



## **Employee Policy Manual**

*This Policy Manual does not constitute any employment contract or agreement, either expressed or implied, between ADHE and its employees, and is subject to change without notice either wholly or in part.*



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**Arkansas Department of Higher Education**

423 Main Street, STE 400 • Little Rock, Arkansas • 72201-3818 • (501) 371-2000 • Fax (501) 371-2001

Asa Hutchinson

Dr. Brett

Powell

Governor

Director

Dear Employees,

I am happy, on behalf of the Arkansas Department of Higher Education (ADHE) to extend a warm welcome to you. ADHE is pleased that you have chosen to join us and it is our desire to assist you in adjusting quickly to your new position. The Policy Manual is aimed at providing assistance and it will answer many of the questions you may have concerning employment at ADHE.

The employees of ADHE are proud of their reputation for the friendly, courteous and helpful assistance they give those whom they have the opportunity to serve and taking pride in the professional manner in which ADHE business is conducted. Our work requires dedication and commitment on the part of each of us and we are responsible for ensuring that the public receives the best possible return on their investment of tax dollars.

Again, I extend a sincere and warm welcome to you and best wishes for your success.

Sincerely,

A handwritten signature in black ink that reads "Brett A. Powell".

Brett A. Powell, Ed.D.

Director

## ARKANSAS DEPARTMENT OF HIGHER EDUCATION

### History

The Arkansas Department of Higher Education serves as the executive staff for the Arkansas Higher Education Coordinating Board (AHECB), which was established after the abolishment of the State Board of Higher Education in 1997. The Coordinating Board, established by Act 1114 of 1997, consists of 12 members who are appointed by the governor and serve staggered six-year terms; the terms of two members shall expire each year and members may serve no more than two terms. The first Higher Education Coordinating Board for Arkansas was created in 1961 and was known as the Commission on Coordination of Higher Education Finance.

The Coordinating Board membership consists of members chosen as follows: three members are selected from the current or recent membership of the boards of public two-year colleges; three members are selected from the current or recent membership of the boards of four-year institutions, and six members are selected from business, industry, education, agriculturally-related industry, and medical services. No more than four members may be appointed from any one congressional district as the districts exist at the time of appointment. No more than two members of the Board at any one time may be graduates of an undergraduate program of any one state university or college. Should any newly appointed member be a sitting member of the board of a two- or four-year institution at the time of appointment, he/she will resign from the institutional board before accepting a position on the Coordinating Board. The members to be appointed by the Governor from recent or current institutional boards are to be selected from a list of names submitted by the Presidents' Council.

The Presidents' Council was also established by Act 1114 and is composed of all presidents and chancellors of public two-year and four-year colleges and universities. This Council serves in a "strong advisory" capacity (Act 1114, Section 4(b) (2)) to the Director of the Department and to the Coordinating Board. In addition, the Executive Council, consisting of eight members (four from two-year colleges and four from four-year colleges or universities), is to be selected from the membership of the Presidents' Council, by the Presidents' Council, to serve staggered terms of two years each. The Executive Council is the "working committee" of the Presidents' Council.

The policies and procedures authorized by the General Assembly and promulgated by the Arkansas Higher Education Coordinating Board can be found in the AHECB Policy Manual.

## **Mission Statement**

The Arkansas Department of Higher Education (ADHE) is responsible for carrying out the policy directives of the Arkansas Higher Education Coordinating Board (AHECB), approving and reviewing college and university academic programs and developing funding recommendations for the state's 11 public universities and 22 public two-year colleges as well as several other post-secondary entities. In addition, the agency is responsible for distributing approximately \$140 million annually from state revenues and lottery funds intended to ease the financial burden of students seeking an education beyond high school.

The mission of the Arkansas Department of Higher Education is to advocate for higher education, to promote a coordinated system of higher education in the State, and to provide for the orderly and effective development of each of the publicly and locally supported institutions of higher education in the state; all geared toward improving the delivery of higher education services to the citizens of Arkansas.

## **Code of Ethics**

All ADHE employees must maintain the highest standards of honesty, integrity, and impartiality in conduct and ensure performance of duties to the best of their ability.

1. Employees are, at all times, representatives of ADHE and the State of Arkansas.
2. ADHE employees' fundamental loyalty at work must be to those served by our agency. This overrides loyalties to friends, co-workers, and outside groups.
3. Your position may not be used for personal gain. Your influence and confidential information may never be used for personal advantage.
4. Employees may not accept favors or gifts from individuals who feel they may benefit from such an act. Compromising obligations must be avoided and decisions and actions must be determined by impersonal consideration.
5. Employees may not engage in criminal, dishonest, or notoriously disgraceful conduct, or any other conduct, which jeopardizes the health, safety, or welfare of those served by ADHE or our agency itself.
6. Employees must observe the requirements of courtesy, consideration, and promptness in dealing with all people.

7. Personal ambition or unjust criticism must not deter an employee from actions which his or her conscience indicates are right.

8. An employee's position obligates him or her to guard the honor of that position. Employees must avoid actions, which might adversely affect ADHE.

9. Employees are prohibited from engaging in outside employment or activity, which is not compatible with the full and proper discharge of the duties and responsibilities of their job.

Employees who violate ADHE's Code of Ethics are subject to disciplinary action, ranging from a written warning to employment termination, depending upon the severity of the violation.

### **Customer Service**

Every employee of the Department of Higher Education is a public servant to the people of this State and every employee is a representative of ADHE and the State of Arkansas. Customer service is the job of each and every employee of ADHE with customers that are both external and internal to our agency. The way you do your job reflects upon the agency, the State, and your fellow employees. Everyone you meet notices your attitude and the impressions you make will not only reflect what is thought of you, but also what is thought of ADHE.

Quality service demonstrates at least the following three characteristics. It is timely. It is provided both in anticipation of what may be requested and when a request is made. Quality service is complete and comprehensive in its delivery. Our expectation of you is that you provide all customers, whether internal to ADHE or from among the general public, quality customer service.

### **Functions**

The primary functions of the Arkansas Department of Higher Education are:

1. Implementation of the Coordinating Board policies consistent with providing distinct guidelines for the promotion of a coordinated system of higher education in Arkansas.
2. Institutional operating, capital, and personal services budget development and recommendation.
3. Administration of statewide financial aid programs.
4. Review of all current and proposed degree and academic programs.



The major divisions of ADHE are:

### **Academic Affairs Division**

The Academic Affairs Division coordinates, reviews, and administers academic policies and programs. The section's main responsibilities include Policy development and implementation related to the Coordinating Board's statutory responsibilities and major public policy initiatives, including review and approval of new academic programs for public colleges and universities; review of existing programs; transfer and articulation, assessment of general education, and institutional and program certification.

### **Financial Aid Division**

The Financial Aid Division administers most of the financial aid programs for higher education in Arkansas. The division's major responsibilities include printing, distributing and processing financial aid applications and distributing financial aid funds to institutions.

### **Institutional Finance Division**

The Institutional Finance Division works with the finances of public institutions of higher education in Arkansas. The division provides consultative and data services to the general public, legislative and executive branches, and institutional staffs. The office's main responsibilities include development and recommendation of funding methodologies, collection and analysis of financial data, and publication of reports.

### **Research and Planning Division**

The Research and Planning Division provides Arkansas' top-level higher education decision-makers with information about student performance and institutional activity at the state's colleges and universities.

### **Agency Finance**

The Finance and Administration Division reports to the Director and provides support for all ADHE Divisions in accounting, information services, purchasing, personnel and payroll. All Department personnel responsibilities including personnel records management; job advertising; recruiting and selection; training and employee development; job classification; performance review; grievance prevention and processing; technical assistance; and policy guidance are provided by the Division.

All Department budgetary and funding responsibilities are coordinated, verified, and monitored by the Finance and Administration Division. Its sections include Payroll and

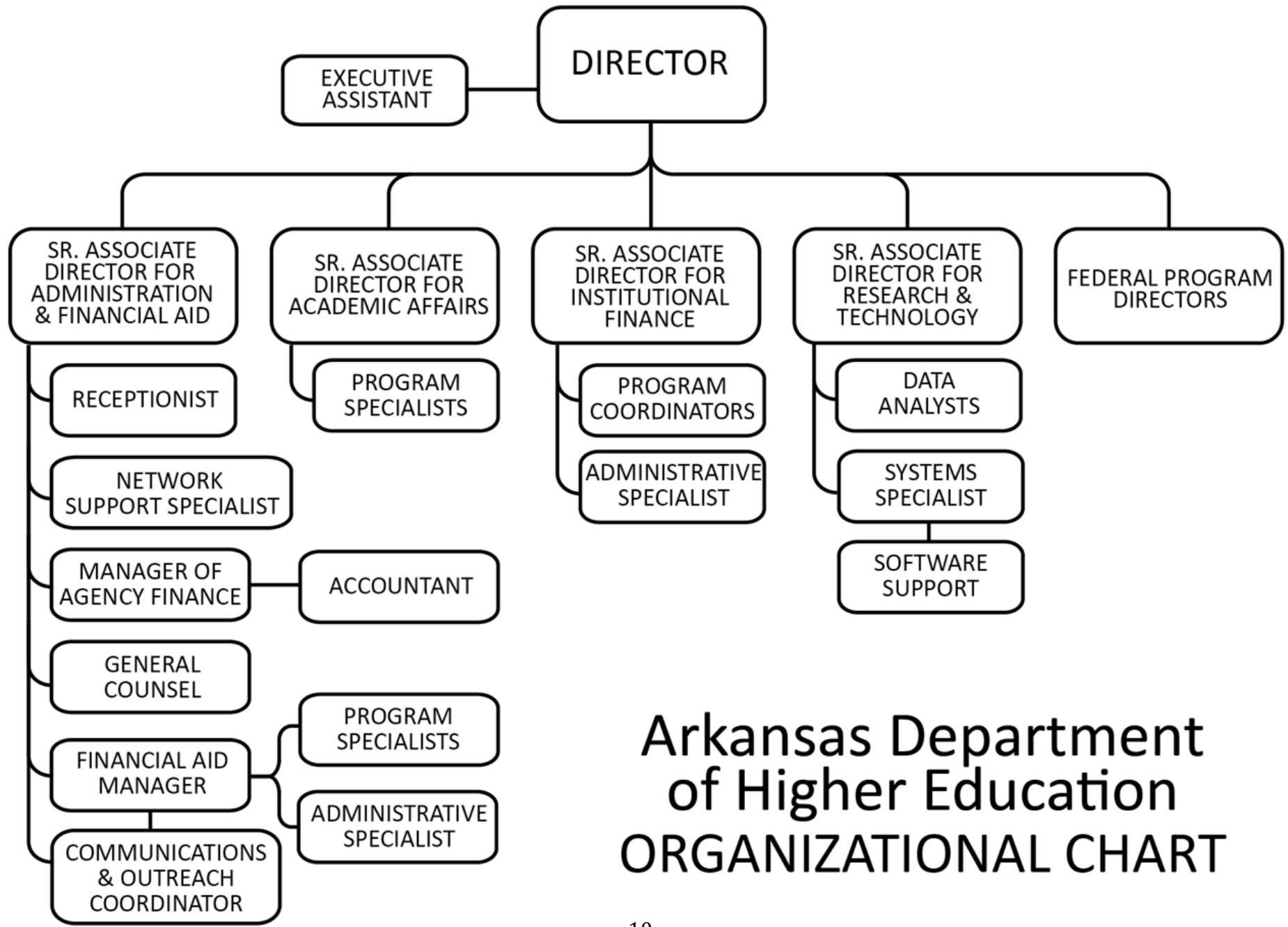
Accounts Receivable; Mailroom; Warehouse; and Reproduction Center; Purchasing; Management Information Systems Office; Accounts Payable; and Fixed Assets.

### **Arkansas Career Pathways**

The Arkansas Career Pathways Initiative is a program that enables your local two-year college to offer those who qualify career training and college classes.

### **Carl Perkins CTE Program**

The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) provides a renewed vision of career and technical education programs for the 21st century. Perkins IV provides an increased focus on academic achievement of career and technical education students.



# Arkansas Department of Higher Education ORGANIZATIONAL CHART



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## General Policies

**1. Working Hours:** The Arkansas Department of Higher Education will be open for business from 8:00 a.m. until 5:00 p.m. The normal work day for full-time employees working in an administrative office shall consist of 8 hours. A standard work day for regular salary non-exempt employees is no less than 8 hours; a workweek is not less than 40 hours starting on Monday and ending on Friday. Exempt employees are expected to work any hours that are necessary to accomplish their jobs. This may, and often does require working more than an 8-hour day or more than a 40 hour workweek.

**2. Work Breaks:** Work breaks may be authorized each day at the discretion of your supervisor. Work breaks are a privilege rather than a right and should not interfere with work schedules or deadlines. The workday includes a one hour lunch, which must be taken from 11:00 a.m. to 12:00 p.m. or from 12:00 p.m. to 1:00 p.m. Breaks may not be used to add to lunch periods or change workday starting and ending times. Lunchtime may not be used to change workday starting or ending times. Federal law determines that lunch is not considered compensable time. Employees who fail to work as scheduled are subject to disciplinary action. Supervisors whose employees fail to work as scheduled are subject to disciplinary action.

**3. Parking:** Parking is currently provided at no cost.

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

**5. Dress and Appearance:** It shall be the policy of ADHE to encourage all employees to use good judgment and discretion in their dress and appearance. The intent of this policy is to present a professional image to the public and to provide a common sense guideline for employees. Observe the following dress code to project the image of a professional public servant. Acceptable office attire must be worn; this does not include shorts, jeans, T-shirts, sweat shirts, overalls, tennis shoes, thongs/flip-flops, and other casual wear. Exceptions may be made when obviously needed for bad weather, moving or casual Fridays. Clothing, or the lack of it, which may offend or shock the public or is generally considered inappropriate for the work location or assignment is not allowed. Field and unusual assignments, which require a deviation from this dress code, are determined on an individual basis by supervisors.

Job assignments in the field include many duties that require wearing different types of clothing. Employees must wear clothing appropriate for their assignments. Appropriate supervisors make determinations or decisions under this policy.

**6. Political Activity:** Arkansas State law prohibits State employees from engaging in partisan political activities during the hours they are performing work for and being paid by an agency of State government. Employees are not to endorse candidates, including the Governor, in their official capacity as State employees. The State further prohibits the use of any campaign

literature (including bumper stickers) on a vehicle belonging to the State. The solicitation or collection of contributions for elected officials, candidates for office, or for any political activity is specifically prohibited during working hours. In addition, employees who receive more than 50% of their salary from Federal funds are covered by the Federal Hatch Act in addition to State laws, which may restrict off-duty activities.

**7. Public Information:** Most information in State government is public record and is available to all citizens under the Freedom of Information Act, including information items about your employment with the state. Those items include name, salary, pay grade agency, position title, race, gender, supervisory, and other information directly related to your employment. Personal information that is not job related is redacted from FOIs. Things like Social Security Number, home address and phone number, spousal information, information on children, and HIIPA are not included. However, many confidential matters are entrusted to those working for the State. You should be certain (check with your supervisor) that information requested may be made available to the inquiring public.

**8. Other Employment:** It is not permissible for a State employee to engage in private employment during the time he or she is scheduled to be working for the State. Further, it is unlawful for a State employee to engage in any occupation outside working hours in a manner or to an extent which constitutes a conflict of interest as defined in the law.

Otherwise, it is permissible for State employees to engage in private employment if they so desire. It should be noted, however, that employees are subject to dismissal for inadequate performance of their jobs. Anyone considering employment in addition to his or her job with the State should carefully consider whether such employment would make demands on his or her time and energies which would adversely affect job performance in the State job. This, of course, is a personal matter and requires the use of good judgment on the part of anyone considering such an arrangement.

**9. Union Activity:** Freedom of organized labor to bargain collectively and freedom of organized labor to bargain individually is the public policy of the State under Amendment 34 to the Constitution: "No person shall be denied employment because of membership in, or affiliation with, a labor union; nor shall any person be denied employment because of a failure or refusal to join, or affiliate with a labor union, nor shall any person, unless he/she shall voluntarily consent in writing to do so, be compelled to pay dues, or any other monetary consideration to any labor organization as a prerequisite to, or condition of, employment."

**10. Discrimination:** Acts 1301 and 1318 of 1995 state that discrimination by any officer or employee of a State agency based upon race, creed, religion, national origin, age, sex, or gender shall constitute grounds for dismissal. If a court of law determines that any employee of the State is guilty of such discrimination, the employee shall be dismissed from employment.

**11. Employment-At-Will:** The Department of Higher Education is an "Employment- At-Will" employer. As an ADHE employee there is not a contract, expressed or implied, for employment between you and the agency. The employer and the employee both have the right to

terminate the employment relationship without cause or notice at any time. Nothing in this handbook or any other document, policy or procedure issued or used by ADHE creates either an express or implied right or expectation of continued employment or contract.

## **Compensation Plan**

## Purpose

Most state government employees are paid under a compensation plan which establishes the salaries and salary increases for employees serving in positions covered by the Statewide Uniform Classification and Compensation Plan.

## Specific Provisions

No employee shall be paid at a rate of pay higher than the appropriate rate in the grade assigned to his or her class, and no employee shall be paid more than the highest pay level established for the employee's grade unless otherwise provided for in the Statewide Uniform Classification and Compensation System.

Although salary increases are covered in the Uniform Classification and Compensation system, it is not the intent of this system that salary increases are automatic or that any employee has a claim or right to pay increases. Management representatives in each agency or institution determine if the employee, by experience, ability, and work performance, is eligible for the increase authorized in law.

Pay levels established in this subchapter are for compensation management purposes and are not to be construed as a contract, right, or other expectation of actual employee salary determination.

Positions in state agencies or institutions covered by the Uniform Classification and Compensation system will either fall in the Career Service Pay Plan or the Professional and Executive Pay Plan. Every position will be assigned to a job classification that is assigned a grade for the purpose of employee compensation. Every agency and institution appropriation act will provide a list of authorized positions by job classification. Employee salary compensation must be implemented and function in compliance with fiscal control laws of this state.

The following grades and pay levels shall be authorized for the two pay plans, effective July 1, 2009, and thereafter: Career Service Pay Plan and Professional and Executive Pay Plan. The current fiscal year plan is located in the appendices of the manual

## **Computer Use Policies**

Data processing equipment is to be used for official ADHE Business only. Use of data processing equipment is restricted to employees and authorized volunteers who have been trained in the proper use of the equipment. Use of the subject equipment for personal and/or unofficial purposes will be subject to disciplinary sanctions.

- Use of the ADHE data processing equipment and/or software in any manner that would violate copyright laws, department policies, or provisions of licensing agreements is not allowed.
- Copying software owned by or licensed for use by ADHE is prohibited.
- Only ADHE-owned and/or approved software, hardware or peripherals will be installed on ADHE computers.
- Only screensavers approved by the MIS Department may be installed/used on ADHE computers. Only screensavers included in the Operating System will be approved.

The Internet must be used to provide an efficient method to exchange information within state agencies, between governmental agencies, and to the public. Use of Internet access, provided by ADHE, expressly prohibits the following:

- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, or other confidential information of ADHE in violation of department policy or proprietary agreements.
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, gender, sexual orientation, age, color, disability, religion, or political beliefs.
- Sending, accessing or soliciting sexually oriented material, messages or images. (e.g. *pornography sites on the Internet*)
- Operating a business, usurping business opportunities or soliciting money for personal gain.
- Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law and/or department policy.

All internet activity at ADHE is monitored. Disciplinary action for violation of Arkansas Department of Higher Education Use Policy may include, but is not limited to, termination or suspension of the offending employee.

## **Unacceptable uses of e-mail:**

State issued email addresses are to be used for official state business only:

- Do not use your state email address for personal business. This includes paying bills, contacting friends and family and signing up for social media.
- The electronic files, including e-mail files, of state employees are potentially subject to public inspection and copying under the state Freedom of Information Act ("FOI"), Ark. Code Ann. § 25-19-101 et seq.

Sending / forwarding chain letters, virus hoaxes, etc.:

- Sending/forwarding or opening executable files (.exe) or other attachments unrelated to specific work activities, as these frequently contain viruses;
- Use of abusive or profane language in messages, or use that reflects poorly on the agency or state of Arkansas;

## **PC Security**

Employees may not share or reveal their login user names or passwords for any secured site. Supervisors are prohibited from requiring any employee to reveal their login or password for ADHE Network access or AASIS unless or until the employee terminates. Upon termination, a supervisor may request help from MIS to have the terminating employee's password changed so the supervisor may gain access if needed.

