

# Elk City Employee Policy Handbook

Updated February 1, 2022 (Recording of time worked)

Updated July 1, 2021 (marijuana policy, drug testing on work related injury or damage to city property, water/wastewater & CDL license, uniforms for certain non-uniform employees, Paid time off, health insurance opt-out)

Updated March 1, 2020 (Tobacco/Vaping policy, Wellness Policy)

Updated February 17, 2017 (Retirement. CDL Licenses & Post Accident Testing, Paid time off accumulation)

Updated August 14, 2014 (Holiday pay & sick accumulation)

Updated June 25, 2013 (Sections 4,8, 12, 13,14,21,23,30,33,34)

Updated October 10, 2012 (Section 18)

Updated December 7, 2011 (Section 34)

Updated July 12, 2010 (last two paragraphs referring to promotions and transfers)

Original approved July 1, 2010

Welcome to the City of Elk City .....	6
Section 1: Policy Statements.....	7
Scope .....	8
Exclusions .....	8
General Information.....	8
Section 2: Loyalty Oath .....	9
Section 3: Definitions .....	9
Section 4: Working Hours .....	10
Section 5: Attendance.....	11
Attendance and Tardiness.....	11
Lunch Periods .....	11
Schedules .....	11
Recording of Time Worked.....	11
Section 6: Work Assignments .....	12
Section 7: Emergency Call Out and Standby Policy .....	12
Section 8: Job Training and Travel Expense .....	13
Allowable Expenses:.....	13
Exceptions .....	14
Cell Phone Policy.....	15
Section 9: Outside Employment .....	15
Section 10: Use of City Property .....	15
Section 11: Use of Phone and Mail Systems.....	16
Section 12: Drug Testing.....	17
General Policies on Drug/Alcohol Use .....	17
a. No working while under the influence .....	17
b. Reporting of certain prescription drugs .....	18

c. Prohibited conduct on City property .....	18
Circumstances under Which Drug/Alcohol Testing Will Occur .....	18
a. Testing of Applicants .....	18
b. Testing Based on Reasonable Suspicion of Violation .....	18
c. Post-Accident Testing.....	18
d. Random Testing .....	19
e. Scheduled Periodic Testing.....	19
f. Post-Rehabilitation Testing.....	19
Employees and Applicants Who Are Subject to Testing .....	19
Substances Covered by Drug/Alcohol Testing.....	19
Testing Methods and Procedure .....	20
Consequences of Refusal to Undergo Testing.....	20
Potential Adverse Personnel Action from Positive Test.....	21
Right to Review Records .....	21
Confidentiality Requirements .....	21
Available Appeal Procedure, Remedies and Sanctions .....	21
Notice of Policy Changes .....	22
Policy Does Not Change "At Will" Status .....	22
Mental Health .....	22
Section 13: Equal Employment Opportunity/Non-Discrimination Policy .....	23
Professional Conduct and Anti-Harassment Policy.....	23
Non-Fraternization Policy .....	24
Section 14: Promotion and Transfer .....	25
Promotions.....	25
Transfers .....	25
Demotion/Reassignment .....	25
Section 15: Seniority .....	25
Section 16: Layoff and Recall .....	26
Section 17: Change of Employee Status .....	26
Section 18: Pay Plan .....	26

18.A: Employee Water & Wastewater & CDL Licenses Policy.....	27
Section 19: Garnishments .....	28
Section 20: Dress and Appearance.....	28
Section 21: Disciplinary Action.....	29
Section 22: Separations.....	32
Section 23: Safety and Health .....	33
Accident Review Committee.....	33
Driving City Vehicles .....	34
Policy.....	34
Fleet Safety & Usage Procedures.....	34
Section 24: Tobacco Free/Vapor Free .....	36
Section 25: Armed Forces .....	36
Section 26: Jury Duty .....	37
Section 27: Voting .....	37
Section 28: Purchasing.....	37
Section 29: Group Insurance and Retirement Plan.....	37
Group Insurance .....	37
Health Insurance Opt-Out.....	38
Retirement.....	39
Section 30: Holidays .....	39
Holiday Pay .....	40
Section 31: Funeral/Bereavement Leave.....	40
Section 32: Paid time off.....	40
Eligibility .....	40
Accumulation.....	41
Donation.....	41
Section 33: Family and Medical Leave Policy.....	42
General Provisions.....	42

Eligibility .....	43
Type of Leave Covered .....	43
Employee Status and Benefits During Leave .....	45
Employee Status after Leave .....	45
Use of Paid and Unpaid Leave .....	45
Intermittent Leave or a Reduced Work Schedule .....	46
Certification of the Serious Health Condition of the Employee or the Spouse, Child or Parent of the Employee.....	46
Documentation of the Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces .....	47
Documentation of the Need for Service member <b>FMLA</b> Leave to Care for an Injured or Service member .....	47
Procedure for Requesting Leave for <b>1)</b> the birth of a child or in order to care for that child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child or parent with a serious health condition; or 4) the serious health condition of the employee .....	47
Procedure for Requesting Leave for 1) a covered family member's active duty or call to active duty in the Armed Forces or 2) to care for an injured or ill service member.....	48
Section 34: Vacation (Intentionally deleted 7/1/2021).....	48
Section 35: The Americans with Disabilities Act (ADA).....	48
Section 36: Workplace Wellness Policy .....	48
Introduction.....	48
Nutrition.....	49
Physical Activity.....	50
Section 37: City of Elk City Social Networking Policy and Procedures.....	50
Section 38: Revision and Change.....	54

## Welcome to the City of Elk City

The City welcomes you to the organization and encourages you to read and become familiar with the contents of this Employee Handbook. You will find that it contains helpful and valuable information about policies, rules, regulations, benefits, procedures and opportunities available to you as an employee of the City. It is also intended to be a guide in assisting you in performing your duties and responsibilities for the City to the best of your ability and in aiding you in developing and realizing your potential as a valued employee.

The policies in this Handbook are designed to serve as guidelines. **They are not intended to and do not create any kind of contractual relationship and are subject to change at the discretion of the City Manager, with or without notice. Employment with the City is *at-will* and the policies and procedures contained herein do not create any property interest in continued employment. At-Will employment is the right of an employer to discharge individuals for good cause, bad cause, or no cause at all and permits the employee freedom to quit or otherwise cease work. This provision shall be controlling over and shall supersede any provisions in this Employee Handbook which may conflict and/or which may be argued to be to the contrary, whether adopted simultaneously herewith or subsequently thereto.**

While the policies and procedures outlined in this Handbook should provide you with answers to most general questions you might have regarding your employment relationship with the City, it cannot cover every situation that might arise. If you have questions about these guidelines, or require further information, you should consult with your Department Head or the City Manager.

The City welcomes your suggestions for improvement either to the policies and procedures included in this Handbook or to other job-related areas and subjects.

Please read this Handbook carefully and retain it for future reference. It is important that you familiarize yourself with the contents of the Handbook as soon as possible. A well-informed employee has the best potential for succeeding in his or her assigned position.

The City welcomes you and wishes you success.

### Mayor and City Commissioners

#### City Manager

#### Department Heads of the City of Elk City

I received a copy of this Employee Handbook. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Employee Signature

## **Section 1: Policy Statement**

The purpose of this Handbook is to provide a working guide to the personnel policies, practices and benefits of employment with the City. **The Handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time without cause.** Any employee who has a question regarding any of the policies and procedures contained in the Handbook is encouraged to direct any inquiries to his Department Head or the City Manager.

The policies contained in this Employee Handbook substitute and supersede any other employment policy or procedure previously issued, posted, distributed or practiced by the City of Elk City. All earlier policies and procedures related to employment with the City of Elk City are hereby retracted. The City of Elk City, at its option, may change, delete, suspend or discontinue any part or parts of the policies in this Employee Handbook at any time without prior notice as business, employment, legislation, and economic conditions dictate. When a policy in this Employee Handbook is deleted, it is retracted, and, similarly, if a policy is amended, the previous version is withdrawn as well. Any such action shall apply to existing as well as to future employees. Employees may not accrue eligibility for monetary benefits that they have not become eligible for through actual time spent at work. Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked. No one other than the City Manager may alter or modify any of the policies in this Employee Handbook. No statement or promise by a supervisor, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee. Should any provision in this Employee Handbook be found to be unenforceable and invalid, such finding does not invalidate the entire Employee Handbook, but only that particular provision.

This Employee Handbook replaces any and all other or previous versions of City of Elk City Employee Handbooks and all other policies whether written or oral. As stated above, all such previous versions of the Handbook and all other policies, whether written or oral, are hereby retracted and should not be referenced or used by or relied upon City of Elk City employees.

**This handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time without cause and without notice.**

## **Scope**

Except as set forth below, this Handbook applies to all employees of the City of Elk City and the Elk City Public Works Authority and all Trusts created as a legal independent entity of the City, collectively referred to as the "City". The provisions of the City Charter and any City Ordinances will supersede any conflicting provisions contained herein. Any reference to the masculine form in these policies shall also be applicable to the feminine form.

## **Exclusions**

The provisions of this Handbook do not apply to members of the City Commission, to volunteers, persons appointed to Boards and Commissions, Municipal Judge and independent contractors.

## **General Information**

**Personnel Records** - An employee has the right to review his personnel file during regular business hours only, and only, in the presence of the City Clerk or Human Resources Supervisor.

**Financial Interest** - An employee may have no financial interest in any contract, service or other work performed by or for the City. Employees may neither solicit nor accept money, free or preferred service, benefits, or consideration from any person, business or organization in return for special interests or favors. Any employee having any questions concerning what is encompassed within this section should direct such questions to the Department Head or the City Manager.

**News Release** - Employees are to respect the confidentiality of City business. Any comments or news releases to the press or other media concerning City business shall be given only by persons designated by the City Manager.

**Endorsement and Referrals** - Employees may not recommend or suggest, in any manner, the employment, procurement, or patronizing of a particular product, professional service, commercial service or enterprise.

**Solicitations and Collections** - During working hours, employees may not solicit contributions, subscriptions, sell tickets, or collect donations due to the disruption to Departmental operations created by such solicitation.

**Public Relations** - Employees of the City are in a position of public trust and, as such, must be courteous and helpful, accepting their responsibilities as public servants, and be attentive to citizens who seek assistance, information, or desire to register a complaint. Employees are to keep in mind that their primary obligation is to render impartial, efficient, and effective service to the public in the discharge of their duties.

**Firearms** - To insure the safety of employees and the public, no employee is allowed to carry a firearm, whether concealed or not, within City buildings unless the duties of the employee's position require the carrying of a weapon.

