **Educational Leave**

A permanent employee who is given out-service training may be granted education leave by the Agency Director on the following conditions:

The employee agrees to continue in the service of the agency or institution for a period of time as statutorily required or, in the absence of a specific law, at least twice the length of his/her course of training.

Any employee who does not fulfill these obligations shall be required to pay the agency the total cost, or a proportionate share of the cost, of the out service training and compensation paid during the training period.

A written agreement setting forth all terms of the agreement shall be signed by the employee and a representative of the agency.

The employee shall retain all rights in the position held at the time when leave was granted or in one of comparable security and pay.

The amount of the salary paid during the training period will be as agreed on by the employee and the Agency Director. The salary may not exceed the regular salary paid to the employee. Payment of tuition, fees, books and transportation may be made if such sums have been specifically appropriated by the General Assembly for such purposes.

### **Court and Jury Leave**

#### Serving as a Juror

A state employee serving as a juror in state or federal court is entitled to the following:

1. Full compensation;
2. Any fees paid for such services; and
3. Is not required to use annual leave.

#### Serving as a Witness

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

1. Entitled to his or her salary\*
  - a. If the employee is a witness in a matter within the employee's scope of employment, or
  - b. If the employee is a witness outside the scope of employment and the employee is not serving as a paid expert witness or is not a party to the matter.
2. Entitled to witness fees
  - a. If the employee is a witness in a matter outside the employee's scope of employment, or
  - b. If the employee is a party to the matter other than as a representative of the state employer.
3. Entitled to mileage fees
  - a. If the employee is a witness in a matter within the employee's scope of employment and the employee uses a personal vehicle for travel in obeying the subpoena and the agency does not reimburse the employee for travel expenses; or
  - b. If the employee is a witness in a matter outside the employee's scope of employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.
4. Required to use annual leave\*
  - a. If the matter is outside the employee's scope of employment, and
  - b. If the employee is serving as a paid expert or is a party.

If an employee is subpoenaed as a witness to appear on a non-work day, the employee may retain any witness and mileage fees rendered to him or her.

### **Law Enforcement Officer**

Any public servant vested by law with a duty to maintain public order or to make arrests for offenses.

\*A law enforcement officer who is subpoenaed to appear when the officer is not scheduled for regular duty is not entitled to salary. The officer is entitled to retain any witness or mileage fees.

### **Catastrophic Leave Policy**

Arkansas law establishes a Catastrophic Leave Bank Program to be administered by the Office of Personnel Management (OPM) of the Department of Finance and Administration (DFA). The Catastrophic Leave Bank Program creates no expectation or promise of continued employment with a state agency and is intended to assist eligible employees during medical emergencies and for maternity purposes

Medical Emergencies are limited to catastrophic and debilitating medical situations, severely complicated disabilities and/or severe accidents of the employee or a qualifying family member that could not have been anticipated and which cause the employee to be unable to perform his/her job, require a prolonged period of recuperation and/or require the employee's absence from duty as documented by a physician or other appropriate healthcare provider. **Elective surgery does not qualify** as a medical condition for catastrophic leave purposes.

The applicant must be a regular, benefits-eligible, full-time, employee of a state agency to be eligible to participate. A person who works less than full-time (40 hours per week) or who is in an extra-help position is ineligible to participate as a recipient in the Catastrophic Leave Bank Program. The employee must have been employed by the State of Arkansas for at least one (1) year in a regular, full-time position.

Employees with a medical emergency must have exhausted all accumulated sick, annual, holiday and compensatory leave, and, at the “onset of the illness or injury”, had to his or her credit at least eighty (80) hours of combined sick and annual leave. For maternity purposes, the eighty (80) hours of combined sick and annual leave credit is not required at the time of application for catastrophic leave.

If an employee needs further information regarding eligibility requirements or to apply for program benefits, they should contact the Agency Benefits Analyst at 501-212-5115.

### **Unauthorized Absences**

Employees who are absent from work without authorization will have their pay reduced (docked) by an amount equal to the length of time of the absence computed at the employee's rate of pay in effect at the time of the absence.

Unauthorized absences are those occurring when an employee has not obtained required advance approval for leave or has exhausted all leave balances and leave has not been approved for other available types of authorized leave, i.e., regular Leave without Pay, Family and Medical Leave, Maternity Leave, Catastrophic Leave, Military Leave and Court/Jury Duty Leave. Employees who are absent due to a work related injury or illness and who are receiving Worker's Compensation benefits are exempt from this policy.

Employees receiving four (4) docks due to unauthorized absences in any twelve (12) consecutive month periods shall be terminated. The following disciplinary measures should be implemented when an employee is absent from work without authorization:

**1st Dock Verbal Warning:** On the occasion of the first dock, the supervisor will counsel the employee regarding the unauthorized dock and the consequences of repeat absences without authorization. The verbal warning is to be recorded, signed by the employee ensuring acknowledgment and placed in the employee's personnel file.

**2nd Dock Written Warning:** On the occasion of the second dock, the supervisor will prepare a written warning to be recorded, signed by the employee ensuring acknowledgment and placed in the employee's personnel file. The written warning must reference the first dock/verbal warning and define the disciplinary action for further unauthorized docks.

**3rd Dock Suspension:** Leave without Pay for Three (3) Days (for exempt employees, a five (5) day minimum suspension is required). On the occasion of the third dock, the supervisor will prepare a written disciplinary action referencing the two previous unauthorized docks, stating the dates of suspension and defining the disciplinary action for the fourth dock. It is to be signed by the employee ensuring acknowledgment and placed in the employee's personnel file.

**4th Dock Termination:** On the occasion of the fourth dock, the supervisor will prepare a written disciplinary action referencing the three previous unauthorized docks and stating the date of termination. Should an employee refuse to sign any disciplinary action, the supervisor should have another supervisor or manager sign, confirming the disciplinary action.

### **Leave Abuse**

It is the policy of the State Military Department that abuse and/or excessive use of any type of leave is not acceptable. Documented abuse and/or documented excessive use of any type of leave shall be cause for disciplinary action. Types of leave established by Arkansas State laws include: Annual, Sick, Birthday, Military, Court and Jury, Compensatory, Leave without Pay, Maternity, Holiday and Catastrophic Leave.

**Abuse:** inappropriate use or misuse of any type of leave; also includes unauthorized use of leave. Example: Using sick leave for a purpose other than intended by law and/or policy.

**Excessive:** taking leave in inappropriate amounts, chronic absenteeism (may be indicated by patterns of attendance or lack of attendance.) Example: Use of leave soon after accrual (may result in a zero balance.)

If a pattern of "sick leave" abuse or excessive use is identified, an employee may be required to furnish a certificate from an attending physician for any use of "sick leave". Employees that abuse the agency leave abuse policy may be terminated.

Employees who have been disciplined for leave abuse and/or excessive leave use within two years preceding application for Catastrophic Leave are not eligible to receive Catastrophic Leave.

### **Job Abandonment**

These actions range from verbal warning to termination, based on the number of offenses in a 12-month period, and counting each instance of unauthorized absence as one offense.

To address instances in which employees are absent on multiple, consecutive work days without authorization and/or notice, the following procedures will be followed:

1. For employees in regular positions, either full- or part-time, who have passed the initial “probationary” period of six months:

At the end of the second consecutive workday that the employee fails to report to work or follow proper office procedures for reporting the absence, the employee will be considered to have abandoned his/her job, and will be terminated.

2. However, for employees in “extra help” positions, or in regular positions but within the initial six month “probationary” period:

On the first workday that the employee fails to report to work or follow proper office procedures for reporting the absence, the employee will be considered to have abandoned his/her job, and will be terminated, effective the end of the first day of absence.

Administrators will retain the authority to make exceptions to this policy based on extenuating circumstances. Inquiries concerning this memorandum may be addressed to the Directorate of State Resources (DSR) Human Resources Office at (501) 212-5167.

### **Compensatory/Overtime**

Arkansas Code §19-4-1612 states: "Overtime. It is hereby declared to be the policy of the State of Arkansas that overtime pay for state employees is the least desirable method of compensation for overtime work." The Code further states that "all state departments, agencies, boards, commissions and institutions may pay overtime to its employees, under the rules and regulations set out by the Federal Fair Labor Standards Act." It is also held to be the policy for the state that the provisions of the Fair Labor Standards Act (FLSA), as amended, be adopted and implemented as the basic wage and hour policy of the state. Further, it is held to be the policy of the State of Arkansas that any overtime work necessary to the continued effective operations of the state shall be managed in the most efficient and economic manner possible.

Compensatory time is defined as time earned for work performed in excess of forty (40) hours in the work week. Compensatory time may not be earned in less than fifteen (15) minute increments.

Except for certain categories of workers, e.g., fire fighters and law enforcement, etc., whose positions receive partial overtime exemptions, all employees performing qualifying nonexempt work within a work week will accrue compensatory time at the rate of one and one-half times the number of hours worked in excess of 40 hours. Nonexempt employees are eligible for compensatory time in lieu of cash overtime payment.

The term agency, as used herein, shall mean all state agencies, departments, boards, commissions, institutions of higher education or others as outlined in the Uniform Attendance and Leave Policy Act (Subchapter 2 of Chapter 4 of Title 21 of the Arkansas Code).

There are two categories of nonexempt employees:

Those whose normal work period is a 40 hour work week, and those employees who, by virtue of their job activities, are considered:

- A) Seasonal,
- B) Fire Protection or
- C) Law Enforcement

Those employees in Category B are not on a regularly scheduled 40 hour work week, but have pre-established periods from 7 to 28 days in length.

If an agency pays its employees for overtime in the form of compensatory time off as opposed to cash payment, the following points must be noted:

The employees in Category A cannot accrue more than 240 hours in compensatory time off.

The employees in Category B cannot accrue more than 480 hours in compensatory time off.

If an employee in either category exceeds the maximum established, they must be compensated in cash payment at the rate of time and one-half for any hours in excess of the 240/480 limit.

An agency does have the option of paying overtime in a combination of cash and compensatory time at the rate of time and one-half; however, this policy must be consistently applied for all eligible employees.

Compensatory time must be earned before it can be used. The time used will be deducted from the employee's accrued compensatory time. All compensatory time of fifteen (15) minutes or more must be accounted for, whether earned or used.

When an employee uses earned compensatory time, he/she shall be paid at the base rate of pay of his/her current grade.

