

*Employee Handbook
of
Personnel Policies*



City of Harrah

Heart of the Heartland

CITY OF HARRAH

*Approved by the City Council
August 5, 2026*

EMPLOYEE ACKNOWLEDGMENT FORM

The undersigned acknowledges that he/she has received and has reviewed a copy of the Employee Handbook of Personnel Policies of the City of Harrah/Harrah Public Works Authority.

I understand that I am governed by the contents of the Handbook and that it is my responsibility to familiarize myself with the personnel policies of the City. **I acknowledge and agree that nothing contained in the Handbook creates a contract of employment with the City of Harrah, that I am deemed to be an employee at will and that the policies and procedures contained in the Handbook do not give rise to a property right in continued employment.** I recognize and agree that no individual is authorized to alter or modify the terms and conditions of employment without authorization of the City Council. I further understand that this Handbook supersedes any prior versions and that the City of Harrah retains the right to revoke, change or amend any of the policies and procedures in the Handbook at any time, with or without prior notice.

I have read or had read to me the above statement, understand its meaning and agree to comply with the same.

Applicant/Employee

Date

Witness

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WELCOME

TO ALL EMPLOYEES OF THE CITY OF HARRAH

The City Administration 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 the policies, rules, regulations, benefits, procedures, and opportunities available to you as an employee of the City. It is also intended to be a guide to assist 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 Council, with or without notice. 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, with the City Manager or with the Human Resources Director. 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/her assigned position.

The City welcomes you and wishes you success.

SECTION 100 INTRODUCTION

101 - PURPOSE

The purpose of this Handbook is to provide a working guide to the personnel policies, practices, and benefits of employment with the City of Harrah. **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 with or without cause.** The City Council retains the right to revoke, modify, change, or amend any of the policies and procedures at any time. Any employee who has a question regarding any of the policies and procedures contained in the Handbook is encouraged to direct any inquiries to their Department Head, the Human Resources Director, or the City Manager.

102 - SCOPE

Except as set forth below, this handbook applies to all employees of the City of Harrah and the Harrah Public Works Authority. The provisions of the state or federal law, the City Charter and City Ordinances will supersede any conflicting provisions contained herein.

103 - EXCLUSIONS

The provisions of this Handbook will not apply to the City Manager, members of the City Council, persons appointed to Boards and Commissions, the City Attorney, Municipal Judge, and independent contractors. Furthermore, to the extent any provision of a collective bargaining or other legal agreement to which the City is a party conflict with a provision of this Handbook, the provision of the applicable agreement shall prevail.

104 - GENERAL INFORMATION

- A. Personnel Records - An employee has the right to review his/her personnel file during regular business hours only and only in the presence of the Human Resources Director or City Manager. No item may be removed from an employee's personnel file without the written authorization of the Human Resources Director with the concurrence of the City Manager.
- B. Change of Address and/or Telephone Number, Marital Status and Dependents - Employees are required within five (5) business days to report any change of address, telephone number, email address, marital status and/or change in family members/dependents to the Human Resources Director. All police and fire personnel, paid or volunteers, must maintain a working telephone number and must provide the number to their respective department head.

- C. Secondary Employment - Employment with the City of Harrah is the primary employment for each full-time person. Secondary employment may be 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 or where the person is designated to be on standby status pursuant to policy 511. 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 written approval of the Department Head for secondary employment, which approval will not be unreasonably withheld. An employee on any form of leave from active employment, other than approved vacation leave, may not engage in secondary employment without the written authorization of the Department Head and the City Manager.
- D. Use of City Vehicles - Employees with City vehicles may use them for breaks and lunchtime but must stay within City limits. Employees may not use City vehicles and equipment for personal reasons or personal business.
- E. License Verification – All employees who drive any city vehicle or who drive a personal vehicle while engaged in city business must have a valid Oklahoma driver's license. If the license is expired, revoked or restricted, the employee must immediately notify the Department Head and the Human Resources Director. The driving record of employees who either drive a city vehicle or a personal vehicle while engaged in city business will be checked periodically and employees are required to provide the necessary authorization for the City to perform these checks.
- F. Financial Interest - An employee may have no financial interest in any contract, service or other work performed by or for the City. Employees shall 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, City Manager or Human Resources Director.
- G. Political Activity - Employees may attend and express their views and opinions at City Council meetings or any other public meetings as a citizen only and not when on duty or in uniform. Employees may participate in political activity; provided, the political activity occurs only during off-duty hours, while not in uniform, while not on City property and while not using any City property. No employee will be forced, threatened, intimidated, or coerced into campaigning for, making a financial contribution to or obligating him/herself to contribute labor in support of any candidate for office.
- H. News Release - Employees are to respect the confidentiality of City business. Any news releases to the press or other media concerning City business shall be given only by persons designated by the City Manager.
- I. Solicitations and Collections - During working hours, employees may only solicit contributions, subscriptions, sell tickets, or collect donations for pre-approved charitable

causes. Prior approval by the City Manager is required.

- J. Use of Telephone - The use of City telephones for personal calls is to be kept to a minimum. When it is necessary to make or receive personal calls during working hours, they are to be kept as brief as possible. Abuse of telephone privileges for personal calls may result in disciplinary action.
- K. Use of Personal Cellular Telephone/Social Media at Work – While at work, employees are to refrain from using their personal devices unless they are on a break or on an approved lunch hour. Exceptions for the use of personal cellular telephone while on duty are for calls made in the case of an emergency or a brief call to check on a minor child or sick relative. Abuse of this provision may result in disciplinary action.
- L. 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.
- M. Smoking/Tobacco Policy - The City is committed to providing a healthy and safe working environment. In keeping with this commitment and state law, tobacco use, smoking, or vaping is not permitted in City Buildings or within twenty-five (25) feet of the entrance or exit of any building or in City Vehicles. (Refer to City of Harrah Ordinance 2019-4). Smokeless tobacco products are not permitted in city buildings or in city vehicles.
- N. Firearms – To ensure the safety of employees and the public, no employee is authorized 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 or unless authorized by state law or municipal ordinance.
- O. Uniforms – Where a uniform is provided, it is to be kept clean, neat and in good repair. It is to be worn during normal business hours or when representing the City. City uniforms are not to be worn while engaged in outside personal business or secondary employment without the consent in writing of the Department Head and the City Manager or as authorized by any collective bargaining agreement. All safety equipment provided by the City must be used during working hours. Upon separation of employment, all uniforms must be returned to the City, or the City will withhold the value from any final pay.

SECTION 200 EMPLOYMENT PRACTICES

201 – EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION POLICY

The City of Harrah is committed to providing equal opportunities to all employees and applicants for employment. The City will comply with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is the intent to maintain a work environment that is free of harassment, discrimination, or retaliation based on the following protected classes: age, race, color, national origin, ancestry, religion, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disabilities, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal and state laws. The City of Harrah is dedicated to the fulfillment of this policy in regard to all aspects of employment including, but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, other compensation, termination, and all other terms, conditions and privileges of employment.

The City Manager and the Human Resources Director have been assigned the responsibility of ensuring that all phases of personnel administration are in harmony with this policy. The responsibility for administering this policy is delegated to Department Heads and Supervisors. The City will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner as much as possible under the circumstances. The City will take appropriate corrective action, if and where warranted. The City of Harrah prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

202 – PROFESSIONAL CONDUCT AND ANTI-HARASSMENT POLICY

The City desires to have a professional and congenial work environment and will take reasonable steps to ensure that the work environment is pleasant for all employees. As such, the City has a strict policy against all types of workplace harassment, based upon an individual's membership in a protected class. All employees are expected to treat others with courtesy, consideration, and professionalism. The City of Harrah will not tolerate the harassment of any employee or citizens by any other employee, supervisor, citizen, or vendor.

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. This policy is more stringent than certain laws. Consequently, an employee may be found to have violated this policy even if the conduct would not give rise to a violation of the law. Harassment for any discriminatory reason, such as race, color, creed, national origin, sex, sexual orientation, gender, gender affiliation, marital status, disability, age, religion, pregnancy or veteran status is prohibited not only by law 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, disability, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes," written materials, pictures, postings, actions and the like related to a person's status will not be tolerated in the workplace.

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

1. Verbal: Innuendos and epithets based on a person's status as outlined above, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-Verbal: Derogatory posters, cartoons, email, social media postings, drawings, memes, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. Physical: Unwanted physical contact including touching, interference with the individual's normal workspace and 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 subjected to harassment or who believes that he/she has otherwise been discriminated against due to race, color, creed, religion, national origin, gender, sex, sexual orientation, gender affiliation marital status, age, disability or veteran status, or who has witnessed harassment or discrimination against another employee, applicant or citizen should promptly report the incident to the City Manager and the Human Resources Director. A complaint form is attached as Appendix "A" to the Handbook and is also available in the Office of the Human Resources Director.

Employees are encouraged to use this process if they believe they have been subjected to discrimination or harassment. This will allow management to investigate and take appropriate action as deemed necessary. If an employee believes that a supervisor or management employee has engaged in harassment or discrimination, the employee is encouraged to use the Supervisory By-Pass procedure attached as Appendix "B" to the Handbook. All complaints of harassment or discrimination will be investigated. Except as deemed necessary to properly investigate and remedy any alleged violations of this policy, management will keep any complaints and information revealed as confidential as possible while still fulfilling the City's obligations under the law and this policy to effectively investigate these matters.