**Nepotism** - Neither the City Manager, the City Commission nor any other authority of the City



government may appoint or elect any person related to the City Manager or any Commission member, or in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the City Government. However, this will not prohibit an officer or employee from continuing in the service of the City. This includes any spouse, child, brother, sister, parent, uncle, aunt, niece, nephew or cousin.

## **Section 2: Loyalty Oath**

A loyalty oath must be signed by each City of Elk City employee before starting to work.

**(1991 O.S., Title 51, Section 36.1)**

## **Section 3: Definitions**

**Full time Regular Employee:** Full time employees are employees working at least forty (40) hours per week on a continuing basis. All rules, regulations and benefits of the City's personnel policies apply to full time employees, except where specifically excluded.

**Part-time Employee:** Part-time employees are employees who may work less than an average forty (40) hours per week and less than one year. The hours per week and work days, may fluctuate throughout the year due to the nature, operation, and requirements of the job. Part-time employees do not receive fringe benefits. All rules, regulations of the City's personnel policies apply to part-time employees, except where specifically excluded.

**Temporary or Seasonal Employee:** Employees whose employment is intended to be of a limited duration such as summer or seasonal work only but work the customary number of full-time hours. The hours per week, and work days, may fluctuate due the nature, operation, and requirements of the job. These employees do not receive fringe benefits. All rules, regulations of the City's personnel policies apply to seasonal employees, except where specifically excluded.

**Uniformed Employee:** Uniformed employee refers to a uniformed public safety police or fire employee working under a FLSA 7K exemption and non-uniformed employee refers to all other employees.

**Municipal Property:** Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas and other property, or portions thereof, owned or operated by the City of Elk City including but not limited to vehicles and equipment owned by the municipality.

**Indoor Area:** Indoor Area means any enclosed area used or visited by municipal employees, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, parking garages, municipal vehicles, and any other spaces used or visited by employees, as well as space between a floor and ceiling that is predominantly or totally enclosed by walls or windows,

regardless of openings such as doors, doorways, open or closed windows, or stairways.

**Outdoor Area:** Outdoor Area means any area that is not an Indoor Area and includes outdoor recreational areas.

## Section 4: Working Hours

The normal workweek is 12:00 am Wednesday morning to midnight the following Tuesday. Department heads may allow employees a break period, not to exceed fifteen (15) minutes, during each half of the day, if it can be allowed without interruption of the workload. Break periods taken away from the job site is at the discretion of the Department head. Changes in working hours will be announced as much in advance as practical. These are the hours you are expected to work under normal conditions.

Overtime will be allowed only when necessary such as an emergency, or as approved by the Administration. Overtime shall be calculated in compliance with the Fair Labor Standards Act (FLSA). Overtime is calculated on time actually worked in excess of forty (40) hours for each seven-day work cycle for regular non-exempt employees except for uniformed police and fire personnel. Overtime will be based on time and one-half (1 1/2) the normal hourly rate of pay.

Police officers and Firefighters will work different schedules and hours due to circumstances and 24-hour coverage requirements. FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from seven (7) consecutive days to twenty-eight (28) consecutive days in length. Time off for paid time off, holiday, personal day, accident, leave of absence, or layoff is **not** considered as hours worked and is not included in calculating overtime pay.

Except in a true emergency, all overtime work, i.e. hours worked in excess of forty hours during a seven day pay cycle, must be preapproved by the Department Head. At the end of each seven day work cycle, electing whether to provide overtime compensation or compensatory time off will be made. Whenever possible, compensatory time off is to be taken in the same pay period in which it was earned. **An employee may not accrue more than forty hours of compensatory time off.** (bold added 6/25/13 AA) An employee who has accrued compensatory time may request to take that time off. The request will be granted, whenever reasonable and when the time off will not unduly disrupt the operations of the City. Furthermore, the City specifically reserves the right to schedule the use of accrued compensatory time off of any employee at the City's discretion. Employees who have earned in excess of 40 (43 for Uniformed Police and 48 for Uniformed Fire) hours compensatory time prior to the effective date of this handbook, will be required to reduce their accumulated compensatory time to 40 (43 for Uniformed Police and 48 for Uniformed Fire) hours or less by December 31, 2010 by taking the time off or by receiving overtime pay equivalent to the accumulated compensation time.

## **Section 5: Attendance**

### **Attendance and Tardiness**

The employee's regular attendance on the job is important to our operation. Frequent or unexplained absence from work or tardiness in reporting for work will seriously impair the value of services to the City and will be considered sufficient cause for disciplinary action. If an employee is to be absent due to illness, injury, accident or any other unavoidable cause, the employee is responsible for notifying his or her department head at least two (2) hours in advance of the scheduled report time and is to provide a reasonable estimate of when he will be able to report back to work. Police and Firefighters may be required up to four (4) hours advance notification due to the nature of their work.

Any employee who fails to comply with the rule may be subject to disciplinary action. This notification is required for each day absent unless it is understood that the employee will be absent for a certain number of days. The City reserves the right to request a doctor's statement to substantiate absence because of illness.

### **Lunch Periods**

Whenever possible, employees, other than police and fire employees will be granted a non-paid one (1) hour lunch period each workday. The lunch period for police and firefighters will be included as paid time. Lunch periods may vary from department to department depending on daily work schedules. The Department Head will schedule lunch periods so that normal service to the public will not be interrupted during the workday.

### **Schedules**

Department Heads will schedule shifts and working hours necessary for the efficient operations of their Departments.

### **Recording of Time Worked**

Department Heads are required to keep an accurate record of hours worked by each employee. The time sheets are to reflect only authorized hours of work unless an exception is made by the City Manager. Falsifying of information on the time sheet will be considered a reason for dismissal.

- A. Mechanized record of time - Where available, employees are required to utilize time clocks at least four (4) times daily: when they report to work, leave for lunch, return from lunch, and leave work at the end of the shift. An employee may not clock in sooner than seven (7) minutes before the beginning of his shift. An employee may not clock out later than seven (7) minutes after the ending of his shift. Exceptions must be approved by the Department Head and the City Manager. After-hours work and

overtime must be authorized before such hours are worked. Employees will not tamper with the time clock or alter time cards in any way. An employee found guilty of tampering with the time clock/cards or of clocking in or out for another employee will be subject to discipline up to and including termination.

- B. Time Sheets- Time sheets will be maintained for each employee where a time clock is not used. An employee's wages are computed directly from this record. The Department Heads must validate the hours worked and sign the time sheets before submitting them to the Payroll Clerk. The Department Head must make all notations or alterations to the employee's timecard or time sheet. If the employee disagrees with any notation or alteration, the employee is required to sign a statement detailing the reason for refusing to certify the notation or alteration. (amended 2/1/22)

## **Section 6: WorkAssignments**

Every employee will be assigned to a regular job. However, illness, absence, paid time off, or other circumstances may make it necessary, at times, to transfer any employee to a different job other than his regular one.

## **Section 7: Emergency Call Out and Standby Policy**

When an employee is called out for duty before or after the employee's normally scheduled work hours, the following rule(s) will apply:

If an employee is called out he will be compensated only for the time actually worked.

Certain employees may be designated as being on standby status to be available should an emergency arise after regular work hours. Employees who are specifically designated to be on standby status by their Department Head or the City Manager will be governed by the following provisions:

- A. Employees designated as being on standby status shall be compensated at the rate of \$1.00 per hour. In addition, if called in to work, the employee will be compensated as set forth above for the actual time worked.
- B. Employees on standby status must be able to be contacted during the time on such status and must be able to report to work within thirty (30) minutes of being called in.

## Section 8: Job Training and Travel Expense

Your job may require a time for training, school, or meetings. In the event this is necessary, the City will pay the expenses for enrollment fees, travel, room, and meals. You are expected to be reasonable with such expenses and treat them as you would if you were to pay such expenses out of your own funds. Receipts of expenses must be signed, dated, and the purpose of the expense stated in writing on the receipt before reimbursement will be made.

### Allowable Expenses:

- 1. Enrollment fees.** Enrollment/registration fees may be reimbursed provided budgeted funds are available and approval has been made by your immediate supervisor.
- 2. Lodging.** Hotel lodging costs will be reimbursed if the meeting is for more than one day or for a one-day meeting if time constraints require you to go the night before. (Example: A meeting in Tulsa, which begins at 8:00 a.m.) Lodging expenses will not be allowed for any trips with less than one (1) hour driving time of Elk City. Employees should stay in hotels that offer a government or corporate rate whenever possible. Prior approval by your immediate supervisor is required for lodging reimbursement. Expenses such as movies, alcoholic beverages, valet service, laundry, and personal phone calls are not allowable expenses.
- 3. Car Travel.** Employees should use city owned vehicles whenever possible for Municipal travel. If a personal car must be used, the city will reimburse the employee on a per mile basis at the current allowable mileage rate used by the Internal Revenue Service for tax purposes. Employees may also be reimbursed for parking and toll fees.
- 4. Air Travel.** Employees will fly coach class and should secure the most competitive price for airfare by booking early and taking advantage of advance reservation discounts, Saturday stay over, etc. If an employee chooses to drive his personal vehicle instead of flying, the city will reimburse the employee in an amount equal to the lowest quoted round trip coach class airfare price available to that destination with advance purchase and must be verified by the City Treasurer.
- 5. Ground Transportation.** The most economical means of travel should be utilized. Cab, limo, and bus transportation to and from work related events will be reimbursed at 100%. Rental car fees will be considered a special expense and may be reimbursed by the City when prior approval is received from your immediate supervisor. Rental car expense will be authorized only when it is more practical and/or less expensive than the use of taxicabs or public transportation.
- 6. Meals.** Employees should exercise good judgment and fairness when eating meals while on City business. Specific allowable amounts per meal or per day per diem will not be set provided this privilege is not abused. The city recognizes that, depending on the location of your meeting, costs of meals can vary significantly. Enjoy your meals and fellowship with your peers but remember that you are representing the City of Elk City. Detailed receipts must be provided for any reimbursement of meals.

- 7. Pay for travel to training.** Pay during travel for training will be allowed per FLSA requirements. Pay will be provided to the non-exempt person driver only; passengers traveling with a non-exempt driver are not compensated for travel time. Time begins when the class begins and ends.

Any work which an employee is required to perform while traveling will be counted as hours worked. An employee who drives a truck, bus, automobile, boat, or airplane. or an employee who is required to ride therein as an assistant or helper. is working while riding. Meal periods and sleep time in adequate facilities furnished by the employer need not be counted.

**The following is an example of how work time is calculated for a non-exempt employee traveling overnight:**

John, an employee of the City of Anywhere, OK, attended a meeting for building officials in Tulsa, on a Monday. John's regular work hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. He is a non-exempt employee. Due to the distance of Anywhere from Tulsa, John drove to Tulsa on Sunday.

