

# **SECTION 100-INTRODUCTION**

## **101-PURPOSE**

*THE PURPOSE OF THIS PERSONNEL MANUAL IS TO PROVIDE A STATEMENT OF PERSONNEL POLICIES, PRACTICES, AND BENEFITS OF EMPLOYMENT WITH THE CITY OF PAULS VALLEY; HEREINAFTER REFERRED TO AS THE CITY. NOTHING IN THESE POLICIES SHALL SUPERSEDE ANY SPECIFIC LANGUAGE CONTAINED IN THE CITY CHARTER OR ANY LABOR AGREEMENT. THIS MANUAL IS DESIGNED TO SERVE AS A WORKING GUIDE FOR THE CITY MANAGER AND SUPERVISORY PERSONNEL AND AS A SOURCE OF INFORMATION FOR ALL EMPLOYEES OF THE CITY. IT DOES NOT CONSTITUTE A LEGAL DOCUMENT, NOR IS IT A CONTRACT OF EMPLOYMENT, NOR DOES IT CREATE ANY PROPERTY RIGHTS OF LIBERTY. INTERESTS IN ADDITION, THE EMPLOYMENT AGREEMENT BETWEEN EMPLOYER AND EMPLOYEE IS TERMINABLE AT WILL. ALL EMPLOYEES OF THE CITY SHALL SERVE AT THE WILL OF THE CITY MANAGER. APPOINTMENTS AND PROMOTIONS SHALL BE MADE SOLELY ON THE BASIS OF MERIT AND FITNESS. REMOVALS, DEMOTIONS, SUSPENSIONS, AND LAYOFFS SHALL BE MADE SOLELY FOR THE GOOD OF THE SERVICE. THESE ADOPTED GUIDELINES SHALL BE USED IN IMPLEMENTING THE PERSONNEL POLICIES, EMPLOYEE BENEFIT PROGRAMS AND WAGE PLANS OF THE CITY. THE CITY RESERVES THE RIGHT TO AMEND, SUPPLEMENT, RESCIND, OR DELETE ANY PROVISIONS OF THIS MANUAL AT ANY TIME.*

## **102-EFFECTIVE DATE**

This Manual was adopted by the City on October 6, 1992. For the purpose of having an efficient and working document, this Manual shall be reviewed and updated every even-numbered year with amendments approved by City Council. The City Manager has the sole responsibility for granting waivers or amendments to this administrative policy, subject to restrictions of the City Charter. The City Manager may also promulgate administrative directives or operating procedures to effectuate the intent of these policies. Copies of such directives or procedures shall be provided to all City employees. The City Manager will make interpretations necessary to resolve any ambiguity or conflict in the language or interpretation of this Manual. Except as covered elsewhere, the City Manager's interpretation shall be final in all matters regarding the application of this Manual.

## **103-DISTRIBUTION**

A copy of this manual is provided to all employees. All revisions are made available as they occur.

## **104-APPLICABILITY**

These rules shall apply to all City employees not specifically herein. This manual shall be interpreted to be consistent with any Police and Fire Department Personnel Manual, as practicable. In the event of inconsistency or conflict, this manual shall supersede such departments' manuals, rules or practice, except as required by collective bargaining.

## **105-MANAGEMENT RIGHTS**

Specific areas of responsibility shall be reserved to Management if the public service mission of the City is to function effectively and if the rules and regulation are to be administered fairly, consistently, equitably and without discrimination. These rights shall not be diminished by action of labor organization(s) and any related working agreement.

### **The Management Rights of the City are to:**

- A. Determine the nature, scope and definition of the City organization including: classification, selection number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall and scheduling of employees.
- B. Determine the methods, means, tools, equipment, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
- C. Direct employees.
- D. Discipline, suspend, demote, and/or discharge employees in accordance with policies of the City.
- E. Require as a part of normal employee development, in order to attain at least the minimal skills required of the classification, and in order to aid in the professionalization and general upgrading of the department, that employees take appropriate related training either on or off duty, in order to fulfill the responsibilities of the position.
- F. Take the necessary measures to maintain optimum productivity in operations.
- G. Determine the necessity for and assignment of overtime in compliance with appropriate related legislation and/or court rulings and policies.
- H. Determine the scope, priority, and the amount of budget allocations.

## **SECTION 200-EMPLOYMENT PRACTICES AND PROCEDURES**

Department Heads shall participate in the functions of management. This includes, but is not limited to, the duty to assist the City Manager in selecting, hiring, assigning duties, supervising, conducting merit evaluations, promoting, issuing oral and written reprimands and assisting the City Manager in the suspension, demotion, or dismissal of employees.

## **201-EQUAL EMPLOYMENT OPPORTUNITY NON-DISCRIMINATION POLICY**

- A. The City employs persons who are best fitted by skill, ability, experience, and education to fill specific jobs. No discrimination in personnel decisions of whatever nature shall be made because of age, sex, race, color, creed, national origin or disability status, provided employees and applicants are qualified and can perform the essential functions of the job with or without reasonable accommodation, and do not pose a direct threat to the health and safety of fellow employees, the public, etc. The City shall take positive actions to abide by this policy regarding all personnel decisions, including decisions affecting recruiting, hiring, transfers, work assignments, benefits, training, on-the-job treatment, promotion, termination and rehire rights.
- B. Advancement is and shall be based entirely on the individual's qualifications, performance/merit, ability/fitness and potential for promotion. If at any time two persons have identical qualifications as described above, length of City employment will be the determining factor.
- C. For purpose of this Manual, reference to the masculine tense will also hold true for both males and females.

## **202-EMPLOYEE CONDUCT/HARASSMENT**

All employees have the right to work in an environment free from all forms of conduct which can be considered discriminatory, prejudicial, offensive, harassing, coercive, or disruptive. The law specifically prohibits unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of sexual nature when:

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

The City's position is that sexual harassment, whether committed by supervisory or nonsupervisory personnel, is a form of misconduct which will not be tolerated. Such misconduct may result in disciplinary action, up to and including dismissal.

It is the responsibility of Department Heads and supervisors to make sure that their Department is in full compliance with the policy and associated legal guidelines. See Sexual Harassment/Hostile Environment Posting and Supervisory By-Pass policy in Addendum A.

Where appropriate, employees who have complaints should report them to their Department Head or supervisor. If this is not appropriate, employees are urged to follow the steps in the Supervisory By-Pass Policy or seek assistance of the City Manager or City Clerk. After notification of the employee's complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint. According to City policy, no retaliation or coercion will ensue as a result of filing a claim or testifying about an alleged incident.

### **203-DRUG FREE WORKPLACE AND ALCOHOL POLICY**

The City has a mandate to provide a variety of services to the community. An efficient and productive workforce is vital to carry out that mandate. The public has a reasonable right to expect persons employed by the City to perform their duties free from the effects of drug or alcohol use. Furthermore, employees of the City have a reasonable right to work in an environment free from the effects of drug use. The City has a reasonable right to expect employees to report for work fit for duty, free from the effects of drugs. The primary objective of the policy is to provide a safe and healthful work environment for all employees, and thereby provide the highest level of services to the public. See Addendum B for a copy of the City's Drug -Free Workplace Policy.

The City may institute a policy to mandatorily refer persons to a rehabilitation program as a condition of employment or may suggest those with performance/work habit problems, but who have not tested positively, to participate in a program. Such suggestion shall not be mandatory but will be documented. Further guidelines concerning this offer to participate and constructive discipline is found in the Guidelines for the Administration of Discipline.

### **204-RESIDENCY REQUIREMENT**

Preference shall be given to the residents of the State of Oklahoma for the employment and initial appointment to the City service. Residency may be based on response time of certain personnel. If an applicant for a City position is a non-resident of the State of Oklahoma and is hired by the City, the City Manager may allow such applicant at least

three (3) months but not more than one year from the date of employment, in which to meet the residency requirement.

Every employee shall be responsible for immediately reporting any change or residency to his Supervisor/Department Head, who shall forward such information to the office of City Clerk.

## **205-NEPOTISM**

The State law and City Charter state that neither the Mayor, the Council nor any other authority of the City government, may appoint or elect any person related to the Mayor, any Councilmember, or to himself, or in the case of 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; but this shall not prohibit an officer or employee already working for the City from continuing in the service of the City after an election of a person within the third degree of affinity or consanguinity.

## **206-PROBATIONARY EMPLOYEE AND PERIODS**

- A. The normal probationary period of full-time regular employees in their initial hire is six months, except for police and fire recruits, who will be on probation for one year. However, prior to removal from probation, the department head will recommend that the employee be removed from probation with the necessary documentation of satisfactory completion of probation to the City Manager. A Department Head may also recommend extending the probation for up to 90 days based on the needs of service. Failure to remove one from probation or to extend the probationary period will result in the automatic removal from employment.
- B. The probationary period is considered part of the selection process for regular employment. The appointing authority shall periodically evaluate the probationer during this time to determine the employee's progress.
- C. Employees who do not successfully complete the initial probation shall be terminated.
- D. Completion of the probation period does not confer on any employee any status other than employment at will. Any employee, whether probationary or not, may be laid off, suspended, demoted or removed by the City for the good of service.

## **207-TYPES OF EMPLOYEE STATUS**

- A. Regular Full-Time Status-** Any employee who is filling a budgeted position for which there is an expectation that the position will continue, subject to funding considerations and works at least 40 hours per week, is a regular full-time employee. The normal workday for a regular full-time employee is eight (8) hours a day, five (5) days per week for a total of forty (40) hours per week. Required overtime hours will be compensated according to applicable City ordinance/policy.
- B. Regular Part-Time Status -** Any employee who is filling a regular budgeted position for which there is an expectation that the position will continue, subject to funding considerations, and works at least half time but less than full time hours, is a regular part-time employee. All leave benefits will be prorated based on hours of work as a percentage of full time work. All leave benefits will be accrued from the date of employment. Nothing in these policies will preclude the Manager from placing an employee into a position of regular part-time status or to restructure hours in accordance with the policy on job restructuring (See Addendum C). Any employee in a regular part-time position working 30 or more hours per week is also eligible for insurance. However, the City's contribution may be prorated based on hours of work.
- C. Temporary/Seasonal Status-**Anyone employed for seasonal work, for a specific period of time, or for temporary replacement generally less than thirty (30) hours per week, is considered temporary. A temporary employee is entitled to workers' compensation and social security benefits only and certain paid (prorated) holidays at the discretion of the department head and City Manager, but is ineligible for any other City benefits.
- D. Emergency Status-**When an emergency makes it necessary to employ additional people immediately in order to prevent a stoppage of public business, loss, hazard, or serious inconvenience to the public, the Manager may appoint any qualified person. The duration of an emergency appointment shall be limited to the period of the emergency. These employees are not entitled to City benefits.

## **208-OVERTIME STATUS**

- A. Non-Exempt-** Regular and temporary/seasonal 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 pay or time off at the rate of one and one half (1 ½) times their regular hourly rate for all overtime hours worked.

Further guidance concerning the pay cycle will be governed by applicable resolution or as contained on the FLSA. For further information see Section 500.

- B. Exempt-Regular and temporary/seasonal employees who are executive, administrative, and professional employees are exempt from minimum wage overtime provisions of the Fair Labor Standard Act (FLSA) as amended. These employees are not entitled to any overtime pay for the hours worked in the addition to 40 in a week. The Manager may on occasion grant an exempt employee the opportunity to flex some of his hours in the same pay cycle due to exceptional overtime where the supervisor was required to perform non-exempt work during the pay cycle.

## **209-HOURS OF WORK AND WORK PERIOD**

Hours of Work-The standard work day is 8 hours, 5 days a week. Police, dispatchers and other shift employees generally work a 5 day work week with two days off in a row, not necessarily Saturday and Sunday; but in accordance with their work schedules. See Section 500 for further information.

## **210-HIRING PROCEDURE**

- A. Request to Fill Vacancy-The Supervisor/Department Head will notify the Manager of a position vacancy and the Manager must give his approval for the requests to fill the vacancy. The Department Heads will assist the Manager in recruiting, screening, and making recommendations concerning those candidates to be offered employment.
- B. Eligibility for Hire- Any person will be eligible for hire or promotion in the City service who:
  1. Meets the minimum requirements established for the position for which they have applied as established in the job announcement or job description.
  2. Is physically able to perform the required duties with or without reasonable accommodation and is not a direct threat to the health or safety of himself, fellow employees or the public.
  3. Is not presently using alcohol, and/or illegal drugs, as demonstrated by a pre-employment drug test, if said test is a condition of employment. Police Officer candidates must be free of illegal drugs for sufficient time to determine their fitness to perform. This may be validated by a background and/or polygraph exam.
  4. Has not been dishonorably discharged from the Armed Forces. This will be reviewed on a case by case basis.

5. Has not been convicted of or pled guilty to a felony or to a misdemeanor which would, in the opinion of the Manager, indicate unfitness for City employment. When determining unfitness, the Manager will look at the decency of the crime, the age of the applicant when convicted, the amount of time that has since transpired, the type of work and type of crime. No candidate who has been convicted of or pled guilty to a misdemeanor (other than a traffic offense) or any felony will be eligible to take examinations for employment in the Police Department.
  6. Does not have a record of previous unsatisfactory service in City employment or elsewhere, of such nature to demonstrate unsuitability for employment in the position for which applied.
  7. Is not a member of the immediate family, by blood or marriage, of any elected official to the three levels of consanguinity. Immediate family is defined as spouse, child, brother, sister, parents, aunts, uncles, nephews, nieces, or cousins of the elected official.
- C. Filling Vacancies-When a vacancy occurs in a position that is eligible to be filled, the City shall use the following procedures, unless, for the good of the service, the Manager approves an exception with a specific vacancy. All appointments and promotions shall be made solely of the basis of fitness and merit.
1. Job Posting-The Department Head shall advertise for application in appropriate publications or sources. City employees meeting the City's requirements for fitness and merit may be given preference in filling the vacancy. City employees applying for vacancies shall undergo the same type of examination as prescribed for outside applicants.
  2. Application- All applications for City employment shall be filled out on the forms provided by the City. Any supplemental questionnaire, examination, or requirements for the position shall be indicated in the job posting and/or required of all applicants as a part of the application process. Current employees must submit statements bringing their current application up-to-date in order to make application for promotional examinations.
  3. Use of Commercial or State Employment Agencies- Applications may be accepted from any commercial employment agency or from the State Employment Services. The City shall accept no obligation to the employment agency or the applicant by virtue of consideration or employment of the applicant. The applicant will be



required to complete the City's application form and go through the same testing requirements.