The initiation of a complaint in good faith will not be grounds for discipline. However, deliberately reporting an allegation known to be false may itself be considered a form of harassment and may subject the person to appropriate discipline.

If a person is found to have violated this policy, the City will take appropriate action designed to address the issue and to prevent any further like incidents or inappropriate behavior. If necessary, this could include disciplinary action. In addition, management and supervisory employees may face discipline if they fail to report and take appropriate action after becoming aware of the existence of harassment and/or discrimination regardless of whether the victim has made a verbal or written complaint.

203 – THE AMERICANS WITH DISABILITIES ACT (ADA)

The City complies with the Americans with Disabilities Act (ADA) as amended from time to time, and all applicable state and federal employment laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the City will provide reasonable accommodation to otherwise qualified individuals to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the organization.

If you require accommodation because of your disability, you should notify Human Resources or your Department Head. You may be asked to include relevant information such as:

- The reason you are requesting accommodation.
- A description of the proposed accommodation and an estimate of how long you believe you will need the accommodation.
- Documentation to evaluate the impact of the condition on your ability to perform essential job functions of your position.
- How the accommodation will help you perform the essential functions of your job.

After receiving your request, the City will engage in an interactive dialogue with you to evaluate the impact, if any, of your disclosed limitations due to your disability as they may relate to your essential job functions and to explore potential reasonable accommodations that could overcome those limitations. Where appropriate, we may need to obtain additional information from your medical provider. All medical information received by the City in connection with a request for accommodation will be treated as confidential.

The City encourages you to suggest specific reasonable accommodations that you believe would allow you to perform the essential functions of your job. However, the City is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the City.

Where state law provides greater protections to employees than federal law, the City will apply the law that provides the greatest benefit to employees. If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The City will not discriminate or retaliate against employees for requesting accommodation.

204 – PREGNANT WORKERS FAIRNESS ACT (PWFA) AND PUMP ACT FOR NURSING MOTHER ACT (PUMP ACT)

In addition to other federal and state laws addressing benefits, protections, and accommodations based on pregnancy and childbirth, the City is committed to ensuring compliance with the PWFA. The Act addresses the obligations of the City to provide reasonable accommodations to an employee's known limitations related to pregnancy, childbirth and/or related medical

conditions. In furtherance of this objective, the City will provide reasonable accommodation(s) to qualified employees and applicants for known limitations related to, affected by, or arising out of or related to pregnancy, childbirth, or related medical conditions so long as the accommodation does not present an undue hardship to the City.

An employee seeking an accommodation due to her pregnancy, childbirth or related medical condition should communicate the need for an accommodation in a timely manner to the City through the Human Resources Department.

In addition, the City will provide appropriate accommodations for an employee who desires to breast feed or pump breast milk at work. Upon request, the City will provide reasonable times for an employee to breast feed or express milk. When possible, the employee should use breaks and lunch periods to express milk. A private place will be provided that is shielded from view to breast feed or express milk.

205 – SERVICE ANIMALS AND WORKING DOGS

The City of Harrah recognizes that there are situations where animals may be required to occupy organizational facilities, to support an operational program area, or to comply with federal or state laws and regulations. This policy establishes the definitions and guidelines for several situations where animals may be in City of Harrah facilities.

The following definitions will apply to this policy:

Pet Animal - any animal commonly kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, hamsters, and birds. This term also includes but is not limited to such birds as canaries, cockatiels, lovebirds, and budgerigar parakeets. This definition excludes exotic animals and wild animals. Title 9 CFR § 1.1 Definitions.

Service Animal - defined by the Americans with Disabilities Act (ADA) as an animal that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are not pets. The work or task a service animal has been trained to provide must be directly related to the handler's disability. Note: A service animal whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

A Working Dog is a dog sanctioned by the City of Harrah and trained for specific department-related tasks such as search and rescue, accelerant detection, human remains detection, bomb detection, or drug detection.

Employees who have received an accommodation for a service animal under the ADA must comply with the parameters of their specific accommodation, including the following:

- The use of the service animal is prohibited during a response to, return from, or on the scene of any emergency or non-emergency incident.
- The service animal is prohibited from riding in any emergency apparatus or vehicle but is allowed to ride in staff vehicles, provided the service animal is secured via the appropriate vehicle crate/carrier.
- Service animals must have a designated kennel area in the work facility that must be climate-controlled.
- The service animal must be under the control of its handler when not in the kennel area.
- Service animals are prohibited from kitchen areas, locker rooms, and sleeping areas except when controlled by their handler.
 - The ADA service animal requirements define control as: A service animal must be under the control of its handler and must be harnessed, leashed, or tethered unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks.
- The service animal handler is responsible for cleaning up after their service animal, including the interior and exterior areas of the facility.
- If any coworker in the facility is allergic to the service animal, the supervisor or Human Resources must be notified immediately to make alternative arrangements.
- The City of Harrah does not recognize a "service animal in training" as a service animal under this policy, and the ADA does not cover "service animals in training." Therefore, "service animals in training" are treated the same as pets and must follow the policy as outlined.
- Pets are prohibited from all City of Harrah facilities.

206 - ALCOHOL AND CONTROLLED SUBSTANCES POLICY AND TESTING PROCEDURES

The City is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the City to maintain a drug and alcohol-free workplace. Being under the influence of alcohol, illegal drugs (as classified under federal, state, or local laws), or other impairing substances while on the job may pose a serious health and safety risk to others, and will not be tolerated.

Prohibited Conduct - The City expressly prohibits employees from engaging in the following activities when they are on duty or conducting city business or on city premises (whether or not they are working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug,

including prescription medication that is not prescribed to the individual, or drug-related paraphernalia.

- The illegal use or abuse of prescription drugs.

While the use of marijuana has been legalized in Oklahoma for medicinal uses under certain circumstances, it remains an illegal drug under federal law. The City does not discriminate against employees solely based on their possession of a valid state-issued medical marijuana license. You may not consume, be under the influence of, or possess marijuana while on duty or at work. The City has a zero-tolerance policy for persons assigned to safety sensitive positions being under the influence of marijuana while at work or on city property.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or medication that is legally prescribed to the employee, if it does not impair your ability to safely perform your job or the safety of others. If you take over-the-counter medication or other medication that you believe may impair your job performance or the safety of others, you are to notify your immediate supervisor and seek guidance from the Human Resources Director.

As a condition of employment, an employee must notify the Human Resources Director of any criminal drug statute conviction no later than five (5) days after such conviction. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of a controlled substance. Upon conviction of any such violation, the City will take appropriate disciplinary action against the employee, up to and including termination, and/or requiring the employee to satisfactorily participate in an abuse rehabilitation program.

Violations - Violation of this policy may result in disciplinary action, up to and including termination of employment.

207 - NEPOTISM

Neither the City Manager, a member of the City Council nor any other authority of the City government may appoint or elect any person related to the City Manager, any Council 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 shall 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. In addition, it is the policy of the City not to employ persons related to one another within the third degree in the same department or in positions where one person might be in a supervisory position to a relative.

For the purpose of this policy, a supervisory role is defined as one where the person has direct or indirect input over the subordinate employee's pay, job evaluations, disciplinary recommendations, promotions, demotions or day-to-day supervision. Further, no employee may transfer into a position, which will result in the person being supervised by a spouse or family member. Family members are defined to include parent, child, brother, sister, aunt, uncle, cousin, niece, nephew, parent-in-law, brother-in-law, or sister-in-law (all to include step, half and foster relationships).

In the event a situation arises in conflict with this provision, the impacted persons will be given three (3) months to resolve the conflict by one of the parties transferring to another department, resigning, accepting a demotion to a non-supervisory position or the like.

208 – WORKPLACE VIOLENCE

The City is committed to maintaining a safe work environment for its employees, citizen, vendors and the general public. The City will not tolerate any forms of violence including, but not limited to, threats, intimidation, harassment, physical attacks and other forms of inappropriate and unacceptable behavior. Forms of inappropriate behavior may include, but not be limited to:

- Physical grabbing, inappropriate touching, pushing, throwing objects
- Chest bumping, shoving, of hitting and verbal threats of violence
- Brandishing of a weapon or any object that could be used as a weapon
- Possession of any explosive device
- Writing, emailing, texting or conveying any message that indicates violent tendencies or support of violence in the workplace.

Any employee who has knowledge or any act of actual violence or a threat of potential violence should immediately report the same to the Department Head, the City Manager and the Chief of Police.

209 – EMPLOYEES

- A. Probationary – The probationary period for an employee will be twelve (12) months from the date of initial employment.
- B. Full Time - An employee who has satisfactorily completed the probationary period. Completion of the probation period does not confer on any employee any status other than employment at will. Regular full-time employees are normally scheduled to work at least forty (40) hours per workweek, except for approved time off. Full-time employees are eligible for most city benefits.
- C. Part Time - Anyone employed regularly for no more than twenty-nine (29) hours per week worked is considered part time. A part-time employee is entitled to Workers' Compensation, Social Security benefits, and the Employee Educational Incentive Program, but is not eligible for any other City benefits.
- D. Temporary – Temporary employees are generally hired on a temporary or project-specific basis, with either full or part-time hours. Temporary employees are not eligible for benefits.

