

# **Mississippi County Employment Policies and Procedures Handbook**

*Effective July 2019*

*MISSISSIPPI COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER*

**MISSISSIPPI COUNTY  
PERSONNEL POLICY AND PROCEDURAL GUIDE  
And  
EMPLOYMENT POLICY  
(EFFECTIVE DATE July 2019)**

**Introduction**

**NOTICE**

This Personnel Procedural Guide is distributed to all Mississippi County employees to provide general information on personnel policy adopted and approved by the Mississippi County Quorum Court and the Mississippi County Attorney.

For specific policy questions, not addressed in this policy guide, questions must be submitted in writing to the County Judge or the Equal Employment Opportunity Officer. The written decision of the County Judge will become a part of this policy and will be filed with the County Clerk. Said decision(s) may be updated or revised at the beginning of each term of office.

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**Mississippi County  
Employment Policies & Procedures**

**SECTION 1**

**General Policy  
and  
Hearing Procedures**



# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION ONE (1) General Policy and Hearing Procedures

**Notice:** By adopting this policy the Quorum Court chooses at-will employment as the default employment policy for the County. According to Arkansas Attorney General in Ag Opinion 2000-151, an elected official may nevertheless choose permanent employment as the employment policy for his or her employees. If that election is made by an elected official, the elected official shall adopt a separate executive employment policy. “A County acting through its Quorum Court may exercise local legislative authority not denied by the Constitution or by the law.” Subsection 1 (a) of amendment 55, the quorum court may “adopt ordinances necessary for government of the County.” Section 4 of Amendment 55. A County government, acting through its County quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the County. These powers include, but are not limited to, the power to: i) fix the number and compensation of deputies and County employees; ii) fix the compensation of each County officer within a minimum and maximum to be determined by law; exercise other powers, not inconsistent with law, necessary for effective administration of authorized services and functions. A.C.A. 14-14-801. The Quorum Court’s legislative power expressly includes “any legislative authority with regard to employee policy and practices of a general nature, including, but not limited to establishment of general vacation and sick leave policies, general office hour policies, general policies with reference to nepotism, or general policies to be applicable in the hiring of County employees.

A.C.A. 14.14-805(2). These constitutional and statutory provisions charge the quorum court with responsibility of shaping general policy on such uniformly applicable issues as leave and vacation time and normal working hours. This assignment of responsibility is consistent with the quorum court’s role as the guardian of the public fisc. As expressly stated in A.C.A 14-14-805(2), any such policies will not apply to elected officials. Moreover, it is clear that while the County judge has the power to hire County employees, other elected officials have exclusive power over hiring decisions in their own offices. A.C.A 14-14-1102(b)(5)(B)(ii)(b); Ark. Op. Att’y Gen. No.97-049. *Source:* AG Opinion 2000-151.

### I. PURPOSE

- A. The purpose of this document is to establish at-will employment as the default employment policy for the County and to state the **General Employment Policies** issued by the Quorum Court in its capacity as the legislative branch of County government. The General Employment Policies set forth herein apply uniformly to all County employees because they relate exclusively to “employee practices and policies of a general nature.” *Source:* AG Opinions 2000-151.
- B. **Executive Employment Policies** are those adopted by an elected County officer to apply to the employees of the office in the course of administering “[t]he day-to-day administrative responsibility” of his or her elected office. A.C.A. 14-14-805(2). An elected official can create and administer his own employee discipline measures, subject, however, to the condition that these cannot contravene these general, uniformly applicable measures adopted by the quorum court. *Source:* AG Opinion 2000-151.
- C. Each and every County employee is entitled to request a hearing before the County Grievance Committee in the event the employee believes that the executive decision of an elected official violates the Constitution, the Law, or the General Employment Policy duly adopted by the Quorum Court. *Source:* AG Opinion 2000-151.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

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### General Policy and Hearing Procedures

- D. Nothing in this General Employment Policy adopted by Quorum Court creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

## II. GENERAL COUNTY POLICY

- A. The County is to treat all employees and citizens in a manner that is: i) rationally related to the effectuation of legitimate County objectives and ii) uniformly applied to all persons similarly situated.
- B. No official or employee of the County is to abuse or misuse his or her governmental power.
- C. No official or employee is to engage in any overt act that is either illegal (contrary to applicable statutes or judicial rulings) or unconstitutional (contrary to the U.S. Constitution or the Arkansas Constitution).
- D. No official or employee is to omit the performance of any duty that is *affirmatively* required by applicable laws (statutes or judicial rulings).
- E. No official of County government shall “be interested, either directly or indirectly, and any contract or transaction made, authorized, or entered into on behalf of the County... or accept or receive any property, money, or other valuable thing, for his (or her) use benefit on account of, connected with, or growing out of any contract or transaction of a County.” Ark. Code Ann. 14-14-1202
- F. No official of County government is to engage in any act that would constitute “corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or non-feasance in office.” Ark. Code Ann. 14-14-1311
- G. Each elected official of the County is to fully and completely administer the day-to-day affairs of his or her office of County government on behalf of the County, in a manner that is in accord with applicable laws (statutes or judicial rulings), the constitutions (U.S. and Arkansas), and this general County policy.
- H. Use of deadly force against another person by the Sheriff or any Deputy Sheriff is limited to the following: 1) to effect an arrest or to prevent the escape from custody of an arrested person who the officer reasonably believes: a) there is probable cause to arrest the felony suspect; b) the felon cannot otherwise be apprehended; *and, c) the felon either: i) had used deadly force in the commission of the felony or, ii) would use deadly force against the officer or others if not immediately apprehended* or 2) to defend himself or a third person from what he reasonably believes to be the use of imminent use of deadly force.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION ONE (1) General Policy and Hearing Procedures**

### **III. COUNTY EMPLOYMENT POLICY**

A. Pursuant to its authority as the legislative branch of County government, the Quorum Court adopts “at-will” employment as the default employment policy for each County employee. At-will employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. Unless rehired by a newly elected supervising County official, an employee’s employment shall cease at the conclusion of the County’s biennium (December 31 of even numbered years). If, notwithstanding this document, any employee contends that he/she has a property right in his/her employment or a substantial expectancy of continued employment (expressed, implied, written or oral) until “just cause” exists for reduction or removal in pay or position, said employee shall assert such contention at a “property right” grievance hearing, requested in the time and manner set forth in this policy.

B. It is the County’ policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and the administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.

### **IV. REDUCTION OR REMOVAL OF PAY OR POSITION**

- A. A County Official may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate County objective.
- B. Examples: It is not possible to list all “rational bases” for reduction or removal of pay or position; however, examples include (without limitation):
1. Misrepresentation, dishonesty, or self-dealing conduct;
  2. Intemperate conduct;
  3. Insubordination, including the failure or refusal to follow the legal orders of your supervisor or other supervisors;
  4. Negligent, reckless, knowing, or intentional destruction of County property;
  5. Abuse or misuse of your position as a County employee;
  6. Any conduct, acts, or omissions that interfere with or impair your ability to properly and effectively perform your duties as a County employee;
  7. Any rational change in the mode or manner of operations, including any rational decision regarding the persons selected by the County Official for the delivery of County services.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION ONE (1)  
General Policy and Hearing Procedures**

**V. CONSTITUTIONALLY PROTECTED CONDUCT**

- A. It is the policy of this county not to violate the Constitution or the laws of Arkansas or the United States.
- B. Should any applicant, employee, or person requesting County assistance or services contend that he or she has been unlawfully discriminated against because of the race, color, religion, gender, national origin, age, or disability or that he or she has been unlawfully punished for the exercise of constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy, etc.) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall request, in the time and manner set forth in this county employment policy, a “liberty right” hearing before the county grievance committee to provide the county’s final policymaker with authority an opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of the County officials and County employees to requirements of County policy.

**VI. HIRING AND PROMOTING**

- A. The at-will employment policy applies to hiring and promoting. Nothing herein shall create a property right in employment, entitlement to be hired and promoted, or an expectancy of continued employment. Nothing herein establishes grounds upon which hiring or promoting must be based.
- B. Prospective employees who are required to register with the Selective Service System must certify compliance with the Military Selective Service Act as a condition for employment.

**VII. EMPLOYEE BENEFIT**

- A. Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

**VIII. INFORMAL PROCEDURE FOR REPORTING/RESOLVING PERCEIVED HARRASSMENT**

- A. This policy provides an informal procedure for reporting any conduct or condition perceived to be race, color, religion, gender, sex, national origin, age, or disability harassment to enable the county to receive timely notice and to act affirmatively, if needed, to assure compliance with the law. If this informal procedure does not achieve the desired result, the affected person should utilize the Grievance Hearing procedure to bring the matter before the County Grievance Committee.
- B. Race, color, religion, gender, sex, national origin, age, or disability harassment (by conduct or condition) is prohibited.

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- C. If you consider a County official's or a County employee's conduct or a workplace condition to be a race, color, religion, gender, sex, national origin, age, or disability harassment, report it immediately to any supervisor or elected official.
- D. The supervisor or elected official receiving any such report shall report the matter to the appropriate elected official or officials which, for the implementation of this procedure, shall be the elected official(s) responsible for managing the day-to-day affairs of the office of County government in which the alleged harassment occurred or in which the alleged harasser works.
- E. Any supervisor or elected official receiving any report of race, color, religion, gender, sex, national or origin, age, or disability harassment and shall respond to the person reporting the matter so the person originating the report can be informed of the action taken.
- F. If the person reporting the alleged harassment is not satisfied with the action taken or if the alleged harassment continues, that person shall report the matter to the County's Prosecuting Attorney or Deputy Prosecuting Attorney.
- G. Except to the extent needed to implement this policy and remedy the alleged harassment, the identification of the person reporting the conduct or condition shall remain confidential.
- H. Reporting conditions or conduct reasonably believed to be prohibited harassment shall not adversely affect the reporting citizen or employee.

## **IX. GRIEVANCE HEARING PROCEDURE**

**\*CAVEAT:** The purpose of a Grievance Hearing Procedure is to establish a required procedure to resolve applicant and employee grievances, and to thereby enable Mississippi County to voluntarily conform the conduct of County officials and employees to the requirements of County policy. If the applicant or employee does not follow this affirmatively required County Grievance Hearing procedure, the County will waive and estoppel as affirmative defenses to any claims against the County filed by the applicant via any administrative or judicial procedures otherwise available for redress of grievance.

- A. Availability of Property Rights Hearings
  - 1. Either the County or employee may terminate at-will employment at any time without prior notice, without cause, and without any property right hearing.
  - 2. Any claim that any employee is a permanent employee or that the employee has a constitutionally protected property right in employment, entitling the employee to continued employment until "just cause" for discipline or dismissal is proved by the County at a pre-deprivation hearing, must be timely asserted in writing by the affected employee in accordance with this

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION ONE (1)**

### **General Policy and Hearing Procedures**

Grievance Hearing Procedure, or the property right claim will be waived by the employee.

#### **B. Availability of Liberty Right Hearings**

1. Any claim of illegal County employment discrimination on the basis of race, religion, gender, national origin, or disability or because the County is alleged to be acting in a manner that is arbitrary, capricious, or unreasonable, in hiring compensation, conditions of employment, discipline, or dismissal must be timely made in writing by the affected applicant or employee in accordance with this Grievance Hearing Procedure.
2. Any claim that any employee treatment, discipline, or dismissal is unconstitutional punishment due to the employee's exercise of a constitutionally protected "liberty right" or other constitutionally protected activity of the employee must be timely made in writing by the effected employee in accordance with this Grievance Hearing Procedure.
3. Any claims that an employee treatment, discipline, or dismissal is contrary to the public policy of Mississippi County, or the State or Federal Government must be timely made in writing by the affected employee in accordance with this Grievance Hearing Procedure.

#### **C. Availability of Name Clearing Hearings**

1. Any claim that any employee's liberty interest in future employment has been damaged as a result of any "stigmatizing charge", publicly communicated by the County, must be timely asserted by the affected employee in accordance with this Grievance Hearing Procedure.

#### **D. Availability of Hearings Generally**

1. A grievance Hearing requested by an applicant or employee is not required to be held unless it is timely requested in a manner required by the County's Grievance Hearing Procedure and required by the constitution or by policy written herein.
2. Neither liberty rights nor property rights are created by this document.
3. Mississippi County may, in its discretion, hold a hearing prior to any decision or deprivation.

#### **E. Timely Request for Grievance Hearing**

1. It is the applicant or employee's duty to request a grievance hearing.
2. The applicant or employee must timely file a written grievance hearing request after any claimed deprivation of the applicant's liberty or employee's liberty or property, or any right to a hearing or to object to the deprivation shall be waived.
3. The grievance hearing request shall state in writing:

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- a. the grievance for which a hearing is requested;
  - b. the factual basis of the grievance; and
  - c. the relief sought.
4. The written grievance hearing request shall be delivered to the County Grievance Committee, in care of the County Judge, no later than four-thirty o'clock (4:30) in the afternoon on the third (3<sup>rd</sup>) full business day (weekends and holidays excluded) after any claim deprivation for which a grievance hearing is requested.
  5. Any dismissal decision shall automatically be a suspension with pay for three (3) full business days (weekends and holidays excluded) during which time the employee subject to dismissal may request a pre-deprivation hearing, in which case the suspension with pay shall continue until the conclusion of the County Grievance Committee hearing. (In no event shall a suspension pay status extend more than 14 days, unless the suspension with pay status is extended by decision of the County Grievance Committee. All accrued but unpaid leave time - e.g., vacation, comp. Time, etc. - will automatically run concurrent with the period of suspension with pay, unless the employee prevails in his or her grievance. Any discipline decision that will result in reduction or removal of pay or position shall automatically be deferred for three full business days (weekends and holidays excluded) during which time the employee subject to discipline may request a pre-deprivation hearing, in which case the deferral shall continue until the conclusion of the County Grievance Committee hearing.
  6. The Grievance Committee shall respond in writing to all timely submitted Grievance Hearing Requests stating:
    - a. the time and place of the hearing, if the hearing request is granted, and
    - b. the reason for denial, if the hearing request is denied.
- F. Hearing Procedures:
1. NOTICE: After an employee requests a grievance hearing, the employee shall be notified of the date, time, and place of the hearing.
  2. SUSPENSION WITH PAY: If it is determined that the grieving employee should continue to work until the hearing is concluded, the employee may be requested to perform duties for the benefit of the County with pay pending the outcome of the hearing.
  3. HEARING RECORD: The hearing shall be reported by a court reporter (**not merely a tape recorder**) for transcription upon request by either party at the expense of the requesting party.
  4. PROCEDURAL ISSUES: At the hearing, on the record, the parties shall suggest any desired hearing procedures and state any complaints regarding:

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION ONE (1)**

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a) The notice; b) The date, time, or place of the hearing; c) The opportunity to refute fairly the charges; and d) The impartiality of the decision maker(s).

