

TITLE 2
CLASSIFICATION, ADMINISTRATION
AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 Ward Boundaries
- 2.12 City Council
- 2.10 Mayor
- 2.14 City Clerk
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- 2.17 City Attorney
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- 2.40 Policy for Drug-Free Workplace
- 2.44 Deferred Compensation Plan

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city From and after the passage of this ordinance, the city of Ward, Arkansas, shall be a first class city, as provided by the laws of the state of Arkansas, and shall have all of the rights, powers, privileges and duties provided for cities of the first class under the laws of the state of Arkansas. (Ord. No. 0-0998, Sec. 1.)

CHAPTER 2.08

WARD BOUNDARIES

Sections:

2.08.01	Wards
2.08.02	Changes
2.08.03	Certified copy

2.08.01 Wards The ward redistricting map (attached), be hereby adopted; with said map to serve thereafter as the Official Ward Map for the City of Ward. (Ord. No. 2021-13, Sec. 1.)

2.08.02 Changes These changes shall take effect with the 2022 election. Cycle. (Ord. No. 2021-13, Sec. 2.)

2.08.03 Certified copy That the Ward City Clerk will ensure a certified copy of the Official Ward Map for the City of Ward, Arkansas, shall be submit to the Lonoke County Election Commission and Lonoke County Clerk via certified U.S. Mail. (Ord. No. 2021-13, Sec. 3.)

CHAPTER 2.10

MAYOR

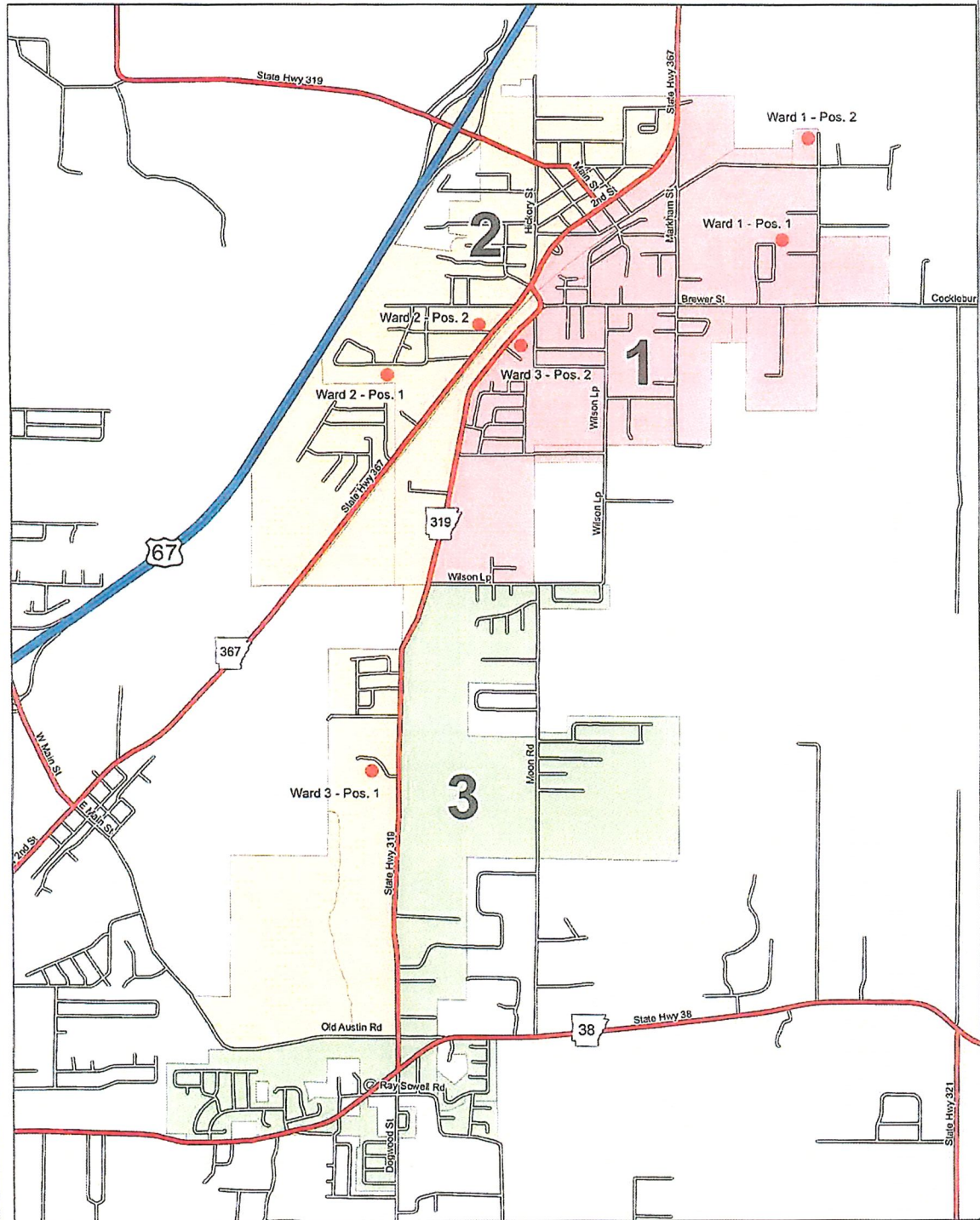
Sections:

2.10.01	Powers and duties
2.10.02	Other duties
2.10.03	Salary

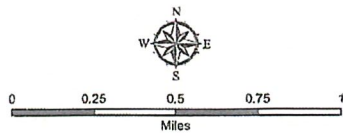
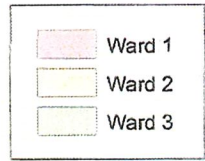
2.10.01 Powers and duties Arkansas Code Annotated (A.C.A.) § 14-43-504 establishes the powers and duties of the office of the mayor. (Ord. No. 2021-02, Sec. 1.)

2.12.02 Other duties That in addition to the powers and duties specifically established by A.C.A § 14-43-504, the Mayor shall perform those duties established by A.C.A. 14-43-504 as may be amended, as well as any other state statutes providing for powers and duties of mayors in municipalities generally and/or cities of the first class, and those powers and duties provided for in Ordinances, validly existing now or in the future, passed by the City Council of the City of Ward, Arkansas. (Ord. No. 2021-02, Sec. 2.)

