

**TITLE 2**

**CLASSIFICATION, ADMINISTRATION**

**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
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**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Operation as second class city
- 2.04.02 Special election
- 2.04.03 Published
- 2.04.04 Certified copy

2.04.01 Operation as second class city In compliance with and subject to, the provision of Act. Number 211 of the General Assembly of the state of Arkansas for the year 1939, the incorporated town of Huntsville, Arkansas, shall hereby be raised to a city of the second class, and as such shall enjoy all the rights and privileges, and exercise all of the powers of a city of the second class, from and after adopted of the provisions of this ordinance by the qualified electors of the incorporated town of Huntsville, Arkansas, in a special election to be called for that purpose. (Ord. No. 10, Sec. 1.) STATE LAW REFERENCE - See A.C.A. 14-37-105

2.04.02 Special election The Mayor of the incorporated town of Huntsville, and the Sheriff of Madison County, Arkansas, shall call a special election to be held in said town on the 23<sup>rd</sup> day of July, 1947, for the purpose of submitting to the qualified electors of said town the questions of whether they are in favor of, or are opposed to, the ordinance, that said special elections shall be held in accordance with the provisions of the law governing elections in the municipal corporation. (Ord. No. 10, Sec. 4.)

2.04.03 Published The Mayor is hereby directed to publish this ordinance two times in a newspaper, published in Huntsville, Arkansas, and having a general and bona-fide circulation in said town, and to post in three of the most public places in said incorporated town for a period of 20 days, copies of the notice of special election herein called. (Ord. No. 10, Sec. 5.)

2.04.04 Certified copy If a majority of the qualified electors of the said town vote for and in favor of said ordinance, the Mayor and Recorder are hereby directed to file a certified copy of the ordinance with the Secretary of State for the state of Arkansas to the end that the incorporated town of Huntsville, Arkansas shall become a city of the second class. (Ord. No. 10, Sec. 6.)

**CHAPTER 2.08**

**CITY AND WARD BOUNDARIES**

Sections:

- 2.08.01 Official map
- 2.08.02 Divisions
- 2.08.03 Files

2.08.01 Official map The ward map and ward boundary descriptions, attached hereto and made a part hereof are hereby adopted with said map to serve hereafter as the official ward map for the city of Huntsville, Arkansas. (Ord. No. 2013-6, Sec. 1.)

2.08.02 Divisions

- A. Ward 1 – Beginning at a point on the city limit line at the intersection of Crossbow Street and Harris Street; thence northerly along Harris to Main Street; thence westerly along Main to Polk Street; thence northerly along Polk to Cain Street; thence westerly along Cain to Gaskill Street; thence northerly along Gaskill to a point on the city limit line, same being the northernmost point on city limit line in the NW ¼ of the NW ¼ of S34, T17N, R26W; thence in a generally counterclockwise direction along the city limit line to the P.O. B.

- B. Ward 2 – Beginning at a point at the intersection of Main Street and Polk Street; thence northerly along Polk to Cain Street; thence westerly along Cain to Gaskill Street; thence northerly along Gaskill to the city limit line at its intersection with the south boundary line of the N  $\frac{1}{4}$  of S34, T17N, R26W; thence east along the city limit line to College Street; thence southerly along College to Northview Street; thence easterly along Northview to Missouri Street; thence southerly along Missouri to Missouri Street Reach of Town Branch; thence easterly along said Reach to Town Branch; thence southerly along Town Branch to Main Street; thence westerly along Main to the P.O.B.
- C. Ward 3 – Beginning at a point at the intersection of Town Branch and the north boundary line of the S  $\frac{1}{4}$  of S34, T17N, R26W; thence northerly along Town Branch to the Missouri Street Reach of Town Branch; thence westerly along said Reach to Missouri Street; thence northerly along Missouri to Northview Street; thence westerly along Northview to College Street; thence northerly along College Street to a point on the city limit line at the south boundary line of the N  $\frac{1}{4}$  of S34, T17N, R26W; thence in a generally clockwise direction along the city limit line to a point on the north boundary line of the S  $\frac{1}{4}$  of S35, T17N, R26W; thence westerly along said boundary line and the north boundary line of the S  $\frac{1}{4}$  of S34, T17N, R26W to the P.O.B. Less and except the unincorporated territory contained therein.
- D. Ward 4 – Beginning at a point at the intersection of Town Branch and the north boundary line of the S  $\frac{1}{4}$  of S34, T17N, R26W; thence southerly along Town Branch to Main Street; thence westerly along Main to Harris Street; thence southerly along Harris, same being S.H. 23 South, to the city limit line; thence in a generally counterclockwise direction along the city limit line to its intersection with the north boundary line of the S  $\frac{1}{4}$  of S35, T17N, R26W; thence westerly along said boundary line and the north boundary line of the S  $\frac{1}{4}$  of S34, T17N, R26W to the P.O. B. (Ord. No. 2013-6, Sec. 1.)