- E. Seasonal – An employee hired during a time of year when extra work is available, but six (6) months or less. Seasonal employees may work over twenty-nine (29) hours per week. Seasonal employees are not eligible for benefits.
- F. Non-exempt - Employees who are not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as amended are paid by the hour and are entitled to compensatory time off at the rate of one and one-half (1-1/2) times their regular hourly rate for all overtime hours worked or compensatory time off as provided in Section 503.
- G. Exempt - Employees who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as amended are considered executive, administrative, and professional employees. As a result of the additional hours worked, the City Manager may approve, from time to time, additional leave that is not charged to vacation or sick leave.

210 – SOCIAL MEDIA

The City of Harrah acknowledges that social media has become an integral part of modern life that provides unique opportunities to communicate and share information with others. However, we also want to educate employees that their social media use can have the potential negative impact on the employee and the City:

To minimize legal risks, avoid loss of productivity and distraction, and ensure that the City's resources and communications systems are used appropriately, the following guidance is provided for the use of social media/networking sites both for city business and personal activities. For the purposes of this policy, *social media* refers to any means of posting content on the internet, including personal websites, social networking sites, blogs, chat rooms, and other online platforms, whether affiliated with the City or not.

Pursuant to state law and the City's policy of promoting a hostile free work environment and the goal of preventing discrimination and harassment of any person, the following guidance is presented on acceptable practices for the use of City sponsored social media/network sites such as Facebook, Instagram, Snapchat, LinkedIn, X (formerly Twitter) and other similar media outlets. The policy addresses prohibited conduct on city sponsored social media platforms that reflect negatively on the City. It is also designed to provide guidance in connection with representations of affiliations with the City when an employee uses a personal social media platform.

Use of City Equipment: While at work or performing any function for the City, all use of city equipment, internet, social media platforms and/or web sites is strictly limited to work-related matters. An employee who is not designated as an official Public Information Officer is prohibited from posting online content on any city sponsored site without the specific authorization of the City Manager or Department Head.

Any content that is submitted by an employee for posting or that is posted on a city sanctioned social

medial platform/site that is deemed unsuitable as being in violation of the City's Professional Conduct/Anti-Harassment Policy; that depicts or encourages illegal activity; violates confidentiality, laws or regulations; contains misinformation regarding City policies, ordinances, directives or plans; or potentially impacts the safety and security of the public or any public utility system will be either not posted or will be immediately deleted. The employee who submits or posts such materials may be subject to disciplinary action.

Caution: Any content posted on a City sponsored social media site may be subject to disclosure under the Oklahoma Open Records Act. Furthermore, an employee has *no expectation of privacy* regarding any material posted on city owned equipment or city sponsored sites.

Off Duty Postings on Personal Sites: While the City respects your right to personal expression, you should assume that anything you do on social media, either your personal site or a contribution to a third party's site, could be viewed by a colleague, supervisors, Department Head, elected officials, citizens, vendors, and potential business partners of the City. As such any posting may impact how you are viewed and may directly or indirectly impact the image of the City. It is important to remember that anyone can see what you post (or what you posted five years ago).

Employees should obtain permission before referring to or posting images of current or former employee of the City. If an employee elects to publish comments that involve work for the City, subjects associated with the City, or employee's personal opinions regarding decisions by management or elected officials, the posting is to include a disclaimer such as: *"The postings on this site are my personal opinions and views and may not represent the positions, opinions or strategies of the City, its elected officials or other city employees."*

Individual employees using their personal media sites are not authorized to represent themselves as a spokesperson for the City or use city property or symbols, such as the city's name, seal, city equipment, vehicles or city uniforms as props for private postings. Therefore, you are to refrain from linking your personal account to the City's official source and are not to use the City's email address to register on social media platforms for personal use.

Violations - Violations of this policy may result in discipline, up to and including termination. This policy does not limit employees rights to discuss wages, hours, or other terms and conditions of employment including as part of collective bargaining in an appropriate and non-threatening manner.

SECTION 300 PAY ADMINISTRATION

301 - POSITION CLASSIFICATION & PAY PLAN AND JOB DESCRIPTIONS

The City of Harrah provides a position and pay plan for all budgeted, regular, full-time positions. This Pay Plan is subject to being amended, from time to time, at the discretion of the City Council. Job descriptions are provided to assist with screening applications, for job restructuring, for pay administration and performance appraisals.

The position classifications and job descriptions will be reviewed and adjusted as needed to take into

account changes in job structures or duties and the addition or deletion of classifications and functions within the City. Pay ranges may be adjusted to account for cost-of-living increases and re-evaluations of skills or duties within a classification.

302 – PAY PERIOD

The standard pay period is biweekly for all employees. Pay dates are on Friday. If a pay date falls on a city-observed holiday, you will be paid on the preceding workday. Special provisions may be required from time to time if holidays fall on pay dates.

Time will begin on Sunday at 0000 hours and end on Saturday at 2400 hours. Full-time employees are required to work forty hours per week unless otherwise specified by the Department Head or City Manager. Employees are required to submit their weekly timesheet to their Department Head so they can have them approved no later than the following Monday at 10:00 am. All time sheets are to be signed and submitted by the employee verifying the accuracy of the hours reflected and approved by the Department Head.

303 - CLOTHING ALLOWANCE

Volunteer members of the Fire Department and Reserve Police Officers will be provided with a clothing allowance in an amount to be determined by the City Council from time to time.

SECTION 400 EMPLOYEE BENEFITS

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.

401 - GROUP INSURANCE

The City provides group health insurance coverage for full-time employees and makes coverage available for their dependents. Coverage is available on the first day of the month following sixty(60) days of employment. Currently, the City pays for the coverage for the employee, and pays a portion of the cost of dependent coverage. All employees electing dependent coverage will be responsible for the payment of all premiums not paid by the City.

402 - HOLIDAYS

All employees unless otherwise stated in union contracts will be granted fourteen (14) paid holidays

per calendar year as recognized by the City plus a “floating holiday.” Holiday hours will be equivalent to normal workday hours. The authorized holidays are as follows:

NEW YEAR’S DAY.....	January 1 st
MARTIN LUTHER KING	3 rd Monday in January
PRESIDENT’S DAY	3 rd Monday in February
GOOD FRIDAY... ..	Friday before Easter
MEMORIAL DAY.	Last Monday in May
JUNETEENTH.....	June 19 th
INDEPENDENCE DAY.....	July 4 th
LABOR DAY.....	1 st Monday in September
COLUMBUS DAY.....	2 nd Monday in October
VETERAN’S DAY.....	November 11 th
THANKSGIVING DAY.....	4 th Thursday in November
DAY AFTER THANKSGIVING	4 th Friday in November
CHRISTMAS EVE.....	December 24 th
CHRISTMAS DAY.....	December 25 th

Non-Union Employees:

FLOATING HOLIDAY.....Hours equivalent to one working day

When a holiday occurs on Saturday, it shall be observed on the preceding Friday. When a holiday occurs on Sunday, the following Monday shall be observed. If an employee is required to work on an authorized holiday, the employee shall accrue Holiday leave hours equivalent to the normal workday and the accrued leave must be taken within the fiscal year. An employee on authorized leave with pay on the day the holiday occurs shall be paid for the holiday rather than the authorized leave. In addition, the mayor may designate other holidays at his/her discretion.

403 - VACATION LEAVE

Full-time employees will be eligible to accrue annual leave which may be used for vacations, time off to attend to business and for personal reasons. Accrual of vacation leave is computed from the anniversary date of employment and is accrued at the following rate:

0-5 yrs. <u>0-71 months</u>	3.25 hrs. per pay period 84.5 hours per year
6-10 yrs. <u>72-131 months</u>	3.75 hrs. per pay period 97.5 hours per year
11+ yrs. <u>132+months</u>	4.75 hrs. per pay period 123.5 hours per year

Vacation leave will begin accruing the first day of employment but is not available to be used within the first 6 months of employment, unless otherwise approved by the City Manager. Vacation leave is to be taken in the year in which it is accrued. However, employees may carry forward no more than one hundred (100) hours of accrued vacation leave into the next fiscal year, unless approved by the City Manager, which will only occur if unused leave was unable to be scheduled before the end of the year due to circumstances outside of the employees’ control. Once the maximum amount of vacation leave is accrued, the employee will cease to accrue any additional vacation hours until

the balance drops below the maximum accrual allowed.

Upon termination from employment, employees will be paid for accrued but unused vacation leave. Employees may take only the amount of leave time which has been accrued. Under normal circumstances, unearned annual leave will not be advanced to employees.

All requests to use vacation leave must be approved in advance by the Supervisor/Department Head and scheduled so as not to unduly disrupt the efficient operations of the Department. Accrued vacation leave may be scheduled in increments of a minimum of one (1) hour but not more than a maximum of eighty (80) hours. Requests to schedule vacation leave in excess of eighty (80) consecutive hours will require approval of the Department Head.

On June 1st or December 1st of each year, if funds are available, and with approval by the City Manager, an employee who has accrued but unused vacation leave in excess of forty (40) hours may request that the City buy back vacation leave over the forty (40) hours, up to the maximum buy back amount of eighty (80) hours. In addition, any employee who has accrued more than forty (40) hours of vacation leave may donate up to one-half of all accrued vacation leave to any other employee who has sustained a prolonged illness or injury and who has exhausted all his/her own vacation and sick leave.