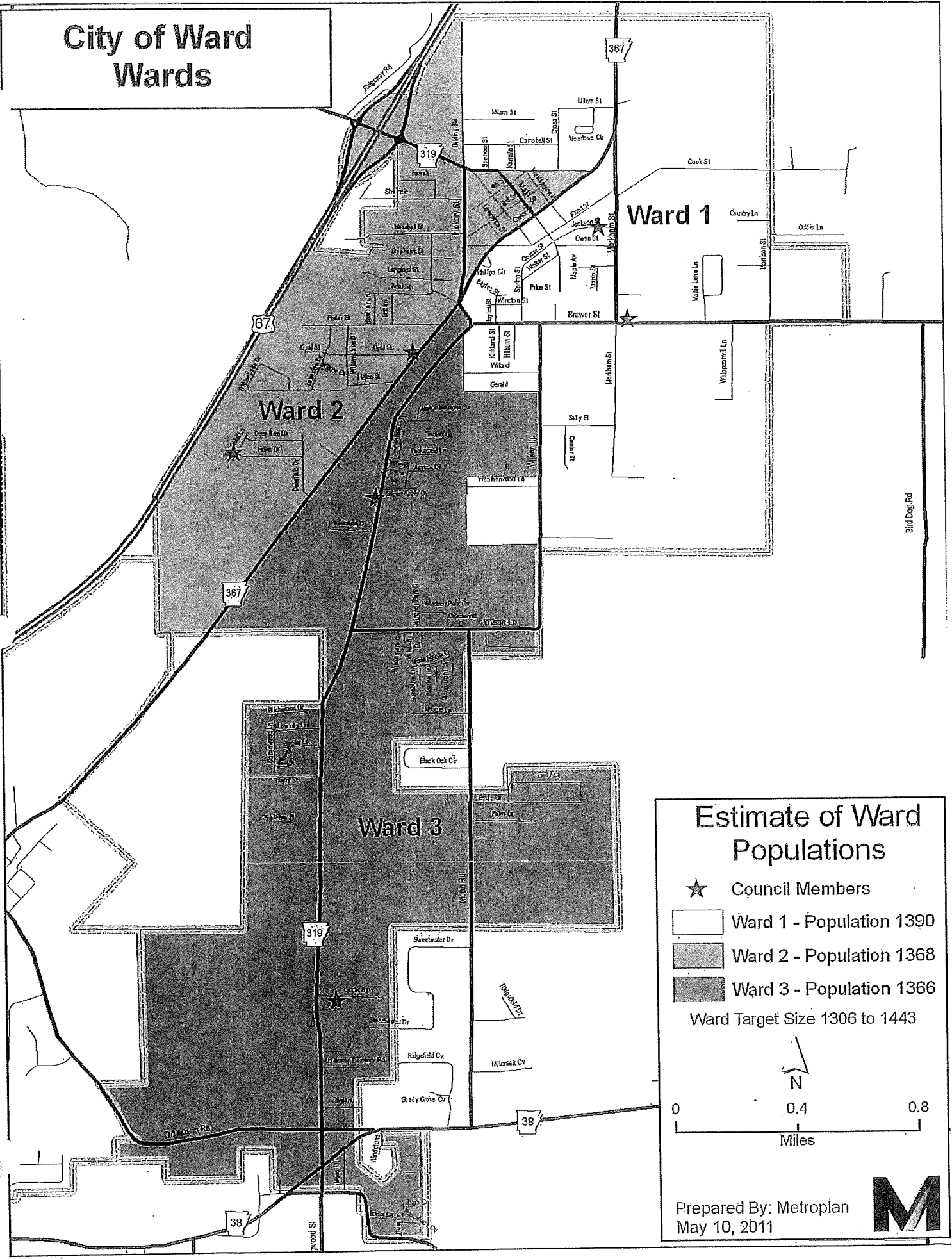
WARD REDISTRICTING 2021



Ward	Total Population	White Alone	Non-Hispanic White	Black Alone	Hispanic/Latino
1	2,053	1,780	1,712	26	66
2	2,067	1,800	1,775	34	79
3	1,912	1,751	1,713	38	67

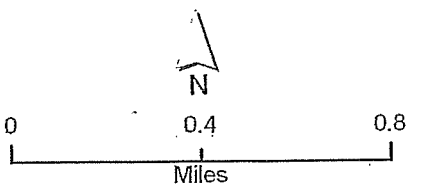


City of Ward Wards



Estimate of Ward Populations

- ★ Council Members
 - Ward 1 - Population 1390
 - ▒ Ward 2 - Population 1368
 - Ward 3 - Population 1366
- Ward Target Size 1306 to 1443



Prepared By: Metroplan
May 10, 2011



2.12.03 Salary The Mayor shall receive a salary of thirty-nine thousand five hundred dollars and no/100 (\$39,500.00) per year for the full and satisfactory completion of the duties and responsibilities established herein. Effective date is March 18th, 2021. (Ord. No. 2021-02, Sec. 3.)

CHAPTER 2.12

CITY COUNCIL

Sections:

- 2.12.01 City Council Meetings
- 2.12.02 Meeting Order
- 2.12.03 Agenda
- 2.12.04 Committees
- 2.12.05 Seating
- 2.12.06 Conduct
- 2.12.07 Conflict of Interest for Members and Officials
- 2.12.08 Social Media Policy
- 2.12.09 Vacancy of a City Council Member
- 2.12.10 Public Comments

2.12.01 City Council Meetings

- a. **Regular:** The City Council shall meet in regular session on the 3rd Monday of each month at 6:30 pm in the City Council/Court Room unless otherwise announced.
- b. **Special:** Special Meetings may be called by three or more members of the City Council or by the Mayor. The press, according to the Freedom of Information Act (FOIA), must be notified of Special Meeting, including specific item(s) to be considered, at least 2-hours prior to the meeting. Council members shall be notified by telephone and email at least 2-hours prior to the meeting or during the meeting.
- c. **Executive:** An Executive Session may be requested by any member of the Council or the Mayor. A majority vote of the Council is required to convene an Executive Session. Executive Sessions may only be called for the purpose of considering personnel action or to discuss security of the city's water and wastewater system. Executive Sessions will be conducted in the Mayor's Office unless otherwise stated.
- d. **Quorum:** Each Council meeting requires a Quorum to conduct City business. A.C.A. 14-43-501. The Mayor may be counted to establish a Quorum.

- e. **Voting:** Each Council member present must be afforded the opportunity to vote on any business requiring a vote. The Mayor may cast a vote if needed to pass an Ordinance, Resolution, or other action. The Mayor may not vote to pass the Emergency Clause. Passage of an Ordinance or Resolution requires a Roll-Call vote in which each Council member is called upon to vocalize their vote individually as called by the City Clerk. An affirmative Yes or Yea, No or Nay, or by announcing they abstain¹ from voting, is required. To ensure fairness, the order of vote will rotate among the members to ensure the same members do not vote first or last each time. Other measures and/or action requiring a vote, may be done so by voice-vote only. The Mayor or any Council member may request a Roll-Call vote for any measure/action being voted upon. (Ord. No. 2021-01)
- f. **Canceling or Postponing Council Meetings**
- a. The Mayor is authorized to cancel or postpone any Regular and Special City Council meeting without prior approval of the City Council because circumstances would prevent the meeting from being held, or for the safety and well-being of all.
- b. The Mayor (or designee) shall notify all council members and the local press representative as soon as possible after the decision has been made with the reason for the cancelation or postponement and the date/time of the makeup meeting (if any). Notification may be via any normal means available (i.e. phone, cell phone, text, email, in person, etc.).
- c. The Mayor (or designee) shall also make notification to the general public via any city social media and website site available.(Ord. No. 2021-01)
- g. **Virtual Meetings**
- i. If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, it may become necessary to hold City Council (and other public meetings) virtually utilizing electronic means. "Electronic Means" shall be defined as by a telephone, cell phone, electronic tablet, computer, or other electric device which allows video calls or chat that provides evidence of the communication and is recordable and audible to all parties participating in or attending or viewing the meeting. Virtual Meeting are the EXCEPTION and must only be utilized during times of declared emergencies.
- ii. Freedom of Information Act (FOIA) Requirements: All current FOIA requirements must be adhered to.

¹ Any member abstaining must state their reasons for abstain (i.e. conflict of interest, etc.)

