



# **E&E EMPLOYEE HANDBOOK**

**June 2022**

The E&E Employee Handbook provides information about working conditions, benefits, and policies essential to your employment. The E&E Employee Handbook does not cover every employment practice, rule, or policy that relates to your employment. The Secretary of the Department may modify the Department's rules, policies, and benefits, both written and unwritten, as business requires. The provisions of the handbook may be amended or cancelled at any time by the Secretary. Neither these guidelines, rules, policies, benefits, nor any written or oral statements should be considered contracts of employment, either expressed or implied. All employment is at will; generally, employees may be terminated at any time, with or without notice, for any reason.

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# LETTER FROM THE SECRETARY

Dear E&E Employee:

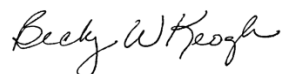
At the Arkansas Department of Energy & Environment (E&E), we recognize that you are the Department's most valued resource, and we are thrilled by your decision to come to work with us. As evidenced by even a casual review of the day's headlines, there has never been a more exciting time to be a part of the E&E team as we work to execute our mission to provide effective and efficient energy and environmental solutions informed by science.

Contained within this handbook you will find information designed to answer the most common questions that you may have, whether you are a new or existing employee. If, however, you do not find what you are looking for here, please ask your supervisor. We understand that, occasionally, employees have inquiries of a more private nature. In these circumstances, we encourage you to reach out to one of our trusted Human Resources professionals.

As E&E employees, please take the time to familiarize yourself with the contents of this handbook. For new hires, some of the information will be especially critical to you as you begin your new role with the Department. Other aspects of the handbook will be more meaningful to employees who have been at E&E for a longer period of time.

You are a valued member of our team, and as such, our goal is to continue to show you our appreciation as well as challenge you in your area of expertise as you grow your career at E&E. In doing so, I firmly believe you will come to feel the same way about E&E as I do: it's a great place to work and make a difference for Arkansans through meaningful public service.

Sincerely,

A handwritten signature in cursive script that reads "Becky W. Keogh".

Becky W. Keogh  
Cabinet Secretary

# **ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT**

The Arkansas Department of Energy and Environment (E&E) is dedicated to the development and implementation of policies and programs that provide effective and efficient energy and environmental solutions informed by science. The Department promotes responsible management of resources and protects the environment for the benefit of all Arkansans.

## **Division of Environmental Quality**

The Division of Environmental Quality (DEQ) protects, enhances, and restores the natural environment for the well-being of all Arkansans. We envision Arkansas with clean air, water, and land, where all Arkansans strive to conserve and protect these assets for the benefit and enjoyment of this and future generations. DEQ is a respected steward of the environment, where proactive, results-oriented staff, operating in a professional atmosphere, inspire Arkansans to conserve and protect our natural resources.

## **Oil and Gas Commission**

The Arkansas Oil and Gas Commission (OGC) prevents waste and encourages conservation of Arkansas oil, natural gas, and brine resources; protects the correlative rights associated with those resources; and respects the environment during the production, extraction, and transportation of those resources. OGC serves the citizens of Arkansas and the community with an efficient, effective, scientific, and technically based regulatory framework to support economic development for Arkansas.

## **Arkansas Geological Survey**

The Arkansas Geological Survey (AGS) serves the people of Arkansas by providing geological information in order to develop and enable effective management of the state's mineral, fossil fuel, and water resources while protecting the environment. AGS works with the public, industry, and government in accomplishing its mission goals.

## **Liquefied Petroleum Gas Board**

The Liquefied Petroleum Gas Board supports and promotes the propane industry within Arkansas through:

- Consumer Advocacy – Creating and promoting an environment that ensures all Arkansans can purchase and utilize propane in a safe manner.
- Permitting and Certification – Ensuring all industry personnel are trained in the proper and safe handling of propane.



- Inspections – Ensuring that storage, delivery vehicles, and equipment are properly maintained and suited for use with propane.
- Rules and Regulations – Ensuring sound regulation that promotes industry growth while maintaining the safety of all Arkansans.

## **Arkansas Pollution Control and Ecology Commission**

The Pollution Control and Ecology Commission is the environmental policy-making body for Arkansas. With guidance from the governor, the legislature, the Environmental Protection Agency, and others, the Commission determines the environmental policy for the state, and DEQ implements that policy.

# **SECTION 1: EMPLOYMENT**

## **1.1 At-Will Employment**

Arkansas is an employment-at-will state. This means that an employee may be terminated for any reason or no reason at all, as long as the termination is not for an illegal reason. Further, the employee has the right to terminate employment without cause or notice at any time.

Nothing in this employee handbook or any other document, policy, or procedure establishes, constitutes, or implies an employment contract, the guarantee of employment or benefits, or employment for any specific duration.

## **1.2 Equal Employment Opportunity and Non-Discrimination Policy**

The State of Arkansas does not discriminate in access to employment opportunities or in employment or practices on the basis of race, color, religion, sex, national origin, age, disability, or genetic information.

The Department complies with the requirements of Title VII of the federal Civil Rights Act of 1964 and its amendments, the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 (collectively, the ADA), Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), the Arkansas Civil Rights Act, Arkansas Code Annotated § 21-12-103, and all other applicable federal and state antidiscrimination laws. Discrimination by any officer or employee of the State based upon race, creed, religion, national origin, age, sex, or gender constitutes grounds for dismissal.

### **1.2.1 Americans with Disabilities Act and Reasonable Accommodation**

E&E employees shall not discriminate against qualified individuals with disabilities. E&E shall provide reasonable accommodations as required by law to otherwise qualified applicants or employees with disabilities in all employment practices, including job-application procedures, hiring, advancement, job assignments, leaves of absence, transfers, demotions, discipline, discharge, compensation, benefits, and job training. E&E is not required to make accommodations that would eliminate the essential functions of the job or impose an undue hardship on the operation of the Department. Employment opportunities will not be denied to an otherwise qualified applicant or employee because of the need to make a reasonable accommodation for the physical or mental impairment(s) of the individual. Employees who believe that they are being discriminated against are encouraged to complete and submit an E&E Discrimination and Harassment Complaint Form to Human Resources (HR). Forms are available via shared drives and E&E intranet.

### **1.2.2 Age Discrimination in Employment**

The Age Discrimination in Employment Act of 1967 (ADEA), as amended, protects individuals who are forty years of age and older from employment discrimination based on age. Under the ADEA, it is unlawful to discriminate against a person because of his or her age with respect to any term, condition, or privilege of employment. The ADEA provides that it is unlawful for an employer to fail or refuse to hire or to discharge an individual because of age; limit, segregate, or classify employees in a way that deprives them of opportunities because of age; or reduce the wage rate of any employee to comply with the ADEA. Employees who believe that they are being discriminated against are encouraged to complete and submit an E&E Discrimination and Harassment Complaint Form to HR. Forms are available via shared drives and E&E intranet.

### **1.2.3 Harassment**

It is the policy of E&E to provide an employment environment free from any form of sexual or discriminatory harassment, including harassment by speech or other expression, by action, or by combination thereof.

Harassment is a form of employment discrimination that violates state and federal laws. Harassment is unwelcome conduct that is based on age, race, color, sex, national origin, religion, disability, genetic information, or any other status or condition protected by law. Harassment is unlawful when (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

E&E expressly prohibits any form of harassment. Harassment may be grounds for discipline up to and including dismissal. Employees who believe that they are being discriminated against are encouraged to complete and submit an E&E Discrimination and Harassment Complaint Form to HR. Forms are available via shared drives and E&E intranet.