## **Mobile Phones and Texting Devices**

Personal calls during business operations are a distraction in the workplace. Business phones are for business use, not personal use. Employees found to be making or receiving excessive personal calls on business phones may be subject to progressive discipline. Family and friends should be told not to call on business phones unless there is an emergency. Employees will refrain from using personal mobile phones and taking or making personal calls or text messages during work hours. All personal and business cell phones should be set to Vibrate or silent during work hours. Excessive use of cell phones or other mobile devices for personal calls or text messaging during work hours will result in progressive discipline. Personal mobile phones or texting devices may be used during an employee's authorized breaks and/or lunch breaks.

## **Holidays**

General Provisions

Arkansas State Government observes the following holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Birthday and Robert E. Lee's Birthday	The third Monday in January
George Washington's Birthday and Daisy Gatson Bates Day	The third Monday in February
Memorial Day	The last Monday in May
Independence Day	July 4
Labor Day	The first Monday in September
Veterans Day	November 11
Thanksgiving Day	The fourth Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
An employee's birthday	An employee is granted one holiday to observe his/her birthday

All State offices will be closed on the above legal holidays with the exception of the

Employee's Birthday. However, these closings do not apply to those State offices and employees who are essential to the preservation and protection of the public peace, health and safety, nor do these closings affect the various Constitutional Officers, who may use their own discretion in the matter of closing their offices on legal holidays.

State offices located in Pulaski County shall remain open when a legal holiday occurs during a general or special session of the legislature, with the exception of Martin Luther King, Jr. Day. These offices shall maintain the minimum number of employees required to conduct state business. However, these offices may be permitted to close by Resolution of the General Assembly.

An employee who is required to work on a legal holiday shall be entitled to equivalent time off on another date.

State supported institutions of higher education may require employees to work on a legal holiday. Any employee who is required to work on a legal holiday shall be entitled to equivalent time off on another date.

The Governor may issue an Executive Proclamation and proclaim additional days as holidays in observance of special events or for other reasons. *The governor often issues an Executive Proclamation to declare the day after Thanksgiving a holiday.*

#### Eligibility For Holiday Pay

1. All "regular salaried" and "extra help" employees are eligible to receive holiday pay if they are in pay status on their last scheduled work day before the holiday and at least fifteen (15) minutes on the first scheduled work day after the holiday. An employee on leave of absence without pay is not in pay status and is not eligible to receive holiday pay.
2. When a holiday occurs while an employee is on annual or sick leave, that day will be considered a holiday and will not be charged against the employee's annual or sick leave.
3. When a holiday occurs on an employee's regularly scheduled day off, the employee will be given equivalent time off.
4. Employees must work on holidays when the needs of the agency or institution require



- it. This need will be determined by the Agency Director or Institution Head.
5. Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor. (Such time off is to be taken as soon as is practical).
  6. Employees who work less than full time may take the holiday at a rate proportionately equal to their time worked. For example, if an employee works half- time, a holiday would be granted equivalent to four (4) hours.
  7. Holidays which occur on a Saturday will be observed on the preceding Friday. Holidays which occur on a Sunday will be observed on the following Monday.
  8. The minimum holiday leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.

Revised June 23, 2013

## **Employee Leave**

## Purpose

This policy applies to all Arkansas Department of Higher Education (ADHE) employees.

The establishment of leave records and internal procedures, such as requesting leave, approving leave, and leave use, are the responsibility of ADHE. All employees shall be informed of the ADHE policy as well as any internal policy and procedures.

## Definitions

**Agency Head or Agency Director:** The executive head of all agencies, departments, boards, commissions, bureaus, councils, or other agencies of the state.

**Annual Leave:** Vacation time with pay but shall not include compensatory time.

**Catastrophic Illness:** A medical condition, as certified by a physician, of an employee, the spouse or parent of the employee, or a child of the employee that may be claimed as a dependent under the Arkansas Income Tax Law, which requires an employee's absence from duty for a prolonged period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave.

**Catastrophic Leave:** Leave granted to an employee as a result of a catastrophic illness, after the employee has exhausted all sick and annual leave pay.

**Catastrophic Leave Bank:** A pool of accrued annual leave donated by employees.

**Compensatory Time:** Time off in lieu of payment for overtime hours.

**Educational Leave:** Any period of out-service training during which time the employee pursues a regular full-time course of instruction to acquire a specific skill or skills needed.

**Employee:** A person regularly appointed or employed in a position of state service by a state agency, for which he or she is compensated on a full-time basis.

**Immediate Family Member:** An employee's father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, in-laws, or an individual acting as a parent or guardian of an employee.

**Probationary Employee:** A person certified from a list of qualified candidates or employed through a work test appointment and serving a probationary period.

**Provisional Employee:** A person who has been appointed to fill a position pending the establishment of a register for such position.

**Severe Illness:** A medical condition of an employee or an employee's immediate family member:

1. Which is catastrophic in nature;
2. Which could not be anticipated;
3. That requires continuous in-patient or out-patient medical treatment; and
4. That causes an employee or the employee's immediate family member to be absent from duty for a prolonged period of time.

**Shared Leave:** The donation of an employee's earned sick leave or earned annual leave to another employee who: (a) is suffering from a severe illness; or (b) has an immediate family member suffering from a severe illness.

**State Agencies:** All agencies, departments, boards, commissions, bureaus, councils, state-supported institutions of higher education, or other agencies except the following excluded agencies or positions within agencies:

1. The elected constitutional officers of this state and their employees;
2. The General Assembly and its employees, including employees of the Bureau of Legislative Research and the Division of Legislative Audit;
3. Members and employees of the Supreme Court, the Court of Appeals, circuit courts, the Administrative Office of the Courts; and prosecuting attorneys, but not including deputy prosecuting attorneys;
4. The Arkansas State Highway and Transportation Department; and
5. All administrative, academic, or other non-classified employees of the state-supported institutions of higher education.

**Temporary Employee:** A person who has been appointed from a register for a period of time not to exceed six (6) months.

**Working Day:** All regularly prescribed days of employment in which the employee performs those duties for which he or she was hired. A working day shall consist of eight (8) hours.

**Years of Service:** The total number of years of employment with all agencies of state government whether such employment is continuous or not.

Annual Leave Accrual

Full-time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full-time per year accrue annual leave in the same proportion as time worked. For example, employees who work half time would receive half of the annual leave accrual.

Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 through 5 years	1 Day, 2 Hours	15 Days
6 through 12 years	1 Day, 4 Hours	18 Days
13 through 20 years	1 Day, 6 Hours	21 Days
Over 20 years	1 Day, 7 Hours	22.5 Days

Annual leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as annual leave.

Annual leave shall be granted to permanent, probationary, provisional, and temporary employees who are working one-half time on a pro rata basis. Annual leave shall not be granted to emergency, hourly, intermittent, or per diem employees. Any employee who works a minimum of 1000 hours per year in a regular salary position shall accrue annual leave. Employees who work less than full-time, but more than 1000 hours per year, accrue annual leave in the same proportion as time worked.

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

Accrual rates will change on the first day of the month following eligibility for the next higher accrual rate.

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

An employee may not earn annual leave when on leave without pay for ten (10) or more cumulative days within a calendar month. Employees continue to earn annual leave at their normal accrual rate when on annual or sick leave.

Employees shall not borrow from anticipated future accruals and may not use annual leave accrued by other employees, unless approved as shared leave. The minimum annual leave an employee can use is fifteen (15) minutes.

All compensatory time should be used before the use of annual leave.

Years of employment may be continuous state employment or an accumulation of years of service when the employee was out of state service for a time. Effective July 1, 1975, prior service is established on completed years of service only. Service prior to July 1, 1975, shall be established in completed years and months of service.

When an employee leaves state service their accrual rate will remain the same upon returning to state service.

### Sick Leave Accrual

An employee who works in a regular salary position shall accrue sick leave in the same proportion as time worked. An employee who works a minimum of 1000 hours per year in a regular salary position shall accrue sick leave. Employees who work less than full-time, but more than 1000 hours per year, accrue sick leave in the same proportion as time worked.

Sick leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month, and the leave must be earned before it can be used.

For accrual purposes only, employees will accrue half their monthly accrual of sick leave if employed on the first (1st) working day of the month and work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first (1st) working day thereafter.) Employees shall not borrow from anticipated future accruals.

Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.

Revised August 16, 2013

## **Leave and Attendance Record Keeping Requirements**

- A. Actual hours worked for all nonexempt employees.
- B. Overtime earned and paid/taken for all nonexempt employees.
- C. Holidays worked and not worked for all employees.
- D. Leave accounting records to record both leave accrued and leave taken for all employees.
- E. Opening and closing of records on an annual basis.
- F. Internal audit of all time and attendance records on an annual basis.
- G. Records retention procedures for transferred or terminated employees. Revised August 16, 2013

**Annual Leave**

Purpose

This policy applies to all Arkansas Department of Higher Education (ADHE) employees.

An employee who works in a regular salary position shall accrue annual and sick leave in the same proportion as time worked.

The establishment of leave records and internal procedures, such as requesting leave, approving leave, and leave use, are the responsibility of each agency and institution. All employees shall be informed of statewide policy as well as any internal policy and procedures.

Specific Provisions

ADHE employees who works in a regular salary position shall accrue annual leave as defined in the timetable below. Full-time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full-time per year accrue annual leave in the same proportion as time worked. For example, employees who work half-time would receive half of the annual leave accrual shown on the timetable. Employees must have completed full years of employment before movement to the next higher accrual rate. For example, an employee would not move to the second level of annual leave accrual rate until they had completed three (3) full years of employment and starting their fourth (4th) year.

Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 through 5 years	1 Day, 2 Hours	15 Days
6 through 12 years	1 Day, 4 Hours	18 Days
13 through 20 years	1 Day, 6 Hours	21 Days
Over 20 years	1 Day, 7 Hours	22.5 Days

1. Through three (3) years: Employees must have completed three (3) full years of employment, before movement to the next higher accrual rate—(1 through 36 months).
2. Four (4) through five (5) years: Employees must have completed three (3) full years of employment and be starting their fourth (4th) year—(37 through 60 months).
3. Six (6) through twelve (12) years: Employees must have completed five (5) full years of employment and be starting their sixth (6th) year—(61 through 144 months).
4. Thirteen (13) through twenty (20) years: Employees must have completed twelve (12) full years of employment and be starting their thirteenth (13th) year—(145 through 240 months).
5. Over twenty (20) years: Employees must have completed twenty (20) full years of employment and be starting their twenty-first (21st) year—(241 months and

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

Per an Office of Personnel Management memorandum dated September 27, 2012, years of employment may be continuous state employment or an accumulation of years of service when the employee was out of state service for a time.

Annual leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as annual leave.

Annual leave shall be granted to permanent, probationary, provisional, and temporary employees who are working one-half time on a pro rata basis. Annual leave shall not be granted to emergency, hourly, intermittent, or per diem employees. An employee who works a minimum of 1000 hours per year in a regular salary position shall accrue annual leave. Employees who work less than full time, but more than 1000 hours per year, accrue annual leave in the same proportion as time worked.

Any employee who works in a regular salary position shall accrue annual leave in the same proportion as time worked.

Annual Leave is cumulative and no employee shall have over 30 days accumulated on December 31st of each year. Accrued leave may exceed 30 days during the calendar year, but those days in excess of 30 will be forfeited if not used by December 31st of each year. Accrued Birthday and Holiday leave balances do not truncate at the end of the year if the employee has 240 hours of annual leave. Employees who have a balance of over 30 days at the end of the year may donate their time over 30 days to the Catastrophic Leave Bank. An employee may request to use accrued annual leave at any time. The Agency Director or Institution Head may grant the leave request at such time that will cause the least disruption to the efficient operation of the agency.

Employees shall not borrow from anticipated future accruals and may not use annual leave accrued by other employees, unless approved as shared leave.

The minimum annual leave amount an employee can use is fifteen (15) minutes. No smaller amounts shall be used.

Employees continue to earn annual leave at their normal accrual rate when on annual or sick leave.

An employee may not earn annual leave when in a leave without pay status for ten (10) or more cumulative days within a calendar month.



All compensatory time should be used before the use of annual leave.

Employees transferring without a break in service, between state agencies and/or state-supported institutions of higher education, that are covered by these policies, shall retain all accumulated annual leave.

When an employee terminates employment with the state, they are eligible to receive a payout of their annual, as well as birthday and holiday, leave balances; however, the payout may not exceed thirty (30) days or 240 hours.

Revised August 16, 2013

## **Sick Leave**

## Specific Provisions

Any employee who works in a regular salary position shall accrue sick leave with pay in the same proportion as time worked. Sick leave with pay shall not be granted to emergency, hourly, intermittent, or per diem employees. Sick leave with pay shall be allowed to provisional and temporary employees on the basis of one (1) day for each completed month of service.

Sick leave with pay shall be allowed to permanent, probationary, provisional, and temporary employees who are working one-half (1/2) time or more on a pro rata of the schedule for full-time employees for each complete month of service.

Employees accrue sick leave at the rate of one (1) day for each completed month of service; however, no employee shall have over 120 days accumulated on December 31st of each year. Accrued leave may exceed 960 hours during the calendar year, but those days in excess of 120 days hours will be forfeited if not used by December 31st of each year. Employees who have a balance of over 120 days at the end of the calendar year may donate their time over 120 days to the catastrophic leave bank.

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

Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.

Sick leave may be used for only the following purposes:

1. When the employee is unable to work because of sickness or injury; or for medical, dental or optical treatment.
2. 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.

The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.

Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment.

Upon retirement or death, any employee, or beneficiary of any employee, of any agency of the State of Arkansas and classified employees of state-supported institutions of higher learning shall receive compensation for accumulated unused sick leave or Sick Leave Incentive Payout as follows:

1. When the employee is unable to work because of sickness or injury; or for medical, If the employee has accumulated at least fifty (50) days, but less than sixty (60) days of sick leave, the employee shall receive an amount equal to fifty percent (50%) of the number of accrued sick leave days (rounded to the nearest day) times fifty percent (50%) of the employee's daily salary.
2. If the employee has accumulated at least sixty (60) days, but less than seventy (70) days of sick leave, the employee shall receive an amount equal to sixty percent (60%) of the number of accrued sick leave days (rounded to the nearest day) times sixty percent (60%) of the employee's daily salary.
3. If the employee has accumulated at least seventy (70) days, but less than eighty (80) days of sick leave, the employee shall receive an amount equal to seventy percent (70%) of the number of accrued sick days (rounded to the nearest day) times seventy percent (70%) of the employee's daily salary.
4. If the employee has accumulated at least eighty (80) or more days of sick leave, the employee shall receive an amount equal to eighty percent (80%) of the number of accrued sick leave days (rounded to the nearest day) times eighty percent (80%) of the employee's daily salary.

The employee's daily salary shall be determined by dividing the annual salary by two hundred and sixty (260).

Upon retirement or death, if the balance of the employee's sick leave does not reach the criteria for a Sick Leave Incentive Payout, the employee or their beneficiary may donate their sick leave to the catastrophic leave bank. When an employee receives a payout for unused sick leave at retirement or death, hours used to calculate the maximum payout of \$7,500 cannot be donated to the catastrophic leave bank.

Once the calculation of the number of accrued hours needed to receive a full payout of \$7,500 has been made, any remaining hours may be donated to the catastrophic leave bank.

In no event shall an employee, or beneficiary, receive an amount that exceeds seven thousand five hundred dollars (\$7,500) upon retirement, or death of an employee, due to the

provisions of this section.

If an employee receives compensation for unused sick leave at retirement and returns to state employment, the employee shall not be required to wait until the expiration of the number of days for which he or she received additional compensation before returning to state employment or to repay the amount of the compensation.

At the institution's discretion, an institution of higher education may compensate a non-classified employee of the institution of higher education for accumulated unused sick leave by providing to the non-classified employee the same compensation for accumulated unused sick leave provided to all classified employees of the institution. Unused sick leave for non-classified employees of state-supported institutions of higher education shall accrue at the same rate for classified employees for calculations made in this law.

For the purposes of calculating sick leave incentive pay for retirees, paid sick leave taken under the Family and Medical Leave Act of 1993 will be added to the retiring employee's final sick leave balance.

Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.

The minimum sick leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.

Absences due to sick leave, except in the case of maternity leave, shall be charged in the following order: (1) earned sick leave; (2) earned annual leave; (3) shared leave; (5) catastrophic leave; and (6) leave without pay.

Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate of illness from an attending physician. An agency or institution which has a written procedure to identify patterns of sick leave usage may require an employee to furnish a certificate from an attending physician for any use of sick leave. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.

Accrued sick leave will be restored to an employee's credit if he returns to State employment within six (6) months of termination. This provision shall apply only if the employee was terminated due to budgetary reasons or curtailment of work activities.

## **Attendance and Absenteeism**

Employees of ADHE are expected to regularly and consistently be at their work stations at the designated time their work begins, unless on approved leave. They are also expected to attend and work often enough to be considered full time when they occupy a regular salaried full-time position. Without these standards being met, we are not able to achieve our mission and properly serve the tax paying citizens of Arkansas. We expect supervisors to act when employees, for any reason, do not meet these standards.

Excessive absence disrupts agency routines and places extra burdens on supervisors and employees who must do the work of the absent employee. Absenteeism is not good for the morale of a work group and it is not a prudent use of tax dollars.

Sick leave abuse or absenteeism may lead to disciplinary action, leave without pay or employment termination.

### Supervisor Notification Is Required

If an employee is unable to report to work as scheduled, they are required to notify their supervisor in advance, if possible, at or before their normal starting time. When their supervisor cannot be reached, employees must notify their next level supervisor. We expect our employees to make this contact themselves -- it is inappropriate for a spouse, child or others to call unless our employee is physically unable to call.

Employees must give the reason for their absence and state when they expect to return to work.

When employees do not know when they will return, they must notify their supervisor each day of their absence, at or before their normal starting time. Employees failing to make this notification are subject to disciplinary action, leave without pay, or employment termination.

### Doctor's Statements and Family Medical Leave

Employees who are on sick leave for five or more consecutive days (40 hours) are required to furnish a certificate of illness from an attending physician. Also, they must complete the Family and Medical Leave (FMLA) application forms. This must be done regardless of whether the employee is using sick leave, leave without pay, annual leave, or other leave approved for illness. The doctor's statement must indicate when the employee may return to work, whether there are work restrictions, and when these restrictions end. A certificate from a Christian Science Practitioner listed in the CHRISTIAN SCIENCE JOURNAL may be submitted in place of a physician's certificate. It must include the same information required above.

### Absenteeism

Employees who have very little sick leave or run out of sick leave and request Leave without Pay (LWOP) may have an absenteeism problem. We expect our supervisors to act when absenteeism problems develop. Supervisors should carefully review the entire situation before acting. Consideration can be given to an employee who had a major disability, surgery, or medical emergency that depleted their leave balance. Is there a pattern of sick leave usage? Did our employee provide fully acceptable reasons for his or her absence? Is our employee fulfilling the requirement of a full-time employee?

Supervisors may consider the following items when dealing with absentee problems:

- The effect the absence has on the operation of the work unit or location;
- The frequency of absences;
- The duration of absences;
- Patterns of absences; and
- Proof employees offer to show their absence was valid.

Reviewing patterns of sick leave usage provides a guide for supervisors when deciding if absenteeism is a problem. Although this list does not try to include every situation, it does provide a guide for supervisors.

- Sick leave used on Fridays and Mondays
- Sick leave used the day before and /or after regularly scheduled off days
- Sick leave used before and after holidays
- Sick leave used following pay days
- Annual leave used because sick leave has been exhausted
- Repeated charging of sick or annual leave for tardiness
- Leave without pay because all leave has been exhausted
- Use of leave at or about the same rate as it is earned
- A small sick leave balance with a larger annual leave balance
- Low sick leave and annual leave balances, especially for long term employees
- Using annual and sick leave in combination
- Use of any type of leave for illnesses because sick leave has been exhausted
- A high 'absentee percentage', i.e., days absent divided by days scheduled

A physician's certificate for sick leave may be required even when an employee has not used five consecutive days, when a pattern of sick leave usage develops.

Our first priority is to maintain the operation of ADHE. Our employees need to understand when we hire them into full-time positions we expect them to attend often enough to perform their duties on a full time basis.

## **New Employees**

For accrual purposes only, employees will accrue half their monthly accrual of annual leave if employed on the first (1st) working day of the month and work through the 15th of that month.