2.08.03 Filed A duly certified copy of said map shall be submitted to the Madison County Election Commission, and filed in the office of the Madison County Clerk. (Ord. No. 2013-6, Sec. 3.)

**CHAPTER 2.12**

**SOCIAL SECURITY COVERAGE**

Sections:

- 2.12.01        Contract
- 2.12.02        Withholding taxes from wages
- 2.12.03        City to match withholding

2.12.01 Contract. The Mayor and City Recorder of the city of Huntsville, Arkansas, are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Huntsville , Arkansas, under the terms and provisions of the Federal Social Security Act. (Ord. No. 2-57, Sec. 1.)

2.12.02 Withholding taxes from wages. That commencing January 1956, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act. (Ord. No. 2-57, Sec. 2.)

2.12.03 City to match withholding. That commencing January 1956, there is hereby appropriated from the general fund of the city of Huntsville, Arkansas, the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act. (Ord. No. 2-57, Sec. 3.)

## CHAPTER 2.16

### CITY COUNCIL

#### Sections:

- 2.16.01 Council meetings - regular
- 2.16.02 Council meetings - special
- 2.16.03 Freedom of information procedure
- 2.16.04 Order of business

2.16.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building on the first Monday of each month.

2.16.02 Council meetings - special. Special meetings of the City Council of the city of Huntsville, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.16.03 Freedom of information procedure. All meetings of the City Council of the city of Huntsville, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Madison County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.16.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

1. Call to order
2. Roll call
3. Reading of minutes of the previous meeting
4. Reports of boards and standing committees
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

**CHAPTER 2.20****MAYOR**Sections:

2.20.01	Office created
2.20.02	Election
2.20.03	Duties
2.20.04	Appointment of officers
2.20.05	Salary

2.20.01 Office created The office of Mayor is hereby created for the city of Huntsville, Arkansas.

2.20.02 Election On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Huntsville, Arkansas, shall elect a Mayor for four (4) years.

2.20.03 Duties As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Huntsville, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.20.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council of the city of Huntsville, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.20.05 Salary The rate of pay of the Mayor shall be determined by ordinance or resolution of the City Council of the city of Huntsville, Arkansas, from time to time in a manner that will comply with the Arkansas Constitution. (Ord. No. 2013-2, Sec. 4.)

## **CHAPTER 2.24**

### **CITY CLERK**

#### **Sections:**

- 2.24.01 Office
- 2.24.02 Compensation

2.24.01 Offices combined. The office of City Clerk is established.

2.24.02 Compensation The salary of the City clerk shall be set by the City Council.

STATE LAW REFERENCE - Constitutional Amendment No. 56

## **CHAPTER 2.28**

### **FINANCE OFFICER**

#### **Sections:**

- 2.28.01 Created
- 2.28.02 Duties
- 2.28.03 Compensation
- 2.28.04 Home Rule Law

2.28.01 Created The office of Director of Finance is hereby created. (Ord. No. 01-6, Sec. 1.)

2.28.02 Duties The Director of Finance shall perform all duties previously performed by the city of Huntsville's Deputy City Clerk. The Director of Finance shall also perform all statutory and common law duties of the City Clerk. The City Clerk will continue to attend Council meetings and co-sign checks. (Ord. No. 01-6, Sec. 2.)

2.28.03 Compensation The City Clerk shall continue to receive the City Clerk's salary and the Finance Director shall receive the Deputy City Clerk's salary as such salary was in effect on October 1, 2001, which salary may be modified from time to time. (Ord. No. 01-6, Sec. 3.)

2.28.03 Home Rule Law This ordinance is being adopted under the authority of the Home Rule Law, Act 266 of 1971, as amended (A.C.A. 14-43-601 – 14-43-611) as interpreted by the Arkansas Supreme Court in the case of *Besharse v. city of Blytheville*, 254 Ark. 382,493 S.W. 2d 708 (1973). (Ord. No. 01-6, Sec. 4.)

## **CHAPTER 2.32**

### **CITY ATTORNEY**

#### **Sections:**

- 2.32.01 Appointment
- 2.32.02 Duties

2.32.01 Appointment. The City Attorney of the city of Huntsville, Arkansas, shall be appointed by the Mayor and confirmed by the City Council.