### **1.2.4 Sexual Harassment**

E&E employees shall not sexually harass other employees. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

E&E expressly prohibits sexual harassment. Sexual harassment may be grounds for discipline up to and including dismissal. Employees who believe that they are being discriminated against are encouraged to complete and submit an E&E Discrimination and Harassment Complaint Form to HR. Forms are available via shared drives and E&E intranet.

For more information, refer to the Department of Transformation and Shared Services Office of Personnel Management (TSS OPM) Sexual Harassment policy.

## **1.3 Fair Labor Standards Act (FLSA)**

TSS OPM designates state job titles as exempt or nonexempt under the federal Fair Labor Standards Act (FLSA). The FLSA requires the payment of overtime for nonexempt work in excess of forty hours in a workweek or the granting of compensatory time. See Section 3.3 Overtime and Compensatory Time.

For additional information concerning the classification of employment positions or eligibility for overtime compensation, contact HR.

## **1.4 Probationary Status for New Hires and Rehires**

All new hires, including rehires, shall be placed on probation for the first 180 days of employment. During this period, both formal and informal consultations between the employee and supervisor will help ensure that the employee is provided every opportunity for success in the performance of the job. During the probationary period, the supervisor may extend the probationary period or make a recommendation to the Secretary to discharge the employee. See 1.6 Probationary Status Review. Violations of the Uniform Conduct Standards and Disciplinary Policy during a probationary period may be grounds for immediate dismissal.

## **1.5 Other Probationary Statuses**

### **1.5.1 Probationary Status for Promotions, Demotions, Reassignments, and Lateral Intradepartment Transfers**

Employees who are promoted, demoted, reassigned, or have moved laterally within the Department will be placed on probation for the first ninety days of employment in the new position. At the completion of the probation period, the supervisor will end or extend the probationary period or make a recommendation to the Secretary to discharge the employee. See 1.6 Probationary Status Review. Violations of the Uniform Conduct Standards and Disciplinary Policy during a probationary period may be grounds for immediate dismissal.

### **1.5.2 Disciplinary Probationary Status**

An employee may be placed on disciplinary probation if the employee's job-related conduct reflects a violation of the Uniform Conduct Standards and Disciplinary Policy. Certain violations of the Uniform Conduct Standards and Disciplinary Policy may result in immediate dismissal. Employees placed on disciplinary probation will be provided with a written notice, a performance improvement plan, written expectations, or a combination thereof by the employee's supervisor. The initial disciplinary probation period may not exceed 180 days. At the completion of the disciplinary probation period, the supervisor may end or extend probation or make a recommendation to the Secretary to discharge the employee. See 1.6 Probationary Status Review. Violations of the Uniform Conduct Standards and Disciplinary Policy during a probationary period may be grounds for immediate dismissal.

## **1.6 Probationary Status Review**

### **1.6.1 End of Probation**

At the conclusion of the probationary period, an employee who has demonstrated satisfactory performance will be removed from probation. In cases involving disciplinary probation, the supervisor must document that the employee has corrected the identified deficiencies and completed any requirements set forth in the written notice, performance improvement plan, or written expectations.

### **1.6.2 Extension of Probation**

If an employee has not achieved satisfactory performance at the end of the probationary period, the supervisor, with the concurrence of the Secretary, Director, Associate Director, or Chief, may extend the probationary period if the supervisor determines that the employee has the potential to progress to a satisfactory level of performance. In cases involving disciplinary probation, the supervisor must explain the reasons for the extension and provide the employee with written notice, a performance improvement plan, written expectations, or a combination thereof. The probationary period may be extended up to 120 days.

### **1.6.3 Recommendation for Termination**

Probationary employees may be terminated at any time. Violations of the Uniform Conduct Standards and Disciplinary Policy or other E&E policy or failure to perform required job duties in a satisfactory manner are types of behavior that may result in termination of employment. Recommendations for termination of employment are made by the supervisor through the chain of command and submitted to the Secretary for a final decision. An employee who is terminated for cause will not be eligible for rehire.

## **1.7 Promotion**

A promotion is a change from one position to another position with a higher pay level on the same pay table, not to exceed the maximum salary for that grade. Generally, an E&E employee who is promoted receives a 10% salary increase or the entry-level salary for that pay grade, whichever is higher.

For more information, refer to the TSS OPM Establishing an Employee's Salary policy.

## **1.8 Demotion**

A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification of a lower pay grade within the same pay table. Upon demotion, an employee's pay will be decreased by 10% absent prior approval from TSS OPM. However, an employee's rate of pay after demotion must be within the new classification's minimum and maximum range of the pay grade.

For more information, refer to the TSS OPM Establishing an Employee's Salary policy.

## **1.9 Hiring or Supervising a Relative**

Under Arkansas law, a public official shall not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the state agency in which the official is serving or over which the official exercises jurisdiction or control, any person who (1) is a relative of the public official and (2) is an employee of a state agency or as a result of the public official's action would be an employee of a state agency. Ark. Code Ann. § 25-16-1002(a).

A relative is defined as a husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

It is the policy of E&E that relatives will not be permitted to work in any capacity in situations where one relative might supervise another, including participating in decisions involving hiring, promoting, salary increases, discipline, or other personnel-related matters of interest to a relative. A temporary change in supervision resulting in the supervision of a relative will not be considered a violation of Arkansas law if the supervision does not exceed thirty days. No hiring, firing, pay adjustments, or other personnel actions may occur during this temporary period of supervision.

Related parties working within E&E must comply with Executive Order 98-04, Arkansas Code Annotated §§ 21-1-401 to -408, Arkansas Code Annotated §§ 25-16-1001 to -1007, and related TSS OPM policies, including the Employee Disclosure policy. In addition, the following rules will be applied:

- If an applicant has a relative, as defined in Arkansas Code Annotated § 25-16-1001(3), within state government but not in E&E, approval by HR is required before a job offer can be extended.
- If an applicant has a relative, as defined in Arkansas Code Annotated § 25-16-1001(3), employed within any E&E office, approval by the Secretary is required before a job offer can be extended.

For more information, refer to the TSS OPM Employee Disclosure policy.

## **1.10 Married State Employees**

Employees working for E&E who plan to marry each other must both complete and sign a Marriage Disclosure form and submit the form to HR for review. Failure to complete this form may subject the employees to dismissal for non-compliance. If the marriage will result in a violation of Arkansas Code Annotated § 25-16-1002, the Secretary or designee shall provide the employees with written notice of options to resolve the conflict. The employees shall be given the opportunity to select among the following options:

- Transferring one of the employees to another position within E&E.
- Transferring one of the employees to another department.
- The resignation of one of the employees.

Forms are available via shared drives and E&E intranet. For more information, refer to the TSS OPM Employee Disclosure policy.

## **1.11 Concurrent Employment**

Concurrent employment is when an employee is approved to work in two legislatively authorized positions in state departments. An E&E employee may not receive a salary or other compensation from another or the same state department unless written approval is granted by the Secretary of TSS, the two positions do not interfere with each other, and the combined salaries do not exceed the maximum salary authorized for either position.

A state employee may work for a state department and institution of higher education concurrently, provided that a request is made by the department or institution to the Director of the Division of Higher Education. Generally, the combined salary payments must not exceed the larger maximum salary of the employee's grade; however, a state employee may teach temporarily at a state-supported institution of higher education and be compensated in an amount that exceeds the larger maximum annual salary.