Compensatory time may be used in lieu of sick leave and may be used until the balance is depleted before using annual leave.

Compensatory time may be earned only with the prior approval of the Agency Director, Institution Head or his/her designee. Agencies are required to maintain complete and accurate records regarding compensatory time earned and used.

Employees shall request to use earned compensatory time by selecting this category in EASE.

Upon termination from employment, the employee is to receive cash payment for any overtime accrued which has not been used at a rate not less than:

- A) The average regular rate received by an employee during the last three (3) years of his/her employment; or
- B) The final regular rate of pay received by an employee, whichever is higher.

### **Workers' Compensation**

Workers' Compensation: Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workers' Compensation benefits may utilize their accrued sick leave as a supplement to such benefits.

The combination of Workers' Compensation benefits and sick leave pay shall not exceed the employee's normal pay period salary.

The option will reduce the employee's accrued sick leave on a proportional basis. For example, an employee's normal salary is \$150.00. The employee receives \$75.00 Workers' Compensation benefits and elects to receive an additional \$75.00 per week in sick leave payments. Thus, the employee uses sick leave at a rate of one-half the weekly salary which is equivalent to 2-1/2 days of sick leave for each week of disability.

Leave used will be reinstated in reverse order from which absence due to sick leave is charged for that portion of time taken that was covered by Workers' Compensation. For example, absence due to sick leave is charged in the following order: earned sick leave, earned annual leave, leave without pay. Reinstated leave will then be annual leave, then sick leave. Leave without pay is not covered by Workers' Compensation and therefore is not reestablished. Employees receiving Workers' Compensation benefits for a permanent disability are eligible for full pay from both sources.

Agencies must continue to remit the employer's contribution to the State Employees/Public School Employees Insurance Program when an employee is on leave without pay and receiving Workers' Compensation benefits as a result of a work related injury or illness.

### **Leave without Pay (LWOP)**

Leave of absence without pay shall not be granted until all of such employee's accumulated leave has been exhausted. Exceptions to this include maternity leave, Family and Medical Leave, and disciplinary leave, inclement weather as designated by state policy, or due to necessary budget reductions as determined by the DSR Director.

Any employee on leave of absence without pay for a period of 80 hours or more in a month shall not accumulate leave time, participate in agency group insurance programs in which the State contributes, nor receive pay for any legal holiday. The employee may pay the total cost of agency group insurance during such leave and be reinstated into such programs upon return to duty.

Leave without Pay (LWOP for less than one (1) full pay period is considered to be "Dock Status.") Employees must submit Leave without Pay requests by selecting this category in EASE. If approved, the supervisor will do so in EASE. If disapproved, the Supervisor will reject the request in EASE.

Leave approval or leave not approved is the responsibility of the supervisor. Supervisor(s) are encouraged to reject leave requests when the taking of accrued leave will inhibit the operation of the agency or if the employee fails to request annual leave in advance.

**All Supervisor(s):** Be alert to the misuse of sick leave, and review leave records to determine whether there is a pattern of abuse before taking action.

Verify the pattern of illness and discuss it with the State Military Department Human Resource (DSR) as appropriate. If it is agreed that the documentation substantiates suspected abuse, send documentation to the DSR HR for review.

Inform the employee that a Physician's statement will be required in the future for non-obvious illnesses (obvious may include hospitalization, broken bones, severe burns, etc.)

Follow the infraction steps for "misuse of sick leave" if the pattern continues and a Physician's statement is not provided.

All referenced forms will be retained three (3) years through the appropriate Legislative Audit.

### **Leave Auditing**

Leave auditing will be completed by DSR Human Resource Department. If a discrepancy is reported to staff by an employee, supervisor(s) will contact staff at DSR for instructions and authorization to perform corrections.

### **Inclement Weather Policy**

In the event of severe inclement weather, the Governor's Office will determine whether the inclement weather policy will be placed into effect. The TAG also has the discretion to allow non-critical personnel to leave work early in the event of severe weather.

The TAG shall designate critical/essential personnel, who will be required to reach their work stations by the time of regular office opening, regardless of weather related conditions, to assure that offices are open and required services are provided. Prior designation will allow critical personnel to prepare for weather conditions, and if need be, provide alternative methods of getting to work. Employees who are deemed critical/essential personnel will be advised by memo on an annual basis on or before 01 October of each Federal fiscal year. Notification after this date may also be made.

Employees should discuss the specific procedures for their area with their supervisor.

### **Vehicle Safety Program**

In 1986, the Risk Management Division of the Arkansas Insurance Department developed a Vehicle Safety Program for all agencies covered under the State Master Vehicle Policy. The purpose of the program is to ensure that only licensed drivers with acceptable driving records operate vehicles on state business, thereby protecting the state from unnecessary liability exposure. The processes for obtaining employee driving records in State Military Department are as follows:

1. Each new Arkansas Military Department employee will sign the required authorization (VSP-1), and will receive a copy of the signed authorization and the Driving Safety Tips. The original VSP-1 will be forwarded to the DSR Human Resource Office along with the usual hire documents.



2. Driving records will be checked automatically by the Office of Driver Services each week. Supervisors will be notified if an employee's driving status has changed. It will be the supervisor's responsibility to then ensure compliance with the AMD requirements for the Vehicle Safety Program.

3. Employees leaving employment with AMD will be removed from the DSR database.

4. If an applicant's hire or continued employment is dependent on having an acceptable driving record, the supervisor may request an immediate review of the record by contacting the DSR Human Resource Section at 501-212- 5112. At the time of this request, the supervisor must have a signed copy of the VSP-1 from the applicant. For more information about the Vehicle Safety Program, contact the Arkansas Military Department Vehicle Safety Program Coordinator at 501-212-5112.

All AMD employees are subject to an additional random driving record check at agency discretion. See the Adjutant General's policy memorandum regarding driving record points and actions.

**Suspended License:** Arkansas' Administrative Point System is used to identify problem drivers. Points are assigned for various traffic violations. A computer program searches all the driver records weekly and identifies the records which have fallen within a preset range for various sanctions. If an AMD employee's license has been suspended for any reason for any period of time from any state, the employee is subject to immediate termination.

### **Cellular Use**

Privately owned Vehicle (POV) operations on any state or federal installation, and operators of state or federal Government Owned Vehicles (GOV), on or off state or federal installations, shall not use cell phones unless the vehicle is safely parked or they are using a hands-free device. In addition, employees shall not engage in text messaging when driving a Government Owned Vehicle, or when driving a POV while on official government business, or when using electronic equipment supplied by the government while driving.

Other driver distractions such as eating, drinking, operating radios or electronic devices are strongly discouraged.

### **Americans with Disabilities Act Compliance**

The State Military Department is committed to providing reasonable accommodations to the known physical or mental limitations of qualified applicants or employees with disabilities unless it can be shown that the accommodations would impose an undue hardship on the Department.

Specifically, the Department provides reasonable accommodations to ensure equal opportunity in the application process, to enable a qualified individual with a disability to perform the essential functions of a job, and to enable an employee with a disability to enjoy equal benefits and

privileges of employment. Contact the EEO Coordinator at (501) 212-5117 if additional information is needed.

It should be understood that the Department cannot make an accommodation when it is unaware of the need. It is primarily the responsibility of the applicant or employee with a disability to inform the Department that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment. If you feel you need a reasonable accommodation, submit a written request to your supervisor. Together the supervisor and the EEO Coordinator will review the request to determine the most appropriate action. Our goal is to provide reasonable accommodations that reduce barriers to employment related to an applicant's or employee's disability.

### **Nepotism**

No employee will be employed or assigned to a position in which another family member is employed in a direct command or supervisory position over that employee. For purposes of this policy, the term "relative" or "family member" refers to association with individuals by blood, adoption, marriage and/or co-habitation and are defined as: spouse, fiancé, fiancée, mother, step-mother, mother-in-law, father, step-father, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in-law, half-brother, ward(s), daughter, step-daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.

State employees working for the same agency who plan to marry must both complete the Marriage Disclosure Form. It must be submitted to DSR for review and approval. Failure to do so may result in termination of both employees for noncompliance. If the marriage creates a violation of Arkansas law that prohibits relatives from working within the same line of supervision, the agency director or his designee shall provide written notice of an alternative to resolve the violation.

### **Living Quarters**

Under no circumstances will any individual(s) be allowed to establish living quarters (temporary or permanent) in any ARNG facility or on the grounds thereof. Facility custodians and/or unit commanders will ensure the enforcement of this policy.

This prohibition does not apply to scheduled training activities requiring overnight stay, such as Recruit Sustaining Program's overnight drills or unit drills.

### **Compliance with Military Selective Service Act**

State agency employers must verify that every person hired after July 31, 1997, has registered, unless exempt by law, with the Selective Service System in accordance with the Military Selective Service Act, 50 U.S.C. Appx. §451 et seq. Every applicant for employment with the State must file a statement of Selective Service Status form, sworn under penalty of perjury, that:

1. The person filing the statement is registered with the Selective Service System in accordance with the Military Selective Service Act, 50 U.S.C. Appx. §451 et seq.; or
2. The person filing the statement is not required to register with the Selective Service System because the person is:
  - a. Under eighteen (18) years of age;
  - b. In the armed forces of the United States on active duty, other than in a reserve or national guard unit;
  - c. An alien lawfully admitted to the United States as a non-immigrant under Section 101(A)(15) of the Immigration and Nationality Act, 8, U.S.C. §1101, for so long as he/she continues to maintain a lawful nonimmigrant status in the United States;
  - d. A permanent resident of the trust territory of the Pacific Islands or the Northern Mariana Islands; or
  - e. Excused from registration for other reason provided by Federal law and that reason is included in the statement.

### **Political Freedom**

State employees shall not be prohibited from communicating with an elected public official concerning matters related to the public employee's job, except for matters exempted under A.C.A §25-19-105.

State employees shall not be subjected to discipline, threats to discipline, reprimands, either oral or written, or notations in their personnel files disciplining or reprimanding or otherwise discriminated against, because the employee exercised the right to communicate with an elected public official.

For purposes of this section, "elected public official" shall mean the Governor, Lieutenant Governor, Secretary of State, Treasurer of state, Auditor of State, Attorney General, Commissioner of State Lands, member of the Arkansas Senate and member of the Arkansas House of Representatives.

A state employee who has intentionally made untrue allegations to an elected official concerning matters related to the public employee's job may be subject to discipline.