If hired on the 16<sup>th</sup> of the month, employees will earn ½ their monthly accrual on the last day of the month (If the 16<sup>th</sup> falls on a weekend or holiday, accrual begins on the 1<sup>st</sup> working day after the 16th.). No leave is earned for the month if hired after the 16th.

### **Workers' Compensation Policy**

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

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

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

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

Employees receiving Workers' Compensation benefits for a permanent disability are eligible for full pay from both sources.

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

### **Maternity Leave Policy**

Maternity leave is to be treated as any other leave for sickness or disability. However, the employee may elect to take leave of absence without pay without exhausting accumulated annual and sick leave.

### **Family Medical Leave**

Federal Family Medical Leave Act of 1993, 29 C.F.R. § 825

### Purpose

The law allows individuals or family members with medical needs to take time off from work in order to receive medical care, to provide medical support to a family member or to provide care to a newborn child or adopted child.

For more information about FMLA, see the Department of Finance and Administration website at the link below:

### [Family Medical Leave Act](http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50_07FamilyMedicalLeave.pdf)

[http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50\\_07FamilyMedicalLeave.pdf](http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50_07FamilyMedicalLeave.pdf)

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

Employees may not take leave without pay (LWOP) as authorized by Arkansas Code Annotated § 21-4-210 until all their annual leave has been exhausted, except in the cases of maternity leave, inclement weather as designated by state policy, budget reductions as determined by an agency director, and agency disciplinary actions. In the case of maternity leave, such employee may elect to take leave without pay, without exhausting accumulated annual and sick leave. In the case of disciplinary actions, the agency may place an employee in disciplinary leave without pay status in accordance with the agency's written and publicized personnel policies.

An Agency Director or Institution Head may grant continuous leave without pay. Any such period shall not exceed six (6) continuous months. Each request for leave without pay (LWOP), as authorized by Arkansas Code Annotated 21-4-210, is to be considered on a case-by-case basis. Upon expiration of any six (6) month period of LWOP, additional extensions, up to six (6) months each may be requested by the employee if updated justification with appropriate documentation is provided.

Approval or disapproval of requests for leave without pay as an accommodation should be determined based upon impact on the agency's operation and mission and whether approval would create an undue hardship on the agency.

"Undue hardship" is defined as "an action requiring significant difficulty or expense" when considered in relationship to a number of factors. These factors may include, but not necessarily be limited to, the nature of the position occupied by the employee and cost of the



request in relation to the size, resources, nature and structure of the agency's operation and mission. Thus, whether or not an accommodation request would create an undue hardship focuses on the resources and circumstances of the particular state agency in relationship to the cost or difficulty of providing a specific leave request. Undue hardship refers not only to financial difficulty, but also to requests that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature of operation of the agency. An agency director should assess, on a case-by-case basis, whether a particular request for leave without pay (LWOP) would cause undue hardship. Every request should be evaluated separately to determine if it would impose an undue hardship on the agency, taking into account: (1) the nature and cost of the request; (2) the overall financial resources of the agency; (3) the number of persons employed by the agency; (4) the effect on expenses and resources of the agency; and, (5) the impact of the request on the agency.

Agency directors may declare an undue hardship where a leave request accommodation would be unduly disruptive to other employees' ability to work efficiently. For example, if granting leave would prevent other employees from doing their jobs, then the significant disruption to the operations of the agency constitutes an undue hardship. In some situations, an employee may be able to provide only an approximate date of return because treatment and recuperation do not always permit exact timetables. If an agency is able to show that the lack of a fixed return date imposes an undue hardship, then it can deny the leave. An undue hardship could result if the agency can neither plan for the employee's return nor permanently fill the position. In other situations, an agency may be able to be flexible.

An employee who accumulates ten consecutive or nonconsecutive days of leave without pay (LWOP) during any one calendar month loses the leave accrual (annual and sick) for that month only. The annual leave that is lost due to the LWOP is based on the rate of accrual authorized for that employee.

Employees may continue to participate in agency or institution group insurance programs during the period of LWOP. Employees who choose this option must pay the total cost (employee deduction and employer matching) of the coverage. However if an employee is on FMLA or Workers' Compensation related leave, agencies are required to remit the employer's matching portion of coverage.

Employees having kept their group insurance in effect while on LWOP are to be fully reinstated in insurance programs when they return to duty. However, employees on FMLA

leave are eligible for reinstatement in the insurance program even if the employee failed to pay their premium while on FMLA leave. Upon return from FMLA LWOP employees are responsible for payment of the total amount of premiums that are in arrears. Employees who receive less than ten hours of pay in a given pay period and who do not have Workers' Compensation Leave, Military Leave, or FMLA Leave approved for that pay period will be responsible for the employee premium as well as the employer portion of their medical insurance.

The employee will be reinstated with full rights at the end of the period of leave without pay (LWOP). An employee who is on LWOP and returns within the required six months continues to earn credited service toward the next rate in the leave accrual schedule just as the employee who had never gone on LWOP. A returning employee's leave accrual rate will not be affected by periods of LWOP, nor will the time of entitlement to a change in leave accrual rate be adjusted because of LWOP. If the position the employee left is no longer available due to a budgetary reduction in staff, the employee will have no options and cannot be reinstated.

The employee's Increase Eligibility Date will not change. However, the award of the next merit salary increase will be delayed beyond the anniversary date for the same number of work days as the employee was on leave without pay (LWOP).

Employees may be dismissed if they fail to report to work promptly at the expiration of the period of leave without pay (LWOP). However, the agency or institution may accept satisfactory reasons provided by the employee in advance of the date to return to work and extend the LWOP period accordingly.

### **Court and Jury Leave**

A state employee serving as a juror in state or federal court 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.

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

- A. Entitled to his or her salary if the employee is a witness in a matter:

1. Within the employee's scope of state employment.
  2. Outside the employee's scope of state employment and the employee is not serving as a paid expert witness or is not a party to the matter.
- B. Required to take annual leave to attend the deposition, hearing, or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter.
- C. Entitled to retain any witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is:
1. Outside the employee's scope of state employment; or
  2. The employee is a party to the matter other than as a representative of the state employer.
- D. Entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is:
1. Within the employee's scope of state employment;
  2. The employee uses a personal vehicle for travel in obeying the subpoena.
  3. The employee's employer does not reimburse the employee for travel expenses.
  4. Outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.
  5. If the state employee is subpoenaed for purposes under section 105.9.1 to appear on a non-work day, the employee may retain any witness and mileage fees tendered to him or her.

If a law enforcement officer is subpoenaed to appear at a time when the officer is not scheduled for regular duty the officer shall be entitled to retain witness and mileage fees tendered to the officer.

Employees who work night shifts and are required to serve in court during the day or are subpoenaed as a witness to give a deposition in a court or hearing, not involving personal litigation or service as a paid witness outside the scope of state employment, shall be allowed to take court and jury leave on the night shift of the day on which they served.

### **Education Leave**

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

- A. The employee agrees to continue in the service of the agency or institution for a period of time as statutorily required or, in the absence of a specific law, at least twice the length of his/her course of training.
- B. Any employee who does not fulfill these obligations shall be required to pay the agency the total cost, or a proportionate share of the cost, of the out service training and compensation paid during the training period.
- C. A written contract setting forth all terms of the agreement shall be signed by the employee and a representative of the agency or institution.

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

The amount of the salary paid during the training period will be as agreed on by the employee and the Agency Director or Institution Head. The salary may not exceed the regular salary paid to the employee.

Payment of tuition, fees, books and transportation may be made if such sums have been specifically appropriated by the General Assembly for such purposes.

## **Military Leave Re-Employment**

### Proportionate Pay for Military Members

- A. Notwithstanding the provisions of the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., during the period that an employee of a state agency or institution of higher education is called to active duty after September 11, 2001, as a member of the National Guard or any of the reserve components of the armed forces by order of the President or the Governor of an emergency nature or contingency for more than thirty (30) consecutive days, the employee shall be eligible for continued proportionate salary payments which, when combined with the employee's active duty pay, incentives, and allowances, except for uniform and clothing allowances, equal the amount that the employee would have otherwise received but for the employee's required active duty under the order of the President or the Governor.
- B. Differential payments will be calculated as of September 11, 2001 as stated in the Act and payable to current active State employees only.
- C. Terminated employees are not eligible for payments. However, if an employee's service terminated as a result of a disability incurred while on active duty, the employee is entitled to the payment.
- D. If an employee became deceased while on active duty, the employee's beneficiary will be entitled to the payment.
- E. Payments dating back to September 11, 2001 to the present are to be paid as a onetime lump sum payment. Thereafter, if the employee is still on active duty, payments will be made on a bi-weekly basis.
- F. Employees must provide a Leave and Earning Statement showing the employees' military pay or Form DD214 which indicates the date the employee was called to active duty and the date released from active duty.
- G. Leave and Earning Statements for those currently on active duty, after the initial submission to payroll, need only be submitted thereafter when a pay change occurs.

The payments will be subject to state and federal taxes.

- H. Proportionate payments for military members will not be retirement eligible earnings at the time of payment and will not be reported to APERS, thus there will be no matching paid to APERS. When the employee returns to State service as an active state employee, the retirement service will be purchased for them by the agency and the retirement matching will be paid at that time. If the employee is a member of the APERS contributory plan, he/she will pay their contributions to APERS by personal payment. These contributions will not be tax deferred.

Regular, full-time state employees who are members of the National Guard or any of the reserve branches of the US Armed Forces will be granted leave at the rate of fifteen (15) working days per calendar year, plus necessary travel time for annual training purposes. Up to fifteen (15) unused military leave days may be carried over to the succeeding year for a maximum of thirty (30) military leave days for military training purposes for that calendar year.

Military leave for annual training or other official training duties will be granted without loss of pay and shall be in addition to annual leave.

The employee must provide written or oral notification prior to going on duty, unless precluded by military necessity. Employees are encouraged to notify their employer of any "window" of anticipated military activity including scheduled drills and annual training.

**Active Duty for Military Service:** A regular, full-time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service, shall be placed on extended military leave without pay; all unused sick leave at the time of military leave will be reinstated at the time the employee returns. All accrued, unused annual leave at the time of military leave will be reinstated at the time the employee returns to state employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on the extended military leave.

**Active Duty for the Purpose of Specialized Training:** In cases where an employee volunteers or is ordered to active duty for the purpose of special training, the employee will be placed on leave without pay for the period of training unless the employee elects to use his accrued annual leave. This leave without pay is given in addition to the paid leave for annual military

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

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

When the employee is released from active duty, he/she shall be reinstated to the position vacated or an equivalent position for which he/she is qualified in the same agency or its successor in interest.

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

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

Former employees returning to State service after military service, but who extended their enlistment or re-enlisted for additional military service beyond the initial period for more than a period of four (4) years (or five (5), when re-enlistment was at the request of the military) will lose all re-instatement rights and will be considered a rehire. Military service

time may be extended beyond the five (5) year period for reasons stated in 38 US Code Section 4312(c).

Regular, full-time state employees who are called to active duty in emergency situations (and in situations covered by 10 United States Code §12304) as declared by the Governor or President shall be granted leave with pay. (Arkansas Code Annotated §§ 21-4-102(d) and 21-4-212(d)). The period of leave with pay for emergency active duty will not exceed thirty (30) working days per calendar year. Periods beyond the thirty (30) day limit may be charged to annual leave at the employee's option and if necessary, to leave without pay. If an employee's active duty in emergency situations begins in one calendar year and ends in the next calendar year and the employee is subsequently redeployed due to an emergency situation, the employee is eligible for thirty (30) days paid leave in the new calendar year. To be eligible for emergency active military duty paid leave, the employee must be actively employed by the state and submit a copy of military orders for each emergency deployment.

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

#### Military Leave for Service Connected Disabilities

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

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

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



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

### **Transfer of Leave**

When an employee transfers between State agencies and/or institutions of higher education which are covered by these policies, the unused portion of his/her annual and sick leave will also be transferred. The amount of leave to be transferred shall not exceed the accrual limits established in this Policy. The receiving agency will be responsible for verifying the employee's accrued leave with the relinquishing agency.

When an officer or employee of a state office or agency excluded from the provisions of the Uniform Attendance and Leave Policy Act by the definition of "state agencies" in Arkansas Code §21-4-203(1) leaves employment of the excluded office or agency and becomes employed by an agency or institution which is subject to the Uniform Attendance and Leave Policy Act, the period of employment with the excluded office or agency shall be included as state employee service for the purpose of determining the rate at which the employee earns paid annual leave.

### **Emergency Paid Leave**

Executive branch agency directors are authorized to grant emergency paid leave to those employees who suffer the loss of, or substantial damage to, their principal place of residence due to tornadoes, high winds, rain, flooding, or other severe weather conditions. The emergency paid leave may not exceed forty (40) hours. Directors may only grant this leave to employees whose principle residence is located in a county that has been declared to be a disaster area by the Governor as a result of severe weather.

All agency directors shall maintain records of the amount of emergency paid leave claimed and forward their reports to the Office of Personnel Management.

Employees may use additional earned leave time over and above the emergency paid leave granted if approved by the agency director.

### **Disaster Service Volunteer Leave**

An employee of a state agency or state-supported institution of higher education may be

granted leave with pay for not more than fifteen (15) working days in any calendar year to participate in specialized disaster relief, without loss of seniority, pay, annual leave, sick leave, compensatory time, offset time, or overtime wages if the employee:  
US Air Force Auxiliary Civil Air Patrol & US Coast Guard Auxiliary Leave.

1. Is trained and certified as a disaster service volunteer by the American Red Cross;
2. Has specialized disaster relief services that are requested by the American Red Cross in connection with a disaster; and
3. Obtains consent from the director of his or her state agency or head of his or her state-supported institution of higher education.

Leave shall only be granted for disaster relief services occurring within Arkansas or states contiguous to Arkansas.

The employee shall receive their regular rate of pay for the regular work hours during which the employee is absent from work.

The number of certified disaster service volunteer state employees and institution employees shall not be greater than 100 at any one time.

Within 60 days of the request, the American Red Cross will prepare a report to submit to the Department of Finance and Administration stating the reasons and needs for the request.

With regard to the Employee Request for Leave form, these two types of leave shall be specified in the leave category and codes as follows:

1. State employees receiving emergency paid leave will be categorized in the 'Other' column on the leave form and coded as PROL;
2. State employees receiving disaster service volunteer leave will be categorized in the 'Other' column on the leave form and coded as DSTR.

### **Emergency and Rescue Services**

A state employee who is a member of the following is entitled to fifteen (15) working days of paid leave in a calendar year to participate in a training program or in emergency and rescue services:

1. The United States Air Force Auxiliary Civil Air Patrol or the United States Coast Guard Auxiliary. The leave must be at the request of the employee's wing commander, the wing commander's designated representative, or District 15 Captain; or

2.The National Disaster Medical System, a Disaster Mortuary Operational Response Team, or a Disaster Medical Assistance Team, of the Office of Emergency Management of the Office of the Assistant Secretary of Preparedness and Response of the United States Department of Health and Human Services. The absence must be in response to a United State Department of Health and Human Services National Dis-aster Team Alert Order.

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

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

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

### **Leave for Participating in Children's Educational Activities**

#### Purpose

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

#### Definitions

**Child:** A person enrolled in prekindergarten through grade 12 who is of the following relation to a state employee:

1. Natural child
2. Adopted child
3. Stepchild
4. Foster child
5. Grandchild
6. Ward of the state employee by virtue of the state employee's having been appointed the person's legal guardian or custodian
7. Any other legal capacity where the state employee is acting as a parent for the child.

Child includes a person who meets the criteria above but is over eighteen (18) years of age

and:

- a. Has a developmental disability; or
- b. Is declared legally incompetent.

**Developmental Disability:** A disability of a person that:

- A. (1) Is attributable to mental retardation, cerebral palsy, spina bifida, Down syndrome, epilepsy, or autism; or (2) Is attributable to any other condition of a person found to be closely related to mental retardation because the condition results in an impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation or requires treatment and services similar to that required for a person with mental retardation; or (3) Is attributable to dyslexia resulting from a disability described in A.(1) or A.(2);
- B. Originates before the person attains the age of twenty-two (22) years;
- C. Has continued or can be expected to continue indefinitely; and
- D. Constitutes a substantial handicap to the person's ability to function without appropriate support services, including, but not limited to, planned recreational activities, medical services such as physical therapy and speech therapy, and possibilities for sheltered employment or job training.

**Educational Activity:** Any school-sponsored activity including without limitations:

- 1. Attending a parent-teacher conference;
- 2. Participating in school-sponsored tutoring of the child;
- 3. Participating in a volunteer program sponsored by the school in which the child is enrolled;
- 4. Attending a field trip with the child;
- 5. Attending a school-sponsored program or ceremony in which the child is participating;
- 6. Attending a graduation or homecoming ceremony in which the child is participating;
- 7. Attending an awards or scholarship presentation in which the child is participating;
- 8. Attending a parents' or grandparents' breakfast in which the child is participating;
- 9. Attending a classroom party in which the child is participating;
- 10. Attending a school committee meeting of the school in which the child is enrolled;
- 11. Attending an academic competition in which the child is participating;
- 12. Attending an athletic, music, or theater program in which the child is enrolled;
- and
- 13. Engaging in any of the activities listed above that are connected with a prekindergarten program.

**Home-schooled student:** A student legally enrolled in an Arkansas home school.

Interscholastic activity: An activity between schools subject to regulations of the Arkansas Activities Association that is outside the regular curriculum of a school district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and taught by an individual with a minimum of a high school diploma.

Prekindergarten: means an educational and child development program that is designed to pre-prepare children who are at least three (3) years of age for an academic kindergarten program.

Resident school: The school to which the student would be assigned by the resident school district in which the home-schooled student's parent resides.

State Agency: An agency, bureau, board or commission of any branch of state government and all state-supported institutions of higher education,

State Employee: A full-time employee of the State of Arkansas or any branch, department, board, bureau, commission, or state-supported institution of higher education.

### Specific Provisions

A home-schooled student shall not participate in interscholastic activities at a public school other than the student's resident school.

Children's Educational Activities Leave that is unused may not be carried over to the next year. Children's Educational Activities Leave is not compensable to the state employee at the time of retirement.

## **Catastrophic Leave**

### Purpose

Arkansas Law establishes a Catastrophic Leave Bank Program to be administered by the Office of Personnel Management (OPM) of the Department of Finance and Administration. State agencies or institutions may establish their own catastrophic leave bank program if they submit a Catastrophic Leave Program plan to the Office of Personnel Management for approval. The Catastrophic Leave Bank Program creates no expectation or promise of continued employment with a participating state agency or institution of higher education, and is intended simply to assist eligible employees during medical emergencies.

For more information about FMLA, see the Department of Finance and Administration website at the link below:

### [Catastrophic Leave](http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50_02CatastrophicLeave.pdf)

[http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50\\_02CatastrophicLeave.pdf](http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/50_02CatastrophicLeave.pdf)

## **Shared Leave**

### Purpose

Arkansas law establishes shared leave to be administered by the Office of

Personnel Management (OPM) of the Department of Finance and Administration.

Note: Shared Leave is administered intra-agency and implementation is at the discretion of state agency directors/institution heads. If a state agency wishes to opt-out of shared leave, they must notify OPM in writing by February 1 of each year.

### Definitions

**Shared Leave:** The donation of an employee's earned sick or annual leave to another employee who is employed by the same state employer or same state- supported institution, who

1. Is suffering from a severe illness;
2. Has an immediate family member who is severely ill; or
3. Has approved paternity leave or maternity leave after
  - A. The birth of a biological child;
  - B. The placement of an adoptive child in the adoptive home of the employee; or
  - C. The placement of a foster child in the foster home of the employee for an appropriate transition period that is in the best interests of the foster child as determined by the Division of Children and Family Services of the Department of Human Services (DCFS-DHS).

**Severe Illness:** An acute onset medical condition of an employee or an employee's immediate family member:

1. Which is catastrophic in nature;
2. Which could not be anticipated;
3. That requires continuous in-patient or out-patient medical treatment; and
4. That requires the employee or employee's immediate family member to be absent from duty for a prolonged period of time.

**Catastrophic Nature:** Any unforeseen medical condition. Examples include, but are not limited to, a terminal illness, cancer, or surgery as a result of an unforeseen medical condition.

**Immediate Family:** An employee's father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, in-laws, and an individual acting as a parent or guardian of an employee.

**Employee:** A person regularly appointed or employed in a position of state service by a state agency for which he or she is compensated on a full-time basis, excluding faculty.