For more information about concurrent employment, refer to the TSS OPM Concurrent Employment policy. For more information about concurrent employment with an institution of higher education, see Arkansas Code Annotated § 6-63-307 or contact the Division of Higher Education. See also Section 2.4 Outside Activities, Employment, and Directorships of this handbook.

## **1.12 Direct Deposit**

E&E requires participation in the payroll direct-deposit program.

For more information, refer to the TSS OPM Direct Deposit policy.

## **1.13 Discharge for Falsifying Employment Application**

An E&E employee who submitted a falsified employment application may be dismissed from employment with E&E.

## **1.14 Performance Evaluations**

The Performance, Goals, and Compensation System (PGCS) is a standards-based evaluation system. Performance standards will be developed at a level that represents satisfactory job performance.

The PGCS allows employees and supervisors to monitor job progress and personal development. The performance evaluation can be a tool for purposes such as salary adjustments, promotions, demotions, and job reassignments.

For more information, refer to the TSS OPM Performance, Goals, and Compensation System policy.

## **1.15 Career Service Recognition Payment**

E&E employees who meet the eligibility requirements may be awarded annual career-service recognition payments on the anniversary date of the completion of state service according to the following schedule. To receive the full amount of the recognition payment, the service must have been in regular full-time positions. E&E employees who work part-time in regular salary positions may receive annual career-service recognition payments on a pro rata basis.

| <b>Years of Service</b> | <b>Payment Amount</b> |
|-------------------------|-----------------------|
| 10–14 years             | \$800                 |
| 15–19 years             | \$1000                |
| 20–24 years             | \$1200                |
| 25 or more years        | \$1500                |

For more information, refer to the TSS OPM Career Service Recognition Payments policy.

## **1.16 Exit Interview**

The HR Manager may schedule an exit interview with employees who are departing voluntarily.

## **1.17 Return of E&E Property**

On or before the employee's last day, the supervisor will collect the employee's keys, cellular phone and charger, computer and associated accessories, calculators, digital cameras, and any other E&E-issued property that the employee may have been assigned. Employees will turn in their ID badges to the HR Manager.



## **SECTION 2: EMPLOYEE CONDUCT STANDARDS**

### **2.1 Professionalism**

E&E employees shall carry out their responsibilities and perform their jobs in a professional manner. Employees must be alert in conducting business with employees and non-employees to avoid even the appearance of misconduct, personal or financial gain, or a conflict of interest. While performing E&E duties, employees are required to comply with federal and state laws, the E&E Code of Ethics, and E&E policies. Failure to comply with Section 2.1 could result in disciplinary action up to and including dismissal.

### **2.2 Code of Ethics**

The Code of Ethics is the written document that supports E&E's culture of ethical and efficient service to the citizens of Arkansas. The Code of Ethics describes the behavior expected of E&E employees. Any violation of the Code of Ethics may result in disciplinary action up to and including dismissal.

The Code of Ethics is provided to employees each calendar year. Employees must sign an Acknowledgement of the Code of Ethics each calendar year.

### **2.3 Conflicts of Interest**

E&E employees shall not use their position or knowledge gained from their position for private or personal advantage. Arkansas Code Annotated § 21-8-304 lists activities that are ethically prohibited for state employees and officials. If you have questions about whether an activity is prohibited, contact your supervisor.

If you become aware of an actual or potential conflict of interest, you must inform your Director, Associate Director, or Chief immediately. For more information, see Executive Order 98-04 and E&E policies.

### **2.4 Outside Activities, Employment, and Directorships**

E&E employees should avoid acquiring any business interest, engaging in outside employment, or participating in any activity outside E&E that would conflict with official duties.

E&E employees may engage in outside employment if it does not constitute a conflict of interest or interfere with the performance of duties for the state. Employees are prohibited from engaging in outside employment during the hours they are performing work for and being paid by the Department. Before engaging in any outside employment, an employee must submit a Request for Approval of Outside Employment form and receive approval from an appropriate Director, Associate Director, or Chief. Failure to do so could result in disciplinary action up to and including dismissal.

## **2.5 Relationships with Clients and Suppliers**

E&E employees must adhere to Arkansas Code Annotated § 19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Secretary of the Department of Finance and Administration (DFA) in accordance with Arkansas Code Annotated § 19-11-706 and the rules and regulations for implementing Executive Order 98-04. The employee shall also complete and submit a Disclosure form to the E&E Secretary through the appropriate chain of command.

Forms are available via shared drives and E&E intranet.

## **2.6 Gifts, Entertainment, and Favors**

E&E employees shall not solicit or accept entertainment, gifts, personal favors, or preferential treatment that could influence or appear to influence their decisions in performing their job functions. Specific procurement law addressing gratuities is codified in Arkansas Code Annotated § 19-11-707.

For more information, refer to Rules on Gifts issued by the Arkansas Ethics Commission at <http://www.arkansasethics.com/rules/>.

## **2.7 Kickbacks and Prohibited Commissions**

E&E employees must not receive kickbacks, prohibited commissions, or other prohibited payments from third parties. Specific procurement law addressing kickbacks and commissions is codified in Arkansas Code Annotated §§ 19-11-707 and 19-11-708. Violations of these statutes will result in imposition of the penalties provided by law.

## **2.8 Organization Funds and Other Assets**

E&E employees who have access to department funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide or other explanatory materials, or both. If you have knowledge of fraud or waste of public assets, then you are required to advise your supervisor immediately. Personal use of E&E funds or assets is strictly forbidden and may result in disciplinary action up to and including dismissal.

## **2.9 Organization Records and Communications**

E&E books and records shall reflect accurate and timely recording of all business transactions, assets, liabilities, receipts, and disbursements. Employees shall not make or support any false record or communication, whether internal or external.

Making or supporting any false record or communication may result in disciplinary action up to and including dismissal.

## **2.10 Dealing with External People and Organizations**

Employees may not speak on behalf of E&E unless they are expressly authorized to do so. When dealing with anyone outside E&E, employees must take care not to compromise the integrity or damage the reputation of E&E. Employees shall not use their position or affiliation with E&E when communicating with others about matters that do not involve E&E business. Employees shall not use E&E identification, stationery, supplies, or equipment for personal or political matters.

## **2.11 Confidentiality of Personnel Information**

Access to and use of personnel records is restricted to E&E employees with a legitimate business purpose. At no time shall personnel records be disseminated or shared with unauthorized personnel.

## **2.12 Privacy and Confidentiality of Information and Trade Secrets**

No agent or employee of E&E shall disclose any confidential or sensitive information except in accordance with E&E policy. E&E is charged under various statutes to protect and hold confidential certain information that is obtained during the normal course of business. Requests for information should be processed in accordance with Section 3.15 regarding the Freedom of Information Act.

## **2.13 Use of Copyrighted Materials**

Any copyrighted material, including computer software that is made available to E&E employees, is protected by copyright law and shall not be copied for any reason without permission.

## **2.14 Reporting Suspected Ethical Violations, Fraud, Waste, or Abuse of E&E Resources**

E&E employees have a responsibility to report suspected ethical violations, fraud, waste, or abuse of E&E resources.