2.32.02 Duties. It shall be the duty of the City Attorney to prosecute all cases in the District Court for violation of the city's ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

## **CHAPTER 2.36**

### **FIRE DEPARTMENT**

#### **Sections:**

- 2.36.01 Creation and personnel
- 2.36.02 Appointment and removal of Fire Chief
- 2.36.03 Duties of Fire Chief
- 2.36.04 Compensation for volunteer firefighters
- 2.36.05 Registration of volunteer firefighters
- 2.36.06 Firefighters' Pension and Relief Fund

2.36.01 Creation and personnel. The Huntsville Fire Department is hereby created and shall consist of the following personnel:

One Fire Chief and any number of volunteer firefighters as the Fire Chief shall determine as necessary from time to time.

2.36.02 Appointment and removal of Fire Chief. The Fire Chief shall be appointed by the Mayor unless appointment is disapproved by a two-thirds (2/3) vote of the Council membership. Such Fire Chief shall be subject to removal by the Mayor unless removal is overruled by the City Council of the city of Huntsville, Arkansas, by a two-thirds (2/3) vote of the Council membership.



2.36.03 Duties of Fire Chief. The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of the department except the expenditure of city funds. He shall make periodic reports to the City Council of the city of Huntsville, Arkansas, showing the names of paid firefighters, number of hours on duty, the condition of the equipment of the department, and such other matters as shall be determined necessary by resolution or ordinance of the City Council.

2.36.04 Compensation for volunteer firefighters. The volunteer firefighters may, but are not required to, be paid for such services as they render based upon the number of calls answered. The Chief shall attend all City Council meetings for the purpose of furnishing any information required by the City Council.

2.36.05 Registration of volunteer firefighters. All volunteer firefighters shall be registered with the Fire Chief and their names, addresses and phone numbers shall be posted in the Fire Department and also on file with the Mayor. Such lists shall be kept up to date by the Fire Chief.

2.36.06 Firefighters' Pension and Relief Fund. A tax is hereby authorized to be levied on the real and personal property within the city of Huntsville, Arkansas, for the following purpose at the following rate:

Fireman Pension Fund - 1.0 mills  
(Ord. No. 76-3, Sec. 1.)

STATE LAW REFERENCE - See A.C.A. 24-11-801 - 24-11-822; Amend. 31, Ark. Const.

## **CHAPTER 2.40**

### **POLICE DEPARTMENT**

#### **Sections:**

2.40.01	Established
2.40.02	Duties of Police Chief
2.40.03	Responsibilities
2.40.04	Appointment
2.40.05	Qualifications
2.40.06	Conduct

2.40.01 Established There is hereby established the Police Department of the city of Huntsville, which shall consist of the Chief of Police and such police officers as the council shall prescribe by resolution or ordinance or otherwise properly authorized. Each member of the

police department shall be appointed by the Mayor and confirmed by the Council pursuant to the provisions of this chapter. They shall receive such compensation as shall be determined and such compensation shall be in lieu of all special fees, rewards, or remunerating arising from such police service. (Ord. No. 85-5, Sec. 1 )

#### 2.40.02 Duties of Police Chief

- A. The Chief of Police shall be the chief executive officer and shall have direct control and management of all members of the department in the lawful exercise of their duties. He shall be responsible for the maintenance of order, the enforcement of laws, ordinances and regulations of the city, the prevention of crime, and the protection of life and property. In case of the absence or disability of the chief, the Mayor shall designate a police officer to be acting chief, and such chief shall perform the duties and exercise the power and authority of the chief, but shall be entitled to no additional salary.
- B. The Chief of Police and each officer shall perform such duties as may be required by law, ordinance or city regulations. Each member of the department shall give such assistance as is necessary to any other city department or city employee.
- C. The Chief of Police and each police officer shall devote full time to police department duties and shall not engage in any other business, profession or occupation, either directly or indirectly, unless approved by the City Council. (Ord. No. 85-5, Sec. 2.)

#### 2.40.03 Responsibilities

- A. The Chief of Police shall adopt written internal rules and regulations for the government, discipline, equipment and uniforms of police officers, fixing their duties, and prescribing penalties for violation of any such rules and regulations.
- B. The Chief of Police shall have custody, care and control of the public property and equipment of the police department, subject to the directions of the Mayor and City Council. He shall conduct periodic surveys of such property and equipment, arrange for the salvaging of discarded or impaired items, and submit recommendations as to future needs.
- C. It shall be the duty of the Chief of Police to keep an accurate and complete record of all complaints, arrests, traffic violations, convictions, and the disposition of each case handled by the department. The chief shall also keep a record of the accomplishments and performances of each police officer.