404 - FAMILY MEDICAL LEAVE ACT (FMLA)

The City has adopted a Family and Medical Leave Act policy for eligible employees as defined in the Act. A copy of the City's policy is attached as Appendix "D" to the Handbook. Employees with questions regarding the Act and their entitlement to leave under the Act are encouraged to direct questions to the Human Resources Director.

405 - ILLNESS AND INJURY/SICK LEAVE

Regular, full-time employees will accrue sick leave at the rate of (4) hours per pay period beginning the first day of employment but the leave is not available to be used within the first 6 months of employment. The maximum accrual shall be 800 hours. After an employee has a balance of 800 hours of accrued sick leave, the employee will not continue to accrue sick leave until the balance falls below 800 hours. Unused sick leave benefits will not be payable to the employee upon termination of employment, resignation, or retirement.

Sick leave may be used:

- When employees are incapacitated by illness or injury;
- For medical, dental, or optical diagnosis or treatment;
- After exposure to a contagious disease when attendance at duty, in the opinion of the Department Head, would jeopardize the health of other employees;
- Illness of a member of the employee's immediate family (defined Art. 409, paragraph G);

or

- In compliance with the City's Family Medical Leave Act policy.

In cases of absences for a period of three (3) days or more, a physician's report and the release for full duty must be received before the employee is allowed to return to work. A licensed physician's statement is required to be submitted to Human Resource every consecutive thirty (30) day period of absence due to illness or injury containing information confirming the employee's continued inability to perform his/her normal duties. The City reserves the right to require the returning employee to submit to a fitness for duty examination by a physician selected by the City, which examination will be paid for by the City. If all accrued sick leave, vacation leave, holiday leave or compensatory time is exhausted, and the employee is unable to return to work, the employee may be granted "leave without pay" in accordance with the City's FMLA policy. If the employee is still unable to return to work, he may be separated from employment. Such separation shall be considered a resignation in good standing. Employees may take only the amount of sick leave earned. Sick leave shall not be used for annual leave.

- A. Excessive sick leave usage or continued illness may be cause for an employee to be placed on "Physical Report Status." Further, the Supervisor/Department Head may require a physician's release at any time should an illness be in question or if the employee's performance is hindered because of illness. Any employee discovered abusing sick leave privileges will be subject to disciplinary action.
- B. An employee out on sick leave will not be authorized to engage in any other secondary employment without the expressed written permission of the City Manager.
- C. Any employee who has accrued a total of two hundred (200) hours or more of sick leave may donate up to but not to exceed one-half (1/2) of their total amount accrued to any employee who has sustained a prolonged injury or illness. Such donations will not be approved until the recipient has exhausted all of their own vacation leave, Holiday, or Sick Leave, or compensatory time off. Final approval must be granted in writing by the City Manager. No employee may donate an amount of leave that would result in reducing their total accrued sick leave below one hundred (100) hours.

406 - ON THE JOB INJURIES

A. Reporting Injuries:

- 01. An employee shall report as soon as possible to his/her Supervisor, Department Head, or to the Human Resources Manager any on-the-job injury regardless of the extent of the injury. At a minimum, no more than 24 hours should pass without notification to the department head or supervisor. Without good cause, failure to report an injury

- within 24 hours is a violation of City policy and the employee may be subject to disciplinary action.
02. The Supervisor/Department Head shall secure first aid and determine if the employee needs further medical attention. If any reasonable doubt exists, the employee should be examined by a medical doctor/medical facility selected by the City.
 03. Injured employees will be treated by a physician selected by the City. At the beginning of each fiscal year, Human Resources provides packets to departments with specific information on treatment facilities. However, an employee may submit a request to the City Manager, with a copy to the Human Resources Director to be treated by his/her own physician accompanied by the reason(s) for the requests.
 04. The City Manager and the Human Resources Director must receive a full report of any injury, signed by the employee, if possible, and the immediate supervisor within three (3) working days. Employees will also be supplied with a copy of a form to be completed by the attending physician/health care provider in order for payment to be made to the physician and/or hospital.
- B. Employees on injury leave must return to duty at the earliest practical date. Employees on injury leave may be required to submit documentation to the City Manager and the Human Resources Director. Employees returning to “light duty” or regular, non-restricted duty must submit a “Release to Work,” either citing the restrictions or stating that there are no restrictions from the treating physician to the Human Resources Director.
 - C. Fitness for Duty Exam: An employee may be required to undergo a fitness for duty examination by the City’s physician to determine whether the employee is able to perform the essential functions of the position with or without accommodation. If an accommodation is not possible without an undue hardship to the City, the employee’s services may be separated.
 - D. Nothing in this section shall be construed, deemed, or interpreted as abridging or interfering with an employee’s rights under Oklahoma workers’ compensation laws., nor shall any provision of such laws abridge or interfere with the benefits provided under this section or the rights of the City reserved herein.
 - E. Employees unable to work due to a job-related injury are not authorized to work any secondary job for compensation without the approval of the City Manager.

407 - RETIREMENT

- A. Regular, full-time employees are covered under retirement plans (Oklahoma

Municipal Retirement Fund for non-union employees; Police and Fire participate in state pension plans). All employee contributions to the applicable retirement system are handled through payroll deduction. For full-time employees, participation in one of the plans is mandatory.

- B. All full-time employees are eligible to contribute to an additional 457 retirement plan (MissionSquare). Participation in this plan is voluntary but the plan requires contributions through payroll only.

408 - ALLOWANCES

- A. Travel - All trips out of city limits for City business and training must be approved in advance by the City Manager. Employees who are on approved assignment for the City shall be eligible for reimbursement for lodging, conference/seminar registration fees, meals, and transportation (personal vehicle) expenses. The reimbursement may be subject to being taxed based on the then existing Internal Revenue Service regulations. Employee may request advances for these allowances subject to management approval. The following criteria will be used to determine reimbursement:
 - 01. Original receipts will be required for lodging and meals. Between meal snacks and drinks will not be reimbursed. The City will not pay for any alcoholic beverages.
 - 02. A maximum of sixty dollars (\$60.00), including tips, per day will be allowed for meals. As noted, the reimbursement may be subject to being taxed. Further, an employee will not be eligible to be reimbursed for a meal if the meal is provided as part of the registration fee.
 - 03. Mileage will be reimbursed according to the current Internal Revenue Service allowance when a personal vehicle is used. In the event that an employee has a City issued vehicle, that vehicle must be used unless the Department Head determines that it is in the best interest of the Department that the vehicle remains available for common use. If a pool vehicle is available, that vehicle must be used. If a commercial airline is used, economy fare must be used.
 - 04. Charges for tolls and parking fees will be reimbursed, with an attached receipt.

Claims for reimbursement are to be made on the City's travel forms (see Appendix C) and individual receipts are required. An employee wishing to attend a conference, seminar or other meeting must submit a request, in writing, to the City Manager for approval along with an agenda and itemization of expected costs.

- B. Credit For Hours Worked - Employees attending approved official City business at the request of the City shall be given credit for hours worked based upon the

following criteria:

01. Credit for attendance will be based upon the starting time of the function and the ending time of the function, less meal periods or social hours.
02. When an employee is required to leave and/or return outside of their normal workday hours, the calculation of their travel hours will be the point of departure back to the point of departure. When travel time is scheduled, consideration will be given to provide for the safety of the employee in relation to the number of hours spent driving to and returning from the official City assignment.
03. For official assignments that last more than one (1) day, the travel time outside the normal workday is figured from the point of departure on the first day and return to point of departure on the completion day.
04. Out-of-state functions will be considered on a case-by-case basis as far as travel time is concerned.

409 - OTHER LEAVE PROVISIONS

- A. Military Leaves of Absence and Restoration of Position – The City of Harrah complies with applicable federal and state law regarding military leave and re-employment rights. A military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, with amendments) and all applicable state law. You must submit documentation of the need for leave to your supervisor and Human Resources. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your supervisor and Human Resources of your intent to return to employment based on requirements of the law.
- B. Leave of Absence Without Pay - A leave without pay may be requested by a regular full-time employee following one full year of service. Exceptions to the time in service requirements may be made at the discretion of the City Manager in unusual circumstances. The leave request must be submitted in writing to the Human Resources Director for consideration by the City Manager stating the reason for the leave and the approximate duration of leave. A leave of absence must not interfere with the normal operations of the Department. Any leave shall not exceed six (6) months. An extension of leave time may be requested due to an emergency or extenuating circumstances. Benefits will not accrue during this period. Except as provided in the City's FMLA policy, health insurance benefits will only continue upon payment of full premiums by the Employee.

- C. Voting - Any employee will be allowed a reasonable amount of time off up to the maximum required by state law in order to vote should the employee be unable to vote at any of the hours when the polls are open due to the requirements of the City. The employee must request time off to vote at least one (1) day prior to the election.
- D. Absence Without Leave - Absence without leave means any absence of an employee from duty without specific authorization. Whenever an employee is absent from work without prior authorization, the employee shall not receive pay for such absence and may be subject to disciplinary action.
- E. Abandonment of Position - An employee who is absent from work for two (2) consecutive working days without prior authorization or notice shall be deemed to have abandoned and resigned his/her position effective at the beginning of the first day of unauthorized absence. The employee's separation will be reported as a resignation by abandonment of position.
- F. Civil Leave - An employee will be given time off with pay when performing jury duty up to a period not to exceed thirty (30) days in any twelve (12) month period or when required to serve as a witness in any criminal or civil proceeding as a result of his/her duties for the City. This does not apply to testimony in non-city related business. The compensation paid by the Court to the employee for such duty is to be deposited to the General Fund of the City. If an employee is involved in a personal court action, he may be granted leave to attend to his/her business; however, the time off will be charged to his/her vacation leave or compensatory time and, thereafter, will be leave without pay.
- G. Bereavement Leave - An employee may be granted up to three (3) days off with pay for funeral leave per year. Such leave will be allowed for an employee to attend the funeral, make arrangements for or to perform related activities involving an immediate family member defined as spouse, children, parents, grandparents, grandchildren, brother or sister (all to include step, half or foster relationships). Bereavement leave may also be approved by the City Manager for other individuals on a case-by-case basis.