*Sunday:* John left Anywhere in his own car at 3:00 p.m. On his way to Tulsa he stopped at a fast food restaurant from 5:00 p.m. to 5:30 p.m. to get something to eat. He arrived at his hotel in Tulsa at 7:00 p.m. He called home and then watched a movie on HBO. From 9:30 p.m. to 10:00 p.m. John reviewed materials to be discussed at the meeting on Monday.

*Monday:* John arrived at the meeting at 8:30 a.m. The meeting attendees received box lunches at 12:00 noon and ate them during a presentation by a state official. The meeting concluded at 2:30 p.m. John checked his voice mail at work and made calls from 3:00 p.m. to 5:00 p.m. to resolve a work issue. He ate dinner at the hotel restaurant and was on the road by 6:30 p.m. John arrived home at 10:00 p.m.

Sunday	Monday
3:00 p.m. - 5:00 p.m. = 2 hrs.	8:30 a.m. - 2:30 p.m. = 6 hrs.
5:30 p.m. - 7:00 p.m. = 1.5 hrs.	3:00 p.m. - 5:00 p.m. = 2 hrs.
9:30 p.m. - 10:00 p.m. = .5 hrs.	6:30 p.m. - 10:00 p.m. = 3.5 hrs.
SUNDAY TOTAL = 4 hrs.	MONDAY TOTAL= 11.5 hrs.
meal time is deducted all hours as driver are paid	had to work during lunch so its paid evening meal time is deducted all hours as driver are paid
NOTE: Depending on the City's scheduled work week & the hours John works the remainder of the week, some of this work time may Qualify as over time.	

**No reimbursement of any kind will be made to anyone other than City employees or persons contracted by the City of Elk City to do business.**

**Exceptions**

Special consideration and unusual circumstances may merit exceptions to the stated policy on travel. Each request for variances to this stated policy would be considered in light of existing conditions. needs. and circumstances. In no event will exceptions be made without prior

concurrence of the administration.

### **Cell Phone Policy**

All Supervisors and Employees designated by their Supervisor that need to be available by cell to perform their work duties-will be given a cell allowance of \$60.00 per month payable with the first regular payroll after the effective date of this policy. The Supervisor and Employee will be required to have a cell and be available by cell as part of their employment agreement between the City and the employee. Any employee designated to have a cell and being paid the monthly cell allowance shall be subject to disciplinary action up to and including termination should they not have cell availability throughout their employment. On call phones - ambulance, water and water production will be provided and paid for by the City. We will leave them on the existing plan and carrier at the time but subject to change as the City deems necessary. (added 6/25/13 AA)

### **Section 9: Outside Employment**

**Secondary Employment** - Employment with the City is the primary employment for each person. Secondary employment is permissible provided it does not interfere, in any manner, with an employee's ability to perform assigned duties as a City employee or to timely respond when called back to assist with unexpected circumstances and/or emergencies. City employees may not be engaged in secondary employment at any time while scheduled to work for the City and may not use any City property in the performance of such employment. An employee must obtain the prior approval of the Department Head for secondary employment, which approval will not be unreasonably withheld.

**Financial Interest** - An employee may have no financial interest in any contract, service or other work performed by or for the City. Employees may neither solicit nor accept money, free or preferred service, benefits, or consideration from any person, business or organization in return for special interests or favors. An employee having any questions concerning what is encompassed within this section should direct such questions to the Department Head or the City Manager.

### **Section 10: Use of City Property**

All employees are expected to exercise care in the use of City property. **Personal use of City property or equipment is prohibited.** Negligence in the care and use of City property, personal use of such property, or unauthorized removal of City property, may result in discipline. City equipment and property may not be removed without prior authorization from the City Manager. Employees are prohibited from working on personal projects or outside businesses or activities during regular work hours and are prohibited from using City property when working on personal projects or outside businesses or activities. Employees violating these policies will be subject to discipline up to and including termination.

All employees are expected to exercise proper care in the use of all City property, tools and

equipment. Any employee who loses City property or equipment, or who negligently damages the same, shall be responsible for the reasonable cost in replacing the items.

The City provides property and equipment to employees to assist them in carrying out their duties such as office equipment, computers, computer accounts, radios, voice mail, e-mail, fax machines, furniture, lockers, vehicles and the like. All items remain the property of the City. These items are not for the exclusive use of any one employee. As these items are the property of the City, it reserves the right to inspect, review, audit intercept, access, disclose and monitor such property, equipment and information systems at any time, with or without notice, and during or after regular work hours. All such items must be returned upon the request of the Supervisor/Department Head or the City Manager.

No employee is authorized to modify any such items without the prior written permission of the employee's supervisor. This includes, without limitation, a prohibition against loading floppy disks, software programs or CD-ROM operations onto the City's computers without prior permission. Employees are prohibited from removing City computers and software for use elsewhere. Computer games are prohibited on City equipment. No employee is authorized to change the lock on or use a personal lock on City owned equipment without specific written permission from the Department Head. An employee may only install and use a password on a City computer with the consent of the City Manager. All passwords, except those on law enforcement computers, must be provided to the City Manager or his designee. All passwords on law enforcement computers must be provided to the Chief of Police or his designee.

The City strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers, e-mail systems, voice mail and all other communications and information systems in any manner which is disruptive, offensive, disrespectful or harmful to the morale of the employees. Fraudulent, harassing, obscene or unlawful messages and/or materials are not to be sent, printed or stored on City equipment.

All City provided property and equipment are to be used only in the furtherance of legitimate City business. The City's information system is not to be used to solicit or proselytize for personal, political, commercial or religious causes, outside organizations or other non-job-related personal matters. This policy does not prevent **brief** personal communications between employees or between employees and family members so long as it does not become time consuming and does not detract from day-to-day operations.

## **Section 11: Use of Phone and Mail Systems**

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the telephone.

The use of the City-paid postage for personal correspondence is not permitted.



To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

## **Section 12: Drug Testing**

### **General Policies on Drug/Alcohol Use**

The City has a policy which prohibits any employee from reporting to work, or remaining on duty, with ANY detectable level of alcohol or illicit drugs in their bodies. It is the belief of the City that it will have a better workforce if it discourages any use of illicit drugs by its employees. Likewise, it is the belief of the City that it will have a better workforce if it discourages any use of alcohol by employees at a level which is still detectable in their blood/urine when such employee reports to work. Therefore, the City has chosen to adopt a "no detectable level" standard - rather than a standard based upon perceived intoxication and/or levels above a certain permissible limit. All employees should be on notice that, if they choose to use illicit drugs or engage in the habitual use of alcohol (even during off-duty hours), they are likely to report to work with detectable levels of such substances - and severe disciplinary action will be taken against them for violation of the City's drug/alcohol policy.

The City also has strong policies, which are set forth below, which prohibit possession/use/transfer of illicit drugs on City property and which likewise restrict the possession/use of alcohol on City property.

Finally, to ensure worker and customer safety, all employees who take prescribed drugs which may affect their mental or physical alertness are required to report such information to their immediate supervisor, in order to obtain clearance to work while using such prescribed medications. Details of this policy are set forth below.

\*\*\*Marijuana is one of the substances now included in the drug panel screening. Possession of a medical marijuana certification will not excuse you from the testing process or the consequences of testing positive for marijuana.

If you are in a safety sensitive position as defined by the United States Department of Transportation drug and alcohol regulation and/or the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, you will be subject to drug and alcohol testing. Including random testing.

If you hold a CDL license, a medical marijuana certification is not recognized on a Federal level and if you test positive for marijuana you could lose your license. (added 7/1/2021)\*\*\*

#### ***a. No working while under the influence***

It is the policy of the City to prohibit employees from reporting to work with detectable amounts of alcohol or any non-prescribed controlled substances in their blood/urine; to conduct appropriate testing to verify whether such levels are present; and to require evaluation and

treatment of employees found in violation of this policy as a condition of continued employment.

***b. Reporting of certain prescription drugs***

The City requires employees to report to their immediate supervisor whenever they are taking any prescribed drugs which contain warning labels concerning effects on concentration; on sedation; or on the operation of machinery or motor vehicles. The City will assess the work of the employee, and the individual effects on the employee, in making a decision whether the employee should be placed on medical leave during the time when this prescription is required.

***c. Prohibited conduct on City property***

It is the policy of the City to immediately discharge any employee who has any non-prescribed controlled substance in his/her possession on City property; who transfers or sells any such substance to another person on City property; or who accepts or purchases any such substance on City property. It likewise is the policy of the City to discharge any employee who has alcohol in his possession on City property (except for unopened containers kept at all times in trunk of the employee's locked personal vehicle). For the purposes of this Policy, City property includes any City vehicle.

**Circumstances under Which Drug/Alcohol Testing Will Occur**

The City will conduct testing of employees and applicants under the following circumstances. Refusal of any employee or applicant to participate in such testing shall be considered grounds for termination.

***a. Testing of Applicants***

All applicants are offered employment conditioned upon their successful passing of a drug/alcohol test. Failure to submit to such testing shall be grounds for refusal of employment. If the test shows a positive result for presence of drugs or alcohol, and such test results are confirmed, then such test results shall be grounds for refusal of employment.

***b. Testing Based on Reasonable Suspicion of Violation***

Whenever the City has a reasonable suspicion that an employee has violated the policy of the City, the City reserves the right to insist that the employee submit to a drug/alcohol test as a condition of employment.

"Reasonable suspicion" means a belief that the employee has used, or is using, drugs/alcohol in violation of the policy of the City, based upon such factors as: observable phenomena, such as display of physical symptoms of usage of such substances while on duty or actual observation of such usage; reliable and corroborated reports by others that the employee has used forbidden substances while on duty; evidence that the employee has tampered with one or more prior drug/alcohol tests while employed with the City; or evidence that the employee has been involved in drug possession, use or sale while on City property or while using City equipment.

***c. Post-Accident Testing***

Whenever the employee has been involved in a work-related injury, or has damaged City property, the City reserves the right, due to "reasonable suspicion" to require that all employees involved submit to a drug/alcohol test as a condition of continued employment. (revised 2/17/17 LL)

***d. Random Testing***

In addition to testing based upon reasonable suspicion, the City reserves the right to randomly test employees for compliance with its policy. As used in this Policy, "random testing" means a mechanism for selection of employees for testing which results in an equal probability that any employee from a group of employees will be tested, and which does not give the City discretion to waive the selection of an employee selected by this random selection method.

***e. Scheduled Periodic Testing***

The City further reserves the right to conduct drug/alcohol testing as a part of regularly scheduled physical exams for its employees. In addition, the City reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or work groups. Normally, such testing will not be scheduled more often than annually.