### **Reference Inquiries (Arkansas Code Annotated 11-3-204)**

The following information may be disclosed about a current or former employee's employment history to a prospective employer of a current or former employee upon receipt of written consent from the current or former employee:

Date and duration of employment;

Current pay rate and wage history;

Job description and duties;

The last written performance evaluation prepared prior to the date of request;

Attendance information;

Results of drug or alcohol tests administered within one (1) year prior to the request;

Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;

Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and

Whether the employee is eligible for rehire.

The state agency or institution of higher education disclosing such information shall be presumed to be acting in good faith and shall be immune from civil liability for the disclosure or any consequences of such disclosure unless the presumption of good faith is rebutted upon a showing, by a preponderance of the evidence, that the information disclosed was false and the agency or institution had knowledge of its falsity or acted with malice or reckless disregard for the truth.

### **Arkansas Freedom of Information Act**

The following shall not be deemed to be made open to the public:

1. State income tax records
2. Medical records
3. Scholastic records
4. Adoption records
5. Site files and records maintained by the Arkansas Historic Preservation
6. Program and the Arkansas Archeological Survey
7. Grand jury minutes
8. Unpublished drafts of judicial or quasi-judicial opinions and decisions
9. Undisclosed investigations by law enforcement agencies of suspected criminal activity
10. Unpublished memoranda, working papers and correspondence of the Governor, Legislators, Supreme Court Justices and the Attorney General.
11. Files giving advantage to competitors or bidders
12. Personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy.

Home addresses of non-elected state employees contained in employer records, except the custodian of the records shall verify an employee's city or county of residence or address on record upon request.

Many confidential matters are entrusted to those working for the State. You should be certain (check with your supervisor) that any information that is requested may be made available to the inquiring public prior to release.

### **Immigration Reform and Control Act (Public Law 99-603 of 1986)**

State agency employers must verify that every person hired after November 6, 1986, is authorized to work in the United States.

Regulations require employers to verify work authorization using the Employment Eligibility Verification Form (Form I-9). To verify work authorization, the employer must examine documents that attest to the identity of the employee or prospective employee as well as his/her eligibility to work in this country.

#### **Acceptable documents that attest to identity are:**

1. United States Passport
2. Certificate of United States Citizenship
3. Certificate of Naturalization
4. Unexpired Foreign passport with attached Employment Authorization
5. Alien Registration Card with Photograph

#### **Substitute documents that attest to identity are:**

1. State issued driver's license or ID card with a photograph or information, including name, sex, and date of birth, height, weight and color of eyes
2. US Military Card Substitute documents that attest to employment eligibility are:
3. Original Social Security Card
4. Birth Certificate
5. Unexpired INS Employment Authorization

The employer must keep the form, signed by the employer and the applicant (under oath), for three years after the employee is hired, or for one year after the individual's employment is terminated, whichever is later.

### **Arkansas State Military Department Uniform Grievance and Alternative Dispute Resolution Procedure**

Pursuant to Arkansas Code §§ 21-1-701 through 704, any non-probationary full-time regular salaried employee who occupies a regular salaried position and works a minimum of 1,000 hours per year may file a grievance under this policy, with the exception of employees who hold administrative posts, appointed positions, supervisory or management positions and employees who are in a probationary status. (Note: Any employee, full-time, probationary, temporary, intermittent or extra-help, may utilize this procedure if the basis for their complaint is discrimination or sexual harassment). Employees are provided access to grievance procedures in order to provide them with a prompt review, impartial consideration and an equitable disposition of their serious concerns. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from restraint, interference, discrimination or reprisal.

Access to this procedure is at the employee's option and does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations. This procedure does not compromise the rights of management to direct work activity in accomplishing the Arkansas State Military Department's goals and missions nor does this procedure abrogate the employment-at-will relationship between the Arkansas Military Department (AMD) and its employees.

Matters eligible for the grievance procedure include: disciplinary actions, discrimination, harassment, policy violations, approval/denial of compensatory time made by the supervisory employee, or other work related issues except for compensation, position title, shift, approved agency policies, or other matters otherwise governed by law or executive order.

In the event that the employee needs further information or for guidance with the grievance process, they may contact the Agency Grievance Officer at 501-212-5117.

### **Non-Consensual Use of Recording Devices**

In an effort to foster trust and mutual respect in the workplace, the secretive use of recording devices in the workplace is prohibited. This ban applies to both audio and camera/video recordings. The ban does not extend to recordings or interceptions conducted for law enforcement purposes. Supervisors have the discretion to record communications with an employee when administering discipline provided the employee has been notified and the device is in plain sight.

Employees should consult with their supervisors regarding any additional restrictions regarding the use of personal cameras or other recording devices in their areas.

### **Arkansas Military Department Disciplinary Policy/Uniform Conduct Standards**

#### **PURPOSE**

All Arkansas Military Department (AMD) employees are expected to perform their jobs honorably, professionally, competently, and diligently, in compliance with AMD policies. Employees are also expected to perform their jobs and communicate with the public, clients, and other employees, with respect and professionalism.

The conduct standards policy is established to provide uniform standards concerning work-related behaviors, which define and convey the expectations of the Arkansas Military Department (AMD) to its employees.

Nothing herein is intended to imply that any standard or expectation is all-inclusive. Standards are intended to identify recurring or common deviations from acceptable work-related behaviors, in an effort to create and maintain a high level of professional conduct.

#### **I. DISCLAIMER**

This policy creates no property interest or expectancy in employment, nor does it alter the employment-at-will doctrine

The procedures described in this policy are mandatory and the conduct and performance expectations are minimum requirements for all employees. However, nothing in this policy limits the establishment of workplace conduct or performance standards that are more specific, more rigorous, or both.

This policy is subordinate to federal laws and regulations, and to the Arkansas Code. For example, provisions in the Arkansas Code may disqualify a person from employment regardless of whether the person is or would be subject to discipline under this policy.

## **II. POLICY**

Management shall establish a work climate that promotes productivity. Management shall also communicate job expectations and behavioral expectations to all employees.

Management is expected to initiate corrective measures when an employee deviates from acceptable behaviors which impact the work environment or job functions. These corrective measures typically will be progressive in nature and supervisory actions shall be fair and consistent and shall be administered in an objective manner.

Progressive discipline shall be utilized for all deviations from these conduct standards, unless documented circumstances clearly warrant other actions. These variances from the progressive discipline philosophy may be due to mitigating, extenuating or aggravating circumstances, which may indicate a lesser or greater level of discipline. If the employee encounters a problem with compliance with these standards, they should immediately notify management.

Utilization of this procedure by management to manage the work environment does not create any expectation of continued employment, but provides management and employees guidelines on behavioral expectations.

## **III. SCOPE**

This policy shall apply to all AMD employees.

## **IV. RESPONSIBILITIES** **EMPLOYEE**

- ✓ Shall become familiar with and understand the conduct standards.
- ✓ Shall avoid deviation from the conduct standards.
- ✓ Shall participate in good faith in any administrative investigation.
- ✓ Shall report to the Section Manager any condition(s), circumstance(s), unclear instruction(s) or procedures which may affect or prevent satisfactory compliance with the conduct standards.
- ✓ Shall comply with any corrective action plans or instructions following a deviation from these standards.

## **MANAGEMENT**

- ✓ Shall assure that all employees have received a copy of the conduct standards (and any subsequent revisions). This will include education of employees concerning explanation of the rules, why the rules are important and conveyance of expectations.
- ✓ Shall obtain a signed acknowledgment of receipt of a copy of the conduct standards from each employee.
- ✓ Shall monitor employee behaviors to determine deviations from the conduct standards.
- ✓ Shall determine any discipline to be assessed, based upon these procedural guidelines and the effect, if any, of mitigating, extenuating or aggravating circumstances.
- ✓ Shall document each disciplinary action, to include specific and factual detail, cause for the action, including applicable standard(s), plus justification for deviation from the standard, if appropriate.
- ✓ Shall specify, if appropriate, the conduct expected in the future and the next level of discipline should the behavior reoccur.

## **V. DEFINITIONS**

**Progressive Discipline** - A system of discipline which links certain types of offenses to specific levels of discipline and allows for variations due to mitigating, extenuating or aggravating circumstances. Disciplinary levels range from written warning to termination. In some instances verbal/oral warnings may be considered as disciplinary actions. Absent special circumstances, repetition of an offense is accompanied by an automatic progression to the next higher or more severe level of discipline. Progressive discipline emphasizes problem solving and increasing communication of expected behaviors before disciplinary action is taken.

**Corrective Action** - Actions taken by a Section Manager in order to correct and/or improve an employee's behavior or non-compliance with the conduct standards.

**Disciplinary Actions** - Formalized actions taken by a Section Manager in response to an employee's behavior. Actions range from written warning to termination. Such action is supported with documentation. Some actions may be utilized in combination with others, i.e. a written warning, plus a period of suspension.

**Employee:** a person regularly appointed or employed in a state position in the AMD for which he or she is compensated on a full-time basis or on a pro-rata basis for whom a class title and pay grade are established in the AMD's appropriation act, in accordance with the Uniform Classification and Compensation Act. An employee on initial new-hire probationary status is not an employee for purposes of these rules and procedures.



**Infraction** - Violation of a specific work rule, policy or procedure committed by an act of omission or commission. Employee is aware of the consequences of violations of the rules, policies or procedure.

**Letter of Clarification/Verbal Warning/Counseling** – Written documentation to preserve an informal discussion between the Section Manager and employee regarding a work-related behavior. Often referred to as a “counseling” or “memo of understanding”. This document is not a disciplinary action. Such written documentation may serve as the foundation for future disciplinary actions if unacceptable work-related behaviors are not corrected, or recur.

**Minor Infraction** - Incidents of inappropriate behavior which indicate corrective action is necessary. Although behavior is inappropriate, it has not escalated to a more severe level. Employee must have multiple occurrences of same or similar behaviors to warrant escalation of disciplinary levels.

**Major Infraction** - Incidences of behavior, which may be characterized as jeopardizing the order of the work environment, which are more severe in nature than minor infractions. An accumulation of two or more of these types of offenses will generally lead to termination. Certain types of major infractions are of such a serious nature as to warrant immediate termination.

**Mitigating/Aggravating Circumstances** - Factors collateral to the actual unacceptable work related behavior which also may be outside the control of the employee. Section Manager must determine based on the sum total of circumstances, the impact or effect of any mitigating, extenuating or aggravating factors. Such variances should be documented to verify deviation from the standards of conduct.