4. **Interviews and Screening-**The Department head or respective supervisor will screen job applications to ensure the applicants have the minimum qualifications of the position, that the responses are correct, and references are indicative of a proper employment history. Employee's work histories may also be reviewed prior to any testing.
  5. **Competitive Examinations-**Competitive examinations may be given if deemed necessary. They may be oral, written, physical, skills, rating of experience and training, performance, psychological, polygraph or any combination of these. The criteria for competitive examination will be set forth in the class specification and job posting or other legal requirements as may be in existence. A candidate may receive different evaluations for different phases of the job based on seniority, experience, and fitness.
  6. **Evaluating Fitness-**The Department Head shall prepare and administer evaluation procedures designed to select the best qualified applicant for each class of position. An objective rating system shall be established for evaluating the individual candidates.
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- D. **Disqualification from Consideration-** Fraud, misrepresentation, concealment, or dishonesty on the part of an applicant on the application form, the examination process, or in any attempt to obtain special consideration to a position may disqualify an applicant for employment.
  - E. **Substance Abuse Test-** Applicants must pass any applicable pre-employment substance test.
  - F. **Interviews-** All applications are reviewed based on the requirements of the vacant position. Consideration is given to the applicant's qualifications, skills, aptitude, previous experience and education. Job-related interviews may be arranged and conducted by the Supervisor or Department Heads.

## **NO COMMITMENT TO HIRE CAN BE MADE AT THIS STEP**

On completion of interviews, the Supervisor/Department Head shall submit all applications and interview information to the City Manager for consideration. The applicant to be selected, upon the Manager's approval, may be required to undergo a post-offer/ pre-employment physical.

### **G. Post-Offer Medical Examinations**

- 1. Except for clerical/office type positions, post-offer pre employment physicals will be required for every applicant to be hired for the City in a full-time regular position. Such examinations shall be paid for by the City and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodations. The examinations shall be performed by licensed physicians selected by the City. These medical files shall be maintained in the physician's office with a summary report provided to the City Clerk whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restrictions or accommodations. Other temporary positions may also require physicals.**
- 2. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct threat concerns, their determinations are only recommendations subject to the final decision to make reasonable accommodation or not by the City Manager. Only in cases of emergency may an employee begin work prior to the medical examination, but employment is subject to passing such examination.**
- 3. Reports and records of all physical, psychological, and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the City Clerk to be kept in a confidential file apart from the Personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restrictions, the report shall be made available to the necessary legal and supervisory personnel in the City with the need to know. For further information, see Addendum D.**

## **211-PROMOTION**

- A. Promotion from within the Department will include but is not limited to qualifications, skills, aptitude, employee performance evaluations, and attendance. Employees within the Department may compete with other outside applicants.
- B. If an employee is selected for promotion, he will receive a higher level of pay within the appropriate range. If the employee fails to meet the standards set for the position within the six (6) month probationary period, the employee shall be returned to his previous job classification and pay decreased to that level.

## **212-TRANSFER**

An employee may request a transfer or be asked to transfer to a different Department if it is in the best interest of both the Departments and if the employee can meet the qualifications for that position. The employee shall be placed at the rate of pay deemed appropriate by the Supervisor/Department Head and approved by the Manager.

## **213-DEMOTION/REASSIGNMENT**

An employee may be demoted/reassigned to a lower position (for which he is qualified) if his position has been abolished or if he is unable to perform the duties of his position. Demotion may also be utilized for disciplinary purposes. The employee shall be placed at the rate of pay deemed appropriate by the Supervisor/Department Head and approved by the Manager.

## **214-LAYOFF/RECALL**

A layoff is an involuntary termination of any employee's job assignment. Conditions beyond the City's control may necessitate a temporary or permanent reduction of employment. The City Manager, under the direction of the City Council, shall have the authority to suspend or terminate the services of any employee because of a lack of funds or a curtailment of work, when such action becomes necessary for the good of the service. The Manager may formulate a procedure guide for layoffs or reductions in the work force, including a detailed order of layoffs for employees and the establishment of appropriate criteria for determining any recall/rehire rights. Full-time regular employees

laid off because of a reduction in force shall be given first consideration in the filling of future vacancies within two years of layoff.

## **SECTION 300-PAY ADMINISTRATION**

### **301 – POSITION CLASSIFICATION, PAY PLAN AND JOB DESCRIPTIONS**

- A. Purpose: The Classification Plan provides an inventory of all positions in the City service which are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale and to require substantially the same qualifications on the part of incumbents.
- B. Classification Plan: The Classification Plan shall consist of a list of positions arranged in a hierarchy according to duties and responsibilities with pay grades or ranges for each position or group of positions. Positions may be reclassified as necessary based on a change in the duties and responsibilities or a change in the relationship between various positions.
- C. Written Job Description: The basis of the Classification Plan shall be a written job description for each position detailing the essential functions, duties, responsibilities and requirements for the position. Positions which are similar may be classified together. A statement of qualifications for the position, including minimum qualifications, shall also be a part of the position description. The job description shall include such things as necessary licenses, certificates and special working conditions.

### **302-PAY PLAN AND PAY PROVISIONS**

- A. Administration of Pay Plan-Each year as part of the budget process, the Manager will review the pay plan and make necessary recommendations to the City Council. Any changes to the plan will be subject to budgetary approval by the City Council.
- B. New employees shall be placed at the entry level Step A of the range except where their previous experience, education or training would allow for a higher entry level range. Such placement must be justified by the Department Head to the Manager.
- C. Advancement within the range is based on performance (merit) and cost of living adjustments when the City's financial situation allows and when approved by the City Council. Once the top of the range is reached, the employee will not receive any salary increases other than cost of living adjustments, which move the pay plan. Merit advancement may be limited by budgetary considerations.

D. Longevity Pay-Longevity Pay is made in recognition of an employee's continuous tenure and faithful service to the city. Longevity pay shall commence at the time an employee has completed five (5) years of service and shall be paid at the rate of two (2) dollars and fifty (50) cents (2.50) for each year of service per paycheck. Each year of service is based on the employee(s) anniversary date (date of employment). Increases in longevity pay will be made the next pay period after the anniversary date.

### **303-PAY INCREASE AND MERIT REVIEW**

- A. Employees are eligible for an increase in their rate of pay of at least five percent after six months satisfactory service with the City. At the end of one (1) year, a new employee may become eligible to receive an additional increase in pay. Progression thereafter through the range may continue based on satisfactory work record and recommendations by the Department Head to the Manager. Any increases other than for merit on an anniversary date must be recommended by the Manager and approved by City Council.
- B. Anniversary Dates-The anniversary date is the date which an employee becomes eligible to move to a higher rate in the pay plan. This will normally be the beginning of the next pay period after completion of twelve months of service for new hire.

### **304-MERIT EVALUATIONS**

The purpose of a performance appraisal is to encourage better communication between the supervisor and employee of what is expected and how he is performing his job. Supervisors will evaluate each employee yearly and make recommendations concerning performance to his Department Head. The Department Heads will forward their recommendations to the Manager who will make the final decision subject to budget considerations. The final decision of the City Manager may result in an increase or may result in the following:

- A. A postponement of an increase for a period of the time to be agreed upon by the Department Head and the Manager.
- B. The employee will remain at the pre-evaluation rate until the next anniversary date.

The City's policy regarding salary administration is intended as a guideline and may be revoked at anytime.

### **305-PAYROLL PROCEDURES**

- A. Time Sheets: Time sheets shall be completed by the employee and approved by the immediate supervisor on standardized forms as provided by the City Clerk. Employees wishing to check on time accruals or who have other questions concerning their time and attendance should see their supervisor.
- B. Pay Periods/Pay Days: The City pays its employees on a bi-weekly pay period beginning at 12:01 a.m. Sunday Morning and ending midnight on Saturday two weeks later. Except for sworn police employees and fire employees who are on a 28 day and 27 day work cycle respectively, as covered by 207k of the FLSA, other non-exempt personnel will receive overtime based on the above work cycle, but for every calendar week. Pay days will generally be the Wednesday following the end of the pay cycle, except when the Wednesday is a holiday the pay checks can be distributed the last workday before the holiday.

Pay increases or decreases become effective only on the first day of the pay period. Work periods may be set based on individual department schedules.

### **306-SALARY/PAY RATE ON CHANGES IN STATUS**

- A. Promotion; An employee promoted to a higher level position should be placed in a new pay range that would provide an increase in pay as established by the City Manager.
- B. Transfer; Transfers from one position to another position at the same grade will not result in an increase in pay unless approved by the City Manager. If an employee requests a transfer to a position that is a lower grade than the current position, his pay will be reduced to the level in the lower grade the pre-transfer wage as it relates to the grade he is leaving.
- C. Involuntary Demotion; Involuntary demotion due to discipline or failure to maintain the requirements of the classification will reduce the employee's rate of pay. No increases in the rate of pay will be granted except for classification adjustment which will affect the whole pay plan or for other meritorious service subsequent to the demotion. The rate of reduction in the range for an involuntary demotion will be part of the disciplinary letter.

### **307- PAYROLL DEDUCTIONS**

The City makes a number of payroll deductions for City employees. Deductions for Federal Social Security, Federal and State Income Taxes, and state retirement plans are

mandatory in amounts specified by law. In addition, the City may, at the employee's request, deduct for dependent health insurance, Credit Union, and other payments recognized and authorized by the City.

### **308-TERMINATION PAY**

- A. The City Clerk, after consultation with the Department Head and the Manager will determine the amount of terminal leave pay to be included in the final check of the employee.
- B. Upon termination from City employment, his/her termination pay will be due and payable at the next available pay period or until all city property is returned.
- C. Employees leaving city employment after having been employed at least six (6) months shall be paid for accumulated vacation leave.
- D. Employees who have completed at least ten (10) years of service, have the minimum amount of sick leave of at least four hundred (400) hours to a maximum of six hundred eighty (680) hours, and terminates in good standing, will be entitled to twenty five percent (25%) of up to the maximum amount allowed. For every year after 10 years of completed service, , leave will be computed at five percent (5%) until a maximum of one hundred percent (100%) is attained. ~~three and a half percent (3.5%) until a maximum of seventy five percent (75%) is attained.~~
- E. In order to terminate employment in good standing, full-time regular employees are required to give at least ten (10) working days or two (2) weeks notice and part-time employees, at least five (5) working days notice prior to the effective date of resignation.
- F. An employee leaving the City service, whether through resignation, layoff, or dismissal, is responsible for returning any City property which he may have in his possession. The employee's final check may be adjusted to cover the value of City property not returned.

### **309-TUITION REIMBURSEMENT/INCENTIVE PAY**

- A. To encourage career development, the City will provide tuition reimbursement for college courses passed & directly related to the job which has been previously approved by the City Manager.
- B. The City may explore the benefits of an education incentive pay program to further upgrade the caliber of employees. However, nothing in the new incentive pay plan shall

provide incentive pay for those that have a degree because it was part of the minimum qualifications for the position.

## **SECTION 400-OTHER EMPLOYEE BENIFITS**

### **401-GROUP INSURANCE**

- A. Health-The City provides and pays for group Health Insurance coverage to all full-time and part-time 30 hours or more per week regular employees and makes coverage available for their dependents. The employee shall pay the full cost of dependent coverage. Coverage begins the first of the month after the employee has been in full-time employment for ninety (90) days and ceases upon termination of employment, unless the employee elects to go on COBRA for up to 18 months or as covered by law. Employees electing COBRA benefits will be required to pay for all costs incurred for such coverage. For additional information concerning COBRA rights and benefits, see City Clerk prior to separation.
- B. Other Insurance-The City also pays for each regular employee, working 30 hours or more, the premium for a life insurance policy of up to twenty thousand (20,000.00). Further information about health, life or any other insurance program offered by the City will be explained during the new employee orientation, during any open enrollment periods, or as necessary to administer them. Contact the City Clerk for additional information.

### **402-HOLIDAYS**

All full-time/part-time regular employees are granted thirteen (13) paid Holidays per calendar year as recognized by the City. Temporary employees will be allowed time off for Holidays if the Holiday occurs during their scheduled hours of work, unless it is in the best interest of the City for those employees to perform service. Holiday pay for part-time or seasonal employees if granted shall be prorated. The authorized Holidays are as follows:

NEW YEAR'S DAY.....January 1st  
MARTIN LUTHER KING JR DAY.....Third Monday in January  
PRESIDENTS DAY.....Third Monday in February



GOOD FRIDAY.....	Friday before Easter
MEMORIAL DAY.....	Last Monday in May
INDEPENDENCE DAY.....	July 4th
LABOR DAY.....	First Monday in September
VETERAN'S DAY.....	( As Scheduled)
THANKSGIVING DAY.....	4th Thursday in November
DAY AFTER THANKSGIVING.....	Friday after Thanksgiving
CHRISTMAS EVE .....	December 24 <sup>th</sup>
CHRISTMAS DAY.....	December 25 <sup>th</sup>
PERSONAL DAY.....	Birthday

If a Holiday occurs on a Saturday, it shall be observed on the preceding Friday. When a Holiday occurs on a Sunday, the following Monday shall be observed.

Holidays falling during an Employee's vacation shall be counted as a Holiday and not charged as a vacation day.

City offices shall be closed on the observed City Holidays except for emergency operations such as Police, Fire, Water/Wastewater Treatment and other such operations.

Employees required to work on Holidays shall have the option to receive equal time off with eight (8) hours of compensation, with the approval of the Department Supervisor, or payment for the time worked plus the eight hour Holiday benefit.

To be eligible for pay for Holidays, the employee must have worked a scheduled work day before and the scheduled work day following this Holiday. An excused absence, as approved by the Department head, shall be considered.

If an employee works through the fiscal year without using sick time, he/she shall be awarded 3 personal days.