5. **RULES OF PROCEDURE AND EVIDENCE:** Informal rules of procedure and evidence (Ark. Code Ann. 25-15-208) shall be followed:
  - a. Witnesses shall testify under oath;
  - b. Parties shall be allowed, at their own expense, to obtain and use legal counsel for representation;
  - c. Parties shall be allowed to obtain and use the presence for witnesses for examination, cross-examination, and rebuttal; and
  - d. Parties should be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.
6. **PUBLICATION:** The County Grievance Committee shall hear the evidence offered by the parties, hear any argument desired by the parties, and vote without public discussion or deliberation. Only the decision, and not the factual or legal reasons therefore, shall be announced publicly. The hearing shall be held in public if so required by the F.O.I.A.; however, the employee may at any time, decline the hearing and accept the intended discipline or dismissal.
7. **CONFIRM IN WRITING:** After the hearing, the grieving applicant or employee shall be sent a letter stating the factual and legal bases found by the County Grievance Committee for any refusal or removal of pay or position.

#### **G. Hearing Issues and Burdens of Proof:**

##### **1. Property Interest Hearings**

- a. Since this County employment policy affirmatively creates at-will employment as the default employment policy of the County, the employee has the burden of proving by a preponderance of the evidence that he or she has a property interest in his or her employment.
- b. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving "just cause" for the supervisory official's intended discipline or dismissal of the employee.

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### General Policy and Hearing Procedures

#### 2. Liberty Interest Hearings

- a. Claim of Arbitrary Discrimination (Unequal Treatment)
  1. The grieving employee has the burden of proving by a preponderance of the evidence that he or she is being treated differently than another person otherwise similarly situated with the employee.
  2. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the reason for the difference in treatment is rationally related to the effectuation of a legitimate County objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in undue hardship on the County. \* *Resolution R2013-11*
- b. Claim of Unconstitutional Punishment
  1. The employee has the burden of proving by a preponderance of the evidence that he or she has engaged in constitutionally protected conduct that was substantial or motivating factor in any adverse employment decision, discipline, or dismissal.
  2. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving that the adverse employment decision, discipline, or dismissal would have occurred even in the absence of the constitutionally protected conduct.
- c. Claim of Discrimination Due to Race, Color, Religion, Gender, Sex, Age, or National Origin
  1. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is being treated or affected differently than another person who, other than for race, color, religion, gender, sex, age, or national origin, is similarly situated with the applicant or the employee.
  2. Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven inequality of treatment or effect is necessary to effectuate a compelling county objective.
- d. Claim of Discrimination Due to a Disability

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1. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is qualified individual with a disability who, because of the disability, is being treated or affected differently than another person in regard to job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment.
2. Where the applicant or employee meets his/her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven difference in treatment of effect is job related and necessary to effectuate a legitimate County objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in due hardship on the County.
3. **Definitions:** The following definitions apply to claims of discrimination due to a disability.
  - a. **“Disabled” or “disability”:** A physical or mental impairment that substantially limits one or more of the major life activities of an individual; having a record of such an impairment; or being regarded as having such an impairment.
  - b. **“Regarded as having such impairment”:** includes those with conditions such as obesity or or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.
  - c. **“Discrimination” includes:**
    - (1) Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status;
    - (2) Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination:
    - (3) Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;
    - (4) Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a

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class of individuals with disabilities unless the test or selection criteria are job-related and consistent with county necessity;

(5) Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the County; or

(6) Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.

#### **d. “Reasonable accommodation”** examples include:

(1) Making existing facilities used by employees readily accessible to the disabled;

(2) Job restructuring;

(3) Flexible or modified work schedules;

(4) Reassignments to other positions; and

(5) The acquisition or modifications of equipment or devices.

#### **e. “Undue hardship”**: an action requiring “significant difficulty or expense,” considering:

(1) The overall size of the County with respect to the number of employees, number and type of facilities, and size of the budget;

(2) The type of operation maintained by the County including the composition and structure of the work force of that entity; and

(3) The nature and cost of the accommodation needed.

#### **f. “Qualified individual with a disability”**: an individual with a disability who, with or without reasonable accommodation, can perform the “essential functions” of the employment position held or desired.

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g. “Essential functions”: job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions).

e. Claim of a Completely Arbitrary Decision.

1. The grieving employee has the burden of proving by preponderance of the evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the County.
2. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the action taken against the grieving employee is rationally related to the effectuation or a conceivable legitimate governmental objective of the County.

### 3. Name Clearing Hearings

- a. The grieving applicant or employee has the burden of alleging that a “stigmatizing charge” has been publicly communicated by the County or a County official or County employee and requesting an opportunity to publicly clear his/her name.
- b. Where the applicant or employee has the burden of proof, the County shall provide the applicant or employee a public hearing opportunity to clear his/her name.

## X. COUNTY GRIEVANCE COMMITTEE

- A. The County Grievance Committee for employees hired by the County Judge shall be the Quorum Court, but the decision of the Grievance Committee shall only be advisory to the County Judge. (Ark. Con., Am. 55, Section III).
- B. The County Grievance Committee for employees not hired by the County Judge shall be the County Quorum Court (or its appointee) and the decision by the Grievance Committee shall be the decision of the County. (Ark. Con., Am. 55, Section I).
- C. The purpose of the Grievance Hearing is to enable the County, through its Grievance Committee, to hear from both the employee and the employee’s supervisory official and to thereafter determine whether or not an executive decision of the County official or employee violates the Constitution or the Law. If the decision being challenged in the Grievance Hearing process is determined by the

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### **General Policy and Hearing Procedures**

County Grievance Committee to violate the Constitution or the Law, then the County Grievance Committee shall declare the decision to be unconstitutional or illegal and shall direct the supervising elected County official to modify that executive decision to conform that decision to the requirement of the Constitution or the Law.

- D.** The County Grievance Committee is not to substitute its operational judgment for that of an elected official if the decision of the County official or employee does not violate the Constitution or the Law.
  
- E.** If the employee's supervisory official refuses to abide by the County Grievance Committee's decision, then the County Grievance Committee must either access the courts to seek an order enjoining the supervisory official from acting contrary to the constitution or the Law or the County Grievance Committee shall be deemed to have acquiesced to the decision of the supervisory official and the decision of the supervisory official shall become the *County's* final decision with respect to the employment action taken. [Added per 02/11/00 Order by J. Barnes in Edwards v. Columbia Co., U.S.D.C#98-1110.

## **XI. RELEASE OF EMPLOYEE GRIEVANCE RECORD**

Public access to employee grievance records is authorized only if approved by the effected employee or authorized by the Arkansas Freedom of Information Act.

# Mississippi County Employment Policies & Procedures

## SECTION 2 General Provision and Procedures



# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## **SECTION TWO (2) General Provisions and Procedures**

### **I. STATEMENT POLICY**

- A.** All employees of Mississippi County are deemed at-will employees. Mississippi County will insure positive, affirmative policies, which prohibit discrimination due to race, religion, color, sex, age, handicap, political affiliation, or national origin in admission or access to, or treatment or employment in, its programs, activities or services; with the only exception to such policy being when a specific physical requirement constitutes a bona fide occupational qualification. It is the policy of Mississippi County not to discriminate against any applicant for a position, not against any employee, due to race, sex, handicap, national origin, creed, marital status or age, in viewing, selection, placement, working conditions, training, advancement, salary, transfer, lay-off or termination.
- B.** All new-hires, for temporary, part-time and full-time positions shall be required to sign an At-Will Employment Agreement and return said Agreement to the Payroll Officer responsible for maintaining said record in the employee's file.
- C.** The general policy of Mississippi County is to treat all employees and the general public in a manner that is rationally related to a legitimate County objective. All County employees are at-will employees. County employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause.
- D.** All employees of Mississippi County, Arkansas with a hire date occurring on or after January 1, 2021, shall be required to receive their salary and other payments in regard to their employment by way of direct deposit, effective on January 1, 2021. **R-2020-13**

### **II. GENERAL POLICY REGARDING APPLICATIONS**

- A.** Mississippi County is an equal opportunity employer and county policy is to comply with the provisions of all state and federal non-discrimination requirements.
- B.** Applications for employment will be accepted from any person who wishes to apply upon forms provided by the county. Applicants who are residents of Mississippi County, Arkansas will be given consideration over non-residents, all other qualifications being equal.
- C.** The elected official or department supervisor designated by the elected official shall do all hiring.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION TWO (2)**

### **General Provisions and Procedures**

- D.** The applicant shall satisfy the written job requirements for educational background, employment experience, skills, licenses and any other qualifications standards that are job related, and shall be able to perform those tasks that are essential to the job, with or without reasonable accommodation.
- E.** No elected official or department head shall be allowed to employ any relative in his immediate family to work within the County office or department he or she supervises and for which he or she is responsible. Immediate family shall include spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, brother-in-law. This provision will be effective the date of adoption of these policies by county ordinance and shall not affect employees hired prior to its adoption.
- F.** County employees shall possess a social security account number, or shall have applied for such at time of employment, and shall furnish proof that they are eligible to work in the United States as required by the Immigration Reform and Control Act of 1986.

## **III. HIRING, ATTENDANCE, RESIGNATION AND TERMINATION PROCEDURES**

- A.** All persons seeking employment with Mississippi County must complete and sign an application for employment form, which will be furnished by the elected official and should be filed with the elected official and/or payroll officer.
- B.** Selection of employees for the County is the responsibility of the elected official or designated department supervisor for which an opportunity for employment exists. Minimum age as a county employee (other than law enforcement officers) shall be eighteen (18) years of age.
- C.** Minimum age for law enforcement officers is twenty-one (21). Law enforcement officers and all employees of the Mississippi County Sheriff's Department will be given a copy of the "Use of Force" Policy approved by the Quorum Court. Law enforcement officers shall be required to sign the "Deadly Force Policy" as approved by the Quorum Court Resolution No. R89-5, prior to being authorized to carry a firearm. It shall be the responsibility of the law enforcement officer and the County Sheriff to insure compliance with this policy and to create and implement other specific policy inherent to law enforcement.
- D.** No applicant or employee shall be discriminated against for any unlawful reason. No employee shall be terminated for the exercise of constitutionally guaranteed rights.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION TWO (2)

### General Provisions and Procedures

- E. All new employees must report to the Payroll Officer prior to their first day of work to complete necessary personnel and withholding forms and sign the At-Will Employment Agreement required of all new-hires. The individual employee is responsible for reporting any change in address, telephone number, etc., to the Payroll Officer.
- F. The elected official must approve terminations for any reasons other than resignation. A letter of termination shall be given or mailed to the employee, at the time of his/her discharge, stating the date termination is effective, and a copy of said letter must be delivered to the County Judge or Payroll Officer within one (1) working day. All terminations, suspensions, lay-offs, or any action that will result in reduction or removal of pay or position shall automatically be a suspension with pay for three (3) full business days (weekends and holidays excluded) as stated in the Grievance Procedures in Section One.

## IV. RECORDS, FORMS, REPORTS

- A. Each employee is responsible for notifying the departmental supervisor and the Payroll Officer of any change in address, telephone number, marital status or number of dependents. The departmental supervisor or elected official shall notify the Payroll Officer and the County Judge of any change of wage rates, expenses, job title, and injuries incurred on the job, property damage of County property, and other pertinent information regarding employees.
- B. A performance Appraisal may be completed at intervals, to assist in determining training needs, salary, order of layoff, transfer, reemployment, promotion, demotion, or dismissal. A Performance Appraisal will not create nor imply a property interest in employment entitlement to a promotion, nor expectancy of continued employment.
- C. Travel Expense forms shall be submitted to Accounts Payable at the end of each month by County Officers and employees using personal vehicles and/or funds for County business. Reimbursement for mileage shall be at same rate approved by the State of Arkansas for state employees. Effective 01/01/2015, maximum reimbursement for meals will be \$35.00 per diem. \*Resolution R2015-03

Reimbursement for meals and lodging will be compensated when the official or employee **must be out of the County overnight** on official County business. All reimbursement requests must be documented by receipts and agenda and submitted to Accounts Payable. All travel and other expenses for which reimbursement is requested must be approved by the elected official. *\*Resolution 2019-06*

- D. Time sheets, signed by the elected official or department supervisor must be submitted to the Payroll Officer by the deadline specified by the Payroll Officer in a timely manner. It is the responsibility of the elected official and/or

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**SECTION TWO (2)**

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department supervisor to provide the completed time sheets and certify they are correct.

**Mississippi County  
Employment Policies & Procedures**

**SECTION 3**

**Employee Conduct  
and  
Responsibility**



# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION THREE (3) Employee Conduct and Responsibility**

### **I. GENERAL CONDUCT AND RESPONSIBILITY**

- A. Mississippi County expects all employees to conduct themselves on and off the job in the best interest of the County. As public employees, personal attitude and actions are reflected on the County and its elected officials. The main function of any employee and/or agent of Mississippi County are to serve residents of the County as accurately and efficiently as possible.
- B. Maintenance of high standards of honesty, integrity, impartiality, and conduct by County employees is essential to assure the proper performance of County business and the maintenance and confidence by citizens in County government.
- C. Employees of Mississippi County shall:
  - 1. Observe applicable laws and regulations governing participation in political activities, conflict of interest, and discrimination;
  - 2. Economically utilize, protect and conserve property of Mississippi County that is entrusted to them: and
  - 3. Conduct all official activities in a manner, which is above reproach, and free from any indiscretions or acceptance of gratuities or favors, which cast doubt or suspicion upon the employee or the county.