E&E employees shall be protected against any form of retaliation, including discharge, for reporting in good faith suspected ethical violations, fraud, waste, or abuse of E&E resources as stated in the Arkansas Whistleblower Act, Arkansas Code Annotated §§ 21-1-601 to -609. Investigations to substantiate reported allegations will be conducted in a confidential manner. To report allegations:

- Call the Arkansas State Employees' Fraud, Waste, and Abuse Report Center at 800.952.8248 or the Office of Accounting Internal Audit Section at 501.682.0370.
- Email [fraud@dfa.arkansas.gov](mailto:fraud@dfa.arkansas.gov).
- Obtain a complaint form at <https://www.dfa.arkansas.gov/internal-audit/> and send it to [fraud@dfa.arkansas.gov](mailto:fraud@dfa.arkansas.gov) or Department of Finance and Administration, Office of Internal Audit, 1515 West 7th Street, Room 215, Little Rock, AR 72201.

For more information, refer to the TSS OPM Whistleblower policy.

Employees with supervisory fiduciary responsibility over fiscal matters shall report a loss of public funds that amounts to \$1000 or more to Arkansas Legislative Audit within five business days of the date that the employee learns of the loss of funds as required by Arkansas Code Annotated § 25-1-124, including any apparent unauthorized disbursement of public funds or an apparent theft or misappropriation of public funds. In accordance with Arkansas Code Annotated § 25-1-124, any employee with supervisory fiduciary responsibility over fiscal matters who purposely fails to report the loss of funds within five business days to Arkansas Legislative Audit is guilty of a Class A misdemeanor.

## **2.15 Acceptable Use of Internet, Email, and Technology**

E&E provides internet and technology resources to its employees to enhance the accomplishment of its mission. Limited personal use of internet and email is allowed as long as employee job performance and network performance are not adversely affected. Supervisors have the discretion to further limit internet use as necessary.

Effective support of E&E's mission requires that employees comply with relevant legal, professional, and policy obligations whenever the internet and technology resources are accessed. E&E employees shall have no reasonable expectation of privacy in the use of E&E devices or systems. E&E reserves the right to monitor and log all E&E equipment, systems, network traffic, files, email, and website usage at any time without notice.

Inappropriate use of the E&E network, equipment, or systems may result in disciplinary action up to and including dismissal.

### **2.15.1 Internet Use**

Internet is available to E&E employees for a variety of purposes—including teaching, researching, and learning—and it is to be used for business purposes in serving the interests of Arkansas. All sites and downloads may be monitored or blocked by E&E if the sites are deemed to be harmful or not productive to business.

Installing or using any software without prior approval from the E&E IT Manager is prohibited. E&E employees must comply with E&E's Internet and Email Use Policy and all other relevant policies, and employees must sign an E&E Internet and Email Use Policy Acknowledgment.

### **2.15.2 Email**

E&E email accounts are for work-related purposes. An employee shall have no expectation of privacy in anything the employee stores, sends, or receives on E&E's email system.

Only preapproved E&E staff members are authorized to send email messages department-wide.

E&E's Internet and Email Use Policy details the proper use of the E&E email system and ensures that email communication is used in a manner that supports the mission of E&E.

### **2.15.3 Social Media**

This policy provides guidance for an employee's use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner. E&E employees are prohibited from posting to social media using E&E information systems or an E&E email address unless prior written approval is received through the E&E Chief of Communications.

E&E employees shall not attribute personal statements, opinions, or beliefs to E&E when using social media. When expressing personal beliefs and opinions, employees shall not expressly or implicitly identify themselves as representatives of E&E. E&E's trademarks, logos, and any other E&E intellectual property shall not be used in connection with any social-media activity unless that use is explicitly authorized in writing by the E&E Secretary or the Secretary's designee. Inappropriate or unacceptable use of social media by an employee is a basis for disciplinary action up to and including dismissal.

## **SECTION 3: GENERAL POLICIES AND PROCEDURES**

Employees are expected to be aware of all personnel policies and work standards. If you have questions, speak with your supervisor.

### **3.1 Office Hours, Working Hours, Breaks**

E&E offices will be open to the public from 8:00 a.m. to 4:30 p.m., Monday through Friday, except on declared holidays or as otherwise designated by the Secretary or the Governor.

The basic workweek is forty hours per week, but the starting and ending time may vary with the Secretary's approval as long as the employee works an eight-hour day, unless the employee participates in an Alternative Work Schedule (AWS).

Employees are provided a half-hour lunch break, a break period of fifteen minutes in the morning, and a break period of fifteen minutes in the afternoon. Supervisors may allow employees to take break times during the lunch period to yield a whole-hour lunch break. However, supervisors may adjust this accommodation as the workload demands. Field personnel work hours may vary due to the nature of their work.

Frequent tardiness, extended lunch periods, or early departures will result in appropriate disciplinary action. Employees must notify their supervisor as soon as possible if they cannot report for duty, will be tardy, or need to alter their work schedule. Supervisors must establish and maintain work schedules in compliance with this policy.

### **3.2 Alternative Work Schedule (AWS)**

AWS allows eligible full-time employees to work a schedule other than the normal five-day/forty-hour week without changing the number of hours worked in a pay period. An employee request to work an AWS must be approved in advance by the employee's supervisor and Director, Associate Director, or Chief. Participation in an AWS is a privilege and not a right, can be revoked or modified at any time, and does not constitute a contract or guarantee of employment.

Alternative work schedules are effective at the beginning of a pay period. Cancellations of alternative work schedules must occur at the end of a pay period.

#### **Nine-day/eighty-hour (9/80) Schedule**

Under this schedule, employees will work nine-hour days every pay period according to one of the following schedules:

Schedule 1—7:00 a.m. to 4:30 p.m. with thirty minutes for lunch\*

Schedule 2—7:30 a.m. to 5:00 p.m. with thirty minutes for lunch\*

Schedule 3—8:00 a.m. to 5:30 p.m. with thirty minutes for lunch\*

Exempt employees shall be required to work hours and days outside of the 9/80 work schedule based upon the needs of the Department.

Annual leave and sick leave days are nine hours, unless the leave occurs on the eight-hour Friday. For holidays that occur on an employee's regularly scheduled day off, the employee will be given equivalent time off. The use of accrued holiday leave must be approved in advance to avoid scheduling conflicts and ensure that adequate staff is available.

\*The Friday that is not the scheduled day off during each two-week pay period will end one hour early. Combining breaks with lunch requires the approval of the supervisor.

### **3.3 Overtime and Compensatory Time**

E&E is authorized to provide compensatory time as compensation for overtime work. Working any hours in excess of regular hours must be approved in advance by the supervisor. Employees exempt under the Fair Labor Standards Act (FLSA) are not eligible for overtime.

For more information, refer to the OPM Overtime and Compensatory Time (FLSA) policy.

### **3.4 Smoke-Free Workplace**

Smoking is not allowed in E&E buildings or work areas at any time. "Smoking" includes the use of any tobacco products, electronic smoking devices, e-cigarettes containing nicotine cartridges, and "dipping" as well as inhaling, exhaling, burning, vaping, or carrying any lighted tobacco product, including cigarettes, cigars, electronic cigarettes, e-cigarettes, pipe tobacco, and other lighted combustible plant material or derivatives.

Smoking is permitted only during break or meal periods in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly. Smoking is prohibited in all vehicles and enclosed areas owned, leased, or operated by E&E. Smoking is also prohibited by law within twenty-five feet of an entrance to any building owned or leased by E&E. Employees should consult their supervisor for information about designated smoking areas. Any E&E employee violating this policy will be subject to discipline up to and including dismissal.

