

The City of Norman, Oklahoma



Personnel Manual

June 2013

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SECTION 100

INTRODUCTION

City of Norman Personnel Manual

100: INTRODUCTION. To successfully carry out the City of Norman's mission of serving our residents, we strive to create a workforce that reflects, understands and relates to the diverse community we serve. The City of Norman bases all matters of human resource management, including but not limited to, appointment, promotion, layoff, compensation, benefits, training, selection for training, or any other term, condition, or privilege of employment on "merit only" principles without regard to factors which are not related to an employee's competence, fitness or performance concerning his or her job so that fairness and impartiality govern all matters of human resource management. It is the policy of the City of Norman to maintain a working environment free of discrimination which is unlawful or otherwise prohibited by the City. The City follows all state and federal laws with respect to employment policy. Further, the City of Norman does not tolerate harassment in the workplace and strives to create a diverse work environment where every employee is treated equally. It is the responsibility of all City employees to help create a working environment where all employees and citizens are respected and valued.

101: ROLE OF THE CITY COUNCIL. The elected members of the City Council are charged with the lawmaking and policy-making powers for the City of Norman.

102: ROLE OF CITY MANAGER. The City Manager serves as the Chief Administrative Officer of the City and supervises all branches of the City service, except those otherwise provided for in the City Charter. The City Manager, appointed by the City Council, is charged with enforcing the City's laws and ordinances. In doing so, the Manager must recommend and establish such administrative measures as are necessary to carry out the City Council's policies and directives in the most efficient manner. All personnel actions shall be subject to final approval of the City Manager.

103: ROLE OF THE CITY EMPLOYEE. The employee bears the responsibility of actually doing the work necessary to fulfill the ultimate objective of local government; that is, service to the community. With the employee rests in large measure, the public's "moneys worth." Moreover, it is the activity of the employee which creates in part the public's impression of the City government's efficiency.

104: CITY CHARTER PROVISIONS. The City of Norman operates under and by the authority of the City Charter duly adopted by the people. The Charter establishes the basic laws and procedures by which the City is operated. In adopting the Charter, the people vested the City Manager with the power of appointment and dismissal as is set forth in Article III, Section 4(b).

"To appoint and to remove all directors or heads of departments and all subordinate officers and employees in such departments. Further, such appointments and removals shall be made upon the basis of merit and fitness alone, including training and experience in the work to be performed, and without regard to age, race, color, religion, ancestry, national origin, sex, or place of birth."

Exceptions to the above Article III, Section 4 applies to the City Attorney and Judges of the Municipal Court.

105: PERSONNEL MANUAL. The policies described in this Personnel Manual are guidelines to be used during employment and are not intended to restrict the discretion of the City, nor are they intended to create contractual conditions of employment, nor is the language intended to create a contract between the City of Norman and its employees. If a subject addressed in this Personnel Manual is also addressed in a collective bargaining agreement, the collective bargaining agreement governs the entire subject, including, but not limited to, an employee's rights or lack thereof to benefits. The City of Norman enacts these policies in order to further the following goals:

- a) To provide a uniform system of personnel administration through the City workforce.
- b) To ensure that recruitment, selection, placement, promotions, retention, and separation of City employees are based on employee qualifications and are in compliance with federal and state laws.

106: INTERPRETATION OF PERSONNEL POLICIES. The Human Resources Director shall provide administrative interpretation of Personnel Policies to the various department directors and act in a staff and advisory capacity to the City Manager.

106.1: Department Policies. A department director may make department/division rules and regulations consistent with Personnel Policies and bargaining agreements governing the conduct and performance of employees. The Human Resources Director may review department rules for consistency. Department/Division rules and regulations may be published, and a copy furnished to each employee to whom they apply. Disciplinary action may be based upon breach of any such rules and regulations.

107: SCOPE OF POLICIES. This policy and procedures manual supersedes all previous manuals, letters, memoranda and understandings. These personnel policies apply to all City employees. However, to the extent that these policies conflict with any Charter provision or ordinance, state or federal law, or the provisions of a collective bargaining agreement, the terms of that law or agreement prevail. In all other cases, these policies apply. The City specifically reserves the right to repeal, modify, or amend these policies at any time, with or without notices.

108: EFFECTIVE DATE. The provisions of this manual shall become effective immediately. Unless approved by the City Manager, no provisions may become retroactive from the date of passage unless mandated by federal or state law.

SECTION 200

**CITY EMPLOYMENT AND
SELECTION PROCESS**

200: EQUAL OPPORTUNITY. All employees and applicants shall be assured fair treatment in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, age, disability, religion, or creed, and there shall be proper regard for their privacy and constitutional rights as citizens.

200.1: Merit Principles. All employees shall be governed by these basic merit principles:

- (a) Recruiting, selecting and advancing employees on the basis of their relative knowledge, skills and abilities;
- (b) Providing equitable and adequate compensation;
- (c) Training employees, as needed, to assure high quality performance;
- (d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance does not improve; and
- (e) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for the office.

200.2: City Employee Preference. City employees will regard municipal employment as a career, and therefore turnover of personnel will be minimized. As possible and consistent with the merit and seniority principles, the City will fill position vacancies through the appointment (including promotion, voluntary transfer, or voluntary demotion) of qualified City employees.

200.3: Role of Human Resources Department. One primary function of the Human Resources Department shall be to provide equal employment and/or promotional opportunities to all applicants and at the same time identify the best-qualified applicants. The hiring supervisor will play a role in determining the skills, knowledge, and abilities required to qualify for positions. Using recommended guidelines, the hiring supervisor or department director will make the final selection.

200.4: Nepotism. City employees related by marriage or in the immediate family, including: spouse, children, father, mother, brothers, sisters, grandparents, or grandchildren may not be employed in the same City of Norman division or department if separate divisions do not exist within a department.

When two City of Norman employees marry and they are both employed in the same division, one employee shall either transfer to another division, in accordance with the City Personnel Manual, or be terminated. City employees affected by this instruction are responsible for notifying their immediate supervisors within ten (10) calendar days following the date of marriage. Department directors must complete the provisions above within a forty-five (45) day period following the receipt of notice of marriage.

The Human Resources Director may grant exceptions for temporary, part-time and seasonal employees.

200.5: Policy on Ex-Offenders. The City of Norman accepts applications from persons who have arrest and conviction records, and considers for employment those who appear good risks. Persons with arrest and conviction records who apply for positions with the City of Norman will not automatically be excluded from employment, unless there is a direct connection between the crime for which the individual has been convicted and the job for which they are applying. Specifically, the position for which the individual is applying must be an area of sufficient sensitivity or where the degree of trust is great enough to warrant exclusion. For all positions in the City of Norman, each case is judged on its own merits. This means that the Human Resources Director and the hiring supervisor will take into account such matters as the nature and seriousness of the offense, the circumstances under which it occurred, how long ago it occurred, whether or not it was an isolated or repeated incident, the person's age at the time it was committed, social conditions which may have contributed to the offense, evidence of rehabilitation, and the kind of position sought. Each felony case is decided on its own merits taking into account the nature of the position for which application is made, except that persons who have had felony convictions are prohibited by law from being employed in any capacity as a commissioned police officer. In keeping with efforts to act positively or affirmatively in this area, an applicant or employee's ex-offender status will remain confidential to be dealt with by the Human Resources Department, hiring supervisor and the particular individual involved, unless that individual desires to make this information known.

201: ELIGIBILITY.

201.1: Age Requirement.

- (a) Full-Time Employment. The minimum age of any applicant who will be considered for full-time employment with the City shall not be less than eighteen (18) years of age.
- (b) Part-Time/Temporary Employment. The minimum age of any applicant who will be considered for part-time employment with the City shall not be less than sixteen (16) years of age.
- (c) Commissioned Employees of the Police Department. The minimum age of any applicant for employment as a commissioned officer with the Police Department shall be twenty-one (21) years of age.

201.2: Application Qualifications. The Position Classification Plan shall provide the basis for considering applicant minimum qualifications. However, the City recognizes the constraints of limited taxpayer dollars and the changing needs of the work area for special skills and abilities of employees. To provide necessary adaptability, the department director, subject to the approval of the Human Resources Director, may set appropriate qualifications for applicants that may apply for a particular position vacancy prior to the vacancy being advertised.

201.3: Testing. Examinations may be developed for certain positions based on the position's responsibilities, qualifications required, and resources available.