### **II. SPECIFIC CONDUCT AND RESPONSIBILITIES**

- A. Official position shall not be used by County employees for personal gain. Public influence and confidential or “inside” information must never be turned to personal advantage. Conflict of interest laws must be scrupulously observed. The employee must:
  - 1. Disclose his or her interest, if any, in the official records of the County and shall not participate nor vote for any contract, sale, purchase or service in which he or she has an interest.
  - 2. Refrain from and/or cease any work or activity in a private capacity, which may be construed by the public to be an official act.
- B. County employees shall not accept nor solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment or loan, which is or may appear to be in a manner designed to influence official or other business or financial arrangements with the County, from any individual or business which has interests that might be substantially affected by the performance or by the nonperformance of the employee’s duty. This provision does not prohibit acceptance by an employee of food and refreshments of insignificant value, or infrequent occasions in the ordinary course of a meeting, conference, or other instance, where the employee is in proper attendance, nor the solicitation or acceptance by an employee of loans from banks and other financial institutions

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION THREE (3)**

### **Employee Conduct and Responsibility**

on customary terms to finance proper and usual activities of the employee, nor the acceptance of unsolicited advertising or promotional materials such as pens, pencils, calendars and other items of nominal intrinsic value.

- C. The employee shall not directly or indirectly use or allow the use of County property of any kind, including leased to the County, for any reason other than approved official activities.
  - 1. The employee has a positive duty to protect and conserve County property, including equipment, supplies, and other property entrusted or issued to him.
  - 2. A County employee who is assigned a County vehicle and has permission from his immediate supervisor to drive said vehicle to and from his residence, shall not at any time use, nor allow the use of, said vehicle for other than County business. Use of County vehicles for business other than County business may result in suspension without pay, termination, and/or loss of vehicle assignment. (This item is not to be construed to apply to the County Judge and County Sheriff.)
  - 3. A County employee, assigned a County vehicle with permission to drive said vehicle to and from his residence, will do so in accordance with the County Commuting Valuation Rule, as filed in the Office of the County Clerk. Under the current rules, the County will value commuting use of a vehicle it provides at \$1.50 per one-way commute (that is, from home to work or from work to home) for each employee who commutes in the vehicle. It is the elected official's responsibility to ensure that each employee is aware of obtaining and completing the proper forms, documenting the actual dates County vehicles were used for travel to and from work.
  
- D. A County employee must never permit himself/herself to be placed under any kind of personal obligation, which could lead any person to expect official favors. The employee's official acts must reflect impartiality. His/her decisions and actions must be determined by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition or partisan demands.
  
- E. A County employee shall not engage in outside or other employment, or outside activities which are incompatible with the full and proper discharge of the duties and responsibilities of his County employment, or which tend to impair his capacity to perform, or conflict with his performance, of his/her County duties and responsibilities un an acceptable manner.
  
- F. Any employee, who is determined by the elected official to have violated any provision of this section, shall be suspended without pay for not more than thirty (30) days or dismissed from County employment.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION THREE (3)**

### **Employee Conduct and Responsibility**

#### **III. EMPLOYEE SPEECH POLICY**

The purpose of this policy is to state County employee's speech rights and obligations. This policy encourages responsible speech, allowing County officials to act swiftly and decisively to:

1. Learn of and correct improper or incorrect policies of the County or acts (or omissions) of County officials and employees and
2. Discipline employees for non-protected speech activity. The central themes of this policy are:
  1. Encouragement of responsible criticism and whistle blowing
  2. Preservation of County officials' prerogatives to maintain order and discipline employees for misconduct,
  3. Establishment of an effective mechanism to resolve conflicts including, if possible, an appropriate official to coordinate employee criticisms and work-related concerns and
  4. Provisions of special protection and guidance for employee whistleblowers.

#### **GENERAL STATEMENT REGARDING EMPLOYEE SPEECH RIGHTS AND OBLIGATIONS**

County officials and employees are entrusted with special responsibilities. They must conduct themselves in a professional manner and are subject to liability or discipline for engaging in conduct detrimental to the County. The County recognizes that employees enjoy constitutional protection to engage in reasonable speech activity, including work-related criticism and complaints. This employee speech policy is designated to promote protected speech while providing guidelines to ensure that employee speech does not unnecessarily harm legitimate County interests. Employees are encouraged to express their views in a responsible and productive manner. Employees contemplating "free speech" activity should carefully review the following rules and procedures.

#### **RULE AND PROCEDURES**

1. Speech unprotected as a matter of law: Employees are subject to employment termination for speech constituting treason, libel, slander, perjury, incitement to riot, or false statements regarding County operations or personnel when such speech is known to be factually inaccurate or is made with a reckless disregard for its truth or falsity.
2. Off-duty speech unrelated to employment: Employees enjoy the same speech rights as other citizens with respect to off-duty speech unrelated to County employment, except for restrictions imposed by law.
3. "Appropriate elected official:" The "appropriate elected official", as used in this policy, shall mean:
  1. For employees, the elected official responsible for managing the day-to-day affairs of the office of County government in which the speaking employee is employed and

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION THREE (3)**

### **Employee Conduct and Responsibility**

2. for officials, the prosecuting attorney. Employees are not prohibited from any direct contact with the prosecuting attorney at any time.
4. The Chain-of-Command Grievance Procedure: A chain-of-command is hereby established to provide for the orderly and effective resolution of employee problems and concerns. Employees are to express their work-related criticisms and complaints to their immediate supervisor and then to the appropriate elected official. If not satisfactorily resolved by the immediate supervisor, employees must submit a written summary of any personal internal grievance to the appropriate elected official for a written response from the office of the appropriate elected official within ten (10) working days. Any questions concerning the meanings or implementation of the county's employee speech policies should be directed to the appropriate elected official.
5. Protection of confidential information and prepublication review obligation: Employees shall not disclose or divulge any "confidential" information obtained by virtue of their employment to persons not specifically authorized to receive such information. "Confidential" information includes information not subject to release by the state's freedom of information laws. Uncertainty over whether particular information is "confidential" should be resolved by consultation with the appropriate elected official. Employees are required to submit to the appropriate elected official for review any writing relating to County government intended for publication out of the ordinary course of the employee's County employment. This prepublication review in no way serves to censor an employee's writing; rather, it is to avoid county liability and to alert employees to the possible consequences of their intended publication.
6. Whistleblower protection and procedures: Employees are required to report immediately any evidence of a County official's wrongdoing to the Prosecuting Attorney. Officials and employees are required to report immediately any evidence of any employee's wrongdoing to the appropriate elected official. Employees are subject to employment termination for any activity that interferes with or hinders the successful prosecution of criminal misconduct. Employees are not subject to retaliatory disciplinary action for reporting under this rule. However, employees are subject to discipline for making frivolous reports.
7. Impartiality requirements: Officials and employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, a professional service, or a commercial service including but not limited to the services of an attorney, bondsman, funeral director, ambulance service, or towing service. Official and employees are prohibited while on duty or in uniform from making political endorsements or expressions of favoritism toward particular political issue or candidate. Officials and employees are prohibited from using their official capacity to influence or interfere with the results of any political election except as authorized by law. The appropriate elected official must authorize any exception to the above.
8. Public appearance representing the department: Employees must receive the prior permission of the appropriate elected official before making any public appearances officially representing the County or a County office or one that gives the impression, they are officially representing the County or County office. Employees in County

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION THREE (3)

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uniform, civic club, religious gathering, private or public organizations, or other organized gatherings without the prior approval of the appropriate elected official. The off-duty expression of personal views by employees in their capacity as private citizens is not covered by this rule.

9. On duty speech restrictions: The need for esprit de corps, discipline, and harmony necessitates some additional restrictions on employee speech when employees are on duty. Employees on duty or in uniform should restrain from using indecent or profane language. Employees shall be courteous to citizens, maintain command of their temper, and refrain from coarse, boisterous, or insolent language. Upon request, employees must provide citizens their name and any badge number.

Employees shall treat superiors, subordinates, and associates in a respectful manner. Employees are prohibited from making personal attacks that ridicule, belittle, or defame the County or County personnel. No employee shall use epithets or terms that tend to denigrate a particular race, religion, sex, or ethnic group.

The failure or deliberate refusal to obey a lawful order or command of a superior constitutes insubordination and is grounds for employment termination. Employees who feel a particular order is unfair or unwise are required to timely obey that order to the best of their ability. Employees are, however, encouraged to timely express objections to ordered to their immediate supervisor or the appropriate elected official for processing as the grievance through the appropriate chain of command.

Employees must obtain permission from the appropriate elected official to circulate while on duty or on department property any petitions, questionnaires, or other material relating to employee grievances or conditions of employment.

10. Public criticism: Public criticism of County operations or personnel can undermine the public's confidence in County government and adversely affect morale. Accordingly, absent emergency or exigent circumstances, employees are required to follow the chain-of command grievance procedure established by this County Employee Speech Policy and thereby to express any work-related criticism to their immediate supervisor and the appropriate elected official prior to expressing that criticism publicly. Constructive criticism is encouraged. Employees will not be disciplined for responsibly expressing their criticism to their immediate supervisor or the appropriate elected official, or, thereafter, responsibly expressing their criticism publicly. While it is not possible to list all of the factors that will be evaluated in deciding whether an employee should be disciplined for public criticism, the presence of one or more of the following factors will be considered as grounds for disciplinary action:
  - A. The employee personally criticized another person in a way that undermined discipline or a close working relationship
  - B. The employee failed without justification to use the chain-of-command grievance procedure prior to engaging in public criticism

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- C. The speech related only to a personal internal grievance of the employee and did not concern a matter of significant public interest such as serious mismanagement, a gross waste of funds, the abuse of authority, or a specific or substantial danger to public health;
  - D. The speech was delivered in an intemperate, offensive, or unprofessional manner; or,
  - E. The speech violated a specific provision of County policy.
11. Contact with the news media: All inquires by the public or the news media concerning information under the control of a County department (e.g. computerized information or the status of a closed or pending investigation) should be referred to the elected County official in charge of that office of County government. All requests for press releases or interviews must be coordinated with the appropriate elected official or the employee in charge of that office of County government.
12. Social Media Policy: Social media includes all means of communicating or posting information or content of any sort on the Internet. The same principles and guidelines applicable to County employee conduct also apply to County employees' activities online. Employees shall maintain an appropriate level of professionalism during working hours and non-working hours. Any conduct that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects the interests of the County and/or citizens may result in disciplinary action up to and including termination. This policy applies to comments made under the employee's name or under a pseudonym used by the employee as a username. Harassment and cyber-bullying of any County employee will result in termination. Racist or sexist comments or comments that target the religious beliefs of others will result in termination. County employees should avoid posts, "likes", or other social media activity during work hours and on County-owned equipment, unless authorized to do so by a supervisor or consistent with County policy. State law prohibits electioneering by public servants during work hours. Employees should consider any political activity to be electioneering. Nothing in this section is intended to amend or alter Mississippi County's status as an "at will" employer or any employee's status as an "at will" employee, as set forth in this Handbook, and pursuant to Arkansas law. [R-2020-09]

#### **IV. SEXUAL HARASSMENT POLICY**

- A. The Federal Equal Employment Opportunity Commission has enacted regulations, which stipulate that sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. According to such Act, and for the purpose of this written policy, sexual harassment consists of unwelcome behavior, or advances, wither physical or verbal in nature, where:
- 1. Submission to such conduct, or advance, is wither an explicit or implicit term or condition of employment or advancement;
  - 2. Submission or rejection of the conduct is used as the basis for employment decisions affecting the employee subjected to the conduct; or

## **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

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3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B. Mississippi County will not tolerate sexual harassment in any of its workplace or in the transition of any business conducted by the County. To insure County employee's protection from sexual harassment, the following guidelines are approved:
1. Elected Officials and departmental supervisors have been charged with an affirmative duty to maintain the workplace free of sexual harassment or intimidation.
  2. Any employee of the county who engages in sexual harassment or intimidation is subject to disciplinary action, including suspension without pay and termination.
  3. Employees who believe they are subjected to sexual harassment or intimidation should immediately bring such action to the attention of the County Judge and/or the Equal Employment Opportunity Officer (designated by the County Judge) for corrective action.
- C. It shall be the responsibility of the County Judge to meet with the elected official or departmental supervisor when a sexual harassment complaint is received, and:
1. To insure investigation of the complaint in a timely and impartial manner.
  2. To provide a response to the employee who submitted the complaint with the results of the investigation.

#### **V. DRUG FREE WORKPLACE**

- A. In accordance with the Federal Drug Free Work Force Act of 1988, with Quorum Court Ordinance O94-7, providing a smoke-free environment in all County maintained facilities and with previous policies and customs of Mississippi County, affirmative and positive steps will continue to insure a drug-free environment in the workplace and among employees of Mississippi County.
- B. Any drunkenness or use of alcohol or narcotics on duty may result in termination. Should the elected official have reason to believe an employee's mental and physical condition is such as to be a hazard to said employee, his or her co-workers or the public, the employee may be required to report to a physician for an examination and/or testing, at the expense of the county. Failure to report for such may result in termination.