- iii. Physical Presence at Meetings Required:
 - 1. The Mayor, City Clerk, and City Attorney, if possible, should be physically present at place where the meeting is to be held.
 - 2. Council Members should also be physically present, if possible. If not possible to physically attend, Council Members are entitled to participate in the meeting via electronic means including discussion, debating, and voting as if they were physically present at the meeting.
- iv. Public Participation:
 - 1. Allowing the public to attend and participate in Public Meetings is not only required by current FOIA laws, it is a hallmark of our governance. To the extent possible, virtual Public Meetings must be open to the public
 - 2. A means for the public to participate will be announced via social media and other outlets as soon as possible.
 - a. Means for the public to participate may include but not be limited to, live streaming the meeting and/or creating an audio conference call.
 - b. Anyone wishing to be heard directly on a non-agenda item must email, text or otherwise contact the City Clerk no later than 30-minute prior to the start of the meeting. The City Clerk may be contacted at 501-259-1273 or via email at cityclerk@cityofward.com
 - c. Anyone wishing to comment on a Resolution or Ordinance DURING THE MEETING, may call, text, or email the City Clerk as noted above. Adequate time will be allowed to receive comments.
 - d. Ordinance 2021-01, Attachment 1, Paragraph 9 applies.
 - v. The policies and procedures concerning Virtual Meetings expire when the declared emergency has ended, been repealed, or is allowed to expire by order of the Governor.

2.12.02 Meeting Order

- a. Regular:
 - i. Call to Order
 - ii. Prayer
 - iii. Pledge of Allegiance
 - iv. Roll Call

- v. Approval of Prior Council Meeting Minutes
 - vi. Approval of Department Reports
 - vii. Special Reports (if provided)
 - viii. Old Business
 - ix. New Business
 - x. Mayor's Report
 - xi. Public Comment on Non-Agenda Items
 - xii. Announcements
 - xiii. Adjournment
- b. Special:
- i. Call to Order
 - ii. Prayer
 - iii. Pledge of Allegiance
 - iv. Roll Call
 - v. item(s) needed to be discussed
 - vi. Announcements
 - vii. Adjournment

2.12.03 Agenda The City Clerk, in conjunction with the Mayor, is responsible for developing and distributing the agenda

- a. All items, (i.e., reports, communications, ordinances, resolutions, contract documents, etc.) or other matters requiring Council consideration or action should be delivered to the City Clerk prior to 4:30 pm on Friday at least fourteen (14) days before a regular Council meeting. Reports and the like delivered to the City Clerk after the deadline, will be distributed as soon as possible.
- b. The City Clerk will then assemble all appropriate documents and provide same to each City Council member via electronic means and/or cause them to be hand delivered at least seven (7) days before a regular scheduled council meeting. Reports and the like delivered to the City Clerk after the deadline, will be distributed as soon as possible.
- c. All items which need to be presented to the Council after the deadline (paragraph 3a) has passed, must be approved by the Mayor. Amended agenda and items submitted should be distributed as noted above as soon as possible to include the day of the meeting.

2.12.04 Committees As needed, Ad hoc committees will be established and appointed by the Mayor or by a majority of the City Council to study special problems and projects of the city. There are no Standing Committees.

2.12.05 Seating Members shall occupy the respective seats as assigned by the City Clerk and approved by the Mayor.

2.12.06 Conduct All members of the Governing Body to include the City Clerk, shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Council, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statement as to motives and personalities. Council Members shall confine their questions as to the particular matters before the Council and in debate shall confine their remarks to the issues before the Council.

2.12.07 Conflict of Interest for Members and Officials Per Resolution R-2016-01, each City Council Member and Official must sign the City's Conflict of Interest Policy for Members and Officials upon commencement of employment, election, or appointment acknowledging they have read, understand, that they and follow the terms of the Policy.

2.12.08 Social Media Policy Elected and appointed members of the Governing Body, the Mayor and the City Clerk are asked to read and sign the city's social media policy which is contained in the City of Ward Employee's Handbook, Attachment 2. Signing the Policy is a simple acknowledgement of the Policy as elected and appointed members are not subject to disciplinary actions outlined in the Policy.

2.12.09 Vacancy of a City Council Member

- a. Vacancies will be filled according to applicable State Law.
- b. Members of the public who wish to apply, must live within the Ward where the vacancy occurred, be eligible to take office, fill out an Affidavit of Eligibility. Affidavits of Eligibility must be provided to the City Clerk not later than 12:00 noon the day of the next regular scheduled Council meeting. The City Clerk, in turn, will compile a package of eligible candidates and provide same to each remaining Council Member upon their arrival at the meeting.

2.12.10 Public Comments It is the policy of the Ward City Council to allow Public Comment during City Council Meetings as noted below. All speakers must address the Council at the microphone provided and must identify themselves for the record.

- a. **Agenda Items:**
 - i. The Mayor will offer comments from the Public after the Council has discussed each Ordinance or Resolution and before the Council votes.
 - ii. Members of the public will have three (3) minutes in which to state their views. The Governing Body is not required to engage in conversation with the speaker.
- b. **Non-Agenda Items:**
 - i. If a member of the public wishes to speak to the Council on any subject, they must sign up with the City Clerk before the start of the Council meeting.

- ii. Members of the public will have three (3) minutes in which to state their views. The Governing Body is not required to engage in conversation with the speaker
- c. **Courtesy and Respect:** All members of the public, all city staff members and employees, and all elected and appointed officials shall afford the upmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to the integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor and must immediately cease speaking and return to their seat. Any outbursts, derogatory comments, and such by the public sitting in the audience may result in that individual(s) being asked to leave the Council proceeding. Failure to leave after being asked may be grounds for the Ward Police to intervene. (Ord. O-2021-01, Attachment 1)

CHAPTER 2.14

CITY CLERK

Sections:

- 2.14.01 Duties
- 2.14.02 Salary

2.14.01 Duties The duties and responsibilities of the City Clerk for the City of Ward, Arkansas are defined, established and set forth by state statute. Arkansas Code Annotated 14-43-506 currently defines those duties. (Ord. No. O-2018-04, Sec. 3)

That in addition to the duties and responsibilities specifically established by statute, the City Clerk shall perform the following duties:

1. Arranging the publication of official duties such as ordinances, requests for bids, notice of hearings, elections, and so;
2. Perform the functions of a magistrate during the disability or absence of the Mayor, with all the power and jurisdiction of the Mayor, and to all intents and purposes whatever. (Ord. No. O-2018, Sec. 4)

2.14.02 Salary That the City Clerk shall receive a salary of eighteen thousand dollars and no/100 (\$18,000.00) per year for the full and satisfactory completion of the duties and responsibilities established herein. (Ord. No. O-2018, Sec. 5)

CHAPTER 2.16

CITY TREASURER

Sections:

- 2.16.01 Offices separated
2.16.02 Duties

2.16.01 Offices separated That the offices of City Clerk and City Treasurer shall be two (2) separate offices. (Ord. No. 2018-4, Sec. 2)

2.16.02 Duties The duties and responsibilities of the City Treasurer for the City of Ward, Arkansas are defined, established and set forth by state statute. Arkansas Code Annotated 14-43-507 currently defines those duties. The duties of the City Treasurer shall be performed by the City Finance Director. (Ord. No. O-2018-4, Sec. 6)

- A. Have the custody of all the laws and ordinances of the city;
- B. Keep a regular and correct journal of the proceedings of the City Council;
- C. Arranging the publication of official duties such as request for bids, conducting of public hearings, ordinances elections, and so;
- D. Perform the functions of a magistrate during the disability or absence of the Mayor, with all the power and jurisdiction of the Mayor, to all intents and purposes whatever. (Ord. No. 96-1, Sec. 1.)

2.16.03 Salary The Recorder/Treasurer shall receive the salary as Recorder/Treasurer of One Hundred Fifty Dollars (\$150.00) per month. (Ord. No. 0-0196, Sec. 3.)