The examination may consist of oral interview/application review, structured questionnaire, practical test, written test, assessment center, physical agility test, etc. In all cases, testing will be job-related and designed to determine the applicant's knowledge, skills and abilities for the position. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be utilized to assist with test development.

The Human Resources Department will administer the testing process unless otherwise designated to the affected department.

The Human Resources Department shall ensure that all testing is based on bona fide occupational qualifications.

201.4: Physical Examinations, Psychological Evaluations, Polygraphs, and Drug Screens. Applicants who are offered City employment may be required to submit to a psychological evaluation, polygraph, and/or physical examination, the passage of which shall be a condition precedent to being placed in a City position.

All applicants who are offered City employment will be required to submit to a drug screen, the passage of which shall be a condition precedent to being placed in a City position.

- (a) The Human Resources Department shall contact the selected applicant to schedule the physical and/or drug examination.
- (b) If the results of the examination(s) justify employment of the selected applicant, the Human Resources Department shall inform the hiring supervisor.
- (c) If unsatisfactory examination(s), the selected applicant will not be considered for employment.

201.5: Citizenship Requirement. Employees of the City of Norman shall be citizens of the United States of America or have appropriate documentation of a legal right to work from the U.S. Immigration Department.

202: **RECRUITMENT**. Employees for all departments will normally be recruited through the Human Resources Department. The hiring supervisors will make the final selection from qualified applicants referred by the Human Resources Department.

202.1: Vacancy. A vacancy shall be defined as an opening within a classification for a budgeted position for which funds have been appropriated. The hiring supervisor must request that the position be filled, and the department director and Human Resources Director must approve such request.

Hiring supervisors will notify the department director and the Human Resources Department as soon as possible after learning of an impending or existing vacancy.

202.2: Recruitment Notices. The hiring supervisor shall draft an employment announcement based upon information in the classification description and submit it to the department director who shall send it to the Human Resources Department. The final announcement shall be prepared and distributed by the Human Resources Department.

- (a) The Human Resources Department shall distribute the position vacancy notice to all departments and divisions after receiving approval from the Human Resources Director. Each department and division shall immediately post the position vacancy notice on bulletin boards and in other conspicuous places.
- (b) Employment announcements shall be posted on bulletin boards and in other conspicuous places in all departments and divisions for a period of not less than five (5) working days prior to filling the position, in order for employees to be made aware of approved and posted vacancies.
- (c) The Human Resources Department is responsible for the advertisement of all vacancies. The Human Resources Department, in cooperation with the hiring department, will make a determination whether to post the vacancy, post the vacancy “in-house” only or whether outside posting will be necessary. Individuals may be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions.

203: APPLICATIONS. Written applications appointed by the Human Resources Director and approved by the City Manager shall be filed with the Human Resources Department to initiate the employment process. Employees in service with the City shall be given equal opportunity to apply for any approved and posted vacancy in any department of City government for which the applicant meets minimum qualifications. All applicants must submit their application no later than 5:00 p.m. on the closing date set forth on the position vacancy notice. Applications for a position will not be accepted after the published closing date and/or receipt date. If there are not sufficient qualified candidates at the closing date, the position will be re-opened and advertised. Acceptance of written application by the Human Resources Department does not constitute employment.

Applicants may be disqualified for consideration for employment when any of the following facts exist:

- (a) They do not possess the minimum qualifications for the job;
- (b) They have an unsatisfactory employment record or personal record, and as evidenced by information contained on the application form or by the results of a reference check;
- (c) They have made false statements on any material facts or practiced deception in their application;
- (d) The applicant is not within the legal age limits prescribed by law; or
- (e) They are physically, mentally or otherwise unable to perform the duties of the position with or without accommodation.

The Human Resources Department shall retain all applications received for a period of three (3) years.

204: SELECTION PROCESS.

- (a) The Human Resources Department shall select the most qualified applicants for further consideration.
- (b) The Human Resources Department shall refer the most qualified applicants for further consideration to the hiring supervisor. Consistency shall be maintained in the selection process utilized for all candidates. Selection processes must be job-related and designed to measure job knowledge, skills and abilities, experience, and education.
- (c) The hiring supervisor shall notify the Human Resources Department of the name of the applicant they recommend for employment. No commitment to hire will be made at this step.
- (d) Before the applicant is extended an offer of employment, the Human Resources Department will conduct a background investigation. The investigation includes verification of current and previous employment, duties, position titles, dates of employment, work record, attendance record, strengths, weaknesses, OSBI report and verification of education, certification credentials, and other pertinent information. Parts of the reference check may be delegated to the affected department.
- (e) Hiring supervisors may be asked to participate at steps (a) through (d) if the position is of a highly technical or specialized nature.
- (f) The hiring supervisor shall inform the Human Resources Department of the date, time, and place that the selected applicant should report to work.
- (g) The Human Resources Department shall contact the selected applicant with information regarding their appointment or conditional offer of employment. Conditions of employment may include passing a physical examination, drug screen, psychological evaluation, driving record check and/or additional background investigation. The City reserves the right to conduct a background investigation that includes an investigation of employment history, personal references, education, criminal background, credit reports (in compliance with the Fair Credit Reporting Act), and other related information. If the applicant meets all conditions for employment, the Human Resources Department shall notify the selected applicant of the time and date to report to the Human Resources Department for orientation.
- (h) The Human Resources Department shall notify all applicants not selected.
- (i) The above steps apply to full-time permanent positions. Abbreviated procedures may be used for other type positions.

205: EMPLOYEE ORIENTATION. All new full-time employees of the City will be scheduled to meet with the Human Resources Department on their first day of work for general orientation. Human Resources representatives will distribute various enrollment forms and provide information on employee benefits and City policies and operations. The hiring department shall provide additional information to the new employee, including:

- (a) Work standards and regulations;
- (b) Hours of work, time cards or reports, leave requests;
- (c) Duties of the position;
- (d) Safety rules and procedures, location of safety or protective equipment;
- (e) Tour of the work area, including location of equipment, supplies, etc.;
- (f) Schedule for lunch and breaks;
- (g) When and whom to report absence from work;
- (h) Who is responsible for performance review; and
- (i) Introduction to co-workers.

206: EMPLOYMENT STATUS.

206.1: Temporary or Seasonal Employees. All employees who are employed during seasonal periods and/or irregular work periods during the year, or to temporarily replace an injured employee, shall be considered as temporary employees and shall not be entitled to become members of the retirement fund, to accumulate vacation time, sick leave, or other benefits to which permanent employees are entitled.

206.2: Permanent Part-Time Employees. Permanent part-time employees are employees who work less than the normal workweek, but must average a minimum of 20 hours, and no more than 29 hours, per week during October 1st through September 30th of each year. They shall complete a satisfactory probation period of six (6) months. They are not eligible to become members of the retirement system and are not eligible to receive insurance benefits; however, they will accumulate vacation and sick leave at a reduced rate.

206.3: Probationary Employees. All new full-time employees, except those in seasonal or temporary status, shall complete a satisfactory probation period of six (6) months (one year for police officers and firefighters) following the effective date of their employment. The probationary period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. Work performance shall include, but not be limited to: job proficiency, adaptability, dependability, ability to take instruction, work relations with other employees, and ability to contribute to the good of overall City service. It is expected that informal evaluations by the supervisor will be conducted during the course of the probationary period to assess performance and to advise employees of expectations regarding performance.

Before the end of the probationary period, the department director will decide whether the employee shall:

- (a) Be accorded permanent status. After an employee has successfully passed the probationary period, their service with the City shall not be terminated except for cause or for the good of the service. Seasonal or temporary employees shall not be entitled to permanent status.
- (b) Have their probationary status extended; or

- (c) Be dismissed. At any time during the established probationary period, the City reserves the right to terminate the probationary employee's service on the basis of unsatisfactory performance or on the basis of other reasons deemed sufficient by the City.

207: PERFORMANCE EVALUATION.