**State Agency:** Agencies, boards, commissions, bureaus, councils, state-supported institutions of higher education, Arkansas State Highway and Transportation Department, Bureau of Legislative Research, constitutional offices, Division of Legislative Audit, General Assembly, Supreme Court, Court of Appeals, and the Administrative Office of the Courts.

**Prolonged period of time:** A continuous period of time (minimum of thirty (30) working days) whereby a medical condition prevents the employee from performing the employee's duties.

### Recipient Requirements

An employee is eligible to receive shared leave if the employee has:

1. Been continuously employed for more than one (1) year by the same state agency from the date of application;
  2. Cumulative earned sick and annual leave in excess of eighty (80) hours at the onset of the severe illness;
  3. Applied in writing for shared leave;
  4. Received written approval for shared leave from his or her employer; and,
  5. Not been disciplined for leave abuse by a state agency within two (2) years from the date of application.
- The 80-hour requirement may be waived for an otherwise eligible employee at the discretion of the state agency director/institution head.
  - No employee shall be approved for shared leave unless the employee is, or is reasonably expected to be, on leave without pay status as a result of a severe illness.
  - An employee who applies for shared leave shall provide his or her employer an acceptable medical certificate from a healthcare provider documenting the severe illness or the birth of the employee's biological child that made the employee eligible for shared leave; a final decree of adoption issued by a court of competent jurisdiction approving the adoption of a child by an employee; or documentation provided by the DCFS
  - DHS approving the placement of a foster child in the foster home of the employee.
  - Shared leave may be used on a full-time or intermittent basis; however, in no case shall the employee be granted shared leave beyond the date certified by a healthcare provider as the date when the employee is able to return to work.
  - The combination of shared and catastrophic leave received by an employee may not exceed two thousand eighty (2,080) hours in a calendar year. Shared leave received by an employee may not exceed 2,080 hours per shared leave event.
  - Shared leave may only be used in the calendar year the leave quotas and amounts were established in AASIS.
  - Shared leave may be used in conjunction with Family Medical Leave.
  - Any shared leave donated to an employee that is not used by the employee shall be converted to the employer's catastrophic leave bank program. If the state agency does not have a catastrophic leave bank program, any unused shared leave shall be converted to the statewide OPM catastrophic leave bank program.
  - Leave that is accrued by an employee while on shared leave shall be donated to the employer's catastrophic leave bank. If the state agency does not participate in a catastrophic leave bank program, the accrued leave shall be donated to the statewide OPM catastrophic leave bank program.
  - Donations of shared leave shall be granted hour-for-hour and not dollar-for-dollar.
  - OPM will not approve crossgrades/downgrades or pool position requests to accommodate a shared leave request.

### Donor Requirements

An employee is eligible to donate shared leave if the employee:

1. Is employed by the same employer as the employee receiving shared leave;
2. Has cumulative earned sick and annual leave in excess of eighty (80) hours, prior to donation, and the donation will not cause the donating employee to have less than eighty (80) hours, except at termination or retirement; and,
3. Has not been disciplined for leave abuse by a state agency within two (2) years from the date of application.

The 80-hour requirement may be waived for an otherwise eligible employee at the discretion of the state agency director/institution head.

Once shared leave is approved, granted, and extracted from the donor's leave bank, it is irrevocable. Approval Shared leave shall be approved in writing by the:

1. State agency director/institution head, and
2. Chief Fiscal Officer (CFO) of the State to determine the employer's funding availability.

If an agency, institution of higher education, board, or commission develops a shared leave program and the state's CFO does not have access to the entity's fund availability, the entity may submit to the CFO a written request to waive authorization to the agency director/institution head to make the determination of sufficient funding availability.

If shared leave is granted to an employee, the employee shall use the shared leave after the employee has exhausted the following:

1. Earned sick leave;
2. Earned annual and holiday leave; and,
3. Earned compensatory leave.

When submitting shared leave requests to the CFO, the following forms are required:

1. Shared leave application;
2. 80-hour waiver letter (if applicable);
3. Dependent child certification;
4. Shared leave donation; and
5. Documentation substantiating severe illness—Physician's Certification; Adoption Decree, or DCFS-DHS Approval.

#### Prohibition of Coercion

An employee may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another employee for the purpose of interfering with that employee with respect to donating, receiving or using annual or sick leave. Any report of such described instances shall be reported in writing to the director/head of the participating agency/institution. All written reports of such described instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violation.



## **Inclement Weather Policy**

### Purpose

The general policy regarding inclement weather is that State government does not normally close its offices because of hazardous driving conditions. However, the obligation to provide services to the citizens of the State must be balanced with the risk of danger to State employees. It is, therefore, appropriate that guidelines which reflect the needs of our citizens' and employees' safety be established.

### Specific Provisions

In the Little Rock Metropolitan area:

- In the event of early morning severe inclement weather conditions, the Governor's Office will determine whether this inclement weather policy will be placed into effect and will announce its implementation before 6:30 a.m. if at all possible. The announcement will include the affected counties.
- On days declared to be covered by the inclement weather policy, all employees should be at their work stations by 10:00 a.m. Employees arriving by 10:00 a.m. will be given credit for a full day's attendance. Employees arriving after 10:00 a.m. will be charged the full amount of time involved in the tardiness, and employees not coming to work at all will be charged a full day's absence. Agencies which have approved flex time schedules will develop an inclement weather policy consistent with the guidelines and the policy approved by the Department of Finance and Administration, Office of Personnel Management.
- When severe inclement weather occurs during office hours, department directors and agency administrators will have the discretion to allow employees to leave work early for safety reasons. Decisions to allow employees to leave work early, however, should recognize the requirement to maintain designated critical personnel and assure service delivery to the citizens for the full work day. Employees who were on the job, and who were allowed to leave early, will not be charged leave for that time.
- Department directors and agency administrators shall designate critical personnel, who will be required to reach their work stations by the time of regular office opening regardless of weather related conditions to assure that offices are open to the public and services are provided. Prior designation will allow critical personnel to prepare for weather conditions, and if need be, provide alternative methods of getting to work.

In the area outside of Little Rock metropolitan area:

- The agency director or the highest level field supervisor will determine when the inclement weather policy is implemented based on weather conditions in different parts of the State. If the agency administrator chooses to delegate this authority to the field supervisor, such delegation should be made immediately and communicated to the employees under the supervisor. Local media shall be used to notify employees of policy implementation by 6:30 a.m. if possible. Where this approach is not possible, employees should be instructed to contact their supervisor when bad weather exists.
- When the inclement weather policy is implemented in an area outside the Little Rock metropolitan area, the attendance provisions applicable to employees in the Little Rock metropolitan area will be applied to employees in the affected area.

Twenty-four hour and seven-day facilities:

- For agencies which have facilities that are required to be open 24 hours each day or are normally open seven days each week, the facility administrator will develop policies and procedures to cover facility operations during periods of inclement weather. These policies and procedures should balance the requirements for client care and/or public access against the safety of facility employees. For example, a residential care facility would require staffing regardless of weather conditions whereas a museum facility could be closed if necessary without detriment to the public.
- State employees who are required to remain on duty until they are relieved may be reimbursed for any additional expenses incurred by their obligation to remain at their duty station. Expenses that could be reimbursed include, but are not limited to, child care, transportation and meals. Proper documentation must be submitted and approval granted by an app

Universities and Colleges:

- The decision to implement the inclement weather policy and/or close the institution is made individually at each institution.

## **Vehicle Safety Program**

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

Employees must adhere to this program if they are required to drive a State vehicle or are required to drive their own vehicle and receive reimbursement.

- A. All drivers must maintain a valid driver's license in accordance with the requirements of all applicable Arkansas State Laws.
- B. Drivers must complete and sign the Authorization to Operate State Vehicles and Private Vehicles on State Business-VSP-1. All drivers should be provided with a copy of the Driving Safety Tips sheet.
- C. Drivers must report tickets, accident and traffic violations to their supervisor within 24 hours or next business day when operating a State vehicle and within 7 days if operating a private vehicle on state business.
- D. Drivers, who have had an accident, must attend a Defensive Driving Class within 60 days following the occurrence. Defensive Driving Classes must be approved by the Department of Finance and Administration, Office of Driver Services, or the National Safety Council.
- E. Employee's driving records will be checked upon hire, rehire and on a periodic basis.

When there are points assigned to a driver's license check, administrative action is required as follows:

1. Drivers Who Have Accumulated 10 through 13 Points -Authorization to drive on state business shall be reviewed by the Agency Director. It is recommended that the driver be required to complete a defensive driving course.
2. Drivers Who Have Accumulated 14 Through 17 Points -Authorization to drive on

state business shall be suspended for no less than 5 working days. Authorization shall be reinstated only after evaluation and approval by the Agency Director. A

Defensive Driving Course must be completed within 60 days after the suspension began.

3. Drivers Who Have Accumulated 18 Through 23 Points -Authorization to drive on state business shall be suspended for no less than 10 working days. Authorization shall be reinstated only after evaluation and approval by the Agency Director, A Defensive Driving Course must be completed within 60 days after the suspension began.
- 4 Drivers Who Have Accumulated Over 24 Points -Authorization to drive on state business shall be suspended for no less than 20 working days. Authorization will be reinstated only after evaluation and approval by the State Insurance Commissioner. A Defensive Driving Course must be completed within 60 days after the suspension began.
5. Drivers whose driving privileges have been suspended or revoked by the Office of Driver Services shall not be permitted to drive on state business for the duration of the suspension or revocation. Drivers with restricted permits may be authorized to drive on state business as allowed by the restricted permit.

### **Drivers Who Are Not State Employees**

This Safety Program also applies to drivers who are not state employees, but who routinely drive state vehicles — such as volunteers and contract employees.

### **Additional Rules**

1. We make a photocopy of our employee's driver's license to be part of his or her Personnel file.
2. We may discharge employees when driving privileges have been revoked and driving is an essential job function, driving is required to satisfactorily perform the job, or failure to be able to drive adversely impacts the operations of our Department.
3. Seat belts will be used at all times by drivers and passengers of Department

vehicles. This rule also applies to drivers and passengers using private vehicles for Department business.

4. Insurance is required to operate a private vehicle on Department business whether or not our employee receives mileage reimbursement. Insurance carried will be at least that required by State law. Mileage reimbursement is not allowed unless insurance is carried on the vehicle that is used to accumulate mileage.
5. A copy of proof of insurance is required for our employees' personnel file at the beginning of each calendar year when employees use their personal vehicle for Department business whether or not they receive mileage reimbursement. Acceptable proof is a Certificate of Insurance, identification card, receipt bill indicating insurance limits, etc.
6. An untimely report of an accident or traffic violation may result in re-evaluation of driving privileges and disciplinary sanctions including written reprimand and suspension.

The Insurance Identification Card provided by the Insurance Company must be kept in the insured vehicle at all times.

The processes for obtaining employee driving records in ADHE are as follows:

1. Each new ADHE employee will sign the required authorization (VSP-1), and will receive a copy of the signed authorization and the Driving Safety Tips. The original VSP-1 will be forwarded to the ADHE Human Resources Office along with the usual hire documents.
2. Driving records will be checked automatically by the Office of Driver Services each week. Administrators will be notified if an employee's driving status has changed. It will be the administrator's responsibility to then ensure compliance with the ADHE requirements for the Vehicle Safety Program.

Employees leaving employment with ADHE will be removed from the ADHE database.

### **Travel Regulations**

The Arkansas Department of Higher Education abides by the regulations contained in the DFA Financial Management Guide.

## **Authority, Chief Fiscal Officer, Rules and Regulations**

### Rules and Regulations Generally

The Chief Fiscal Officer of the State is authorized by ACA 19-4-901 to promulgate rules and regulations with respect to travel and travel allowances and prescribe the forms and procedures for reporting, approving, and paying such travel allowances for all officers and employees of state government or for other persons who are authorized to carry out official duties in connection with the business of the State.

### Exempt Persons and Agencies

In accordance with ACA 19-4-904, the limitations of rules placing limits on meals and lodging expenses shall not be applicable to the constitutional or elective officials and their employees, or official guests of the State. The provisions of this regulation shall not be used to supersede or set aside the provisions of law providing for fixed allowances, established amounts for per diem, or special travel privileges provided for by ACA 19-4-903 and other laws for specific purposes where such allowances exceed those authorized in this regulation.

### **Rule 1 - Responsibility and Accountability for Travel Authorizations and Disbursement**

Effective Date: 11/01/2011

ACA 19-4-902 places the authority and responsibility of authorizing and approving travel expenses with the board or commission in charge or the administrative head of the agency, department, or institution.

It shall be the responsibility of the administrative head of each agency, board, commission or institution to keep on file in the place of business of the agency, subject to audit, originals of all supporting documents and required receipts for expenses incurred in connection with the travel authorizations and disbursements for persons traveling on behalf of the governmental entity. The documents on file may be in microform or electronic form prescribed under the provisions of ACA 19-4-815 (b) if approved by the Division of Legislative Audit.

In large governmental units, it may not be feasible for the administrative head of the agency,

department, or institution to act as travel administrator. In this case, he or she may designate other responsible officials to act as his or her agent(s) and to be referred to as travel administrator. The approval of these designated agents will be considered to reflect the approval of the board, commission or head of the agency, department, or institution. The designation of agents as travel administrators shall be made in writing and kept on file in the agency/institution.

Special authorization justifying the benefit to the State must be given in writing by the administrative head of the agency for travel-related requests involving meals without overnight travel. Under no circumstances should the maximum daily federal per diem rates be exceeded. All other travel related requests may be approved in writing by the travel administrator.

Under authority of ACA 19-4-903, the administrative heads of the various departments, boards, commissions and institutions of the State of Arkansas may enforce regulations governing travel that are more restrictive than those established by the Chief Fiscal Officer of the State.

Specific legislation exists that provides for travel allowances for some agencies and institutions for specific purposes that are not afforded to state government in general. It is the responsibility of the administrative head of each agency/institution to be cognizant of, and strictly apply the special travel expense provisions of ACA 19-4-904 and other state law.

## **Rule 2 - Standard Reimbursements for State Employees and Officials**

Effective Date: 10/09/2014

Officials and employees may be paid travel expenses when required to travel away from their "official station" on state business. "Official station" is the geographic location or "address" where the employee normally reports for duty and/or spends the majority of his/her productive time and must be designated as such in writing by the employer. An employee's "residence" shall be the city or town in which the individual has an abode or dwelling place. An employee whose resident city is a location other than his/her "official station" shall not be allowed mileage to travel between them except as provided for in Rule 3, under Special Authorizations.

All employee travel reimbursement claims must be completed for payment to the individual traveler. One employee may not include on his travel payment request the expenses of another employee.

No expenses for meals will be allowed within the city or town of the employee's "official station" unless approved by the agency head as a "special authorization" under ACA 19-4-903. Under no circumstances should the maximum daily federal per diem rates for meals be exceeded. The travel administrator may give written approval for all other travel related requests. The special authorization memo must show a benefit to the State, not a convenience for the employee.

State employees loaned from one state agency to another may be reimbursed for travel expenses by the agency benefiting from the travel.

#### Limits for Meals and Lodging

Please note that travel reimbursement is **NOT** a per diem, and is to be claimed for **ACTUAL EXPENSES FOR MEALS AND LODGING NOT TO EXCEED THE MAXIMUM ALLOWABLE RATES AS LISTED IN THE FEDERAL TRAVEL DIRECTORY PLUS APPLICABLE SALES TAX.** The sales tax rate must be stated on Travel Reimbursement (TR-1) forms or equivalent for lodging. The maximum allowance for meals **INCLUDES** taxes and up to 15% tip reimbursement as provided in ACA 19-4-925(b). Lodging rates per the Federal Travel Directory **EXCLUDE** room tax and should be exceeded only by the room tax amount unless special authorization is given in writing by the travel administrator of the agency justifying the need to exceed the standard reimbursement rate. Requests for special authorization to reimburse for meals without an overnight stay must be approved in writing by the administrative head of the agency. The special authorization memo must show the benefit to the State to justify the expense. See the Federal Travel Directory at:

<http://www.gsa.gov/portal/category/100000>.

PLEASE NOTE: Rates in excess of the normal federal standard in certain cities that exceed the daily "normal" or "state-wide" limits may be claimed in other locales of the county where the listed city is located. In other words, the special rates for reimbursement apply "county-wide."



## Meals

Meal reimbursement is allowed only in connection with overnight travel, whether in state or out of state unless “special authorization”, under ACA 19-4-903, is given in writing by the agency head. Special authorization should be limited to those “rare occasions” where, for example, an employee is asked to perform unanticipated duties outside of his/her normal work schedule that are official in nature, such as attending special board meetings. Travel, whether in state or out of state, should never be the only consideration when justifying the need for “special authorization” as provided in ACA 19-4-903. The agency director’s memo justifying a special authorization must show the benefit to the State. The maximum full day meal allowance, including sales tax and up to 15% gratuity, can’t exceed the federal per diem rate depending on the destination location.

PLEASE NOTE: The “IE” allowances as stated in the Federal Travel Directory are for incidentals. Incidentals are specifically defined and provided for and must be listed separately and explained on the Travel Reimbursement Request Form (TR-1). It is no longer necessary to subtract the incidental rate from the maximum meal allowance due to the law change that provides for tip reimbursement of up to 15% of the meal amount expended. The traveler is now eligible for actual expenses, including tax and up to 15% gratuity for meals, not to exceed the maximum meal allowance per the Federal Travel Directory.

The traveler is only eligible for 75% of the daily allowance for meals on the first and last day of travel. If travel covers a two day period, then meal reimbursement is up to 75% of the daily allowance for each day. For partial days, meals charged must be in proportion to the time in travel status and may not exceed the maximum for applicable meal(s) stated in the Federal Travel Directory for the destination location(s). Although receipts for meals are not required by this rule, the administrative heads of agencies, departments and institutions may require them. See the Federal Travel Directory at: <http://www.gsa.gov/portal/category/100000>.

## Meals Included in Conference Registration

Meal reimbursement requests must be reduced for meals provided as part of the conference registration by deducting the appropriate amount as shown under the Meals and Incidental Expenses (M&IE) breakdown at <http://www.gsa.gov/portal/content/104877/>.

Allowances may be made in writing to allow the traveler to claim meal reimbursement if any of the conditions below are met:

1. The traveler is unable to consume the meal provided because of medical requirements or religious beliefs;
2. The traveler purchased substitute meal(s) in order to satisfy their medical requirements or religious beliefs;
3. The traveler was unable to take part in the provided meal due to the conflict of official business.

### Complementary Meals

Meals provided by a common carrier or a complementary meal provided by a hotel/motel does not affect the maximum meal allowance per the Federal Travel Directory.

### Lodging

Reimbursement for lodging is limited to the single room rate. If a room is occupied by more than one person, the single room rate must be noted on the receipt. The maximum daily allowance will be limited to the federal per diem rate depending on the location for both in state and out of state travel. Room taxes are not included in the federal per diem rate and may be claimed for reimbursement. Lodging costs that exceed the rates listed in the Federal Travel Directory by more than room tax may not be paid without a letter of authorization by the travel administrator of the agency and must include a justification as to why it was in the best interest of the State to exceed the standard reimbursement rate. Such letter of authorization must be filed in the agency files with the travel payment document for the trip for each occurrence of such overage. For example, if a conference is held at a hotel where a block of rooms are offered to conference attendees for either a reduced group rate or government rate in excess of the maximum lodging per diem for that city/area, the travel administrator may authorize payment with written justification as to the benefit of the State.

Except for institutions of higher education exempted under ACA 19-4-903(a)(2), a report of these special authorizations in a format prescribed by the Department of Finance and Administration may be required. See the Federal Travel Directory at:

<http://www.gsa.gov/portal/category/100000>.

## Transportation

Travel may be achieved by plane, train, bus, taxi, private vehicle/aircraft, rented or state-owned automobile; whichever method serves the requirements of the State most economically and advantageously.

Reimbursement for out of state travel will be the lesser of coach class airfare or the established rate of private car mileage, based on map mileage (whether paper-based or electronic) when driven. The agency head or travel administrator should determine which method of calculating map mileage is the most suitable method for his/her agency thus ensuring consistency within the agency and avoiding any confusion for the traveler.