**Business Day:** Each weekday except official Arkansas State government holidays designated by Executive Proclamation and Ark. Code Ann. § 1-5-101 as follows:

- a. New Year’s Day – January 1st
- b. Dr. Martin Luther King Jr.’s Birthday – 3rd Monday in January
- c. George Washington’s Birthday and Daisy Gatson Bates Day - 3rd Monday in February
- d. Memorial Day - Last Monday in May
- e. Independence Day – July 4th
- f. Labor Day – 1st Monday in September
- g. Veterans Day – November 11th
- h. Thanksgiving Day – 4th Thursday in November
- i. Christmas Eve – December 24th
- j. Christmas Day – December 25th
- k. An Employee’s Birthday – An employee is granted one (1) holiday to observe his or her birthday.
- l. A Holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the succeeding Monday.

## **VI. GENERAL CONDUCT STANDARDS**

The following standards are not all-inclusive, but are intended to be illustrative of the minimum expectations for acceptable work related behavior. They also are intended to provide for some flexibility in administration, based upon necessity. Examples are provided for illustrative purposes and should not be considered all- inclusive.

### **Attendance**

I. Employees should report to work as scheduled.

II. If employees cannot report as scheduled:

- A. Employees should arrange planned absences, including reporting to work late or leaving work early, in advance with Section Manager
- B. Employees should report unexpected absences, of any nature, to the Section Manager in accordance with the ATTENDANCE policy in the AMD Orientation/Handbook.

Employees shall not work overtime unless approved in advance by their Directorate command/manager.

### **Compliance with Policies**

**Compliance:** Employees must comply with workplace policies, rules and all job-related standards, standard practices, and requirements, including, without limitation, laws (including traffic laws), rules, regulations, judicial and administrative decisions, agency interpretations, and all reasonable work-related instructions. Minimum Discipline Level (C). Supervisors have the additional compliance obligation of invoking this and other AMD policies when necessary to enforce conduct and performance expectations.

Some examples of non-compliance include:

Violation of a criminal law is non-compliance if it occurs on AMD property or while on duty, regardless of whether the criminal law is job-related. For purposes of this policy, a violation of criminal law may be established by a preponderance of the evidence.

Conviction of a crime is non-compliance if one or more elements of the crime is/are relevant to the employee's behavior standards, job duties, or both. For example, a conviction for fraud establishes that the employee lacks integrity and honesty.

Misconduct or unsatisfactory performance that relates to the employee's workplace behavior standards, job duties, or both. Non-compliance includes off-the-job behavior if the behavior is such that a reasonable supervisor could conclude that continuing the employee in the position without correction could impair AMD operations or objectives, or expose AMD to liability.

### **Circumstances Affecting Work Related Behavior**

Employees should report any conditions or circumstances that prevent satisfactory compliance with conduct standards.

An employee unable to meet job requirements such as those listed below may be removed from employment under this section:

- A. Loss of driver's license required for performance of job duties.
- B. Incarceration.
- C. Loss of required professional license or certification to perform job duties.

### **Unacceptable Behaviors**

The offenses set forth below are not all-inclusive, but are intended as examples of unacceptable behaviors for which specific disciplinary actions may be warranted. Accordingly, any offense which, in the judgment of the Directorate Command, undermines the effectiveness of the Agency activities may be considered unacceptable and treated in a manner consistent with the provisions of this section.

### **Group 1**

Disciplinary actions for specific offenses in Group 1 generally result in the issuance of a written notice as the necessary action. A Letter of Clarification may precede the first official written notice. Such documentation shall be determined by the Section Managers and may serve as the foundation for any disciplinary action. Upon accumulation of three active Written Notices for Group 1 offenses, the employee normally should be suspended without pay for three to five workdays. A fourth active Written Notice for a Group 1 offense should normally result in discharge. In the event of mitigating or extenuating circumstances, transfer, suspension or demotion may be justified as an alternative. Suspension under this category should be no more than 30 working days.

### **Types of Offenses**

- a. Unsatisfactory attendance or excessive tardiness.
- b. Abuse of state time, including, for example, unauthorized time away from the work area, use of state time for personal business, and abuse of sick leave.
- c. Use of obscene or abusive language.
- d. Inadequate or unsatisfactory work performance.
- e. Disruptive behaviors.
- f. Conviction of a moving traffic violation while using a state/public use vehicle.
- g. Failing to report job-related personal injury, accident or property damage to the employee's supervisor, regardless of whether the supervisor knows of the occurrence and regardless of the reason for the occurrence.
- h. Using tobacco or electronic cigarettes or personal vaporizers that serve as a substitute for tobacco use in any AMD motor vehicle or building owned or occupied by AMD or within 25 feet of the entrance to any such building except in designated smoking areas.

### **Group 2**

This category of offenses includes acts and behavior which may be considered more severe in nature than Group 1 offenses and as such, an accumulation of two Group 2 offenses normally may warrant removal. The disciplinary action for a Group 2 offense is the issuance of a Written Notice, or a Written Notice and a suspension of up to ten (10) workdays without pay. A letter of clarification may precede the first official written notice. Such documentation shall be determined by the Section Manager and may serve as the foundation for disciplinary action.

Group 2 Written Notices are cumulative, meaning that a second active Group 2 Written Notice normally may result in discharge. A Group 2 Written Notice following three (3) active Group 1 Written Notices normally should result in discharge.

Mitigating or extenuating circumstances related to commission of a second Group 2 offense also may result in the employee's demotion or transfer. The employee may be suspended for up to thirty (30) workdays, as an alternative to discharge. If mitigation does not result in discharge, the agency must notify the employee by Written Notice that a subsequent Written Notice for ANY level of offense while the Group 2 Written Notice is active may result in discharge.

### **Types of Offenses**

- a. Failure to follow a Section Manager's instructions, perform assigned work, or otherwise comply with established written policy.
- b. Violating a safety rule where there is not a threat of bodily harm.
- c. Leaving the work site during work hours without permission.
- d. Failure to report to work as scheduled without proper notice to the Section Manager.
- e. Unauthorized use or misuse of state property or records.
- f. Refusal to work overtime hours as required.
- g. Violation of Drug Free Workplace policies of AMD and the Governor's Policy Directive – includes reporting to work impaired or under the influence of alcohol or drugs, or the unlawful use of a controlled substance.
- h. Violation of anti-discrimination, equal employment opportunity policies, depending upon the nature of the violation.
- i. Violation of Sexual Harassment prevention policies, depending upon the nature of the violation.
- j. Failing or refusing to cooperate in an AMD investigation. An employee may refuse to answer a question on the basis that the answer would expose the employee to criminal violation; however, the investigator, supervisor, or other decision-maker may consider and draw inferences from the employee's failure or refusal to answer. Investigations may include polygraph examinations.
- k. Selling or attempting to sell any good or service while on duty.

### **Group 3**

This category of offenses includes acts and behavior of such a serious nature that a first-time occurrence normally should warrant removal. This would require a Written Notice and discharge. If a letter of clarification has been issued for a previous offense, the Section Manager shall use the letter as the foundation for the official written notice and discharge, as determined by the Section Manager.

Mitigating or extenuating circumstances related to commission of a Group 3 offense may result in the employee's demotion or transfer. The employee may also be suspended for up to thirty (30) workdays. If an employee is not discharged due to mitigation, the agency shall notify him or her by Written Notice that any subsequent Written Notice received by the employee for ANY level of offense during the active life of the Written Notice may result in discharge.

## **Type of Offenses**

- a. Absence of two (2) consecutive workdays without proper authorization or a satisfactory reason.
- b. Falsification of any agency records, including, but not limited to, vouchers, reports, insurance claims, time records, leave records, client records or other official state documents.
- c. Willfully or negligently damaging or defacing state records, state property or property of other persons (including, but not limited to, employees, clients, supervisors, visitors, and/or students).
- d. Theft or unauthorized removal of state records, state property, or the property of other persons (including, but not limited to, employees, clients, supervisors, visitors, and/or students).
- e. Gambling on state property or gambling during working hours.
- f. Fighting and/or other acts of physical violence, threats of physical violence.
- g. Violating safety rules where there is a threat of physical harm.
- h. Sleeping during work hours. (Not applicable to Firefighters)
- i. Participating in any type of concerted interference with state operations.
- j. Unauthorized possession or use of firearms, dangerous weapons, or explosives.
- k. Threatening or coercing persons associated with any state agency (including, but not limited to, employees, supervisors, clients, visitors and/or students).
- l. Criminal conviction for illegal conduct occurring on or off the job that is of such a nature that to continue the employee in their position could constitute negligence in regard to the agency's duties to clients, visitors and/or students, and other state employees.
- m. Violation of the Sexual Harassment prevention policies, depending upon the nature of the violation.
- n. Misuse of government internet (pornography, electronic stalking, etc.)
- o. Violation of the anti-discrimination, equal employment opportunity policies, depending upon the nature of the violation.
- p. Possessing any weapon or explosive on AMD or customer property without authorization.
- q. Losing or causing damage to AMD property intentionally or by neglect.
- r. Possession, use or transfer of AMD Property without authorization.

## **VII. CORRECTIVE ACTION**

Corrective Action should be implemented as soon as a Section Manager becomes aware of an employee's unsatisfactory behavior or commission of an offense.

The Section Manager has a choice of corrective actions or may utilize a combination of corrective actions if the situation warrants such actions. Examples of corrective actions include issuance of a letter of clarification (previously referred to as counseling or a memorandum of understanding) and/or referral to the state's Employee Assistance Program or other professional assistance, and/or disciplinary action. Mitigating and/or extenuating circumstances may be a consideration.

### **Timeliness Factors**

Management should issue Written Notices as soon as possible after an employee's commission of an offense. Ideally, a letter of clarification/verbal warning/counseling will precede an official written notice.

The active life of a Written Notice is dependent upon the type of offense for which it is issued and is measured by the period for which it is “active”, as itemized below:

- Written Notice for a Group 1 offense is active for one year from its date of issuance to the employee.
- A Written Notice for a Group 2 offense is active for two years from its date of issuance to the employee.
- A Written Notice for a Group 3 offense is active for three years from its date of issuance to the employee.
- The active periods stated above may not be extended due to an employee’s absence.
- Written Notices that are no longer active shall not be considered in an employee’s accumulation of Written Notices, or in determining the appropriate disciplinary action for a new offense.