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### **Employee Conduct and Responsibility**

- C. Applicants hired to operate equipment may be required to pass a drug test conducted at the county's expense prior to being placed on the county's payroll. Unsatisfactory results of medical drug testing will prevent the applicant from employment.
- D. Drug testing may also be required in the case of any accident involving County employees or equipment. A positive test results or obvious drunkenness or use of alcohol or narcotics on duty may result in termination.
- E. The Federal Highway Administration is implementing regulations that will require all holders of Commercial Drivers License (CDLs) to be tested by their employers for the use of alcohol and controlled substances. These requirements are being implemented. The regulations include requirements for pre-employment, random, reasonable cause, and post accident testing, as well as return-to-duty and follow testing. The regulations require testing for five controlled substances: marijuana, cocaine, amphetamines, opiates, and PCP. Alcohol tests will be conducted using approved breath testing devises. Mississippi County complies with these and any other federal and state regulations.

## **VI. PUBLIC SAFETY EMPLOYEE DRUG AND ALCOHOL TESTING**

- A. Public Safety employees are subject to testing by the county to detect the presence of controlled substances and alcohol in their body including:
  - 1. Pre-employment Testing (controlled substances only)
  - 2. Reasonable Suspicion testing
  - 3. Random Testing
  - 4. Post-accident Testing
  - 5. Return-to-duty and Follow-up Testing.
- B. Public safety employees subject to testing shall include only Employees whose duties require them to:
  - 1. Maintain a commercial driver's license,
  - 2. Carry a firearm, or
  - 3. Routinely operate an emergency vehicle (one equipped with siren and red or blue lights) in order to lawfully carry out their duties, or
  - 4. Serve as mechanics on County vehicles, or
  - 5. Be prepared to use justified physical force against persons to maintain order or secure security for persons detained by the County.
- C. The Drug and Alcohol Testing Procedures required by the U.S. Department of Transportation (the Rules) shall be the procedures followed by the County, which procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.

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<sup>1</sup> Adopted by Ordinance 95

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- D. Upon the County's adoption of this policy, or at the point of hiring, each County employee shall certify in writing that:
1. The employee has been informed of and understands his or her obligations under the County's drug and alcohol testing policy and the drug and alcohol regulation of the U.S. Department of Transportation;
  2. The employee understands that the use or possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident;
  3. The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and
  4. The employee understands that, as a condition of employment, the employee must submit to collection of breath, urine, blood, and/or saliva samples when requested by the County employer or contractor acting for the County employer and, also, that the employee may be subject to drug and alcohol testing in other circumstances including but not limited to post-accident and when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions concerning controlled substances or alcohol.
- E. Drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules.
- F. Reasonable suspicion testing shall not be conducted until after the prosecuting attorney, a deputy prosecuting attorney, or the County civil attorney reviews the facts and the reviewing attorney agrees with the supervising elected official that reasonable suspicion exists under the particular facts of the particular case.
- G. The following shall result in immediate discharge:
1. Refusal to take a mandated test for drugs or alcohol;
  2. A positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test; or
  3. A positive alcohol test result.
- H. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the County's "Designated Representative" receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed by the employee. The County shall withhold from the employee's paycheck the cost of the second (split sample) test to reimburse the County. A negative result from the second (split sample) drug test will render the **first** test

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## SECTION THREE (3)

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invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

- I. An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defines in 49 CFR 390.5 (and receives a citation for a moving traffic violation in this section) the results of the drug or alcohol test are received by the County's "Designated Representative."

## **VII. POLITICAL ACTIVITIES**

- A. <sup>2</sup>County employees shall be expected to comply with all State and Federal laws governing political activities and the County will strictly enforce all State and Federal laws governing political activities.

- B. Arkansas law regarding county employees participating in political activities are as follows:

1. It shall be unlawful for any public officer, deputy, or assistant, who may be a candidate for the nomination to any officer, or who may be a candidate for any office to be voted for at election, to use any office or room furnished at public expense for his political headquarters or to send out or distribute any letters, circulars, or other campaign literature from such public place or room.
2. It shall be unlawful for any public officer, deputy, or assistant to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination of office.
3. It shall be unlawful for any campaign banners, cards, or campaign literature to be placed on any cars, trucks, or tractors belonging to the State of Arkansas, or any municipality, or County in the State of Arkansas.

- C. The Hatch Act, Federal law, is applicable to State and local officers and employees of any County department, which is financed in whole or in part by federal funds. Employees subject to the Hatch Act shall not:

1. Be a candidate for elective office in partisan election.
2. Use official authority or influence for the purpose of interfering with or affecting the results of any election or a nomination for office.

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<sup>2</sup> Amended May 25, 2004

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION THREE (3)** **Employee Conduct and Responsibility**

3. Directly or indirectly coerce, attempt to coerce, command or advise a local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- D. A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and/or candidates.
- E. Political restrictions aforementioned do not apply to:
1. The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor.
  2. The Mayor of a city.
  3. A duly elected head of an executive department of a State or of a municipality who is not classified under the municipal merit or Civil Service System.
  4. An individual holding elected office.
- F. Servability: If any provisions of these policies and procedures, or the application thereof to any person or circumstances is held invalid, the remainder of these policies and procedures, or the application of such provisions, to other persons or circumstances shall not be affected thereby
- G. Conflict with Federal and State requirements: Any provision of these policies and procedures which conflicts or is not consistent with Federal and State rules, regulations or standards governing the grant of Federal or State assistance to a department or program shall not be applicable to such department or program.

## **VIII. ARKANSAS WORKER'S COMPENSATION**

- A. In keeping with provisions of the Arkansas Worker's Compensation Act, it is County policy that all employees be informed of how to properly report related injuries, which might be covered under Worker's Compensation. Failure to report a work-related injury could result in loss of some of the benefits, which might otherwise be due under the Worker's Compensation Act.
- B. Arkansas Statute 81-137(a) states in part: "Unless an injury either renders the employee physically or mentally unable to do so, or is made known to the employer immediately after it occurs, the employee shall report the injury to the employer on a form prescribed or approved by the Commission and to a person at a place specified by the employer, and the employer shall not be responsible for disability, medical or other benefits prior to the receipt of the employee's report of injury."
- C. To report work-related injuries:
1. All work-related injuries should be reported to the supervisor immediately --- no matter how minor --- and an injury report must

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be completed. For the purpose of this policy, an injury shall not be considered reported unless the supervisor has been notified and an injury report has been completed immediately after the accident.

2. If a work-related injury is not reported immediately, or if an injury report has not been completed, the employee must fill out an Employee's Notice of Injury Form, before seeking treatment. Said form is available from the supervisor or the Payroll Officer.
3. In the event that an employee requires emergency medical treatment, outside the normal County business hours, said employee shall cause a report of the injury to be made to the County on the next business day.
4. The County Worker's Compensation Representative will assist the employee in completion of the Notice of Injury Form. However, the employee's signature is required on said form.
5. An employee with questions regarding the Worker's Compensation Act, its guidelines, or County policy is encouraged to contact the County Worker's Compensation Representative or the County Judge.

## **IX. FAMILY AND MEDICAL LEAVE ACT OF 1993**

- A. Purpose. The purpose of the Family and Medical Leave Act (FMLA) of 1993 is to balance the needs of families with the demands of the workplace. It was designed to promote our Country's interest in preserving family unity while accommodating the legitimate interest of employers.
- B. Equality. The FMLA legislation seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available when necessary for both men and women.
- C. Twelve weeks unpaid leave. Mississippi County will grant up to twelve (12) weeks of unpaid leave per year to employees who need to care for family members.
- D. Qualifying employees. An employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous 12 months to qualify for FMLA leave.
- E. Purposes for which leave can be taken. Employees are entitled to take up to twelve (12) weeks of unpaid FMLA leave a year for:

## **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

### **SECTION THREE (3)**

#### **Employee Conduct and Responsibility**

1. The birth of the employee's child;
  2. The placement of a child with the employee for adoption or child care;
  3. To care for the employee's spouse, child or parent who has a serious health condition;
  4. A serious health condition rendering the employee unable to perform his or her job;
- F. Intermittent leave. The employee may take leave intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness.
- G. Notice required. The employee is to provide at least 30 days notice, if possible, of the intention to take leave.
- H. Medical certification. The county requires medical certification that the leave is needed due to employee's own serious health condition or that of a family member. A second medical opinion may be required, at the County's option. If the first and second medical opinion, differ, the County may request a third opinion, at the County's expense, which is then binding.
- I. Continuation of benefits. Mississippi County will continue the employee's health insurance under the same conditions as if the employee were working. Under this circumstance, the employee will still be required to pay his or her share of the premium (i.e., family coverage). Leave under this Act is not a "qualifying" event under COBRA. If the employee does not return to the job, the employee shall be liable to the County for repayment of the health insurance benefits paid by the county during the employee's FMLA leave. (The employee on leave is prohibited from collecting unemployment or other government compensation.)
- J. Return to the job. Upon returning from leave, an employee is entitled to be restored to the same or equivalent position with equivalent pay, benefits and other terms and conditions of employment.
- K. Concurrent leave. FMLA leave will automatically run concurrent with all other available leave time. (E.g., sick leave, maternity leave, etc.)
- L. Employer provisions. The law allows the County to deny leave under this provision to salaried employees within the highest paid ten percent (10%) of its workforce. If letting the worker take leave would create "substantial and grievous injury" to the operation of the County government.
- M. Enforcement. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- N. Medical Leave. Employees who require leave for a purpose defined in subsection E. (Purposes for which leave can be taken) but, are not eligible for FMLA leave, will be granted up to 4 weeks of unpaid medical leave per year. This leave is intended for only those employees not eligible for FMLA leave. The employee is

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

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to provide at least 30 days' notice, or as much notice as possible, of the intention to take leave. This medical leave will automatically run concurrent with all other available leave time. (Ex: sick time, vacation time, etc.). During the employee's medical leave, Mississippi County will continue the employee's health insurance under the same conditions as if the employee were working. The employee is still responsible for any family premiums. *\*Resolution R2019-06*

## **X. AMERICAN WITH DISABILITES ACT**

- A. Title I of the American with Disabilities Act prohibits local government from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. (A qualified individual with a disability is defined as "an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires".)
- B. The bill specifies, "Consideration shall be given to the employer's judgment as to what functions of a job are essential." Therefore, the elected official should develop a job description to be reviewed and updated periodically to ensure that all duties and responsibilities are reflected in the job description. The job description should include the following:
  - 1. A summary of the duties and responsibilities associated with the job.
  - 2. Minimum education or special training required, to perform necessary job functions.
  - 3. Necessary licenses or certifications.
  - 4. Requisite prior experience in the related job, if any.
  - 5. Requisite working knowledge of the operation of particular pieces of equipment or machinery, if any.
  - 6. Requisite personal qualification, such as the ability to react calmly in an emergency situation, if any; and
  - 7. Requisite physical abilities, if any.
- C. The elected official or department supervisor shall review job descriptions with the individual employee to be certain job-related duties remain consistent with the actual performance necessary to conduct County business. A copy of the job description should be provided to the Payroll Officer for the employees personnel file.

**Mississippi County  
Employment Policies & Procedures**

**SECTION 4**

**General Working Hours,  
Compensation  
and  
Leave**



**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION FOUR (4)**

**General Working Hours, Compensation and Leave**

**I. HOURS OF WORK**

**A DAY – is defined by the number of hours an employee works per regular work day!**

- A. All employees are expected to comply with departmental work schedules established by the supervisor and elected official. However, different or special schedules may be established for departments, divisions, or positions. Court House hours of operation will be established by the County Judge.
- B. Holidays which fall on Saturday will be observed the Friday prior to said holiday. Holidays falling on Sunday will be observed the following Monday. **This does not apply to Sheriff Patrol and Jailors who work shift work see section II Compensation “E”.**
- C. Employees, except shift workers, shall be granted time off to observe the following regularly scheduled legal holidays:

New Year’s Day	January 1
Dr. Martin Luther King Jr’s & Robert E. Lee’s Birthday	Third Monday in January
George Washington’s Birthday & Daisy Gaston Bates Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran’s Day	November 11
Thanksgiving	Fourth Thursday & Friday in November
Christmas Eve	December 24
Christmas Day	December 25

- D. County Judge, by Executive Proclamation, may proclaim additional day’s in observance of special events or for other reasons at his/her discretion.
- E. To be eligible for holiday pay, the employee must have worked his last scheduled working day before and the next scheduled working day after the holiday. (A pre-approved and scheduled vacation day or medically documented sick leave will be considered as time worked for this section.)

**II. COMPENSATION**

- A. Pay rates will be determined by the Mississippi County Quorum Court, through the annual County budgeting procedure. An employee may be eligible for his/her first salary increase following completion of ninety working days from the initial date of hire.
- B. It is the responsibility of the elected official and/or departmental supervisor to monitor employee attendance. All absences and the nature of said

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

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**General Working Hours, Compensation and Leave**

absence should be reported to the elected official. Time sheets and other information, pertinent to payroll completion must be signed by the departmental supervisor/elected official and submitted to the Payroll Officer at least two (2) working days prior to the scheduled pay day.

- C. County employees are paid bi-weekly.
- D. Any additional compensation for hours worked above the normally scheduled work day will be made at the normal rate of pay until over 40 hours per week. Hours worked above 40 hours per week will be compensated at time and a half.
- E. In order for the continuous operations in protection of the citizens of Mississippi County the following pay schedule will apply for persons scheduled to work on the actual holidays. (i.e. Sheriff Patrol, Jailors)
  - 1. Employees will receive their regular pay plus time and a half for **“hours worked” on the actual holiday.**
  - 2. When the **actual holiday** falls on an employee’s regular day off the employee will be paid based on their regular schedule for “hours worked” straight time for the holiday.

**III. VACATION LEAVE**

- A. Vacation leave for County employees is not a legally required benefit to be given or paid by Mississippi County. Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment. No contract is entered into by the County with respect to employment nor does the County incur any debt or obligation. Full time employees accrue leave at the rates shown in the timetable listed below.

Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 Through 5 years	1.25 Day	15 Days
Over 6 years	1.50 Day	18 Days

- 1. Through 3 years: Employees must have completed three (3) full years of employment before movement to the next higher accrual rate.
- 2. 4 through 5 years: Employees must have completed three (3) full years of employment and starting their fourth (4<sup>th</sup>) year.
- 3. Over 6 years: Employees must have completed six (6) full years of employment and starting their seventh (7<sup>th</sup>) year.

All Annual Leave is cumulative; however, no employee shall have over 30 days accumulated on December 31<sup>st</sup> of each year. Accrued leave may exceed 30 days during the calendar year, but those days in excess of 30 will be forfeited if not used by December 31<sup>st</sup> of each year.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION FOUR (4)**

### **General Working Hours, Compensation and Leave**

B. County employees with ten (10) or more years of service to Mississippi County shall have the option to request payment for a maximum of five (5) unused vacation days at the end of the calendar year. When funds are available.

C. Requirements for use of vacation leave are:

1. All full-time employees are authorized vacation days in accordance with the aforementioned eligibility requirements. Vacation leave must be scheduled and approved with the departmental supervisor or elected official in a timely manner, prior to the leave and at times that will not interfere with the work requirements of the department in which the employee works.

2. In an instance of scheduling conflict, the elected official's decision, or employee seniority shall determine which employee has first choice on vacation time. The elected official may choose to let seniority be the sole guideline in said conflict or may make said decision on his/her judgment in the best interest of the business and work requirements of said office. However, an employee having once made a choice may not thereafter use his seniority to claim a different date, but may change the date of leave if convenient to the departmental supervisor and/or if the employee is able to exchange such with another employee.

D. Compensation for vacation leave upon separation from County employment:

Effective 3/1/2013, upon leaving county service (either upon resignation or discharge) employees will be paid at their prevailing rate for accrued but unused vacation time up to maximum of ten (10) days, only if funds are budgeted for said purposes, and only if such budgeted funds are unexpended. Time sheets will be used as documentation for time worked during the calendar year and to compute any unused vacation time due the employee.

Compensation upon separation will be paid in the same manner as paid to all county employees. A person separating from county employment will be paid for wages earned on the next regular pay period.

## **IV. SICK LEAVE**

A. Sick leave is NOT additional annual leave time, and upon termination of employment, for any reason, unused sick leave is forfeited. The elected official may request medical evidence of testimonies, as he/she

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

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deems necessary to document proper use of sick leave. Any absence from work for two (2) consecutive days MUST be documented by a medical statement with a date of availability to return to work.

*<sup>1</sup>Further, to be eligible for sick leave pay for any absence the working day before and/or the next scheduled working day after any paid vacation day(s) and/or holiday, the employee MUST provide written medical evidence, verifying that the employee is unable to work, or of a serious illness of a member of employee's immediate family in accordance with the provisions of Section IV (E) (a).*

- B. Employees, (except Sheriff Patrol and Jailors) who are absent from work (due to illness or injury, etc.) shall notify their supervisor of the reason for their absence no later than one (1) hour after the designated reporting time for work. Employees becoming ill while at work shall notify their supervisor before leaving the job.
- C. **Employees of Sheriff/Jail that work shift work are required to call in at least two (2) hours prior to their work schedule for sick leave, the Sheriff's Department is open 24 hours a day therefore there will always be someone to take the call and relay the message to the shift supervisor. This is necessary to allow the supervisor the time needed to schedule someone to work in that position.**
- D. If at any time the elected official has reason to believe that the physical or mental condition of any employee is such as to render that individual's continued active service a hazard to himself, to other employees or the public, that employee may be requested to report to a physician to a facility for drug testing for an examination at the expense of the County. Failure to report for such may result in termination of employment.
- E. Employees accrue sick leave at the rate of one (1) day for each completed month of service; however, no employee shall have over 90 days accumulated on December 31<sup>st</sup> of each year. Accrued leave may exceed 90 days during the calendar year, but those days in excess of 90 days will be forfeited if not used by December 31<sup>st</sup> of each year.

Sick leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month, and the leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of sick leave if employed on the first (1<sup>st</sup>) working day of the month and work through the 15<sup>th</sup> of that month. Employees will accrue half their monthly accrual if employed on the 16<sup>th</sup> of the month and work through the last working day of that month. (If the 16<sup>th</sup> falls on a weekend or holiday, accrual begins on the first (1<sup>st</sup>) working day thereafter.) Employees shall not borrow from anticipated future accruals.

- a. Sick leave may be used for only the following purposes:

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<sup>1</sup> Sick leave (A) amended 05/22/2007  
By Resolution 2007-13

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION FOUR (4)

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- i. When the employee is unable to work because of sickness or injury; or for medical, dental, or optical treatment.
  - ii. Serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, or grandchild, in-laws or any individual acting as a parent or guardian of an employee.
  - iii. The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.
- b. Any employee using sick leave for reasons other than those authorized in this section will be subject to immediate termination. Burden of proof rests with the employee.
  - c. After the first year of employment, unused sick leave may be accrued to a maximum of ninety (90) days per calendar year. Sick leave must only be used for purposes cited in Item "E", Part IV, of this section and employees separating from County employment for any reason will not be reimbursed for accrued but unused sick leave.
  - d. Sick leave is not a legally required benefit to be given or paid by Mississippi County. Eligibility for sick leave or other employee benefits does not create any property right in employment or any expectancy of continued employment. No contract is entered into by the County with respect to employment nor does the County incur any debt or obligation.
- F.** <sup>2</sup>Any employee who retires by APERS regulations from County government and is rehired within, but not to exceed 180 calendar days after the date of retirement shall have the number of sick leave hours reinstated to the balance on the day of retirement.  
**Resolution R2019-06**
- G.** Retired employee's salary will be set by the department head/elected official. The salary shall not exceed maximum of slot set forth by the Quorum Court for the current year.

## V. REPORTING OF LEAVE TIME

- A. Leave time (for vacation, sick leave, etc.) must be reported in not less than one-fourth hour increments.
- B. Employees with "comp time", approved and documented by the elected official, may use compensatory time in hourly amounts when approved and documented by the elected official.

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<sup>2</sup> IV. Sick Leave F. and G. Amended November 25, 2008  
By Resolution No. R2008-06

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION FOUR (4)

### General Working Hours, Compensation and Leave

- C. It is the responsibility of the elected official to ensure that any employee earning compensatory time (hours worked but unpaid) is recorded with the date and hour(s).

## VI. COMPENSATORY LEAVE

### ALL COMPENSATORY LEAVE SHALL BE TAKEN PRIOR TO VACATION LEAVE.

- A. Any County employee who makes less than \$455.00 per week (regardless of job duties) is eligible for overtime compensation. *Revised FLSA Section 13(a) (1).*
- B. Police officers and similar public safety employees (including jailers) *who perform work such as* preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; and similar work are eligible for overtime compensation. *New FLSA Section 541.3(b)*
- C. Otherwise, only employees defined by the Fair Labor Standards Act (Title 29, Part 541 of the Code of Federal Regulation) as “non-exempt” –which means NOT employed in a bonafide “executive, administrative, or professional capacity” –will be entitled to overtime compensation.
- D. The fact that an employee is paid a “salary” has nothing to do with whether an employee is (or is not) entitled to receive overtime compensation.
- E. As authorized by the Fair Labor Standards Act, the County’s employees who are eligible to receive overtime compensation shall receive, in lieu of overtime pay, compensatory time off at a rate of one and one-half hours for each hour of time worked in excess of the normal work period.
- F. The normal work period shall be 40 hours per week for all employees except employees engaged in the provisions of law enforcement (including jailers) and ambulance services. The normal work week for law enforcement (including jailers) and ambulance personnel shall be no more than 171 hours in a 28 consecutive day work period.
- G. Overtime shall only be worked in emergencies or when public health, welfare and the safety of the general community are in danger.
- H. **\*No employee shall accrue more than 120 hours of compensatory time.** Excessive hours are equal to hours worked in a full 3 week pay period. When it’s not feasible to take the hours off (i.e. time frame available) the employee shall be compensated with payment of all hours over the 3 weeks pay period. Should excessive hours occur, the supervisor must evaluate the efficiency of the position and the Quorum Court is responsible for evaluating the position with regards to modification of the budget. (This evaluation may result in modification/elimination of a slot, as

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### General Working Hours, Compensation and Leave

deemed necessary by the Court to pay the accumulating compensation time debt. Compensatory time considered eligible by the Quorum Court shall receive overtime pay at a rate of one and one-half times the rate earned for each hour of time worked in excess of the normal work period.  
*\*Resolution 2017-2*

- I. An employee who has accrued compensatory time shall, upon termination of employment, be paid for the unused compensatory time at a rate compensation of not less than:
  - 1. The average regular rate received by such employee during the last three years of the employee's employment; or
  - 2. A final regular rate received by such an employee, which ever is higher.
  
- J. An employee who has accrued compensatory time off and who has requested the use of such compensatory time off shall be permitted to use such time within a reasonable period after making a request of the use of compensatory time as long as it does not unduly disrupt the operation of the employing agency.
  
- K. No overtime/compensatory time shall be worked without the PRIOR written approval of the elected official or such supervisory personnel designated by the elected official to approve the overtime/compensatory time. Said approval must be submitted on the appropriate form included with the employee timesheet. NO overtime/compensatory time will be approved by back dating said form. **\*Elected officials will be responsible for ensuring that employee compensatory time reported is accurate; that employees do not abuse compensatory time; and that employees utilize compensatory time as soon as possible. \*Resolution 2017-2**
  
- L. All Elected Official and Department Heads will maintain time sheets to be filled out by the employees on a bi-weekly basis under oath and signed by the Elected Official or Department Head. The time sheets will be provided to the Payroll Officer at the end of each pay period to be kept as a permanent record. If the Elected Official or Department Heads fail to give the required approved time sheets to the Payroll Officer, the Payroll Officer is not to issue subsequent paychecks.
  
- M. The County requests that any compensatory time incurred in any 28-day work period be used by the employee during the next 28-day work period.
  
- N. Paid leave days shall not count toward calculating overtime unless the employee actually worked on the paid leave day (e.g. a holiday worked by an employee).
  
- O. A person who accepts employment of the County or continues in its employment shall be considered or deemed to have agreed to receive compensatory time off in lieu of overtime compensation

### VII. OVERTIME LIABILITY CONTROL PROCEDURE(added 9/01/2004)

- A. Non-Exempt Employees Required to Personally Sign and Certify Timesheets: Each non-exempt county employee shall to *personally* sign his

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### **General Working Hours, Compensation and Leave**

or her time sheet, stating: "I declare under penalty under the laws of the United States of America that the above recorded hours worked and leave taken are correct."

- B. Payroll Officer to Keep Employee Time Sheets as Permanent Record: The signed/certified employee time sheets shall be timely provided to the Payroll Office at the end of each pay-period to be kept as a permanent record (for 5 years).
- C. Payroll Officer Will Figure Payroll From Employee Time Sheets: The Payroll Officer will figure the payroll, including overtime, directly from the signed/certified time sheets relying upon the employee's signed certification that the hours worked and the leave time taken are correct.
- D. Payroll Officer Not to Issue Check Without Signed/Certified Timesheet: The Payroll Officer shall NOT issue pay checks if the required signed/certified employee sheets are not signed/certified *by the employee* (personally) or are not timely delivered to the Payroll Officer.
- E. Log Book of the County's total Overtime Liability: The Payroll Officer shall keep a record in a separate log book of accumulated compensatory time, showing all compensatory time earned and all the compensatory time-off taken by the employees who have earned it.
- F. Report Total County Overtime Liability Monthly: The Payroll Officer shall inform the County Treasurer, the County Judge and the Quorum Court on a monthly basis as to the amount of the County's accrued compensatory time debt.
- G. Pay Overtime in Cash When Required by Policy: The Payroll Officer shall go to cash and issue an overtime check to the employee whenever the total hours of overtime worked exceeds the compensatory time limit set by the Quorum Court in the County's Employment Policy.
- H. Accumulated Comp time Debt to be Paid in Full by End of Year: Since the Arkansas Constitution prohibits deficit spending multi-year contracts, and lending the credit of the County, the comp time debt accumulated by the County throughout the year shall be paid in full at the end of each year.
- I. Quorum Court to Manage the County's Comp time Debt from Month to Month: The Quorum Court shall use its appropriation (which includes re-appropriation) power to modify the County's budget throughout the year so that the County has the money in the County Budget to pay at the end of the year the comp time debt that has accumulated throughout the year.

### **VIII. MILITARY LEAVE**

- A. (1) 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 or other duties performed in an official duty status.

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### **General Working Hours, Compensation and Leave**

- (2) 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 fifteen (15) days at the beginning of a calendar year.
  - (3) The leave shall be granted without loss of pay and in addition to regular vacation time.
  - (4) Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.
- B. (1) An 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 and upon application within ninety (90) days after the effective date of his or her release from active duty shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.
- (2) The right of reemployment shall conform to all federal government rules and regulations.
- C. Any employee who enlists or reenlists for a second consecutive tour of military duty shall be deemed to have forfeited his or her reemployment rights.
- D. (1) 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 vacation time.
- (2) "Emergency situations" means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order.
- E. (1) During any military 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 the employee has become entitled.
- (2) 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 any contributions to any retirement fund.
- (3) The County 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.
- F. Whenever any county employee as defined § 21-4-203 or any employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year, under the provisions of this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.

### **IX. LEAVE FOR CIVIC/GOVERNMENT RELATED ACTIVITIES OR TRAINING**

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION FOUR (4)**

### **General Working Hours, Compensation and Leave**

The elected official may permit any employee, to take leave of absence from his or her usual work duties with pay, to perform various civic activities, or to participate in training pertinent to his or her position. Such leave may not exceed five working days per year without prior approval of the Quorum Court Personnel Committee.

#### **X. JURY DUTY**

- A. An employee who is required to report for jury duty shall be granted jury leave for each scheduled workday in which the employee serves on jury duty. Said employee must furnish the supervisor with satisfactory proof of such duty before jury leave is granted.
- B. An employee released from jury duty must report back to work as soon as possible after being released. In addition to the employees' regular pay, he or she will be eligible to retain any mileage and other compensation paid by the respective court jurisdiction.