410 - EDUCATIONAL INCENTIVES

Subject to annual appropriation of funds and at the discretion of the City Council on an annual basis, the City may provide the following educational incentives for all full-time or part-time employees:

Associate Degree from an accredited college or university: \$25 per pay period

Bachelor's Degree from an accredited college or university: \$50 per pay period

A certified copy of a transcript from an accredited college or university conferring the degree must be provided.

For Public Works employees only the following incentives may be provided at the sole discretion of the City Council and subject to sufficient appropriations:

Attainment of water, sewer, or lab license higher than required by the position held by the employee: \$12.50 per pay period per license up to a maximum of \$50 per pay period.

This provision includes a C license or above for Public Works Technician, a B license or above for the Public Works Supervisor and an A license or above for the Wastewater Treatment Plant Supervisor. Water and Sewer Laboratory licenses must be one grade above the basic laboratory license to qualify.

SECTION 500 HOURS OF WORK AND ATTENDANCE

501- WORK PERIOD

The work period is a standard seven (7) day workweek which begins Sunday morning at 0000 hours and ends the following Saturday at 2400 hours. When necessary, emergency and essential functions will operate 24 hours per day, seven days per week.

502 - OVERTIME

Non-exempt employees are entitled to receive overtime pay at the rate of one and one half (1-1/2) times for all hours worked over forty (40) in the standard work period as defined in Subsection 501. Except in an emergency, all overtime work must be pre-approved by the Supervisor/Department Head with final approval by the City Manager before the time records are turned in.

503 – COMPENSATORY TIME

Whenever possible, compensatory time off is to be taken in the same pay period in which it is earned. However, if this is not possible, the City reserves the right to schedule compensatory time off at its discretion. The maximum amount of accrued compensatory time allowed is eighty (80) hours for non-bargaining unit employees. The maximum amount for bargaining unit employees will be governed by the applicable collective bargaining agreement.

504 - LUNCH PERIODS

Whenever possible, employees, other than police and fire department employees, will be granted a

non-paid one (1) hour lunch period each workday. The lunch period for police and fire employees shall be included in the forty hours of paid work. Lunch periods may vary from department to department depending on daily work schedules. Supervisor/Department Head shall schedule lunch periods so that normal service to the public will not be interrupted during the workday.

505 - SCHEDULES

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

506 - ABSENTEEISM

Except in an emergency, any employee absent from work shall be responsible for notifying his/her Supervisor/Department Head, or in his/her absence the City Manager or Human Resources Director, two (2) hours in advance when he is to be off and when he will report back to work. Any employee who fails to comply with this rule may be subject to disciplinary action.

507 - TARDINESS

Each employee is expected to be at work and ready to work at the starting time and work up to the quitting time. Inexcusable or habitual tardiness will be grounds for disciplinary action up to and including termination.

508 - RECORDING OF TIME WORKED

Supervisors are required to keep an accurate record of hours worked by each employee. The time sheet shall reflect only authorized hours of work unless an exception is made by the City Manager.

509 – TIME SHEETS

Time sheets will be maintained for each employee. An employee's wages are computed directly from this record, which must be signed by the employee. Supervisors/Department Heads shall validate the hours worked and sign the time sheets before submitting them to the Payroll Clerk. The Supervisor/Department Head shall 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.

510 – CALL BACK TO WORK AND STAND BY POLICY

- A. Normal Call Back – Employees in certain job categories may be called back to work from time to time to deal with unforeseen situations or emergencies. All employees are expected to respond in a timely manner to a call back unless the person has a valid

excuse for not being able to return to work or is already on a pre-approved leave. When an employee is called back before or after his/her assigned shift, the following will apply:

1. If an employee is called out for thirty (30) minutes or less, the employee will be paid only for the time actually worked;
 2. If an employee is called out for a minimum of thirty (30) minutes up to sixty (60) minutes, the employee will be compensated for one hour of work;
 3. If an employee is called out for more than sixty (60) minutes, the employee will be compensated for a minimum of two (2) hours or the actual number of hours worked whichever is greater.
- B. Standby Roster – Certain employees may be designated as being on official standby to be available to be called out as needed after regular business hours. Employees who are specifically designated to be on standby status by the Department Head or the City Manager will be governed by the following provisions:
1. Employees officially designated as being on standby status will be compensated for a minimum of 6 hours each day on standby status.
 2. Employees on standby status must be able to be contacted during the time on standby status and must report to work within thirty (30) minutes of being called. The employee may not consume alcoholic beverages while on standby status. The employee will be compensated for thirty (30) minutes of commute time to and from work.
- C. City Wide Emergency – During a local, state, or federally declared disaster or emergency, certain “critical” or “essential” personnel may be asked to return to or remain at work. In cases of emergency, where excessive overtime may be required, the City Manager may authorize personnel to remain at work and may authorize overtime to be paid to all employees, rather than compensatory time. This must be enforced regardless of whether there is an officially declared disaster or not.

SECTION 600 IN-SERVICE PROVISIONS

601 - TRAINING AND SAFETY

Training is an important part of the success and efficiency of the City’s services and is instrumental in employee development. It is viewed as a shared responsibility between the employee and management. The goal is to broaden the knowledge and skills of the employee in areas related to his/her job performance, to provide skills for enhanced career development and to ensure the best possible service to the public. Because degrees of training may differ between departments, the

responsibility for the development of employee training programs is assigned to the Supervisors/Department Heads. They will review training needs at regular intervals to ensure that effective training is accomplished within the department.

The City is committed to providing a safe and healthy workplace for all employees. Responsibility for observance of safe work practices is shared by each employee. Therefore, employees are required to attend safety training and apply the information provided by any in-service safety training manual. An employee is to immediately notify the Supervisor/Department Head of any unsafe condition in the workplace.

602 – TUITION ASSISTANCE

- A. Tuition assistance for city employees will be provided for those who have requested assistance for courses in advance of enrollment, initiate a claim on a purchase order and which are administered by an accredited college, university, or technical training center. Tuition is limited to the maximum of the highest in-state tuition charged per credit hour by public Oklahoma Universities or Colleges. To be acceptable for reimbursement of tuition, each course taken must provide training which will tend to improve the services which the employee was hired to perform or may be reasonably expected to perform and the course must be completed with a grade of “C” or higher. When a letter grade is not awarded, a “Satisfactory” level is acceptable. Correspondence providing relevant information needed towards a degree must be attached to the individual’s request for reimbursement. The request must be approved by the Supervisor and the City Manager and filed in the individual’s personnel file.

Upon successful completion of an approved course or courses, the applicant will finalize the request for reimbursement of tuition as follows:

- The employee must present a receipt from the university or college reflecting the amount paid for the tuition.
- The employee must present a grade report from the university or college reflecting a grade of “C” or higher, or “Satisfactory”.
- The above items must be attached to a completed purchase order.
- Any employee using the City’s funds to obtain a degree must, sign a statement stating they will stay employed with the City of Harrah for an additional year of employment for each year that was paid for by the City. If the City terminated the employment, the employee is no longer held to signed statement. **If an employee resigns from the position, the employee will be required to reimburse the city on a prorated basis, based on the number of months left to fulfill the employees’ obligation to the City.**

- The City Manager will be responsible for determining which fund the monies for this benefit are budgeted.
- Upon enrollment, the employee must submit to the City Manager enrollment forms and degree requirements to allocate funds out of the allowable monies for this benefit that will be dependent upon the above scale for reimbursement.

603 - PROMOTION

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 public. However, the City 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 qualifications, skills, aptitude, attitude, performance evaluations and attendance for the position. An employee may apply for a promotion after he/she has been either successfully released from probation or received written authorization from the City Manager to apply for the promotion.

If an employee is selected for promotion, they will receive a higher level of pay than what they are currently receiving, in accordance with the current pay plan adopted by the City Council. 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/her previous job classification if available, at the discretion of the City Manager and his/her pay decreased to that level.

No employee may be promoted or transferred to a position which conflicts with section 206.

604 - TRANSFER

An employee may request a transfer after they have been in their 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 qualifications 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. In addition, any employee may be transferred to another department by the City Manager as deemed necessary in the best interest of the City.

605 - DEMOTION/REASSIGNMENT

An employee may be reassigned to another available open position for which he is qualified if his/her position has been abolished or if he is unable to perform the duties of his/her current position.

An employee may be demoted for disciplinary purposes. The employee shall be placed in the pay step deemed appropriate by the Supervisor/Department Head and approved by the City Manager.