### **Retention of Written Notices**

Written Notices shall be kept in the employee’s personnel files, except as follows:

Removal of a Written Notice may occur if the state’s disciplinary procedure is modified or vacated, or if the agency modifies or vacates the disciplinary action, or if it is determined through the grievance process that the disciplinary action was too severe or was not justified. The Adjutant General, following internal review processes, resolution through the alternative dispute resolution process, or the State Employee Grievance Appeal Panel, may direct the removal of disciplinary actions from the personnel file.

### **Pay and Benefits During Suspension**

1. All suspensions are without pay (payroll records, etc. should be updated concerning such action, including suspension, demotion, transfer, discharges and reinstatement). If an employee is suspended without pay pending the outcome of an investigation being conducted by the State Police and/or other federal, state, or local law enforcement agencies, and the findings are in favor of the employee, pay and benefits shall be restored by the agency.
2. A suspended or terminated employee shall be responsible for full payment of any health insurance premiums due during the period of suspension or following the termination. If the employee’s suspension is rescinded or the employee is reinstated following termination by the agency, ADR agreement or by order of the State Employee Grievance Appeal Panel, the agency shall make appropriate refund(s) to the employee, provided, however that the reinstatement from suspension or the rescinding of the suspension included “with back pay and benefits”. If any type of reinstatement is made “without back pay”, the agency shall not be required to reimburse the employee for any lost benefits, including insurance.
3. If the suspended or terminated employee is reinstated to full employment and benefits, meaning reinstatement with back pay and benefits, the award of back pay shall, automatically,

be offset by any interim earnings that the employee received during the period of separation, including unemployment compensation received by the employee.

### **Resignation prior to Discipline**

1. If an employee resigns at any time after an investigation begins but before discipline is administered, the investigation shall continue to the point necessary to determine if the employee would be discharged if still employed and whether the employee jeopardized the health or safety of any person or the integrity or public image of AMD.
2. Persons, who resign and are subsequently determined ineligible for rehire, either for two (2) years or permanently, shall be notified of the decision in the same manner as provided for in the rule for corrective action.

### **Merit Increases**

Employees who have received more than one disciplinary action, or a disciplinary action resulting in a suspension, within the period for which they are being rated, are not eligible for a merit increase.

## **VIII. AUTHORITY AND INTERPRETATION**

This policy is issued as the Arkansas Military Department Disciplinary Policy/Uniform Conduct Standards.

With prior written request and written approval from The Adjutant General, AMD may supplement this policy to accommodate specific needs, as long as any supplemental agency policies are consistent with this policy.

### **Email, Internet and Network(s) Policy**

In order to provide for the effective, efficient, and lawful use of the AMD IT Environment and to ensure the integrity, security, and safety of all electronic information assets (including hardware and electronic records), all users of the AMD IT Environment (including all employees, contractors, consultants, temporaries, etc.) are expected to understand abide by the following policy and procedures:

This policy applies to the use of electronic mail, Internet access, the AMD assets connected to the Internet and the computer and telecommunication networks provided by AMD.

Internet, E-mail, and General Computer Use Policy - AMD provides Internet access to:

- Promote an efficient method for information exchange.
- Provide sources of data to assist state employees in accomplishing their tasks.
- Accomplish the business of government.

Because E-Mail messages are typically stored in one place and then forwarded to one or more locations, often without the specific knowledge of the originator, they are vulnerable to interception or unintended use. AMD will attempt to provide an E-Mail environment that provides data confidentiality and integrity. However, DFA cannot be responsible for web-based E-Mail or information sharing systems such as Yahoo, Hotmail, Google, etc. AMD users should be aware of the risks associated with the use of all E-Mail and information sharing systems.

Acceptable Use of Technology-Governor's Policy Directive GPD-5 clearly states that... "Use of any and all State-owned equipment and supplies shall be restricted to official use only. Unauthorized or personal use of the equipment or supplies may be grounds for dismissal."

Unacceptable Use of Technology - Users shall not install or use any equipment in the AMD IT Environment without approval of the Chief Information Officer. This includes PCs, Printers, Scanners, Circuit Cards, Tape Drives, Flash Drives, CD Readers, Audio-Video Players, and Personal Digital Assistant Smartphone's, etc.

Only approved software may be installed on state - owned or leased hardware. In order to guarantee compliance with copyright laws, and insure compatibility with office computer environments and "standard" software loads, the installation of any personally owned or downloaded software/shareware must be pre-approved by the AMD Chief Information Officer.

It is unacceptable for a user to use, submit, publish, display, or transmit on the AMD IT Environment any information which:

- Violates or infringes on the rights of any other person, including the right to privacy.
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material.
- Restricts or inhibits other users from using the AMD IT Environment. Or, use that degrades the efficiency of the AMD IT Environment (e.g. unofficial memberships in chat rooms, channel subscriptions, or receipt of streaming or broadcast audio or video etc.).
- Uses the system for any illegal purpose, or for personal gain.
- Utilizes downloading, copying, or distributing video or audio files that are not directly related to your work requirements. (Some of the popular extension names used for audio and video files include, but not limited to: AVI, MOV, MPG, MPEG, MP3, MP4, QT, WAV, WMA, and WMV).

Specifically forbidden in the use of AMD E-Mail is:

- Any activity covered by inappropriate use statements included in this policy.
- Sending / Forwarding chain letters, virus hoaxes, urban legends, etc.

Inappropriate or unacceptable use by an employee is the basis for disciplinary action. Any violation of this policy may result in disciplinary action. Violations may result in immediate termination or, if appropriate, initiation of criminal or civil action.



**Privacy of Electronic Records:** AMD has full ownership rights to all AMD data and information including AMD E-Mail regardless of the hardware platform on which data is maintained. **AMD retains the right to monitor and/or log all network activity without notice, including files, E-Mail, and web site visitation; therefore, users should have no expectation of privacy in the use of any part of the AMD IT Environment.** AMD retains the right to give Administrators or their designee access to all files, email, etc., when necessary to conduct agency business.

**Copyright Guidelines:** Staff must honor copyright laws regarding protecting all software used in the AMD IT Environment. Only authorized software may be loaded to the AMD IT Environment.

**Passwords:** Passwords are an important aspect of computer security. A poorly chosen password may allow the entire AMD network to be compromised. Therefore, all AMD employees (including contractors and vendors with access to the AMD IT Environment) are responsible for taking the appropriate steps.

### **Veterans Preference Law**

In accordance with ACA 21-3-302, the Arkansas Military Department abides by the following: For purposes of this section, "veteran" means: 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 any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether the person has retired or been discharged or not.

In every department or agency of state government or institution of higher education with employee positions subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., a veteran who voluntarily submits official proof of his or her 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 is a citizen and resident of this state shall be entitled to employment preference in a position over other applicants after meeting substantially equal qualifications.

If there is an examination, evaluation, or similar instrument given for the purpose of establishing an interview or employment list for such public sector jobs and a person entitled to preference attains a passing grade thereon, he or she shall have five (5) points added to his or her final earned rating if the examination, evaluation, or similar instrument is subject to numerical scoring.

If the examination, evaluation, or similar instrument is not subject to numerical scoring, the selection authority must be able to demonstrate how veteran preference was arrived at in the selection process.

A veteran who established by the records of the federal Department of Veterans Affairs the existence of a service-connected disability, or a veteran who is over fifty-five (55) years of age, disabled, and entitled to a pension or compensation under existing laws, or the spouse of such a veteran, whose disability disqualifies him or her for appointment shall have ten (10) points instead of five (5) points added to his or her final earned rating on the examination, evaluation, or similar instrument.

The qualified veteran's status shall be considered on questions of promotion and retention of employees according to § 21-3-304.

The names of candidates who have qualified in an examination, evaluation, or similar instrument given for the purpose of establishing an interview or employment list shall be entered on an appropriate register or list of eligible's in the following order:

1. Names of ten-point-preference eligibles shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points;

2. Names of five-point-preference eligible's shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points; and

3. Names of all other eligible's who do not have preference as provided in this section shall be placed on the register or applicant list in accordance with their ranking of eligibility points.

The persons entitled to preference shall not be disqualified from holding any position on account of age or by reason of any physical disability, provided that the age or disability does not render the person incapable to perform properly the duties of the position for which he or she applied.

Nothing in this section shall be construed to apply to the position of elective or political appointees in any department, agency, or institution of higher education or to any person holding a strictly confidential administrative or secretarial position in relation to the appointing officer.

### **Sexual Harassment and Discrimination Policy**

The Adjutant General's policy is to maintain a working environment free from discrimination and sexual harassment. In accordance with Federal and State laws the Arkansas Military Department prohibits discrimination by any employee based upon race, sex, pregnancy, religion, national origin, disability, age, military service or affiliation, anticipated deployment with the Reserves or National Guard, bankruptcy or bad debts, genetic information, citizenship status, gender, other characteristics protected by law and/or sexual harassment are prohibited. An employee who is found to have engaged in discrimination in the course of his or her official duty or employment is subject to appropriate disciplinary action up to and including termination of employment.

It is the AMD's policy not to refuse to hire or otherwise adversely affect the employment opportunities of applicants or employees on the basis of sex. The AMD unequivocally will not tolerate conduct or action(s) that constitute sexual harassment or any other form of discrimination based on sex.

As it relates to this Policy, sexual harassment, a form of sex discrimination shall be defined as actions involving unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when :

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an applicant or employee's employment.

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.

3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Persons deemed to be in violation of this policy shall be disciplined following a determination of the facts with sanctions for violation to include verbal warning up to termination (dependent upon the type of violation).

Actions that may be defined as sexual harassment are not limited to the "supervisor of the employee" situations, but may include actions of coworkers, actions of the same or opposite sex and actions of individuals external to the agency, but who have contact with employees in the work environment.

Agency/institution policy should include a provision that the grievance officer shall insure that no person who files a grievance involving sexual harassment will be required to solely or independently confront any person allegedly conducting or causing any action believed to be sexual harassment.

Employees who believe they are the subject of sexual harassment or other sex discrimination may file a complaint alleging a violation of this policy. Employees should submit complaints made in good faith, expressed in reasonable terms, containing cause for the complaint, corrective action desired and sufficient information upon which to base decisions.