#### **XI. FUNERAL LEAVE**

- A. Prior approval must be obtained from the elected official and/or supervisor before leave of absence will be granted for attendance, obligation, or arrangements relating to funeral services.
- B. Funeral leave in excess of one-half day shall be granted in the case of death in the family of the employee or the family of the employee's spouse. The length of time granted will be determined by the elected official, to a maximum of three (3) days. Should an employee require additional days due to travel out of state they may use their vacation leave if available. With prior approval from the employees elected official and or supervisor sick leave may be used when no vacation days are available. This will be monitored closely so as not to have this abused. Any additional leave will require approval of the Quorum Court Personnel Committee.

#### **XII. LEAVE WITHOUT PAY**

- A. County employees may request a leave without pay by submitting a written request for said leave to the elected official. Such request must state the reason(s) for requiring said leave and an accurate date of return to employment.
- B. The elected official has the option of approving up to five (5) leave days per year without pay and during said days the County will continue to pay benefits by:
  - 1. Informing the Payroll Officer of said decision, and
  - 2. Documenting the employee's time sheet to show actual days for which the employee is on leave without pay.
- C. Leave without pay in excess of five (5) working days must be approved by the Quorum Court Personnel Committee and at such time the employee will be responsible for paying his or her benefits.

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### **General Working Hours, Compensation and Leave**

#### **XIII. INJURY LEAVE**

- A. Employees injured on the job, or having injuries, which are directly related to the performance of job duties, should report all injuries to their supervisor and the County Worker's Compensation Representative immediately; regardless of how minor the injury may be.
- B. If critical or emergency medical care is necessary, supervisors shall assist their employees in obtaining medical attention. The County's Worker's Compensation Representative and the County's Worker's Compensation Physician must be notified promptly. The full details of the injury are to be reported to the Worker's Compensation representative in order that payment of medical and other benefits provided by law can be initiated in a timely fashion (if circumstances warrant).
- C. When Worker's Compensation forms are filed, the injured employee must be examined by the County's Workers Compensation Physician. In the event that any employee is injured while engaged in the actual authorized performance of his duties and said employee is temporarily incapacitated as a result of such injury the employee shall be entitled to injury leave commensurate with the nature of the injury received in the line of duty.
- D. Should an employee experience a disabling work injury, the nature of which requires an absence from work, the Worker's Compensation representative will provide the injured employee with information concerning his/her lawful benefits.
- E. The County shall not be responsible for hospital or medical services that are rendered to any employee unless the Worker's Compensation Representative is notified properly and said services are authorized by the County Judge.
- F. Any employee who has been granted injury leave must furnish an acceptable medical release prior to returning to his normal work duties.
- G. Employees having questions concerning the payment of worker's compensation benefits are encouraged to contact the County Judge and/or the Worker's Compensation Representative.
- H. Forms and requirements for worker's compensation relating to injury leave are also discussed in "Section 3, Part VIII" of this written policy.
- I. In the event an employee sustains a compensative occupational injury, which results in loss of work time, the County will pay the injured employee's full salary the first seven (7) days of lost time. Thereafter, the County will pay the difference between the employee's regular salary and the amount paid by the worker's compensation coverage, with proper medical documentation, for a maximum of thirty (30) days after any accrued leave is exhausted. After such time, payment from the County will cease.

#### **XIV. CATASTROPHIC LEAVE BANK PROGRAM**

## **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

### **SECTION FOUR (4)**

#### **General Working Hours, Compensation and Leave**

- A. Eligible regular or full-time employees may voluntarily donate accrued sick leave to, or receive sick leave from, the Catastrophic Leave Bank Program. The Catastrophic Leave Bank Program is established as a means of assisting eligible County employees through medical emergencies, injuries and illness should they exhaust all of their annual sick leave.
- B. The Catastrophic Leave Bank Program is maintained and administered by the Catastrophic Leave Committee, which includes a representative from the Blytheville Courthouse, one from the Osceola Courthouse, one from the Mississippi County Sheriff's Department, and one from the Mississippi County Road Department.
- C. All guidelines, rules and regulations of the Catastrophic Leave Bank Program are set forth in Section 6 of this manual.

#### **XV. SEVERE WEATHER POLICY**

- A. Mississippi County Offices Closed – If the County Judge's Office should see fit to close all County Offices, office employees shall be allowed to be absent from work with full pay.
- B. Mississippi County Office Not Closed – It is the employee's prerogative to determine whether the weather conditions are such that it is too dangerous to drive to work; however, it will be necessary for the employee to charge annual leave, or accumulated compensatory time (if available), if the employee chooses to be absent from work. If no leave time or accrued compensatory time is available, the employee will be absent without pay.
- C. When all County Offices are closed due to inclement weather, any County employee working (\*except emergency personnel services) will be compensated for up to 8 hours in compensatory time at straight time. (\*emergency personnel will receive only regular salary) **\*Resolution R2017-15**

**Mississippi County  
Employment Policies & Procedures**

**SECTION 5**

**Separation, Termination  
and  
Discipline**



# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION FIVE (5) Separation, Termination and Discipline**

### **I. GENERAL PROVISIONS STATEMENT**

All employees of Mississippi County are considered At-Will employees and as such are not employed for a specific period of time and said employment may be terminated at any time without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. The employee shall receive all compensation (wages earned but unpaid and accrued but unused vacation leave per policy) due at the time of the next regularly scheduled payroll for County employees.

### **II. LAYOFFS**

- A. A departmental supervisor and/or elected official may layoff an employee whenever it is necessary, by reason of a shortage of funds, or lack of work; or by reasons of a bona fide abolishment of, or change in duties of a position, or when the department is reorganized and the need for a position is eliminated.
- B. When a layoff is determined necessary, the elected official and the work supervisor will determine the order of preference for the laying off of as many employees as are to be separated. The elected official, or departmental supervisor, in the event of a layoff, will deliver a written letter to the employee(s) being separated, stating the effective date of the layoff and a date of anticipated recall (if available). A copy of the employee's letter shall be delivered to the County Judge within one working day.

### **III. TERMINATION**

- A. The departmental supervisor, with approval of the elected official, or the elected official, may terminate any employee at-will, or of violation any policy described in this manual or for cause as follows:
  - 1. Fraud in securing appointment
  - 2. Incompetency
  - 3. Inefficiency
  - 4. Improper attitude
  - 5. Neglect of duty
  - 6. Insubordination
  - 7. Dishonesty
  - 8. Drunkenness of the use of narcotics and/or drugs on duty;
  - 9. Convictions, pleas of guilt of a felony, nolo contendere or misdemeanor involving moral turpitude;
  - 10. Discourteous treatment of the public
  - 11. Improper political activity
  - 12. Willful disobedience
  - 13. Misuse or willful abuse of county property
  - 14. Misuse of sick leave benefits
  - 15. Failure to report to work

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION FIVE (5)**

**Separation, Termination and Discipline**

- B. The aforementioned cause(s) do not imply continued employment if violations are not existing and no contract or agreement exist between Mississippi County and the employee except \the at-will employment agreement approved by the Mississippi County Quorum Court.

**IV. RETIREMENT**

- A. All employees on the Mississippi County payroll participate in the Federal Social Security System. All employees, excluding part-time employees and contract labor participate in the Arkansas Public Employees Retirement Fund, in accordance with present standards. When an employee is retired, he/she is deemed to be separated without prejudice.
- B. <sup>1</sup>An employee who retires by APERS regulations from County government <sup>2</sup>may not be rehired within 180 calendar days if agreed upon with their department head/elected official. For compensations and benefits, see Sections Four (4) General Working Hours, Compensation and Leave; IV. Sick Leave.

**V. UNEMPLOYMENT INSURANCE**

Employees of Mississippi County are covered by the Arkansas Employment Security Law.

**VI. INSURANCE**

Employees (excluding those not working the required number of hours) on the County payroll are eligible to participate in the County's group insurance plan, in accordance with the insurance carrier's standards. It is the responsibility of the employee to make inquires about family coverage and such information can be obtained through the office of the County Judge or Payroll Office.

**VII. CONSTITUTIONALLY PROTECTED CONDUCT**

Should any applicant or employee contend that he/she has been unlawfully discriminated against for engaging in a constitutionally protected activity or treated in any other unlawful or unconstitutional manner, the applicant or employee shall assert such contention in writing as directed and set forth in this manual. (Section 1, Part VII, A.)

**VIII. DISCIPLINARY ACTION**

- A. The right and responsibility of the elected official to establish reasonable polices and procedures regarding working conditions and personal conduct of

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<sup>1</sup> Amended November 25, 2008  
By Resolution No. R2008-06  
<sup>2</sup> Amended March 6, 2019 By  
Resolution No. R2019-06

## **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

### **SECTION FIVE (5)**

#### **Separation, Termination and Discipline**

on-duty employees is recognized. Apart from specific policies and procedures, the obligation of each employee to conduct himself/herself in relation to his employment, his/her co-workers and the public in a manner, which respects the persons and property of others, is recognized.

- B. If any employee engages in misconduct, he may be disciplined by oral reprimand, written warning, suspension without pay, loss of compensation for paid holidays or vacation days, demotion or termination of his/her employment.
- C. Any suspension of pay or compensation or termination will not begin for three (3) working days after the employee is notified. However, the employee may be directed to absent himself/herself from the workplace. If a grievance is not filed in a timely manner the action directed by the elected official or supervisor (suspension without pay, demotion, loss of compensation or termination) will take place after the third (3<sup>rd</sup>) working day.
- D. Three days absence without notifying the elected official and/or the supervisor will be an automatic dismissal from Mississippi County employment.

#### **IX. PERSONNEL FILES**

- A. Personnel files shall be maintained in a secured repository. All employee records are considered confidential documents of the County and shall be handled accordingly. Individual employee documents are private records and the employee's privacy rights shall be protected. In consideration of the confidentiality and privacy of personnel files, access to said file is restricted to the following:
  - 1. The elected official and/or staff person designated to maintain the personnel files.
  - 2. The individual employee (each employee has the right to review his particular personnel file).
  - 3. The Quorum Court will be granted access to the employee's personnel file when the employee has requested a hearing by such and pertinent, written information, relating to the grievance is documented in the personnel file.
  - 4. Persons possessing legal authorization (a court order or written authorization of the employee) for access to a specific personnel file will be granted access to said file.
- B. Any request for information contained in an individual personnel file should be reported to the elected official.

# Mississippi County Employment Policies & Procedures

## SECTION 6

### Catastrophic Leave Bank Policy



# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION SIX (6) Catastrophic Leave Bank Policy**

### **I. PURPOSE**

- A. This policy establishes a Catastrophic Leave Bank Program (CLBP). This program creates no expectation or promise of continued employment with a participating County entity and is intended simply to assist eligible employees during medical emergencies.
- B. A Catastrophic Leave Bank is a pool of accrued sick leave voluntarily donated by employees which may be approved for use by other employees who suffer qualifying catastrophic illnesses and have exhausted all annual and sick leave

### **II. ELIGIBILITY**

- A. The applicant must be a regular, full-time employee of Mississippi County participating in the Catastrophic Leave Bank Program. A person who works less than full-time is excluded from this definition and as such is ineligible to participate as a donor or recipient in the CLBP.
- B. The employee must have been employed by Mississippi County for more than two (2) years in a regular, full-time position.
- C. The employee must have exhausted all sick, annual, holiday and compensatory leave time.
- D. The illness or injury is not covered by Worker's Compensation or all such benefits have been exhausted.
- E. The employee has not been disciplined for leave abuse during the past two (2) years.
- F. No employee shall be eligible for approved catastrophic leave in excess of six (6) continuous months unless it can be ascertained that the employee has been denied disability retirement or Social Security Benefits. However, the employee has the option of reapplying for additional leave at the conclusion of the catastrophic leave period.
- G. No employee shall be approved for catastrophic leave unless that employee is, or is reasonably expected to be, on leave-without-pay status.
- H. In no case shall the employee be granted catastrophic leave beyond the date certified by the physician as the date when the employee is able to return to work.
- I. No employee shall be approved for catastrophic leave unless that employee has absence and setting forth that the employee is and will continue to be incapacitated relative to the employee's assigned duties shall be made available to the physician and to the Catastrophic Leave Committee.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SIX (6)

### **Catastrophic Leave Bank Policy**

J. For purposes of this program, catastrophic illness is defined as follows:

- 1) A medical condition of an employee, as certified by a physician, which requires an employee's absence from duty for a prolonged period of time and which results in a substantial loss of income to the employee because of the exhaustion of all earned sick, annual, holiday, and compensatory time. **Catastrophic leave includes a qualified employee's spouse, child, or any child the employee has guardianship over. \*Resolution R2017-19**
  - a. Prolonged Period of Time means a continuous period of time whereby a medical condition prevents the employee from performing the employee's duties. A prolonged period of time is interpreted to be a minimum of thirty (30) working days.
  - b. Substantial Loss of Income means a continuous period of time where the employee will not be compensated by the County due to a medical condition after the exhaustion of all earned sick, annual, holiday or compensatory leave, and such medical condition is not covered and compensated by Worker's Compensation.
  - c. Medical Condition means a personal emergency limited to catastrophic and debilitating medical situations, severely complicated disabilities and severe accident cases which cause the employee to be incapacitated, require a prolonged period of recuperation and require the employee's absence from duty as documented by a physician. Disabilities resulting from elective surgery **DO NOT QUALIFY** for catastrophic leave.