- (a) All employees will be evaluated on forms provided by the Human Resources Department prior to their merit date. The functions of the employee performance evaluation are: to provide probationary employees with timely reports of their progress and allow for correction of deficiencies; to provide all employees with positive recognition of strengths and special abilities and an opportunity to improve deficiencies; to provide an ongoing performance record which may become part of documentation used in making personnel actions; to provide employees with an opportunity to discuss ways and means for improvement; and to assist in formulating and/or updating current job descriptions.
- (b) An employee who does not receive at least a satisfactory evaluation report shall be placed on a thirty (30) to ninety (90) day performance probation. During this time, the employee will be monitored by their supervisor. If performance improves satisfactorily, the employee will be eligible to receive the merit increase at that time. If job performance has not satisfactorily improved, the employee will not be eligible to receive the merit increase or be re-evaluated until the following year at the time of the original merit date.
- (c) Employees who are at the top step of their pay range shall also be evaluated on a yearly basis. Evaluations should include a conference between the employee and their supervisor.
- (d) All performance evaluation forms will be forwarded to the Human Resources Department for placement in the employee's file.
- (e) Performance evaluation results may be subject to the grievance procedure.
- (f) It shall be the responsibility of each supervisor to evaluate their employees in a timely manner.

208: SENIORITY DEFINED.

- (a) City seniority shall consist of continuous accumulated paid service of the employee with the City.
- (b) Divisional seniority shall consist of continuous accumulated paid service of the employee within a division of the City of Norman. The computation of divisional seniority shall take into consideration changes in division arrangements.

208.1: Seniority Disruption. An employee in permanent status shall be considered to have a continuous service record with the City unless one of the following occurs:

- (a) Resignation;
- (b) Discharge for cause;
- (c) Break in service as specified elsewhere in this manual;

- (d) Retirement; or
- (e) Disability separation.

208.2: Seniority Preferences. City seniority and/or divisional seniority shall be factors of consideration in reduction in force (reemployment after layoff due to reduction in force), vacation leave, promotions, and shift assignment when not rotated. The extent to which such seniority shall be a factor is specified in the sections of this policy pertaining to the activities mentioned in this section.

209: MAINTENANCE OF PERSONNEL RECORDS.

- (a) The Human Resources Department shall maintain adequate records of each employee. It shall be the duty of the department directors and their subordinates to provide the necessary written reports in accordance with procedures as may be appointed by the Human Resources Director and approved by the City Manager.
- (b) Personnel records of all individual employees shall be treated as personal and confidential records. The Human Resources Director shall have exclusive administrative responsibility for security and control of these records.

SECTION 300

POLICIES AND PROCEDURES

300: CODE OF CONDUCT POLICY. This Code of Conduct applies to all City of Norman employees. A violation of these policies is cause for discipline and/or termination.

300.1: Fundamental Work Rule. City employees should conduct themselves in a manner that will promote cooperation among all city employees, showing respect, courtesy, and professionalism in their dealings with one another. Inappropriate workplace conduct that creates an unacceptable work environment includes, but is not limited to, the following:

- (a) Demeaning, harassing, belittling others; name calling;
- (b) Emotional tirades, tantrums, and other displays of anger;
- (c) Humiliating, intimidating, threatening others;
- (d) Gossiping, spreading rumors about or damaging a co-workers reputation;
- (e) Refusing to follow a directive, unless the directive requires illegal or unsafe conduct;
- (f) Being argumentative.

Any violation of this fundamental work rule should be reported in a timely manner.

300.2: Acceptance of Gifts or Favors. An employee shall not accept or solicit any gift or favor where the receipt would either compromise impartial performance or would be viewed by the public to compromise impartial performance.

300.3: Interest in City Contracts. An employee shall not have an interest, directly or indirectly:

- (a) In a contract, service, materials, supplies, or profits thereof;
- (b) In any purchase made for or sales made by, to, or with the City;
- (c) Otherwise have a controlling financial interest in a corporation having a contract or subcontract for doing work for the City.

300.4: Fraud. The City has established systems and internal controls to provide reasonable assurances of the prevention and detection of fraud and to encourage reporting by City employees of improper government action taken by City officers or employees. The term fraud refers to, but is not limited to:

- (a) Any dishonest or fraudulent act;
- (b) Forgery or alteration of any official documents;
- (c) Misappropriation of funds, supplies or City materials;
- (d) Improper handling or reporting of money or financial transactions;
- (e) Profiting by self or others as a result of inside knowledge;
- (f) Destruction or intentional disappearance of records, furniture, fixtures or equipment;
- (g) Accepting or seeking anything of material value from vendors or persons providing services or materials to the City for personal benefit; or,

(h) Any similar or related irregularities.

300.5: Secondary Employment. An employee shall not engage in any secondary employment or other activity which would compromise impartiality or independence of judgment in the performance of City job duties or create a conflict of interest. An employee must provide information regarding secondary employment when requested by the supervisor.

300.6: Whistleblower Policy. An employee who has reason to believe that there may have been an instance of fraud, improper action, or other illegal act in connection with a City program, function or activity shall report it immediately to a supervisor or manager, the department director or the Human Resources Director as soon as possible.

Improper actions are actions undertaken by an employee in the performance of their official duties which:

- (a) Are in violation of any federal, state or local law;
- (b) Constitute an abuse of authority; or create a substantial specific danger to public health or safety; or
- (c) Constitute a waste of public funds.

Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, firing and other discipline or alleged violations of labor (collective bargaining) agreements, employment contracts, and established policies or procedures.

Reported incidences will be investigated as expeditiously as possible. When an investigation confirms that fraud or an illegal act(s) has occurred, appropriate corrective action will be taken, up to and including termination.

An employee who reports a suspected incident of fraud, illegality, or assists in an investigation shall be protected from retaliation. However, an employee who assists in an investigation and is found to have participated in the illegal act or fraud being investigated is subject to discipline, up to and including termination. If it is determined that a report was not made in good faith or that an employee intentionally provided false information regarding an allegation, disciplinary action may be taken, up to and including termination.

Any employee who believes that they have experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the department director, Human Resources Director or the City Manager.

300.7: Political Activity. City governmental service is nonpartisan employment. Care should be taken to ensure the job performed provides the utmost service to the citizens and taxpayers of the City of Norman regardless of political affiliation. It is also recognized that City employees are citizens of the State of Oklahoma, and most City

employees are citizens of Cleveland County and the City of Norman. City employees do not give up their political rights merely by virtue of accepting City employment. To accommodate the need to perform the functions of City employment in a timely, responsive, nonpartisan manner when employees desire to exercise their political rights, the following guidelines should be observed.

- (a) Any employee of the City may actively engage in partisan political activities, provided the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Care should also be taken not to use City equipment for political activities, including, but not limited to, computers, phones, fax machines, copiers or supplies.
- (b) Any federal statutes restricting political activities of City employees shall supersede the provisions of this section as to such employees.
- (c) The City reserves the right to establish employment requirements requiring City employees to refrain from filing as a candidate for public office while employed by the City. Although such a requirement has not been established, recognizing that the time commitment to run for political office as a candidate can be extensive, the following should be considered:
 - 1. Time needed away from the employee/candidate's regular job duties for political activity;
 - 2. Amount of accrued leave time (vacation or compensatory time) available to the employee/candidate for time away from work for political activity;
 - 3. Whether leave without pay will be needed for the employee/candidate for time away from work for political activity;
 - 4. Ability of the affected department or division to continue with the City functions in the employee/candidate's absence;
 - 5. Leave away from work by an employee/candidate for political activity shall be considered for approval by the City Manager upon recommendation from the employee's department director.
- (d) City employees also have a right to not participate in political activity. It is unlawful for the City Council, any member thereof, any candidate for election to the City Council, or any officer of the City to directly or indirectly coerce or attempt to coerce any City employee to participate or to refrain from participation in municipal political activities or public meetings,
- (e) Neither sick leave nor administrative leave should be used by the employee/candidate for political activity.

300.8: Dress Code. It is the responsibility of each employee to be well-groomed and dressed in a manner which is suitable for the public service environment and reflects favorably on the City's image. Divisions or departments may establish specific dress codes as approved by the City Manager or designee.

301: HARASSMENT POLICY. The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization. It is the policy of the City of Norman that all employees should enjoy a working environment free from all forms of illegal discrimination, including sexual harassment and other harassment based on race, religion, national origin, age, or disability. No employee, either male or female, should be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical, or to a hostile environment, or to unwelcome conduct based on race, religion, national origin, age or disability. Sexual harassment and other Title VII based workplace harassment is illegal. Therefore, the City of Norman will treat sexual harassment and harassment based on race, religion, national origin, age, and disability like any other form of employee misconduct - it will not be tolerated. While perhaps not rising to the level of sexual harassment under Title VII, any disparate treatment of an employee in areas of human resources management, including but not limited to, appointment, promotion, layoff, compensation, benefits, training, selection for training, or any other term, condition, or privilege of employment that is motivated by an employee's sex, sexual orientation, or gender identity will not be tolerated.