CHAPTER 2.17

CITY ATTORNEY

Sections:

- 2.17.01 Appointment

2.17.01 Appointment Pursuant to Arkansas Code Annotated 14-43-319, the office of the City Attorney of the City of Ward shall be appointed by the Mayor of the City of Ward, Arkansas, with the approval of the City Council of the City of Ward. (Ord. No. 2016-09, Sec. 1.)

CHAPTER 2.20

VOLUNTEER FIRE DEPARTMENT

Sections:

2.20.01	Establishment
2.20.02	Fire Chief
2.20.03	Organization
2.20.04	Fine
2.20.05	Volunteer Members

2.20.01 Establishment The Governing Body of the City of Ward, having established a fire department in 1989¹ as the City of Ward Volunteer Fire Department (WFD or Department) hereby affirms that action;

2.20.02 Fire Chief

- a. APPOINTMENT: A.C.A. 14-42-110 gives the Mayor the sole authority to appoint or remove the Fire Chief. The city council may override the Mayor's action with two-thirds votes of all the council members.
- b. DUTIES: The duties of the Fire Chief are outlined the job description maintained in the Human Relations Department.
- c. ADMINISTRATION: The Fire Chief shall ensure the necessary documents to properly manage the Department are developed and published. These included but are not limited to By-Laws (approved by city council), Standing Operating Guides, Standing Operating Procedures and the like.

2.20.03 Organization

- a. The Fire Chief shall be a full-time appointment. Additional full or part-time members shall be determined by the Mayor and approved and budgeted for by the City Council.
- b. WFD shall consist of no more than 25 volunteer members not including the Fire Chief.
- c. WFD Officers shall consist of the following.
 - a. Fire Chief
 - b. Assistant Chief

¹ Ward Ordinance CF-4-89

- c. Captains (as needed)
 - i. Station 1
 - ii. Station 2
 - iii. Station 3
- d. Lieutenants {as needed)
 - i. Training
 - 1. Fire
 - 2. EMS
 - ii. Safety
- e. Secretary (as needed)

2.20.05 Volunteer Members

- a. Must live within the boundaries of the WFD Fire District unless they are also a full-time employee of the City of Ward.
- b. Must be at least 18 years of age.
- c. Must have and maintain a valid Arkansas driver’s license. Exception: Active duty military personnel are authorized to utilize their home state/home of record driver’s license in lieu of having an Arkansas driver’s license.
- d. Must attend necessary training and be certified as prescribed by the State of Arkansas and WFD By-Laws.
- e. Must attend at least one (1) meetings and three (3) fire/rescue calls per month to maintain status as a member.
- f. Members not meeting the training, certification, or attendance requirements may be dismissed from the Department as the discretion of the Fire Chief.
- g. Members are appointed to the Department as outlined in the Department's By-laws.
(Ord. No. 2021-10, Secs. 1, 2 & 3)

CHAPTER 2.24

POLICE DEPARTMENT

Sections:

- 2.24.01 Established
- 2.24.02 Police Chief
- 2.24.03 Duties

2.24.04	Compensation and vacation
2.24.05	Court costs
2.24.06	Racial/bias profiling
2.24.07	Policies and Procedures Manual
2.24.08	Sale of vehicles

2.24.01 Established That in addition to the powers and duties specifically established by A.C.A. § 14-43-504, the Mayor shall perform those duties established by A.C.A. 14-43-504 as may be amended, as well as any other state statutes providing for powers and duties of mayors in municipalities generally and/or cities of the first class, and those powers and duties provided for in Ordinances, validly existing now or in the future, passed by the City Council of the City of Ward, Arkansas. (Ord. No. 2021-04, Sec. 1.)

2.24.02 Police Chief

a. APPOINTMENT: A.C.A. 14-42-110 gives the Mayor the sole authority to power to appoint or remove the Police Chief. The city council may override the Mayor's action with two-thirds votes of all the council members.

2.24.03 Duties A.C.A. 14-52-202 outlines the powers and duties of Police Chiefs. The Police Chief has the authority, with the Mayor's approval, to organize the police department to best serve the needs of the city.

The duties and powers of the Police Chief are as the head of the department and the Police Chief shall be fully responsible for the operation and the equipment of the department. He shall execute all process to him directed by the Mayor and shall, by himself or someone of the police force, to attend on the sitting of the Mayor's Court to execute its orders and preserve order therein. He shall be responsible for the preservation of the peace in the city of Ward, to secure the citizens thereof from personal violence and their property from fire and other lawful depredations. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of city funds therein. He shall attend the first Council meeting of the month and make his monthly report to the City Council concerning the operations and equipment of the department, and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such as are fixed by the laws of the state and ordinances of the city. (Ord. No. C-1-87, Sec. 3. As Amended by Ord. No. 2021-04, Sec. 2)

2.24.04 Compensation and vacation The rate of pay for members of the Police Department shall be determined by the City Council, from time to time, and the amount of vacation, leave time and sick leave, shall be determined by the City Council, from time to time. (Ord. No. C-1-87, Sec. 4.)

2.24.05 Court costs

- A. The sum of Two Dollars and Fifty Cents (\$2.50) shall be collected in each case for which court costs are assessed by the presiding judge in the City Court.
- B. This ordinance shall be in full force and effect retroactive to July 1, 1989. (Ord. No. C-1-92, Secs. 1-2.)

2.24.06 Racial/bias profilingA. Purpose

- 1. Members of this law enforcement agency shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin or religion (note that other statements may be included in your policy as deemed appropriate by the particular law enforcement agency; these include but are not limited to, color, creed, gender, age, sexual orientation, disability or any other belief system).
- 2. This policy serves to
 - a. Reaffirm this law enforcement agency's commitment to unbiased law enforcement practices,
 - b. Further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and
 - c. Reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion. (Ord. No. 2004-2, Sec. 1.)

B. Prohibition and prevention of racial/bias profiling

- 1. Law enforcement officers of this agency shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity as defined by this policy.
- 2. It shall be the policy of this law enforcement agency that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the United States and Arkansas Constitutions as well as federal and state law.
- 3. Law enforcement officers of this agency shall be prohibited from utilizing race, ethnicity, national origin or religion as the sole factors in making law

enforcement decisions, except to determine whether a person matches the description of a particular suspect.

C. Definitions

Probable cause means that set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed is threatening or is about to commit some criminal violation of the law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

Racial profiling means the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

Reasonable belief means a belief based on reasonable cause to believe. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

Reasonable cause to believe means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

Reasonable suspicion means a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion, that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

D. Field officer responsibilities

1. Members of this law enforcement agency, whether sworn, civilian, or

volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.

2. Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.
3. Upon initial contact, and when feasible and reasonable to do so, each law enforcement officer shall provide his or her full name, written identification, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information again when feasible and reasonable to do so.
4. When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a citation.
5. In an effort to minimize conflict during interactions with accused violators when stopping and or detaining persons, it is recommended that officers attempt, where feasible and reasonable, to:
 - a. Extend a customary greeting to each person such as: Good morning, afternoon or evening.
 - b. Identify themselves by name. For instances: I am Officer Smith of the city of Ward Police Department.
 - c. Explain the reason for the stop or detention: I stopped you because _____.
 - d. Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.
 - e. Politely ask for identification and any required documents: May I please see your driver's license, registration, and proof of motor vehicle insurance?
 - f. Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as pay a fine, obtain a court hearing, etc.