- D. The Chief of Police shall, submit a report at the end of each calendar year and shall include either in the annual report, or with the proposed departmental budget for the ensuing year, such recommendations as he shall deem advisable with respect to departmental organization, personnel, or equipment.
- E. All funds arising out of police department operations that may be collected by any member of the department shall be deposited with the Clerk. The Chief of Police shall file with the clerk/treasurer, accompanying each deposit, a statement showing in detail the source of such receipts and the chief shall affix thereto his certificate stating that the money so paid is all of the funds collected or received by the department since the preceding statement so filed.

#### 2.40.04 Appointment

- A. The Chief of Police and each officer shall be appointed by the Mayor, and each appointment thus made shall be conditional until confirmed by the city council.
- B. Whenever a vacancy shall occur in the position of police chief or police officer and no eligible list exists for the positions, one shall be appointed by the Mayor and confirmed by the city council. Public notice shall be given by posting in the City Hall and public advertisement shall be carried in a local newspaper of each vacancy.

#### 2.40.05 Qualifications

- A. Every officer employed by the police department shall:
  - 1. Be a citizen of the United States.
  - 2. Be at least 21 years of age.
  - 3. Not have been convicted by a state or by the Federal Government of a crime, the punishment for which could have been imprisoned in a federal penitentiary or a state prison.
  - 4. Be of good moral character and in good health,
  - 5. Be a high school graduate or have passed the General Education Development Test indicating high school graduation level, provided that the governing body may waive the high school graduate requirement or the G.E.D. Test Equivalency requirement set forth herein above at their discretion.

6. Possess a valid Arkansas drivers license.
- B. It is emphasized that these are minimum standards for employment. Higher standards are recommended whenever the availability of qualified applicants meets the demand. (Ord. No. 85-5, Sec. 5.)

#### 2.40.06 Conduct

- A. Each member of the department shall be subject to suspension without pay for a period not to exceed thirty (30) days; to demotion or removal from office or employment for misconduct, incompetency, inefficiency, cowardice or failure to perform duties, or to observe the rules and regulations, but subject to the right of appeal of the aggrieved party to the council in the manner set forth herein.
- B. Any department member shall, upon filing of a written demand with the Clerk within three (3) days after the effective date of such suspension, demotion, or discharge, be entitled to receive a written statement of the reasons for such action from the person issuing the order, one copy to be filed with the Clerk and another to be furnished to the member affected by the action. Within seven (7) days after the receipt of such written statement the member concerned may file with the Clerk a written request that the Council review such suspension, demotion or removal.
- C. Such action shall be taken by the Mayor in the case of the Chief of Police, or in the case of another member of the department, the chief of police.
- D. The council may make, or cause to be made, such investigation as it may deem necessary, and thereafter hold a public hearing at which time it shall hear evidence for and against the party aggrieved. Hearings may be informally conducted and the strict rules of evidence need not apply, written conclusion of findings of the council shall be rendered within ten (10) days after the matter is submitted, and thereupon be certified to the official from whose order the appeal was taken. Such findings and conclusions of the council may contain such recommendations as it shall deem warranted. (Ord. No. 85-5, Sec. 6.)

## CHAPTER 2.44

### DISTRICT COURT

Sections:

2.44.01	Municipal Court established
2.44.02	District Courts
2.44.03	Qualifications and powers of District Judge
2.44.04	Further enactments
2.44.05	Use of county courthouse
2.44.06	Expenses of incarceration
2.44.07	Collection of fines

2.44.01 Municipal Court established Act. No. 128 of the General Assembly of the state of Arkansas approved February 26, 1947, permitting county seat municipalities raised to cities of the second class under the provisions of the digest of the statutes of Arkansas and amendments thereto, be and the same is hereby adopted by the City Council and the city of Huntsville, Arkansas, including sections 1 to 8 inclusive. (Ord. No. 58-1, Sec. 1.)

2.44.02 District Courts The Municipal Court now in existence shall be known as the District Court.

- A. The Municipal Judge shall now be known as the District Judge.
- B. The District Court shall have the jurisdiction vested in the presently established Municipal Court.
- C. All fines, penalties, and costs received by the District Court shall continue to be collected and distributed in the manner provided by current laws affecting Municipal Courts, unless and until the General Assembly establishes a new method of distribution.
- D. All salaries, retirement benefits, programs, and moneys of judges, clerks, and court employees of the District Court will continue to be vested and paid to the judge, clerk, and court employees of the District Court, pending further acts of the General Assembly.
- E. A vacancy in the District Court judgeship shall be filled in the same manner and subject to the same restrictions as for vacancies under Arkansas Constitution, Amendment 29.