***f. Post-Rehabilitation Testing***

Where the employee has had a confirmed positive test result, or has been sent to a drug/alcohol dependency program at the request of the employer (and/or paid in whole or in part by insurance coverage), the City reserves the right to condition continued employment of such employee upon the taking and passing by the employee of follow-up drug/alcohol tests during a probationary period (which tests may be scheduled as many times as the City considers necessary within the two (2) year period after the employee's return to work).

**Employees and Applicants Who Are Subject to Testing**

All applicants are subject to testing as a condition of hire. All employees are subject to testing whenever they fall within one of the categories set forth above.

**Substances Covered by Drug/Alcohol Testing**

Employees and applicants will be tested for their use of alcohol (ethyl alcohol). and for their use of commonly abused controlled substances, which (at the present time) include: Amphetamines, Barbiturates, Benzodiazepines, Opiates. Cannabinoids, Cocaine, Methadone, Methaqualone, Phencyclidine (PCP), Propoxyphene, and chemical derivatives of these substances. Common street or brand names of these substances include speed/uppers; downers; tranquilizers, such as Valium; sleeping pills; pain killers, such as Demoral; morphine; heroin; marijuana/grass; angel dust; Quaaludes; coke; and opium. Because the listing of all possible drugs of abuse is quite lengthy, and changes from time to time, at the time of the test, interested employees should request a listing of all substances to be tested from the testing laboratory.

Employees should be aware that certain substances are detectable in the urine for several weeks

after usage. Therefore, all employees are cautioned to be certain to advise testing lab employees of all prescription drugs taken in the past month before the test, and to be prepared to show proof of such prescription to testing lab personnel and/or City officials.

### **Testing Methods and Procedure**

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the State of Oklahoma and/or federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

Applicants will submit to testing before hire and will not be paid for time spent in taking the test. Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at regular rates.

The City will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result.

### **Consequences of Refusal to Undergo Testing**

Employees and applicants who refuse to take testing which is requested under this Policy are subject to immediate discharge or withdrawal of the offer of employment. All personnel should be aware that the Oklahoma Standards for Workplace Drug Testing Act provides that refusal to take a lawfully requested drug/alcohol test, or testing positive on such a test, constitutes "misconduct" within the meaning of the Oklahoma Unemployment Compensation laws and will disqualify an individual from receipt of unemployment compensation.

### **Potential Adverse Personnel Action from Positive Test**

If applicants have a positive test result, the City reserves the right to immediately withdraw the offer of employment unless the applicant can provide a satisfactory explanation of the positive test, and thereafter can take and pass another drug/alcohol test.

If an employee tests positive on an initial screening test, the employee may be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee is subject to disciplinary action, up to and including termination. The type of discipline selected by the City will depend upon a variety of factors, including the prior work record of the employee; the length of prior employment; the prior accident and attendance record of the employee; the circumstances which led to the testing; and the proposals by the employee to address the problem.

All employees will be advised of the mental health and chemical dependency insurance coverage. However, the existence of the coverage - or use by the employee of the coverage - does not

constitute any guarantee of continued employment with the City of any employee who has received a positive test result. (amended 6/25/13 AA)

### **Right to Explain Test Results**

All employees and applicants have the right to meet with the testing laboratory personnel, and with the City, to explain their test results. These discussions shall be considered confidential (except that information disclosed in such tests may be communicated to personnel within the City or within the Lab who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual).

### **Right to Review Records**

Employees and applicants have a right to obtain copies of all test results from the testing laboratory, or from the City. When the individual disagrees with the test results, the individual may request that the testing laboratory repeat the test. Such repeat test shall be at the expense of the individual, unless the repeat test overturns the original report of the Lab, in which case the City will reimburse the employee for the costs incurred for the retest.

### **Confidentiality Requirements**

All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee/applicant. These test records cannot be used in any criminal or civil proceeding, except where such action has been brought by the City or involves a suit between the City and the employee, unless the records have been ordered released in accordance with a valid order of the Court.

The records cannot be disclosed to any other person by the City, in the absence of a Court Order, except where the employee/applicant has signed a release which specifically authorizes the City to disclose such records to the requesting person.

Except where testing is done as a part of a routine employee/applicant physical exam, testing laboratories may conduct testing only for substances included on the Disclosure list provided to the individual and may not conduct general testing related to the medical conditions of the individual which are unrelated to drug/alcohol usage.

### **Available Appeal Procedure, Remedies and Sanctions**

Employees and applicants may request a retest of their positive test results, within five (5) working days after notification by the City of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Where the employee/applicant believes that the positive test result was affected by taking of lawful or prescribed substances, the individual may be suspended without pay (or hire date postponed) pending receipt of confirming information to substantiate the claims of the individual. Normally, the individual will be provided no more than five (5) working days in which to provide this additional

information.

Once the City has determined that there is insufficient evidence to indicate that the test results are inappropriate, the City will advise the individual of its decision concerning disciplinary and/or corrective action. Applicants have no further appeal rights.

If an incumbent employee disagrees with the decision of the City, the individual must present an alternative written proposal to the City Manager within five (5) working days of notification of this decision. The City Manager, in his/her discretion, may adopt the original decision of the City, or may adopt the plan proposed by the individual, or may adopt such different plan as may appear to be workable, the decision of the City Manager on such plan shall be final.

Once the City Manager has made a final decision regarding the plan which is acceptable to the City, the individual must notify the City Manager within three (3) working days whether he/she will comply with the terms of the plan. If the employee refuses to sign an agreement to be bound by the terms of such plan, the employee may be terminated.

If an employee or applicant believes that the City has willfully violated their rights under the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, such individual is entitled to file suit within two years of discovery of such violation or within two years of the exhaustion of any internal appeal rights set forth in this Policy. A willful violation of the Act also is a misdemeanor under Oklahoma law. Available remedies in a civil suit include reinstatement, payment of lost wages, and restoration of full benefits, but attorney fees and costs can be awarded to the prevailing party (which means that the City may obtain its attorney fees and costs from the employee if the suit is unsuccessful).

### **Notice of Policy Changes**

The City reserves the right to modify, alter or amend this Policy at any time, and for any reason. Under Oklahoma law, no changes in the Policy can take effect until thirty days after the new Policy has been given to employees. Therefore, employees are encouraged to periodically review the Employee Bulletin Board so that they can be aware of any changes or alterations in this Policy.

### **Policy Does Not Change "At Will" Status**

Unless an employee has a written contract of employment, creating a property right in employment, all employees are considered to be employed "at will". This means that, under Oklahoma law, the employee may quit at any time for any reason and the City may choose to end the employment relationship at any time and for any reason.

Nothing in this Drug/Alcohol Policy is intended to alter in any way the "at will" employment relationship or intended to create any contract of employment between the City and any employee.

### **Mental Health**

All employees will be advised of the mental health insurance coverage. However, the existence of the coverage - or use by the employee of the coverage - does not constitute any guarantee of

continued employment with the City of any employee.

### **Section 13: Equal Employment Opportunity/Non-Discrimination Policy**

The City is committed to providing equal employment opportunities to all employees and applicants for employment. There shall be no discrimination against any employee or applicant on the basis of race, color, creed, religion, national origin, age, sex, disability or veteran's status. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and disciplinary action. The responsibility for administering this policy is delegated to Department Head and Supervisors.

### **Professional Conduct and Anti-Harassment Policy**

The City is committed to establishing a professional and congenial work environment and will take reasonable steps to ensure that the work environment is pleasant for all who work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City will not tolerate the harassment of any employee or any member of the public by any other employee, supervisor or customer. Employees may not use epithets, slurs or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people. In addition, harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or veteran status is prohibited not only by State and Federal laws but also by the policies of the City. The City prohibits not only unlawful harassment but other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes," written material or actions in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment which is intimidating, hostile or offensive to the employee.

Each employee must avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to, the following:

1. **Verbal:** Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;

2. **Visual/Non-Verbal:** Derogatory posters, cartoons, faxes, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. **Physical:** Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. **Other:** Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he or she has been subjected to harassment or otherwise has been discriminated against due to his or her race, color, religion, national origin, gender, sexual orientation, age, disability or veteran status or who witnesses such harassment of or discrimination against another employee, should promptly report the incident. Although employees are encouraged to discuss issues of alleged harassment or discrimination with their immediate supervisor, they may by-pass their immediate supervisor and bring the complaint to the attention of the City Manager. Further, any supervisor or other employee who gains information concerning allegations of harassment or discrimination is to immediately report the same to the City Manager.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy violations, management will keep any complaint and the information revealed in the investigation confidential.

All employees are strongly encouraged to use the complaint procedures set forth herein if they believe they have been subjected to discrimination or harassment. Before it becomes a serious problem and the conduct interferes with an individual's work performance or creates a hostile environment, employees are encouraged to notify management of conduct that may violate this policy. That will allow management time to address the situation.

The initiation of a complaint, in good faith, will not be grounds for discipline. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure. However, deliberately reporting false allegations may be considered as a form of harassment and may subject an employee to appropriate discipline.

If a person is determined to have violated this policy, the City will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment or discrimination, regardless of whether the victim has filed a formal complaint.

### **Non-Fraternization Policy**

The City desires to avoid situations where there is a romantic, personal or marital relationship between a supervisor and a subordinate, or between co-workers in the same department. Employees must immediately notify and disclose all relevant circumstances to their immediate supervisor or



the City Manager. The City reserves the right to take appropriate action, on a case by case basis. Any failure to disclose the nature of the relationship as contemplated in this policy may result in disciplinary action up to and including termination. (added 6/25/13 AA)

## **Section 14: Promotion and Transfer**

### **Promotions**

The City will attempt to promote from within the workforce when it is determined that it would be in the best interest of the City and the public. However, the City always reserves the right to hire from outside sources for any position. In considering a promotion from within the workplace, the City will consider the person's merit (the employee's qualifications, skills, aptitude, attitude, performance evaluations and attendance) and fitness for the position. An employee may apply for a promotion after he has been in his current position for at least six (6) months. Police and fire departments may require longer periods of time.

If an employee is selected for promotions, he will receive a higher level of pay than what he is currently receiving, as determined by the City Manager. If the employee fails to meet the standards set for the position within a six (6) month period, the employee **may** be returned to his previous job classification, if available, at the discretion of the City Manager and his pay decreased to that level.

### **Transfers**

An employee may request a transfer after he has been in his position for at least six (6) months or may be asked to transfer to a different Department if it is in the best interest of both Departments and if the employee meets the qualification for that position. The employee shall be placed in the pay step deemed appropriate by the Supervisor/Department Head and approved by the City Manager.

Transfer between City departments and those departments with restricted use of funds (DTF, Tobacco, etc.) will require prior approval of payout or transfer of paid time off accumulated in the former department. (added 6/25/13 AA)

### **Demotion/Reassignment**

An employee may be reassigned to another available open position for which he is qualified if his position has been abolished or if he is unable to perform the duties of his current position. An employee may be demoted for disciplinary purposes. The employee will receive the rate of pay deemed appropriate by the Department Head and approved by the City Manager.