- g. Extend a departing pleasantry such as: Please drive safely or thank you for your cooperation.
- h. Make sure the driver is able to merge safely back into traffic.
- i. Remain courteous and project a professional demeanor during the interview, questioning or contact.
- j. Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/bias-related profiling, including but not limited to racial slurs or derogatory references about a minority group.
- k. Officers shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

E. Supervisor responsibilities

1. Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures herein.
2. Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.
 - a. If the complaint is not resolved, and forms have not already been filled out, the supervisor shall offer to provide the complainant a Citizen Complaint Form. If the supervisor arrives at the scene of the allegation, then she/he shall provide a Citizen complaint Form and collect the mobile video/audio recording (MVR) tape, if applicable, from the field officer.
 - b. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy and in particular the investigative process.
3. Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
 - a. Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the

agency head or his or her designee or to the Internal Affairs, Unit, if applicable. Written reports shall be completed within twenty-four (24) hours of filing by complainant.

- b. Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR Tape, if applicable.
 - (1) Each supervisor shall maintain a copy of the MVR tape, if applicable, and written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.
 - (2) The written MVR Tape Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the agency head or his or her designee or the Internal Affairs Unit for investigation.

F. Allegation of biased law enforcement practices

- 1. When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advisement on the situation.
 - a. When practical to do so, the supervisor shall report to the scene to mediate the situation.
 - b. Field officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact name and telephone number of the agency head or his or her designee, or the supervisor of the Internal Affairs Unit, if applicable.
 - c. Field officers shall complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her supervisor.
- 2. Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- 3. All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner.

G. Review and reporting requirements

1. Management of this law enforcement agency shall implement a systematic review process to generate quarterly analyses of the statistical information collected from the Citizen Complaint Form.
2. These analyses shall identify allegations specific to biased law enforcement practices.
3. If a pattern is identified, the agency head or his or her designee or the Internal Affairs Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and/or other department policies and procedures.
4. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner.

H. Documentation and record keeping

1. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:
 - a. A physical description of each person detained as a result of the stop, including:
 - (1) The person's gender; and
 - (2) The person's race or ethnicity.
 - b. The traffic law or ordinance alleged to have been violated or the suspected offense;
 - c. Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
 - d. Whether any contraband was discovered in the course of the search and the type of contraband discovered;
 - e. Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

- f. The street address or approximate location of the stop;
 - g. The date and time of the stop; and
 - h. Whether the officer issued a warning or a citation as a result of the stop.
2. Every year, no later than April 1, this law enforcement agency will compile the above information relating to the race/ethnicity of individuals stopped.
 3. The information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/or percentage categories of ethnicity, stops, reasons for the stops, searches resulting from the stops, disposition of the stops, and the duration of the stops.
 4. This law enforcement agency shall also compile data on individual officers to be used in evaluation and as an early warning system for possible racial/bias profiling.
 5. The data and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights or of state or federal law.
- I. Training Training in compliance with A.C.A. 12-12-1404 and regarding this policy. This training shall include:
1. Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
 2. Annual in-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
 3. Input from those classes of persons identified in the agency policy in development of curriculum; and
 4. Specific lesson plans for patrol officers, supervisors, etc.;
 5. A review of the agencies' operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy, and

6. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.

J. Communication to the community of this policy

1. This law enforcement agency shall be responsible for providing public information relating to the agency's efforts to comply with government mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not limited to, any of the following:
 - a. Pamphlets developed by the agency;
 - b. Public service announcements concerning this policy and additional outreach efforts on local radio stations, television stations and local newspapers;
 - c. Community meetings and public forums in which bias/racial profiling is discussed, and
 - d. News/press releases.
2. Where appropriate to meet the goals of this policy, communication of this policy with the community shall be available in English and in Spanish.

K. Retaliation

1. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents
2. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to dismissal

- L. Use of mobile video/audio recording MVR equipment If MVR equipment is available within the law enforcement agency, please refer to Section 100.0, the Use of Mobile Video and Audio Recording Equipment in Vehicles. (Ord. No. 2004-2, Secs. 1-11.)

2.24.07 Policies and Procedures Manual

- A. The Policies and Procedures Manual which is attached hereto and marked as "Exhibit A" for the City of Ward, Arkansas Police Department and the same are

hereby adopted as the official Policies and Procedures Manual for the Police Department and each of its members.

- B. The current Policies and Procedures Manual and any and all amendments are hereby repealed to the extent that they conflict with these new Policies and Procedures.
- C. That each newly hired Police officer and those authorized to carry a firearm as part of their official duties (i.e. Probation Officer, Code Enforcement Officer, and Fire Marshall) must read and acknowledge the PD Manual before assuming office unless under the direct supervision of a certified Field Training Officer (FTO). If under the supervision of an FTO, the PD Manual must be read and acknowledged within 30 days of employment or upon release from the FTO, whichever is sooner.
- D. That each officer or those authorized to carry a firearm as a part of their official duties, must reread and acknowledge same annually on or about their anniversary date with the city.
- E. That the Mayor and Chief of Police are hereby authorized to enact temporary and interim regulations amending and updating the said Policies and Procedures Manual for the City of Ward, Arkansas Police Department to conform with legislative changes, court rulings and administrative requirements. Any temporary and interim regulations shall be effective for a period not to exceed one hundred eighty (180) days, at which time said regulations shall be submitted to, and approved by, the City of Ward, Arkansas, legislative body, with the said Policies and Procedures Manual being amended with a process similar to its original enactment

(Ord. No. 2021-11, Secs. 1-5)

2.24.08 Sale of vehicles

- A. The sale of a vehicle that is held by the city of Ward, Arkansas, on city-owned property may be deferred pursuant to A.C.A. 27-50-1209 and used for law enforcement purposes.
- B. Determination of deferral for law enforcement purposes shall be the responsibility of the Mayor and/or Chief of Police and shall be done only after the city has complied with the notice and time frame provision of applicable state statute(s).
- C. In declaring a vehicle to be used for law enforcement purposes under this section, the Mayor and/or Chief shall fully and properly identify the vehicle to be used by the city and shall declare a future date to publicly sale the vehicle pursuant to

applicable state statute. The future public sale shall comply with the requirements of state law. (Ord. No. 2012-2, Secs. 1-1.)

Catastrophic Sick Leave Program is hereby established by reference as Attachment 4 of the Personnel Handbook.

The Catastrophic Sick Leave Bank Program provides paid leave to City employees when the employee or an immediate family member requiring their care face a catastrophic illness and the employee would otherwise go on leave without pay. Employees enroll in the Catastrophic Sick Leave Program voluntarily by donating earned sick leave to a pool of leave for use by other eligible employees.

Regular full-time City employees must meet the following minimum requirements to be eligible for Catastrophic Leave:

- Provide a certification from a physician documenting a medical condition requiring leave for a prolonged period of time for the employee or employee's immediate family member (spouse, parent, or child).
- Participate in the catastrophic leave bank program including enrollment and the minimum contribution of eight hours.
- A minimum of one year of service as a full-time employee.
- Already submitted all FMLA paperwork to cover the employee's extended leave of absence.
- A minimum accrual of 80 hours (vacation and sick combined) at the beginning of the illness.
- Employees must be, or reasonable expected to be, on leave without pay status;
- A letter must be provided from the employee's Department Head regarding any history of leave of abuse.
- Employees must be enrolled for six-months prior to eligibility.

The Human Resources Director holds the responsibility to maintain the balance of the Catastrophic Leave pool and report it to the Catastrophic Leave Committee as requested.