If an employee uses 8 or less sick hours during the fiscal year, he/she shall be awarded 1 personal day

## 403-VACATION

- A. Vacation is granted so that each employee shall be benefited mentally and physically by a period of rest and relaxation during the year. Vacation time shall be approved by the City Manager or Department head prior to the taking of vacation. Up to 40 hours per quarter (90) days may be paid out if employee has accrued at least 120 hours ~~Under no circumstances shall payments be made in lieu of vacation~~
- B. Regular employees will be eligible for paid vacation based on their length of service with the City. Regular part-time employees shall have vacation hours prorated. Employees who have completed six months of service and come off probation will be eligible to earn vacation days at 1.54 hours per pay period.
- C. Employees will not be permitted to use vacation for the first year except for an emergency.
- D. After completing one year, employees will have accumulated 5 days of vacation. Upon completing a year of service, they will be eligible to earn vacation days at 3.08 hours per pay period or 80.08 hours per year through year five (5). After completing 6 years of service through 15 years of service, employees shall accumulate 4.62 hours per pay period or 120.12 hours per year. After 16 years of service, employees shall accumulate 6.16 hours per pay period or 160.16 hours per year.
- E. The total maximum accumulation of vacation leave is forty (40) hours from the one Anniversary year to the next. Vacation in excess of the forty (40) hours will be forfeited at the employee's Anniversary date except where an attempt was made to schedule the time off late in the Anniversary and for the good of service the scheduled time off was cancelled by the City. If this occurs, the employee will be allowed an additional six months to reduce the cancelled carryover that exceeds forty (40) hours. Below is a schedule for earning vacation for full-time regular employees.

## **Years of service since hire date**

	<b>Hours earned per pay period</b>	<b>Hours earned per year</b>
0-1	1.54 hours per pay period	40.4 hours per year
1-5	3.08 hours per pay period	80.08 hours per year
6-15	4.62 hours per pay period	120.12 hours per year
16+	6.16 hours per pay period	160.16 hours per year

- F. Refer to current police and fire labor contracts for current vacation rates.
- G. The accrued vacation time may be taken at any time by employee during each year, subject to the Supervisor's and/or City Manager's approval.
- H. Employees will not accrue vacation credit while on an approved Leave-of-Absence-Without-Pay.
- I. The vacation time shall be appropriately reconciled upon the termination, resignation or retirement of any employees. Employees who terminate after completion of a minimum of six months of employment in good standing shall receive pay for accrued, but unused, eligible vacation leave. Employees leaving in good standing will also receive vacation leave accrued from their anniversary date. The effective date of termination shall be the last day of the vacation period. In good standing includes resignation with at least two week notice. Employees who provide less than proper notice or who are discharges shall not be eligible for vacation pay upon separation.
- J. Usage: Vacation scheduling requests will be regulated by the Department Head. The Department Head will seek to accommodate each employee's requests but does reserve the right to schedule vacations in such a way as to maintain an adequate work force to accomplish the needs of the department. The needs of the department shall take precedence over the employee's request for vacation periods.
- K. Requests for vacation or changes of vacation scheduling shall be submitted two weeks in advance, whenever possible. The following considerations shall control the scheduling of vacations.
  - 1. Minimum interruption of normal work schedule.
  - 2. Earliest request received
  - 3. Seniority of employee

#### 4. Employee's desire

Employees having more than eighty (80) hours accumulated vacation may be required to split vacation time so that other employees may be granted vacation in accordance with their request.

### **404-SICK LEAVE: ILLNESS AND INJURY**

- A. The City provides sick leave for regular employees and may be used: (1) when employees are incapacitated by illness or non-job related injury to the employee for medical, dental, or optical diagnosis, or treatment, (2) after exposure to a contagious disease when the attendance at duty, in the opinion of the Department Head, jeopardizes the health of the other employees and (3) for serious illness/death in the immediate family. **(The immediate family shall be grandparents, parents, spouse, children, brother or sister of the employee or current spouse).**
- B. When an employee uses sick leave because of illness in the immediate family, it is expected that it will be of a very serious nature and there is no other person in the family that can take care of the situation.
- C. When death occurs in the immediate family of an employee; from one (1) to three (3) days of sick leave will be granted. The City Manager and the Department Head must approve the number of days allowed, depending upon relationship of the deceased to the employee and the distance from Pauls Valley to where the funeral will be held.
- D. An employee shall be entitled to accrue twelve (12) days of sick leave each year without loss of pay; in the event part of said sick leave is not used during said year, it shall be allowed to accumulate while said employee is employed by the City of Pauls Valley, to a maximum of six hundred (680) hours.
- E. Sick leave accumulation shall begin upon employment. It shall accumulate at a rate of one (1) day per month. Employees may take only the amount of sick leave earned. Sick leave shall not be used for vacation time, but for medical purposes only. The minimum use of sick leave is one-half (1/2) hour per occurrence.
- F. A doctor's certificate showing that employees should not work may be required if an employee takes more than three consecutive days or when otherwise deemed appropriate by the department head and/or the City Manager.

- G. In the event of serious illness, surgery or injury which requires medical attention, a medical report from the attending physician or a physician's statement outlining the employee's condition and expected date of return to full duty without restrictions or limitations shall be submitted to the employee's Supervisor/Department Head. If the employee's medical condition exceeds thirty (30) days, then progress reports from the attending physician shall be submitted every thirty (30) days to the employee's Supervisor/Department Head. Once the employee is able to return to work, a physician's final report and the release for full duty without restrictions or limitations must be approved by the Supervisor/Department Head and forwarded to the Manager at least one (1) day prior to the return to work date. A copy of the release and all reports concerning the employee's condition shall be given to the office of the City Clerk for the employee's personnel files.
- H. If an absence because of illness, surgery, or injury extends beyond sick leave accrual, additional absence may be charged to accrued vacation or accrued compensatory time. Employees who are on an approved leave-of-absence with or without pay will not accrue sick leave benefits if off for the majority of any given month. If all accrued vacation or compensatory time is exhausted, and the employee is unable to return to work, the employee may be granted "leave without pay" or "separated". Such separation shall be considered a resignation in good standing. See Addendum E.
- I. Sick leave shall not be granted for absences due to injuries sustained while working for another employer.
- J. Employee abusing the sick leave privilege may be disciplined, including discharge.

#### **405-EMERGENCY/FUNERAL LEAVE**

In the event of death, hospitalization, serious illness, or injury in the employee's immediate family or in the event of personal disaster, emergency leave may be taken with the approval of the City Manager. Such leave shall not be charged to accrued sick leave and shall not exceed three (3) consecutive work days per each event, but may be extended at the direction of the Manager. The amount of leave to be granted will be determined by the City Manager, taking into consideration the facts in each case. If emergency leave needs extended past the three days, vacation or compensatory time will generally make up the balance or leave without pay. See **404 A** for definition of immediate family.

## **406-WORKERS' COMPENSATION (ON-JOB-INJURY-PAY)**

- A. Injury Leave Policies: It is the policy of the City to provide compensated leave for employees who incur disabilities which can logically and medically be proven to be the result of accidental injury arising-out-of-and in-the-course of employment with the City. Injury Leave shall be necessary absence from the duty of an employee because of an injury suffered while properly performing the duties of the position without negligence or misconduct on the part of the employee or the injury being questionable by reason of being un-witnessed or un-confirmable as determined by investigation.
- B. Definition of Injury and Accident: "Injury" shall mean violence to the physical structure of the body and such disease or infection as naturally results there from. For the purpose of this provision, injury shall also include diseases which qualify as occupational diseases under the Workers' Compensation Laws of the State of Oklahoma. An "accident" shall be considered to mean an unexpected or unforeseen event happening suddenly and violently, producing at the time objective symptoms of injury.
- C. When any employee is injured or exposed to hazardous materials or infectious diseases during the performance of his duties, the incident must be immediately reported by the proper authority. Forward a completed injury report to the City Manager within 24 hours if possible. The City Clerk will then file notice of injury in accordance with the Oklahoma State Workers' Compensation Law. Employees so injured will be entitled to the benefits provided by the Oklahoma Workers' Compensation Law.
- D. If the injury and/or exposure require medical treatment the employee must be given immediate medical attention/first aid and may choose any physician licensed to practice in the State of Oklahoma. The City may choose to have their physician examine the employee prior to selecting a treating physician. ONCE A PHYSICIAN HAS BEEN CHOSEN BY THE EMPLOYEE, A CHANGE MAY NOT BE MADE WITHOUT AUTHORIZATION FROM THE STATE INSURANCE FUND OR THE WORKERS' COMPENSATION COURT.
- E. Injury leave may be granted by the City for the first five working days (seven calendar days) that the employee is off, provided that the employee has accrued sick or vacation leave and opts to use it. After this period of time, an employee is entitled to receive temporary total disability (TTD) pay as provided by Workers' Compensation and injury pay for the next 90 days. If the injury lasts longer than twenty one days, the employee will be entitled to receive (TTD) from the initial day and be reimbursed for the first seven calendar days that were charged to sick/vacation leave. Thereafter, the employee is either entitled to receive TTD or use his sick/vacation leave, but not both. Police and Fire personnel will be able to receive full earnings minus overtime for 180 days while injured in the line of duty.
- F. Total temporary disability (TTD) equals approximately 66 2/3% of the average salary of a claimant of the maximum amount established by the State of Oklahoma. Regardless of the length of time, the City's injury leave provisions will be governed by the City's

Medical/Disability Policy-Addendum E. After the first week (six months for the Police Officers and Firefighters), the employee is only entitled to those benefits that come from Workers' Compensation, unless the City Manager grants the use of sick/vacation leave in lieu of TTD.

- G. Employees on injury leave with pay shall return to duty the earliest practical date. Employees on injury leave may be assigned to light or modified duty by the City as determined by the attending physician or City physician and authorized by the City Manager. Refusal to work light/modified duty when available and medically approved will be reason to deny temporary compensation or other leave benefits.
- H. Light/modified duty assignments shall be considered in allowing employees on injury leave to return to active duty. This shall not be an automatic right of the employee, but rather the Department Head shall determine the opportunity for light/modified duty assignment, and if there is any need for light/modified duty assignment. In the event the employee is released by the doctor to return to such duty, the following procedures will be followed:
  1. The employee's Supervisor/Department Head will first check to see if there is work in the department that can be performed on a "modified duty" basis. Said employee will be allowed to return to work on a "modified duty" status with a physician's statement outlining the employee's condition and what duties the employee cannot perform, e.g., lifting, climbing, walking, etc. The physician's statement shall include an approximate time regarding the length of restricted duty status and date of return to full duty without limitations or restrictions. If work within the restrictions established by the physician is not available within the employee's department of assignment, the Supervisor/Department Head will report that fact to the City Manager.
  2. The Manager will confer with other Supervisors/Department Heads to determine the availability of work within the restrictions established by the attending physician. If available, the employee will be placed under the supervision of that department. If not, then the employee will be placed on an on-call status and will report for duty if called.
  3. Light/modified duty assignments shall not extend past 30 days without further evaluation by the Department Head and the Manager based on further medical prognosis, availability of worthwhile work, and the needs of service. Each extension of 30 days will be based on the same criteria. Such period of time for light/modified duty may not exceed 90 days except for sworn Police and Fire employees who are entitled to 180 days.

4. Whenever medically able, employees on injury leave shall contact their immediate Supervisor or designee each working day to advise the Supervisor of injury status, daily activity plans, upcoming medical appointments and/or treatment and ability to return to light/modified duty or full-duty assignments.
- I. Employees who are injured on the job due to their own negligence or misconduct or whose injury is un-witnessed or unconfirmed, or who fail to comply with established requirements of the City in the reporting and processing of injury reports, or who fail to cooperate with the City's physician, may not be eligible for TTD or injury leave with pay for any period.
- J. Any employee who shall receive payment for work performed for any employer other than the City while on approved injury leave shall be subject to immediate dismissal. This provision shall also apply to employees who are self employed and perform work in their private occupation on approved leave.
- K. It is expected that an employee on injury leave shall be recuperating from such injury and shall not be involved in any physical activity which could be deemed in the City Manager's sole direction to be injurious to the medical condition.
- L. Employees on original probation shall not be eligible for injury leave benefits for injuries incurred during such probationary period. Such employees shall be entitled to all benefits provided by the Oklahoma State Workers' Compensation act.
- M. Employees receiving Workers' Compensation (TTD) are not eligible to accrue sick time or vacation pay if they are gone for more than 30 days. They will not be eligible to earn sick or vacation time until returning to work status.
- N. Monthly medical history reports will be forwarded to the Supervisor/Department Head and City Manager. Upon release for duty by the approved physician, the employee will return to work and Workers' Compensation pay will cease. The employee must submit the release to the Supervisor/Department Head the day before return to work date.
- O. At the completion of the 90/180 day period for general and sworn personnel respectively, there will occur a review of the employee's ability to return to regular employment with or without accommodation. See Job Restructuring Policy in Addendum C and Medical/Disability Policy in Addendum E for further details. Factors that will be considered prior to removing someone from the payroll and placing on a leave of absence include the extent of the injury, supportive medical information, prognosis of condition, the necessity to have the regular assigned position filled due to a critical impact to public service and other job restructuring considerations. However, even after an injured employee has been placed on a leave of absence to permit the City to backfill the position, a decision to terminate the employee on leave shall only be made if it reasonably appears that the employee is physically unable to perform his regularly assigned duties at the time or is pursuing a compensation claim in bad faith, or that the City has endeavored to make reasonable accommodation/job restricting for at



least six months and no position is available for which the employee is physically, mentally, or otherwise qualified to perform, or if the employee fails to cooperate with job restrictions. It is incumbent upon the employee to assist the employer to find or develop alternative skills in areas for which some potential vacancy may occur. Employees displaced due to physical/mental reasons will be eligible for rehire rights to positions for which they have otherwise qualified and will be provided preference over other external candidates if they have equal or almost equal skills. The final decision to separate employment will be based on the same criteria as required to backfill the position at the completion of the 90/180 day and prior to placing an injured employee on a leave of absence. The final decision will be made by the City Manager.

- P. No employee shall be subject to any adverse personnel action because the employee has in good faith filed a claim, or has retained a lawyer to represent him in said claim, has instituted or caused to be instituted, in good faith, any proceeding under the provision of Title 85 of the State Statutes, or has testified or is about to testify in any such proceeding.

#### **407-RETIREMENT**

- A. Full-time regular employees are covered under one of three (3) retirement plans. All employee contributions to the retirement systems are handled through payroll deduction. All the retirement systems are deferred compensation plans, which means that the retirement deductions are made from the employee's gross salary. Then, Federal and State taxes are based upon the remaining gross amount. Due to the complex nature of the retirement plans concerning the various options employees may exercise, each new employee will be orientated about the information contained in the retirement plans. The orientation will be conducted by the Office of the City Clerk. Police and Fire personnel will be oriented by their respective departments. Should an employee need further information on retirement plans during his tenure of employment, the information may be obtained from the Office of the City Clerk.

#### **408-UNIFORMS, TRAVEL, AND CITY FACILITIES**

- A. Regular Full Time Employees shall be reimbursed for up to but not more than two hundred dollars (200.00) annually for clothing expenses. One hundred dollars (100.00) issued bi-annually. Receipts shall be submitted for reimbursement.
- B. Uniforms are issued to employees in certain departments where uniforms are required to be worn. Proper uniform wear shall be determined by the Supervisor/Department Head with the final approval by the City Manager. Employees are to wear clean uniforms and are expected to wear them as they are designed to be worn.