## **Section 15: Seniority**

All employees regardless of the length of service with the City are considered to be "**at-will**" employees without property interest in employment or contract.

**This handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time without cause and without notice.**

## **Section 16: Layoff and Recall**

Regular work will be provided so far as practical. If a layoff should become necessary, employees will be laid off on the basis of his or her:

1. Productivity
2. Skill, ability, and physical fitness
3. Attendance and tardiness record
4. Length of service (when other factors equal, length of service will be the controlling factor.)

When recalling employees to work following a layoff, the most qualified employees on layoff status who can satisfactorily perform the available work, without training will be the first recalled to work. If there are no laid off employees who qualify for recall the City Manager shall be free to hire a new employee to perform such work. Any employee who declines recall to either his previous position or to a comparable position will be considered to have waived the right to recall and will no longer be on the recall list.

## **Section 17: Change of Employee Status**

It is important to keep information about employees up to date. Therefore, employees shall promptly notify the Payroll Clerk about changes in:

Physical and Mailing Address	Marital Status
Telephone Number	Dependents
Who to Notify in case of accident	Military Status
Legal name - if changed by marriage otherwise	Insurance and Retirement Beneficiary

## **Section 18: Pay Plan**

Periodically, (usually at the time of budget preparation, employment anniversary or performance evaluation), each employee will be considered for an increase in pay for his or her job classification. You may receive an increase provided you are doing satisfactory work and provided budgeting will allow such increases.

**PAYCHECK DEDUCTIONS:** The City is required, by law, to make certain deductions from every employee's paycheck for Federal Income Tax, Oklahoma Income Tax, Social Security, Medicare and retirement. The employee may authorize deductions for other City sponsored programs.

**PAY PERIODS:** The payroll period is bi-weekly resulting in twenty-six (26) payperiods over the course of a year. Payroll shall be distributed by direct deposit on Thursday every other week or on Friday if by check.

Your supervisor will distribute pay stubs during the week following the end of the pay period. Any questions about your paycheck may be discussed with your supervisor. If a payday falls on a holiday, check stubs will be distributed on the day before, if possible. Pay advances will not be made or allowed.

### **18.A EMPLOYEE WATER & WASTEWATER & CDL LICENSES POLICY** (amended 7/1/2021)

**WATER & WASTERWATER** - This subsection only applies to those positions specifically identified for these licenses:

Water Production                      Water Distribution                      Waste Water Department

Designated representatives for:

Landfill              Park              Utility Billing              Street

This policy is not retroactive and will become effective 10/10/12. If it is beneficial to the City in the job or position the employee holds, when an employee obtains their licensing in water and wastewater or CDL, it shall mean the following payroll increase: (amended 7/30/13 AA)

**Double D - D water and D wastewater** - both required - licensing will mean \$1.50 payroll increase but must be obtained within 6 months of hire date. **If not obtained within 6 months could result in termination of employment.**

**C water** - licensing will mean \$.50 payroll increase.

**C wastewater** - licensing will mean \$.50 payroll increase.

**B water** - licensing will mean \$.50 payroll increase.

**B wastewater** - licensing will mean \$.50 payroll increase.

**A water** - licensing will mean \$.50 payroll increase.

**A wastewater** - licensing will mean \$.50 payroll increase.

**CDL** - This subsection only applies to those positions specifically identified for these licenses:

Street Department                      Fleet Department                      Sanitation Department  
Water Production                      Water Distribution                      Waste Water Department

Designated representative for:

Cemetery                      Rock Yard                      Right of Way                      Maintenance  
Landfill                      Park

When an employee obtains their CDL licensing, it shall mean the following payroll increase:

**CDL- B with tanker endorsement** - will mean a \$1.50 payroll increase - but must be obtained within 90 days of hire date; or \$1.00 payroll increase - if obtained within 180 days (six months) of hire date; or \$.75 payroll increase - if obtained within 270 days (nine months); or \$.50 if obtained before 1 year

anniversary. (amended 2/17/17 LL)

**CDL - A** will mean \$.50 payroll increase.

**CDL - A with airbrakes and tanker over 26,000 lb. combination and standard transmission** \$.50

**CDL - X hazmat** endorsement \$.50

## **Section 19: Garnishments**

The City shall not discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the City for the purpose of paying a judgment arising from a consumer sale, consumer lease, or consumer loan.

## **Section 20: Dress and Appearance**

All employees are considered to be representatives of the City of Elk City. Therefore, employees shall dress appropriately for their positions and shall maintain appropriate standards of neatness, cleanliness, personal body hygiene and safety. Proper clothing shall be worn according to the particular job being performed. Shorts or skorts shall NOT be worn to work, unless required for essential job functions and have supervisor approval; whereupon, shorts, skorts, dresses, and skirts whose length is shorter than three (3) inches above the top of the knee when standing are prohibited. Cut offs will not be allowed at any time.

**Females:** Ladies will keep their hair neat and clean. Because of possible hazard to health and safety, all ladies, when working around machinery other than general office type, shall wear their hair in a fashion or with a covering to protect it from possible danger of becoming entangled in the machine on which they are working.

**Males:** Male employees will keep their hair neat and clean. Neatly trimmed mustaches, beards, goatees, and Fu-Man-Chu styled mustaches are permitted. Male employees shall be clean-shaven each day unless they project a definite intent to grow a beard or mustache. Off again-On again habits will not be tolerated as an excuse for not shaving.

It may be necessary in some departments to be more restrictive as set out by the department supervisor. Department supervisors shall be responsible for the dress code compliance of their respective departments.

**Uniforms:** Non-uniform employees to include only the following: Water Distribution, Water Production, Sanitation, Fleet, Right-of-Way, Waste Water, Park, Cemetery, Street, Rock Yard, Maintenance, Airport, Landfill and any specifically designated employees will receive a uniform allowance annually at the start of each fiscal year (July 1<sup>st</sup>), which may be prorated based on hired date. Half of the allowance will be allocated at hire date and remainder allocated after the 90 day probationary period. If employment terminates prior to the 90 day probationary period, employee will be charged the amount used for uniforms, which will be deducted from last paycheck. (added 7/1/2021)

## Section 21: Disciplinary Action

The regulation of acceptable conduct is necessary for the orderly and efficient operation of the City and for the benefit and protection of the rights and safety of all employees and citizens. The following guidelines and procedures are designed to promote understanding of what is considered "unacceptable conduct". These are **guidelines only** and other forms of unacceptable conduct may result in disciplinary action being imposed on the employee. These guidelines are not intended to be a basis for an employee to argue that disciplinary action involved "cause" or in any way argue that a property interest in employment exists.

- A. Progressive Discipline: The City will attempt to follow a system of progressive discipline for those offenses that are not serious. Progressive discipline might include counseling, oral reprimand/warning, written reprimand, suspension without pay, demotion or reassignment, disciplinary probation and/or termination. However, progressive discipline is **only a guideline** and the City retains the right to impose whatever level of discipline it deems appropriate, up through and including termination of employment, for any unacceptable conduct when deemed by the City to be in the best interest of the City for the good of the service.
- B. Disciplinary Procedures: While the express purpose of discipline is to correct inappropriate performance or behavior, discipline may be punitive in nature and will be based on an employee's status or classification, past performance and behavior, the severity of the circumstances and the evidence warranting any action. When reviewing the degree of discipline to be imposed, the areas to review may include, but are not limited to, the following:
  1. Severity of the action;
  2. Policy and procedure violated;
  3. Past work history;
  4. Degree of damage/injury to equipment, property or persons;
  5. Length of service;
  6. Degree of insubordination, if any;
  7. Cover-up or false statements or records;
  8. Prior safety record, if applicable;
  9. Violation of a disciplinary probation agreement;
  10. Cooperation during any investigation.

**Employment is *at-will* and may be terminated at any time when such action is deemed for the good of the service.** To assist employees and supervisors in understanding the disciplinary philosophy of the City, the following factors may be considered in determining

the appropriate level of discipline. These factors are designed to serve merely as guidelines only and the City reserves the right to impose discipline for any reason deemed necessary for the good of the service and to select the level of discipline it deems appropriate for any single offense up to and including termination.

C. **Disciplinary Reasons:** The following are examples of the type of infractions which normally warrant discipline. This list is not intended to be a basis for an employee to argue that disciplinary action involved "cause" or in any way argue that a property interest in employment exists. This list is not intended to be all inclusive. The City reserves the right to impose discipline for any reason deemed necessary for the good of the service and to select the level of discipline it deems appropriate for any single offense up to and including termination. (amended 6/17/13 AA)

1. **Insubordination:** Gross neglect of duty, refusal to comply with management's lawful instructions or violation of or refusal or inciting others not to comply with departmental or City rules and regulations.

2. Negligent misuse, willful or malicious damage to, or destruction of, City property or property of others.

3. Theft, misappropriation, misuse or sabotage of City property.

3A. All materials no longer useful to the City shall be approved as surplus material for sale and all monies received will be immediately received by the City Clerk. No exceptions. (Added 6/25/13 AA)

4. Conviction or a plea of guilty to any felony, or any criminal misconduct on or off duty that shocks the conscience of the community or brings the City's good name into disrepute. A plea of "nolo contendere" will be considered tantamount to a conviction.

5. Disorderly or offensive conduct while on duty; disgraceful or offensive conduct while on or off duty, when such behavior threatens public respect for the City service or the public order, safety, or health.

6. Deliberate discourtesy to the public.

7. Habitual tardiness, unauthorized or excessive absences or abuse of paid time off, falsification of leave usage, sleeping on duty except when accepted as a normal portion of the job assignment.

8. Acceptance of a gift or fee or other valuable thing in the course of or in connection with work, other than items of nominal value.

9. **Improper use of Authority:** Use of official position or authority for personal profit or advantage; inducing or attempting to induce any employee to commit and unlawful act or to act in violation of any lawful departmental regulations or professional ethics;

discussing with unauthorized persons any confidential information gained through employment with the City.