Travelers by commercial air shall utilize coach accommodations, except in those instances where first class accommodations would be more economical for the State. Instances where first class fare is utilized will require detailed justification and must be approved by the travel administrator. Commercial airline tickets should be purchased at least 14 days prior to travel if possible. Airline tickets purchased with less than a 14 day advance shall be explained in writing to the head of the agency and approved by him/her in writing prior to purchase. Agencies may pay or reimburse the traveler for checked baggage fees for the first bag only. Fees for additional bags must be paid by the traveler and are not eligible for reimbursement. For trips where the destination is 400 miles or more from the employee's "official station", the minimum miles traveled per day to be eligible to collect a night's lodging must be 400 miles. The requirement to travel a minimum of 400 miles daily has no effect on in-state travel nor does it affect travel outside the State where the destination is less than 400 miles from the employee's "official station". It addresses the period of time the employee(s) spends "en-route" or in "travel status" reaching the destination.

### Reimbursement for Use of Privately Owned Vehicle

Private vehicle mileage shall be reimbursed and computed, using map mileage (whether paper-based or electronic), between the travel site destination and the employee's official station or residence, if leaving directly from the residence, whichever is less. Mileage reimbursement for official use of a private motor vehicle may be claimed, listed separately on the TR-1, within the vicinity of any locale.

When privately owned motor vehicles are used for travel on official business, the traveler

may claim reimbursement at the rate per mile established by the Chief Fiscal Officer of the State in effect during the time the travel occurred. The **shortest** major highway route (map mileage whether paper based or electronic), will determine the maximum mileage allowed.

The State will reimburse for official miles driven only. The State assumes no responsibility for any maintenance, insurance, operational costs, accidents, or fines incurred by the operator of the vehicle while on official business for the State.

When a privately owned aircraft is used for travel on state business, the rate of reimbursement will be in nautical miles at the rate as established by the Chief Fiscal Officer of the State, under the provisions of ACA 19-4-903, during the time the travel occurred.

#### Use of Travel Agencies

Travel agencies may be used to obtain transportation, lodging and related travel expenses.

#### Miscellaneous Expenses

Miscellaneous expenses, whether or not directly connected with travel (such as postage, small emergency supplies, etc.) may be allowed with adequate justification when necessary to the performance of official duties. Receipts are required.

#### Items Not Reimbursable

Except for those provisions enumerated in ACA 19-4-904, expenses for personal entertainment, flowers, valet service, laundry, alcoholic beverages, cleaning, movies or other similar services are not reimbursable. Communication expenses shall be allowed only when necessary for the transaction of official business and properly receipted.

ACA 19-4-905(b), as amended by Act 715 of 2007, authorizes tip reimbursement as a personal reimbursement expense. Tip Reimbursement of up to 15% of the meal amount expensed may be reimbursed to the employee; however, the total of the meal (including sales tax) and tip may not exceed the maximum federal per diem rates. See the standard reimbursement rates for the Federal Travel Directory at:

<http://www.gsa.gov/portal/category/100000>.

Expenses for rental of space, decorations, entertainment or other arrangements in connection with banquets held solely for the benefit of employees are not reimbursable. Petty cash funds cannot be used to make travel advances or reimbursements. If the agency has a petty cash fund, incidental expenses incurred by the traveler such as postage and procurement of minor supplies essential to the performance of state business may be reimbursed from petty cash funds upon presentation of proper receipts. If the agency has no petty cash funds, such items may be reimbursed using the TR-1 form with proper and sufficient documentation.

### Exempt Persons and Agencies

There exists certain provisions in state law for the payment of some travel related expenditures for state supported colleges and universities and some other specific institutions that are responsible for the care and/or group activities of students, inmates and wards of the state. The administrative head of agencies and institutions to which these provisions apply is to be cognizant of and shall properly adhere to such provision of special legislation.

### **Rule 3 - Special Travel Authorizations**

Effective Date: 11/01/2011

Occasionally it may become necessary for an employee to perform unanticipated duties outside the normal work schedule. In the event that such duties require the employee to commute from his/her residence to the place of performance of the duties and back via privately owned vehicle, the employee may be paid mileage reimbursement. A written statement signed by the employee's supervisor shall be retained in the file, attached to the applicable TR-1 form stating that the time worked was authorized, and the reasons the time was worked and travel authorized, and the consequences had the duty not been performed is required.

In accordance with ACA 19-4-904, the cost of meals, lodging, mileage and incidental expenses of state employees who are designated by his/her supervisor to attend official or special board meetings or other functions recognized as being in the performance of their official duties, regardless of the location of such functions in relationship to the official station, may be paid either as reimbursement to the employee or on direct billing, subject to approval of

the agency director or travel administrator depending on the travel expense. A written justification showing the benefit to the State must be provided in those instances where the provisions under ACA 19-4-904 for special authorization are utilized (i.e. reimbursement for meals without overnight travel and/or hotel reimbursement that exceeds the federal travel per diem by more than sales tax). The justification memo should be included in the documentation (attached to the TR-1 form) kept on file for the reimbursement or payment of such expenses.

#### **Rule 4 - Expenses for Non-State Employees**

Effective Date: 11/01/2011

##### Volunteers, Non-State Employees and Official Guests

A volunteer, non-state employee or an official guest of the State, whose activities or services benefit the State, may be allowed reimbursement for actual expenses for meals, lodging, transportation and incidental expenses when submitted on a TR-1. Travel reimbursement for these individuals may be approved with a written explanation of the activities by the administrative head, or designee of the agency.

It is the responsibility of the travel administrator to ensure these individuals are not being reimbursed from any other source for their travel expenses. Federal employees who travel for the state agency shall be regarded as a state employee and shall be reimbursed as such (i.e. not to exceed the federal per diem rates for meals as prescribed in the Federal Travel Directory). The TR-1 form should show that this employee is on the payroll of the Federal Government and assigned to the agency.

Under the authority of ACA 19-4-903, state agencies or institutions utilizing the services of volunteer workers, who perform duties similar to state employees, are authorized to enforce internal travel policies that are more restrictive than those established by the Chief Fiscal Officer of the State. Volunteers may utilize agency vehicles in the performance of their duties provided they are duly licensed in accordance with the requirements of all applicable state laws and have completed the required forms authorizing the operation of a state vehicle and the release to obtain his/her Traffic Violation Record.

An agency director may be reimbursed for his/her expenses for the purchase of meals for

official guests. The expense(s) must be claimed as an incidental expense, and a letter of explanation must be attached to the TR-1 in the agency's files stating how the person for whom the expenditure was made benefited the agency in his/her visit.

### Expenses of Students

In accordance with ACA 19-4-904 (d) state supported institutions of higher education may provide travel expenses for a group or number of students who, when accompanied by those who instruct the students in the fundamentals of a competitive sport and direct team strategy, must travel and be recognized as a cohesive unit representing not only their institution, but exemplifying the State of Arkansas in their behavior, attitudes, interests, presentation and conduct. In these circumstances the payment of group travel expenses, including those of students and employees, may be authorized as follows:

Meals and lodging, transportation, entertainment, within reasonable limits, to ease the pressure on students of their objectives, costs of group activities, including gratuities, laundry, cleaning and favors, and other personal expenses to be paid from auxiliary funds not inconsistent with standards, rules, regulations, or prohibitions established by recognized national or state governing associations pertaining to the respective students and employees and the institutions they are representing.

### Wards of the State

Expenses incurred by employees in connection with the transportation of residents or inmates of state institutions, or for the apprehension and return of escaped prisoners, parole violators, or other wards of the State, will be regulated by the circumstances, and necessary actual expenses will be allowed. The employee will claim these expenses on their statement of travel expenses.

## **Rule 5 - Honorary Board, Commission and Committee Member Travel and Expenses**

Effective Date: 11/01/2011

A. Stipends and/or expense reimbursement to all boards and commissions (excluding the State Highway Commission and the Game and Fish Commission) are authorized and governed by ACA 25-16-901-908. Each state board, by a majority vote of the total

membership of the board cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend, not to exceed the amount allowed by ACA 25-16-903-905, per official meeting attended.

B. When it is required of a board member to perform separate duties in connection with the official business of the agency and these duties are required at times other than official board meetings, then expense reimbursement will be allowed if approved by the board in accordance with ACA 25-16-902. Claims must be on a TR-1, or equivalent.

C. The expense reimbursement for board or commission members shall not exceed the rate established for state employees.

D. The administrative head of an agency, department or institution may, for the convenience of the board and commission members, pay for their meals and lodging when on official business for the state, and claim reimbursement for their expenses on a TR-1 form or equivalent.

#### **Rule 6 - Recruitment and Relocation Expenses**

Effective Date: 11/01/2011

The administrative head of a state organization or his/her authorized representative may approve relocation expenses of **existing** state employees. Further, ACA 19-4-522 (e) allows state-supported colleges and universities to utilize maintenance and operation appropriations for the payment of moving expenses of employees, including new hires. When it becomes essential that an agency permanently transfer a state employee from one location to another within the boundaries of the State of Arkansas or, in the case of state-supported colleges and universities, hire a new employee regardless of their location, reasonable payment for movement of household effects shall be made in accordance with the procedures prescribed herein.

A. The transfer and reimbursement of costs incurred by the individual must be directed and approved in writing by the administrative head of the board, commission, department, institution or agency. Full identification of the individual, the position transferred from and to, and reasons the transfer is necessary must be contained in the directive.



- B. The payment for relocation must be solely for the convenience of the State in order to satisfactorily perform its function(s).
  
- C. Under no circumstance will moving expenses be paid for newly hired employees except for state-supported colleges and universities. All other new employees are responsible for any moving expenses they incur while relocating in the area of a new job.
  
- D. The term household effects as used herein does not apply to the movement of recreational vehicles, boats and other items not normally used in the home. Packing, crating, loading and unloading of household effects, as necessary, in addition to actual transportation expenses in accordance with Internal Revenue Service regulations are acceptable as part of the moving expense and may be paid. Please refer to **Publication 535** at the following web address: IRS Publications and Notices (PDF)
  
- E. Reimbursement of costs for employee moving expense will be allowed only when the distance from the employee's place of residence, old duty station, and new duty station meet the guidelines of the Internal Revenue Service in effect at the time of the relocation for allowable moving expense.

### **Rule 7 - Direct Billing of Expenses**

Effective Date: 11/01/2011

Travel expenses for lodging, commercial transportation (air fare, bus, rail and rental vehicles), and conference registration may be direct billed to the State using the Central Travel Service Account (CTS) or an Arkansas Sponsored Business Travel Card (SBTC). The Central Travel Service Account (CTS) or "*Ghost Account*" (no card issued) is intended for air travel, conference registration fees, lodging, guarantee of lodging or rental vehicles (subject to written authorization by the administrative head or travel administrator for the agency).

The Arkansas Sponsored Business Travel Card is a credit card requested by a state agency or

institution of higher education and issued in an individual's name. The agency/institution is responsible for payment of this account. This card is intended for payment of expenses associated with official state business only.

Meals are not a qualified expense allowed on any travel credit card issued by the State of Arkansas for an individual traveler. The State will work with the bank currently holding the credit card contract to restrict the merchant codes allowing this type of charge. The State will review particular circumstances and needs that constitute an exception to this policy. Examples of allowable exceptions might be for large groups such as schools or athletic programs. An agency having such needs should send a written request for the exemption along with complete justification to the DFA - Office of Accounting Administrator. The Administrator, in consultation with the Administrator of the Office of State Procurement, will issue a decision within 14 days from receipt of request. At no time should an individual be allowed to exceed the federal per diem meal rate. Every agency is responsible for the adherence to this policy.

#### Direct Billing for Transportation

When common carriers (airplane, rail, rental auto or bus) are needed to transport persons on state business, the agency should make the travel arrangements and have the agency billed directly using the Arkansas Sponsored Business Travel Card Account (SBTC) or the Central Travel Service Account (CTS). However, if this is not possible due to circumstances beyond the control of the traveler he/she may make and pay for the arrangements and request reimbursement. An employee may not be reimbursed for transportation expenses (tickets) prior to travel occurring except in cases where it is economically advantageous for the State, and with the prior approval of his/her travel administrator.

When expenses are direct billed to the State, the traveler shall obtain and attach to the Travel Reconciliation form, Appendix B, receipts which detail the expense charged (airline ticket, hotel bill, vehicle rental documentation, registration confirmation) whether or not the traveler paid (out of pocket) some of the expenses for the trip.

#### **Rule 8 - Rental Vehicles**

Effective Date: 11/01/2011

The administrative head or travel administrator shall authorize in writing, the use of rental

vehicles only when it is more economical than taxi, airport shuttle, etc. Agencies must use the statewide vehicle rental contract if one is in force. If a statewide contract is not in force when travel occurs, agencies will use the lowest available rates. The Office of State Procurement issues contracts for vehicle rental. Use the link below to see the Travel Portal on the DFA-OSP website for additional information about contract arrangements.

<http://www.dfa.arkansas.gov/travel/Pages/groundTransporation.aspx>

### **Rule 9 - Travel Advance Revolving Funds**

Effective Date: 11/01/2011

In accordance with ACA 19-4-1008, the Chief Fiscal Officer of the State may approve the establishment of a revolving fund by an agency, department, board, commission, or institution to be used to make advances of expense funds for authorized travel by officials, employees of state agencies, boards, commissions, and institutions of higher learning, and students when travel is in conjunction with institution sponsored events or programs. All new commercial bank accounts must be reviewed and approved by DFA prior to opening the account.

The Chief Fiscal Officer of the State shall not be liable for any unauthorized expenditure through the failure of any official, employee or student to reimburse revolving funds for travel advances. The responsibility of ensuring that only authorized expenditures are paid by the use of any advance from an established revolving fund and the collection of advances made from a revolving fund ultimately rests with the administrative head of the board, commission, agency, department, or institution.

The administrative head of the board, commission, agency, department, or institution may appoint a travel administrator to administer travel functions within their activities. However, the responsibility for taking corrective measures for any abuses discovered rests with the administrative head of the board, commission, agency, department or institution.

#### Establishment of a Revolving Fund

A travel advance fund is established by submitting a request to the Department of Finance and Administration Office of Accounting. All new commercial bank accounts must be

reviewed and approved by DFA prior to opening the account.

The administrative head of every board, commission, agency, department or institution that wishes to establish and operate a travel advance revolving fund shall do so in accordance with the policies set forth by, and with the approval of, the Chief Fiscal Officer of the State. In addition, a custodian must be designated who will be responsible for operating, maintaining and processing all transactions in the account(s).

#### A. Policy:

The cost of registration and conference fees may not be included in the travel advance request.

State personnel who hold an approved state Sponsored Business Travel Card (SBTC) are discouraged from using the Travel Advance fund for airfare, lodging or vehicle rental. Should it become necessary for a cardholder to apply for a travel advance for items other than those stated above, a letter of request from the traveler's immediate supervisor will be submitted to the Travel Advance Fund custodian justifying the advance by explaining why anticipated expenditures may not be charged to the traveler's credit card.

For individuals responsible for group activities, such as student travel, issuance of a Sponsored Business Travel Card (SBTC) to that individual is acceptable with the card being maintained in the Travel Office and checked-out/returned after each trip, where practical. Meals are no longer a qualified expense allowed on any travel credit card issued by the State of Arkansas for an individual traveler.

#### Amounts to be advanced:

Travel Advance Revolving Funds may be utilized to make advances of amounts not to exceed 50% of the total anticipated travel expenses not including those expenses that are direct billed to the agency or charged on either the *"Ghost Account"* or Central Travel Service Account (CTS) or Sponsored Business Travel Card (SBTC). Where practical,

#### *Travel Advance for travel within Arkansas:*

The traveler is allowed to request up to 50% of anticipated meals and other travel expenses except airfare, lodging, vehicle rental or conference registration. These items should be direct billed to the agency using the Sponsored Business Travel Card (SBTC) or Central Travel

Service Account (CTS).

*Travel Advance for travel within the Continental United States:*

The traveler is allowed to request up to 50% of anticipated meals and other travel expenses except airfare, lodging, vehicle rental or conference registration. These items should be direct billed to the agency using the Sponsored Business Travel Card (SBTC) or Central Travel Service Account (CTS),

*Travel Advance for travel outside the Continental United States:*

The traveler and/or group is allowed to request up to 75% of anticipated travel expenses, less airfare and lodging, if traveling to a destination where access to the Sponsored Business Travel Card (SBTC) or other electronic means of accessing funds is not available.

If access is available, then the traveler and/or group is only allowed to request up to 50% of anticipated travel expenses less airfare and lodging. Travel expenses for airfare and lodging should be direct billed to the agency using the Sponsored Business Travel Card (SBTC).

**NOTE:** Travel advances for student/client/group activities as defined by ACA 19-4-904 (d) may be made for 90% of the anticipated expenses that are not to be direct billed to the institution. Where practical, issuance of a Sponsored Business Travel Card (SBTC) to the individual responsible for the group activity is acceptable with the card being maintained in the Travel Office and checked-out/returned after each trip.

Specific exceptions to this policy may be addressed via email to the Administrator, DFA – Office of Accounting at <mailto:acctuser@dfa.arkansas.gov> subject: **travel advance**. State agencies, boards, commissions, and institutions of higher learning shall require employees and/ or students to file an agreement authorizing the agency/institution to recover any amounts advanced for travel expense purposes from the amounts claimed and allowed the employee or student as reimbursement for actual expenses incurred, or add them to the receivable account of the student.

B. Procedure for obtaining travel advance funds:

1. The traveler completes the Revolving Travel Fund Repayment Agreement form.
2. The traveler obtains approval of his/her supervisor as indicated on the form and forwards the completed forms to the Travel Advance Fund Custodian.

3. Travel advance requests, including those submitted by mail, should be processed, with advance check prepared, within five (5) working days after receipt, provided that travel advance check should not be released more than 10 working days prior to planned travel. Employees should be notified when travel advance checks are available and/or the advance checks should be routed to the traveler.

4. Repayment of travel advances will be made according to the following guidelines:

- a) A Travel Reimbursement form, TR-1, or equivalent should be filed within fifteen (15) working days after the traveler returns to his/her official station. Failure to submit the TR-1 or equivalent to the proper unit in a timely manner may result in the traveler being permanently barred from utilization of the Travel Advance Fund.
- b) Anyone who has been issued a Sponsored Business Travel Card (SBTC) and who obtains a travel advance, without first obtaining written authorization from his/her supervisor, may be permanently barred from the Travel Advance Fund.
- c) If the traveler is no longer employed by the issuing organization and the travel advance has not been repaid by the borrower, the debt will be forwarded to the proper unit within the agency for collection.

### **Rule 10 - State Travel Card Use**

Effective Date: 11/01/2011

#### Procedures for Authority to Use Credit Cards

Approval for use of all credit cards rests with the Chief Fiscal Officer of the State. At the present time, the only state-sponsored cards approved for agency use are the "Arkansas Procurement Card" (P-Card), the "Arkansas Sponsored Business Travel Card" (SBTC), the "Central Travel Service" Account (CTS) or "*Ghost Account*" and the State Fuel Card.

State agencies or institutions of higher education having credit cards in force on December 31, 2002 were allowed to retain those cards. Any agency credit card account established after this date that was not requested from and approved by the Chief Fiscal Officer of the State must be cancelled as soon as practical and invoices are paid.

Directors of state agencies, boards, and commissions, and presidents and chancellors of institutions of higher education may request, from the Chief Fiscal Officer of the State, in

writing, authority to establish an agency commercial account. Requests shall state:

- Purpose, intended use of card
- Number and type of cards
- Detail method of controls
- Justification

The Office of Accounting and the Office of State Procurement shall review requests to establish agency credit cards and provide the Chief Fiscal Officer of the State their recommendation.

The Chief Fiscal Officer of the State shall not be liable for any unauthorized expenditure through the use of credit cards.

The administrative head of the board, commission, agency, department, or institution shall be responsible for ensuring that only authorized charges are paid as the result of the use of any authorized credit card and the collection for any unauthorized expenditures that may occur.

The administrative head of the board, commission, agency, department or institution may appoint a travel administrator to administer travel functions within their agency . However, the responsibility for taking corrective action for any abuses discovered rests with the administrative head of the board, commission, agency, department or institution. Individuals on state business shall use the Arkansas Sponsored Business Travel Card (SBTC), Central Travel Service Account (CTS) or provide themselves with sufficient funds or personal credit cards for necessary travel expenses. Meals are no longer a qualified expense allowed on any travel credit card issued by the State of Arkansas for an individual traveler. Nothing in this regulation removes the responsibility of the administrative head of an agency from being required to report to the Chief Fiscal Officer of the State and the Division of Legislative Audit incidences of fraud and/or theft as required by law.

**NOTE:** For more specific information on the Travel Card Program refer to the Office of State Procurement web site:

<http://www.dfa.arkansas.gov/offices/procurement/creditCards/Pages/travelCard.aspx>

An exception to provision(s) established in this rule shall only be granted by the Chief Fiscal Officer of the State based on written request and justification from the administrative head of an agency or institution. All requests for exceptions should be addressed to the State Procurement Director who, in consultation with the DFA-Office of Accounting Administrator, will make a recommendation to the Chief Fiscal Officer of the State regarding such request(s).