Employees may not receive leave from the Catastrophic Leave bank while on a Workers Compensation injury.

Catastrophic Leave Committee

A committee made up of four (4) participants in the Catastrophic Leave Bank Program will be appointed by the Human Resource Director to review all requests and determine whether to grant Catastrophic Leave. If one of the four (4) participants cannot make the meeting, the Human Resources Director will appoint another member of the program for that particular request. The City Attorney will also serve as a voting member of the Catastrophic Leave Committee. The Human Resources Director will not vote in any decision. Leave granted may not exceed the latter of

- The date the employee or family member is released to duty (full or modified) by the treating physician; or
- The date of eligibility for disability benefits. Catastrophic leave cannot be awarded retroactively. The maximum award permitted is six (6) months in any two (2) year period beginning from the initial use of catastrophic leave. Applications for Catastrophic Leave will be reviewed on a first-filed, first considered basis. Catastrophic Leave, which would result in a negative balance of the City's Catastrophic Leave Bank, will not be approved.

Donations to the Catastrophic Sick Leave Program

Upon enrollment, employees will contribute eight (8) hours of sick leave to join the program. After enrollment, an annual four (4)-hour contribution will be automatically deducted from accrued sick leave at the end of each December. Additionally, enrolled employees may donate up to 12 additional sick hours at any time during the year so long as their annual contribution is no more than 16 hours total. Employees may NOT donate vacation leave at any point nor may employees donate any time that will be forfeited at the end of the year due to maximum carryover rules. Employees will not be required to make an annual donation for up to six (6) months after their illness or injury. Donations to the Catastrophic Leave Program are not tax deductible. Participation will continue until the participating employee requests termination of participation in writing. Enrollment and Catastrophic Leave Request forms are available from the Human Resources Department.

In the event that for any reason an employee who is a member of the Catastrophic Sick Leave Program is terminated, resigns, leaves, or retires from the City, he/she may not donate remaining sick or any type of leave to the program.

Requesting Catastrophic Leave

A participating employee who has exhausted all available leave time and who presents documentation of the ongoing illness from the treating physician may request leave time from the Catastrophic Leave Program. Employees or their designees must file the following documents: Recipient Application and Physicians Certificate. Forms should be presented to the Human Resources Director in time for review and consideration before an employee goes on leave without pay. Catastrophic Leave Forms are available from the Human Resources Department. Any unused Catastrophic Leave will be returned to the program in the event the employee is terminated, retires, or returns to work prior to the expiration of the previously approved Catastrophic Leave Period. (Ord. No. 2020-08, Attachment 4)

Add the following to page 3 of the Personnel Handbook

- 5.16 Selling Unused Vacation Time, Page 30
 - a. Unused vacation time may be sold back to the city at any time at 4 hour increments after the employee has been employed full-time for a minimum of two (2) years.
 - b. To request to sell back unused vacation time:
 - 1) Obtain and fill out the request form provided by Human Resources (HR).
 - 2) Form must be approved by the Supervisor, Department Head, and Mayor.
 - 3) All necessary taxes, etc. will be deducted as required by law.
- 5.17 Donating Unused Vacation Time to Another Employee, Page 30
 - a. Unused vacation time may be donated to another full-time employee
 - b. The person donating may donate any or all of their accrued vacation time in 1 hour increments.
 - c. The person receiving the donation does not otherwise have to be eligible for vacation time (i.e. just recently hired); however, the person receiving the donated vacation time must be a full-time employee at the time of the donation.
 - d. To request to donate unused vacation time:
 - 1) Obtain and fill out the request form provided by Human Resources (HR)
 - 2) Form must be approved by the Supervisor, Department Head, and Mayor

- e. Donated vacation time is available immediately upon request.
(Ord. No. 2020-08, Sec. 3)

CHAPTER 2.28

NEPOTISM

Sections:

- 2.28.01 Hiring
- 2.28.02 Definitions
- 2.28.03 Exclusions

2.28.01 Hiring Relatives of persons employed by the city of Ward, Arkansas, may be hired only if they will not be working directly for or supervised by a relative. City employees cannot be transferred into such a working relationship. If the relative relationship is established after employment the individuals concerned will decide who is to be transferred. If that decision is not made within thirty (30) calendar days, management will decide. In other cases where a conflict or the potential for conflict arises, even if there is not a supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. In all cases, the Mayor must approve all hiring of relatives. (Ord. No. 0-0898, Sec. 1.)

2.28.02 Definitions

Relative shall be defined as mother, father, son, daughter, husband, wife, brother, sister, mother-in-law, father-in-law, uncle, aunt, nephew, niece, first cousin, grandfather, grandmother, grandson, granddaughter, stepchildren, and stepparents. (Ord. No. 0-0898, Sec. 2.)

2.28.03 Exclusions This ordinance shall not apply nor be applicable to current employees of the city of Ward who have been employed by the city for a period of more than three (3) years. (Ord. No. 0-0898, Sec. 3.)

CHAPTER 2.32

DISTRICT COURT

Sections:

- 2.32.01 Probation office
- 2.32.02 Duties
- 2.32.03 Appointment
- 2.32.04 General penalties
- 2.32.05 Fines

2.32.01 Probation office The Lonoke County District Court, Northern District, Ward Department, hereafter called Ward District Court, may create a probation office, said probation office requiring probation officer(s) to contact pre-trial suspects and probationers and persons preferring probation to a conviction on violations and/or offenses and probationers sentenced to probation for criminal offenses, or entering into negotiated pleas for probation; and for funding as provided by the budget and by monthly probation charges for a probation officer to supervise the aforementioned probationers. (Ord. No. 0-2005-02, Sec. 1.)

2.32.02 Duties The probation officer(s) are to contact pretrial suspects and probationers, and to supervise collection of unpaid fines and costs imposed by the Ward District Court. (Ord. No. 0-2005-02, Sec. 2.)

2.32.03 Appointment The Judge of the Ward District Court shall, with the approval of the City Council, appoint a probation officer or probation officers to serve as such on either a part-time or full-time basis as may be required to carry out the purposes of the ordinance. (Ord. No. 0-2005-02, Sec. 3.)

2.32.04 General penalties

- A. General penalty established Whenever, in this municipal code or in any ordinance of the municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine. Such fine shall not exceed those amounts authorized in Section (B) of this section, unless otherwise authorized by law.
- B. Maximum penalties permitted The city shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than One Thousand Dollars (\$1,000.00) for any one specified offense or violation of a bylaw or ordinance, or double that sum for each repetition of such offense or violation.
- C. Imprisonment to enforce fine It shall be provided that, when a fine shall be imposed for the violation of any ordinance of the city and it is not paid, the party convicted may, by order of the judge of the court or other proper authority, be committed until the fine and costs of prosecution shall be paid, or the party discharged by due course of law.
- D. Outside work for jailed persons Prisoners confined in jail by sentence of the court, for a violation of a city or town bylaw, ordinance, or regulation, may be order of the judge of the court be required to work out the amount of all fines, penalties, forfeitures, and costs at the rate prescribed in A.C.A. 16-90-108 on the streets or other improvement under the control of the City Council.