606 - PERFORMANCE EVALUATION

The purpose of an evaluation is to:

- Maintain or improve the employee's job satisfaction and morale;
- Advise the employee of his/her strengths and weaknesses and what is expected of him/her in performing his/her duties;
- Serve as a basis for promotion, demotions, reassignments and/or discipline;
- Build and strengthen the Supervisor/Department Head and employee's work relationship; and
- Determine the employee's possible merit pay for a given fiscal year.

All evaluations will be maintained in the employee's personnel file.

- A. Introductory Period Evaluation - Employee's will be evaluated within thirty (30) days of the end of their six (6) month introductory period. If the Supervisor/Department Head considers the employee's overall performance to be satisfactory, regular full-time status will be recommended on the completion of the introductory period. If job performance is not satisfactory, the introductory period may be extended by an additional ninety (90) days and a subsequent evaluation will be completed to determine whether to recommend the employee for regular full-time status or termination. It is the responsibility of the Supervisor/Department Head to keep the employee informed of his/her job performance throughout the introductory period.
- B. Annual Evaluation -Within thirty (30) days prior to the employee's anniversary date of employment in his/her current position, the immediate Supervisor/Department Head will evaluate the employee's quality and quantity of work performed. If the performance evaluation is satisfactory or better, and if the employee is not at the maximum of his/her pay range, the Supervisor/Department Head may submit a recommendation for a pay increase for the employee. The Supervisor/Department Head shall discuss the employee's job performance evaluation with the employee.

607 - 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 unacceptable conduct may result in disciplinary action being imposed on the employee.

- 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/admonishment, written reprimand, suspension, demotion or reassignment, disciplinary probation, and discharge. However, progressive discipline is only a guideline, and the City retains the right to impose whatever level of discipline it deems appropriate for any unacceptable conduct when deemed in the best interest of the City.
- 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:
- Severity of the action;
 - Policy or procedure violated and the employee's knowledge thereof;
 - Past work history;
 - Degree of damage/injury to equipment, property or persons;
 - Length of service;
 - Degree of insubordination, if any;
 - Cover-up or false statements or records;
 - Prior safety record, if applicable;
 - Violation of a disciplinary probation agreement;
 - Cooperation during any investigation.

Employment is at will and may be terminated when such an 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 and the City of Harrah 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 would warrant severe discipline including termination. This list is not intended to be all-inclusive.
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, or misuse of City property.
4. Conviction of or plea of guilty to any felony, or any criminal misconduct on or off duty involving moral turpitude or conduct that shocks the conscience of the community or brings the City's good name into disrepute because the conduct is public. 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 sick leave, 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 an 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.
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 policy against discrimination or harassment.
16. Excessive garnishments, tax liens or wage assignments as regulated by State law.
17. Loss of appropriate licenses or certificates necessary to the function of the job or requirements for original appointment to the job.
18. Job abandonment.
19. Fighting or gambling on duty or while on City property.
20. Failure to maintain "conditions of employment" as outlined in any disciplinary probation agreement.
21. Consistent inability to perform assigned duties in an acceptable manner.
22. Any behavior that impedes, interrupts, contradicts, or jeopardizes the effective functioning of the City.

Lesser infractions, if not repeated, would generally warrant less severe discipline. Repeated violations or cumulative violations would result in more severe discipline.

D. Authority to Suspend and Length of Suspension

Summary Suspension: When it is deemed for the good of the service to immediately remove an employee from active service because he is a danger to the public, fellow employees, or to the City, a summary suspension with pay may be issued by the City Manager prior to finalizing the investigation.

608 - DISCIPLINARY PROCEDURES

Full-time employees who are the subject of potential disciplinary action involving possible reduction in pay, suspension without pay, demotion, or termination will be offered a meeting with the City Manager or his/her designee before any final action is taken. The procedures for initiating a meeting is as follows:

1. The Department Head will prepare a statement of charges with supporting facts and potential witnesses along with a recommendation for discipline. A copy will be provided to the City Manager and the employee.
2. If the employee desires a meeting with the City Manager, she/she must submit a request in writing to the City Manager within two (2) business days of receipt of the Department Head's recommendation. The request is to be submitted to the Office of the City Manager with a copy to the

Human Resources Director.

3. The employee will be notified, in writing, of the date, time and place of the meeting.
4. Following the meeting, in one is requested, the employee will be notified, in writing, of the decision of the City Manager within two (2) business days of the meeting. The notice will inform the employee of any appeal rights that may be available, if any.

609 - SEPARATION OF EMPLOYMENT

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 the reason 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. The City reserves the right to provide you with pay in lieu of notice in situations where job or business needs warrant.

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 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 as outlined in this handbook and the official applicable plan documents.

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 AN 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. SEPARATION FOR ANY REASON

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. Upon separation, the employee will have an exit interview, to be conducted by the Human Resources Director. This provides the employee with an opportunity to receive any benefit forms, to have any questions answered and to provide information related to the reasons for leaving City employment, where applicable.

610 - 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. 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 or repairing or 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, cellular telephones, 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 USB drives, software programs, games, discs, or other 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.

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, text messaging 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, discriminatory, harassing, obscene or unlawful messages and/or materials are not to be sent, printed,

or stored on City equipment. The City reserves the right to download, review, inspect or audit all messages and materials on any city equipment at any time with or without notice. As such, an employee has no expectation of privacy as to any materials or messages downloaded, sent, printed or stored on any 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 communication 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. An employee has no expectation of privacy while using city property or equipment.

611 - VEHICLE OPERATION AND MAINTENANCE POLICY

Certain positions require the use of a City vehicle. Only employees assigned by a Supervisor/Department Head to a vehicle are authorized to drive that vehicle. An employee using a City vehicle must maintain it in a clean and orderly condition and ensure that it is properly fueled at the end of each shift. If a vehicle becomes unsafe to drive for any reason, a written report must be prepared and delivered to the Supervisor/Department Head and the City Manager.

Certain positions may require that a City vehicle be assigned to an employee on a long term basis. The employee holding that position is responsible for ensuring that all licenses and inspections are kept current, and that necessary servicing and repairs are performed.

The following conditions shall apply to the use of any City vehicle:

1. All employees utilizing a City vehicle must hold a valid appropriate driver's license as required by State law.
2. Traffic citations received while operating a vehicle are the responsibility of the driver operating the vehicle.
3. Smoking is not permitted in City vehicles.
4. City vehicles will be operated at all times in conformance with state and local laws. The driver and all passengers shall wear safety restraints at all times in accordance with department policy and state law.

Accidents:

1. All vehicular accidents must be reported immediately to the police department, the Supervisor/Department Head, and the City Manager.
2. An "*Accident Reporting Form*," is contained in the glove compartment of each City vehicle. This form must be completed by the driver at the scene of the accident or as soon thereafter as possible.

City employees may be transported in City vehicles while on duty or while engaged in City business. In addition, elected City officials, members of City Boards and Commissions, City volunteers, persons in police custody and persons designated by the City Manager may ride in City vehicles. All other persons may only be transported in a City vehicle in case of an emergency or with permission of the City Manager.

APPENDIX "A"

Complaint Form

Name of Complainant: _____

Position with the City: _____

Name and Position of Person(s) allegedly violating City policies, including any claims of discrimination and/or harassment: _____

Date and Place of Occurrence: _____

Description of the event giving rise to the Complaint (Please use additional sheets as needed)

Name, address or position of any potential witnesses to the events: _____

Date

Signature of Employee

Date

Employer

APPENDIX “B”
Supervisory By-Pass Procedures

1. Purpose: This policy is designed to provide a procedure whereby employees may, in good faith, report suspected violations of City policies and/or state or federal laws by supervisory or management personnel without fear of retaliation. However, abuse of this procedure by knowingly reporting false information will result in disciplinary action up to and including termination. For the purpose of this policy, an “immediate supervisor” is defined as a person in the employee’s immediate chain of command who generally performs evaluations as well as persons in the chain of command who may recommend discipline and who provide direct supervisory or management control over the employee’s employment welfare.
2. Procedures:
 1. In the event that an immediate supervisor is violating a City policy or in violation of a state or federal law, the employee witnessing the violation may utilize this by-pass procedure and report the incident to the City Manager or Human Resources Director utilizing the Complaint Form attached as Appendix “A”.
 2. In the event that the City Manager is also suspected of being involved in the alleged violation, the employee may report the incident directly to the Mayor utilizing the same form. The Mayor may directly investigate the allegations or may assign the investigation to some other Department Head.
 3. If the event that the Mayor is suspected of being involved in the alleged violation, the employee may report the allegations to the City Council on the Complaint Form. The City Council will determine the best method of investigating the allegations.
 4. All complaints will be handled in as confidential a manner as possible under the totality of the circumstances recognizing that witnesses may have to be interviewed and the allegations discussed with them. Any findings of fact will be reduced to writing and the complainant will be informed of the ultimate determination of the fact finder(s). However, due to the need to protect the privacy interests of all employees, the complainant may or may not be informed of any final act of discipline, if any.