- C. Travel- Employees who are on approved assignment to conduct official City business shall be eligible for reimbursement of reasonable lodging, meals, and transportation (personal vehicle) expenses based upon the following criteria:
1. The City will pay air fare (coach) for travel out of state. When traveling in state or out of state, the City will pay the Toll charges, Taxi fares, and/or mileage rate as established by the IRS. Employees traveling together should arrange the most economical way to travel to benefit the City. If not, the City will pay for that mode of transportation which is the lesser of mileage reimbursement or coach air fare. Rental cars must be approved prior to travel. Original receipts will be required for reimbursement of travel, lodging and meals.
  2. The City will provide reasonable reimbursement of meal expenses. The full cost of a meal will commence with the first meal due after departure.  
  
Example: If an employee leaves before 8:00 a.m. and returns after 6:00 p.m., he would be authorized three (3) meals. If he left after 8:00 a.m., he would be authorized the noon and evening meals. For an overnight trip, where he returns at 5:00 p.m., he will be authorized the breakfast and lunch meals only.  
  
The City Clerk will be responsible for allocation and disbursement of funds.
  3. Mileage outside a twenty-five (25) mile radius of the City will be reimbursed according to the current Internal Revenue Service allowances.
- D. City Facilities: City employees shall have access to the City lakes, Swimming Pools, Golf Course and other City facilities at reduced Rates. Persons wanting permits for these recreational activities shall request them through their department supervisor.

## **409-LEAVE PROVISIONS**

- A. Medical/Disability (Including Maternity) Leave: When it comes to the attention of the Department Head that an employee is unable to perform duties due to injury, illness, or physical disability (including pregnancy), the employee may be required to furnish medical documentation of such disability or submit to a physical examination paid for by the City. If the report of the medical examination indicates that the employee is unable to perform his/her duties effectively or that the disability poses a risk to the person or public, the Department Head may require the employee take a leave of absence after exhausting sick leave or annual leave benefits until the employee is able to return to work. This initial leave of absence shall not exceed six months from the last

work day pursuant to the Medical/Disability leave policy. See Medical/Disability Policy, Addendum E. However, an employee with an ADA-covered disability will have rehire rights as provided in City policy to a vacant position that he is otherwise able to do physically and medically.

1. Employees on initial probation shall not be eligible for Medical/Disability leave.
  2. Seniority will continue to accrue during periods of disability leave for the first six months. Vacation and sick leave shall cease accruing after the first 30 days of absence.
  3. Employee in non-pay/non-TTD status shall be required to pay the City's portion of any insurance after being in such non-pay status for over 30 days.
  4. An employee returning from disability leave will be restored to his/her former position, if still qualified to perform those duties, at the rate of pay at the time of entering disability leave. If, after six months the position is filled, or if the employee is unable to perform the former duties, every attempt will be made to place the employee into a vacant position of like status and pay or at a lower level and pay for which the employee is qualified and able to perform. An employee will not be forced into such lower level position against his will, but may lose any disability status if he refuses a bona-fide offer.
  5. Pregnancy will be treated as any other short-term disability and the employee shall be allowed to continue her normal work provided that she is able to perform her normal duties without endangering her health, the health of her unborn child, or the lives or health of her fellow workers or the public.
  6. As in any disability, the employee will be required to provide a physician's statement regarding the advisability of continued time off, medical care, etc. Time off for maternity leave shall generally not exceed 6 months and is for the actual period of time the employee is unable to work due to a physical inability. Employees not desiring maternity leave shall submit a written resignation at the time of departure or when it becomes obvious that they are not returning. Failure to provide medical evidence after six weeks of delivery will be grounds to assume the employee is resigning from the position.
- B. **Military Leave of Absence and Restoration of Position-** A full-time regular employee who is a member of the reserve component of any branch of the Armed Forces and is ordered to active duty, is entitled to a leave of absence without loss of pay for the first

20 calendar/working days of the Federal Fiscal year (October 1 – September 30). A calendar/working day shall not include weekends, but shall be between Monday through the next Friday. An employee who is required to make annual training tours of duty in connection with his military reserve activities shall receive his normal rate of pay while on such tours of duty for a period not to exceed 20 calendar/working days each Federal Fiscal year. An employee returning from military leave is entitled to reemployment at the time he left his former position in accordance with State Law. Additional time shall be charged to leave without pay or accumulated annual or compensatory leave at the employee's discretion. An employee shall notify his Supervisor/Department Head as soon as possible after his schedule becomes available. The employee must provide a copy of his orders to his Supervisor/Department Head (with a copy of the City's Clerks Office for personnel records). An employee who does not return to duty at the end of authorized military leave shall be charged with unauthorized leave unless their Supervisor/Department Head authorized additional leave in accordance with established policies and procedures.

- C. Leave of Absence Without Pay-Leave without pay may be requested by an employee after completion of the initial employment probationary period of six (6) months. The leave must be submitted in writing to the Supervisor/Department Head stating the reason and the appropriate time. Granting of such leave of absence will not interfere with the normal operations of the Department. Such leave shall generally not exceed ten (10) working days per calendar year, except as covered by job restructuring or medical/disability leave. An extension of leave time may be requested due to an emergency or extenuating circumstance. The City Manager shall make the final decision concerning the leave of absence. An employee who has been granted a leave of absence without pay or an extension thereof will be assured of his former position if he returns to work at the appointed time, unless the position has been abolished. If the position is being considered for abolishment, the employee will be given ten (10) working days written notice prior to abolishment of the position. (See Addendum C Job Restructuring and Addendum E Medical/Disability Leave for additional information).
- D. Absence Without Leave- Absence without leave means any absence of an employee from the duty without specific authorization. Whenever an employee is absent from work without prior authorization, the employee shall not receive pay for absence.
- E. Abandonment of Position- An employee who is absent from work for two (2) consecutive working days without prior authorization shall be deemed to have abandoned and resigned their 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. **Court/Civil Leave-** An employee shall be given time off with pay when performing jury duty or when required to serve as a witness in any criminal or civil proceeding. The compensation paid by the Court to the employee for such duty must be remitted to the City Clerk's Office. If an employee is involved in a personal court action, he may be granted leave to attend to his business; however, the time off will be charged to his accrued vacation or compensation time. Employees required to, respond to court/civil leave shall immediately notify their Supervisors and shall return to work if dismissed before 3:00 p.m.

### **G. Inclement Weather Policy (NON-PUBLIC SAFETY PERSONNEL)**

The City of Pauls Valley recognizes the fact that inclement weather and other emergencies can affect the city's ability to open for business and the employee's ability to get to work. The safety of our employees is paramount in any emergency. No policy can cover every potential emergency situation, so this policy covers the most common.

If The City of Pauls Valley is to close, it will be closed for the briefest period of time possible. During the time when the City is closed, exempt employees (salaried) will receive their full salary for their normal hours worked for up to three (3) working days. Nonexempt employees (hourly) and interns will receive their hourly pay for their scheduled hours for up to three (3) working days. No overtime will be paid.

At the end of three (3) working days, employees will be expected to use paid time off (PTO) to cover additional days that the company may be closed to ensure that they continue to receive their pay. No overtime will be paid during this time period.

In return for the pay during the paid three (3) days while the company is closed, employees are expected to work at home if feasible. Even employees who have jobs that usually require their physical presence at work can do such tasks as developing an up-to-date job description or improving their work flow. Thinking about how to do your job so that your work continuously improves is another.

#### **1. Notification**

In an emergency, managers will make every effort to notify employees by phone of the closure through departmental call trees. The closing will be announced by local radio and television stations, employees will be emailed, and the closing will be posted on the website.

All of these assume that all or some employees have access to electricity and phones. Employees are encouraged to own, for example, a radio that runs on batteries so they do not lose contact with the outside world. But, in a regional power outage, recognize that the employer's best efforts to notify employees of the closure may not work.

When the employer is unable to notify employees of the closure, employees are asked to use common sense and make their best assessment of the safety and practicality of the situation. In a regional power outage, for example, employees will know that the company is likely to have no power. If 18" of snow falls, employees should come into work only if they can make it safely.

## **2. Extending Employee Leave**

When the company closure ends, all employees are expected to report to work whether the closure ends on day two or thereafter. Payment of salary or hourly wages ends on the day the company reopens.

Employees who cannot return to work at the end of the company closure must arrange additional time off with their supervisor. If the employee has used up PTO, he or she will be required to apply for an extended unpaid leave of absence. The company recognizes that some employees may need additional time off to repair extensive home damage, for mass transit to be available for transportation to work, and a variety of other emergency situations. These will be assessed on a case-by-case basis and decisions will also be affected by the employee's job requirements.

## **3. Part-Day Closure**

If an emergency event such as inclement weather or a power outage occurs, Administration may determine that the company will close mid-day. When City Hall closes mid-day, employees are encouraged to leave immediately so that the conditions do not further deteriorate and affect their ability to safely travel.

Exempt employees will be paid their normal salary. Nonexempt employees and interns will be paid for their scheduled hours of work. No overtime will be paid. Employees who had taken the day off will have the day subtracted from their allotted PTO as would have occurred if the company did not close.

## **4. The City Is Open and the Employee Cannot Get to Work**

Individual employee circumstances may affect an employee's ability to come to work. Key to assessing the situation on a case-by-case basis is the communication between the employee and his or her supervisor. The company recognizes that in a severe national or

regional disaster, all methods of communication may be unavailable, but employees should persist, by any method possible, to reach their supervisor to discuss individual circumstances. All pay, leave, and attendance policies included here will apply, regardless of the circumstances of the absenteeism.

## **5. The Employee Needs Time for Repairs**

The company is aware that in emergency situations or inclement weather emergencies, employees may lose family members. They may lose their home and all regular activities such as school and daycare. In any circumstances, all pay, leave, and attendance policies included here will apply, regardless of the circumstances of the absenteeism.

The company bereavement policy will apply in the case of the death of a family member. Extended unpaid leaves of absence are available, depending on the need. Employees should communicate with their supervisor or his or her supervisor to make arrangements. (Public Safety Personnel will follow department policies regarding inclement weather.)

# **SECTION 500- OVERTIME, STANDBY/CALL BACK, HOURS OF WORK, AND ATTENDANCE**

## **501- OVERTIME**

**Non-exempt-** Regular and temporary/seasonal 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 pay or time off at the rate of one and one-half hours (1 ½) times their regular hourly rate for all overtime hours worked. Further guidance concerning the pay cycle will be governed by applicable resolution or as contained in the FLSA. For the consumption of overtime, fringe benefit hours such as sick leave, vacation, and holidays are not counted as hours worked. Supervisors may grant compensatory time off in lieu of overtime at the rate of time and one-half, providing the scheduling of the compensatory time is approved by the Supervisor and employee prior to the performance of the work. A record of the existence of this agreement between the Supervisor and employee shall be kept in the employee's personnel file.

**Exempt-** Regular and temporary/seasonal employees who are considered executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) as amended. These employees are not entitled to

any overtime pay for hours worked in addition to forty (40) in a work week. The City Manager may on occasion grant an exempt employee the opportunity to flex some of his hours in the same pay cycle due to overtime where the employee was required to perform non-exempt work during the pay cycle.

All overtime in excess of two (2) hours in the standard work period must be approved by the Supervisor/Department Head before the time records are turned into the Office of the City Clerk.

All banked overtime (compensatory) hours in excess of forty (40) hours for all employees, except Police Officers who will be able to bank up to eighty (80) hours, will be paid on the closest scheduled payroll date to the ninety (90) day expiration period.

## **502- ON CALL/CALL BACK**

Due to the emergency nature of their job or seasonal emergency, a Supervisor/Department Head may request employees to be available on an “engaged to wait” or “on call” basis. “Engaged to wait” means work-time requested by Supervisor/Department Head and the employee shall be compensated for the actual time requested by the Supervisor/Department Head that they be prepared to work. Generally an employee who is engaged to wait must remain on the City’s premises or close by and cannot use their time freely. On the other hand, “call back” employees shall be provided with a beeper or shall leave a forwarding number where they can be reached, yet can come and go freely within the Corporate limits of the City. Such call back employees shall be compensated for the time spent on the job beginning with the call to work and release from work. Such call back employees shall be entitled to a minimum of two (2) hours of straight time pay or overtime if the hours worked in the work cycle exceeds those required under FLSA.

## **503-COMPENSATORY TIME**

Employees may elect compensatory time off for time worked in excess of those required under FLSA. Compensatory hours are earned in the same ratio as paid FLSA overtime. Employees may request compensatory time off within reasonable period of time, and said requests shall be honored by Supervisor/Department Head unless requested time off unduly disrupts the efficient operations of the department. The Supervisor/Department Head shall explain the reasons for denial of any requests for compensatory time. If there is a denial of any request for earned compensatory time, the Supervisor/Department Head must document such reasons for denial. Employees other than Police shall be entitled to accrue up to forty (40) hours; Police shall be entitled to accrue up to eighty (80) hours. ~~Any overtime earned past this limit must be~~



~~paid in cash every ninety (90) days~~ Comp time up to 50 hours may be paid out every ninety (90) days. All compensatory time will be paid off at the time of separation.

## **504-HOURS OF WORK AND WORK PERIODS**

- A. **Hours of Work:** The standard work day is eight (8) hours, five (5) days a week. Firefighters work Twenty four (24) hours; and are off forty eight (48). Police, dispatchers, and other shift employees generally work a five (5) day work week, with two (2) days off in a row, not necessarily Saturday and Sunday; but in accordance with their work schedules.
- B. **Sworn Fire Department Employees Work Period:** The fire employees covered by 207K of the FLSA shall have a work period of twenty seven (27) days. Any hours worked between 204 and 216 shall be paid an additional half pay. All hours worked in excess of 216 hours shall be paid time and one-half. The Fire Chief shall be responsible for maintaining sufficiently complete records to show compliance with this section and with full accounting of all hours worked for Fire employees. A shift is 24 hours. All members will be on duty and ready to respond to calls by 7:00 a.m. the next day of the shift they are assigned to work. They will remain on duty until 7:00 a.m. on the next day and until they are properly relieved. Any member who cannot report to work by 7:00 a.m. shall notify the Officer-in-Charge. All members of the Fire Department are subject to being called back to duty in the event of an emergency. Therefore, all members are required to have a telephone and must report any changes in address or telephone number to the Fire Chief. Any member called back to duty shall report to the station and await assignment. It is understood that members called back be paid a minimum of two (2) hours at time and one-half their hourly rate of pay.
- C. **Sworn Police Employees Work Period:** Police employees covered by 207K of the FLSA shall have a work period of 28 days. Any hours worked in excess of 172 hours in the 28 day work period, shall be paid at time and one half.
- D. **Other Employees Work Period:** For all other non-sworn hourly (non-exempt) employees the basic work period shall be each seven (7) consecutive calendar days from midnight Sunday to the following midnight Sunday.