The City of Norman will enforce disciplinary action against any person who threatens or insinuates, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any condition of employment or career development. This discipline can include termination.

The City of Norman recognizes that the questions of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a determination based on all facts in each case. Therefore, the City of Norman will act positively to investigate alleged sexual harassment and other Title VII workplace harassment claims and to effectively remedy them when an allegation is determined to be valid.

Given the nature and the type of discrimination, the City of Norman also recognizes that false accusations of sexual harassment or other Title VII workplace harassment can have serious effects on innocent men and women. Therefore, false accusations could result in the same severe disciplinary action applicable to one found guilty of sexual harassment or other Title VII workplace harassment. Also, all information that relates to a sexual harassment complaint will be kept as confidential as possible and no retaliatory measures will be permitted.

Employees subjected to acts of sexual harassment or other Title VII workplace harassment should consider requesting the persons involved to cease from such harassment and shall immediately report such conduct to their immediate supervisor, a supervisor other than their immediate supervisor, their department director, or the Human Resources Director.

301.1: Sexual Harassment Defined. Sexual harassment shall be defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

To summarize the above, sexual harassment is any unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual conduct shall be defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Verbal conduct of a sexual nature could include the telling of dirty jokes, use of vulgar language, and/or discussion of sexual activities or practices. These are not the only examples of sexual conduct, but are simply given as clarification.

301.2: Other Title VII-Based Workplace Harassment Defined. Other Title VII based workplace harassment shall be defined as unwelcome, unsolicited verbal or physical conduct directed toward an employee's race, national origin, age, religion or religious beliefs, or mental, psychological, emotional, or physical condition.

Other Title VII based workplace harassment may include improper language such as ethnic or racial slurs or jokes, regular assignment to demeaning jobs or those jobs that are least desirable, consistent treatment in a derogatory or demeaning manner, derogatory or demeaning characterization of an employee based on their age, improper language that refers specifically to an employee's religion or religious beliefs in a derogatory manner, an attempt to convert an employee, consistently excluding an employee from certain kinds of work or activities because of their disability, or unflattering references to an employee's mental, psychological, emotional or physical condition.

301.3: Hostile Work Environment Defined. A "hostile work environment" is a work atmosphere contaminated by a pattern of offensive conduct directed at an individual's protected class status. The law further describes the elements of a hostile work environment as conduct of a verbal or physical nature that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

301.4: Filing a Complaint.

- (a) You should tell the co-worker to stop the offensive behavior.
- (b) If the co-worker does not stop the offensive behavior, you should then make a complaint to **ONE** of the following:
 - 1. Your immediate supervisor;
 - 2. A supervisor other than your immediate supervisor;
 - 3. Your department director;
 - 4. Human Resources Director; or
 - 5. City Attorney.
- (c) When making the complaint, you must provide specific facts concerning the offensive behavior. These facts should answer the following:
 - 1. Who committed the offensive behavior?
 - 2. What was the specific behavior?
 - 3. When and where did the incident(s) occur?
 - 4. Were there any witnesses?
 - 5. Did the incident occur more than once?
- (d) If the person receiving the complaint is someone other than the Human Resources Director, that person should promptly alert the Human Resources Director of the situation. It is the responsibility of the Human Resources Director to conduct an investigation to verify the facts of the complaint.
- (e) If the person who is the subject of the complaint is the Human Resources Director, then the complainant should report to the City Manager or City Attorney.

301.5: Receiving a Complaint.

- (a) You should get as many facts as possible. Questions you should ask include:
 - 1. Who committed the offensive behavior?
 - 2. What was the specific behavior?
 - 3. When and where did the incident(s) occur?
 - 4. Does the person making the complaint have any idea why the offensive behavior occurred?
 - 5. Were there any witnesses to the situation?
 - 6. What is the history of the relationship between the complainant and the alleged harasser? Were they friends? Casual acquaintances?
 - 7. Has this type of incident ever happened before?
- (b) Stay neutral. It is your responsibility to gather the facts, not make judgments. It is also important that you not make any promises, other than to say an investigation will be forthcoming.

- (c) Call the Human Resources Director with the complaint. Relay all information you have gathered. It is critical that you make this step as soon as possible after receiving the complaint.

NOTE: If you actually observe harassing conduct, it is your responsibility as a supervisor to immediately intervene to halt the conduct. You should also call the Human Resources Director so an investigation can begin.

301.6: Human Resources Director Responsibilities

- (a) When a harassment concern is brought to the attention of the Human Resources Director, the Director will do the following on an informal basis before serving the department with a formal complaint:

Hold an assessment interview to find out:

1. What happened?
2. When?
3. Where?
4. Were there witnesses?
5. What resolution is requested?
6. Advise employee of their right to file a complaint with:
Equal Employment Opportunity Commission (EEOC)
531 Couch Drive, Suite 100
Oklahoma City, Oklahoma 73102
(405) 231-4911
7. Ask if employee has sought resolution within the department and encourage them to do so, if not previously done.
8. With the consent of the employee, arrange a meeting between the employee feeling harassed and appropriate department staff to seek resolution with the department.
9. Assure the employee that all information will be kept as confidential as possible and that no retaliatory measures will be permitted.

- (b) If informal resolution of the harassment complaint cannot be achieved, the Human Resources Director will do the following:

1. Notify the City Manager and the employee's department in writing that an investigation will be conducted.
2. Interview person(s) feeling harassed.
3. Interview person(s) charged with harassment.
4. Interview witnesses and supervisor.
5. Review actions taken by department to prevent harassment.
6. Review related charges, personnel files, work records, and other relevant information.
7. Discuss EEO laws and Court cases with the City Attorney's Office, if applicable.

8. Prepare a report of findings, including a recommendation to the department director on how to handle the concern. (City Attorney's Office may review the report).
9. Follow up.

(c) Notify person filing the complaint, the department director, and the City Manager of the decision.

1. If no evidence of harassment is found, the Human Resources Director will notify the person bringing the concern and the department that the case is closed. False accusations could result in the same severe disciplinary action applicable to one found guilty of harassment.
2. If probable cause that harassment has occurred is found, the Human Resources Director will meet with the person feeling harassed, and the department to advise them of the findings and to notify them as to what disciplinary actions will be taken. (Please refer to the Sexual Harassment Policy Manual for disciplinary guides).

302: VIOLENCE IN THE WORKPLACE. The City of Norman is committed to preventing workplace violence and to maintaining a safe work environment. The City will not tolerate acts of violence committed by or against City employees while on City of Norman property or while performing City of Norman business at other locations. The word "violence" in this policy includes, but is not limited to, an act or behavior that:

- (a) Consists of physical assault;
- (b) Is an attempt at physical assault;
- (c) Consists of a communicated or perceived threat to harm another individual or in any way endanger the safety of an individual;
- (d) Is perceived as obsessively directed, e.g., intensely focused on a grudge, grievance or romantic interest in another person which could result in harm or threats of harm to people or property;
- (e) Involves carrying or displaying weapons while in City vehicles, on City property, or on City business, in violation of law or City policy;
- (f) Destroying property or throwing objects in a manner perceived to be threatening; or
- (g) Consists of a communicated or perceived threat to destroy property.

The word "workplace" in this policy includes, but is not limited to, violent actions or behavior that occurs:

- (a) On City property;
- (b) At City facilities;
- (c) While on City business; or
- (d) Away from City property whereby the incident and/or altercation between two individuals arises from or out of their employment with the City of Norman.

Violent actions or behavior directed at or relating to City employees, officials or vendors will not be tolerated or ignored. Violent actions or behavior on City property or at City facilities, or while on City business, will not be tolerated or ignored. Any unlawful violent actions committed will be reported to the proper authorities. The City intends to use legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees or others threatened by City employees.

302.1: Possession and Use of Dangerous Weapons by Employees. In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons is prohibited on City property, in City vehicles or in any personal vehicle which is used for City business.

302.2: Dangerous Weapons Defined. A dangerous weapon is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

302.3: Exceptions to Dangerous Weapons Prohibitions. Employees of the City of Norman may possess a firearm on City property if:

- (a) They are engaged in law enforcement activities (on or off duty), or are authorized by their department director to carry or use firearms.
- (b) They are legally in possession of a firearm and said firearm is stored unloaded, locked in or locked to a personal vehicle, on property designated as employee parking.