### **3.5 Drug-Free Workplace, Alcohol and Drug Use, and Testing**

E&E is committed to protecting the health, safety, and well-being of employees, customers, and the public. E&E recognizes that alcohol and drug use in the workplace pose significant health and safety risks to employees and others. It is E&E's intent to comply with the Drug-Free Workplace Act of 1988 and Arkansas law. Accordingly, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any time on E&E property, including parking lots, whether owned or leased by E&E; when conducting E&E business, whether on or off E&E property; and when driving or riding in an E&E owned or leased vehicle. Department employees are required to refrain from reporting to work or being subject to duty while their ability to perform job duties is impaired due to the use of alcohol or other drugs, including medical marijuana. Any E&E employee who violates this policy may be subject to discipline up to and including dismissal.

This policy applies during all work hours, whenever conducting business or representing the Department. If an employee is under the influence of alcohol or drugs, including medical marijuana, while on the job, the employee will be in violation of this policy. An employee may be subject to drug or alcohol testing when a supervisor or other designated individual has a good faith belief that the employee is under the influence of alcohol or drugs, including medical marijuana, while on the job. The Secretary or the Secretary's designee will have the final decision whether the employee will be sent for drug or alcohol testing. An employee who refuses to be subject to drug or alcohol testing may be terminated.

### **3.6 Workplace Violence Prevention**

It is E&E's policy to promote a safe environment for its employees. The Department does not tolerate behavior that is violent, threatens violence, harasses or intimidates others, or disrupts the workplace. Prohibited acts of workplace violence include, but are not limited to, threats, intimidation, physical attack, and property damage. Violent or threatening behavior may consist of physical acts, oral or written statements, harassing email messages, harassing telephone calls, stalking, and gestures or behaviors that are threatening to either the physical or psychological well-being of an individual. Individuals who engage in violent or threatening behavior may be removed from the premises, and they may be subject to disciplinary action, criminal penalties, or both.

This policy applies at the workplace and E&E sponsored events. Reports of violent or threatening behavior are taken seriously and will be dealt with appropriately. E&E prohibits retaliation against or harassment of individuals who act in good faith when reporting real or perceived violent behavior. If you witness or are subjected to violent behavior, you should promptly inform your supervisor; Director, Associate Director, or Chief; or the Director of Personnel.



### **3.7 Commitment to Safety**

All E&E employees have the opportunity and responsibility to contribute to a safe work environment by using and exercising safe practices and notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure safety for all.

### **3.8 Safety in Emergencies**

All E&E employees are responsible for familiarizing themselves with the emergency evacuation procedures of their workplace. Floor plans with the locations of emergency exits, fire extinguishers, and alarm pulls are posted on each floor.

### **3.9 Phone Use**

Personal long-distance calls from an employee's E&E-issued phone are prohibited.

While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonwork time when possible. Directors, Associate Directors, and Chiefs may prescribe more specific policies regarding personal mobile devices. Personal cellphones must be turned off, set on vibrate, or at the lowest possible volume level.

E&E employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cell phones at all times. Employees who drive while on state business should refrain from unnecessary use of their phone while driving. Use of cellphones in school zones is strictly prohibited. Reading or sending text messages while driving is strictly prohibited. Employees who are charged with traffic violations resulting from the use of a phone while driving will be solely responsible for all liabilities that result from such actions.

Any E&E employee who violates this policy may be subject to discipline up to and including dismissal.

### **3.10 Recycling**

E&E employees are strongly encouraged to participate in the Department's recycling programs, which include paper, plastic, and aluminum recycling. Contact your supervisor for information about the location of recycling containers.

Policies are available via shared drives and E&E intranet.

### **3.11 Employment Positions with Licensure Requirements**

An E&E employee in a position that requires a license or certification is responsible for maintaining a valid license or certification. Failure to obtain or maintain a valid license or certification required by law, rule, or as a condition of continued employment may warrant disciplinary action up to and including discharge.

### **3.12 Dress Code and Personal Appearance**

E&E encourages all employees to use good judgment and discretion in their dress and appearance. Employees are expected to dress during the workday in a manner that promotes the image of professional public servants. Personal appearance shall be appropriate for the assignment and location.

If an employee is inappropriately dressed, then the employee will be sent home to change, and the time lost will be charged to annual, holiday, or compensatory leave, or leave without pay. If you have questions about appropriate workplace attire, contact your supervisor.

### **3.13 Political Activity**

Arkansas law prohibits E&E employees from engaging in partisan political activities during the hours they are performing work for and being paid by E&E. Employees may not, in their official capacity as state employees, endorse political candidates. E&E vehicles must not be used at any time to promote or assist the candidacy of any person in any way. E&E employees may not display political advertising on personal vehicles when using these vehicles in the performance of E&E duties.

For more information, refer to the TSS OPM Political Activity policy.

### **3.14 Political Freedom**

E&E employees shall not be prohibited from communicating with an elected public official concerning matters related to the employee's job, except for matters exempted from disclosure under the Freedom of Information Act (FOIA). Employees shall not be prohibited from exercising a right or privilege under FOIA. Further, an employee shall not be subjected to discipline, threats of discipline, or reprimands, either oral or written; have notations placed in the employee's personnel file disciplining or reprimanding the employee; or otherwise be discriminated against because the employee exercised the right to communicate with an elected public official or exercised a right or privilege under FOIA. An E&E employee who has intentionally made untrue allegations to an elected official concerning matters related to the employee's job may be subject to discipline.

For more information, refer to the TSS OPM Political Freedom policy.

### **3.15 Public Records and Freedom of Information Act (FOIA)**

E&E employees shall fully comply with FOIA. E&E employees should presume that any work-related documents, reports, notes, communications, emails, photographs, or recordings in any format are potentially subject to public disclosure under FOIA. Any employee who receives a request for public records should immediately notify the Chief of Communications and any designated FOIA Coordinator so that the request can be handled pursuant to applicable law.

### **3.16 Uniform Conduct Standards and Disciplinary Policy**

It is the policy of E&E that management shall establish a work climate that promotes professionalism and productivity. E&E management shall also communicate job and behavioral expectations to all employees. Management is expected to initiate corrective measures when an E&E employee deviates from acceptable behaviors or the employee's behavior impacts the work environment or job functions. Progressive discipline shall be utilized for deviations from these conduct standards, unless documented circumstances clearly warrant other actions. These variances from the progressive discipline policy may be due to mitigating or aggravating circumstances, which may indicate a lesser or greater level of discipline.

The disciplinary process does not modify the status of at-will employees or in any way restrict the Department's right to bypass the disciplinary process.

Policies are available via shared drives and E&E intranet.

For more information, refer to the TSS OPM Discharge, Dismissal, and Disqualification from Employment policy.

### **3.17 Grievance Policy and Procedure**

Eligible employees may resolve grievances through the E&E-established policy and procedure to ensure fair resolution within a reasonable period.

Policies are available via shared drives and E&E intranet.

For more information, refer to the TSS OPM Grievances policy.

### **3.18 Inclement Weather**

E&E adheres to the state inclement weather policy, and E&E offices will close during inclement weather conditions as directed by the Governor's Office or the E&E Secretary.

For more information, refer to the TSS OPM Inclement Weather policy.

### **3.19 ID Badges**

All E&E employees are required to have an ID badge. The badge may be used only for authorized purposes by the person to whom it was issued. Any transfer, alteration, falsification, forgery, or unauthorized use of an ID badge may result in disciplinary action, up to and including discharge. If you lose your badge, notify your supervisor immediately. Upon termination of employment, whether voluntary or involuntary, you must return your badge to HR.