STATE LAW REFERENCES: A.C.A. 16-17-132; Ark. Op. Atty. Gen. No 2001-259.

2.44.03 Qualifications and powers of District Judge The fees or emoluments, qualifications, tenure of office, the manner of selection or appointment, and the filling of vacancies, of said District Judge as provided for by Act. No. 128, shall be as follows:

- A. The District Judge shall be a qualified elector of the city of Huntsville, Arkansas, and shall be at least 25 years of age, of good moral character, learned in the law, two (2) years resident of the state, shall be an attorney-at-law in good standing, and shall have practiced law at least six years.
- B. Said District Judge shall receive such fees or emoluments for his services as are now provided for by Act. No. 128, and in addition thereto such salary as may be fixed from time to time by the City Council of the city of Huntsville, Arkansas. (Ord. No. 58-1, Sec. 2.)
- C. The District Court Judge in office on July 1, 2001, shall continue in office through December 31, 2004; provided, if a vacancy occurs in that office, that vacancy shall be filled for a term which shall end December 31, 2004.
- D. Said District Judge, when appointed and qualified shall not be subject to removal from office, except as now provided for by law for the removal of county officers.

2.44.04 Further enactments It is hereby recognized that the Arkansas General Assembly may, during its 2003 legislative session, enact further legislation affecting the validity of these provisions, whereupon further revision of the city's ordinances with respect to District Courts may become necessary.

2.44.05 Use of county courthouse The Mayor of the city of Huntsville, Arkansas, shall have authority, with the approval of the City Council, to contract with the county court of Madison County, Arkansas, for the use of the county courthouse, and county jail and services of the county jailer. (Ord. No. 58-1, Sec. 5.)

2.44.06 Expenses of incarceration

- A. In addition to all fines now or as may hereafter be provided by law, the city of Huntsville, Arkansas, hereby levies and authorizes the collection of an additional fine of Twenty Dollars (\$20.00) from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court of Huntsville, Madison County, Arkansas.
- B. The funds generated by this additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners, and/or the construction and maintenance of a city jail, and payments to other entities for incarcerating city prisoners. (Ord. No. 2009-3, Secs. 1-2.)

2.44.07 Collection of fines

- A. The Madison County/Huntsville District Court is hereby designated as the department primarily responsible for the collection of fines assessed in the Madison County/Huntsville District Court.
- B. The Court Clerk shall establish a process in the manner in which these funds are collected and who may collect them on the court's behalf and how the funds should be accounted for by the court.
- C. This ordinance is being passed specifically under the authority of A.C.A. 16-13-709. (Ord. No. 2014-10, Secs. 1-3.)

**CHAPTER 2.48**

**PERSONNEL POLICIES**

Sections:

- 2.48.01 Employment policies
- 2.48.02 General employee benefits
- 2.48.03 Matters affecting the status of employees
- 2.48.04 Standards of conduct
- 2.48.05 Miscellaneous information
- 2.48.06 Drug-Free Workplace Policy

#### 2.48.01 Employment policies

- A. Equal Opportunity Employer. The city of Huntsville, Arkansas, is committed to providing equal employment opportunities without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.
- B. At-Will Employer. The city of Huntsville, Arkansas, is an at-will employer. This means that the city of Huntsville or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.
- C. Post Offer Pre-Employment Physicals.
1. Post offer pre-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the City. These medical files shall be maintained in the physician's office with a summary report provided to the City whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the City. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examination.
  2. Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the City to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.



- D. Fitness For Duty Exam. Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Mayor shall take such action as is necessary for the good of the service.
- E. Omnibus Transportation Employee Testing Act of 1991 It is the city of Huntsville's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow up testing. The city of Huntsville will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of Huntsville the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.
- F. Policy Notification All employees shall be furnished a copy of these policies and shall become familiar with their contents. The Mayor of the city of Huntsville shall appoint an administrative/assistance committee consisting of the Mayor and two Council members to serve in a supervisory position of overview.
- G. Hiring
1. Position Openings All job openings for employment with the city of Huntsville will be advertised in the local newspaper. The city of Huntsville is an equal opportunity employer.  
  
No person shall be denied employment, re-employment, advancement, or be evaluated on the basis of race, color, national origin, sex, qualified handicap, religion, veteran, or marital status. Age shall be considered only with respect to minimums set by law and retirement as specified by the state or policies of the City Council of the city of Huntsville.
  2. Educational Requirement The city of Huntsville recognizes the value of education. The city of Huntsville requires all persons who apply for employment to have either a high school diploma or have successfully completed a GED program.