It shall be a Violation of this Policy for any person to intimidate, threaten, coerce or discriminate against any individual for having filed a complaint, furnishing information, or assisting or participating in any manner in an investigation of a complaint.

This policy applies to all divisions and offices of the Department, its agents, contractors, subcontractors or others that the Department has control over or legal responsibility for.

**Examples of sexual harassment include:**

- Sexual advances and requests for sexual favors, sexually suggestive physical contact or behavior, such as grabbing, groping, kissing, fondling, rubbing or massaging someone's neck or shoulders, stroking someone's hair, unwelcome leering, whistling, pinching, brushing against the body, and suggestive, insulting, or obscene comments or gestures.
- The display in the workplace of sexually suggestive or explicit objectives, pictures, posters or cartoons, including but not limited to, offensive electronic communications, telephone/cell phones, text messages or voice mail messages; access to pornographic images through the internet or e-mail.
- Verbal abuse of a sexual nature including foul or obscene language, lewd, off-color, sexually oriented comments or jokes, graphic verbal commentary about an individual's body or sexual activities.

Leaders and supervisors who fail to take actions to correct known situations involving discrimination or sexual harassment may be a party to the harassment. A failure to take action may also be an unlawful employment practice. A complaint is not required for a supervisor to take prompt and corrective action to correct a known situation. This agency expects all sexual harassment and discrimination, when identified, to be eliminated.

Absolute confidentiality cannot be guaranteed, but every effort will be made to handle complaints and reports with discretion and as much confidentiality as circumstances permit. The Arkansas National Guard will not tolerate retaliation against any employee for making a complaint, bringing inappropriate conduct to the agency's attention, or for participating in an investigation of an alleged act of harassment.

### **Garnishment**

A Writ of Garnishment is a method of collecting debts once a judgment has been obtained against the debtor. A Writ of Garnishment is issued by the Clerk of a Circuit or District Court to someone who owes money to or has property of the debtor. Writs of Garnishment against State Military Department employees are normally served on the Office. Any office that receives a Writ of Garnishment on one of its employees should immediately forward the Writ to DF&A Revenue Legal Counsel. Upon receipt by Revenue Legal Counsel of the Writ of Garnishment, that office determines the gross wages of the employee and the amounts which are deducted for Federal, State, and FICA taxes. The balance after the deductions is the employee's disposable earnings which are subject to garnishment. These amounts may change from year to year. This information, along with other information regarding the Federal Wage Garnishment Law, can be found in "The Federal Wage Garnishment Law", WH Publication 1324, published by the United States Department of Labor.

Once the amount which can be withheld from the employee's check is determined, the Payroll Section is notified of the amount to deduct. An Answer is prepared and filed with the Clerk of the Court in which the garnishment is issued. A copy of the Answer is provided to the Attorney for Plaintiff and a copy is sent to the Payroll Section. Pursuant to Ark. Code Ann. §16-110-415, a garnishment shall remain as a lien against a Defendant's wages until the total amount of the judgment is paid or satisfied or the employee terminates employment. The Department also receives Orders of Withholding for student loan debts. They are very similar to Writs of Garnishment and are handled in basically the same way.

One other document is an Internal Revenue Service Levy on Wages. This operates as a continuous garnishment until the debt is paid. They are processed somewhat differently from garnishments; however, complete instructions are sent from IRS with each levy. Any office receiving such a Levy should forward it to the Payroll Section. Point of contact in the Office is the Human Resource Manager, (501) 212-5127.

### **Concurrent or Outside Employment**

An employee may work for two agencies or institutions concurrently, provided that a request is made by agency or institution head(s) to the Chief Fiscal Officer of the State and provided that the combined salary payments from the agencies or institutions do not exceed the larger maximum annual salary of the line item position authorized for either agency or institution from which the employee is being paid. Subject to approval of the Chief Fiscal Officer of the State, an employee may be concurrently employed by the same agency or institution.

State employees may teach temporarily at state supported institutions of higher education even though their combined salaries will exceed the line item maximum (Arkansas Code §19-4-1604), subject to the approval of the Chief Fiscal Officer of the State.

Excluding faculty/instructor/adjunct teaching positions at universities, colleges and vo-techs, annual, sick and holiday leave may be accrued in a secondary employment position proportionate to the hours worked in both primary and secondary employment. However, no person concurrently employed by two state agencies, who is eligible for secondary employment leave accrual, shall be allowed to accrue annual, sick and/or holiday leave, or any other fringe benefit, which would exceed that allowable by state law for work performed during a regular forty (40) hour work week.

No employee concurrently employed by more than one state agency is allowed to be on paid sick leave with one agency and be paid or compensated by another state agency.

Outside employment, or second jobs, should be undertaken only after the employee has discussed such a possibility with their supervisor. On occasion there is the possibility of a conflict of interest, in both a legal sense and in terms of priorities. State employment should be considered the primary job of all full-time employees of this Department.

No secondary employment or personal income producing interest is to be engaged in during state business hours, or supported by state facilities, such as the telephone, copy equipment, supplies or subordinate personnel. The agency telephone number should not be advertised or provided to others for use as a non-state government business number. Anyone considering employment in addition to his or her job with the State should carefully consider whether such employment would make demands on his or her time and energies which would adversely affect job performance in the State job.

### **Theft or Misuse of State Property Policy**

The money collected on behalf of the Arkansas Military Department is held in trust by the State of Arkansas. Any theft or misappropriation of money or property belonging to the State of Arkansas is considered a violation of this trust and will result in immediate voluntary or involuntary termination with restitution to be made at the time of termination.

Supervisors and managers are responsible for reporting any suspected theft or misappropriation immediately to the appropriate administrator. The appropriate administrator will investigate the report and take necessary action.

### **Smoking Policy**

Smoking and/or use of smokeless tobacco is prohibited inside all buildings, hangars, lounges, vehicles, and aircraft owned or operated by the Arkansas Army or Air National Guard. Additionally, the use of any tobacco product is banned within 25 feet of the entrances of all buildings and hangars. All buildings will have signs posted at the entrances indicating that smoking and the use of smokeless tobacco is prohibited except in designated areas.

Commanders and supervisors will designate “outdoor tobacco use areas,” which are reasonably accessible to provide a measure of protection from the elements, when possible. Tobacco use areas should be outdoors and away from common points of ingress and/or egress of National Guard facilities. It will not be in front of a building or near the intake ducts.

### **Workplace Violence**

People are our most important resource. With that in mind, the Arkansas Military Department is committed to our employees’ health and safety. Violent and/or harassing or threatening behavior in the workplace, which harms or instills fear in others, is an unacceptable way of dealing with problems no matter how severe the problems may be. We must not only safeguard our workforce from overt acts of violence, but also from harassment, intimidation and threats which adversely affect employee morale, workforce well-being and workforce efficiency.

There will be “Zero Tolerance” in the Arkansas Military Department for disruptive behavior. “Zero Tolerance” means swift and appropriate disciplinary action against personnel engaging in violent or criminal acts. Harassing, intimidating, and/or threatening words or acts which cause fear in others will not be tolerated. No person who makes a threat or commits a violent act should expect to maintain privacy in those areas that need investigating to assure a safe work environment.

You have the responsibility to utilize the chain of command in notifying supervisors of any threats that you have witnessed, received, or heard about from another person. You should also alert your superior of any behavior you have witnessed which you regard as threatening, intimidating, harassing, or violent which adversely affects employee morale, workforce well-being, and workforce efficiency. Upon investigation, superiors will take appropriate action to resolve the issue. Moreover, you may notify police or security officers in the event of criminal behavior. Criminal behavior will be prosecuted to the fullest extent of the law.

### **Reduction in Force Policy**

It may become necessary to transfer, reassign, relocate or lay off employees due to a lack of funds, curtailment of work, changes in the delivery of program services, discontinuance of programs and/or positions, or for other reasons. Should any of these conditions occur the State Military Department shall make the determination as to whether the circumstances or conditions warrant a Reduction-In-Force (RIF) action and a RIF Procedure shall be implemented.

No full-time, regular salaried employee shall be separated while there are extra-help, temporary, or probationary employees serving in the same class of position in this Department. The transfer, reassignment and/or relocation of personnel to existing job vacancies for which the employee is qualified shall be utilized in preference to a layoff action when possible.

Additional information on the State RIF policy can be found at: [https://www.dfa.arkansas.gov/images/uploads/personalManagementOffice/64-ReductionInForce\(RIF\)andSeverancePay.pdf](https://www.dfa.arkansas.gov/images/uploads/personalManagementOffice/64-ReductionInForce(RIF)andSeverancePay.pdf)

### **Witness, Juror or Party Litigant Fees**

The policy of the State Military Department with regard to witness, juror or party litigant fees and reimbursements is as follows: Pursuant to Ark. Code Ann. § 21-4-213, an AMD employee serving as a juror in a state or federal court is entitled to retain court fees or reimbursement for necessary services or appearances and such services or necessary appearances in any court will not be counted as annual leave.

AMD employee(s), subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing or before anybody with power to issue a subpoena, is entitled to his or her salary if the employee is a witness in a matter that is:

1. Within the employee's scope of employment, or
2. Outside the employee's scope of state employment and the employee is either not serving as a paid expert witness or is not a party to the matter.

The AMD employee is required to take annual leave to attend the deposition, hearing or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter.

Pursuant to Ark. Code Ann. § 16-43-806, a AMD employee serving as a witness to give a deposition or testimony in state or federal court, at a hearing or before anybody with power to issue a subpoena, is entitled to retain his or her witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is:

1. Outside the employee's scope of state employment, or
2. The employee is a party to the matter other than as a representative of the state employer.

An AMD employee is entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is within the employee's scope of state employment:

1. The employee uses a personal vehicle for travel in obeying the subpoena, and
2. The employee's employer does not reimburse the employee for travel expenses, or
3. The matter is outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.

If the AMD employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing or before anybody with power to issue a subpoena on a non-work day, the employee may retain any witness and mileage fees tendered to him or her.

### **Compliance with the Arkansas Whistle Blower Act 1523 of 1999**

The policy of the Arkansas Military Department regarding the Arkansas Whistle-Blower Act is consistent with Arkansas Code Annotated §§ 21-1-601 through 609.

It is the policy of the Arkansas Military Department that an employee will be protected from discharge or retaliation because the employee reports in good faith the existence of any waste of public funds, property, or manpower or a violation or suspected violation of State law, rule, or regulation. This policy excludes federal funds, property, or manpower.