## **505-LUNCH PERIODS**

Non-Emergency Employees are entitled to a non-paid lunch period each work day. Lunch periods may vary from department to department depending on daily work schedules but are usually one hour in duration. The Supervisor/Department Head shall schedule lunch periods so that normal service to the public will not be interrupted during the normal work day.

## **506-REST PERIODS**

A Supervisor/Department Head may grant employees rest periods, which should not exceed fifteen (15) minutes per 4- hour work period. Said rest periods must not disrupt the efficient operation of the department.

## **507-SCHEDULES**

A Supervisor/Department Head shall schedule shifts and working hours necessary for the efficient operations of the Department.

## **508-ABSENTEEISM**

Any employees absent from work shall be responsible for notifying his/her Supervisor/Department Head in advance when he/she is to be off and when he/she will report back to work. Any employee who fails to comply with this rule will be subject to disciplinary action. In addition, any employee who is absent from work and is unreported for two (2) consecutive work days will be considered as having abandoned his/her job and will be removed from the payroll, unless the employee can prove this absence was due to circumstances beyond his/her control.

## **509-TARDINESS**

Each employee must be ready to work at starting time and work up to quitting time. Inexcusable tardiness will be reason for disciplinary action and/or termination.

## **510-TIME SHEETS**

Time sheets are to be completed from the time cards and signed by the Supervisor/Department Head and approved as being correct by the employee. Any corrections or alternations to the time sheet shall be referred to employee for his review and validation.

## **SECTION 600-GENERAL INFORMATION**

### **601-PERSONNEL RECORDS**

Personnel records will be maintained on each employee of the City and will contain documents related to the person's employment with the City including, but not limited to applications for employment, personnel action forms, disciplinary actions, commendations, performance evaluation forms, records of training and certifications, tax information, insurance forms and information, etc. Personnel records are not public information and are available only to the following for official City purposes: the employee, the employee's immediate Supervisor or Department Head, and any employee in administration who needs to access the information for official use (such person to be confidential). Requests for information from outside agencies will be handled by the City Clerk, and only that information which is allowed by law to be given out will be provided. The City Clerk will take every measure to insure the confidentiality of the employee's Personnel Record. Provisions of the Oklahoma Open Records Act may determine which records are open and which are confidential. The City Clerk may establish a policy for the cost of copying of personnel records.

- A. Personnel Records- Employee personnel files are maintained in the Office of the City Clerk. The City Clerk has the responsibility for the security and control of these records as approved by the City Charter. An employee has the right to review his personnel file during regular business hours only. Employees wishing to review such records should contact the City Clerk to arrange a time to do so.
- B. Change of Address and/or Telephone Number-Employees are required to report any change of address and/or telephone number to their Supervisor/Department Head who shall forward such information to the Office of the City Clerk. These changes must also be recorded immediately in the space provided on the employee's time sheet. In addition, change in notification in Case of Emergency, legal name change, marital status, dependents, and insurance beneficiary are required.

## **602- SECONDARY EMPLOYMENT**

Secondary employment is permissible, provided such employment does not interfere, in any manner, with an employee's ability to perform his assigned regular or call out duties as a City employee. Employees having outside employment must keep their Department Heads informed of the nature and location of such employment. Employees may not be engaged in secondary employment at any time while receiving compensation from the Workers' Compensation system without the express permission of the Manager so that they do not further complicate any healing/recovery time. City employees engaged in secondary employment during City working hours are subject to disciplinary action.

## **603-USE OF CITY VEHICLES**

Employees with a City vehicle may take them for breaks and lunch hours and will stay within City limits. Employees may not use City vehicles and equipment for personal reasons or personal business and those violating this rule shall be subject to dismissal. For purpose of this action, personal use of a City vehicle shall not include driving to and from work in the normal course of travel. Stopping for a personal reason along the travel to and from work should not exceed 30 minutes. No unauthorized travel outside the corporate limits of the City shall be permitted. Only authorized, licensed, qualified personnel may operate City vehicles. All City vehicles must have a City of Pauls Valley insignia. Such vehicles must be operated in a safe, courteous and professional manner, observing all traffic laws. City employees who drive a City vehicle home will be given a 1099 or W2 establishing the value of such vehicle according to Federal laws. Only emergency vehicles are exempt from this provision. City employees who drive City vehicles home are required to document on their time sheet the unit number and days they drove the vehicle home.

Employee's driving record on duty and off-duty affects the City's insurance and safety programs. For this reason, employees that have a bad driving record such as speeding, reckless driving, driving under the influence/while intoxicated may be given progressive discipline or be terminated. An employee who is expected to drive as part of his duties with the City that has his driver's license revoked or suspended because of a bad driving record or for any other reason, may be subject to disciplinary action, including termination.

## **604-FINANCIAL INTEREST**

An employee shall 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.

## **605-POLITICAL ACTIVITY**

Employees may attend and express their views and personal opinions at City Council meetings or any other public meetings of City Commissions and Boards. Nothing in this section gives license to ignore the chain of command or Supervisory By-pass policy relative to private or personal complaints or grievances (SEE ADDENDUM A). Any employee who actively participates shall do so only during off-duty hours and while not in uniform and shall be in accordance with state statute. The City Manager shall provide employees with a copy of the State law relative to proper campaign activities as necessary. Any employee who files as a candidate for an elective office in the City shall automatically tender his/her resignation.

## **606-NEWS RELEASES**

Employees shall respect the confidentiality of City and related City business. Any news releases to the press or other media concerning City business shall be given by the City Manager or other authorized personnel.

## **607-ENDORSEMENTS AND REFERRALS**

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment, procurement, or patronizing of a particular product, professional service, or commercial service or enterprise.

## 608- SOLICITATIONS AND COLLECTIONS

During working hours, employees may not solicit contributions, subscriptions, sell tickets, or collect donations except for pre-approved charitable causes, provided that Departmental operations are not unduly impeded and that prior notice for approval is given to and provided by the City Manager.

## 609-USE OF CELLULAR DEVICES, TELEPHONE AND RADIO SYSTEM

In order to keep City telephone lines open for necessary business calls, employees are requested to discourage all personal incoming calls except those of any emergency. Other calls should be made outside of working hours. The City's radio system shall be used only for official business.

### Cell Phone Use Policy

- 1. Purpose:** The purpose of this policy limiting the use of cell phones and other communication devices at work is to protect you. Inappropriate use of communication devices at work can cause injuries because it's distracting and may interfere with the proper and safe use of equipment and machinery. Devices, headphones or wireless ear pieces may also get tangled in machinery or interfere with the proper use of personal protective equipment.
- 2. Devices Covered:** The devices covered by this Policy include cell phones, Blackberries, mobile phones, text pagers, two-way radios and other wireless devices, whether owned by the Company or the individual worker (collectively referred to as "Devices").
- 3. Persons Covered:** This Policy applies to workers, contractors, consultants, temporary workers and other workers at the Company, including all personnel affiliated with third parties working at Company facilities.
- 4. Activities Covered:** The rules set out in this Policy apply to all work-related activities, including but not limited to driving to and from work and to conduct job-related activities, whether such vehicles are owned by the Company or the worker. The Policy applies to all conversations, whether personal or business-related.
- 5. Prohibited Uses**
  - a. **General.** While in the workplace during work hours, workers are expected to focus on work and may not inappropriately use any Device in the workplace for any inappropriate purposes, including but not limited to:
    - Engaging in personal conversations;
    - Playing games;

- Surfing the internet;
- Checking e mail; and
- Sending or receiving text messages.

b. **Driving.** While operating a vehicle, workers may not answer a communication device unless and until they pull over in a safe spot (or let a passenger answer the call). If it's urgent, workers may accept or return the call, provided that they remain parked off the roadway. They may not resume driving until their conversation is over. Workers may not make outgoing calls while driving. If workers need to place a call, they must first pull over in a safe spot.

**6. Permitted Uses:** Workers may use Devices while they're not working in the following designated areas such as the break room, lunch room and offices. Use of hands-free devices while driving is not permissible.

**7. Violations:** Workers who violate this policy will be subject to disciplinary measures up to and including dismissal, depending on the circumstances.

## **610-PUBLIC RELATIONS**

Employees of the City are in a position of public trust, and as such, shall be habitually courteous and helpful, dutifully accept their responsibilities as public servants, and be attentive to citizens who seek assistance, information, or desire to register a complaint. They shall at all times be aware of their primary obligation to render impartial, efficient, and effective service to the public in the discharge of their duties. When handling complaints, prompt, courteous attention is essential. No City employee should become angry or argue with a complaining citizen. Follow department guidelines relative to customer service. Be sure the situation is taken care of and not forgotten or not followed up. A written memo on each complaint should be taken and satisfactorily answered or passed on to a person who is responsible for answering the specific complaint.

## **611-USE OF CITY FACILITIES**

City facilities will not be used for personal use without permission from the City Manager. When a City facility is allowed to be used, it will occur when a private source is not available. Adequate liability insurance will need to be provided that will hold the City free of liability. Adequate charges will be made to cover the City's costs. The

employee shall be held financially responsible for any damages that may arise due to this private use.

## **612-TRAINING AND SAFETY**

Training is an important part of the success and efficiency of the City's services and instrumental to employee development. It is viewed as a shared responsibility between employees and management. 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 assure that effective training is accomplished within the department. Such training programs may include lectures, demonstrations, reading assignments, etc. to broaden the skills and knowledge of employees in the performance of their duties. Responsibility for observance of safe work practices is shared equally by each employee. Therefore, employees are required as directed to attend and apply the information provided by the City's Safety Manual.

Employees are encouraged to participate in any program or benefit the City may provide which will give them additional education.

## **613 DRESS CODE**

It is the responsibility of every employee to present himself/herself in a manner that allows them to perform their duties in a safe, healthy and efficient manner and in harmony with fellow employees and the general public. The wearing or displaying of anything that may disrupt the normal work flow, that causes an unsafe or unhealthy condition or cause offense is prohibited.

Safety, health, social harmony and decency shall be the ruling factors on such matters as: body cleanliness and exposure, hair length, style and neatness. Facial hair, footwear, clothing cleanliness, repair, fit and selection, and other offending items. The wearing or displaying of socially offensive, vulgar, or obscene words, pictures, etc. is prohibited.

### **A. Objective**

The City of Pauls Valley strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the city requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, The City of Pauls Valley department heads may determine and enforce guidelines for



workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

## **B. Procedures**

All City of Pauls Valley employees are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with The City of Pauls Valley.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Any staff member who does not meet the attire or grooming standards set by his or her department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

All staff members must carry or wear the City of Pauls Valley identification badge, if required by a department, at all times while at work.

## **C. Specific Requirements**

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by The City of Pauls Valley. In addition to proper dress, employees are expected to present a clean, neat and business-like appearance. For example, employees are expected to have neatly combed hair and male employees need to be clean shaven or to have neatly trimmed moustaches and/or beards. All employees are prohibited from wearing extreme or eccentric hairstyles, clothing or jewelry that does not present a professional appearance.

At the discretion of the department head, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not

permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted.

### D. Reasonable Accommodation of Religious Beliefs

The City of Pauls Valley recognizes the importance of individually held religious beliefs to persons within its workforce. The city will reasonably accommodate a staff member’s religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting workplace attire accommodation based on religious beliefs should be referred to the human resource (HR) department.

### E. Addressing Workplace Attire and Hygiene Problems

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor.

If a staff member’s poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process

### F. Casual or dress-down days

Departments that adopt casual or dress-down days must use the following guidelines to define appropriate casual attire.

Appropriate	Inappropriate
<i>Slacks</i> Khakis or corduroys Jeans (must be clean and free of rips, tears and fraying; may not be excessively tight or revealing) Skorts, capris	Sweatpants, leggings, exercise wear Shorts, low-rise or hip-hugger pants or jeans

*Shirts*

Polo collar knit or golf shirts  
Oxford shirts  
Company logo wear  
Short-sleeve blouses or shirts  
Turtlenecks  
Blazers or sport coats  
Jackets or sweaters

Shirts with writing (other than company logo)  
T-shirts or sweatshirts  
Beachwear  
Sleeveless blouses or shirts  
Exercise wear  
Crop tops, clothing showing midriffs, spaghetti straps

*Shoes*

Boating or deck shoes, moccasins (Office employees only)  
Casual, low-heel, open-back shoes (e.g., mules, sling backs) (office Employees only)

Sandals, thongs, flip flops, open-toe shoes (non-office employees)

## **SECTION 700- DISABILITY SEPARATIONS AND DISCIPLINARY ACTION**

### **701-DISABILITY SEPARATIONS**

When it becomes obvious to the Department Head that an employee can no longer do the essential job functions with or without reasonable accommodation, and no other position is open to which he may transfer or demote, a Department Head may request a "fitness for duty" exam to determine whether the employee can be otherwise accommodated in the near future.

- A. Meeting: Upon receipt of the fitness for duty exam or other examination rendered by competent medical authority or health care professional, the City Manager will provide a non-probationary/regular employee an opportunity to present evidence and extenuating circumstances as to why the action to separate should be imposed.
  - 1. Give the employee an opportunity to resign for disability reasons and receive any COBRA benefits and other City benefits otherwise entitled to.

2. Place the employee in a disability leave status after exhausting available leave benefits for up to six (6) months as the City continues to look for a position.
3. Work with available outplacement services, if any, to try rehabilitative services, provided that such services are mandated by the Workers' Compensation system or if not mandated, do not cost the City anything.
4. Assist employee with retirement if otherwise eligible.

B. Reemployment: If any employee separated for disability reasons applies for reemployment, he will be given preference over outside applicants to positions at or below that which he held in the City prior to separation. However, he must be able to demonstrate that he can do the essential functions of the position with or without reasonable accommodation. He will not displace a regular full-time employee. Such preference will only last for twelve (12) months after the date of disability or six (6) months after separation, whichever comes last.

## **702-DISCIPLINE**

Guidelines for acceptable conduct of employees are necessary for the orderly and efficient operation of the City. The City's guidelines for the administration of discipline contained in a discipline manual will assist Supervisors, but do not change or negate the employment at will concept in which the City Manager may remove an employee for the needs of service.