### **Rule 11 - Procedures for TR-1 (Travel Reimbursement)**

Effective Date: 11/01/2011

The Travel Reimbursement Form (TR-1) Appendix A (website address: <http://www.dfa.arkansas.gov/offices/accounting/Pages/Forms.aspx>) is the standard form to be utilized by all state officials, including board members and employees, for the purpose of claiming reimbursement for travel expenses incurred by the traveler for meals, lodging and mileage on personal vehicles used in connection with the official business of the State. Electronic equivalents of this form may be used so long as the elements of information required on the official form are included. This form is also to be used for itemizing any miscellaneous expenses incurred by the traveler. A recapitulation of all expenses incurred by the claimant will appear on this form.

Where non-state employees and other official guests of the State are authorized to render service on behalf of the State, and for “wards of the State” (inmates, foster children, patients, or other persons in the care of the State); their names and expenses will be set out on form TR-1 or electronic equivalent. If, in addition to his/her expenses, a non-state employee performs official service for which he/she is paid a fee, the travel reimbursement process is not to be used to pay the fee, but his/her invoice for professional services is to be paid in the usual manner on the general expense document with the proper professional invoice attached. The following procedures will be utilized in submitting claims for reimbursement:

- A. All travelers requesting reimbursement must complete a TR-1 form or equivalent.
- B. All forms must be prepared electronically, typewritten or in ink and may be processed electronically where that capability exists on the State’s central accounting system or the system used by the agency or institution. The original, bearing the traveler’s signature, shall be filed with the Agency; ***the traveler should retain a copy.***
- C. Where charges for transportation, lodging, and conference registrations are not billed directly to the State, the following documentation is required for reimbursement:
  1. Reimbursement for transportation must be supported by an original (or, in



accordance with ACA 19-4-815 (b), confirmation number in the case of electronic tickets) vendor document describing the travel, indicating the cost.

2. Reimbursement for lodging must be supported with a hotel document indicating the lodging specifics.
  3. A descriptive vendor document must support reimbursement for conference registrations.
- D. Primary responsibility for authenticating travel reimbursement claims rests with the administrative head of the agency or their designee(s).
- E. All claims for reimbursement of expenses must be itemized and attested to by the claimant and approved by the administrative head of the agency or his designee(s).
- F. If an airline charges a baggage fee for the first checked bag of the traveler, then the Agency is authorized to reimburse the traveler for the charge. Fees for a second checked bag must be paid by the traveler and are not eligible for reimbursement.

#### Travel Expense Reconciliation Form

A travel expense reconciliation form (Appendix B) or electronic equivalent, must be attached to each travel reimbursement request form when presented for payment in those cases where all travel expenses were not paid by the employee. The traveler will indicate on this form expenses not paid by him/her that were direct billed or charged to the agency. The original will be retained in the agency's permanent files as proof that the allowable daily maximum(s) for travel has not been exceeded.

The receipts provided to the traveler at the time of purchase, particularly for lodging and commercial transportation must support the Travel Expense Reconciliation form filed in the agency.

#### **Rule 12 - Travel in State-Owned Vehicles**

Effective Date: 10/09/2014

ACA 19-4-905 and ACA 19-4-907 authorize the regulations promulgated regarding the use of state owned motor vehicles.

A. Each state vehicle will contain a log that is maintained each time the vehicle is driven. The log should contain the following information: The driver's name, beginning and ending mileage, number of gallons and cost of fuel purchased, the cost and a description of any maintenance/ repairs, and remarks concerning any problems encountered with the vehicle.

B. Self-service gasoline pumps shall be used to purchase fuel.

C. Seat belts must be worn at all times by the driver and passengers.

D. No smoking shall be allowed in state vehicles.

E. The vehicle registration, insurance identification card, and Arkansas Motor Vehicle Accident Report form (SR-1) shall always be kept in each vehicle.

F. Accidents must be reported to the driver's supervisor and the insurance carrier/designated risk management representative; whichever is appropriate for state vehicle insurance within 24 hours of the occurrence, or by the following business day. The supervisor shall comply with the procedures and reporting requirements of the Motor Vehicle Policies issued by the Office of Administrative Services of the Department of Finance and Administration.

G. Traffic violations must be reported to the driver's supervisor within 24 hours of the occurrence, or by the following business day.

H. Authorization to operate a state vehicle is given only to employees who are duly licensed in accordance with the requirements of all applicable state laws, and who have completed the authorization to obtain the Traffic Violation Record and Vehicle Operation forms.

I. All policies, records, reports and procedures Issued by the Department of Finance and Administration regarding use of vehicles allowed under the Governor's Policy Directive # 3 shall be strictly complied with. Any exceptions to the use of state owned vehicles shall be in compliance with the Governor's Policy Directive #3 regarding the use of state vehicles.

**NOTE:** Motor vehicles that are for special use and confined to specific areas such as parks and maintenance facilities may be exempted from item A. Those vehicles fueled from bulk tanks are exempted from item B. It is the responsibility of the head of the agency or institution to ensure that adequate records of use and service exist to account for the whereabouts and expenses of such vehicles.

## Taxable Use of State Vehicle

Personal use of a state vehicle is considered a taxable benefit. IRS Publication 15b details the various methods of determining the value of the benefit for tax reporting purposes. The valuation rules are different for elected officials, highly compensated employees and those employees not elected or highly compensated. The responsible administrative head shall ensure that the Payroll Unit of each agency, department, and institution performs proper reporting for taxable use of state-owned vehicles. <http://www.irs.gov/pub/irs-pdf/p15b.pdf> State employees and officials who drive state-owned motor vehicles to commute from and to their residence, must compute the value of the benefit they receive and have the benefit added to their reportable salary for tax purposes. This calculation and remittance of payroll taxes must be done at least annually prior to December 31 each year.

Elected officials are considered “Control Employees” and therefore must calculate the benefit of use of the state-owned vehicle using the Fair Market Value rule per IRS Publication 15b. The taxable benefit includes the lease value of the vehicle and the fuel purchased for that vehicle. The calculated benefit plus fuel cost will be reduced by the same rate for reimbursements to the State per ACA 19-4-903 (b) (2) (B), for tax reporting purposes. The calculation method and tables for computing the benefit may be found at:

<http://www.irs.gov/pub/irs-pdf/p15b.pdf>

State employees whose compensation equals or exceeds the Federal Government Executive Level V compensation are considered a “Control Employee” and must also use the Fair Market Rule per IRS Publication 15b. The current salary level can be at:

<http://www.opm.gov/oca/payrates/index.asp>.

State employees whose compensation is less than the Federal Government Executive Level V compensation will use the “Commuter Rule” for calculating their taxable benefit for the use of the State vehicle.

## Reimbursable Use of State Vehicle

Reimbursement for the Use of State-Owned or Leased Motor Vehicles for Transportation To and/or From an Employee's Residence is governed by ACA 19-4-903 (b) (3) (i) which states that “Any employee of the State of Arkansas who utilizes, but whose job does not require the

state employee to utilize, a state-owned motor vehicle for transportation to or from his or her permanent residence from or to his or her official station on a daily basis shall reimburse the fund from which the operating expenses of the state-owned motor vehicle are paid at the same rate authorized by the state agency director of the agency employing the state employee for reimbursements for private automobile usage under subdivision (b) (2) (B) of this section." This includes any employee of a state agency, board, commission, department or state-supported institution of higher education. Use of all state-owned or state-leased motor vehicles shall be for official business use only.

The administrative head of each state agency, board, commission, department, and institution shall be responsible for determining which of their employees utilize a state-owned or state-leased motor vehicle for transportation to and/or from their permanent residence to their official place of duty when such use of a state vehicle is not a requirement of the employee's job. A permanent record of such employees shall be established in each agency containing the following:

1. Name of the employees;
2. Address of their permanent residence and official duty station;
3. Number of miles between their permanent residence and their official duty station;
4. The amount each employee will be required to reimburse the State at the current rate of reimbursement for private automobile usage on State business;
5. Amount billed to each employee;
6. Amount paid by each employee.

Each agency will establish a system of billing employees for reimbursements required and receipting for payments received from the employees. All reimbursements collected will be deposited promptly (at least monthly) to the general ledger account from which the operating expense of the particular motor vehicle is paid by the agency.

Each state agency, board, commission, department, and institution shall be responsible for maintaining records prescribed herein and copies of transactions concerning mileage

reimbursement for audit purposes.

The Personal Mileage Reimbursement (MV-1) Form (Appendix D) was created to assist agencies in the reporting of mileage reimbursement (monthly) for personal auto use on the MV-3 Form. The MV-1 Form can be used by the agency for the purpose of tracking and collecting reimbursements.

### **Rule 13 - Regulation Updates and Distribution**

Effective Date: 11/01/2011

Travel regulations will be updated as necessary under the authority of the Chief Fiscal Officer of the State. The Department of Finance and Administration, Office of Accounting will prepare all updates and distribute the updates to the regulations via e-mail distribution notification to state agencies and institutions.

The purpose of the appendices is to provide pertinent information that is subject to frequent change, such as forms, mileage/hotel reimbursement rates and website addresses.

The regulations will be placed on the Department of Finance and Administration official web site <http://www.dfa.arkansas.gov/Pages/default.aspx> but shall also be made available in hard copy form upon request. Request for changes and comments regarding regulations may be emailed to the Administrator, Office of Accounting at: [acctuser@dfa.arkansas.gov](mailto:acctuser@dfa.arkansas.gov).

## **APPENDICES**

### **Appendix A**

[Travel Reimbursement Request \(TR-1\)](#)

### **Appendix B**

[Travel Expense Reconciliation](#)

## **Appendix C**

The rates for reimbursement for mileage as established by the Chief Fiscal Officer of the State are as follows:

Private vehicle mileage \$ **0.42** cents per mile (effective 3/01/2009)

Private aircraft mileage \$ **0.52** cents per nautical mile (effective 10/01/2005)

## **Appendix D**

[Domestic Per Diem Rates](#)

[Personal Mileage Reimbursement Form \(MV-1\)](#)

## **Appendix E**

[International Travel Approval Form](#)

### **Payroll Procedures**

Employees who are newly hired, rehired or have been promoted or transferred must complete a required set of documents before they can be paid. Some of these documents are required by the State (examples are "Employee Disclosure" forms, "Direct Deposit" form) and some by the Federal government (examples are "1-9" form and "Selective Service").

Some documents are optional depending on your job (*for example, only employees who drive State Vehicles complete the "Vehicle Safety" forms*) or your work status (*for example, only regular salary employees complete the "Health Insurance" and "Life Insurance" enrollment forms*).

Your supervisor will help you determine which forms are required for your circumstances. It's the employee's responsibility to complete them in a timely and accurate manner and to submit all required documentation (*such as Driver's License, Social Security Card, etc.*)

Regardless of your circumstances, all required forms must be completed and returned to your supervisor within two days. Supervisors must send in all required hiring documents to the Personnel Office within 1(one) week of the hire, rehire, promotion or transfer action. Supervisors who do not ensure that this deadline is met are subject to disciplinary action. Employees whose documents are not processed in a timely manner may have a disruption of benefits, be subject to paying catch up premiums, or may not be paid properly. Employees may be removed from our payroll until all required documents are completed and sent to the

Personnel Office.

### Paychecks

The State of Arkansas issues paychecks 26 times each year on a biweekly basis. Employees hired or rehired after August 12, 2005 are required to have all payroll checks direct deposited unless the employee can prove a hardship. Employees hired before this date have a choice of checks being sent to their home address or deposited directly into the bank account of your choice.

All required deductions, such as federal, state, and local taxes, and all voluntary deductions that you authorize, such as health insurance contributions, will be withheld automatically from your paycheck. Contact your supervisor to change payroll deductible options, or to report personal changes such as address, name, etc.

Be sure to review your payroll information (*called a Remuneration Statement or REM*) for errors. If you find a mistake, report it to your supervisor immediately. Your supervisor will help you to take the necessary steps to correct the problem. If your paycheck is lost or stolen, please notify your supervisor immediately.

### **Employee Equipment Checklist — Required on 1<sup>st</sup> and Last Day of Employment**

Employees are sometimes issued items pertaining to the duties required of their position. These items may include keys, credit cards, laptop computers, cell phones, vehicle, etc. Supervisors complete the "*Employee Checklist*" when they issue items to their employees. Beside each item issued, supervisors and employees initial the item signifying the items were received. Supervisors and employees sign and date the checklist at the bottom under 'items issued.' A copy of the completed checklist is attached to the hire documents and sent to our Personnel Office to become part of the employee's personnel file. Supervisors keep the original until the employee terminates employment.

When employees terminate employment they must return all those items issued to them. Supervisors and employees initial beside each item to verify they were returned. Supervisors and employees sign and date the completed checklist at the bottom under 'items returned.' The completed checklist (original) is attached to the termination documents and sent to our Personnel Office. It becomes part of the employee's personnel file.

### **Personnel File**

ADHE maintains an official 'personnel file' for each employee in our Personnel Office. This file contains, among other things, performance reviews, beneficiary designation forms, W-2's/W-4's, Orientation Checklist, letters of commendation, etc. You may review your personnel file by contacting our Personnel Office to make an appointment.

Information regarding employee's enrollment in health or life insurance programs is

kept separately and access is limited to authorized personnel. This is in compliance with HIPPA regulations.

Make sure your personnel file is up-to-date notify your supervisor of any changes in your name, telephone number, home address, marital status, number of dependents, individuals to notify in case of emergency, and so forth.

Disciplinary materials are kept in a separate locked file. Only the Executive Director, the Personnel Director and appropriate Division Director may authorize the opening of these files.

### Performance File

A 'performance file' is a record of performance, conduct, and behavior to our employee's job. It is a continuous recording of both positive and negative work-related performance and behavior. Your immediate supervisor keeps this folder. It is a working folder used by your supervisor when making decisions about such things as performance review and pay increases, enrollment in special training courses, disciplinary actions, etc.

### Training File

Approved training is recorded for every employee. Your immediate supervisor maintains the records of training received by our employees. It is mandatory for employees to submit copies of certificates received as a result of department-approved training.

Training records are available to any employee or supervisor in the employee's chain of command. They may provide valuable information for supervisors making decisions about specialized training needs, approving training requests made by our employees, disciplinary actions, performance reviews, etc. These records may be shared with supervisors interviewing employees for new jobs.

## **Providing References to Prospective Employers**

The employee's signed and dated consent must be given before any information can be released on the employee's employment history. The consent must be on a separate form from the employment application form, or, if included in the employment application form, must be in bold letters and in larger typeface than the largest typeface in the text of the employment application form.

The consent form must state, at a minimum, language similar to the following:

"I, (applicant), hereby give consent to any and all prior employers of mine to provide information with regard to my employment with prior employers to (prospective employer)."



If an applicant is hired and remains with the new employer for longer than six months, the consent shall be valid for no longer than six months. If the applicant is hired and remains with the new employer for less than six months, the consent shall be valid for six months after the termination of employment.

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

1. Date and duration of employment;
2. Current pay rate and wage history;
3. Job description and duties;
4. The last written performance evaluation prepared prior to the date of request;
5. Attendance information;
6. Results of drug or alcohol tests administered within one (1) year prior to the request;
7. Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;
8. Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and
9. Whether the employee is eligible for rehire.

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

The state agency or institution of higher education will not have immunity when it can be shown that the employer or prospective employer discriminated or retaliated against an employee because the employee or prospective employee has exercised or is believed to have exercised any federal or state statutory right or undertaken any action encouraged by public policy of this state.

A prospective employer is not required to request employment history on a prospective employee and a current or former employer is not required to disclose employment history to any prospective employer.

Revised July 22, 2015

### **Career Service Recognition Payments**

The Chief Fiscal Officer (CFO) of the State determines whether general revenue funds are sufficient to implement the authorized merit Career Service Recognition Payments. The CFO of the State, upon approval of the Governor, may reduce or suspend all authorized

Career Service Recognition payments for all state employees without regard to whether the employees are compensated by general or special revenues, federal funds, or trust funds.

Employees of a state agency and non-faculty employees of an institution of higher education shall become eligible for annual career service recognition payments upon completion of ten (10) or more years of state service in either elected positions or classified or unclassified regular full-time positions. .

Years of Service Annual Payment:

10 through 14 years of state service \$600

15 through 19 years of state service \$700

20 through 24 years of state service \$800

25 or more years of state service \$900

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

### **Performance Evaluation**

Performance evaluation is a process and a method to evaluate and then summarize the employee's work performance level during an evaluation period.

Performance evaluation has several purposes. One of the most important is to increase and improve communication between supervisors and employees. When employees clearly understand their job duties, clearly understand the standards against which their performance will be judged, and clearly understand their

supervisor's expectations, they are better prepared to support their supervisors and our agency.

Another important purpose of performance evaluation is to provide an ongoing process to monitor and document employee on the job behavior, performance, and achievement through use of employee performance files.

Not last, among performance evaluation purposes, are that it provides a method or mechanism to summarize the documented on the job behavior, performance, and achievement of our employees. Performance evaluations may not be the appropriate tool to deal with all the problems supervisors face with employees. Behavior or conduct problems may be better addressed by using positive discipline, applying progressive discipline, or giving disciplinary sanctions. Planned performance may be more appropriate

in project management or goal achievement.

It is not a measure of personality traits or a measurement of employee conduct while on the job. While performance and conduct overlap both conceptually and in reality, performance evaluation emphasizes performance competency levels. Issues like tardiness, absenteeism, and other conduct or behavior problems are dealt with immediately by counseling and/or disciplinary action, generally not by giving low performance evaluation ratings.

When, because of conduct or behavior problems, an employee's work performance is affected, the performance evaluation is an appropriate avenue to address the decline in performance.

### Understanding Performance Evaluation Ratings

It is important for you to understand performance evaluation ratings. There are two ways to understand performance evaluation ratings. A performance evaluation rating is given for each job element and these are averaged producing a rating for the whole job, called the overall rating.

The job element rating indicates the level of performance for that group of similar duties. The overall rating for the performance evaluation indicates the overall level of performance competency and achievement our employee has demonstrated during the evaluation period. This rating is important in determining merit increases, continued employment, special recognition, etc. More explanation is provided below under each performance level.

When a job element, but not the overall rating, is rated unsatisfactory, the supervisor must establish improvement goals. An 'Agreement' or work plan should be established to ensure satisfactory performance on this job element will be acceptable next rating period.

### Exceeds Standards

Overall ratings in this range indicate the employee's overall performance competency consistently achieves the expected results, expectations, and objectives of ADHE's highest standards.

This employee has demonstrated an ability to exceed performance objectives with rare exception. Supervisors and co-workers recognize this employee as an outstanding performer. This employee performs at the highest level in the greater majority of his or her responsibilities and in spontaneous circumstances. Rarely, if ever, is it necessary to remind, re-instruct, or monitor this employee's work.

Do not regard this rating as an absolute superlative or degree of perfection which is

'impossible' to obtain. It is not 'easy' either, but is a rating that is reserved for those whose outstanding performance is obvious to all. When the employee's final score rates this level of performance ADHE considers the employee for:

- special recognition,
- opportunities for particularly challenging assignments,
- special consideration for promotion, and
- having these employees serve as models or coaches to others.

### Above Satisfactory

Overall ratings in this range indicate the employee's overall performance competency regularly achieves the expected results, expectations, and objectives of higher standards. Responses to spontaneous circumstances meet and most often exceed what is expected. Seldom is it necessary to remind, re-instruct, or monitor this employee's work. This performance level represents the work of an employee's superior performance, which clearly meets our higher standards and expectations.

When the employee's final score rates this level of performance, ADHE considers the employee for

- opportunities for challenging assignments,
- long term career counseling and planning, and
- Consideration for promotion.

### Satisfactory Performance

Overall Ratings in this range indicate the employee's overall performance competency regularly achieves the expected results, expectations, and objectives of ADHE's satisfactory standards.

This employee has demonstrated competence, knowledge, and a pattern of consistency. This employee meets objectives in accountable and controllable areas of his or her job. Spontaneous circumstances during the year do not deter this employee from meeting the position's objectives. Functions or programs for which this employee is responsible show consistent progress. Occasionally it is necessary to remind, re-instruct, or monitor this employee's work. This performance level represents the work of a satisfactory employee. Performance, competency, and consistently meets our standard required for continued employment.