No adverse (unfavorable) action will be taken against an employee or a person authorized to act on behalf of the employee, in the following situations:

1. If an employee alleges a violation under this Act, and does so “in good faith”;
2. If an employee alleges a violation under this Act, and does so “in good faith”, and participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review; and/or
3. If an employee alleges a violation under this Act, and does so “in good faith”, and has objected to or refused to carry out a directive that the employee reasonably believes violates a law, rule, or regulation adopted under the authority of the State.

An “adverse action” is defined as discharging, threatening, discriminating, or retaliating against the employee in any manner that affects the employee’s employment, including compensation, job location, rights, immunities, promotions, or privileges. “Good faith” is lacking when the employee does not have personal knowledge of the waste or violation, or when the employee knew or reasonably should have known that the report is malicious, false, or frivolous.

The report of waste or violation should be made verbally or in writing to one of the employee’s superiors or to an appropriate authority, such as:

1. A state, county, or municipal government department, agency, or organization having jurisdiction over criminal law enforcement, etc.
2. A member, officer, agent, investigator, auditor, representative, or supervisory employee of the body, agency, or organization.
3. The office of the Attorney General, Auditor of State, Arkansas Ethics Commission, Legislative Joint Audit Committee, Division of Legislative Audit, or Prosecuting Attorney’s Office.



The report by the employee of such waste or violation must be made prior to any adverse action by the employer. Additionally, the report is to be made at a time and in a manner which gives the employer reasonable notice of need to correct the waste or violation.

An employee who alleges a violation of the Act and believes that the employer has acted adversely towards him because of the allegations may bring a civil action in circuit court within 180 days of the alleged violation of the Whistle-Blower Act. Should such action occur the employee has the burden of proof in establishing that he has suffered an adverse action for an activity protected under the Whistle-Blower Act. Additionally, the employer shall have an affirmative defense if it can establish that the adverse action taken against the employee was due to employee misconduct, poor job performance, or a reduction in workforce unrelated to a report made concerning violations under this Act.

### **Background and Finger Print Checks**

The following policy and procedure provides guidance for implementing criminal background checks for applicants and current employees, in accordance with the Arkansas Military Department Anti-Fraud Policy, Act 2210 of 2005, and this general policy of the Arkansas Military Department. This information will be applicable to all divisions and offices within AMD.

The AMD Anti-Fraud Policy requires criminal background checks be performed on all applicants for designated financial positions who handle cash or negotiable assets. Further, it is the policy that applicants for designated information technology positions will be subject to criminal background checks. In addition, it is the policy of the AMD that current and prospective employees in all designated areas in the AMD will be subject to criminal background check and finger printing. Requests for criminal background checks will be submitted through the AMD Human Resources Office. AMD Human Resource Office will coordinate the background checks which will be conducted by the Arkansas State Police prior to hiring an applicant under this policy.

All AMD employees are subject to an additional random background check at agency discretion.

As a criminal background check is a condition of employment for designated positions, failure to comply will result in employment termination or disqualification. Arkansas Military Department Supervisors will designate the positions in their office that will be subject to the background check requirements of this policy. Arkansas Military Department will designate the positions from a list provided

Public notices of employment for positions that require criminal background checks are required. This will be part of the advertising process in Arkansas Military Department.

**Definitions:** The following definitions will apply unless the text clearly indicates otherwise:

1. Applicant: A person applying for employment.
2. Criminal Background Check: A criminal history report produced by the Identification Bureau of the Arkansas State Police.

**Procedures:** The State of Arkansas Employment Application notifies applicants that all jobs will require background checks prior to employment or as a condition of employment and failure to meet these requirements may cause the applicant to be rejected or terminated from that job. Applicants affirm this notification by their signature on the State of Arkansas Employment Application.

All Arkansas Military Department applicants are required to sign a consent form for a criminal background check. If the criminal background check reveals no record, DSR will provide the information to the hiring official. The applicant's signed consent form and the criminal background check results provided by (DSR) will be placed in the hire packet of the applicant for processing.

If the background check reveals a misdemeanor conviction of a criminal offense that is of a financial nature or any felony conviction, an applicant is disqualified for the designated position.

The Adjutant General or his/her designee will have the authority to waive a conviction, upon consideration of the following factors:

1. The age of the employee at the time of the offense;
2. The circumstances surrounding the offense, particularly any extenuating or mitigating matter;
3. The length of time since the offense;
4. Subsequent rehabilitative measures accomplished by the employee, including whether the employee was the recipient of parole or probation;
5. The number of other convictions by the employee;
6. Subsequent work history;
7. Employment references;
8. Character references; and
9. Any other information authorized by the Director or designee.

Notwithstanding the above, any conviction of the following offenses, or its equivalent if convicted in some state or federal jurisdiction other than Arkansas, unless the subject of an official pardon, expungement, annulment, concealment, or similar official treatment, will result in termination for good cause from employment or disqualification of the applicant:

1. Capital murder, as prohibited in A.C.A. § 5-10-101;
2. Murder in the first degree and murder in the second degree, as prohibited in A.C.A. § 5-10-102 and 5-10-103;

3. Kidnapping, as prohibited in A.C.A. § 5-11-102;
4. Rape, as prohibited in A.C.A. § 5-14-103;
5. Sexual assault in the first degree and second degree, as prohibited in A.C.A. § 5-14-124 and 5-14-125;
6. Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in A.C.A. § 5-27-203 and 5-27-204;
7. Incest, as prohibited in A.C.A. § 5-26-202;
8. Arson, as prohibited in A.C.A. § 5-38-301;
9. Endangering the welfare of an incompetent person in the first degree, as prohibited in A.C.A. § 5-27-201;
10. Adult abuse that constitutes a felony, as prohibited in A.C.A. § 5-28-103;
11. Theft of public benefits, a Class B Felony, as prohibited in A.C.A. § 5-36-202 and 5-36-203;
12. A felony due to theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property; and bribery.

**Notification and Challenge:** If the background check reveals a financial misdemeanor conviction or a felony conviction, Human Resources will notify the applicant by telephone of the disqualification for employment due to results of their background check. Human Resources shall log all telephone calls to applicants in an applicant call log. If unable to reach the applicant by telephone numbers listed on the application 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 on the background check and that they have two (2) 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 (2) working days from the date of notification, the applicant will be automatically disqualified. After receiving a signed statement of their intent to challenge, the applicant will be given an additional three (3) working days to resolve any background check disagreements with the Arkansas State Police.

After the applicant resolves any disagreements with the background check, Human Resources shall obtain a new background check for the applicant, at which time the results of the background check will be considered final.

### **Common Access Card (CAC)**

In accordance with Department of Defense (DOD) regulations, State employees who work for the Military Department will be required to obtain a Common Access Card (CAC). This card will be required in order to access federal computer systems, work with federal records, and work unescorted in federal facilities.

Issuance of a Common access Card will be considered a job requirement for all State employee positions of the Military Department. This requirement is now listed on all State job vacancy advertisements. In March 2004, current employees were asked to sign a statement acknowledging the CAC requirement for their position.

At hire, a new employee is given the forms to complete and return to the Directorate of State Resources (DSR). The forms will be input by DSR Human Resources personnel and the employee will be notified to contact the Personnel Security Manager with the Deputy Chief of Staff - Personnel (DCSPER) for fingerprinting. A background investigation will then be completed by The National Guard Bureau on each employee and returned to DSR.

Once approval has been received, the employee or supervisor will be notified. After approximately 1 week the employee will then go to the ID section on CJTR to receive a Common Access Card.

Any questions regarding the CAC issuance process may be directed to Directorate of State Resources (DSR) Human Resources Office at (501) 212-5127.

### **Code of Ethics**

The purpose of this policy is to implement systems and procedures that aid in the prevention of fraud and support the Military Department's culture and environment of honesty and ethical behavior. This policy is consistent with R1-19-4-505 of the Arkansas Financial Management Guide.

**Policy:** In order to promote a culture of honesty and ethical behavior within the Military Department, the following procedures are mandated. DSR Human Resources Office procedures include an introduction to the Code of Ethics in new employee orientation sessions. All employees receiving orientation shall sign and date the last page signifying that they have been provided a copy of the Code of Ethics. If the new employee does not attend orientation offered by the DSR Human Resources Office, the employee's supervisor is required to provide a copy of the Code of Ethics to the employee. The employee's supervisor shall also be responsible for ensuring that the original signed page from the Code of Ethics is sent to the DSR Human Resources Office for inclusion in the employee's personnel file.

During an employee's annual performance review, or at the time of promotion, each employee must reaffirm that he or she has been made aware of the Code of Ethics by signing a Code of Ethics Annual Acknowledgement Statement. This statement shall be included with the employee's performance evaluation or hire packet that is sent to the DSR Human Resource Office upon completion of the review or promotion. Military Department employees that do not receive annual

performance evaluations will reaffirm they have been made aware of the Code of Ethics on or about 1 May each year by signing the Code of Ethics Annual Acknowledgement Statement and forwarding the original to the DSR.

**Investigations of Fraud:** The Arkansas Military Department is committed to a thorough investigation of occurrences of alleged ethical violations, fraud, waste and abuse. In accordance with the Arkansas Financial Management Guide, the Office of Accounting's Internal Audit Section will be responsible for coordinating all investigations. This responsibility is in accordance with Governor's Executive Order 04-04. The Internal Audit Section is authorized to request assistance from SMD employees that have the experience required to assist or perform such investigations. Investigations will be conducted in a confidential manner. If investigations indicate that a loss of state funds has occurred, then the amount of loss shall be reported to the Division of Legislative Audit in accordance with R1-19-4-2004 of the Arkansas Financial Management Guide. In addition, any loss of state funds involving criminal activity shall be reported to the Arkansas State Police for a criminal investigation.

AMD employees shall be protected against any form of retaliation, including discharge, for reporting in good faith occurrences of ethical violations, fraud, waste and abuse of government resources as stated in the Arkansas Whistleblower Act (ACA 21-1-601-609). Allegations of ethical violations or fraud may be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Accounting – Internal Audit Section by telephone (501-682-0370). An employee may also choose to report ethical violations, fraud, waste or abuse by completing a Complaint Form. Complaint forms can be mailed directly to the Internal Audit Section at the following address:

Department of Finance and Administration  
Office of Accounting/Internal Audit Section  
1515 West 7<sup>th</sup> Street, Room 215  
Little Rock, AR 72201

**Evaluation of Anti-Fraud Processes and Controls:** In accordance with R1-19-4-505, The Arkansas Military Department will reduce fraud opportunities by (1) identifying fraud risks, (2) mitigating fraud risks and (3) implementing preventive and detective internal controls.