### **3.20 Personal Items**

E&E will not be responsible for personal items in the workplace, in a personal vehicle, in a state-owned vehicle, or while on official business. E&E employees who bring personal items to the workplace, including vehicles used for business purposes, do so at their own risk.

### **3.21 Children in the Workplace**

If approved in advance by a supervisor, employees may bring their child to work for a short time period to facilitate a reduction of time away from the workplace. Children who are sick with fever or other illnesses shall not be brought to the workplace. Employees must maintain control of their children so that they do not disturb others.

### **3.22 Animals in the Workplace**

No animals are allowed on E&E premises. Exceptions for service animals will be reviewed on a case-by-case basis in accordance with applicable laws.

### **3.23 Visitors in the Workplace**

All visitors are required to check in at the reception desk and receive a visitor identification badge. The receptionist will notify the appropriate staff member who will come to the front desk and escort the visitor to the appropriate area.

Employees are responsible for the conduct and safety of their visitors. Visitors are defined as all non-E&E employees.

If you observe an unauthorized individual on the premises, notify your supervisor immediately, and if necessary, direct the individual to the main entrance.

### **3.24 Collective Bargaining**

No person shall be denied employment by E&E because of membership in or affiliation with a labor union or because of refusal to join or affiliate with a labor union. No individual or association of any kind shall enter into any contract, written or oral, to exclude from employment members of a labor union, persons who refuse to join a labor union, or persons who have resigned from a labor union. No person shall be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

### **3.25 Travel Policy**

E&E adheres to state law and travel rules outlined in the DFA Financial Management Guide. Policies are available via shared drives and E&E intranet. If you have substantive questions about the policy, contact the Fiscal Division.

## **SECTION 4: LEAVE AND ATTENDANCE POLICY**

This section includes information related to a variety of E&E leave policies. If you have questions about leave, contact HR.

For information about types of leave not referenced in Section 4 of this handbook, see the TSS OPM Leave, Leave Transfer, and Leave Payout policies at <https://www.transform.ar.gov/personnel/policy/>.

### **4.1 Attendance**

Employees are expected to be at their assigned workstation during their scheduled work hours and to adhere to the work schedule established by supervisors.

Procedures for reporting absences and tardiness, requesting leave, and other attendance-related issues may vary within E&E entities and offices. E&E employees should contact their supervisor for more information.

### **4.2 Leave Requests and Timesheets**

All E&E employees must accurately report any leave taken during each pay period in the timekeeping system of record. Employees must have earned leave time before submitting a leave request.

All nonexempt employees must accurately report all hours worked during each pay period in the timekeeping system of record.

Making a false record on a leave request or timesheet may result in disciplinary action up to and including dismissal.

### **4.3 Leave Abuse and Unauthorized Absences**

Documented leave abuse or unauthorized absences from work may be cause for disciplinary action. If a pattern of leave abuse or unauthorized absences is identified, you may be required to furnish a certificate from a healthcare provider for any use of sick leave for a minimum of one year. An example of leave abuse would be calling in absent every Friday.

## 4.4 Holidays and Birthday Leave

The following days are the official holidays applicable to E&E:

| <b>Holiday Observed</b>                                    | <b>Date Observed</b>   |
|--|--|
| New Year's Day   | January 1  |
| Dr. Martin Luther King, Jr.'s Birthday                     | Third Monday in January  |
| George Washington's Birthday<br>and Daisy Gatson Bates Day | Third Monday in February                                       |
| Memorial Day   | Last Monday in May   |
| Independence Day   | July 4   |
| Labor Day  | First Monday in September                                      |
| Veterans Day   | November 11  |
| Thanksgiving Day   | Fourth Thursday in November                                    |
| Christmas Eve  | December 24  |
| Christmas Day  | December 25  |
| Employee's Birthday  | Employee is granted one holiday for the<br>employee's birthday |

The Governor may proclaim additional days as holidays in observance of special events or for other reasons.

### **Holiday Pay**

To be eligible for holiday pay, an employee must be in pay status at least fifteen minutes the last scheduled workday before the holiday and at least fifteen minutes the first scheduled workday after the holiday.

### **Holiday Falling on a Weekend**

A holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the following Monday.

### **Holiday During Leave**

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

### **Banking Holiday Hours**

An employee will be given equivalent time off in the form of banked holiday hours when:

- A holiday occurs on the employee's regularly scheduled day off.

- The employee must work on a holiday as determined by the employee's Director, Associate Director, Chief, or the Secretary.

### **Birthdays and Holidays—Approval, Carryover, and Unused Leave**

The use of birthday and banked holiday leave must be approved in advance by the employee's supervisor. Birthday and banked holiday leave never expire and carry over each year. Birthday and holiday leave that is accrued but not used will be paid as a lump sum payment at the time of termination of employment, not to exceed thirty total days of annual, holiday, and birthday leave.

For more information, refer to the TSS OPM Holidays and Birthday Leave policy.

## **4.5 Leave Accrual**

Any E&E employee who works a minimum of 1500 hours per year in a regular salary position shall accrue leave with pay in the same proportion as time worked for each completed month of service. An employee in active pay status does not earn leave accrued during a calendar month until the last working day of the month. Earned leave may not be used until the first day of the following month; leave must be earned before it can be used.

The minimum leave amount an E&E employee can use is fifteen minutes.

Leave shall not accrue when an employee is in a Leave of Absence Without Pay (LWOP) status for ten or more cumulative days (eighty hours) within a calendar month. For more information, refer to the TSS OPM Annual Leave, Sick Leave, and Leave of Absence Without Pay policies.

## **4.6 Year-End Balance**

Accrued leave may exceed the year-end carry forward balance limits during the calendar year, but those days in excess of these limits will be forfeited if not used by December 31 of each year.

- The annual leave maximum carry forward balance is thirty days (240 hours).
- The sick leave maximum carry forward balance is 120 days (960 hours).

For more information, refer to the TSS OPM Annual Leave and Sick Leave policies.

## 4.7 Annual Leave

Every regular salary employee shall earn annual leave with full pay based on the following schedule for each complete month of service.

| <b>Years of Service</b> | <b>Accrual Per Month</b>  | <b>Amount Per Year</b> |
|-------------------------|---------------------------|------------------------|
| Through 3 years         | 1 day (8 hours)           | 12 days per year       |
| 4 through 5 years       | 1 day, 2 hours (10 hours) | 15 days per year       |
| 6 through 12 years      | 1 day, 4 hours (12 hours) | 18 days per year       |
| 13 through 20 years     | 1 day, 6 hours (14 hours) | 21 days per year       |
| Over 20 years           | 1 day, 7 hours (15 hours) | 22.5 days per year     |

E&E employees must have completed full years of employment before movement to the next higher accrual rate. For example, employees would not move to the second level of annual leave accrual rate until they had completed three full years of employment and started their fourth year.

E&E employees who work less than full time per year accrue annual leave in the same proportion as the time worked. For example, employees who work half-time would receive half of the annual leave accrual shown on the schedule above.

When an E&E employee separates from the Department, the employee's accumulated annual leave as of the last working day shall be liquidated by a lump sum payment, not to exceed thirty working days (a combined total of 240 hours, including annual, holiday, and birthday hours).

Employees must use all compensatory time before using annual leave.

The use of annual leave must be approved in advance by the employee's supervisor.

Extra-help employees do not accrue annual leave.

For more information, refer to the TSS OPM Annual Leave policy.