### **III. DONATION OF LEAVE TO THE CLBP**

- A. Accrued leave may only be donated to the CLBP in one-half day increments.
- B. No employee of Mississippi County shall be allowed to donate leave to the CLBP if such donation will reduce that employee's accrued sick leave balance to less than ten (10) days. This does not apply to employees who are terminating their employment.
- C. Sick leave, which has been donated to the CLBP, may not be restored to the employee who donated the leave time.
- D. Approved donations of leave shall be transmitted to the CLBP by submitting the approved donor form.
- E. **The balance of catastrophic leave will be carried over for a period of one year.**  
**\*Resolution R2016-13**

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION SIX (6)  
Catastrophic Leave Bank Policy**

**IV. CATASTROPHIC LEAVE BANK COMMITTEE**

- A. The CLBP encompasses the employees of Mississippi County. The Committee shall comprise of six (6) members representing all entities of County Government, and appointed by the County Judge. The Committee shall elect their chairperson from the committee membership. The Committee shall be made up of one employee from the Blytheville Court House, one employee from the Osceola Court House, one employee from the Mississippi County Sheriff's Department, one employee from the Mississippi County Road Department, one at-large member and one member from the Quorum Court Personnel and Committee on Committees (to be determined by the said Committee).
- B. The responsibility and purpose of the Committee will be to review all catastrophic leave requests, ensure that all eligibility requirements are met, and make recommendations. The Committee shall make determinations of continuing eligibility.

**V. CATASTROPHIC LEAVE BANK ADMINISTRATION**

- A. Applications for catastrophic leave shall be reviewed on a first filed, first reviewed basis. Approval does not guarantee that a catastrophic leave applicant will receive leave should there be a zero balance in the CLBP.
- B. Members of the Committee will review applications from the employees of Mississippi County for catastrophic leave and make determinations.
- C. Participating employees cannot take catastrophic leave exceeding that approved by the Committee. The employee may reapply for additional hours.
- D. All determinations by the Committee are final. There shall be no appeals heard by the Committee.
- E. Catastrophic leave may be granted or donated in one-half (1/2) day increments only.
- F. Catastrophic leave shall not be awarded retroactively.
- G. Catastrophic leave, which result in a negative balance in the CLBP, shall not be approved.
- H. Employees on catastrophic leave will continue to accrue leave in accordance with the Mississippi County leave policies and will receive the normal county benefits. Employees on catastrophic leave will also continue to draw their normal rate of pay.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION SIX (6) Catastrophic Leave Bank Policy**

- I. In the event that an employee on catastrophic leave is terminated, retires, expires or returns to work prior to expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the CLBP.
- J. Leave earned while an employee is on catastrophic leave shall, as a condition of voluntary participation in the program, be assigned to the CLBP, and any restrictions concerning the maintenance of minimum leave balances shall not apply to such assignment. If an employee is on catastrophic leave for even one day in an accrual period, all leave earned shall be returned to the CLBP.
- K. An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved catastrophic leave. Nothing, however shall prevent the County elected official or supervisor from accepting satisfactory reasons provided by the employee in advance of the date the employee is scheduled to return to work and from granting leave without pay to an employee prior to or after the expiration of such catastrophic leave if in the view of the elected official or supervisor such action is warranted.
- L. Alleged or suspected abuse of the CLBP shall be investigated and on a finding of wrongdoing, an employee shall repay all of the leave hours drawn from the CLBP and shall be subject to such other disciplinary action as determined by the elected official or supervisor and as outlined in the County Personnel Policy [Section 5, Part 3, A (14)]

**Mississippi County  
Employment Policies & Procedures**

**SECTION 7**

**Job Evaluation  
and  
Salary Administration Program  
(JESAP)**



# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SEVEN (7)

### Job Evaluation and Salary Administration Program (JESAP) Policies

**It is the County's policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated. Therefore, no decision concerning an employee, conditions of employment or compensation, shall be based upon age, sex, race, national origin, color, creed, disability, or the exercise of a statutory or constitutional right.**

#### INTRODUCTION

The County instituted a program of job evaluation and salary administration for all of the permanent full-time personnel to assure having a sufficient complement of employees that will permit attainment of the County's mission and goals. The principal aims of the salary administration program are as follows:

1. Equitable distribution of the salary dollars based on employee contribution to the County's results, with emphasis upon attainment of the incumbent's performance standards.
2. Objective appraisal as to how the County's salary levels relate with external salary structures.
3. Provide a sound and continuing salary administration program that will aid in eliminating salary inequities, assist in the proper management of salaries, provide means for relating performance to salaries, plus employee performance planning and appraisals.

Having formulated Mississippi County's salary administration program with the utmost care, its final success depends upon how well it is administered by each person and entity that are accountable for effective salary administration. Equitable salary policies have been established and must be administered consistently throughout all the areas of Mississippi County's operations to assure receiving the greatest return from each salary dollar.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION SEVEN (7)**

**Job Evaluation and Salary Administration Program (JESAP) Policies**

**I. Salary Adjustments:**

A. Types of Increases:

1. Salaried personnel may receive a base salary increase through cost of living adjustment, merit, and/or promotion.

B. Payment Within the Range:

1. The goal of the salary administration program is to reach a point wherein all employees shall be paid at the right point within the prescribed salary range for their classification, with each position have a prescribed salary grade. No employee will receive a merit adjustment that causes the person's salary to fall above the salary range. If an employee is over the maximum of their salary range, they will qualify for the cost of living adjustment. The purpose of a salary range is to fully compensate the employee for satisfactory performance as related to the performance standards and goals for a respective position. The program also provides a method to compensate at higher levels for superior performance, however, it should be clearly understood that there is no property interest or liberty interest created by the passage of these policies and the employee will be entitled only to the minimum amount appropriated by the Quorum Court for the budgeted position. The employee may be able to earn additional compensation based upon merit, but there is no guarantee or right to any compensation above the minimum amounts set by the Quorum Court. The range should be viewed as a continuum, stretching from acceptable performance at the bottom to superbly outstanding at the top, or maximum. Thus, common sense salary administration adjustments by administration, and not some mechanistic formula, are required in administering salaries with the upper half (quartiles 3 and 4) of the range, based upon employee performance as related to standards and other aids used to assess performance.

C. Hiring Rate:

All full-time employees shall be hired at least at the minimum rate for their respective salary grade range. The elected official or department head will have the flexibility to hire an employee between the minimum and midpoint of the respective salary grade level given that the elected official or department head has the money in their budget to cover the salary expense without additional money being appropriated. The Personnel Committee must approve any exception to this policy.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

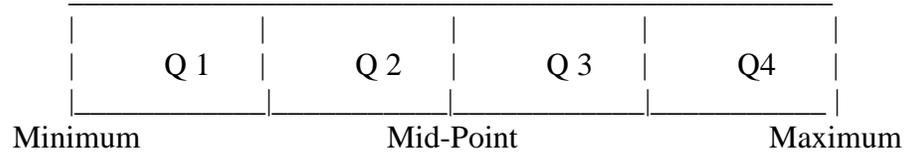
**SECTION SEVEN (7)**

**Job Evaluation and Salary Administration Program (JESAP) Policies**

D. Salary Range Quartiles:

1. The quartile principle of salary administration has proven to be an effective control in correlating performance and merit salary progression. The salary range is composed of four parts, representing levels of accomplishment.

Example:



- a. First Quartile – for those whose performance is acceptable but not yet fully satisfactory. Usually these are new employees - new to a given job or to the County organization.
- b. Second Quartile – up to and including the mid-point, should be used, generally, for compensating those whose performance is fully satisfactory and who are doing a good, completely adequate job, including meeting the respective standards of performance for the job’s goals.
- c. Third Quartile – should be entered only when an individual’s performance is clearly above that which would normally be expected; thus, the incumbent is exceeding the standards of performance for the job’s goals.
- d. Fourth Quartile – should be reserved for compensating outstanding performance, unusual and exceptional achievement, which includes those persons who are ready for promotion to a higher position due to qualifications and a sustained high level of performance in excess of the delineated standards.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION SEVEN (7)**

**Job Evaluation and Salary Administration Program (JESAP) Policies**

E. Merit Increase Eligibility:

1. Each year all full-time County employees will be evaluated based on their past year's performance, using the County's performance appraisal and development plan form. All appraisals will be completed and reviewed by the employee and his/her immediate supervisor. Once the meetings have taken place, all original appraisal forms will be turned into the Personnel Office and all forms should be submitted by September 10 of each year.
2. Recognizing that the merit allocation to an employee is based on a person's performance, the performance evaluation will assist the supervisor or department head in determining the percentage merit an individual will receive. Merit adjustments will be allocated by January 1 to present deserving employees for their performance who met the eligibility requirements for merit. Employees with six or more months of employment, but less than one year, will receive a pro-rata share of the merit adjustment.

F. Limit of Merit Increase:

1. The amount of merit increase in a given twelve-month period shall not exceed more than seven percent (7%) of the employee's base salary. The exact amount of merit increase should be determined by considering: (1) the organization component's salary budget, (2) the incumbent's performance position within the salary range, (3) the general pattern of merit increases throughout the various County organizations, and (4) other factors such as the immediate future of the individual with respect to promotions.

G. Promotional Increase Eligibility:

1. An employee may be eligible for a promotional increase at any given time during the year provided the individual's classification has been changed to a higher salary range due to assignment of additional duties and accountabilities as formulated through the County's job evaluation system.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SEVEN (7)

### Job Evaluation and Salary Administration Program (JESAP) Policies

#### H. Limit of Promotion Increases:

1. The amount of a promotional increase shall be to the minimum salary range of the position the employee is being promoted to or up to seven percent (7%) of the employee's current base salary, whichever is greater. Any promotional increase that exceeds the above criteria requires approval of the Quorum Court. The individual's qualifications and performance shall determine the new salary. Promotional increases shall be in addition to, rather than instead of, merit increases.

#### I. Salary Decreases:

1. Due to organizational re-adjustments or demotions caused by personal matters or inadequate performance, employees may be transferred to a position having a lesser salary range. This type of transfer may necessitate a decrease in salary due to lesser duties and accountabilities.
2. Employees being transferred to a job with a lower salary range than their current job must enter the new job within the salary range for the new job unless approved by the Quorum Court. A request for salary placement at other than within the salary range of a new job should be submitted to the Quorum Court, with supporting documentation, for their approval.

#### J. Merit Increase Procedures and Approving Authority:

1. Elected Official/Department Head originates the merit increase request, including support documentation, e.g. performance appraisal data.
2. Elected Official/Department Head counsels with and reviews the merit increase documentation with the County's Personnel Coordinator as to:
  - a. Completeness of the information.
  - b. Availability of salary budget funds.
  - c. Relationship of the merit request as to current criteria, policies and performance level of employees.
3. Personnel Committee of the Quorum Court reviews the merit increase request; and approves, rejects, defers, or takes such actions as are in the interest of Mississippi County government.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SEVEN (7)

### **Job Evaluation and Salary Administration Program (JESAP) Policies**

4. Personnel Coordinator processes the merit increase request as follows:
    - a. Advises Elected Official/Department Head regarding the disposition of the request.
    - b. Assist with the processing of the payroll and other forms relating to the salary change.
  5. Elected Official/Department Head advises the employee of the forthcoming increase in salary resulting from merit recognized performance.
- K. Notification of Salary Change:
1. No mention of recommended salary changes should be made to employees until the proper authorization has been rendered by all of the required approving entities of Mississippi County government.

## **II. Salary Administration Budgets and Reports:**

- A. Salary Administration Controls:
1. In order that the day-to-day administration of salaries may be effectively performed, and at the same time, attain overall countywide salary objectives, there is a requirement for administrative controls as outlined in this policy statement. These controls will keep the County's administrators informed on the exact status of salary administration throughout the various organization components.
- B. Overall Salary Budgetary Control:
1. The purpose of this type of budgetary control is to permit the Administrators and government bodies to determine the salary funds to be allocated for salary changes on a yearly basis per organizational component. Prior to January 1<sup>st</sup> of each year, Administrators and the Quorum Court will determine the County's total personnel salary increase allocation for each major organization component. This percentage figure is then utilized in determining the Annual Salary Report.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SEVEN (7)

### Job Evaluation and Salary Administration Program (JESAP) Policies

#### C. Monthly Salary Report:

1. The Personnel Coordinator will prepare the Monthly Salary Report, and it will reflect total salary data by major organization components, relating total actual salaries paid to employees to authorized base salary for a given year.

### III. Guidelines for Salary Range Management:

1. The Administrators can expect that a sound job evaluation program will provide justifiable measurement of value for each position in the County's organization. This measurement, together with an examination of what other organizations pay for positions of comparable value, permits the County to set a "price tag" or salary range for each position. The salary range (normally fifty percent from minimum to maximum) is established without consideration of what any individual in a position should be earning on a basis of the individual's performance as related to the goal standards for the job.
2. A performance appraisal program is an aid to salary administration and focuses its attention on the individual; more specifically, on the individual's performance in the achievement of the primary end results expected from the job. An appraisal program can provide general guides for determining where, within that fifty percent range from minimum to maximum, an individual's salary belongs and how much of an increase the person may be entitled to according to the continued performance as compared with the standards for the person's goals and accountabilities.
3. However, the installation of sound job evaluation and performance appraisal programs can turn out to be futile gestures unless they are properly coordinated, integrated and administered; especially, the administration of base salaries as they are affected by performance.

#### A. The Structure of a Salary Range:

1. Though job evaluation is conducted without direct regard to any individual's performance, the evaluation must be based on an absolute criterion of "acceptable" performance. (Acceptable – "capable or worthy of being accepted; satisfactory, sufficient" by meeting the prevailing standards of performance.) The job is evaluated according to an acceptable criterion of performance; and the appraisal of any incumbent's performance, whether that incumbent is an inexperienced newcomer or a seasoned veteran, must relate to that same absolute criterion.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION SEVEN (7)**

**Job Evaluation and Salary Administration Program (JESAP) Policies**

2. This criterion establishes the midpoint of the salary range within which salaries may be positioned according to the performance of the position incumbents. The normal minimum salary range is 80% of the midpoint and for the maximum is 120% of the midpoint. Between the minimum and maximum, performance zones are established as illustrated on the following page.
3. The vast majority of employees can usually be accommodated within three middle zones. Though the boundary lines between zones are somewhat fuzzy, there should be little difficulty in classifying individual performance for salary administration.