The identification of fraud risks will be conducted through an agency-wide fraud risk assessment every two years. SMD management will implement appropriate internal controls and change business processes when feasible to reduce fraud risks.

The Office of Accounting's Internal Audit Section shall review the internal controls and changes made to business processes to determine if the control activities identified in the risk assessment are properly designed to mitigate the risk of fraud, waste and abuse of resources. This shall specifically include the internal control activities that are designed to prevent or detect fraud.

**Conflicts of Interest:** Arkansas Military Department 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 § 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 the facts to his or her immediate supervisor.

**Outside Activities, Employment, and Directorships:** Arkansas Military Department employees should avoid acquiring any business interest, engaging in outside employment or participating in any activity outside the Military 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 make a disclosure to the Director of DFA in accordance with ACA 19-11-706 and the Rules and Regulations for implementing Governor's Executive Order 98-04.

**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 and included in Part 4 of the Procurement Law and Regulations promulgated by the Office of State Procurement. 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](http://arkansasethics.com/rules/Rules_on_Gifts.doc)

**Kickbacks and Prohibited Commissions:** Arkansas Military Department 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 and included in part 4 of the Procurement Law and Regulations promulgated by the Office of State Procurement.

**Organization Funds and Other Assets:** Employees who have access to AMD funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide or other explanatory materials, or both. If an employee has knowledge of fraud or waste of public assets, the employee should immediately advise his or her immediate supervisor. Personal use of Arkansas Military Department funds or assets is strictly forbidden.

**Organization Records and communications:** The AMD'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 SMD when communicating regarding matters not involving SMD business. Employees must not use organization identification, stationery, supplies, and equipment for personal or political matters.

When communicating publicly on matters that involve the AMD business, employees must not speak for the AMD on any topic, unless they are certain that the views they express are those of AMD management, and that it is the AMD management's desire that such views be expressed publicly. When dealing with anyone outside the AMD, including public officials, employees must take care not to compromise the integrity or damage the reputation of the AMD or any other entity.

**Prompt Communications:** Employees of the AMD 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 AMD has dealings, observe the following principles:

1. Collect, use, and retain only the personal information necessary for AMD 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.
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:** AMD employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of AMD resources that can be verified through investigation. AMD 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 AMD 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 Arkansas State Employee's Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Accounting – Internal Audit Section by telephone (682-0370). A complainant may also choose to report fraud, waste, or abuse by completing a Complaint Form obtained at the following web site: [http://www.arkansas.gov/dfa/accounting/acc\\_ia\\_fraud\\_reporting.html](http://www.arkansas.gov/dfa/accounting/acc_ia_fraud_reporting.html). Complaint forms can be sent directly to the Office of Accounting – Internal Audit Section at the following address:

Fraud Reporting Email Address: [fraud@dfa.arkansas.gov](mailto:fraud@dfa.arkansas.gov)

Department of Finance and Administration  
Office of Internal Audit  
1515 W. 7th Street, Suite 215  
Little Rock, AR 72201

### **Drug and Alcohol Testing Policy**

In order to safeguard the health and well-being of fellow employees and students, to maintain public confidence in the integrity of the AMD, and to determine the ability of employees to discharge their duties, the AMD has a zero tolerance drug and alcohol policy. As a condition of employment, all employees will be required to undergo periodic, random urinalysis screening for drugs and alcohol. **Anyone found to be in violation of the drug/alcohol policy will be terminated immediately.**

**Urinalysis Testing:** After initial hire, employee(s) will be administered urinalysis tests for illegal drugs on an unannounced, random basis. The testing service will provide drug results to the DSR Human Resource Office or designated representative. This testing service will include on-site urinalysis collection, lab testing, and providing results to the DSR Human Resource Office or designated representative. Test results will be handled as confidential, restricted information within the DSR Office. Results will be used solely for employment decisions and may not be disclosed for any other purpose unless designated in writing by the DSR Human Resource Office.

**Alcohol Testing:** In addition to the drug urinalysis testing outlined above, all personnel who operate a state or federal government vehicle are subject to periodic, random alcohol testing.

**Suspected Use of Alcohol/Drugs While at Work:** All employees are subject to an alcohol/drug test should they be suspected to be under the influence while at work.

**Refusal to Test/Positive Test Results:** Due to the fact that maintaining a drug and alcohol free posture is a condition of employment, a refusal to participate in urinalysis or alcohol testing is a basis for termination of employment for failure to maintain qualifications for the position. Likewise, a positive test for illegal drugs or an employee in a position requiring a commercial driver's license being under the influence of alcohol is a basis for removal. This is consistent with a zero tolerance policy for illegal substance and alcohol abuse.

**Employee Self-Identification of Illegal drug use or Alcohol Use:** Any employee subject to this policy who has an illegal drug use problem or alcohol problem may self-identify to seek help in a rehabilitation program. However, this self-identification must occur at least one day prior to being notified of selection for random urinalysis testing. Self-identification must be made to the immediate supervisor and forwarded immediately through the supervisory chain to the DSR Human Resource Department. Employees enrolled in a DSR-approved drug rehabilitation program will not be tested. However, such employees must maintain successful participation in the rehabilitation program and provide proof of this progress to DSR. Upon successful completion of rehabilitation, the employee must provide notification and documentation to DSR. Such



personnel are randomly tested twice during their first six months after completion of the rehabilitation program and then be subject to further random testing after six months in accordance with this policy. Positive urinalysis/alcohol test or refusal to test after completion of rehabilitation will be grounds for termination.

### **Medical Marijuana**

**The use and/or possession of marijuana, including medical marijuana, on any property that is owned, occupied, or otherwise controlled by the Arkansas National Guard, is prohibited.** Any person who locates marijuana on NGAR property will immediately notify law enforcement for removal or seizure, as appropriate.

Any person who violates, or attempts to violate, this policy may be denied entry to NGAR property, removed from NGAR property, and/or denied reentry to NGAR property. Any possession or use of illicit drugs that is reasonably believed to violate Arkansas law will be reported to local authorities immediately.

### **Public Employees Age Discrimination Prohibition Policy**

For the purposes of this Section "public employer" is defined as any agency, board, commission, bureau, council, institution or other entity of the State supported by appropriation of State and/or Federal funds. This definition specifically includes public universities and colleges. It is unlawful for a public employer:

To fail or refuse to hire, to discharge any individual, or discriminate against an individual with respect to his/her compensation terms, conditions or privileges of employment because of his/her age; to limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee because of such individual's age. It shall not be unlawful for a public employer:

To take any action otherwise prohibited by this Section where age is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors other than age; to discharge or otherwise discipline an individual for good cause.

## **Physical Fitness Opportunity Program**

This program is patterned after the very successful Arkansas National Guard Federal Employee's Physical Fitness Training Program. It was developed and implemented to assist and encourage State employees to maintain a level of fitness that supports a healthier state workforce and a Healthy Arkansas. Additional benefits of this program are decreased sick leave and increased production of employees. This program provides guidance for administering the use of official time in our physical fitness program.

All State employees of the Arkansas Military Department are being provided the opportunity to utilize the program under the conditions prescribed in this policy. Participation in the Physical Fitness Opportunity Program is voluntary and must be approved by the employee's immediate supervisor. Before starting this program, participants should seek their doctor's advice on an appropriate fitness program to meet their personal goals.

State employees may be granted one hour of official time, three days per 40-hour week, for an approved physical fitness program. With approval of the supervisor, an employee may use any part of the workday for the program. Whether combined with the lunch period, taken at the end of the workday, or any other time of the workday, the hour will begin and end at the work site.

As always, mission accomplishment remains our primary goal and those requirements may periodically necessitate disapproval by the supervisor of employee participation in the physical fitness program. Employees and supervisors must use good judgment to ensure a prudent balance of time away from the job. The supervisor/manager may require an employee to choose an alternate time for participation in the physical fitness program on any day or time when the workload or mission coverage requires the employee's presence.

Physical fitness programs should be developed to meet the needs of the individual with activities selected that will ensure successful accomplishment of a healthier lifestyle. To assist in this effort, the following program activities may be implemented, with the approval of your immediate supervisor or manager.

1. Jogging, running, or walking
2. An exercise program using Nautilus-type equipment
3. Cycling and/or calisthenics
4. Swimming

**This program does not allow participation in organized/unorganized sports or athletics (i.e., basketball, volleyball, golf, etc.).**

State Employees Workers Compensation Claims Division has previously ruled that injury or death of a State employee is only covered if the employee is performing work-related duties at the time of the injury or death. Activities performed while participating in the Physical Fitness Opportunity Program would not be considered duty-related. Each State employee participating in the program

will sign the enclosed acknowledgement statement to verify his/her understanding of this provision. The signed statement must be forwarded through the immediate supervisor to the Agency Directorate of State Resources for inclusion in the official personnel file prior to the employee's participation in the program. It is the immediate supervisor's responsibility to insure that each subordinate employee complies with this requirement before approving participation.

This program is not an employee entitlement. It is a privilege and is provided as an incentive to assist the State employee work force in maintaining a level of physical fitness that will contribute to good health. It is not intended to provide all the time necessary to maintain a complete physical fitness program. Employees who abuse the program will be disciplined and/or have their privilege to participate in the program revoked.

**Governor Executive Order 86-1 and Executive Order 93-1:**

Governor's Executive Order 86-1 and 93-1 (and accompanying policies and procedures) plus Governor's Policy Directive #8 require that EEO/Grievance Officers and supervisory level (and above) personnel complete specific programs for compliance (GPD #8 requires completion of programs within six (6) months of assuming duties).

**Supervisor(s):** Listed below are programs which must be completed by supervisors unless the agency has requested and received an official letter for approval of substitution.

1. HRkansas for Supervisors
2. Discipline and Grievance Handling
3. Hiring Talent
4. Interpersonal Communication

**EEO/Grievance Officers:** Listed below are programs which must be completed by EEO/Grievance Officers and supervisors who also are grievance officers. See below for Certificate Program date. (Governor's Policy Directive #8 requires completion of programs within six (6) months of assuming duties.)

1. HRkansas
2. Discipline and Grievance Handling