- E. Working out of fines It shall be provided that fines imposed for violation of ordinances, with approval from the court, may be discharged by the offender working out the fine upon the streets or alleys of the city at the rate prescribed in A.C.A. 16-90-108, and the supervising agency may adopt all necessary regulations for the safekeeping, management, and control of offenders while working out the fine.
- F. Suit for recovery of fines and the like Fines, penalties, and forfeitures, in all cases and in addition to any other mode provided, may be recovered by suit or action before any court of competent jurisdiction, in the name of this city and for its use.
- G. Additional remedies In all cases of violation of any of its ordinances, this city in addition to any other mode provided by law, shall have the right to recover in a civil action the amount of the lowest penalty or fines provided in the ordinance and also the amount of any license which the person guilty of the violations was required by any such ordinance to take out.
- H. Disposition of fines
1. All fines and penalties imposed by the city, police, or District Court in this city shall be paid into the city treasury.
 2. The City Council shall have power to prescribe all necessary regulations for the collection, and accounting for, fines and penalties.
(Ord. No. 2002-2, Secs. 1-8.)

2.32.05 Fines

- A. That pursuant to A.C.A. 16-17-129 an additional fine of Twenty Dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond in any case in the Ward District Court within Ward, Arkansas.
- B. That the additional fine levied by the city under this Ordinance shall be deposited into a special fund within the City Treasury, and the revenues generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners.
- C. The additional fine authorized by this Ordinance shall apply to all cases before the Ward District Court, to include each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation. (Ord. No. 2016-05, Secs. 1-3.)

- D. The City Council hereby designates the clerk of the Court as the person primarily responsible for the collection of fines imposed by the Court that operates within the City of Ward, Arkansas. (Ord. No. 2014-03, Sec. 1.)

CHAPTER 2.36

PERSONNEL HANDBOOK

Sections:

- 2.36.01 Adopted
2.36.02 Amendments

2.36.01 Adopted The Personnel Handbook recommended by the Mayor, as revised by the Council, is adopted by reference as though it was copied herein fully. Three copies of the handbook have been and are now on file in the office of the City Clerk and the same is hereby adopted and incorporated as if set out at length herein and shall be available for inspection and copying by any person during normal office hours. This Personnel Handbook shall replace the handbook adopted in 2006 and supersedes Ordinance 0-2006-01. (Ord. No. O-2019-03)

- 2.36.02 Amendments

Ord. No. 2021-05 A Longevity Pay Program is hereby established.

- Add the following to page 3 of the Personnel Handbook
 - a. 4.17 Longevity Pay Program: Page 20 (Ord. No. 2021-05, Sec. 2)
- Add the following to page 20 of the Employee Handbook

4.17 Longevity Pay Program:

4:17.1 Objective: The Longevity Pay Program is designed to show appreciation to employees who remain with the city over a period of time and to aid in keeping turnover low.

4:17.2 Policy/Procedure:

4.17.2.1 It shall be the policy of the city to pay each FULL-TIME¹ employee a percentage of their annual salary¹ every five (5) year on the last Friday of their anniversary month.

¹ Full time of continuing employment. Any break in employment restarts the longevity date.

² See paragraph 4-7

4.17.2.2 Longevity pay is based on the following

- a. Hourly Employees: The base hourly rate (not including any additional licenses, bonuses, etc.) in force the month prior to the employee's anniversary month multiplied by the appropriate annual hourly rate (2,080 hours for regular employees (including CID Officers/PD Management), 2,184 hours for patrol officers (excluding CID Officers/PD Management)). That amount is then multiplied by the appropriate percentage as noted in paragraph c below. (i.e. $\$14.00 \times 2080 = \$29,120 \times 3\% = \$873.60$)
- b. Salary Employees: The base annual salary (not including any additional licenses, bonuses, etc.) in force the month prior to the employee's anniversary month multiplied by the appropriate percentage as noted in paragraph c below. (i.e. $\$36,000 \times 3\% = \$1,080.00$)

4.17.3 The percentage of pay is determined by employee's position with the city during their anniversary month as noted below.

4.17.3 The percentage of pay is determined by employee's position with the city during their anniversary month as noted below.

4.17.4 Certified Police Officers (except Police Chief): 5%

4.17.5 Code Enforcement, Probation Officer, Police Chief, and Fire Chief (if carrying a firearm as Fire Marshall/Investigator): 4%

4.17.6 Department Heads (except Police Chief and Fire Chief as noted above) and all other employees: 3% (Ord. No. 2021-05, Sec. 3)

- ONE-TIME CATCH-UP PROVISION: The Governing Body of the City of Ward recognizes this new program could create a disparage among the current employees and therefore authorizes a one-time "catch-up" provision. Current employee shall be paid \$50.00 per year in 5-year increments for each year they have been a full-time employee from the date of their full-time employment to December 31, 2020. (i.e., An employee who began full-time employment on March 1, 2013 would be paid \$250.00 to March 1, 2018 (5-years). This one-time catch-up will be paid within 60 days of this Ordinance taking effect, or the employee's anniversary month, whichever is later. (Ord. No. 2021-05, Sec. 4)

Ord. No. 2021-08 Cybersecurity

- Add paragraph "6.11.2.1 Cybersecurity Security Incident Reporting"

- Add paragraph “6.11.2.1.1 Duty to Report”

Employees MUST¹ as soon as possible, report any compromise of the security, confidentiality, or integrity of an information system maintained by the City of Ward, a contractual provider of information system that contracts with the City of Ward, or other computer-related services of the City of Ward, that is caused by any unauthorized:

- Access to an information system of the City of Ward;
- Destruction of an information system of the City of Ward or the data of an information system of the City of Ward;
- Acquisition of data from an information system of the City of Ward

CHAPTER 2.40

POLICY FOR DRUG-FREE WORKPLACE

Sections:

2.40.01	Purpose of policy
2.40.02	Policy statement
2.40.03	Safety and security-sensitive positions defined
2.40.04	Drug-free awareness program/education and training
2.40.05	Prohibited substances/legal drugs/unauthorized items
2.40.06	Use of alcohol and drugs/prohibited conduct
2.40.07	When drug and alcohol testing may be required of all employees
2.40.08	When drug and alcohol testing may be required of employees holding safety and security-sensitive positions
2.40.09	Disciplinary action
2.40.10	Employment status pending receipt of test results
2.40.11	Voluntary drug and alcohol rehabilitation

2.40.01 Purpose of policy 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 operation. 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 and not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of

¹ The City of Ward must report, in writing, to the Legislative Auditor any security incident within 5 days after learning of the incident

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. (Ord. No. 2012-1, Sec. 1.)

2.40.02 Policy statement

- A. All employees must be free from the effect 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. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
- B. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.
- C. The city also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 2012-1, Sec. 2.)

2.40.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

1. Law enforcement officers who carry firearms and jailers.
2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
3. Fire department employees who directly participate in fire-fighting activities.
4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
6. Lifeguards, emergency medical technician, emergency services dispatchers, and rescue workers.
7. Operators of heavy equipment, including front-end loaders, trucks, and riding lawn mowers, or other similar equipment, where the equipment is used around individuals, alongside the public right of way.
8. Wastewater treatment plant operators, and water treatment operators.
9. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League, and where the operation of a motor vehicle is not incidental to the employee's occupation. (Ord. No. 2019-07, Sec. 1)

B. A security-sensitive position includes:

1. Any police officer, jailer, police dispatcher and Police Department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
2. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery. (Ord. No. 2012-1, Sec. 3.)

2.40.04 Drug-free awareness program/education and training The city will establish a drug-free awareness program to assist employees to understand and avoid the perils of drug and alcohol abuse. The city will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The city's Drug-Free Awareness Program will inform employees about:

- A. The dangers of drug and alcohol abuse in the workplace;
- B. The city's policy of maintaining a drug and alcohol-free workplace;
- C. The availability of drug and alcohol treatment, counseling and rehabilitation programs;
- D. The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the city shall provide educational materials that explain the city's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probably alcohol misuse and drug use. (Ord. No. 2012-1, Sec. 4.)