3. Supervision No employee of the city of Huntsville will supervise an immediate family member. Interpretation of family member will mean spouse, son, daughter, brother, sister, mother, or father.
4. Interviews Interviews and background checks will be done for each new employee.
5. Hiring and Firing Department heads hire or fire employees in their department with approval by Commission and/or Mayor. City Council is notified at the next regular meeting.
6. Probation Each new employee of the city of Huntsville shall be placed on a probationary period for a minimum of six months. Annual and sick leave will accrue during this time, but no leave will be granted until employee's probation period has been completed. In event the employee should be terminated during his or her probation period, their annual leave shall be declared void

2.48.02 General employee benefits

A. Pay Schedule All full-time city employees will be paid bi-weekly. There will be a one-week lapse between hours worked and hours paid beginning August 16, 2002. Checks will be processed the first pay period of each month for part-time city employees receiving monthly checks.

B. Paid Holidays Holidays shall be

- Robert E. Lee/Martin Luther King Day
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve
- Christmas Day
- New Year's Eve
- New Year's Day

Holidays falling on a Sunday will be observed on the succeeding Monday. Certain conditions may necessitate Department Heads to make adjustments in these holiday observations.

C. Sick Leave

1. Police Department Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of 20 working days per year beginning one year after the date of employment. If unused, sick leave shall accumulate to a maximum of 60 days (A.C.A. 14-52-107). If, at the end of his/her term of service, upon retirement or death, whichever occurs first, any police officer with unused accumulated sick leave, he/she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed 60 days' salary (A.C.A. 14-52-107).
  
2. Non-Uniformed Employees
  - a. The city of Huntsville provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one working day per month. Any sick leave days accumulated which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of 60 days. An employee may be eligible for sick leave days for the following reasons:
    - personal illness or physical incapacity;
    - quarantine of an employee by a physician or health officer;
    - illness in the immediate family which would require the employee to take care of the family member(s);
    - medical, dental and optical visits.
  
  - b. An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employee's supervisor within two hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made. Employees who are absent more than three consecutive days due to unconfirmed illness may be required by the supervisor department head to submit a physician's statement. In case of an accident, surgery, or extended illness, the employee must furnish the department head with a doctor's release before returning to their regularly assigned positions. It shall be the responsibility of each department head to maintain accurate, updated records on the employees of their department. Employees will not be paid for accumulated sick leave upon termination of employment; except

upon retirement of a vested (vested in the city's retirement system) employee.

- c. An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to the employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

D. Annual Leave All full time non-uniformed employees having one full year of employment, upon the anniversary date of that employment with the city of Huntsville, shall be entitled to one week (40 hours) of paid vacation. At the end of two full years of employment this paid vacation will be increased to a period of two weeks (80 hours). When an employee completes 10 consecutive years with the city of Huntsville, he/she will receive three weeks (120 hours) of paid vacation. When an employee completes 20 or more consecutive years with the city of Huntsville, he/she will receive four weeks (160 hours) of paid vacation which will be the maximum vacation period. Any accumulated annual leave, not to exceed 20 days, will be treated as salary upon an employee's termination of employment with the city of Huntsville. Annual leave records will be maintained upon each employee by their respective supervisor. All employees will be expected to take one week of annual leave each year provided they have the accrued time on record. At no time, except during sick leave, will an employee be permitted to take three weeks continuous leave. Leave for personal reasons shall be carried as annual leave. Annual leave should be taken within the calendar year, if possible. An employee cannot accumulate more leave than he/she is entitled to on his or her anniversary date. Exception: It is mandatory that full time law enforcement personnel must have three weeks annual leave after one full year of employment. (Amended October 6, 1997).

E. Leave

1. Leave of absence Leave of absence without pay shall be at the discretion of the Department Head or Supervisor. Employee benefits will not accrue during this absence, and any insurance benefit must be paid by the employee. A written request covering the reason and purpose of a leave of absence must be submitted two weeks in advance. Each request shall be dealt with on its own merit.
2. Funeral or Bereavement Leave Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all city employees in cases of death or in the circumstances of death in the immediate family only. Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's

immediate family or those relatives who live in the employee's household including "step" relatives.