**APPENDIX “C”
TRAVEL EXPENSE
FORM**

TO: The City of Harrah
PO Box 636
Harrah, OK 73045

ATTN: Finance Director

DATE SUBMITTED: _____

DATE WORKED: _____

TYPE OF EVENT, TRAINING, SEMINAR:

EXPENSES INCURRED: (RECEIPTS ATTACHED)

LODGING\$ _____

MEALS\$ _____

MILEAGE _____ **AT** _____ **PER MILE**\$ _____

TOLLS...\$ _____

PARKING\$ _____

MISCELLANEOUS...\$ _____

TOTAL EXPENSE INCURRED...\$ _____

EMPLOYEE SIGNATURE

DATE

DEPARTMENT HEAD/SUPERVISOR SIGNATURE

DATE

CITY MANAGER SIGNATURE

DATE

APPENDIX “D”

FAMILY MEDICAL LEAVE ACT (FMLA)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the City of Harrah provides up to 12 or 26 weeks of unpaid, job-protected leave in a 12-month period to covered employees in certain circumstances.

Eligibility

To qualify for FMLA leave, you must:

- Have worked for the Organization for at least 12 months, although that time need not be consecutive; and
- Have worked at least 1,250 hours in the last 12 months;

Reasons for Leave

- You may take up to 12 weeks of unpaid FMLA leave in a 12-month period, which is rolling, for any of the following reasons:
- The birth of a child and to care for that child (leave must be completed within one year of the child's birth);
- The adoption or foster care placement of a child with you and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- To care for a spouse, child, or parent with a serious health condition;
- To care for your own serious health condition that makes you unable to perform the essential functions of your position; or
- A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave, to care for a spouse, child, parent, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

As used in this policy:

- **Spouse** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- **Parent** means a biological, adoptive, step, or foster parent, or any other individual who stood in loco parentis to you when you were a child.
- **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as their caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.

Notice

If the need for leave is foreseeable because of an expected birth, adoption, or a planned medical treatment, you must give at least 30 days' notice. If 30 days' notice is not possible, give notice as soon as practical (within one or two business days of learning of your need for leave). Failure to provide appropriate notice may result in the delay or denial of leave.

In addition, if you are seeking intermittent or reduced schedule leave that is foreseeable due to a planned medical treatment or a series of treatments for yourself, a family member, or covered service member, you must first consult with the City regarding the dates of this treatment to work out a schedule that best suits your needs or the needs of the covered military member, if applicable, and the City.

If the need for leave is unforeseeable, provide notice as soon as possible. Normal call-in procedures apply to all absences from work, including requests for absences under this policy. Failure to provide appropriate notice may result in the delay or denial of leave.

Certification

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant healthcare provider must supply appropriate medical certification. You may obtain medical certification forms from Human Resources. When you request leave, the City will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

At our expense, the City may require an examination by a second healthcare provider designated by us. If the second healthcare provider's opinion conflicts with the original medical certification, we, at our expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion. Subsequent medical recertification may also be required. Failure to provide requested certification within 15 days, when practical, may delay further leave until it is provided.

The City also reserves the right to require certification from a covered military member's healthcare provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

Paid Leave Utilization During FMLA Leave

FMLA leave is unpaid; however, you will be required to use available accrued paid leave during FMLA leave as permitted by law. FMLA leave runs concurrently with other leaves, such as accrued paid leave that is substituted for unpaid FMLA leave, to the extent allowed by applicable law. The substitution of paid leave for unpaid FMLA leave does not extend the 12 or 26 weeks (whichever is applicable) of FMLA leave. In addition, the substitution of paid leave for unpaid leave may not result in you receiving more than 100% of your salary.

If you are receiving short- or long-term disability or workers' compensation benefits during a personal medical leave, you may not be required to use accrued paid leave. However, where state law permits, you may elect to use accrued paid leave to supplement these benefits.

Leave Increments

Intermittent Leave

FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

As FMLA leave is unpaid, the City will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave that is foreseeable due to planned medical treatments, the City may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

Parental Leave

Leave for the birth or placement of a child may be taken in a single block or intermittently with the City's approval. Parental leave must be completed within 12 months of the birth or placement of the child; however, you may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

Family Care, Personal Medical, Military Exigency, and Military Care Leave

Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a healthcare provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced schedule basis.

Fitness for Duty Requirements

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until certification is provided to Human Resources.

Health Insurance

Maintaining Coverage During Leave

Your health insurance coverage will be maintained by the City during leave on the same basis as if you were still working. You must continue to make timely payments of your share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, you will be notified 15 days before the date coverage lapses that coverage will terminate unless payments are promptly made.

Reinstatement

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

Spouse Aggregation

If both you and your spouse work at the City, you are collectively eligible for 12 weeks of leave for the birth or placement of a child or to care for a parent with a serious health condition. Similarly, spouses employed by the City will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for your own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

Failure to Return

If you fail to return to work or fail to make a request for an extension of leave prior to the expiration of the leave, you will be deemed to have voluntarily terminated your employment. The City is not required to grant requests for open-ended leaves with no reasonable return date under these policies or as disability accommodations.

Abuse of Leave

If you are found to have provided a false reason for a leave, you will be subject to disciplinary action, up to and including termination.

Retaliation

The City will not retaliate against employees who request or take leave in accordance with this policy.

Required Notice

The City is required to provide you with a copy of the *Your Employee Rights Under the Family and Medical Leave Act* notice, which is attached as an addendum at the end of this handbook.

APPENDIX “E”

ALCOHOL & CONTROLLED SUBSTANCE TESTING POLICY AND PROCEDURES

Section 1. Policy Statement:

The City recognizes the importance of having a drug and alcohol-free workplace. The abuse of drugs, alcohol or other chemical substances endangers the safety of the public, the employee, and other City employees. The City recognizes that it is in its best interest, as well as the best interest of its employees and the public, to prevent and eliminate drug, alcohol and/or substance abuse in the work place. Any employee found manufacturing, purchasing, using, possessing, selling, distributing or being under the influence of an illegal chemical/controlled substance and/or alcohol during working hours or while on City property or while using City equipment will be subject to discipline up to and including termination of employment.

Nothing in this policy is to be construed as requiring the City to permit or accommodate the possession, consumption, use, transfer, display, transportation, sale or being under the influence/impairment of marijuana while at work, while on city property, while operating City equipment or vehicles or while performing official City duties nor limit the City’s ability to prohibit employees from performing duties for or representing the City while impaired.

The City retains the right and authority to implement and enforce written drug and alcohol testing policies in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act and applicable federal laws.

Section 2. Effective Date:

This policy will be effective ten (10) days after official posting in a prominent place at all City facilities where employees routinely report for duty and following distribution of the policy to all employees. In addition, a copy will be given to each applicant for employment upon receipt of a conditional offer of employment.

Section 3. Application:

This policy applies to all employees as well as all applicants for employment once they have received a conditional offer of employment. This policy will comply with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, 40 O.S. §551 *et. seq.* (the “Act”) as amended from time to time.

Section 4. Applicant Pre-Employment Testing:

All applicants will undergo drug and/or alcohol testing following a conditional offer of employment but prior to final hiring and assignment. Refusal to undergo a test, or a positive test, will result in the City withdrawing its conditional offer of employment. In addition, adulteration of a specimen for a drug or alcohol test will be considered as a refusal to undergo a test.

Section 5. For Cause/Reasonable Suspicion Testing:

Drug and/or alcohol testing may be conducted on any employee at any time the City has reasonable suspicion

that there is cause to believe that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- 5.1 Observation of drugs or alcohol on or about the employee's person or in the employee's vicinity;
- 5.2 Observation of conduct on the part of the employee that suggests that the employee is impaired or is under the influence of drugs or alcohol;
- 5.3 Receipt of a report of drug or alcohol use by an employee while at work ;
- 5.4 Information that an employee has tampered with drug or alcohol testing at any time;
- 5.5 Negative job performance patterns by the employee; or
- 5.6 Excessive or unexplained absenteeism or tardiness.

The supervisor will verbally inform the employee of the reason for the test. Additionally, a written record of the situation leading to the drug or alcohol test will be created and signed by the supervisor(s) within 24 hours of the event. A copy of the report will be forwarded to the City Manager. A checklist form for determining whether reasonable suspicion exists to justify a test is attached as Exhibit "1" to this policy.

The employee involved must stop work immediately and will be transported as soon as possible to the designated testing facility by a management/supervisory employee. The employee will not be allowed to come back to work until the results of the test are known.

Section 6. Post-Accident Testing:

Post-Accident drug and/or alcohol testing may be conducted on an employee where there has been damage to City property or equipment while the employee was at work or the employee or another person has sustained an injury while at work. The post-accident test will be administered while the employee is still on duty or as close to as possible. No employee required to take a post-accident alcohol or drug test may use any alcohol or drugs, of any kind, following the accident until he/she undergoes the post-accident testing.

Section 7. Random Testing:

The City may, at various times, randomly select members of the following employment groups, at its discretion, for unannounced random testing for drugs or alcohol:

- a. police officers;
- b. employees who have drug interdiction responsibilities ;
- c. employees authorized to carry a firearm;
- d. employees engaged in activities which directly affect the safety of the public including, but not limited to, firefighters, emergency medical personnel, dispatchers, and water and waste water treatment personnel;

- e. employees whose work involves direct contact with inmates in the custody of the Department of Correction or who work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services; or
- f. employees for whom testing is mandated or authorized by the Omnibus Transportation Employee Testing Act, as amended from time to time, and the U.S. Department of Transportation regulations applicable thereto including employees who must have a CDL to perform the functions of the position.

Section 8. Periodic Scheduled Testing:

The City may require an employee in any of the employment groups identified in Section 7 above to undergo drug or alcohol testing as part of a routinely scheduled employee fitness for duty examination or in connection with the employee's return to duty from a leave of absence.