### Unsatisfactory Performance

Overall ratings in this range indicate the employee's overall performance competency

consistently fails to achieve ADHE's expected results, expectations, and objectives.

This employee's performance fails to meet the minimum standard required for continued employment. Rarely has sufficient potential been demonstrated to perform at the minimum acceptable level. Repeated reminding, re-instructing, and monitoring are required. This performance level is unacceptable.

When the employee's final score rates this level of performance (below 200); employment termination is the primary option. Job transfer or demotion may be considered in rare circumstances.

### Appealing Performance Review Scores

Employees cannot grieve their performance evaluation ratings. Performance evaluation is one of several management duties designed to ensure a smooth and productive work force. It is a required supervisory function. Employees who feel their performance evaluation resulted from illegal discrimination may file a discrimination complaint using the procedures for that process. Illegal discrimination covers race, color, gender, age, national origin, religion, or disability.

Employees may request that their supervisors reconsider their performance evaluation rating. This request must be made in writing to their supervisor within five calendar days of the review. Immediate supervisors should discuss in detail their evaluation ratings with their employees and then provide a written response to them within five calendar days of receipt of their employees' written request.

When the employee and supervisor cannot agree, the employee has five days to request reconsideration from the next level supervisor. The same procedures are followed as in the first request. All correspondence is forwarded through line supervisors to the Personnel Office for inclusion in the employees' personnel files.

Employees may attach comments to their performance evaluation documents. These comments will become an official part of the employee's Personnel File.

### MERIT INCREASE

The Chief Fiscal Officer (CFO) of the State determines whether general revenue funds are sufficient to implement the authorized merit Career Service Recognition Payments. The CFO of the State, upon approval of the Governor, may reduce or suspend of all authorized Career Service Recognition Payments for all state employees without regard to whether the employees are compensated by general or special revenues, federal funds, or trust funds.

The Department of Finance and Administration is authorized to implement a merit increase pay system for all state employees excluding unclassified positions in institutions of higher education. Agencies and institutions must have their merit increase/performance evaluation plans reviewed and approved by OPM.

Definitions:

**Merit Pay Increase System** - A merit based pay system which incorporates pay and performance evaluation standards according to Arkansas Code Annotated §21-5-1001 and establishes criteria for salary adjustments or lump sum payments for employees who meet requisite performance categories.

**Merit Increase Eligibility Date** - The date which an employee is eligible for a merit increase. An employee in continuous employment in a regular position for a period of at least twelve months prior to October 1, 2007 has a merit increase eligibility date of October 1. Those employees hired after October 1, 2007 will have their merit increase eligibility date established one year from their date of hire. Other personnel actions (promotion, transfer) will not change an employee’s merit increase eligibility date.

Employee performance evaluations are conducted after twelve (12) months of continuous employment in a regular full-time position. A part-time employee in a regular position is also eligible for a performance evaluation after twelve (12) months and will receive any merit pay awarded on a pro-rata basis.

Employee merit increases, awarded under an approved performance evaluation system, shall be:

<b>Performance Rating</b>	<b>Percentage Increase</b>
Satisfactory	TBD
Above Average	TBD
Exceeds Standards	TBD

Merit Payment Structure

Merit Increase payments shall be added to the employee’s base salary with exceptions listed below in the table. Merit increase payments should be processed within two pay periods of the employee’s merit increase eligibility date.

<b>Employee Salary Level</b>	<b>Merit Pay Allocation</b>
Entry Level	Pay added to base salary
Base Level (includes salaries from above entry to base level)	Pay added to base salary
Midpoint (includes salaries from above base level to midpoint)	Pay added to base salary
Midpoint to Maximum	Pay added to base salary until maximum for the grade is reached. Any amount exceeding maximum will be paid in a lump sum during last pay period of the fiscal year.
Maximum (without 15 years of state service)	Pay received in lump sum during last pay period of the fiscal year.
Maximum (with 15 years of state service)	Pay added to base salary with adjusted salary falling between maximum and career level.
Career	Pay received in lump sum during last pay period of the fiscal year.
Professional & Executive	Pay received in lump sum during last pay period of the fiscal year.
Unclassified	Pay received in lump sum during last pay period of the fiscal year.

Lump sum merit payments are considered salary for the purposes of retirement eligibility. Employees on extended leave will receive their merit increase on their merit increase eligibility date if they are in active pay status. Employees not in active pay status will receive their merit increase upon their return to active pay status.

Supervisors of employees on extended military leave without pay will use the employees most recent performance evaluation score to determine the amount of the merit increase. The increase will be awarded to the military member when they return to active pay status.

Employees who receive a written performance-based or disciplinary reprimand during the twelve (12) month rating period are not eligible for a merit increase. The employee's

performance evaluation and date of merit increase eligibility remain October 1 or the latest hire date, whichever is applicable.

Management or supervisory personnel who fail to complete annual evaluations of employees under their administrative control will not be eligible for a merit payment.

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

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

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

It should be understood that the Department cannot make an accommodation when it is unaware of the need. It is primarily the responsibility of the applicant or employee with a disability to inform the Department that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

If you feel you need a reasonable accommodation, please submit a written request to your supervisor. Together the supervisor and the ADA Coordinator will review the request to determine the most appropriate action. Our goal is to provide reasonable accommodations that reduce barriers to employment related to an applicant's or employee's disability.

### **Veteran's Preference**

#### Purpose

State agencies and institutions of higher education are required to give preference to certain qualified veterans, their spouses, or the surviving spouse of a deceased qualified veteran in hiring and employment.

#### Specific Provisions

Veteran: (1) A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or (2) any person who has served honorably in the National Guard or reserve forces of the United States for a period of a



least six (6) years, whether the person has retired or been discharged or not.

The veteran's status shall be considered on questions of hiring, promotion and retention of employees.

A veteran who voluntarily submits official proof of his or her status as a veteran, disabled veteran, or a surviving spouse of a deceased veteran who remains unmarried at the time when the preference is being sought shall be entitled to employment preference in a position over other applicants after meeting substantially equal qualifications. The person requesting the preference must be a citizen and resident of this state.

If an examination, evaluation, or similar instrument is given to establish a list of qualified candidates to be interviewed for a position at a state agency or institution of higher education subject to the Uniform Classification and Compensation Act, and an applicant entitled to a veterans preference attains a passing grade, the applicant shall have five (5) points added to his or her final earned rating if the examination, evaluation, or similar instrument is subject to numerical scoring.

If the examination, evaluation, or similar instrument is not subject to numerical scoring, the selection authority must be able to demonstrate how veteran's preference was arrived at in the selection processes. Disabled veterans or veterans over the age of fifty- five (55) shall have ten (10) points added to his/her final rating score.

### Procedure

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

- Names of ten-point preference eligible candidates shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points;
- Names of five-point preference eligible candidates shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points; and
- Names of all other eligible candidates who do not have preference as provided in this section shall be placed on the register or applicant list in accordance with their ranking of eligibility points.

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

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

#### Failure to Hire A Veteran

If requested by the veteran applicant, a hiring official or selection authority for a state agency or institution of higher education must submit in writing to the veteran the reason the veteran was not (1) included on a list of qualified candidates to be interviewed; and (2) selected for the position.

The written reason must become a part of the employment application records of the state agency or institution of higher education and be retained for the same period of time as all other employment applications as established by law or agency policy.

Revised August 16, 2013

### **Employment of Persons Under 18 Years of Age**

#### Purpose

This law establishes the conditions and circumstances regarding the employment of children under the age of eighteen (18) in the state of Arkansas. The administering agency for the enforcement of this law is the Arkansas Department of Labor. Provided below is a brief overview of the law; however, state agencies or departments wanting to hire children under the age of 18 should follow the guidelines established by the Department of Labor.

#### Policy Overview

Any person or employer found to be in violation of this law will be subject to a civil penalty.

This policy does not include children between the ages of 16 and 18 who:

- have graduated from any high school, vocational school, or technical school;
- are married; or
- are a parent.

**Limitations on hours of work for children under fourteen (14) years of age:** Children under the age of fourteen (14) shall not be employed in any paying capacity, except during school vacation when they may be employed by their parents or guardians in occupations owned or controlled by them.

**Limitations on hours of work for children under sixteen (16) years of age:** Children under the ages of sixteen (16) shall not be employed in any occupation dangerous to the life and limb, injurious to the health and morals of the child, or in any saloon, resort, or bar where liquors are sold or dispensed.

No child under the age of sixteen (16) shall be employed, permitted, or suffered to work:

1. more than six (6) days in any week;
2. more than forty-eight (48) hours in any week;
3. more than eight (8) hours in any day; or
4. before 6:00 am or after 7:00 pm, except for nights preceding non - school days, when they may be employed until 9:00 pm.

Children under the age of 16 working in a state agency must acquire an employment certificate from the Department of Labor. The state agency shall keep the certificate on file and shall make it accessible to the Department of Labor and the Department of Education. The employment certificate issued by the Department of Labor requires proof of age, a description of the work and work schedule, and written consent from the parent or guardian.

**Limitations on hours of work for children under eighteen (18) years of age:**

No child under the age of eighteen (18) shall be employed, permitted or suffered to work:

1. more than six (6) days in any week;
2. more than fifty-four (54) hours in any week;
3. more than ten (10) consecutive hours in any one (1) day;
4. more than ten (10) hours in a twenty-four hour period; or
5. before 6:00 am or after 11:00 pm. except for nights preceding non - school days, when they may be employed until 12:00 midnight.

For children under 16 and 18, there are limitations on the hours of work. For children under 16, there are limitations on the types and/or places of work. For a listing of the restrictions regarding the types and /or places of work for a child under 16, consult Arkansas Code Annotated §11-6-106 and 107 or the Arkansas Child Labor laws and Administrative Regulations at the following website:

Revised 7-1-13

## **Equal Employment Opportunity**

The Arkansas Department of Higher Education is committed to the concept and practice of equal employment opportunity without regard to race, color, national origin, gender, religion, age, or disability. This commitment is supported by our positive and practical efforts to implement a policy of nondiscrimination and Affirmative Action.

The Arkansas Department of Higher Education complies with the non-discrimination provisions of state and federal regulations. Our Department recruits, hires, and promotes employees without discriminating. Personnel actions such as compensation, benefits, transfers, layoffs, returning from layoffs, training, education, and tuition assistance are not approved or denied on the grounds of race, color, national origin, gender, religion, age, or disability.

Applicants and employees are informed of their civil rights, including the right to complain about employment practices when alleging discrimination. We conspicuously display Equal Employment Opportunity (EEO) posters and present workshops and training sessions for our employees on EEO matters.

Employees who fail to adhere to our Equal Employment Opportunity policies and programs are subject to disciplinary action up to and including employment termination. In fact, discrimination by an officer or employee based upon race, creed, religion, national origin, age, and gender constitutes grounds for dismissal. When it is determined by any court of law that any employee is guilty of discrimination based upon race, creed, religion, national origin, age, gender, disability; this determination is grounds for dismissal from employment.

### **What Affirmative Action is and How it Affects Hiring**

Affirmative Action is a process used to eliminate the effects of discrimination for women and minorities. In employment, this means a process which results in a work force that reflects the racial and gender make up of our communities, state, and recruitment areas. The Action Plan is a document that describes this process, analyzes the number of minorities and women in the work force, and sets realistic goals to achieve a work force that reflects the recruitment areas.

We affirmatively hire and promote qualified applicants and employees into regular salary positions: (a) where adverse impact may be demonstrated for a job classification; or (b) at work locations which have greater potential for affirmative hiring. Applicants or employees must meet the job's minimum qualifications, score competitively in the interviews, and have demonstrated good work habits.

## Harassment

The Arkansas Department of Higher Education is committed to maintaining a work environment, which is free of discrimination. In keeping with this commitment we do not tolerate harassment of Department employees by anyone, including supervisors, co-workers, vendors, patrons, or customers.

Harassment consists of unwelcome conduct that is based on a person's protected status, that is, race, color, national origin, gender, religion, age, or disability. Unwelcome conduct can be verbal, physical, or visual. The Arkansas Department of Higher Education will not tolerate harassing conduct that affects job benefits, that unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive working environment.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on gender constitute sexual harassment when:

1. Submission to the conduct is a condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented 'kidding' or 'teasing,' 'practical jokes,' jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, or physical contact such as patting, pinching, or brushing against another's body.

Department employees are responsible for not harassing others. If you feel you have experienced or witnessed harassment, you must immediately notify ADHE's EEO Officer. The Arkansas Department of Higher Education forbids retaliation against anyone who has reported harassment.

ADHE investigates all complaints promptly and thoroughly. To the fullest extent practicable, ADHE keeps complaints and the terms of their resolution confidential. When an investigation confirms harassment, ADHE takes corrective action, including appropriate discipline up to and including dismissal.

## **WE DO NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES**

The Arkansas Department of Higher Education does not discriminate based on a disability. This includes admission, access, or treatment in our programs and activities, and employment. ADHE's Personnel Director coordinates compliance with the non-discrimination requirements of the Americans with Disabilities Act (ADA). Information concerning the provisions of the Americans With Disabilities Act and the rights it provides are available from the ADA Coordinator.

Individuals with disabilities needing a reasonable accommodation to apply or interview for Department vacancies must notify the hiring office of this need 72 hours in advance, if possible.

## **WE FIND SENSIBLE SOLUTIONS TO PROBLEMS CAUSING WORK BARRIERS**

The Arkansas Department of Higher Education is committed to finding sensible solutions (*reasonable accommodations*) to problems causing work barriers. We do this for qualified applicants or employees with disabilities who have made known their physical or mental limitations. ADHE may not be able to implement solutions when they are not sensible or the cost is unreasonable. The in finding these solutions is to ensure equal opportunity in the application process, enabling the performance of primary job duties (essential functions), and the enjoyment of all employment benefits.

Supervisors looking for solutions to work barrier problems should call ADHE's ADA Coordinator; the Personnel Director is the ADA Coordinator. Together with the applicant or employee, the supervisor and ADA Coordinator will review barriers. We also review the individual's abilities and the limitations resulting from their disability. Consideration is given to the recommendation(s) of the applicant or employee in choosing the most appropriate solution. The goal is to find a sensible solution that effectively reduces barriers related to the disability, which may hinder participation in the application process and employment.

ADHE cannot do this when we are unaware of work barriers. It is primarily the responsibility of the applicant or employee with a disability to inform ADHE that there are barriers to the application process, performing primary job duties, or receiving employment benefits. To assist us in finding timely solutions, when possible, applicants and employees should give us 72 hours' notice that they need a reasonable accommodation. To identify sensible solutions, supervisors and the ADA Coordinator follow the Reasonable Accommodation Process described below. ADHE makes accommodation decisions at the lowest possible supervisory level.

## **How ADHE Remove's Work Barriers, The Reasonable Accommodation Process**

1. Look at the job involved, review its Job Elements, and confirm its purpose and primary job duties.
2. Consult with the individual with the disability to determine his or her specific physical or mental abilities and limitations related to the job's primary duties. Identify barriers to job performance and assess how to remove or limit these barriers. If necessary, our Department may request documentation of the individual's functional limitations to support the request for an accommodation.
3. In consultation with the individual, identify potential solutions and assess how effective each is in enabling the individual to perform the job's primary duties.
4. Consider the preferences of the individual with the disability.
5. Next, the ADA Coordinator reviews the situation with the appropriate Division Director and selects the solution, which best serves, the needs of the individual and our agency.

Discrimination by any officer or employee based upon race, creed, religion, national origin, age, sect, or gender shall constitute grounds for dismissal. When it is determined by any court of law that an employee of the State of Arkansas is guilty of discrimination based on the above, such determination shall be grounds for dismissal from employment.

### **Age Discrimination**

The Arkansas Department of Higher Education does not require a mandatory retirement age or stop health care insurance due to age. We do not: fail or refuse to hire, to discharge any individual, or discriminate against an individual with respect to his or her compensation terms, conditions or privileges of employment because of his or her age; limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his or her status as an employee because of such individual's age reduce the wage rate of any employee in order to comply with the provisions of this policy.

When required or in the best interests of our Department we may: take any action not otherwise prohibited by this policy where age is a bona fide occupational qualification, reasonably necessary to the normal operation of our Department where the differentiation is based on reasonable factors other than age; discharge or otherwise discipline an individual for good cause.

## Civil Rights Information

The following information is either posted separately or combined, in conspicuous and centrally located places in each office operated by our Department where applicants and employees may see them.

Job Vacancy and Promotional Opportunity List  
EEO Poster on Nondiscrimination  
Grievance Procedures  
EEO Complaint Procedure  
Disciplinary Sanctions  
ADA Public Complaint Procedure and Reasonable Accommodation Process

## Political Freedom

### Definitions

**Elected public official:** The Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands, member of the Arkansas Senate and member of the Arkansas House of Representatives.

**Public employee:** Any person providing services for the State of Arkansas, a county, a municipal corporation, or any other political subdivision of this state for which compensation is paid.

**Public employer:** The State of Arkansas and each political subdivision of the State of Arkansas.

### Provisions

State employees shall not be prohibited from communicating with an elected public official concerning matters related to the employee's job, except for matters exempted under the Arkansas Freedom of Information Act, or from exercising a right or privilege under the Freedom of Information Act.

State employees shall not be subjected to discipline, threats of discipline, reprimands, either oral or written, or notations in their personnel files disciplining or reprimanding 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 the Arkansas Freedom of Information Act.

A state employee who has intentionally made untrue allegations to an elected official concerning matters related to the employee's job may be subject to discipline. A person who intentionally violates a provision is guilty of a Class A misdemeanor.



## Fraud Detection and Whistle-Blower Protection Act

Arkansas Code Annotated §§ 21-1-601 through 608, § 21-1-610; §21-1-123 and 124

### Definitions

**Adverse Action:** To discharge, threaten, or otherwise discriminate or retaliate against a state employee in any manner that affects the employee's employment, including compensation, job location, rights, immunities, promotions, or privileges.

**Appropriate Authority:** Any state agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, investigator, auditor, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the office of the Attorney General, the office of the Auditor of state, the Arkansas Ethics Commission, the Legislative Joint Audit Committee and the Division of Legislative Audit, and the offices of the various prosecuting attorneys having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

**Communicate:** To give a verbal or written report to an appropriate authority.

**Public Employee:** A person who performs a full or part-time service for wages, salary, or other remuneration for a public or state employer, and includes without limitation a state employee.

**Public Employer:** An agency, department, board, commission, division, office, bureau, council, authority or other instrumentality of the State of Arkansas, including the offices of the various Arkansas elected constitutional officers and the Arkansas General Assembly and its agencies, bureaus, and divisions; a state-supported college, university, technical college, community college or other institution of higher education or department, division, or agency of a state institution of higher education; The Arkansas Supreme Court, the Court of Appeals, the Administrative Office of the Courts, the circuit courts, and prosecuting attorneys' offices.

**Violation:** An infraction or a breach, which is not of a merely technical or minimal nature, of a state statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer.\_

**Waste:** A public employer's conduct or omissions which result in substantial abuse, misuse, destruction or loss of public funds, property, or manpower belonging to or derived from state or local political subdivision's resources.

**Whistle-blower:** A person who witnesses or has evidence of a waste or violation while

employed with a public employer and who communicates in good faith or testifies to the waste or violation, verbally or in writing, to one of the employee's superiors, to an agent of the public employer, or to an appropriate authority, provided that the communication is made prior to any adverse action by the employer.

### **Fraud Detection**

A public employer is required to obtain a criminal background check before hiring an applicant for a position with supervisory fiduciary responsibility over all fiscal matters. The Arkansas State Police will conduct the background check. The applicant must sign a release of information to the public employer. The releasable information will be forwarded to the public employer. The public employer may pay for the criminal background check or require the applicant to pay for it.

A public employee with supervisory fiduciary responsibility over all fiscal matters is required to report a loss of public funds to Arkansas Legislative Audit (Legislative Audit) within five (5) business days of discovering the loss. The report can include apparent or unauthorized disbursements of public funds or apparent theft or misappropriation of public funds or property. An employee who purposely fails to report is guilty of a Class A misdemeanor.

### **Whistle-Blower**

#### Notification

State agencies and institutions of higher education shall use appropriate means to notify their employees of their protection and obligations under these provisions. Public employers must post the sign prepared by Legislative Audit in a visible place informing employees of the Whistle-Blower law, including the appropriate authority to contact to report waste or a violation and whether a telephone hotline number exists. The sign is available on the Legislative Audit website.