302.4: Responsibilities and Procedures. Employees:

- (a) Refrain from acts of violence and seek assistance to resolve personal issues that may lead to acts of violence in the workplace or involving City employees, officials or vendors;
- (b) Immediately report to managers and supervisors any dangerous or threatening situations that occur in the workplace; and
- (c) Contact 911 if any act or altercation constitutes an emergency, and then contact the supervisor. In instances that are not emergency situations, contact your supervisor immediately.

Employees are encouraged to report to their managers/supervisors situations that occur outside of the workplace which may affect workplace safety, e.g., instances where protection orders have been issued, etc.

Managers/Supervisors:

- (a) Evaluate and report to management any act of violence immediately and confidentially, and take appropriate action, where possible, in order to protect the employee(s) from further violence.
- (b) When notified, the department director will contact the Human Resources Director, who will take responsibility for coordinating response to the incident and communicating with the appropriate authorities.
- (c) In instances that involve emergency situations, or criminal activity, the Human Resources Director will contact the City Manager and communicate with the Police Department who will assess the situation and, if necessary, conduct an investigation.
- (d) In instances when it is not appropriate to refer an incident to the Police Department, the department director will evaluate the situation and make a recommendation to the Human Resources Director regarding the need for an internal investigation.

302.5: Conducting an Investigation. If an internal investigation is recommended, the Human Resources Director will coordinate the investigation process and determine who will conduct the investigation. The person(s) conducting the investigation will utilize the following procedures:

- (a) Data Collection. There are great liabilities and legal implications associated with violent behavior in the workplace. Investigations that are conducted could lead to disciplinary action, therefore, it is important to be sensitive to the rights of all persons involved and proceed in a manner that demonstrates objectivity, fairness and a concern for confidentiality. Document all aspects of the investigation by completing an Incident Report Form.
- (b) Interview with the Alleged Victim. When talking with the alleged victim, a witness should be present and the interview electronically recorded. Speak clearly and non-judgmentally and approach the interview in a supportive manner. The goal of the interview is to develop a true and accurate account of the incident.
 - 1. Obtain the date/time of the violent incident.
 - 2. Find answers to the questions: who, what, when and where. Find out what specifically happened in this situation and any other incidents.
 - 3. Determine the background of the situation, including the relationship between the parties before the incident.
 - 4. Obtain the names of anyone else who:
 - a. Saw or heard the incident;
 - b. The alleged victim has talked with about the incident; or
 - c. The alleged victim believes has also had encounters with the alleged offender.
 - 5. Find out what the alleged victim did in response to the violent encounter.

6. Find out whether the alleged victim has documented the incident, or any other violent encounters with the alleged offender.
7. Advise the alleged victim that any form of retaliation against the alleged offender, or any action that might be interpreted as retaliation, will not be tolerated.

(c) Interview with the Alleged Offender. When talking with the alleged offender, a witness should be present and the interview electronically recorded. Speak clearly and non-judgmentally and approach the interview in a supportive manner. The goal of the interview is to develop a true and accurate account of the incident.

Keep in mind that a person is innocent until proven at fault. Assumptions of guilt before an investigation has been completed can impede an appropriate investigation.

1. If the alleged offender asks for representation, allow it.
2. Present the incident or incidents described by the alleged victim, or your own observations if you directly observed the incident.
3. Get the alleged offender's side of the story.
4. Investigate with such questions as:
 - a. Describe the incident that occurred between you and the alleged victim.
 - b. Describe your relationship with the alleged victim and other interactions that you have had.
5. Listen attentively as the alleged offender talks.
6. Advise the alleged offender that any form of retaliation against the recipient/alleged victim, or any action that might be interpreted as retaliation, will not be tolerated.

(d) Interviews with Observers or Others in the Workplace. In your investigation, realize that observers may also be disturbed by the violent interaction they have witnessed.

Investigate with questions such as:

1. What type of interaction did you observe between the alleged offender and alleged victim prior to this incident?
2. Describe what happened in this instance.
3. Are there others who might be able to comment, or who observed the same incident?

In order to maintain workplace safety and the integrity of its investigation, the City may place involved persons on administrative leave until the investigation is complete and a disciplinary hearing is conducted, if necessary. Employees placed on administrative leave must be available, if called upon, to report to the Human Resources Director's office during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

The City of Norman will ensure support for co-workers involved in threatening or violent incidents such as recommending counseling, allowing reasonable time off, etc. Department directors may want the Human Resources Director to coordinate with the City's Employee Assistance Program (EAP) counselor, or other certified debriefing specialist, to conduct an employee debriefing meeting to discuss what happened, how the situation was handled, and how it might have been avoided.

The City of Norman encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Director before the situation escalates into potential violence or warrants an official investigation.

Any employee determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to disciplinary action, up to and including termination. To the extent circumstances warrant such, the City will impose disciplinary actions in a progressive manner and in accordance with current applicable collective bargaining agreement provisions.

303: **DISCIPLINARY ACTION (Discipline and Discharge).** It shall be the duty of all employees in City service to maintain high standards of cooperation, efficiency and economy in their work for the City. Department directors and supervisors shall organize and direct the work of their employees to achieve these objectives. In this regard, employees who violate the established rules and regulations of the City shall be subject to having disciplinary actions or measures taken against them. The City agrees with the concept of progressive disciplinary action and, to the extent circumstances warrant such, the City shall impose disciplinary actions in a progressive manner.

303.1: Alternatives. Whenever the work habits, attitude, production, infraction of regulations, or personal conduct of an employee falls below a desirable standard, supervisors should point out to the employee their deficiencies at the time they are observed. Disciplinary actions may result in any one, or a combination of, the following disciplinary measures, as appropriate, for any just and reasonable cause:

- (a) Oral Reprimand;
- (b) Written Reprimand;
- (c) Suspension without pay;
- (d) Suspension without pay pending investigation;
- (e) Demotion; or
- (f) Discharge.

303.2: Oral Reprimand. An "oral reprimand" represents a warning which is usually given to an employee in the case of a minor infraction. An "oral reprimand" may be reduced to writing and placed in the employee's personnel file. A warning which is not reduced to writing and placed in the employee's personnel file shall not be considered and treated as an official disciplinary action, although it may be referenced and considered in the employee's performance evaluation.

303.3: Written Reprimand. A "written reprimand" represents a written admonishment for a significant infraction or repeated minor infractions. When disciplinary action is taken by the supervisor, a memorandum shall be prepared detailing such action and all matters prepared detailing such action shall be filed in the employee's personnel file. A copy of this completed form will be given to the employee.

303.4: Removal of Items from Personnel File. Oral and written reprimands shall be removed from the employee's personnel file once the following periods of time pass without the employee receiving any further disciplinary actions (including those that may be imposed for unrelated causes):

- (a) Oral reprimands shall be removed from an employee's personnel file once a period of one (1) year passes without the employee receiving any further disciplinary actions.
- (b) Written reprimands shall be removed from an employee's personnel file once a period of two (2) years passes without the employee receiving any further disciplinary actions.

This removal of oral and written reprimands shall be made at the request of the employee, provided that such oral and written reprimands which are eligible for removal, but not requested to be removed, shall not be used later against the employee. At the discretion of the department director, an oral or written reprimand may be removed from the employee's file after the passage of one (1) year from the issuance of an oral reprimand or two (2) years from the issuance of a written reprimand, even if the employee receives further disciplinary action within those time periods. A decision by the department director to deny such a request shall be subject to the grievance procedure but shall not be subject to the arbitration procedure.

303.5: Suspension without Pay. "Suspension without pay" results from a serious infraction or a continued repetition of minor infractions. Suspension may be for a period not to exceed thirty (30) consecutive days for any offense. An employee under suspension will not be permitted to exchange suspension time for vacation time nor compensatory time or be entitled to sick leave during the period of suspension. No other benefits will be affected.

303.6: Suspension without Pay Pending Investigation. Should an employee be accused by a private citizen or fellow employee of any action performed within the scope of employment which might constitute a conflict of interest, dishonesty, or impugn the integrity of the employee, said employee may be suspended without pay pending investigation for a period not to exceed thirty (30) days. All provisions applicable to suspension without pay provided herein shall apply except that an investigation will be made. If no grounds are determined to exist for such allegation(s), pay withheld during the suspension will be refunded to the employee. Normally, the Human Resources Department shall be the investigating authority unless the City Manager directs otherwise.