Section 9. Post Rehabilitation Testing:

The City may require an employee to undergo drug and/or alcohol testing, without prior notice, for a period of up to two (2) years after the employee's return to work following a confirmed positive test result or following participation in a drug or alcohol dependency program. Post-rehabilitation testing will be conducted in addition to any other testing the employee is subject to under this policy.

Section 10. Substance for Which Tests May Be Given:

The City reserves the right to test for all drugs and for the presence of alcohol. The test for drugs may include, but not be limited to amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, illegal steroid or a metabolite of any of the above.

Threshold reporting levels will be those established and maintained by the Federal Department of Transportation and as utilized by the National Institute for Drug Abuse (NIDA). Any positive levels below those established reporting levels will not be reported to the City's Review Officer by the testing laboratory.

Section 11. Methods and Documentation:

Collection, storage, transportation, testing facilities and testing procedures will be conducted in accordance with rules established by the State Board of Health. Samples may be collected on the premises of the City at its election. Body component samples will be collected with due regard to the privacy of the individual being tested. In no case may any City employee directly observe collection of a urine sample. A written record of the chain of custody of the sample will be maintained until the sample is no longer required.

All sample testing will conform to scientifically accepted analytical methods and procedures. Testing will include confirmation testing of any positive test results by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by the State Board of Health at the cut off levels as determined by the State Board of Health. In the case of the use of Breathalyzer testing method, no discipline may be imposed unless there is a confirmation test performed on a second sample that confirms the prior results.

An applicant or employee will be given the opportunity to provide notification of any information which he/she considers relevant to the test, including currently or recently used drugs or other relevant information. In the event that an employee wishes to challenge the results of the City's test, he/she may do so as provided in this policy. The employee must have had the sample collected within one hour of the City's sample and such a retest must be in accordance with the standards set forth by the State Board of Health and in this policy.

Section 12. Costs:

The City is responsible for all costs associated with drug or alcohol testing. However, if an employee or applicant requests a confirmation test of a sample within twenty-four (24) hours of receiving notice of a positive test result in order to challenge the results of the positive test, the employee or applicant is responsible for the cost of the confirmation test unless the confirmation test reverses the findings of the challenged positive test. In such case, the City will reimburse the person for the cost of the confirmation test.

Section 13. Refusing to Undergo Testing or Tampering with Sample:

Employees refusing to undergo testing according to the terms of this policy will be subject to disciplinary action up to and including termination. Adulteration of a specimen or of a drug or alcohol test will be considered as a refusal to undergo a test and will result in disciplinary action up through and including termination of employment.

Section 14. Review Officer:

The City will contract with a Review Officer who will receive confirmed positive test results from the testing facility and evaluate those results in conjunction with the subject employee and/or applicant. The Review Officer will be qualified by the Board of Health to receive, interpret and evaluate the test results. Upon receiving a confirmed positive test result, the Review Officer will contact the applicant or employee prior to notification of City officials. The applicant or employee will be given the opportunity to explain the test results.

Section 15. Confidentiality:

The City will treat all tests and all information related to such tests, as confidential materials. All records relating to drug testing will be kept separate from personnel records. The records are the property of the City but will be made available to the affected applicant or employee for inspection and copying upon request and will also be available for review by the City's Review Officer. Except as set forth below, the records will not be released to any person other than the applicant or the employee without that person's express written permission. However, the City may release the records to:

- a. to comply with a valid judicial or administrative order;
- b. as admissible evidence in a case or proceeding before a court of record or administrative agency if the employee or the City is named as a party in the case or proceeding; or
- c. to employees or agents of the City who need access to the records in connection with the administration of this Policy and the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.

Section 16. Disciplinary Action:

The City may elect to take disciplinary action, up to and including termination of employment, against an employee who: 1) tests positive for drugs and/or alcohol; 2) refused to test under this policy; or 3) adulterates a specimen for a drug or alcohol test.

16.1 Positive Test Results: The City will evaluate the employment history of any employee who tests positive for drugs and/or alcohol. The appropriate course of action will be determined based on the employee's total work record. Where deemed appropriate by management, an employee may be offered the opportunity to enter a rehabilitation program. Continued employment will be contingent upon the successful completion of a rehabilitation program and an agreement to undergo periodic drug and/or alcohol post-rehabilitation testing for up to two (2) years. However, the City reserves the right to initiate disciplinary action, up to and including termination of employment, for the first positive test result. Any decision regarding disciplinary action under this policy by management will be final and binding.

16.2 Employees who have tested positive, and who have been offered the opportunity to participate in a rehabilitation program in lieu of termination of employment, will not be allowed to return to work until they can provide a verified negative "return to work" test from a City approved facility. An employee may be allowed a maximum of 12 weeks to provide a verified negative "return to work" drug or alcohol test. If a negative test is not provided within 12 weeks, the employee will be terminated from employment. Until a negative "return to work" test is supplied, the employee will be on leave without pay. However, an employee may request permission to use accrued sick leave and vacation leave. An employee may request a "return to work" test no sooner than two weeks from a positive test result, and subsequently every other week thereafter, until a negative "return to work" test is obtained. Employees refusing to seek help or submit to testing in accordance with this policy will be subject to disciplinary action.

16.3 In the event the City does not terminate the employment of an employee who has a positive test result, the employees who enters a rehabilitation program after the positive test results will be permitted to do so only once. Any future recurrence of abuse with the same or any other substance will result in termination of employment.

16.4 An employee who is discharged from employment on the basis of refusal to undergo drug or alcohol testing or based on a positive drug or alcohol test will be considered as having been discharged for misconduct for the purpose of unemployment compensation and the City will protest any application for unemployment benefits.

Section 17. Prohibitions:

No employee may report for duty within four hours after using alcohol or remain on duty while having an alcohol concentration of 0.04 or greater, and no supervisor will permit any employee to perform any work duties if the supervisor is aware the employee has an alcohol concentration of 0.04 or greater. No employee will be on duty or operate a City vehicle/equipment or perform job duties while in possession of alcohol nor use alcohol during duty time. Further, no employee may report for duty, drive a City-owned vehicle, operate City equipment or remain on duty when the employee has used any controlled substance, except when the use is pursuant to the instructions of a physician and where the physician has advised an employee the substance will not adversely affect an employee's ability to drive a vehicle or operate equipment. No supervisor having knowledge that an employee has used a controlled substance may permit an employee to be on duty or drive/operate any City vehicle or equipment.

Section 18. Responsibilities of Individuals:

In order to comply with the provisions of this policy, each employee assumes the following responsibilities:

18.1 Working Under the Influence of Performance Impairing Medication: Employees who have been

prescribed legal medications that might affect the safe performance of their duties are required to notify their supervisors prior to performing any hazardous or dangerous tasks.

18.2 Reporting to Work or Working While Impaired: Employees may not report to work and may not continue to work while impaired by any restricted substance identified in this policy.

18.3 Reporting Violations: The services provided by certain employees are performed, at times, under hazardous and dangerous conditions. Thus, employees are encouraged to come forward and report any violation of this policy to management. This information may be instrumental in the prevention of serious accidents and injuries on the job.

Section 19. Medical Marijuana:

General Statement: It is the policy of the City that an employee and applicant for employment who possess a valid state issued Medical Marijuana license will not be discriminated against for possessing the license. In addition, except as provided below, an employee possessing a medical marijuana license will not be subject to discipline solely for testing positive for marijuana that is at or above the cutoff concentration level established by the United States Department of Transportation or Oklahoma law regarding being under the influence whichever is lower.

Safety Sensitive Positions: Employees and applicants occupying or applying for safety-sensitive positions will be subject to a zero-tolerance standard in accordance with applicable Oklahoma law and the City's drug and alcohol testing policies. For the purpose of this policy, "zero-tolerance" means that a verified positive drug test or violation of any of the provisions set forth in Section 1 above as to marijuana may subject the employee or applicant to disciplinary action up through termination of employment, withdrawal of a conditional offer of employment, reassignment where allowed or like substantive disciplinary action regardless of the possession of a medical marijuana license.

For the purpose of this section, a "positive test for marijuana components or metabolites" means a result that is at or above the cutoff concentrate level established by the United States Department of Transportation or Oklahoma law regarding being under the influence.

As applied to this policy, "safety-sensitive positions" include, but are not limited to, positions that involve duties regarding:

1. Handling, packaging, processing, storage, disposal, or transportation of hazardous materials.
2. Operation of a motor vehicles, other vehicles, equipment, machinery or power tools
3. Repairing, maintaining, or monitoring the performance or operation of equipment, machinery, or manufacturing processes, the malfunction or disruption of which could result in injury or property damage
4. Performing firefighting duties
5. Operation, maintenance, or oversight of critical services and infrastructure, including but not limited to, electric, gas, water, wastewater, streets, drainage, utilities, power generation or power distribution systems.

6. Extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transportation of potentially volatile, flammable, combustible, hazardous or highly regulated materials, chemicals or components
7. Dispersing pharmaceuticals or medications
8. Carrying a firearm
9. Direct patient care or direct childcare

The City may designate additional positions as safety-sensitive where a position includes duties comparable to those identified above and where impairment could create a risk of personal injury, property damage, public safety concerns, or disruption of essential governmental services.