#### Reward

When a state employee communicates waste or a violation to an appropriate authority, and that communication results in savings of state funds, the state employee shall be eligible to receive a reward equal to ten percent (10%) of the savings in state funds as a result of the changes based on that communication. No reward shall be paid in excess of twelve thousand five hundred dollars (\$12,500). If a reward amount is greater than twelve thousand five hundred dollars (\$12,500), the reward shall be referred to the General Assembly for an appropriation. If a reward is appropriated to a state employer for the benefit of a state employee, it shall be paid from the funds available to the state employer.

A state employee is not eligible for a reward for a communication that is part of the state employee's normal course of job duties, unless that communication is not acted upon by the state employer within ninety (90) days.

A report by an employee of a loss of public funds is considered a communication in the normal course of the employee's job duties if the employee:

1. 1.Handles or exerts control over the funds of the employer;
2. Participates in making decisions or recommendations concerning the deposit, investment, or expenditure of the funds of the employer; or
3. 3.Is responsible for auditing the funds of the employer.

#### Report by appropriate authority

Upon the resolution of a communicated matter, the appropriate authority shall provide a written report detailing the content of the communication and the outcome of the communication to the:

1. State employee who made the communication; and
2. State employer that was the subject of the communication

A state employee may choose to forego a reward or choose to remain confidential and request to the appropriate authority that the report not include their name or identifying information. If a state employee makes this request, they are not eligible to receive a reward. The name and identifying information of a state employee requesting confidentiality is not disclosable under applicable state or federal laws.

After receiving the report from the appropriate authority, the state employer must within thirty (30) days of the end of the first full fiscal year in which the changes based on the communication were implemented, issue a report. The report must contain the following:

- F. The total savings in state funds resulting from the communication for the first full fiscal year in which the changes were implemented;
- G. The name of the state employee who made the communication, unless the state employee chose to maintain confidentiality; and
- H. The reward amount the state employee is eligible to receive. If a state employer concludes that the state employee is not eligible for a reward, the reasons shall be stated in the report.

The state employer report must be submitted to the Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Review/PEER Subcommittee of the Joint Budget Committee and the Clerk of the Arkansas

State Claims Commission. The report must also be submitted to the state employee who made the communication, unless that state employee chose to remain confidential.

#### Right to appeal

The state employer report to the state employee must include a notice of the right to appeal to the Arkansas State Claims Commission ("Commission"). A state employee who files an appeal is not subject to adverse action. The state employee has forty (40) days of the

submission of the state employer report to file an appeal and the state employee must follow the rules and procedures of the Commission. The state employee who files an appeal has the burden of proving by a preponderance of the evidence that the:

1. 1.The report from the state employer does not accurately reflect the savings attributable to the changes made based on the communication; or
2. 2.The state employer did not accurately asses the determination of a reward, including denying a reward to the state employee.

When the Commission notifies the parties of its decision, it must notify them of a right to appeal that decision. The decision of the Commission may be appealed only to the Claims Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Claims Subcommittee of the Joint Budget Committee. The notice of appeal must be filed with the Commission within forty (40) days after the Commission renders a decision. The Commission is responsible for notifying the Legislative Council or Joint Budget Committee and all par-ties to the matter when a notice of appeal is filed.

Within thirty (30) days of the end of the appeal period to the Commission or the resolution of an appeal to the Claims Review Subcommittee, whichever is later, the clerk of the Commission shall notify the state employer of the reward amount to be paid to the state employee. The state employer shall deliver a check to the clerk of the Commission who must deposit the check as a nonrevenue receipt into the Miscellaneous Revolving Fund from which the state employee will be paid.

A state agency or institution is prohibited from taking adverse action against an employee for reporting the loss of public funds.

#### Communicate in good faith

A state agency or institution is prohibited from taking adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of waste of public funds, property, or manpower, including federal funds, property, or manpower, administered or controlled by a public employer or a violation or suspected violation of a law, rule, or regulation adopted under the law of this State or a political subdivision of the state to an appropriate authority. The communication shall be made at a time and in a manner which gives the public employer reasonable notice of the need to correct the waste or violation.

A state employee communicates in good faith if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. Good faith is lacking when the state employee does not have personal knowledge of a factual basis for the communication or where the state employee knew or reasonably should have known that the communication of the waste or of the violation is malicious, false or frivolous.

A state agency or institution shall not take an adverse action against a state employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review.

A state agency or institution shall not take an adverse action against a state employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of laws of the state.

#### Civil action

A state employee who alleges a violation of Whistle-Blower protections may bring a civil action for appropriate injunctive relief or actual damages, or both, within one hundred eighty (180) calendar days after the occurrence of the alleged violation.

An action commenced under this law may be brought in the chancery court for the county where the alleged violation occurred or for the county where the complainant resides, or in the chancery court of Pulaski County.

To prevail in an action brought under this law, the state employee shall establish, by a preponderance of the evidence, that the employee has suffered an adverse action because the employee, or a person acting on his behalf, engaged or intended to engage in a protected activity.

As used in this section, "damages" means damages for a job-related injury or loss caused by each violation of the Whistle-Blower Act, including, but not limited to, fringe benefits, retirement service credit, compensation for lost wages, benefits, and any other remuneration, and reasonable court costs and attorneys' fees.

A state agency or institution shall have an affirmative defense to a civil action brought by a state employee if the adverse action taken against the state employee was due to employee misconduct, poor job performance or a reduction in workforce unrelated to a communication made pursuant to the Whistle-Blower protections. The state agency or institution of higher education must prove by a preponderance of the evidence that the existence of the state employee's misconduct, poor job performance or a reduction in workforce is unrelated to the communication.

A court in rendering judgment under this act may order any or all of the following remedies:

1. An injunction to restrain continued violation of the provisions of the Whistle Blower Act;
2. The reinstatement of the public employee to the same position held before the adverse action or to an equivalent position;
3. The reinstatement of full fringe benefits and retirement service credit;
4. The compensation for lost wages, benefits, and any other remuneration;
5. The payment by the state employer of reasonable court costs and attorney's fees.

A court may also order that reasonable attorney's fees and court costs be awarded to the employer if the court determines that an action brought by a state employee under this act is with-out basis in law or fact. Provided, a state employee shall not be assessed attorney's fees under this section if, after exercising reasonable and diligent efforts after filing the suit, the state employee files a voluntary non-suit concerning the employer within sixty (60) calendar days after determining the employer would not be liable for damages.

### Mediation

In the event the Office of Personnel Management (OPM) implements an employee grievance mediation program, a state employee or state agency or institution may voluntarily participate in mediation under OPM's mediation program if they wish to resolve a dispute between them that involves an adverse action taken against the state employee. Voluntary mediation shall occur before a civil action has been initiated in court in which the state employee and state agency or institution of higher education are parties.

### FOIA and Confidentiality

The Whistle-Blower law shall not be construed to permit a disclosure which would diminish or impair the rights of any person or any public official to the continued protection of confidentiality of records or working papers where a statute or the common law provides for protection.

Generally, materials and documentation, including notes, memoranda, recordings, preliminary drafts of investigation reports, and other data gathered in connection with a communication regarding the existence of waste or of a violation are privileged and confidential and exempt from disclosure under FOIA. Confidentiality also applies to communications received by a telephone hotline.

Final reports and any supporting documentation regarding communication of the existence of waste or violation are open to public inspection and copying, except documents that are otherwise exempt under law. Additionally, the name and identifying information of the employee eligible to receive a reward may be disclosed, unless the employee requests confidentiality.

### REPORTING

State employees may report allegations directly to the DFA Internal Auction Section at 510-682-0370 or 800-952-8248. Complaint forms should be mailed to:

Department of Finance and Administration  
Office of Accounting

—

Internal Audit Section  
1515 W. 7th Street, Suite 215  
Little Rock, AR 72201

Revised July 22, 2015

## **Discipline Procedures**

ADHE works with employees in many ways to deal with their work-related problems. ADHE tries to orient employees to their jobs, policies, and expectations. We provide training in their present duties and upon assignment of new duties. We review their work performance and counsel them about performance deficiencies. ADHE counsel's them about their career options.

Our Department disciplines employees for violations of our rules of conduct. Disciplinary action is used as an instructive and corrective approach, not a retaliatory measure. Having a firm set of employee rules, with the penalties clearly specified, and sticking to them enhances our Department's overall goals and objectives. We do not want to allow a rule to be broken which we might later want to enforce.

Disciplinary action documentation is sent through line supervisors to our Personnel Office. This documentation is filed in our employee's personnel file.

The following rules are established so that all our employees are aware of the rules of conduct expected of them, and to set a standard for the fair and impartial application of disciplinary action imposed for misconduct. Our Department considers violations of these standards to be serious. They require immediate attention by our supervisors. Disciplinary procedures should begin when the problem or behavior occurs. The penalties are listed according to the number of offenses and the severity of the violation.

The use of disciplinary sanctions to correct problems does not confer, establish, constitute, or imply an employment contract, the guarantee of employment or benefits, or employment for any specific duration. Our Department reserves the right to revise these policies as necessary. The state of Arkansas and the Arkansas Department of Higher Education are 'at-will' employers. We hope our employment relationship is long-term; however, either you or our Department may end this relationship, at any time, for any reason, with or without cause or notice.

The amount of discipline administered for violations of these standards of conduct are evaluated on the merits of the infraction. Offenses or misconduct, which is too serious for supervisory action, is reported in writing to the appropriate authority through line supervisors.

We realize these rules are made necessary due to misconduct or offenses of only a few employees. They in no way are intended to reflect upon the great majority of our employees who perform with loyalty and efficiency to make the Arkansas Department of Higher Education a respected organization.

### Disciplinary Measures

The policy of the ADHE with regard to disciplinary measures is as follows:

Discipline applied by supervisors should be aimed at improving employee behavior, not punishing the employee. Behavior is defined as actions or lack of actions by employees related to work rules, office mission, and/or safety of themselves, co-workers and

customers. The following sequence of steps is provided to assist supervisors with the disciplinary process:

- (1) Verbal warning recorded in the employee's personnel file.
- (2) Written warning recorded in the employee's personnel file.
- (3) Suspension without pay. (For exempt employees, a five (5) day minimum suspension is required.)
- (4) Termination.

Should disciplinary measures be necessary, they shall be applied immediately, consistently and impartially.

Supervisors are required to:

Maintain good records and documentation;

Investigate the violation and circumstances surrounding the incident; Equate the severity of the discipline to the violation, not the person; Discipline in private; and,

Warn employee of the consequences of repeat offenses.

This sequence of steps in the disciplinary process is recommended for most violations. Some violations initially may require implementation of more severe disciplinary action, including immediate dismissal.

### **Dispute Resolution**

Act 1448 – This establishes a dispute resolution procedure for state employees to resolve any complaints or grievances through mediation or a fact-finding hearing. This act repeals Executive Order 89-1 and Executive Order 93-1.

1. The act grants the Office of Personnel Management the authority to establish a grievance procedure for state agencies. OPM must also promulgate rules to establish an appeal procedure and nonbinding mediation procedure for the grievances.
2. If the employee chooses to appeal to nonbinding mediation, and the mediation is unsuccessful, the mediator shall report his or her suggested resolution to the Director of the Department of Finance and Administration. After the unsuccessful nonbinding mediation, an employee or the state agency may file an appeal to OPM for a fact-finding hearing.
3. The employee or state agency may appeal the appeal decision to the Chief Fiscal Officer of the State.



Effective date: August 16, 2013

## **General State Benefits**

### **Insurance Benefits:**

Group health insurance benefits are offered to employees through the Employee Benefits Division. Depending on the insurance option an employee chooses, a portion of the coverage is paid by the employee, with the employer paying the matching costs.

In addition to group health insurance options, group life insurance benefits are available. You will need to contact our ADHE Insurance Representative, Nina Rogers, at 371-6010, for detailed information and assistance.

### **Cafeteria Plan Benefits:**

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

### **Deferred Compensation Benefits:**

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

### **Retirement Benefits:**

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

### **Credit Unions:**

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

**Direct Deposit:**

This Department requires participation in our payroll direct deposit program. This program eliminates the need to take your pay warrant to your financial institution for deposit, and for those employees receiving pay warrants through the mail, it eliminates the possibility of it being lost in the mail. Direct deposit of a pay warrant is guaranteed by 9:00 a.m. of the regular payday.

In order to better serve our employees, this Department makes available payroll deductions for any of the previously defined benefit options.

**Bi-Weekly Schedule of Pay Periods for Fiscal Year 2015**

QUARTERLY REPORTS	MONTHLY REPORTS	PAY PERIOD NUMBER	PAY PERIOD BEGIN DATE	PAY PERIOD END DATE	RECEIVE WARRANTS DATE	PAYROLL PROCESSING DATE	EXIT PAYROLL DATE
Q	M	14	06/22/14	07/05/14	07/11/14	07/07/14	07/08/14
		15	07/06/14	07/19/14	07/25/14	07/21/14	07/22/14
	M	16	07/20/14	08/02/14	08/08/14	08/04/14	08/05/14
		17	08/03/14	08/16/14	08/22/14	08/18/14	08/19/14
	M	18	08/17/14	08/30/14	09/05/14	09/02/14	09/02/14
		19	08/31/14	09/13/14	09/19/14	09/15/14	09/16/14
Q	M	20	09/14/14	09/27/14	10/03/14	09/29/14	09/30/14
		21	09/28/14	10/11/14	10/17/14	10/13/14	10/14/14
		22	10/12/14	10/25/14	10/31/14	10/27/14	10/28/14
	M	23	10/26/14	11/08/14	11/14/14	11/10/14	11/10/14
		24	11/09/14	11/22/14	11/28/14	11/24/14	11/25/14
	M	25	11/23/14	12/06/14	12/12/14	12/08/14	12/09/14
26		12/07/14	12/20/14	12/26/14	12/22/14	12/23/14	
Q	M	1	12/21/14	01/03/15	01/09/15	01/05/15	01/06/15
		2	01/04/15	01/17/15	01/23/15	01/20/15	01/20/15
	M	3	01/18/15	01/31/15	02/06/15	02/02/15	02/03/15
		4	02/01/15	02/14/15	02/20/15	02/17/15	02/17/15
	M	5	02/15/15	02/28/15	03/06/15	03/02/15	03/03/15
		6	03/01/15	03/14/15	03/20/15	03/16/15	03/17/15
Q	M	7	03/15/15	03/28/15	04/03/15	03/30/15	03/31/15
		8	03/29/15	04/11/15	04/17/15	04/13/15	04/14/15
	M	9	04/12/15	04/25/15	05/01/15	04/27/15	04/28/15
		10	04/26/15	05/09/15	05/15/15	05/11/15	05/12/15
		11	05/10/15	05/23/15	05/29/15	05/26/15	05/26/15
	M	12	05/24/15	06/06/15	06/12/15	06/08/15	06/09/15
13		06/07/15	06/20/15	06/26/15	06/22/15	06/23/15	

**OPM WILL MAKE CHANGES IF NECESSARY AND NOTIFY AGENCIES**

## Helpful Telephone Numbers

### HEALTH INSURANCE PLANS AND PRESCRIPTION DRUG PROGRAM

Employee Benefits Division.....	1-501-682-9656 1-877-815-1017
Health Advantage .....	1-800-482-8416
QualChoice.....	1-501-228-7111
NMHC Rx.....	1-800-880-1188

### HEALTH SAVINGS ACCOUNT CARRIER

DataPath Administrative Services (DPAS).....	1-501-687-6954 1-877-685-0655
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### CAFETERIA PLAN CARRIER

ARCAP/Fringe Benefits Management Company.....	1-800-342-8017
To File Claims by Fax.....	1-888-800-5217

### LIFE INSURANCE CARRIER (Employee and/or Dependent Life Coverage)

Minnesota Life.....	1-800-843-8358
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### DEFERRED COMPENSATION CARRIER

Arkansas Diamond Deferred Compensation Plan.....	1-800-905-1833
Local Office.....	1-501-301-9900

### CREDIT UNION CARRIERS

Arkansas Federal Credit Union .....	1-501-982-1000
Arkansas Employees Federal Credit Union..... (requires ASEA membership)	1-501-374-8346

### RETIREMENT

Arkansas Public Employees Retirement System (APERS).....	1-501-682-7800 1-800-682-7377
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CORPHEALTH/STAREAP.....	1-866-378-1645
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ARKANSAS STATE EMPLOYEES ASSOCIATION (ASEA).....	1-501-378-0187 1-800-950-8139
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**OPTIONAL INSURANCE CARRIERS**

American Family Life Assurance Company (AFLAC).....	1-501-954-8200
	1-800-992-3522
Colonial Life.....	1-800-325-4368
MetLife.....	1-888-228-0503
National Teachers' Association.....	1-800-825-5682
SEBCO (requires ASEA membership).....	1-501-378-0187
	1-800-950-8139
Washington National.....	1-501-590-9052
Vision Care.....	1-800-865-3676
Delta Dental.....	1-800-462-5410

### Career Service Pay Plan

Fiscal 2014

GRADE	ENTRY	BASE	MIDPT	MAX	CAREER
C101	\$15,080	\$15,683	\$18,663	\$21,643	\$23,374
C102	\$15,512	\$16,467	\$19,761	\$23,054	\$24,899
C103	\$16,288	\$17,291	\$20,922	\$24,553	\$26,517
C104	\$17,102	\$18,155	\$22,149	\$26,144	\$28,235
C105	\$17,957	\$19,063	\$23,448	\$27,832	\$30,059
C106	\$18,855	\$20,016	\$24,820	\$29,624	\$31,994
C107	\$19,798	\$21,017	\$26,271	\$31,525	\$34,048
C108	\$20,788	\$22,068	\$27,805	\$33,543	\$36,277
C109	\$21,827	\$23,171	\$29,427	\$35,684	\$38,538
C110	\$22,919	\$24,330	\$31,142	\$37,954	\$40,991
C111	\$24,065	\$25,546	\$32,955	\$40,363	\$43,592
C112	\$25,268	\$26,824	\$34,871	\$42,918	\$46,351
C113	\$26,531	\$28,165	\$36,614	\$45,064	\$48,669
C114	\$27,858	\$29,573	\$38,445	\$47,317	\$51,102
C115	\$29,251	\$31,052	\$40,367	\$49,683	\$53,657
C116	\$30,713	\$32,604	\$42,386	\$52,167	\$56,340
C117	\$32,249	\$34,234	\$44,505	\$54,775	\$59,157
C118	\$33,861	\$35,946	\$46,730	\$57,514	\$62,115
C119	\$35,554	\$37,743	\$49,067	\$60,390	\$65,221
C120	\$37,332	\$39,631	\$51,124	\$62,616	\$67,626
C121	\$39,199	\$41,612	\$53,264	\$64,915	\$70,108
C122	\$41,159	\$43,693	\$55,490	\$67,287	\$72,670
C123	\$43,217	\$45,877	\$57,806	\$69,734	\$75,312
C124	\$45,377	\$48,171	\$60,214	\$72,257	\$78,038
C125	\$47,646	\$50,580	\$62,719	\$74,858	\$80,847
C126	\$50,029	\$53,109	\$65,324	\$77,539	\$83,742
C127	\$52,530	\$55,764	\$68,032	\$80,301	\$86,725
C128	\$55,156	\$58,553	\$70,849	\$83,145	\$89,796
C129	\$57,914	\$61,480	\$73,776	\$86,072	\$92,958
C130	\$60,810	\$64,554	\$76,819	\$89,085	\$96,212

**Professional and Executive Pay Plan**  
Fiscal Year 2014

GRADE	BASE	MIDPT	MAX
N901	\$65,000	\$73,125	\$81,250
N902	\$67,600	\$76,050	\$84,500
N903	\$70,304	\$79,092	\$87,880
N904	\$73,116	\$82,256	\$91,395
N905	\$76,041	\$85,546	\$95,051
N906	\$79,082	\$88,968	\$98,853
N907	\$82,246	\$92,526	\$102,807
N908	\$85,536	\$96,228	\$106,919
N909	\$88,957	\$100,077	\$111,196
N910	\$92,515	\$104,080	\$115,644
N911	\$96,216	\$108,243	\$120,270
N912	\$100,065	\$112,573	\$125,081
N913	\$104,067	\$117,075	\$130,084
N914	\$108,230	\$121,759	\$135,287
N915	\$112,559	\$126,629	\$140,699
N916	\$117,061	\$131,694	\$146,327
N917	\$122,914	\$138,279	\$153,643
N918	\$130,289	\$146,575	\$162,862
N919	\$139,410	\$156,836	\$174,262
N920	\$150,562	\$169,383	\$188,203
N921	\$164,113	\$184,627	\$205,141
N922	\$180,524	\$203,090	\$225,655