## 4.8 Sick Leave and Sick Leave Incentive Payout Program

Every regular E&E employee will accrue eight hours of sick leave for each completed month of service. E&E employees working less than full time will accrue sick leave in the same proportion as the time worked. Sick leave may be used for the following purposes only:

- When the employee is unable to work because of sickness or injury, or for medical, dental, or optical treatment.
- When the employee is unable to work because of the death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an individual.



Sick leave should be requested in advance. For cases when it is impossible to request sick leave in advance, employees must notify their supervisor on the first day of absence and must submit a request for sick leave within two days after returning to work. An E&E employee who is on sick leave or LWOP due to illness for five or more consecutive days must furnish a certificate of illness from a healthcare provider and include the date that the employee is cleared to return to work. Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

E&E employees are not entitled to payment for accrued and unused sick leave when they terminate employment; however, they may be eligible for a payment when they retire or die.

Extra help employees do not accrue sick leave.

For more information, refer to the TSS OPM Sick Leave and Leave Transfer and Leave Payout policies.

## **4.9 Leave Without Pay (LWOP)**

E&E encourages the accumulation of annual, sick, and holiday leave for all employees and discourages the use of Leave Without Pay (LWOP). Repeated use of LWOP will not be approved and may subject the employee to disciplinary action up to and including dismissal.

Employees may not take LWOP until all their accrued annual leave has been exhausted except in the following circumstances: maternity leave, inclement weather as designated by state policy, active duty military leave, budget reductions as determined by the Secretary, and Department disciplinary actions according to the Department's written policies.

All LWOP requests must be approved by the employee's supervisor and Director, Associate Director, or Chief. The Secretary may grant extended leave without pay. Each request for LWOP will be considered on a case-by-case basis.

Employees may be dismissed if they fail to report to work promptly at the expiration of the period of LWOP.

An employee may not earn leave when in an LWOP status for eighty or more hours within a calendar month.

Employees may continue to participate in group insurance programs during a period of LWOP. Questions about insurance costs during a period of LWOP should be directed to TSS Employee Benefits Division at 501.682.9656 or [AskEBD@arkansas.gov](mailto:AskEBD@arkansas.gov).

For more information, refer to the TSS OPM Leave of Absence Without Pay policy.

## **4.10 Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) entitles eligible employees to a total of twelve workweeks of leave during each calendar year for one of the following reasons:

- The birth or placement of a son or daughter or to bond with a newborn or newly placed son or daughter.
- The care of the employee's spouse, son or daughter, or parent with a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of the job.

To be eligible for leave under this policy, you must have been employed by the state for at least twelve months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave. In the case of birth or adoption, FMLA leave shall expire at the end of the twelve-month period beginning on the date of the child's birth or placement.

For more information about FMLA, including military caregiver and qualifying exigency leave, refer to the TSS OPM Family and Medical Leave Act (FMLA) policy.

## **4.11 Catastrophic Leave Bank**

Arkansas law establishes a Catastrophic Leave Bank (CLB) program to be administered by TSS OPM. The CLB is a pool of accrued annual and sick leave voluntarily donated by employees that may be approved for use by employees who meet the eligibility requirements for medical emergency due to illness/injury and/or for maternity purposes. The CLB creates no expectation or promise of continued employment with a state agency and is intended to assist eligible employees during medical emergencies and for maternity purposes.

### **Eligibility Requirements for Catastrophic Leave**

- The applicant must be a regular, benefits-eligible, full-time employee of a state department to be eligible to participate. A person who works less than full-time (forty hours per week) or who is in an extra-help position is ineligible to participate as a recipient in the CLB program; an employee in a regular, part-time position may elect to donate annual and sick leave.
- The employee must have been employed by the State of Arkansas for at least one year in a regular, full-time position.
- Employees with a medical emergency must have exhausted all accumulated sick, annual, holiday, and compensatory leave, and, at the "onset of the illness or injury," had credit of at least eighty hours of combined sick and annual leave. The eighty-hour requirement may be waived in extraordinary circumstances. For maternity purposes, the eighty hours of combined sick and annual leave credit is not required at the time of application for catastrophic leave.
- The employee has not received a documented disciplinary action for leave abuse during the past one-year period from the date of application. This requirement does not apply for maternity purposes.

Catastrophic leave cannot be awarded retroactively. You or your legal representative must request the catastrophic leave before your leave is exhausted.

### **Catastrophic Leave for Maternity Purposes**

An eligible female E&E employee may receive up to four consecutive weeks of paid leave within the first twelve weeks after the birth of the employee's biological child or placement of an adoptive child in the employee's home. To be approved for catastrophic leave for maternity purposes, employees must provide acceptable proof of the birth or placement. See Section 4.12 Maternity Leave and TSS OPM Maternity Leave policy for additional requirements.

### **Donations**

Any regular or part-time E&E employee may donate sick or annual leave in whole-hour increments to the catastrophic leave bank at any time during the year. However, an employee may not designate the leave to a specific employee.

For more information, refer to the TSS OPM Catastrophic Leave policy.

## **4.12 Maternity Leave**

An eligible female employee may receive up to four consecutive weeks of paid leave within the first twelve weeks after the birth of the employee's biological child or placement of an adoptive child in the employee's home. Maternity leave is treated as any other leave for sickness or disability; however, the employee may elect to take LWOP without exhausting accumulated annual and sick leave. If an employee is eligible for both catastrophic leave for maternity purposes and family medical leave for maternity purposes, the two shall run concurrently.

For more information, refer to the TSS OPM Maternity Leave and Catastrophic Leave policies.

## **4.13 Right to Vote**

Pursuant to Arkansas Code Annotated § 7-1-102, all E&E supervisors must schedule work hours on election days so that employees will have an opportunity to exercise their right to vote.

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

E&E full-time employees shall be entitled to eight total hours of Children's Educational Activities Leave (CEAL) in one calendar year, regardless of the number of children, for engaging in and traveling to and from the educational activities of the employee's child.

A child is defined as a person enrolled in prekindergarten through grade twelve who is related to the E&E employee as a natural child, adopted child, stepchild, foster child, grandchild, ward of the E&E employee by virtue of the employee's having been appointed the child's legal guardian or custodian, or any other legal capacity where the employee is acting as a parent for the child.

A request for CEAL must be submitted to the employee's supervisor and approved before leave is taken. CEAL must be requested in increments of at least fifteen minutes. CEAL that is unused during a calendar year may not be carried over to the next year and is not compensable to the state employee at the time of retirement or termination.

For a list of approved educational activities, refer to the TSS OPM Child Educational Activity Leave policy.

## **4.15 Military Leave**

Military leave may only be used by active members of the United States Armed Forces, which include the United States Marine Corps, United States Army, United States Navy, United States Air Force, Arkansas National Guard, and all reserve branches of the armed forces. There are five types of military leave available to state employees: called to regular active duty; annual training, including drill; called to duty in emergency situations; called to duty for specialized training; and treatment for a service-connected disability.

An employee who requests military leave shall furnish a copy of the employee's orders for the employee's personnel file.

For more information, refer to the TSS OPM Military Leave policy.

## **4.16 Court and Jury Leave**

An E&E employee serving jury duty or subpoenaed as a witness to testify in a court or hearing, not involving personal litigation or service as a paid expert witness outside the scope of state employment, shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in any court shall not be counted as annual leave. An employee requesting court or jury leave must submit to the employee's supervisor a copy of any summons to appear no later than three business days after the court appearance. For more information, refer to the TSS OPM Serving as a Juror or Witness policy.