303.7: Demotion. A department director may, with the approval of the Human Resources Director and City Manager, demote an employee for disciplinary purposes when the actions of the employee do not justify dismissal, or where the work of an employee has not been satisfactory. The supervisor may demote the employee to less difficult work with an opportunity to perform satisfactorily. An employee shall not be eligible for demotion if any regular employee in the lower classification would be laid off by reason of such action. An employee may be demoted by a reduction in pay grade within their pay range in the same manner.

303.8: Discharge. "Discharge" may result from a specific serious action or the cumulative nature of disciplines. A supervisor requesting dismissal of a permanent employee shall, at the time of making such request, make a detailed report in writing containing all the pertinent facts in connection with the cause for the request dismissal. The department director, before approving the request, may make or cause to be made such investigation necessary to verify the facts.

303.9: Causes. The reasons for disciplinary action to dismissal may include, but shall not be limited to:

- (a) Failure to report for work, regularly and promptly, except for causes beyond control of the employee;
- (b) Failure to meet prescribed standards of work, morality and ethics to an extent that makes an employee unsuitable;
- (c) Failure to comply with City rules and regulations;
- (d) Failure to make a reasonable effort to perform emergency service in any position when requested to do so;
- (e) Insubordination that constitutes a serious breach of discipline;
- (f) Abuse of, or actions toward or around other employees or the public, either on or off the job, which tend to disrupt the good order and efficiency of the operation of any City department, impair the morale of its employees or impair the respect of the public for the department;
- (g) Theft, destruction or misuse of City property;
- (h) Unauthorized absences, abuse of leave privilege or a three (3) day absence without leave (AWOL);
- (i) Acceptance of a gift, fee, money or other valuable consideration given with the intent of influencing the employee in the performance of their official duty;
- (j) Improper use of authority or official position for personal profit or advantage;
- (k) Use of alcoholic beverages or intoxication while on duty;
- (l) Use, possession, sale, solicitation or transfer of drugs; or
- (m) Controlling interest, directly or indirectly, in any contract or job for the work or for material, or supplies, or the profits thereof, or any purchase made for or sales made by, to or with the City.

303.10: Handling of Disciplinary Actions. If the City has a reason to discipline an employee, it shall normally be done in a manner that will not embarrass the employee before other City employees or the public.

If an employee's supervisor contemplates imposing an oral or written reprimand upon an employee, and if the supervisor determines that the best interest of the City and/or the employee would be served by conducting a pre-disciplinary meeting, then the supervisor may schedule and conduct such a meeting. The City will advise the employee that they have the right to have a representative present during any such pre-disciplinary meeting.

If a suspension, demotion, or discharge may be imposed upon an employee, then the employee's department director shall contact the Human Resources Director to schedule a pre-disciplinary meeting. The pre-disciplinary meeting shall not be a "full blown" evidentiary meeting, but shall serve to determine whether reasonable grounds exist to believe the allegations against the employee are true and whether the grounds support the proposed action. At that meeting, the employee will be advised of the suspected misconduct or unsatisfactory job performance. The employee will be informed that the consequences of the misconduct or unsatisfactory job performance may result in a suspension, demotion, or discharge. The employee will be provided with a detailed statement of the charges which led the division or department director to the conclusion that suspension or discharge may be warranted, and the employee will be given the opportunity to respond to the charges presented.

Upon notifying the employee that a pre-disciplinary meeting is to be held, the City will advise the employee that they have the right to have a representative present during the pre-disciplinary meeting. Notification of a pre-disciplinary meeting shall normally occur at least three (3) calendar days prior to the pre-disciplinary meeting, provided that nothing contained in this section shall prevent or preclude an employee's supervisor, after observance or notification of the violation, from immediately suspending the employee with pay pending the pre-disciplinary meeting.

In every type of disciplinary action, employees shall be provided with a written notice officially informing them of disciplinary action, and setting forth the reasons for the disciplinary action.

In the case of a discharge, the employee shall be notified in writing that they have been discharged, and the employee shall have the right to appeal the discharge directly to their department director in accordance with appropriate grievance procedure.

303.11: Written Documentation of Disciplinary Actions. Employees shall be given letters of reprimand, suspension, demotion, discharge, and other formal documents of disciplinary action within five working days after such action is taken against them.

303.12: Determining Appropriate Discipline. In determining the appropriate level of discipline the following should be considered. (Supervisors are encouraged to consult with the Human Resources Director prior to enforcement of severe discipline.):

- (a) Severity of the Infraction. A serious violation may require a higher level of discipline;
- (b) Past record of disciplines (violation need not be identical or of the same nature as the preceding infraction in order to progress to the next step of discipline);
- (c) Consistency of discipline of other employees for similar infractions; and
- (d) Length of City employment.

304: GRIEVANCE AND ARBITRATION PROCEDURES. This procedure is intended to encourage employees to discuss employment problems with their supervisors, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments, if necessary, and to foster a better understanding between employees and supervisors. Discussion between employees and supervisors is the best way to identify and remove causes of misunderstanding and grievances, and will lead to better understanding, by both, of policies, procedures and practices, which affect employees. In every instance, the supervisor and employee are encouraged to strive to resolve grievance matters between themselves.

The primary purpose of any grievance procedure is to promote reaching a decision, acceptable to both parties, consistent with City personnel policies. Therefore, grievances must be considered objectively and in an atmosphere of mutual understanding. This cannot be done if a spirit of conflict enters in the consideration of a grievance. Supervisors and employees alike must recognize the true purpose of this grievance procedure to help establish a sound employment climate, thereby enabling each employee to better perform their duties and discharge their responsibilities.

304.1: Proper Subjects of Grievances. Issues and actions which are specifically precluded from appeal and arbitration shall not be considered and treated as grievable. The issues and actions which shall be considered and treated as grievable, unless so precluded, may be filed and processed as a grievance through the Grievance Procedure and, if applicable, the Arbitration Procedure as follows:

(a) Issues. An issue which involves either of the following:

- 1. The meaning, interpretation or application of the express provisions of this Manual; or
- 2. The application of the rules and regulations established and enforced by the City.

(b) Personnel Actions. Any of the following personnel actions:

- 1. The denial of an employee's scheduled merit step increase, and the denial of an employee's permanent appointment or promotion because of an unsatisfactory performance evaluation; or
- 2. The dismissal or pending dismissal of an employee, but excluding any such dismissal which occurs because of one of the following reasons;

- a. The termination or elimination of an employee's position.
- b. The conclusion or termination of an employee's layoff status.
- c. An employee's absence without leave for three (3) or more consecutive work days.

(c) Disciplinary Actions. Any of the following disciplinary actions:

1. The oral reprimand or written reprimand of an employee;
2. The suspension or pending suspension of an employee;
3. The involuntary demotion or pending demotion of an employee, but excluding any such demotion which occurs in conjunction with the bumping procedure;
4. The discharge of an employee.

304.2: Grievance Not Subject to Arbitration. All of the grievable issues and actions referenced in 304.1 may be filed and processed as a grievance through the Grievance Procedure set forth in 304.3 below. In the case of the following grievable issues and actions, the City Manager shall be considered final and binding upon all parties. Such grievances shall not be subject to the Arbitration Procedures, and therefore, they may not be appealed to an arbitrator.

- (a) Grievances which involve the exercise of the City Manager's authority as set forth in Sections 102 and 104, except for disciplinary actions which involve the suspension, demotion or discharge of an employee;
- (b) Grievances which involve the oral reprimand or written reprimand of an employee;
- (c) Grievances which involve the dismissal, discharge or suspension of an employee who is completing their original appointment probationary period;
- (d) Grievances which involve the denial of an employee's scheduled merit step increase, and the denial of an employee's permanent promotion because of an unsatisfactory performance evaluation;
- (e) Grievances which involve matters other than those set forth in Section 304.1 above.

A grievance involving any of the above issues and actions may be appealed by the employee to an arbitrator if the City Manager declines to accept to hear it. In the case of any such grievance, as well as all other grievances which are subject to the Arbitration Procedure set forth in Section 304.5 below and which are in fact appealed by the employee to an arbitrator, the decision of the arbitrator shall be considered final and binding upon all parties.