## **703-NOTICE**

No employee is to be terminated involuntarily without providing prior notice to the City Manager.

## **704-AUTHORITY TO SUSPEND, DEMOTE OR DISCHARGE**

A Department Head may recommend a suspension of up to ten (10) working days, not to exceed twenty (20) working days in any twelve (12) month period, unless the employee is suspended pending investigation or trial. The suspension notice will include

the duration and date of when the suspension is to be imposed, and the reason for the action.

## **705-CONSTRUCTIVE DISCIPLINE**

Nothing in these policies shall prevent the use of constructive discipline as an alternative to discipline. The City Manager will establish the procedures for constructive discipline as part of the Discipline Manual.

# **SECTION 800- GRIEVANCE PROCEDURES**

## **801-GRIEVANCE PROCEDURES**

It is the desire of the City that prompt consideration and equitable adjustment be made of employee's grievances. Supervisors are required to give grievances and their resolution due support. In general, if an employee has a complaint that he/she wishes to pursue as it pertains to an application or interpretation of this Manual, the following procedure shall apply:

1. Discuss the situation with the immediate Supervisor. The Supervisor will do what he can to assist the employee in the matter and will provide the employee with an oral answer within three (3) working days.
2. If the Supervisor cannot assist the employee, the employee may put his/her complaint in writing and submit it to the Department Head within five (5) working days after the receipt of the Supervisor's answer. The Department Head will review the complaint and give the employee a written answer within five (5) days after the receipt of the complaint.
3. Should the complaint be unresolved at this point, the employee may submit the complaint in writing to the City Manager within five (5) working days after the receipt of the Department Head's answer. After careful review of the matter, the Manager will provide a written response within five (5) working days. The Manager's response is final for all grievances.

## **EMPLOYEE ACKNOWLEDGEMENT FORM**

This is to acknowledge that I have received a copy of the PERSONNEL MANUAL of the CITY OF PAULS VALLEY.

I understand that I am governed by the contents of the Personnel Manual, that it is my responsibility to familiarize myself with the information in the Manual, and that this Manual is not a contract between me, the employee and the employer, the City of Pauls Valley.

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Applicant/Employee

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Date

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Witness

## **Addendum A**

### **City of PAULS VALLEY'S**

#### **Supervisory By-Pass (Whistle-blowing) Procedure**

##### **1. Purpose**

This policy is to ensure that supervisory and management personnel are not violating any City policy or are not in violation of the law. The purpose is to provide a procedure to encourage subordinates to come forward with information that should not be tolerated without feeling they will be retaliated against. However, there is a fine balance between exercising one's first amendment rights and defaming unnecessarily a management employee. It is the intent of this policy to make that fine balance possible.

##### **2. Definitions**

- A. Chain of Command – The hierarchical steps in the supervisory chain from first level supervisor to Department Head, and to the Manager.
- B. Immediate Supervisor – Any person within the immediate chain of command who generally performs the performance evaluation on a subordinate employee. In addition, it is the person that recommends discipline and provides other direct managerial control over the employee's employment welfare.
- C. Examples of City Policy or Laws That Would Prompt Use of The Policy: Sexual harassment, any EEO-hostile work environment, theft of City property or misappropriation of equipment, property, or any other resources for personal use, failure to lawfully report violations of law or retaliation against someone who exercises his/her rights under the law, etc.

##### **3. Procedures**

- A. In the event that an immediate supervisor is violating a City policy or is in violation of a State or Federal law or regulation, etc.. The employee who witnesses the violation may by-pass the immediate supervisor (without violating the chain of command) and reports the incident on the attached form directly to the Department Head, who shall make a formal investigation.
- B. In the event that the Department Head is also involved either directly or indirectly with the infraction, the employee may report the incident to the Manager, who

may directly investigate the incident or assign another Department Head to investigate.

- C. In the event that the Manager is also involved either directly or indirectly with the infraction, the employee may report the incident to the City Council, who will call a special executive session or assign the investigation to an outside party to provide the findings of fact.
- D. Allegations of policy or law violations shall be treated with the utmost confidence to protect the parties, witnesses and charged individual. Any findings shall be reduced to writing and an attempt shall be made to clarify inconsistencies in statements. Oftentimes, when the parties are aware of the statements and facts surrounding the circumstances, the facts seem to appear different. It is an inappropriate expenditure of tax dollars to make allegations without credible facts and only upon unsubstantiated hearsay (reports from a third party that allegedly are offered to prove the truth of some fact).
- E. The party or parties making the allegation shall fully describe the event(s), provide dates, times, places, witnesses, and shall sign the complaint. Any allegation that is stale because the employee did not report the incident immediately upon knowledge of the infraction, may be accorded less credibility. Allegations that arise after an employee receives an adverse evaluation of discipline may also be suspect if not reported in a timely fashion, if the incident appears to be a personality conflict. However, if an employee can show that failure to make a timely report was tied to fear of retaliation, the infraction will be deemed timely.
- F. As is appropriate under the circumstances, the Manager shall use any or all means at his disposal to properly investigate the allegation, obtain witness statements if any, and properly dispose of the incident in a timely manner. It is improper for the employee to solicit statements in support of the allegation acting on his/her own.
- G. Employees are cautioned on the complaint form that reporting false allegations may be considered a form of supervisory harassment and insubordination and may be grounds for disciplinary action or discharge. Failure to follow the applicable provisions contained within this policy may also result in disciplinary action.



## **Supervisory By-pass Complaint\* Form**

**Name of the individual who allegedly violated a City policy or law:**

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- 1. In a concise report, fully describe the events, dates, time, and places of the policy violation or law violation. Use additional sheets if necessary and write legibly with a pen.**

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- 2. Indicate any witnesses who may authenticate your allegation. Do not attach previously prepared affidavits, witness statements, etc. To add credibility, that part of the investigation is left to the Manager or designee.**

**Names of witnesses and, if not City employees, any address or phone number if known:**

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**Caveat: You are cautioned that any reporting of false allegations may be considered a form of harassment and insubordination and may be grounds for disciplinary action. You may also realize that failure to substantiate your allegations does not in of itself indicate that you are reporting false allegations and should not be the basis of retaliation, provided you do not take the situation outside of the bounds of this procedure. Remember, you do not have a right to malign or defame, without evidence, the good name of another individual, especially to advance your own personal interests.**

I have read the above allegation, list of evidence, and the caveat, and attest that this information is correct.

\_\_\_\_\_  
Signature of Employee in presence  
of person to conduct the investigation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of investigating officer

\_\_\_\_\_  
Date

(Make a copy and return a signed copy to employee)

## FOR POSTING ON ALL CITY BULLETIN BOARDS AND GENERAL DISTRIBUTION

Sexual Harassment is a form of sex discrimination and is unlawful under Title VII of the 1964 Civil Rights Act. Sexual Harassment is defined as deliberate or repeated behavior of a sexual nature which is unwelcome. It can include verbal comments, suggestions, jokes, or pressure for sexual favors. It can include non-verbal behavior such as suggestive looks, physical behavior such as pats, squeezes, brushing against someone, or other sexual contacts. It is sexual harassment when submission to or rejection of such advances can either positively or negatively affect an employee's advancement, can positively or negatively impact an employee's present position, or offensive work environment.

Sexual Harassment can occur between a Supervisor and Subordinate, among fellow employees or with non-employees and employees in the Work environment. Sexual Harassment negatively affects morale and job performance. It results in increased absenteeism, turnover, and a loss of productivity. **It is inappropriate, offensive, illegal, and will not be tolerated.**

Employees who experience Sexual Harassment or who witness Sexual Harassment in the work place should immediately bring it to the attention of the proper Supervisory person who can stop the action. The normal chain of command should be followed unless the person in the Supervisory chain is the person doing the harassing. An employee is encouraged to seek quick and proper response which may include bringing the complaint to the attention of the City Manager or City Clerk.

Complaints will be investigated quickly and cases of Sexual Harassment will be dealt with promptly. Any employee who sexually harasses another employee will be disciplined up to and including termination, depending on the seriousness of the infraction and the facts surrounding the case.

The City will also ensure that there is no intimidating, hostile, or offensive work environment due to one's race, national origin, sex, religion, physical or mental disability, or other protected class and will take proper action up to and including termination if it persists.

Employees filing complaints of harassment or discrimination or testifying during any level of the investigation or during any administrative hearing will not be retaliated against for such statements made in good faith.

## Addendum B

### **CITY OF PAULS VALLEY DRUG AND ALCOHOL GUIDELINES AMENDED 2015**

#### **1. POLICY**

The City of Pauls Valley, in an effort to maintain a drug free workplace in compliance with the Federal Drug Free Workplace Act of 1988, to enhance the health and safety of employees, to provide more cost efficient delivery of services, and to provide education on the ill effects of drugs and alcohol, hereby promulgates this drug and alcohol policy.

**IMPORTANT: THE CONTENTS OF THESE DRUG AND ALCOHOL GUIDELINES ARE PRESENTED AS STATEMENTS OF THE CITY'S CURRENT POLICY AND MAY BE CHANGED AND UPDATED AT ANY TIME. THESE GUIDELINES ARE NOT INTENDED TO CREATE A CONTRACT BETWEEN THIS CITY AND ANY EMPLOYEE. NOTHING IN THESE GUIDELINES BINDS THE CITY TO A SPECIFIC OR DEFINITE PERIOD OF EMPLOYMENT OR TO ANY SPECIFIC POLICIES, PROCEDURES, ACTIONS, RULES, OR TERMS AND CONDITIONS OF EMPLOYMENT.**

#### **2. PURPOSE**

Employees are our most valuable resource, and for that reason, their safety and health are of paramount concern. The City maintains a strong commitment to its employees and to the community to provide a safe drug-free, alcohol-free, work place. Consistent with the spirit of intent of this commitment, the City expects its employees and the community to report for work in proper condition to perform their duties. The intent of this policy is to prevent the use and the presence of drugs and alcohol in the working environment.

This policy outlines the procedures by which the City will implement its drug and alcohol program. In addition, it defines the consequences for failure to remain drug

free. Finally, it specifies when rehabilitation will be permitted as a condition of continued employment. The City recognizes that alcoholism and drug dependency may be treatable illnesses for which rehabilitation costs are part of its Health Insurance program at the current time. However, usage of drugs or alcohol on duty or coming to work under the influence is grounds for discipline up to and including termination.

### **3. SCOPE**

This policy applies to applicants for City positions and to all City employees, from management down.

### **4. SCOPE OF DRUG TESTING**

The City shall administer the following drug testing:

#### **A. Reasonable Suspicion/Probable Cause**

B. Pre-employment examination for all regular full-time positions that are involved in public safety occupations, in the use of equipment or vehicles, or as determined by the City Manager. Notice of such testing will be properly posted prior to filling out an application. Employees who test positive for any drug not previously disclosed during the pre-examination phase or who test positive for any controlled substance will not be hired by the City. However, any applicant seeking a non-sensitive position or a non-public safety position may retest six (6) months after furnishing proof of successful completion of any alcohol or drug rehabilitation program. The individual will be required to produce proof of successful completion which includes a current drug test.

C. Random testing as part of drug rehabilitation program. Employee's required to attend a rehabilitation program as a condition of continued employment shall be required to test at least once a month for 12 months after entering the program. The City will pay for such testing.

D. Random testing for law enforcement employees in the Police Department who carry a firearm, to be implemented after procedures are in place.

### **5. DEFINITIONS**

- A. "Alcohol" shall be defined as any beverage as defined by Oklahoma State Law, Title 37, including non-intoxicating beverages (i.e., 3.2 Beer) as well as intoxicating beverages.
- B. "Alcohol testing" means testing the blood alcohol content by a breathalyzer instrument device or drawing or collecting a blood or serum sample and providing the laboratory analysis thereon.
- C. "City's Premises" are all areas in which the City operates including, but not limited to its property, City-owned or leased equipment, privately owned vehicles entering or parked on the property, or in use on the property, lockers, desks, equipment, work space, and storage facilities.
- D. "Controlled Substances" shall be defined as those substances whose dissemination is controlled by regulation or statute (Oklahoma State Law Title 63 and/or Section 202, Schedules I through V of the Federal Controlled Substance Act), including, but not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis. The Federal regulations also include the use of drugs, the possession and distribution of which is unlawful as promulgated by the Food and Drug Administration.
- E. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal or State criminal drug and/ or alcohol statutes.
- F. "Criminal Drug Statute" means a criminal statute involving manufacturing, distribution, dispensation, use, or possession of any illegal drug or controlled substance.
- G. "Drug or Intoxicant" shall be defined as any substance which impairs an employee's ability to perform his/her job or poses a threat to the safety of others.
- H. "Drug Testing" shall normally be defined as the collection of a urine specimen by medical personnel and a laboratory analysis of that specimen. The initial drug screen will be a form of immunoassay identification with confirmation testing of any positive results with Gas Chromatograph/Mass Spectrometry (GC/MS) or other reliable confirmation testing. For purpose of this policy, an employee is irrefutably presumed to be under the influence of drugs if urinalysis or other accepted testing procedures shows a forensically accepted testing procedures show a forensically acceptable positive quantum of proof of drug or alcohol usage.
- I. "Reasonable suspicion" shall be defined as the quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inference from those facts about the conduct of an

individual that would lead the reasonable person to suspect that an individual is or has been using drugs while on or off duty or alcoholic beverages while on duty or proximate to reporting to duty. The types of objective facts may include: (1) information obtained from a reliable informant, (2) a preventable accident of a serious nature where there appeared to be operator negligence or carelessness, (3) a flagrant violation of standard operating or safety procedures, and (4) any AWOL of two or more consecutive days. AWOL is defined here as an employee not calling in or showing up to work.

Such conduct or inability to perform may include, but is not limited to, a drop in the employee's performance level, impaired judgment, reasoning level of attention, behavioral change or decreased ability of the senses. Physical characteristics indicating reasonable suspicion may be a pattern of abnormal or erratic behavior, physical symptoms (i.e., glassy or bloodshot eyes, slurred speech, odor of alcohol or marijuana, unsteady gait, poor coordination or reflexes) or direct observation of drug or alcohol use.