2.40.05 Prohibited substances/legal drugs/unauthorized items

- A. Prohibited substances Alcohol beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. & 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, A.C.A. 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician.
- B. Legal drugs The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

- C. Unauthorized items Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia. (Ord. No. 2012-1, Sec. 5.)

2.40.06 Use of alcohol and drugs/prohibited conduct All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- B. Employees shall not consume alcohol while on duty.
- C. Employees required to undergo post-accident testing shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol tests.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.
- F. Employees shall not abuse, knowingly overmedicate, inappropriately consume, otherwise mistreat any prescription drugs approved by the employee's physician. (Ord. No. 2019-07, Sec. 2)
- G. Employees shall not possess, smoke, or otherwise use medical marijuana while on city premises or while on duty. (Ord. No. 2019-07, Sec. 2)

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than twenty-four (24) hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety-sensitive functions. (Ord. No. 2012-1, Sec. 6.)

2.40.07 When drug and alcohol testing may be required of all employees Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer testing in the following circumstances:

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs.

For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.

- B. Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.
- C. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- D. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- E. When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone, or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- F. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration

of 0.04 or greater) must have a verified negative drug test and/or and alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed twenty-four (24) months from the date of the employee's return to duty, in accordance with an SAP's recommendations. The city also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.

- G. When any prohibited drug or alcoholic beverage is found in an employee's possession.
- H. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem. (Ord. No. 2012-1, Sec. 7.)

2.40.08 When drug and alcohol testing may be required of employees holding safety and security-sensitive positions Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- A. When safety-sensitive employee is involved in an accident involving a motor-vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C., & 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League. (Ord. No. 2012-1, Sec. 8.)

2.40.09 Disciplinary action

- A. Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:
 - 1. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she

has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.

2. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
3. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on city property, in city vehicles, during breaks or at lunch.
4. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.
5. Refusal to cooperate in a search.
6. Having an alcohol concentration of .04 or greater in any authorized test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the city reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

- B. In order to be re-employed following completion of a suspension for a positive drug or alcohol test, the employee must undergo and pass a return to duty drug and/or alcohol test and be evaluated and released by an SAP. Any and all costs and expenses associated with this return to duty or follow-up testing shall be the sole responsibility of the employee.

The city will schedule the return to duty drug and/or alcohol test and the evaluation by an SAP to avoid any lost work time beyond the period of the suspension. The employee will remain on disciplinary suspension, without pay, until the city has received written notice that the employee has passed the return to duty drug test (and/or notice from the collection site that the employee has an alcohol concentration of less than 0.02 in the return to duty alcohol test) and written notice from an SAP that the employee has been released to return to duty. (Ord. No. 2019-07, Sec. 3)

However, the employee may use accumulated leave time between the end of the original suspension and being released to return to work. (Ord. No. 2019-07, Sec. 4)

C. Rehabilitation and additional testing In cases where an employee receives disciplinary action other than discharge for a drug and/or alcohol related infraction, the following procedures shall also apply:

1. The city may require the employee to participate in an approved treatment, counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of an SAP.
2. If the employee is required to enroll in such a program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration.

The employee must submit to any drug and/or alcohol testing administered as part of the program and provide the city with the results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. Failure to provide such reports or the results of such tests may result in discipline up to and including termination.

3. An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to twenty-four (24) months. (Ord. No. 2012-1, Sec. 9.)

2.40.10 Employment status pending receipt of test results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which give rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results. (Ord. No. 2012-1, Sec. 10.)

2.40.11 Voluntary drug and alcohol rehabilitation If an employee who is not otherwise subject to disciplinary action for use of drugs and/or alcohol voluntarily admits that he/she has a drug and/or alcohol abuse problem, the Mayor (or his/her designee) will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. For purposes of this section, an employee's admission to having a drug and/or alcohol abuse problem

will not be defined as “voluntary” if it is made after the employee learns that he or she has been selected for a random drug test.

These options may include allowing the employee to continue working while receiving outpatient treatment, counseling or rehabilitation in an approved drug and/or alcohol abuse program, or placing the employee on a medical leave of absence while he/she is receiving treatment, counseling or rehabilitation in an approved inpatient or outpatient drug and/or alcohol abuse program.

When an employee voluntarily admits that he/she has a drug and/or alcohol abuse problem, the city shall have the right to require the employee to be evaluated by an SAP and/or submit to drug and/or alcohol testing prior to deciding what action is appropriate. No disciplinary action will be taken by the city against an employee who voluntarily admits that he/she has a drug and/or alcohol abuse problem in the situation described above. However, the city shall have the following rights in such a situation:

- A. The employee may be required to enroll in and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program and remain drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the city will not be responsible for financial obligations associated with treatment.
- B. If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program and provide the city with the results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests will result in discipline up to and including termination.)
- C. The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the city’s discretion, for a period of up to twenty-four (24) months. (Ord. No. 2012-1, Sec. 11.)

CHAPTER 2.44

DEFERRED COMPENSATION PLAN

Sections:

- 2.44.01 Adoption
- 2.44.02 Administrator
- 2.44.03 Signing

2.44.04	Terms
2.44.05	Fees
2.44.06	Termination
2.44.07	Assets held in trust
2.44.08	New contributions

2.44.01 Adoption The city adopts the Deferred Compensation Plan (“Plan”). (Ord. No. 2011-14, Sec. 1.)

2.44.02 Administrator The city acknowledges that the Plan Administrator for the Plan is the Executive Director, Employee Benefits Division, Department of Finance and Administration of the state of Arkansas. (Ord. No. 2011-14, Sec. 2.)

32.44.03 Signing The Mayor is authorized to sign the Adoption Agreement to the Plan and by so signing, be bound by the terms of the Plan as stated in the Adoption Agreement and other Plan documents. The city reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Plan Administrator. (Ord. No. 2011-14, Sec. 3.)

2.44.04 Terms The city agrees that it shall abide by the terms of the Plan, including amendments to the Plan made by the Plan Administrator, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Internal Revenue Code and other applicable law. (Ord. No. 2011-14, Sec. 4.)

2.44.05 Fees The city accepts the administrative services to be provided by any service provider selected by the Plan Administrator. The city acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the participants’ Plan accounts. (Ord. No. 2011-14, Sec. 5.)

2.44.06 Termination The city may terminate its participation in the Plan, including but not limited to its contribution requirement, by way of:

- A. An ordinance of the City Council terminating its participation in the Plan.
- B. The Plan Administrator shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Plan Administrator shall also determine an appropriate effective date and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan. (Ord. No. 2011-14, Sec. 6.)

2.44.07 Assets held in trust The city acknowledges that all assets held in connection with the Plan including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefits of participants and their beneficiaries under the Plan.

No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, including employer contributions, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Plan Custodian to be held, managed, invested and distributed as part of the Plan's Custodial Account in accordance with the provisions of the Plan. The city must transfer all contributions to the Plan to the Plan Custodian. All benefits under the Plan shall be distributed solely from the Plan's Custodial Account pursuant to the Plan. (Ord. No. 2011-14, Sec. 7.)

2.44.08 New contributions It is the intent of the city all new contributions made by the city on behalf of the employees after adoption of the Plan will be made to the Plan. (Ord. No. 2011-14, Sec. 8.)