10. Falsification of records, including application records or papers, time records, claims against the City, or falsification of any City record.
  11. Being under the influence of intoxicants or drugs while on duty, or while in any City vehicle or possession, use or distribution of alcohol or illegal substances while at work or on City property or any violation of the City's Alcohol and Controlled Substance Testing Policy.
  12. Unreasonable failure to follow any safety policy, rule or regulation; gross negligence in the performance of duties; or any conduct that would place the employee, citizens or fellow employees or City property at risk.
  13. Smoking in unauthorized areas.
  14. Vending, soliciting, or collecting contributions on City time or City premises without prior authorization.
  15. Violation of the City's Professional Conduct/Anti-Harassment Policy.
  16. Loss of appropriate licenses or certificates necessary to the function of the job or requirements for original appointment to the job.
  17. Job abandonment.
  18. Fighting or gambling on duty or while on City property.
  19. Failure to maintain "conditions of employment" as outlined in any disciplinary probation agreement.
  20. Consistent inability to perform assigned duties in an acceptable manner.
  21. Any behavior that impedes, interrupts, contradicts or jeopardizes the effective functions of the City.
- D. The following are examples of infractions which, if not repeated, would generally warrant less severe discipline. This list is not intended to be all inclusive. Repeated violations or cumulative violations would result in more severe discipline.
1. Violations of policies or procedures when proof exists that the employee had no knowledge or reason to have knowledge of the infraction.
  2. Minor first violations of a policy or procedure, not considered a safety violation and not involving damage to or loss of City equipment, property, material or supplies, or any injury to any person.
  3. Initial substandard performance before the employee is placed on notice.
  4. Minor attendance problems.

5. Initial non-conformance with acceptable dress codes or hygiene standards.
6. Failure to report known violations of policy or procedure.
7. Failure to become knowledgeable of policies, procedures or work routines/processes.
8. Violation of traffic laws, parking ordinance, or noncompliance with accepted traffic safety practices.

When it is deemed for the good of the service to immediately remove an employee from active service, a summary suspension with pay or without may be issued by the City Manager prior to finalizing the investigation.

## Section 22: Separations

Upon separation from employment, the employee will be required to return all City property. The separation date is the employee's last day to work except when an employee becomes disabled in which case the last day paid is the separation date. Upon separation the employee should report to the City Clerk's Office to receive any benefit forms, and to have any questions answered.

- A. **Resignation** - All employees, except temporary employees, are expected to give at least ten (10) working days notice prior to their last day of work. Failure to do so may be cause for denying future employment with the City. An employee resigning in good standing may be considered for re-employment by complying with all requirements for a new employee.
- B. **Layoff**- When there is a shortage of work or funds, or when the abolishment of a position becomes necessary, an employee(s) may be laid off. Recall of laid-off employee(s) may be considered at the discretion of the City when clearly it is in the best interest of the City if the position is re-established or if a vacancy becomes available for which the employee is qualified.
- C. **Retirement** - Retirement is based on full time employees who have participated in a Retirement Program supported by the City.
- D. **Disability** - An employee who is unable to perform the essential functions of the position and where an accommodation would impose an undue hardship on the City may be separated as permitted by State and Federal Law.
- E. **Death of Employee** - In the event of the death of a City employee, termination shall be effective as of the date of death. Compensation due will either be paid to the beneficiary as designated by the employee or to the estate of the employee.
- F. **Termination** - Termination will be for the good of the service.



## **Section 23: Safety and Health**

The City will attempt to provide a clean, safe, and healthy place to work. Employees are expected to do their part to work safely, wear required safety equipment, observe all posted safety rules and regulation, and keep their work place neat and clean. Special safety equipment required for the job will be provided by the City.

Any accident, no matter how slight, is to be reported to your supervisor at once for proper treatment and record. Whenever the employee has been involved in a work-related injury, or has damaged City property, the City reserves the right, due to "reasonable suspicion" to require that all employees involved submit to a drug/alcohol test as a condition of continued employment. (amended 7/1/2021)

All injuries from accidents on the job must be reported to the immediate supervisor, who in turn will fill out an accident report form to be sent to the City Manager. Work-related injury or illness that involves days away from work shall go before an Accident Review Committee.

### **Accident Review Committee**

The Accident Review Committee will review accidents or other work-related injury or illness that involves days away from work. The Accident Review Committee's duty will be that of determining the cause of the accident, any unlawful acts committed by any party involved, any unsafe acts, or other observations that the committee deems necessary. Employees involved in accidents are subject to alcohol and controlled substance testing.

The committee may also make recommendations to the City Manager on ways to prevent future occurrences of same or similar incidents. The accident review committee meeting will be held within 48 hours, excluding weekends and holidays of the accident. (The City Manager may grant additional time.) All members of the Accident Review Committee must be present at the time of this meeting. The involved employee may be called to aid in the review of information but shall not be present at the time of the committee's deliberations and decisions. The findings of the Accident Review Committee shall be submitted to the City Manager in writing within 48 hours of this meeting, signed by all members of the board. The supervisor shall provide a follow up letter detailing any action taken and or recommendations of the review committee.

The accident review committee shall consist of the following:

1. The Safety Coordinator will act as the Chairman of the Accident Review Committee.
2. A neutral employee.
3. The employee's department head and the involved employee(s)

## Driving City Vehicles

Driver's license checks will be performed on all applicants after a conditional offer of employment has been made and annually thereafter for all employees where driving is an essential job function.

The police chief, or his designee, will check and confirm the motor vehicle records for all current employees on an annual basis. Any employee without a valid driver's license will not be allowed to operate a City vehicle or drive on City business. A copy of each employee's driver's license will be kept on file with the City. (amended 6/25/13 AA)

## Policy

The safety and well-being of our employees is of critical importance to the City. Employees that are required to drive on City business at any time will be expected to consistently apply and follow all the procedures below.

- A. Employees, where driving is an essential job function, must have a valid and current Driver's license to operate a City vehicle, or a personal vehicle with current auto insurance while on City business.
- B. Employees are expected to drive in a safe and responsible manner and to maintain a good driving record. If an employee's driving record indicates a pattern of unsafe or irresponsible driving, it could result in suspension or revocation of driving privileges.
- C. Criteria that may indicate an unacceptable record includes, but is not limited to:
  1. Three or more moving violations \* in a year
  2. Three or more chargeable accidents within a year. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.
  3. Any combination of accidents and/or moving violations.
- D. The department head will provide training and instruction to the employee on the safe and proper operation of the vehicles and equipment. The fleet maintenance supervisor will provide training and instruction in the safety features, safe operation, and maintenance of the piece of equipment.

*\* Violations include any ticket, charge, or other law enforcement proceeding relating to these, as well as independent evidence of violations deemed satisfactory by the police department.*

## Fleet Safety & Usage Procedures

1. All employees are expected to wear seat belts in accordance with State law at all times while in a moving vehicle being used for City business, whether they are the driver or a passenger.

2. Use of alcohol, drugs or other substances is prohibited. No driver shall operate a City vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, prescription medication, including certain over-the-counter cold or allergy medications that in any way impair driving ability.
3. Cell phone use while driving is prohibited, unless utilizing a hands-free device which then should be kept to a minimum. Drivers need to be aware when use of the cell phone or two-way radio is creating a distraction from safe driving and adjust their usage, accordingly, including pulling off the road to continue/finish the conversation if needed. Whenever possible, drivers should complete calls while the vehicle is parked and/or use the phone in a "hands free" mode via a headset or speaker. While driving, attention to the road and safety should always take precedence over conducting business over the phone. Text messaging while driving is prohibited.
4. All employees are expected to follow all state and local laws and safety rules such as adherence to posted speed limits and directional signs, use of turn signals and avoidance of confrontational or offensive behavior while driving.
5. Any employee who has a driver's license revoked or suspended shall immediately notify his supervisor by the next business day, and **immediately discontinue operation of the City vehicle.** Failure to do so may result in disciplinary action, including termination of employment.
6. Employees should never allow anyone to ride in any part of the vehicle not specifically intended for passenger use and/or any seat that does not include a working seat belt.
7. Employees who drive commercial vehicles or who are otherwise subject to separate rules and regulations such as those dictated by state or federal law are also expected to adhere to all policies and regulations associated with the appropriate law or regulation that applies.
8. Accidents are to be reported to local law enforcement immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents in personal vehicles while on City business **must** follow these same accident procedures. Accidents with or without the employee's personal injury must be reported to the City Clerk for Worker's Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.
9. Employees are also expected to report any moving or parking violations received while driving on City business and/or in City vehicles.
10. Only authorized personnel are allowed to ride in City vehicles in accordance with each departmental policy as approved by the City Manager.
11. Drivers are responsible for the security of City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

12. Failure to adhere to these procedures may result in disciplinary action, up to and including termination.
- *City business is defined as driving at the direction or for the benefit, of employer. It does not include normal commuting to and from work.*

## **Section 24: Tobacco Free/Vapor Free**

The City of Elk City commits to supporting employees' access to clean air by limiting exposure to secondhand tobacco smoke and secondhand vapor by doing the following:

1. Supporting existing local and state laws that prohibit Smoking and the Use of Tobacco Products and Vapor Products in Indoor Areas and on Municipal Property (See Section 3 for definitions), through education materials, requisite signage, and enforcement assistance where applicable.
2. Updating and enforcing the "City Owned/Operated Property to be Tobacco-Free," at City of Elk City's Code of Ordinances, Section 15-26.
3. Prohibiting employees from Smoking or Using Tobacco Products or Vapor Products in personal vehicles during all hours of employment while such vehicles are on Municipal Property.
4. Providing specific implementation and enforcement support for the local and state laws mentioned above, including but not limited to: Posting any required signs informing people of applicable tobacco-free and vapor-free laws and policies at entrances to all buildings on Municipal Property; and including copies of applicable tobacco-free and vapor-free laws and policies in relevant municipal policy manuals, handbooks, or employee training materials. Employees are responsible for familiarizing themselves with these laws and policies and their applicable enforcement measures.
5. Providing tobacco cessation information, resources, and/or support. (See Section 29 for details on cessation resources).

**"Tobacco Product,"** means any product that contains tobacco and is intended for human consumption. Tobacco products does not include any product approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product. This also included e-cigarettes and vapor products with or without nicotine. 'Smoking,' means the carrying by a person of a lighted cigar, cigarette, pipe, e-cigarette or vapor device, or other lighted smoking device.

## **Section 25: Armed Forces**

Employees of the City of Elk City who are members of the National Guard of Oklahoma, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve shall be eligible for a leave of absence on all days employed under order or authorization of competent authority or active training duty with troops or at field exercises or for instruction. The City will provide paid leave of absence as required by state or federal law, as amended from time-to-time.

## **Section 26: Jury Duty**

Employees who are required to serve "Jury Duty" by reason of a summons to do so will be paid their regular salary. All daily allowance received for court duty (excluding mileage, meals, and parking allowance) shall be reimbursed back to the City. Upon release by the court, the employee must report back for work.

## **Section 27: Voting**

Employees shall be entitled to time to vote if the employee notifies orally or in writing of the employee's intention to be absent, on the day preceding the election day. The City shall select the hours in which such employees are to be allowed to attend such elections and shall notify each of the employees which hours they have in which to vote.