304.3: Grievance Filing Requirement and Procedures. Grievances must be filed in the following manner:

- (a) Grievable Issues. Grievances involving the “issues” set forth in paragraph (a) of Section 304.1 may be filed by either an aggrieved employee or a group of aggrieved employees.
- (b) Grievable Actions. Grievances involving the “Personnel Actions” and “Disciplinary Actions” set forth in paragraphs (b) and (c), respectively, of Section 304.1, may only be filed by the employee or group of employees actually affected by the action.
- (c) In the case of a grievance which is filed by or on behalf of a group of employees, one employee must be designated to represent the group during the various steps of the grievance procedure and during any arbitration hearings. This shall not prevent or preclude the other employees from making statements or offering testimony during such grievance meetings and arbitration hearings. In this regard, however, these other employees shall only attend and participate in the grievance meetings and arbitration hearings to the extent that their presence is required.
- (d) Once a grievance is filed in the manner prescribed above and regardless of the particular step in the grievance procedure to which it is first directed, the grievance may then only be progressed through the remaining steps of the grievance procedure and, if applicable, appealed to the Arbitration Procedure by the employee. All grievances are to be submitted to the Human Resources Department on an official “Grievance Form” (see Forms). The Human Resources Director shall provide a copy to the appropriate supervisor, division head or department director. No grievance shall be processed through the various grievance steps unless it is submitted to the Human Resources Department on the approved “Grievance Form,” and unless it is properly completed, signed and dated by the aggrieved employee or group of employees. In this regard, the “Grievance Form” must contain a statement of the grievant’s complaint, the section(s) of the Personnel Manual allegedly violated, the date of the alleged violation, and the relief or remedy sought. However, an incorrect date and/or improper section citation shall not in itself by grounds for denial for the grievance.

In the event that it is necessary for the Human Resources Director to work with the employee or the group of employees to clarify the grievance as stated on the grievance form, or for the employee or the group of employees to correct and resubmit the grievance form, such additional time as may be required for this shall not be counted towards the time limits established for the various grievance steps.

If a grievance is not submitted in the manner set forth above, it shall be considered “waived.”

- (e) Determination of Grievance Step. Certain issues which by their nature are incapable of being settled at Step One or any other preliminary step in the grievance procedure may be directed to a higher and more appropriate step in the grievance procedure.

In this regard, the Human Resources Director shall direct and transmit the grievance form to such step in the grievance procedure as mutually agreed to by the parties. When a grievance is automatically forwarded to a higher step, the time limits established for the waived steps shall be waived.

- (f) Time Limits for Grievance. No grievance shall be entertained or processed unless it is submitted within ten (10) business days after the occurrence of the event giving rise to the grievance, not including the day of the occurrence. If the employee or group of employees is unsure about the date of occurrence, then the grievance must be submitted within ten (10) business days after the grievant(s) first has knowledge of the facts which give rise to the grievance, or with reasonable diligence should have acquired such knowledge. If a grievance is not submitted within this time limit, or such other additional period of time as may be mutually agreed to in writing by the parties, it shall be considered

The time limits established for each step of the grievance procedure and for the submission of a grievance to the arbitration procedure may be extended by mutual agreement in writing of the parties involved in the grievance.

A grievance may be withdrawn or concluded at any step in the grievance procedure as well as at the conclusion of the grievance procedure. If a grievance is not referred to the next higher step of the grievance procedure or appealed to the arbitration procedure (if applicable) within the specified time limit or such other additional period of time as mutually agreed to in writing by the parties, then it shall be considered and treated as settled on the basis of the City's last answer.

If the City does not answer a grievance or the appeal of a grievance within the specified time limit or such other additional period of time as mutually agreed to by the parties, then the employee may elect to treat the grievance as denied at the step and immediately refer the grievance to the next higher step.

- (g) Coordinating and Monitoring the Grievance Procedure. The Human Resources Director shall be responsible for coordinating and monitoring grievances as they progress through the grievance procedure. In this regard, all grievance responses shall be submitted to the Human Resources Director, who shall then be responsible for seeing that the appropriate parties are provided with copies of the grievance and these responses.

304.4: Grievance Procedural Steps.

- (a) Step One: Immediate Supervisor. Step One is the initial action that is to be taken with respect to a written grievance. The immediate supervisor shall review the grievance and file a written response within ten (10) business days after receipt of the grievance. If the employee is not satisfied with the written response of the immediate supervisor, then they may progress the grievance to Step Two of the grievance procedure within ten (10) business days after the date of the immediate supervisor's response.
- (b) Step Two: Division Head. Step Two shall be initiated if the employee is not satisfied with the results of Step One, and elects to appeal the immediate supervisor's decision to the division head within the time prescribed above.

The division head shall review the grievance and file a written response within ten (10) business days after receipt of the grievance. The division head's written response shall confirm, amend, or reverse the decision of the immediate supervisor. If the employee is not satisfied with the written response of the division head, then they may progress the grievance to Step Three of the grievance procedure within ten (10) business days after the date of the division head's response.

- (c) Step Three: Department Director. Step Three shall be initiated if the employee is not satisfied with the results of Step Two, and elects to appeal the division head's decision to the department director within the time limit prescribed above.

The department director shall investigate the matter and may hold a grievance meeting within ten (10) business days after receipt of the grievance. Both the employee and the City shall have the right to call such witnesses as are necessary to the investigation and explanation of the grievance.

The department director shall file a written response to the grievance within ten (10) business days after receipt of the grievance or within ten (10) business days after the date of the grievance meeting. The department director's written response shall confirm, amend, or reverse the decision of the division head. If the employee is not satisfied with the written response of the department director, then they may progress the grievance to Step Four of the grievance procedure within ten (10) business days after the date of the department director's response.

- (d) Step Four: City Manager. Step Four shall be initiated if the employee is not satisfied with the results of Step Three, and elects to appeal the department director's decision to the City Manager within the time limit prescribed above.

The City Manager shall review the grievance along with all pertinent information and correspondence to date. The City Manager may, at his discretion, schedule and hold a grievance meeting within ten (10) business days after receipt of the grievance. Either the City Manager or designated representative may conduct the grievance meeting. Both the employee and the City shall have the right to call such witnesses as are necessary to the investigation and explanation of the grievance.

The City Manager shall file a written response to the grievance within ten (10) business days after the date of the grievance meeting, or if no grievance meeting is held, within ten (10) business days after the receipt of the grievance. The City Manager's written response shall confirm, amend, or reverse the decision of the department director. If the employee is not satisfied with the written response of the City Manager, then the employee may refer the grievance to arbitration within fifteen (15) business days after the date of the City Manager's response. If so authorized and initiated, the request by the employee for arbitration must be submitted in writing within the prescribed time limit to the Human Resources Director.

304.5: Arbitration. The arbitration procedure shall be initiated if the employee is not satisfied with the results of the foregoing grievance procedure, and if the employee elects to refer the grievance to arbitration in the manner and within the time limit prescribed above. The arbitration procedure shall only be available in the event of disciplinary action involving a suspension, demotion, or termination.

- (a) Selection of Arbitrator. Within ten (10) business days following the date that the Human Resources Director receives the employee's written request for an arbitration hearing, the City and the employee shall attempt to agree upon an arbitrator.

In the event the parties are unable to agree upon an impartial arbitrator within the said ten (10) business day period, either or both parties shall immediately request the Federal Mediation Conciliation Service (FMCS) to submit a list of seven (7) qualified arbitrators. Upon receipt of such list from FMCS, the employee's representative shall contact the City Manager, or designee, for the purpose of selecting an arbitrator in the following manner. Both the City and the employee shall have the right to strike three (3) names from the list. The employee shall strike the first name. The process will be repeated and the last remaining person shall be the arbitrator. The arbitrator shall be notified of their selection and will set a date and time for the hearing, subject to the availability of City and employee representatives.

- (b) Arbitration Hearings. All arbitration hearings shall be held in Norman, Oklahoma, and shall not be open to the public unless otherwise mutually agreed to by the City and the employee. Arbitration hearings may be continued from time to time for good cause, in response to a motion by the

arbitrator, the City, the employee, or a group of employees presenting their grievance.

The City and the employee may mutually agree to forego retaining a court reporter (stenographer) for the arbitration hearing. However, unless otherwise mutually agreed by the City and the employee, a court reporter (stenographer) shall be retained for the arbitration hearing, and a verbatim transcript of the hearing shall be prepared for the arbitrator, with one (1) copy each provided to the City and the employee.

The arbitrator shall conduct a fair and impartial hearing. In the conduct of this arbitration hearing, the arbitrator shall have the power to administer oaths and affirmations, and the arbitrator shall also have the power to secure, by subpoena, both the attendance and testimony of witnesses, and the production of books, papers and records which are necessary to the explanation of the grievance and the conduct of the hearing.