- J. "Rehabilitation Program" shall be defined as a professional counseling program (medical as well as professional certified and recognized counselors) designed to offer rehabilitative assistance to employees who need help in resolving their alcohol abuse or drug dependency problems. It will generally be voluntary for the employee. However, in cases of probable cause or for positive drug test, it may be required by a mandatory supervisory referral. Supervisors may also invite an employee to participate in a rehabilitation program when performance would indicate the need for professional assistance to solve an attendance, alertness, or attitude problem. Such participation is optional if part of an invitation to participate, but if the employee refuses to attend, he/she shall not be able to use alcoholism or drug addiction as a defense in subsequent discipline for failure to perform.
- K. "Reliable Informant" shall be defined as someone who is known and trusted by the Supervisor and who has firsthand knowledge of an employee's alcohol, drug, or controlled substance problem and who disclosed this to the Supervisor.
- L. "Under the Influence" or "Impaired" shall be defined as behavior which may limit an employee's ability to safely and efficiently perform his/her job duties, or poses a threat to the safety of the employee or others.

## **6. DISCIPLINE AND OTHER SANCTIONS**

### **A. Discipline for Drug and Alcohol Abuse or Problems**

1. The sale, possession, manufacture, distribution, dispensation, use or purchase of drugs or alcoholic beverages on the City's premises or during work hours is against the City's policy and is cause for immediate discharge.
2. Reporting to work impaired or under the influence of intoxicants such as alcohol or un-prescribed drugs, as well as prescribed drugs used improperly or which when used would induce an unsafe mental or physical state against the City's policy. Violation of this policy will be grounds for discipline up to and including termination. The determination of appropriate action rests solely with the City Manager.

#### B. Arrest and Conviction of a Drug or Alcohol Offense

To reduce the potential exposure of the City, should an employee continue to operate vehicles or machinery while impaired or while initially going through some form of rehabilitation, employees arrested for a drug or alcohol-related offense should notify the Department Head and City Manager prior to going back to work. An arrest is not sufficient to terminate, absent some other objective findings. Failure to notify about the arrest for someone in a public safety position or who operated any commercial or motorized vehicle for the City will result in immediate discharge. Conviction information will be addressed in Section 9.

#### C. Rehabilitation Programs: Currently these are not provided by the City but are available at the employee's costs.

1. The policy of encouraging an employee to voluntarily enroll in a rehabilitation program for either alcohol or drugs before being discovered as impaired on the job is not to be interpreted as conflicting with the City's rule concerning termination for the sale, purchase, use, or possession of drugs or alcohol on the City premises.
2. Employees who are mandatorily referred into a rehabilitation program



as a condition of employment must abide by those terms and conditions of the referral. They must attend necessary AA or similar meetings, must remain drug/alcohol free while at work, must ensure that their job performance and productivity do not suffer, must submit to a random, program of drug screening for one (1) year and not test positive for illegal drugs in their drug screens. Failure to abide by the conditions of the treatment plan or to maintain acceptable job performance will be cause for separation from the City.

3. Employees who experience a recurrence of their drug or alcohol program are not eligible for an additional rehabilitation period and will be terminated immediately, unless the time between said occurrences is sufficiently long to enable an employee another program. This will be determined on a case by case analysis by the City Manager based on the employee's job performance in the interim and other factors for the good of the City.

## **7. PROCEDURES AND NOTIFICATIONS**

- A. City rules and policies prohibit the unlawful manufacture, distribution, dispensation, possession or use of controlled substances, the possession and use of drugs or alcohol while on duty, on City property, in a City Vehicle and/or being at work while under the influence of a controlled substance, drug, or alcohol. Any violation of these rules and policies will subject the employee to discharge. In addition, any employees tampering with the results of a drug test shall also be terminated.
- B. Based on a probable cause or reasonable suspicion, employees will be required to submit to drug or alcohol testing. Prior to requiring such testing, a supervisor shall articulate the basis for his suspicion to the employee. Whenever possible, the basis for the probable cause or reasonable suspicion will be communicated, to the City Manager. The employee will be immediately transported by the Supervisor or Department Head to an appropriate facility for the alcohol or drug test. Prior to testing, the employee will be required to sign a form consenting to testing. Failure or refusal to sign the consent form and to submit to

testing will be cause for an adverse inference and will also result in a charge of insubordination and the appropriate discipline up to and including termination will be administered based on the specific facts of the case.

- C. Any employee whose drug or alcohol test results in a positive finding, and whose performance shows impairment will be subject to disciplinary action, including discharge. Such action will occur after the results of the drug/alcohol tests and the predetermination meeting. The predetermination meeting should be conducted to ascertain the employee's "side of the incident" (whether he/she had taken any drug, controlled substance, or alcohol, when and why this occurred, the extent of the employee's dependency, and factor relative to reasonable accommodation).

## **8. SUPERVISORS AND EMPLOYEE EDUCATION AND TRAINING**

Supervisors will be trained:

- A. To recognize when employees appear unfit for duty because of controlled substances, drugs or alcohol and how to determine reasonable suspicion.
- B. To efficiently and appropriately intervene in reasonable suspicious instances.
- C. To understand the methods of the City drug and alcohol testing procedures.
- D. To effectively and appropriately document reasonable suspicion cases prior to the test, and after the meeting with the employee.
- E. In proper disciplinary measures, to include a mandatory referral or invitation to participate.
- F. In issues relative to privacy, search and seizure, and employee representation rights during investigations.

### JOB RESTRUCTURING POLICY

#### 1. Purpose

Title 1 of the Americans with Disability Act (Act) imposes an affirmative obligation upon employers to provide job restructuring as a form of reasonable accommodation for those qualified individuals with disabilities. The definition of some important terms within the Act is briefly defined below. In addition, the application of the policy is outlined below.

#### 2. Definitions

**“Disability”** means a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such as impairment, or being regarded as having a substantially limiting impairment.

**“Physical or Mental Impairment”** means any physiological disorder or condition , cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, endocrine, or any mental or psychological disorder, emotional or mental illness, and specific learning disabilities.

**“Major Life Activities”** means functions such as caring for oneself, performing, manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**“Substantially Limits”** means unable to perform a major life activity that the average person in the general population can perform, or significantly restrict as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner and duration under which the average person in the general population can perform the same major life activity. The following factors assist in determining substantially limited in a major life activity: (1) The nature and severity of the impairment, (2) The duration or expected duration of the impairment, (3) The permanent and long term

impact, or the expected permanent or long term impact of or resulting from the impairment.

**“Qualified Individual With a Disability”** is someone who can do the essential functions of the job with or without reasonable accommodation.

**“Essential job function”** includes those duties and responsibilities that are contained in the job description, that are the reason for the job, that cannot be transferred to another, that occupy a considerable amount of time or if not a considerable amount of time are of an emergency nature, and that are generally performed by current employees at some standardized performance level.

**“Reasonable Accommodations”** includes any modifications to the job application process to enable an applicant with disabilities to be tested for those factors that measure essential job functions. It also includes modifications to structural barriers (existing facilities), to the work environment (how and when a task is to be performed), and to policies and procedures that are also barriers to equal benefits and privileges and employment opportunities, and to job restructuring. Part of determining reasonable accommodation is to initiate an informal interactive discussion with the individual to explore limitations and available accommodations to meet those limitations.

**“Job Restructuring”** includes part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, examinations, training materials, or policies, the provision of qualified readers (could be electronic as well) or interpreters, etc.

**“Undue Hardship”** is defined as significant difficulty or expense. Factors to consider will be the size of the entity (City), the interrelationship of personnel and budgets between facilities (net cost) to provide the accommodation, the impact of the departments including the ability of other employees to perform their duties, and the impact on the department to conduct its business, etc. Accommodations that are unreasonable are those posing an undue hardship. It is an undue hardship to require an employer to hire someone who is a direct threat.

**“Direct Threat”** is defined as significant risk of substantial harm to the health or safety of the individual, fellow employees, or public that cannot be removed or reduced by reasonable accommodations. The determination that an individual

poses a direct threat shall be based on an “individualized assessment” of the individual’s “present ability” to safely perform the essential functions of the job. The assessment shall be based on “reasonable medical judgment” that relies on the most current medical knowledge and/or determining. (A) The duration of the risk. (B) The nature and severity of the potential harm. (C) The likelihood that the potential harm will occur and (D) the imminence of the potential harm.

### **3. Procedures for Implanting Job Restructuring**

A. Work schedules for regular appointments under the Manual permits part-time regular appointment for those employees appointed to work regularly established numbers of hours per day, and who have been employed to work for an indefinite period of time. Part-time regular employees who work at least 20 hours a week shall not be entitled to receive prorated fringe benefits with the exception of medical insurance unless they work at least 30 hours per week.

(1) Fringe benefits for part-time regular employees will be a proration of actual work hours to the normal 40 hour work week. For example, if the employee works at least 30 but less than 40 hours per week, he/she shall receive 30/40 or 75% of the sick leave, vacation, holiday, or other paid leave benefits.

(2) If the employee is applying for a full-time regular position, but cannot work full time due to a disability, the City will consider, as part of reasonable accommodation, whether such arrangement is for the good of the service. Assisting in that decision might be the applicant arranging with another employee, qualified to do the job, to share the hours of work and compensation of the position. The final decision relative to the good of the service will be made by the City Manager.

(3) If the employee is already a full-time regular employee and desires to work less than full time due to a bonafide medical reason, the Manager will confer with the Department Heads and City Attorney to determine whether such arrangement meets the good of the service. Such factors to be considered will be the length of time from the temporary reduction in hours, the ability to get assistance

from temporary employees to do the duties remaining in the employee's absence, the ability to reassign the duties to existing staff for the temporary arrangement, and the final impact to the operation both from a service and budgetary standpoint. If such an accommodation is made, the Manager will submit to the City Council a resolution to prorate benefits including insurance benefits for the reduction in work hours.

## B. Reassignment to a Vacant Position

1. This is addressed in the disability/medical leave policy Addendum E. When an employee is unable to return to the full duties of his/her position (i.e. unable to do the essential functions of the job without direct threat or undue hardship) at the completion of the approved leave of absence, he/she will be eligible to be placed in a leave of absence pending another vacant position. At the time of placement, the employee will be given the option of resigning and being eligible for COBRA benefits, submitting an application for retirement if eligible, or being in an unpaid leave status. The employee on leave will be given preference over external candidates for the vacancy which the employee can physically perform without a direct threat and for which he/she meets the minimum qualifications. Such employee will be given preference over external candidates, provided that the position is not a promotion for the disabled employee on medical leave.

2. Such medical leave shall generally not last longer than six (6) months. He/she will need to update the medical record and show that he/she is acquiring additional education/training in other areas that would be used by the City in the near future. The City will consider these and other data in order to extend leave on a month to month basis.

3. Nothing shall prevent the City from approving an "Acting Appointment" any time during the first 90 days of the disabled individual's paid or unpaid leave, or a regular (full time) appointment after 90 days (six months for Police Officers or Firefighters) of being off on disability. Prior to making a regular appointment, the City shall review the medical file to determine the prognosis for early recovery. The final decision shall be based on the good of the service. If a regular replacement has been made, the employee on

medical leave can only return to a vacant position and may not displace a regular employee.

C. Other Job Restructuring Issues: include but are not limited to acquisition or modification of equipment or devices, examinations, training, materials, or policies, the provision of qualified readers or interpreters, etc.

(1) Any request to receive job restructuring in any of the above categories will be reviewed by the Manager and the appropriate Department Head at the completion of an interactive problem solving discussion.

(2) Interactive problem solving will include the following steps:

A. After reviewing any medical reports concerning limitations or impairments, the appropriate departmental representative and Manager will explore with the disabled individual reasonable accommodations after considering the essential job functions.

B. The parties will assess the effectiveness and accompanying cost of each alternative mentioned.

C. After considering the employee's preference, the City will determine what alternative best meets the good of the service. Remember to document this discussion and the alternatives explored and recommended. Technical assistance relative to some, accommodations can be obtained by the State Vocational Rehabilitation Office at (405) 951-3400 or by calling the JAN toll free hotline: 1-800-JAN 7234 **(800)526-7234** (Voice) **(877)781-9403** (TTY).

(3) Remember, no one can be forced to accept a reasonable accommodation, but refusal to accept where the accommodation would make the work environment accessible may cause one to lose his/her status as a qualified person with a disability.

D. Self Identification of a Disability

The City will not ask an applicant or employee to disclose their specific physical or mental impairments during the application processing, initial interview, etc. However, this information may be asked as part of any applicant tracking data required of employers receiving Federal funds. If this elicited in the applicant tracking form, it shall not be considered in the application screening or made a part of the employee's personnel file.

If an applicant or employee discloses to a Supervisor or other management employee that he/she has a disability covered by the Act, he/she will be accorded such job restructuring rights under the Act. Where the need for job restructuring is in question because of the nature and severity of the disability in question, the Supervisor/Department Head may request documentation to justify such request for accommodation. Such accommodation will include, but will not be limited to an interactive discussion or such accommodation to allow for testing, training, and other applications of policies and procedures to be granted in a manner not, to discriminate, provided it does not pose an undue hardship or direct threat.



## **Addendum D**

### **PRE-EMPLOYMENT AND OTHER MEDICAL EXAMS POLICY**

#### **1. Purpose**

Title 1 of the Americans with Disability Act addresses how examinations both medical and psychological can be performed on employees in the future. In addition it addresses when the exam is to be performed and the requirements to exclude one from hire or to remove one from his/her position based on a fitness for duty exam.

#### **2. Definitions: (See those in Addendum C)**

#### **3. Procedures Prior to Implementing Post-Offer Medical Exams**

A. After the Supervisor/Department Head or Manager has completed review of the application forms and screened into the testing process, those that meet the minimum qualifications to test (i.e. education, training, certificates/licenses, etc.), he/she will if necessary schedule such applicants for the testing/fitness portion of the process. Such tests may include written exams, oral exams, physical agility or other performance tests (to measure productivity issues and ability to do essential job functions with or without reasonable accommodation), and supervisory interviews that are job related and consistent with business necessity.

B. Reference checks will be made of prior employers and to verify information on the application.

C. Employees who pass successfully this portion of the examination process may be required to pass a pre-employment drug test. This test is not part of the medical exam. Applicants should be informed of this prior to taking the medical exam, especially if it is administered during the medical exam.

#### **4. Prohibited Medical Examinations and Inquiries under ADA**

A. It is unlawful to conduct a medical exam, to make medical inquiries of any form, or to ascertain on an application form or during any phase of the application or interview process whether an applicant has a disability prior to an offer of employment. It is also unlawful to conduct a previous Workers' Compensation check to determine the history of injuries prior to an offer of employment.