## **Section 28: Purchasing**

Prior to acquiring goods or services for the City, a purchase order must be obtained from the purchasing officer and purchases must be approved by the Department Head. Public funds shall be used only for public purposes.

## **Section 29: Group Insurance and Retirement Plan**

The City provides certain benefits for eligible employees. The City reserves the right to amend, suspend or terminate any of these benefits at its sole discretion. All statements contained herein are mere summaries of the plans. Details of certain plans are contained in individual plan summary booklets or documents. If any statement herein is in conflict with the official plan document, the official plan document will control. All benefits are subject to the availability of funds and to the appropriation of the necessary funds by the City Commission.

### **Group Insurance**

Group health, dental, vision and life insurance is provided to you as a part of the city's benefit program for full time employees at no expense to the employee. The same coverage is allowed for family dependents at the employee's expense. Group insurance will go into effect on the first of the month at least 90 days from the date of hire. Group insurance coverage will automatically terminate on the last day of the month employment is terminated. Upon termination each full-time employee will be mailed a COBRA continuation coverage election form, which explains your rights. The City reserves the right to alter, amend or remove any of the City's benefits.

## Health Insurance Opt-Out

Effective July 1, 2021 employees declining the City's health insurance benefit shall be eligible for a continuing monthly opt-out insurance benefit pursuant to the City's health insurance policy. Those employees shall receive four hundred dollars (\$400.00) monthly for opting-out the city's health insurance plan.

### Eligibility:

To participate, employees must have been enrolled or be currently enrolled in medical coverage through the City of Elk City and dropped the coverage; Employees are eligible for the payment if they have coverage under another plan. Other plans include:

- a. Your spouse's/partner's plan;
- b. A private plan;
- c. A plan offered through a second employer (if you have another job that provides health care benefits); or
- d. A retiree health plan.

Employees must remain eligible for health insurance to participate in the Health Insurance Opt-out program. The monthly payments will be taxable to the employee.

### **Applying for the Opt-Out payment.**

The City of Elk City wants you to stay on the road to good health. Therefore, if you choose to waive medical plan coverage, you must certify that you have coverage under another medical plan by:

1. Completing and signing a "Waiver of Health Insurance Coverage" application; and
2. Providing written documentation of your other coverage on employer or group letterhead signed by an authorized representative of the employer or health insurance group providing the alternative coverage; and

Your "Waiver of Health Insurance Coverage" application is found on the reverse side of the application form.

You must also maintain your City medical plan coverage until your alternative plan become effective.

### **When to submit your waiver application**

All waiver applications must be returned to City Hall by 1<sup>st</sup> of the month becoming effective the 1<sup>st</sup> of the following month.

### **If you waive coverage and need to rejoin the City of Elk City Health Insurance Program**

If you waive coverage and then lose your other coverage during the City of Elk City's medical plan year, you can rejoin the plan, but you must:

Notify the City of Elk City within **thirty (30) days** of the date of insurance cancellation;

Provide verification of loss of coverage; and  
Enroll in a medical plan offered by the City

If you do not enroll in a City health plan within the 30 days, the City of Elk City will not be responsible for any medical claims you incur after your loss of other coverage, and you must wait until the next Open Enrollment period to reapply for coverage. (added 7/1/2021)

### **Tobacco Cessation Support**

In support of Section 24: Tobacco Free/Vapor Free, the City of Elk City will provide tobacco products cessation resources for employees by doing the following:

1. Providing insurance benefits and access to the following types of assistance with no prior authorization or out-of-pocket cost to the employee:
  - a. Group, individual or phone counseling
    - i. A minimum of 4 counseling sessions of at least 10 minutes each per attempt
    - ii. Two quit attempts per year
    - iii. Free cessation counseling is also offered by the Oklahoma Tobacco Helpline (1-800-QUIT-NOW).
  - b. All 7 FDA-approved cessation aids
  - c. Communicating and promoting the available tobacco cessation benefits and insurance coverage for employees to all prospective employees, new employees at the time of hire, and all existing employees on an annual basis. (amended 1/31/20 LL)

### **Retirement**

Full time employees, other than uniformed Fire and Police personnel, who work at least 40 hours per week, shall participate in the City's Retirement Program. Qualifying uniformed Fire and Police personnel shall participate in the Oklahoma Fire and Police Pension and Retirements Systems respectively, with the following exception. All EMS personnel that is hired for EMS purposes only will participate in the City's 401a Retirement Program. (amended 2/17/17 LL)

### **Section 30: Holidays**

Full time city employees, except for part-time and seasonal temporary employees, shall be entitled to a day off work without loss of pay on holidays specified. The City will observe the holiday closing policy as set by the State of Oklahoma holiday schedule, **25 OS Sec. 82.1**. The hours allowed would be based on the normal hours they are scheduled to work. When an authorized holiday falls within an employee's paid time off, the day will be considered a holiday rather than paid time off. The holidays to be observed are as follows: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, Christmas Eve, and Christmas Day. Any deviation from the above will be allowed by

Executive Order of the City Manager. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. When the holiday falls on a Sunday, the subsequent Monday shall be observed as the holiday in that year. Time-off for holidays will not be counted toward overtime.

### **Holiday Pay**

Holiday Pay for active full-time Police, Dispatch and Fire/EMS employees shall be paid annually at the first payday in December. Holiday Pay shall be paid at the employees' annual rate times 88 hours. For new hires, the Holiday Pay shall be proportionate to the length of employment the first year. (Amended 8/13/14 AA) If an employee leaves service they will be entitled to prorated Holiday time upon terminated date. (added 7/1/2021)

Benefit accruals, such as paid time off, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. (Added 11/3/12 AA)

### **Section 31: Funeral/Bereavement Leave**

Funeral leave may be granted by the City provided it does not seriously disrupt the operations of the City. A request for funeral leave must be presented to your supervisor in advance. Regular full-time employees may be granted up to three (3) scheduled working days for immediate family members, if needed, to attend a funeral. Immediate family, for the purposes of this section, is defined as spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, and grandchildren of the employee or the employee's spouse. (amended 7/1/2021) Leave will be given from January 1 to December 31 of each year. This type of leave is not accumulative. It cannot be regarded in the same manner as paid time off.

### **Section 32: Paid Time Off**

#### **Eligibility**

Each regular full-time employee, working at least 40 hours per week, after one year of consecutive service, will be allowed paid time off as follows:

Non-uniform employees	160 hours after 1 year 200 hours after 2 years
Firefighters	216 hours
Police Officers	176 hours after 1 year 216 hours after 2 years

Temporary, seasonal and part-time employees will not be allowed paid time off.

The city reserves the right to request a doctor's statement or second doctor's opinion to substantiate absence because of illness or injury.



## Accumulation

All paid time off used each year will count against the working days that have been accumulated. Accumulated paid time off to be paid in 40 hour increments at the employee's last hourly rate of pay until the accrued paid time off is depleted. Pay for accumulated paid time off will be paid upon termination/retirement as follows:

- Police officers may be paid for a total of 896 hours for paid time off.
- Fire Fighters may be paid for a total of 1184 hours for paid time off and
- All non-uniformed personnel may be paid for a total of 800 hours for paid time off.

The supervisor will be responsible for monitoring employees utilizing paid time off to ensure policy is adhered to. The City reserves the right to request a doctor's statement or second doctor's opinion to substantiate absence because of illness or injury. (amended 2/17/17 LL) (amended 7/1/2021)

Unused paid time off "buy back" will be permitted as follows:

- Police officers up to 128 hours after two years and up to 168 hours after three years per City's fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup> not calendar year January to December). "Buy back" will be paid in 48 hour increments.
- Fire fighters up to 168 hours per City's fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup> not calendar year January to December). "Buy back" will be paid in 48 hour increments.
- All non-uniformed personnel up to 120 hours after two years and up to 160 hours after three years per City's fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup> not calendar year January to December). "Buy back" will be paid in 40 hour increments. (amended 7/1/2021)

## Donation

Paid time off donations, to other employees, are permitted up to a maximum of 30 working days. Any employee using donated paid time off must first exhaust all other paid time off (holiday, compensatory time, etc.).

An employee may donate paid time off to another employee for the following reasons:

- A. The recipient has exhausted all available paid time off due to an extraordinary or severe injury, illness impairment, or physical or mental condition of the recipient; or
- B. The recipient has exhausted all available paid time off due to an extraordinary or severe injury, illness, impairment, or physical or mental condition of a relative or household member of the recipient.

All donations must be made in 8-hour increments. The maximum donation per donor may not exceed 40 hours per year. The maximum amount of paid time off that can be extended to the recipient under this donation program is not to exceed 240 hours. The donation policy will be reviewed annually.

## **Section 33: Family and Medical Leave Policy**

### **General Provisions**

It is the policy of the City to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Service members Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. The leave will run concurrent with workers compensation time off. (Amended 6/2513 AA)

The City provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the City. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 12 weeks within any 12-month period. Any combination of medical leave and family leave may not exceed this maximum limit. Employees will be required to first use any accrued paid leave time before taking unpaid medical leave.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the City until the end of the month in which the medical leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from medical leave, benefits will again be provided by the City according to the applicable plans.

Benefit accruals, such as paid time off, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on medical leave is requested to provide the City with at least two weeks advance notice of the date the employee intends to return to work. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the City will assume that the employee has resigned.

## **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12 month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

## **Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition.
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Employees with questions about what illnesses are covered under this FMLA policy or under the City's paid time off policy are encouraged to consult with the HR department.

The City may require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in this policy.

If an employee takes paid time off for a condition that progresses into a serious health condition and

the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured forward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

5) A covered family member's active duty or call to active duty in the Armed Forces.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service includes helping the family member prepare for the departure or caring for children of the service member. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

6) To care for an injured or ill service member.

This leave may extend to up to 26 weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability retired list.

Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an

employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks. This type leave will be subject to current Department of Labor regulations.

### **Employee Status and Benefits During Leave**

While an employee is on paid leave, the City will continue the employee's health benefits during the paid leave period at the same level and under the same conditions as if the employee had continued to work.

Under current City policy, the employee pays a portion of the health care premium for dependent coverage. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium.

While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting department by the 5th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employer contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their premiums.

### **Employee Status after Leave**

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions.

The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### **Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid time off prior to being eligible for unpaid leave. Paid time off may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established paid time off policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week

entitlement.

An employee who is taking leave for the adoption or foster care of a child must use all paid time off prior to being eligible for unpaid leave.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take **FMLA** leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. The City may require certification of the medical necessity.

### **Certification of the Serious Health Condition of the Employee or the Spouse, Child or Parent of the Employee**

The City may ask for certification of the serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form. Request for a medical certificate must be made in writing as part of the employer response to employee request for leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employees own medical condition. the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. If necessary, to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

### **Documentation of the Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces**

Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.