**B. Anatomy of a Salary Range for County Personnel:**

**Maximum**

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CONSISTENTLY EXCEEDING JOB REQUIREMENTS: This zone is normally reserved for those individuals whose outstanding performance is clearly obvious.

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AT TIMES EXCEEDING JOB REQUIREMENTS: Zone for seasoned employees whose performance is noticeably better than “meeting job requirements.”

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MEETING JOB REQUIREMENTS: Zone for seasoned employees whose performance is “capable or worthy of being accepted: satisfactory, **Midpoint** ===== Sufficient” and where the person is meeting the standards of performance.

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PROGRESSING TO MINIMUM REQUIREMENTS: Zone for employees whose performance is close to “meeting job requirements” but the need for further development is recognizable as to the quantitative and qualitative standards.

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NEEDS IMPROVEMENT: A provisional zone for inexperienced new- comers and others whose performance is clearly below the “meeting job requirements” level. Employees should either move up in the range or out of the position in a relatively short time.

**Minimum**

## MISSISSIPPI COUNTY EMPLOYMENT POLICY

### SECTION SEVEN (7)

#### Job Evaluation and Salary Administration Program (JESAP) Policies

1. There should be virtually no difficulty in classifying employees who belong in either end of those zones. The boundary lines between them and their adjoining zones are sharp, the definitions clear, and the individual's place in either of those zones is obvious.

#### C. Salary Positioning:

1. It must become immediately apparent that the entire concept of relating pays to performance, as measured by the standards, which lend themselves to measurement after the fact, as well as before the fact. Both the incumbents in a job and the person who will appraise the individual's performance must have a clear and common understanding of what constitutes "meeting job requirements" performance.
2. But the problems of salary positioning do not begin and end with "performance." Even those who feel that it is the most important factor recognize that there are other "facts of life" that are always present and that must always affect the outcome. The elected official or department head is obliged, by both reason and reality, to weigh all of the following considerations when locating each incumbent's salary within a range:
  - a. First, and foremost, performance in the recent past as related to the standards for the job;
  - b. Second, present salary and past salary treatment;
  - c. Third, years of service in a position or equivalent seasoning. (Under normal conditions, seniority relates to performance.)
  - d. Fourth, expectation of future potential must also receive consideration as such relates to the performance contribution of the individual.

#### D. Salary Adjustments - "Merit Increases:"

1. Management can install practical controls or guides that will indicate the acceleration rate as a function of the performance rating and the years in a job. Normally, the rate is faster in the earlier years, when service and seasoning tend to be synonymous, than in the later years when service becomes more redundant.

# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION SEVEN (7)**

### **Job Evaluation and Salary Administration Program (JESAP) Policies**

2. Where performance alone is the criterion, the mid-point salary multiplied by the percentage sets the salary ceiling for an employee whose historical performance level is judged to be within the zone's definition. Therefore, the individual can determine which of the five ceilings is applicable. In the same way, the individual can determine how fast he/she will reach that ceiling.
3. It is possible to anticipate and plot, within a close approximation, the salary growth of any job incumbent as a function of the years the person remains in the job and the person's performance ratings during those years.
4. Though each individual management, rightfully, has its own philosophy as to what the acceleration rates should be, various control charts and tables can be developed to match that philosophy. These serve as an administrative guide-only as a guide-to-awarding increases to each employee.
5. Money is a primary motivating force, but only when it is closely tied to performance. The best return in employee performance that management can expect from its investment in salary dollars will only be achieved when it has a competitive salary structure and an understandable and workable performance appraisal program, both of which must be based on a sound job evaluation program.

#### **IV. Types of Classification Changes:**

- A. Promotional Classification – A change in classification to a higher salary grade or up to a seven percent (7%) adjustment to the employee's current salary, whichever is greater.
- B. In-Grade Classification Change – A change in classification within the same salary grade.
- C. Demotional Classification Change – A change in classification to a lower salary grade.
- D. Classification Change Procedure:
  1. When it is necessary to change the classification of an employee, an Employee Status Change form should be initiated.
  2. If a classification change involves a change in the Exempt or Non-Exempt Status, under the Fair Labor Standards Act, the immediate supervisor will notify the employee immediately of such change.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION SEVEN (7)**

**Job Evaluation and Salary Administration Program (JESAP) Policies**

**V. Administration of Job Evaluation Program:**

A. Position Description:

1. The County maintains position descriptions for each classification, with the format and content establishing the job content in perceptive and intelligible terms. The job description, which is the basic instrument for evaluation, is a functional description which:
  - a. Emphasizes position objectives.
  - b. Denotes areas of operation and accountabilities.
  - c. Organizational and working relationships.
  - d. Answerability for final results.
  - e. Pertinent data about the position.
  - f. Highlights physical and mental requirements.
2. The following benefits will be derived from position descriptions:
  - a. Basis for use in making organization studies.
  - b. Conduct performance appraisal and counseling functions.
  - c. Selection of employees.
  - d. Determining training needs.
  - e. Formulating individual development plans.
  - f. Preparation of positions' goals and objectives.
  - g. Establishment of lines of progression.
  - h. Means of communicating with new or progressive employees.

## MISSISSIPPI COUNTY EMPLOYMENT POLICY

### SECTION SEVEN (7)

#### **Job Evaluation and Salary Administration Program (JESAP) Policies**

- B. Position Essential Functions:
1. The list of essential functions represents an important part of each position description, and sets forth the end results to be achieved by each job. Essential functions are the answerability for an action and for the consequences of that action; thus, set out is what a job is to accomplish to have an effect on end results.
  2. Essential function information is utilized as follows:
    - a. Merit increases are based on performance or progress measured against the job's essential functions.
    - b. Formulation of goals, objectives, standards, and expected end results for each position. If there is no agreement on what the incumbent is to accomplish, how can there be agreement on whether the employee got there?
    - c. Provides a basis for performance appraisal of the employee, whereby the supervisor can review with an employee the critical elements, the "makes or breaks," of the employee's job.
    - d. Provides a means for focusing attention and effort on the prime purposes of the job and County operations.
    - e. Furnishes the County with the most appropriate organization structure design.
- C. Descriptions for New Positions:
1. The Elected Official should make request for preparation of a position description for a new position to the Personnel Coordinator. The Personnel Coordinator, in conjunction with the concerned persons, will prepare the job description and schedule it on the agenda for the Job Evaluation Committee. A newly created position should not be filled until the job has been properly described and evaluated.
- D. Maintenance of Existing Descriptions:
1. The content of each position should be compared with the job description annually by the immediate supervisor to assure adequate maintenance of job descriptions. If there is a significant

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## SECTION SEVEN (7)

### **Job Evaluation and Salary Administration Program (JESAP) Policies**

variance between the descriptions and the position, as it exists, this should be referred to the Personnel Coordinator.

2. No position will be brought up for re-analysis and re-evaluation more than one a year.

#### E. Position Titles:

1. The Job Evaluation Committee, on a County-wide basis, has formulated job titles in keeping with the following pattern:
  - a. Placed at the beginning of the title is the term Manager, Supervisor, Director, Coordinator, etc.
  - b. Consideration for internal and external descriptive requirements.
  - c. Titles are as short as possible.
  - d. Reflect levels of accountability.
2. Required title changes are processed through the Job Evaluation Committee following same procedure utilized for position descriptions.

#### A. The Grievance Process

Should any employee contend that he or she has been improperly denied a merit salary increase, for any reason, the employee shall request, in the time and manner set forth in this County's Salary Administration Policies, a salary administration hearing before the County's Personnel Committee to provide the County's final policy maker with the authority and opportunity to learn of the alleged improper salary assignment and to thereby have an opportunity to voluntarily conform the conduct of County officials and County employees to the requirements of the County policy.

It is the employee's duty to request a salary administration hearing. The employee must timely file a written salary administration-hearing request after the claimed improper salary assignment or the failure to object to the alleged improper salary assignment shall be deemed waived.

The salary administration-hearing request shall state in writing the salary administration for which the hearing is requested, the factual basis for the salary administration hearing, and the relief sought.

## **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

### **SECTION SEVEN (7)**

#### **Job Evaluation and Salary Administration Program (JESAP) Policies**

The written salary administration hearing request shall be delivered to the County Judge no later than 4:30 p.m. on the third full business day (weekends and holidays excluded) after any claimed salary has been improperly assigned to an employee.

Upon receipt of a salary administration hearing request, the County Judge shall promptly notify the chairman of the Personnel Committee who shall schedule a time and place for a hearing, if a hearing has been requested, within fourteen (14) days of the receipt of the salary administration hearing request.

Nothing in this policy approving a salary administration hearing shall create a liberty interest or a property interest on behalf of the employee.

# Mississippi County Employment Policies & Procedures

## SECTION 8

### Definition of Terms



# **MISSISSIPPI COUNTY EMPLOYMENT POLICY**

## **SECTION EIGHT (8) Definition of Terms**

### **I. AT-WILL EMPLOYMENT**

At-will employment is an understanding in writing, between the employer and the employee, agreeing that either party may terminate the employment association at any time, with or without prior notice or liability of any kind, except for wages earned and unpaid at the time of such termination.

### **II. DISABILITY**

A disability is any physical or mental impairment that substantially limits one or more of the major life activities of an individual; or having a record of such impairment; or being regarded as having such an impairment.

### **III. DISCIPLINE**

- A. Discipline refers to action taken by the departmental supervisor or the elected official toward a County employee who has not properly completed all the duties of his or her position, or has acted improperly in relation to his or her position as a county employee.
- B. Discipline may include written warnings, verbal warning, and suspension without pay, loss of paid vacation or holiday leave, demotion, or termination of employment. All discipline excluding verbal reprimands and the elected official must approve written warnings. Any written record of employee misconduct resulting in discipline will be placed in the personnel file of said employee.

### **IV. DEMOTION**

- A. A demotion is a change in the duties of an employee from one department within the county to another department, or within the same department with a decrease in salary and/or responsibility. An employee who has been promoted to a position may be returned or demoted to his former position, or to a similar position for causes as provided herein or at-will. Said demotion will not be effective for three (3) working days from the employee's notification of a change.
- B. If for personal or other reasons, an employee requests in writing that he/she be assigned to a position of a lower pay scale or classification, the department supervisor may make such demotion. In such case, the demotion will be deemed to have been made on a voluntary basis and a copy of the employee's written request shall be filed in the employee's personnel file. Any employee demoted or transferred to a lower position must be qualified for said position in the same manner as an employee being qualified for an entry position or promotion. All demotions, excluding those requested in writing by the employee, must have prior approval of the elected official.

# MISSISSIPPI COUNTY EMPLOYMENT POLICY

## **SECTION EIGHT (8) Definition of Terms**

### **V. FRINGE BENEFITS**

Fringe benefits refer to eligibility for vacation or sick leave, paid holidays, insurance, or any other employee benefits. Eligibility for vacation leave or other fringe benefits does not create any property right in employment or any expectancy of continued employment.

### **VI. GRIEVANCE**

A grievance is a dispute or disagreement about the meaning and/or application of, or compliance with employment policies as written and approved by the Mississippi County Quorum Court.

### **VII. GRIEVANCE PROCESS**

A grievance process is required format used to resolve employee grievances, as described in Section 1 of this manual.

### **VIII. LAYOFF**

Layoff is the removal of an employee from the County payroll and other benefits of employment due to a lack or shortage of work or the elimination of a department or position. Employees that return within one year shall accumulate/accrue vacation leave and sick leave at the rate they were receiving upon layoff date. \*Resolution R2016-12

### **IX. PROMOTION**

- A. A promotion is a change in employment status, within County government, whereby the employee acquires increased salary or responsibility. Vacancies in the County may be filled by promotion whenever practicable and in the best interest of the country.
- B. All persons must meet the minimum entry qualifications of the new position prior to being considered for a promotion. Promotions may be based upon merit and may be made from within the same department or between departments within the County.
- C. All promotions must have prior approval of the elected official. The at-will employment policy applies equally to promotions. Nothing in this manual creates a property interest in employment, entitlement to a promotion, or expectancy of continued employment. Nothing herein establishes grounds upon which promotions must be based.

### **X. REASONABLE ACCOMMODATION**

Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodations also include adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as a non-disabled employee.

**MISSISSIPPI COUNTY EMPLOYMENT POLICY**

**SECTION EIGHT (8)  
Definition of Terms**

**XI. RESIGNATION**

Resignation is a decision by the employee to separate from the county payroll and other fringe benefits of employment, with or without cause or at-will.

**XII. RETIREMENT**

Retirement is an employee's decision to separate from the county payroll and request benefits and compensation from the Arkansas Public Employees Retirement Fund. When an employee is retired, he/she is deemed to be separated without prejudice.

**XIII. SEPARATION**

Separation is the removal of an employee from the county payroll and other fringe benefits of employment by layoff, termination, resignation or retirement.

**XIV. SENIORITY**

Seniority is the length of an employee's continuous service with the county since the last date of hire. Although seniority may be considered in employment decisions, the elected official may place job performance and other factors over such in making decisions regarding layoffs, staff reductions, training, transfers, promotions or demotions. Seniority in no way creates a property interest, nor entitlement to a promotion, nor expectancy of continued employment.

**XV. TERMINATION**

Termination is the removal of an employee from the county payroll and other benefits of employment, with or without cause or at-will.

**XVI. TRANSFER**

Transfer is a change in the duties of an employee from one department within the county to another department without a break in service. A transfer may be made between positions within a department or to a position in another department. No employee appointed or assigned to a position shall be transferred from such position without prior approval of the elected official. Pay will not be increased more than slot position allows.

**XVII. HIRE DATE**

An employee's hire date refers to the most recent date hired for employment with Mississippi County. If an employee leaves County government (whether by termination, resignation, or retirement) and is rehired by Mississippi County, all county benefits and accommodations will begin from the first date of their new hire. *\*Resolution 2016-12*