3. Court Duty Leave Employees will be granted leave with pay for witness or jury duty. Employees should turn over to the city of Huntsville all stipends received for jury or witness service. To qualify for jury or witness duty leave, employees should submit a copy of the summons or other relevant court related paperwork to his or her supervisor.
4. Maternity Leave. Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave will be granted for maternity use after which leave without pay must be used.
5. Uniformed Services Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. 4301 et seq., and in A.C.A. 21-4-102. It is the city's policy to honor and comply with the provisions of those statutes. In addition, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. (A.C.A. 21-4-102).

F. Family Medical Leave

1. The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:

The birth and care of the employee's child;

The placement of a child into an employee's family by adoption or by foster-care arrangement;

The care of an immediate family member (spouse, child or parent) who has a serious health condition; and

The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job.

2. The Federal Act requires that the city maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave. To be eligible for the FMLA benefits employees must:

Be employed by the city for at least one year;  
Have worked 1250 hours over the previous twelve (12) months preceding the leave request.

3. City employees must use vacation or accrued leave before FMLA leave will be granted. City employees are required to provide advance leave notice in writing, to the employee's supervisor (at least 30 days) when leave is foreseeable (such as childbirth, adoption or planned medical treatment, or as early as possible if the leave taken is not foreseeable 30 days in advance). Depending on each individual situation, the city may require a medical certification to support a request for FMLA leave because of a serious health condition and require a fitness for duty report to return to work.
4. The city understands that upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits and other employment terms. Furthermore, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

G. Employee Health Benefits. The city of Huntsville provides a group health plan for all its full-time employees. Detailed information on the policy and coverage should be given to the employee when the employee is hired. Additional information may be obtained from the police department secretary.

1. Occupational Injuries. All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required in order for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the break-room bulletin boards.
2. Accidental Injury. If any full-time employee is involved in an accident (not job connected) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

#### 2.48.03 Matters affecting the status of employees.

- A. Work Hours The city reserves the right to adjust and change hours of work, days of work and schedules in order to fulfill its responsibility to the citizens of the city of Huntsville. Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Mayor and Council. In the event of an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable. Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.
- B. Overtime In accordance with the Fair Labor Standards Act, non-exempt (other than bonafide executive, administrative or professional capacity) employees will be paid overtime at time and one-half their regular rate of pay for all hours actually worked over 40 in a single work week. Upon the direction or approval of the Department Head, compensation for overtime may be made in the form of compensatory leave to the employee.
- C. Inclement Weather If in the employee's opinion, conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisor "proper notice" if he or she is unable to report for work.
- D. Performance Evaluations An employee's performance will be evaluated by the supervisors after probation and on the employee's anniversary date. It should be noted that a performance evaluation does not necessarily mean a salary adjustment.
- E. Performance Evaluations An employee's performance will be evaluated by the supervisors after probation and on the employee's anniversary date. It should be noted that a performance evaluation does not necessarily mean a salary adjustment.
- F. Job Safety Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method. Unsafe conduct is misconduct. The following safety rules should always be observed:

- a. Follow all departmental safety rules;
- b. Use all mechanical safeguards on or for employee equipment;
- c. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head;
- d. Immediately report any unsafe or potentially unsafe working condition or equipment;
- e. Immediately report any and every accident to the supervisor or department head.

F. Resignation/Termination Employees desiring to terminate their employment relationship with the city of Huntsville are urged (but not required) to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments. Employees who plan to retire are urged to provide the city with a minimum of two (2) months notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled to commence in a timely manner. As mentioned elsewhere in this Handbook, all employment relationships with the city of Huntsville are on an at-will basis.

#### 2.48.04 Standards of Conduct.

##### A. Conduct

1. Employees of the city of Huntsville shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city. In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the city and further, one which generates the cooperation and approval of the public. Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he would like to be treated . . . with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized. When an employee is uncertain of the correct response he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.



2. An employee of the city of Huntsville is expected to accept certain responsibilities, adhere to acceptable principals in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others but also demands that both while at work and in their personal life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and/or the city. Whether an employee is on duty or off duty, his or her conduct reflects on the city. An employee is encouraged to observe the highest standards of professionalism at all times.

B. Uniforms and Personal Appearance Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Council. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees not required to wear uniforms should dress in appropriate professional departmental attire (i.e. no shorts, sleeveless attire, skirts or dresses above the knee). If an employee is not sure what is appropriate attire, then the employee should check with his supervisor or department head. City uniforms should not be worn during outside employment.