### **Documentation of the Need for Service Member FMLA Leave to Care for an Injured or Ill Service Member**

Employees requesting this type of Service member FMLA leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

### **Procedure for Requesting Leave for 1) the Birth of a Child or in Order to Care for that Child; 2) the Placement of a Child for Adoption or Foster Care and to Care for the Newly Placed Child; 3) to Care for a Spouse, Child or Parent with a Serious Health Condition; or 4) the Serious Health Condition of the Employee**

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reasons(s) with a copy to the HR department. Failure of the employee to provide a written request for leave cannot be grounds to deny or delay the taking of FMLA leave.

The City will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable. For employees on intermittent or recurring leave for the same incident, this notice will be provided every six months.

When an employee plans to take leave under this policy, the employee must give the City 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is

practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work.

### **Procedure for Requesting Leave for 1) a Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces or 2) to Care for an Injured or Ill Service Member**

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. Leave may commence as soon as the individual receives the call-up notice. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reasons(s) with a copy to the HR department.

The City will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable.

### **Section 34: Vacation (Intentionally deleted 7/1/2021)**

### **Section 35: The Americans with Disabilities Act (ADA)**

The City will take reasonable steps to ensure that interview, hiring and employment practices do not conflict with the provisions of the Americans with Disabilities Act. The City will provide reasonable accommodation to a person with a disclosed disability in terms of application, hiring and job retention so long as such accommodation does not result in an undue hardship. It is the responsibility of every employee to comply with the provisions of the ADA and to create a positive work environment.

### **Section 36: WORKPLACE WELLNESS POLICY**

#### **Introduction**

*The City of Elk City* cares about the health and well-being of our employees and strives to create an environment that supports and encourages healthy living. We acknowledge that people who are inactive, overweight, or obese have a higher risk for many serious health conditions, including diabetes, heart disease, stroke, certain types of cancer, and premature death. We recognize that we can help improve the health and wellness of our employees, and members of the community, by



providing and promoting *healthy food options, physical activity opportunities, and tobacco free environments.*

Therefore, the City of Elk City commits to creating a workplace environment that is conducive to *eating healthy, being physically active, and living tobacco free* by doing the following:

- Promoting healthy behaviors and choices through appropriate communication resources, such as *newsletters.*
- Conducting ongoing evaluations of wellness policies and programs.
- *Promoting* community health events, such as *health fairs, races, and festivals.*

*The City of Elk City* adopts this wellness policy, which includes the following *Nutrition and Physical Activity* element.

## **NUTRITION**

The City of Elk City commits to making healthy food options widely available and easily accessible by doing the following:

Selling and offering foods and beverages throughout the workplace, including in the *employee snack bar* and during *meetings and events* that promotes healthy eating.

Promoting good nutrition and healthy eating habits through these activities and services:

- Making cool drinking water available throughout the day at no cost.
- Providing employees with access to a refrigerator, microwave, and sink with a water faucet.
- Encouraging employees to bring healthy foods to special occasions like birthdays and retirement parties or celebrating with non-food items.
- Providing a space that may be used by employees to express breast milk.
- Providing nutritional information on foods and beverages sold and offered in the workplace.
- Promoting the purchase of healthy foods and beverages through practices, such as *posting flyers.*
- Providing nutrition education through activities, such as *newsletters.*

## PHYSICAL ACTIVITY

The City of Elk City commits to making physical activity opportunities widely available and easily accessible by doing the following:

- Promoting walking meetings.
- Using *newsletters* to promote physical activity.
- Promoting employee participation in physical activity by *creating exercise clubs*.
- Providing information about local resources and facilities, such as *walking trails, community parks, and recreation facilities*.
- Promoting physical activity through activities, such as *newsletters*.

## Section 37: CITY of ELK CITY SOCIAL NETWORKING POLICIES AND PROCEDURES

### PURPOSE

The City of Elk City endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the City of Elk City's position on the utility, management, administration and oversight on social networking. This policy is not meant to address one particular form of social media; rather, social media in general, as advances in technology will occur.

### POLICY

Social media provides a new and potentially valuable means of assisting the City of Elk City and its employees in meeting community outreach, problem solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The City of Elk City also recognizes the role that these tools play in the personal lives of its employees. The personal use of social media can have bearing on employees in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by employees.

### DEFINITIONS

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

**Confidential Information:** Digital media depicting the City of Elk City Departments, its employees, crime, fire, accident scenes, internal videos, daily work activity or information sensitive to daily departmental procedures. Digital media or information which could be considered personal or private or could potentially expose the City of Elk City, its departments and employees to liability.

**Electronic Communication:** Any kind of communications created by, represented by, sent to or stored by

any user using any electronic communications system, including all information, data and attachments to the communication.

**Electronic Media:** Digital photos, audio recordings, videos or digital information.

**Page:** The specific portion of a social media website where content is displayed and managed by an individual or individuals with the ability to edit content.

**Personal Information:** Any type of information that might lead to the identification of any individual. Examples may include social security numbers, dates of birth, addresses, phone numbers, email addresses, driver's license or other state identification numbers.

**Post:** Content an individual share on a social media site or the act of publishing content on a site.

**Profile:** Information that a user provides about himself or herself on a social networking site.

**Proprietary Information:** Any photographs, videos or information digital or otherwise created or obtained while an employee is on duty is deemed to be proprietary in nature and remains property of the City of Elk City and its departments. The work product of the City of Elk City and departments are public in nature and are subject to all federal and state laws, city codes, ordinances, and department policies regarding its confidentiality and release.

**Pseudonym:** A fictitious name, especially a pen name. This applies to "usernames" or "user account identifications."

**Social Media:** A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, **Nixie**), photo- and video-sharing sites (Flickr, YouTube), **wikis** (Wikipedia), blogs and news sites (Digg, Reddit).

**Social Networks:** Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

**Speech:** Expression or communications of thoughts or opinions in spoken works, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communications.

**Wiki:** Web pages(s) that can be edited collaboratively.

**Work Product:** Anything created by an employee while they are at work or are performing the duties of their job is considered to become the property of the City of Elk City. Examples may include, but are not limited to photos, videos, audio recordings, blog entries depicting the City of Elk City, its employees and any department related material or activity. For example, the Police and Fire Departments might have

crime or accident scenes photos. Any internal videos, daily work activity, electronic files or documents and information created or obtained during the performance of an employee's duties.

## **ON-THE-JOB USE**

### **Department-Sanctioned Presence**

- A. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the City of Elk City's presence on the website.
- B. Where possible, the page should link to the City of Elk City's official website.
- C. All department social media sites or pages shall be approved by the department head or designee and shall be administered as determined by the City Manager.
- D. Where possible, social media pages shall clearly indicate they are maintained by the City of Elk City and shall have department contact information prominently displayed.
- E. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  - 1. Content is subject to open record laws. Relevant records retention schedules apply to social media content.
  - 2. Content must be managed, stored and retrieved to comply with open record laws and e-discovery laws and policies.
- F. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Elk City.
  - 1. Pages shall clearly indicate that posted comments will be monitored and that the City of Elk City reserves the right to remove obscenities, off-topic comments and personal attacks.
  - 2. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### **Department-Sanctioned Use**

- A. Employees representing the City of Elk City via social media outlets shall:
  - 1. Conduct themselves at all times as representatives of the City of Elk City and, accordingly, adhere to all Elk City standards of conduct and observe conventionally accepted protocols and proper decorum.
  - 2. Identify themselves as an employee and of the City of Elk City.
  - 3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to training, activities or work-related assignments without express written permission.
  - 4. Not conduct political activities or private business.
- B. Employees shall observe and abide by all copyright, trademark and service mark restrictions

in posting materials to electronic media.

- C. Employees who are conducting investigations which are part of their normal duty assignment are specifically authorize to use social networking websites to aid in their investigations; For example: using pseudonyms for usernames, locations, etc. to gain access to electronic communications or information relevant to an investigation.

## **PERSONAL USE**

### **Precautions and Prohibitions**

- A. Employees having personal web pages or other type of internet postings which can be accessed by the public shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges to be displayed on social media which could, in any manner reflect a lack of good moral character. No employee shall represent themselves in any public forum as an employee of the City of Elk City with information, opinion or posture that would bring unfavorable criticism or embarrassment upon the City of Elk City, its departments or its employees.
- B. Employees are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected speech under the First Amendment. Employees should assume that their speech and related activity on social media sites will reflect upon their employment and the City of Elk City.
- C. Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment without written permission from their department head or designee.
- D. When using social media, employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to standards of appropriate conduct is required in the personal use of social media. In particular, employees are prohibited from the following:
  - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion or any protected class of individuals;
  - 2. Speech involving themselves or other employees reflecting behavior that would reasonably be considered reckless or irresponsible.
- E. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching testimony in criminal proceedings.
- F. Employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances or endorsements; or publish materials that could reasonably be considered to represent the views or positions of the City of Elk City without express authorization.
- G. Employees should be aware that they may be subject to civil litigation for:
  - 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - 2. Publishing or posting private facts and personal information about someone without

- their permission that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person;
3. Using someone else's name, likeness or other personal attributes without that person's permission for an exploitative purpose; or
  4. Publishing the creative work of another, trademarks or certain confidential business information without the permission of the owner.
- H. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- I. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the City of Elk City at any time without prior notice.
- J. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify their supervisor immediately.

### **GENERAL PROCEDURES**

- A. Photographs or other depictions of department uniforms, badges, patches or marked units in any manner that reflect a lack of good moral character or bring unfavorable criticism or embarrassment upon the City of Elk City is prohibited.
- B. Photographs of any crime, accident scene or fire/ambulance activity shall not be posted unless approved by the department head or designee.
- C. Employees are prohibited from posting, transmitting and/or disseminating any pictures or videos of official department training, activities or work-related assignments without the express written permission of the department head or designee.
- D. Sites deemed inappropriate, having an employment association or not, bringing discredit to the City of Elk City, its departments or employees or promoting misconduct, whether on or off duty, may be investigated through a criminal or administrative investigation.
- E. All employees shall treat as confidential the official business of the City of Elk City.
- F. No employee shall release, either directly or indirectly, information concerning crimes, accidents or violations of ordinances or statutes to persons outside their department.
- G. No employee shall reveal any unauthorized information to any person not a member of their department or to any person not authorized to receive such information.
- H. No employee shall gossip in any form about the affairs of the City of Elk City.

### **Section 38: Revision and Change**

**THIS HANDBOOK AND ITS CONTENTS MAY BE REVISED OR ADDED TO FROM TIME TO TIME. ALL EMPLOYEES SHALL BE SUBJECT TO ALL REVISIONS AND ADDITIONS WITHOUT FORMAL NOTICE.**