## **4.17 Arkansas Public Employees Retirement System Seminar Leave**

E&E employee attendance at Arkansas Public Employees Retirement System (APERS) retirement seminars will be treated as any other type of employee benefit presentation, provided those attending have at least a minimum of five years credited service in a state-sponsored retirement system. E&E employees can attend a retirement seminar once every five years and within five years of retirement without the use of accrued leave. Employees within one year of retirement or entering the Deferred Retirement Option Plan (DROP) are not required to use accrued leave to attend retirement seminars or scheduled sessions with retirement counselors. An employee must schedule the attendance so that the employee's absence will not hinder the work of E&E. Attendance requires prior approval from the employee's supervisor.

## **4.18 Death in Service**

A termination due to the death of an employee will be made effective as of the date of death. All compensation due shall be paid to the estate of the employee. Upon receiving notification of the death of an employee, the supervisor must notify the HR Manager immediately and advise survivors of the deceased to contact the HR Manager. For more information, refer to the TSS OPM Leave Transfer and Leave Payout policy.

# **SECTION 5: EMPLOYEE BENEFITS PROGRAM**

## **5.1 Health and Life Insurance**

Group health insurance benefits are offered to employees through the Employee Benefits Division (EBD) of TSS. A portion of the coverage is paid by the employee, with the employer paying the matching costs. In addition to group health insurance options, group life insurance benefits are available. For more information, visit [www.arbenefits.org](http://www.arbenefits.org) or call the customer service number at 501.682.9656 or toll free at 877.815.1017.

## **5.2 Wellness Program**

The ARBenefitsWell program is a wellness program that allows for a monthly discount in premium when certain wellness criteria are met. For program guidelines, go to [www.arbenefits.org](http://www.arbenefits.org) or call the customer service number at 501.682.9656 or toll free at 877.815.1017.

## **5.3 Employee Assistance Program**

Personal and workplace challenges can negatively affect your wellness. The New Directions Employee Assistance Program (EAP) has the tools and resources designed to help you overcome life challenges that can affect your health, family life, or job performance. EAP offers counseling for many issues, including family matters, stress, relationships, grief and loss, and substance abuse. EAP can also help employees find information about childcare, elder care, moving and relocation services, schools and colleges, home repairs, financial counseling, legal assistance, car purchases, and home purchases. Employees may reach New Directions 24 hours a day at 877.300.9103.

## **5.4 Benefit Accounts**

### **(a) Healthcare Flexible Spending Account (FSA)**

The FSA is a pre-tax benefit account that an employee may use to pay for eligible medical, dental, and vision care expenses that are not covered by the employee's health insurance plan. The employee decides how much to contribute to the FSA each year, and the funds are withdrawn automatically from each paycheck for deposit into the employee's account before taxes are deducted. The total amount the employee elects to contribute each year is available on the first day of the plan year. For information about rollovers and unused funds, employees should check their plan documents or contact EBD at [AskEBD@arkansas.gov](mailto:AskEBD@arkansas.gov), 501.682.9656, or toll free at 877.815.1017.

### **(b) Health Savings Account (HSA)**

The HSA is a pre-tax benefit account that is associated with an employee's qualified high-deductible health plan and is used to pay for eligible out-of-pocket medical, vision, and dental expenses. The amount an employee elects to contribute must be accrued before it is available. For more information, refer to plan documents or contact EBD at [AskEBD@arkansas.gov](mailto:AskEBD@arkansas.gov), 501.682.9656, or toll free at 877.815.1017.

### **(c) Dependent Care Flexible Spending Account (DCFSA)**

The DCFSA is a pre-tax benefit account used to pay for dependent care services while the employee is at work. Under a DCFSA, a "dependent" is a child under thirteen years of age (until the day of the child's thirteenth birthday) and eligible adult dependents. The dependent must live with the employee and be claimed as a dependent on the employee's tax return. Employees should review the eligible expense list on the vendor's website each year to see what is covered under the DCFSA.

## **5.5 Deferred Compensation Benefits**

New employees will be automatically enrolled in the Arkansas Diamond Deferred Compensation Plan, with a 3% deduction. If you do not wish to participate, you have ninety days from the first deduction to opt out. Employees may complete an opt-out form on their first day of employment or opt out of the plan by logging into the Arkansas Diamond Deferred Compensation Plan website at <https://myplan.voyaplan.com> or calling 800.905.1833.

An employee may elect to participate in the program at any time. The tax-sheltered investment options offer a means of setting aside money for future use that is not subject to current federal or state income tax. Taxes become payable when the deferred income plus earnings are paid to the employee, usually at retirement. This deferred income can serve as a supplement to social security, pension, or retirement benefits. To schedule a consultation, call 866.271.3327.

## **5.6 Arkansas State Employee Association (ASEA)**

ASEA is a nonprofit, nonunion, membership-driven association that advocates on behalf of state employees and offers exclusive benefits to its members. Employees may join the ASEA, and the dues are deducted from payroll or paid on an annual basis. For more information, visit <https://www.aseaar.org/> or call 800.950.8139.

## **5.7 Arkansas State Employees Benefit Advisors (ARSEBA)**

ARSEBA is the exclusive provider of voluntary benefits for state employees. Available voluntary benefits include short-term disability insurance, long-term disability insurance, accident insurance, cancer insurance, critical care insurance, dental insurance, vision insurance, hospital indemnity insurance, and life insurance. For more information, visit <https://www.arseba.com/>

## **5.8 Workers' Compensation**

Workers' compensation provides medical and wage-loss benefits to employees who are injured on the job. Please contact HR to coordinate all claims.

For more information, refer to the TSS OPM Workers' Compensation policy.

## **5.9 Retirement**

Arkansas Public Employees Retirement System (APERS) is a defined benefit plan for state employees, qualified under section 401(a) of the Internal Revenue Code, with defined contribution options. Participating employers contribute a rate that is established annually by the APERS Board of Trustees. Monies received are invested by APERS to pay future benefits to members, beneficiaries, and survivors.

Employees hired on or after July 1, 2005, are required to contribute 5% of their pre-taxed earnings to APERS. Beginning July 1, 2022, and continuing each following fiscal year, the contribution rate shall be increased in increments of twenty-five hundredths of one percent (0.25%) per fiscal year, but shall not result in a contribution rate greater than seven percent (7%). These contributions are deducted from the employee's salary to pay for retirement. These contributions will remain in the employee's deposit account unless the employee leaves the job and receives a refund of contributions. Employees become vested under APERS after completing five years of service.

Nothing in this description shall override any applicable law, regulation, or rule. Questions about retirement should be addressed to APERS at 501.682.7800 or 800.682.7377 for those persons residing outside the Little Rock area. For more information, visit the APERS website at [www.apers.org](http://www.apers.org).

## **5.10 Deferred Retirement Option Plan (DROP)**

Employees who have worked for the state and have at least twenty-eight years of credit with APERS may continue in service to the state under the DROP. After a maximum of ten years in the DROP, employees must leave state government and begin drawing their retirement benefits. They may receive the deferred amount in a lump sum or as a monthly payment or roll it over into an independent retirement account. Employees under the DROP are still eligible for deferred compensation, career service recognition payments, sick and annual leave, and state employees' health insurance. Nothing in this description shall override any applicable law, regulation, or rule. For more information, visit the APERS website at [www.apers.org](http://www.apers.org).