C. Unlawful Harassment.

1. The city of Huntsville expressly prohibits its officials or employees from engaging in any form of unlawful employee harassment based on race, religion, color, sex, national origin, age, disability or status as a veteran or special disabled veteran. Harassment may include any of the following:
  - a. Verbal abuse;
  - b. Interference with an employee's work;
  - c. Displaying or distributing sexually offensive, racist or other derogatory materials;
  - d. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
  - e. Intimate physical contact;
  - f. Making offensive sexual, racial or other derogatory innuendoes;
  - g. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
  
2. It is every employee's responsibility to insure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place: An employee should report harassment or suspected harassment to the department head. If the

department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command. This complaint should be made in writing. Any time an employee has knowledge of harassment he/she shall inform the department head in writing. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis. The city of Huntsville will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

D. Use of Narcotics, Alcohol and Tobacco. Employees of the city of Huntsville shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or being reported to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination. The City Administration Building was established as a smoke and tobacco free building by Ord. No. 94-3.

E. Drug-Free Workplace.

1. It is the policy of the city of Huntsville to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Huntsville or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the city.
2. Employees convicted of controlled substances or related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

F. Disciplinary Actions and Termination of Employment

1. Department heads handle disciplinary actions and termination of employment in their department.
2. Disciplinary Actions and Involuntary Termination:
  - a. Employees may be involuntarily suspended, demoted, or terminated due to:
    - Poor work performance
    - Poor attendance
    - Poor attitude
    - Unsatisfactory conduct or demeanor
    - Behavior and attitudes which negatively affect the work and morale of other employees
    - Illegal conduct
    - Sexual harassment
  - b. For most offenses, a written notice will be given to the employee. An employee must indicate that he has received a copy of the notice by signing the notice.
  - c. An employee may be terminated for repeat offenses.
  - d. The city reserves the right to terminate any employee at any time.
  - e. If the City Council overturns a termination and employment is reinstated, the employee may be reimbursed for back pay and benefits.
  - f. Disciplinary documentation will be made a part of the employee's personnel file.
  - g. Reduction in force: Should a position be eliminated because of financial or other considerations resulting in a reduction in force, the City Council will endeavor to give every affected employee at least one month notice.
3. Resignation: Employees may terminate their employment by submitting a written resignation to their immediate supervisor. All employees are expected to give a two-week notice.

4. Sexual Harassment: Employees that have supervisory responsibility will be alert to the potential problem of sexual harassment among city employees. Supervisors will not hesitate to confront employees about sexual harassment problems. When a supervisor receives a formal or informal complaint about sexual harassment, the supervisor will investigate immediately. Activities considered of a sexual harassment nature are: sexual advances, request for sexual favors, sexually explicit language, jokes, etc. The supervisors and the City Council will not tolerate these activities.
5. Grievances: Any aggrieved employee shall first seek redress for any action in violation of policies with their immediate supervisor. A request must be made within three working days. If a satisfactory resolution cannot be agreed at this level, the employee may file a written grievance with the Mayor within three working days. If the employee feels that his grievance still has not been addressed properly, he will be allowed to discuss his concerns with the City Council during their next regularly scheduled meeting.

#### 2.48.05 Miscellaneous

- A. Vehicle identification All city owned vehicles shall be identified by door decals.
- B. Restricted Use of City Vehicles
  1. Any employee of the city of Huntsville who uses a city-owned vehicle to travel to and from their job will be limited to a radius of nine miles from their office.
  2. All city owned and operated vehicles and equipment must follow strict insurance requirements in regard to all occupants.
- C. Miscellaneous Information Should any of the provisions of these employee policies and procedures be determined to be contrary to federal, state or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect. To the extent that any law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

#### 2.48.06 Drug-Free Workplace Policy

- A. Purpose The city has a vital interest in providing for the safety and well-being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol free workplace.

The city and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the city has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

- B. Policy All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. (Ord. No. 2008-7, Secs. 1-2.)

## **CHAPTER 2.52**

### **INDEMNIFICATION OF CITY OFFICIALS**

#### **Sections:**

#### **2.52.01 Indemnification**

**2.52.01 Indemnification** Where the Mayor, members of the City Council, City Attorney, City Clerk, or any appointee of the Mayor or any member of the City Council, has acted in his or her official capacity, the city shall indemnify the Mayor, member of City Council, City Attorney, City Clerk, or any appointee of the Mayor or member of the City Council who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding by reason of the fact that the person is or was the Mayor, member of the City Council, City Attorney, City Clerk, or any appointee of the Mayor or any member of the City Council, of the city. Under this indemnification, the city shall pay all expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the city. Such indemnification by the city shall apply to any action or proceeding, if the indemnified person had no reasonable cause to believe his or her conduct was unlawful, and any act or omission within the scope of the office or employment. (Ord. No. 99-1, Sec. 1.)