#### **5. Permitted Medical Examination and Inquiries Under ADA**

A. An employer may require as to the ability of an applicant to perform job-related functions, and ask an applicant to describe or demonstrate how to perform these functions with or without reasonable accommodation. It is suggested that each applicant be tested on how well they would perform job-related functions, if this is part of the exam. If not, it may only be required of the disabled individual where it is obvious that performance may be in question.

B. After an offer of employment, and prior to beginning work, a job offer may be considered upon passing a medical examination (and/or inquiry), if all applicants of the same job are required to pass this examination. The exclusionary criteria must be job related and consistent with the business necessity and the employer must also demonstrate that there is no reasonable accommodation that will enable the individual to perform the essential functions of that job.

#### **6. Requirements Pertaining to the Results of Medical Information**

A. Medical information and inquiries (medical histories) shall be maintained on separate forms and kept as confidential records in the medical office except that Supervisors and Managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel and Government Compliance Officers may have access on a "need to know". However, the results shall not be used for any purpose inconsistent with the Act.

B. This privacy concern pertains to pre-employment exams, fitness for duty exams, exams to determine job restructuring or reasonable accommodation and

wellness-type exams which shall be voluntary to the employee. Any of these exams must be job-related.

C. An employer may conduct a medical exam of an employee that is job-related and consistent with business necessity. An employer may make inquiries into the ability of an employee to perform job related functions. This would also appear to include annual or periodic physical exams required of public safety personnel, required of OSHA regulations, or any other person exposed to hazardous materials, or required by Federal, State, or local Law which is not inconsistent with ADA.

D. An employer may release pre-employment medical data to Workers' Compensation personnel to determine baseline data and to assist in the adjudication of claims arising out of and in the course of employment. Such data may also be available to insurance administrators to the extent that it does not violate ADA.

**7. Other Issues Relative to Medical Exams, Inquiries, etc.**

A. An employer may impose smoking policies within the workplace and not be in violation of the act.

B. Pregnancy is determined to be a temporary condition and not a disability.

C. Environmental, cultural or economic disadvantages such as property, lack of education or a prison record are not impairments. Advanced age and obesity are not generally impairments except for other associated conditions.

D. The determination of whether an individual with a disability is qualified is to be made at the time of the employment decision. This determination should be based on the capabilities of the individual with a disability at the time of employment decision, and should not be based on speculation that the employee may become unable in the future or may cause increased health insurance premiums or worker's compensation costs.

E. Generalized fears about the risks from the employment environment such as the exacerbation of the disability due to potential stress is not sufficient to disqualify an otherwise qualified individual.

F. Objective and relevant evidence concerning the imminence and probability of substantial risk can come from the experience of the individual with the disability in previous similar positions and from opinions of medical doctors, rehabilitation counselors or physical therapist who have expertise in the disability involved and/or direct knowledge of the individual with the disability.

G. Qualification standards relative to safety issues must demonstrate that they satisfy the “direct threat” requirement. An example of a safety requirement could be the requirement to wear a self contained breathing apparatus or be fitted for a bullet proof vest. To impose this requirement as a qualification standard one must show that such items are required due to the probability and imminence of substantial risk to the person or others should they not be required. However, the issue of reduction of risk may have to be explored if elimination of risk is not possible.

Summary: This policy cannot begin to cover the exact standards that should be used to screen out applicants. Such standards should be individualized as to the probability and imminence of substantial risk at the time of employment that cannot be eliminated or reduced by reasonable accommodation.

## **Addendum E**

### **MEDICAL/DISABILITY LEAVE POLICY AND PROCEDURE**

#### **I. PURPOSE**

To clarify the City of Pauls Valley's policies and procedures regarding medical leave and on the job injury leaves.

#### **2. POLICY**

It shall be the responsibility of the employee to submit information to the Supervisor and the Manager or designee indicating the date disability commences and the expected date of return to work. For purpose of this policy, a disability shall be defined as any illness or injury that continues past one pay period (14 calendar days). However, any injury arising out of or in the course of employment must be reported immediately to the Supervisor.

Each employee will keep his/her Department Head updated of continuing status daily or as agreed by the Supervisor after receipt of the medical report. An employee who fails to follow these procedures will be subject to denial of paid leave benefits and/or discipline.

While an employee is off due to a disability, the Supervisor and work crew will communicate with the employee on a frequent basis, conveying that the City cares and is concerned about the well being of the employee. If necessary, the Supervisor will also communicate with the employee's physician to insure he is aware of the job requirements of the employee's position or the possibility of light/modified duty work, and to verify that the continued medical treatment is warranted.

No employee off work as a result of any injury shall be engaged in any off duty employment, gainful or otherwise, or any physical activity that would in any way prolong the employee's chance of a speedy recovery. Violations of the above may be cause for a denial of paid leave benefits and/or discipline.

An employee who is unable to return to full duty after 90 days (six (6) months for the Police Officers and Firefighters) of no employment, from any injury, may have his/her job replaced by another employee. Prior to replacing the injured employee who fails to

return after being gone for 90 days/6 months , the City will review and may grant an extension(s) to the leave based on supportive medical information, prognosis for recovery, work record of the employee, work restructuring, and other relevant information. An employee's right to return to City employment, after being placed on a six month leave of absence for a disability, will be based on a physical examination, an open position, and other reasonable accommodation requirements.

### **3. Non job related disabilities (medical leave)**

Time off from work for non job related disabilities (for example, pregnancy, broken bones, strains, surgeries, etc.), must be documented by the appropriate medical statement (s) and may not exceed six (6) calendar months.

Upon notification to the Department Head of an employee's non related illness or disability, accrued sick leave may be allowed for the time of the actual disability. The Department Head shall grant an employee the use of vacation leave if sick leave has been exhausted because of extended illness. When all sick and vacation leave has been exhausted, the Department Head may grant compensatory time if available or leave without pay for a period not to exceed six (6) months from the last workday. (For example, if the employee broke his leg on February 1, and required surgery and recuperation time from work, he would have to be able to return to full employment by August 1, regardless of paid leave benefits.)

If an interruption in service occurs as a result of a medical leave of absence, the time lapse during the interruption shall not be included as part of the probationary period.

### **4. Job-Related Disabilities and Injury Leave**

A regular full-time employee injured on the job shall be provided medical services and Hospitalization in accordance with the policies and procedures in the Personnel Manual as approved by the City Council. For injuries that are recognized by the City, accrued sick or vacation leave may be granted for the first seven (7) calendar days that the employee is off work or until applicable Workers' Compensation coverage is provided. If the injury goes beyond 21 days the first seven (7) will be picked up under temporary total disability and the employee will be reimbursed for his sick or annual leave. After this period, the employee is entitled to temporary disability pay as provided by the Court, which equals approximately 66 2/3% of the average salary of a claimant or 100%

of the Police and Fire personnel for up to 180 days. Accrued sick or vacation leave may not be used while the employee is eligible for receipt of TDD.

An accident involving injury arising out of the course of employment shall be reported by the employee to his/her Supervisor as soon as possible, but before or by the end of the work shift of such injury. Failure to do so, or to follow Workers' Compensation procedures, may be reason for denying any resulting on the job injury claims against the City.

No temporary disability pay shall be allowed for any injury incurred while working for another employer, nor shall an employee so injured receive treatment to be assessed against the City, except as governed by the Court.

Each appropriate Department will identify positions or assignments that may be available to accommodate light or restricted duty work to assist injured employees. Employees on injury leave shall be returned to duty at the earliest possible date. Employees on injury leave may be assigned to light or modified duty by the City as determined by the Manager, when the employee's physical condition permits such assignment. The Manager may convene an ad hoc committee composed of the affected Department Head, City Attorney, City Clerk and any Medical expert to assist with any accommodation concerns. Such assignment may be made without reference to the employee's job classification or departmental assignment. If a light/restricted duty assignment is identified and if the City's Physician or any Physician recognized by the City determines that the injured employee can do the assignment, the employee will be offered the assignment. Such assignment is only for a temporary period of time and no employee can expect the City to permanently modify essential job functions or to make temporary assignments permanent. Failure to accept the assignment will be cause to stop any temporary disability pay.

If the employee does not return to work after receiving a return to work slip by a licensed Physician or if the employee does not provide a medical report that would vary from that of the releasing Physician, he/she will be deemed to have resigned from the City after any unexcused absence of two (2) working days.

# **Employee Code of Ethics and Conduct**

## **1. INTRODUCTION**

This Employee Code of Ethics and Conduct (“Code”) details The City of Pauls Valley’s policies for employees. The City of Pauls Valley is committed to a quality business and reputation that values integrity, respect and truthfulness, and a strong commitment to the highest ethical standards. These principles apply to employee interactions with the employers that hire them, coworkers, vendors, government and regulatory agencies and the general public. This Code applies to all employees. Employees must be familiar with this Code and adhere to its guidelines.

This Code is not a comprehensive guide of all ethical issues that employees may face, but merely highlights specific problems. In dealing with ethical problems not detailed in this Code, employees are expected to use common sense and their best moral judgment. If an employee has ethical questions, please contact HR (Human Resource). This policy may be modified or updated at any time. The City of Pauls Valley welcomes employee suggestions on changes in this Code.

## **2. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS**

The City of Pauls Valley has a policy to observe all laws, rules, and regulations of government agencies and authorities. This specifically includes requirements under Municipal Law and the Code of Ordinances, as amended, the policies of accrediting agencies, as well as other state and federal laws. If federal, state or local law exists that is either contradictory or stricter than this policy, employees must apply the law.

## **3. CONFLICTS OF INTEREST**

Employees must avoid having a personal, business, financial, or other interest, activity or relationship, outside the City of Pauls Valley that has or may be in conflict with The City of Pauls Valley. Any material transaction or relationship that may give rise to an actual or perceived conflict of interest should be discussed with the City Manager.

Conflicts of interest may include, but are not limited to, the following situations:



- **Outside Employment-** employees should not perform work or render direct consulting or managerial services for an organization that competes or does business with The City of Pauls Valley without appropriate approval from management.
- **Having a personal, social, or romantic relationship with a fellow employee.**
- **Managers or supervisors may not engage in a sexual, romantic, or dating relationship with subordinate employees.**
- **Accepting loans or gifts of entertainment, food, or cash, from subordinate employees, regulatory or any outside concern that does or seeks to do business with the City of Pauls Valley.**
- **Obtaining a personal financial benefit in any sale or loan of company property.**
- **Using or disclosing any confidential information gained during employment for an employee's personal benefit or the benefit of others, including a future employer.**

#### **4. EMPLOYMENT PRACTICES**

##### **Discrimination and Harassment**

- **The City of Pauls Valley prohibits discrimination and harassment of employees or its customers whether or not the incidents occur during business hours.**
- **The City of Pauls Valley follows Federal, State, and local law to ensure equal recruitment, employment, compensation, development and advancement opportunity for all qualified individuals, and prohibits deliberate harassment based on federally protected categories of race, color, religion, sex, national origin, age, or disability.**

**Workplace Violence**-The City of Pauls Valley does not tolerate workplace violence including threats, threatening behavior, harassment, intimidation, assaults or similar conduct.

**Weapons Policy**- Non- commissioned City employees may not carry firearms or other weapons on public facilities unless obtaining prior permission.

**Illegal Drugs and Alcohol Policy** –City employees must not distribute, possess or use illegal or unauthorized drugs or alcohol on public property, or in connection with City business.

## **5. BOOKS AND RECORDS**

**Accurate and Complete Business Records** - Employees must act in good faith not to misrepresent material facts in The City of Pauls Valley’s books and records or in any internal or external correspondence, memoranda, or communication of any type, including telephone or electronic communications.

**Financial Reporting**- All City funds, assets, liabilities and receipts must be recorded in accordance with generally acceptable accounting procedures. There cannot be any “off the books” accounts.

**Proper Maintenance of Records**-The City of Pauls Valley maintains documents in accordance with all applicable laws and regulations. If City employees receive a subpoena, a request for records or other legal papers or if we have reason to believe that such a request or demand is likely, the law requires The City to retain all relevant records and contact the Office of The City Clerk.

**Cooperation with Auditors**-City employees must cooperate fully with internal and outside auditors during examination of the City’s books, records, and operations.

## **6. Use of Company Resources**

### **Internet and Electronic Mail Policy**

- Employees may use Internet and send and receive electronic mail solely for business purposes.
- The City of Pauls Valley’s electronic mail system is a company resource, and The City reserves the right to read, view and copy any email communications.

- Employees must take reasonable care not to disclose confidential information, or acquire unauthorized information over the Internet.

**Equipment and Supplies-** All equipment and supplies purchased by The City of Pauls Valley remain City property, including but not limited to office supplies, office furniture, fax machines, computers, software, hardware, supplies and equipment, and may not be used by City employees for personal reasons.

**Non-work Related Interests-** City employees may not use the City's facilities to promote non-City or non-work related interests of the employee or of third parties without prior consent of the City Manager.

**Proper Use of Organizational Assets-** City employees may only use, transfer, or dispose of funds or assets for the lawful and legitimate business purposes for which they were approved by the City Council or the City Manager

## **7. COMPLIANCE WITH THE CODE**

All City employees must know this Code and adhere to its guidelines. If questions arise please contact the Office of The City Manager.

**Supervisors-** Supervisors must take reasonable care to assure that subordinate employees are complying with these guidelines. Supervisors are responsible for misconduct by employees if the supervisor orders misconduct; ratifies the conduct, even by inaction; the supervisor has direct authority and knows of the conduct but fails to act appropriately, or should have known with reasonable diligence that the actions occurred.

## **8. REPORTING ACTUAL OR SUSPECTED VIOLATIONS OF THE CODE**

**Requirement to Report Actual or Suspected Violations of the Code-** Employees must report any actual or suspected violations of this Code to the Office of the City Manager. Failure to report any actual or suspected violations of the Code is in itself a violation of this Code.

**Non-Retaliation Policy-** Employees will not be retaliated against or subject to any form of reprisal for raising a good faith concern under this policy or participating in an investigation into any such concerns. Retaliation is a serious violation of this Code and should be reported immediately.

**Investigation of Alleged Violations of the Code-** All inquiries, complaints, and reports will be promptly investigated. Employees are expected to cooperate in the investigation. Reasonable measures will be taken to preserve confidentiality of the claim and the identity of anyone who reports a suspected violation or participated in the investigation. If you are unsure whether a violation has occurred, the City encourages you to seek advice from your supervisor before acting.

## **9. ZERO-TOLERANCE POLICY TOWARD VIOLATIONS OF THE CODE**

The City of Pauls Valley takes a zero-tolerance approach to violations of this Code. Failure to report actual and/or suspected violations of the Code, or employees that have retaliated against whistleblowers will have their employment with The City terminated.