- (c) Authority of Arbitrator. The arbitrator shall only consider and make a decision with respect to the specific issue or action being appealed to them in the grievance(s), and the arbitrator shall have no right or authority to make a decision concerning any other actions or issues. In reaching a decision, the arbitrator shall have no right or authority to amend, modify, nullify, ignore, add to or subtract from the provisions of the Personnel Manual, or the rules and regulations of the City. In this same regard, the arbitrator shall be without power to make a decision that is contrary to or inconsistent with, or modifying or varying in any way, the application of laws, or rules and regulations having the force and effect of law.

This decision shall be based solely upon the arbitrator's interpretation of the meaning and application of the provisions of the Personnel Manual, as relates to the facts of the grievance as presented. The arbitrator may confirm, amend, or reverse the decision of the City Manager, or in the absence of a decision by the City Manager, the decision of the department director; provided however, that the arbitrator may not increase the disciplinary action recommended. In reaching a decision and, if necessary, fashioning an appropriate remedy the arbitrator shall take into consideration interim compensation and efforts to mitigate damages. In this regard, no liability shall accrue against the City for a date more than one (1) month prior to the date the grievance was originally filed, or in the case of a disciplinary action, the date of the discipline.

- (d) Opinion of Arbitrator. The arbitrator shall submit a decision, in writing, to both the City and the employee. Such decision shall be advisory to the City Manager and if accepted by the City Manager, binding upon the employee. The arbitrator shall render a decision concerning the grievance as soon as possible following the close of the arbitration hearing or the submission of briefs by the parties. However, the City and the employee may mutually agree to request the

arbitrator to render a decision at the close of the arbitration hearing, or within five (5) business days following the close of the arbitration hearing.

- (e) Arbitration Expenses. For non-union employees, the fees and expenses of the arbitrator and the court reporter (stenographer), and the cost of the verbatim transcript (including the two (2) copies - one (1) copy for the City and one (1) copy for the employee) - shall be paid by the City. Each party shall be responsible for compensating its own representatives, witnesses, and legal counsel.
- (f) Release of Information. When an arbitration is requested, the act of requesting such an arbitration shall constitute authorization to reveal to the participants in the arbitration procedure any and all information available concerning said arbitration. Such filing shall further constitute a release from any and all claims of liability by reason of such disclosure.

305: SMOKE-FREE WORKPLACE. The City of Norman is committed to creating a safe, healthy and productive environment for its employees. It is the City of Norman's duty to provide our workers with a workplace that is not unreasonably dangerous, to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

305.1: City Vehicle Smoking Policy. Smoking will not be permitted in any City-owned buildings or vehicles. Smoking is defined as any form of an ignited product intended for use by smoking and includes, but is not limited to, cigarettes, cigars and tobacco pipes. This policy applies to all departments and employees.

305.2: Smoke Breaks. Since smokers will not be allowed to smoke while working, they may want to take "smoke breaks". As long as absences from their work fall within applicable work-break policies, accommodations should be made by supervisors and colleagues. Smokers are reminded that a wish to smoke is not a sufficient reason to be gone from their workplace in excess of the standard work-break policies. Smokers must also stay at least 25 feet from any entrance of any City-owned building.

305.3: Compliance. An employee who is bothered by smoking in the workplace may inform their immediate supervisor or department director. Upon receiving a complaint, supervisors or department directors are responsible for taking immediate action to stop the offending behavior. To ensure compliance, enforcement of this policy shall follow existing City policies regarding progressive discipline.

306: DRUG-FREE WORKPLACE POLICY. The City of Norman has a vital interest in providing for the safety and well being of all employees and the public and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to the maintenance of a drug and alcohol free workplace.

As substance abuse in the workplace is in contradiction with the City of Norman's organizational values that reflect integrity, professionalism, accountability, and pride, the City of Norman has adopted this policy to address this dangerous issue of drugs in the workplace.

306.1: General Provisions. All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment.

306.2: Disciplinary Action. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate termination. In addition, employees are subject to disciplinary action up to and including immediate termination for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

306.3: Testing Requirements. The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided in Appendix A of this manual. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation shall be subject to termination from City employment. The employee shall be immediately suspended from work without pay and required to leave the workplace pending a pre-disciplinary hearing to give the employee an opportunity to explain refusal to submit to a drug screen test and why the employee should not be terminated from City employment. The pre-disciplinary hearing shall not be held earlier than three (3) calendar days after the employee's suspension and will follow the procedure outlined in Section 303.10. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

306.4: Return to Duty. The City also reserves the right to require return to duty and follow-up testing for a period of one (1) year as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

306.5: Employee Assistance Program (EAP). The Employee Assistance Program (EAP) provides counseling services, crisis intervention, assessments, and referrals for employees and family members, and consults with managers and supervisors about employee issues. In addition, our EAP provider insures compliance with Drug Free Workplace and DOT testing requirements, and provides guidance in drug and alcohol testing.

Employees with a substance abuse problem that could affect their safety and that of others, or impair their work performance, will be required to participate in an assistance program as recommended by the EAP professional. No employee with a proven substance abuse problem will be allowed to return to work unless they have successfully completed a voluntary assistance program.

Participation in an assistance program will be at the employee's expense but may be covered by the employee's health insurance coverage. Any in-house services provided by

the City of Norman EAP shall be at no cost to the employee. Sick and annual leave will be used during the time that an employee is participating in an assistance program. Additionally, leave without pay may be allowed for those employees who have insufficient sick or annual leave accrued to complete the program.

307: SAFETY. It is the responsibility of the City of Norman to provide safe working conditions for all its employees in accordance with the basic guidelines established under the Occupational Safety and Health Act (OSHA). The purpose is to prevent on-the-job injuries and accidents and to make sure each employee is aware of what to do in such cases.

There is a moral, economic and statutory obligation for the City of Norman to provide its employees with a safe and healthy work environment. The moral obligations deal with the conservation of the human life, and the alleviation of human pain, and suffering. The economic obligation deals with the cost of injury and destruction of property. The statutory obligation is one in which federal or state regulatory bodies establish mandatory safety regulations and standards for the prevention of occupational accidents and the safe operation of motor vehicles. Accident and injury prevention is only one of our responsibilities in the field of safety.

The overall safety responsibility is vested in the City Manager. However, safety must be an integral part of every City operation. For this reason, the City Manager delegates this responsibility to the Safety Manager as a staff function. The Safety Manager monitors the safety training, operational habits of employees, and writes safety policies and procedures for the City of Norman. The primary responsibility for the employee's adherence to the City's safety program is that of the immediate supervisor, who provides the necessary directions to the employees. The supervisor's motivational effort creates a desire to support the entire safety program. Management must continuously emphasize the moral, economic, and statutory obligations involved in safety so that the supervisor clearly understands that they should not compromise the operation by unsafe practices.

The Safety Manager, upon approval by the Human Resources Director, may institute, and formulate such safety councils, committees, procedures, rules, and regulations as deemed necessary or in the best interest of maintaining a safe working environment for employees. The Finance Department is delegated the responsibility to administer the Worker's Compensation Claims Process (through guidance from the Legal Department). The Safety Manager will investigate the on-the-job injuries of City employees.

307.1: Reporting of On-the-Job Injuries and Accidents.

- (a) Any on-the-job injury (OJI), regardless of its severity, should be reported to the supervisor immediately. An OJI report form should then be completed as soon as possible since this is a prerequisite to receiving Workers' Compensation benefits. On-the-job injuries should be reported to the Safety Manager by telephone on the same day of the injury, and reports filed within two (2) working days to the Safety Manager. It shall be the responsibility of the Safety Manager to thoroughly investigate and assess all injuries in an

effort to determine the correctness of each specific case, and to suggest possible remedies that would prevent further occurrences.

- (b) For vehicle/equipment accidents, it is imperative that the driver report immediately to their supervisor, who in turn reports immediately to the Safety Manager. As part of the training of drivers, strong emphasis must be placed on their conduct at the scene of an accident. They must be courteous in dealing with others including bystanders and owners of damaged property. The driver should state only that they work for the City of Norman, their own name and address, and show their driver's license when required. The driver should in no way admit any responsibility. The driver must complete a City Vehicle Accident Report and forward it to the Safety Manager. Additional responsibilities and guidelines are outlined in the City of Norman Vehicle Operations and Accident Policy.

307.2: Investigation of Accidents. The Safety Manager is responsible for investigating accidents involving City vehicles and gathering the necessary data in order to verify findings, determine if accident is chargeable, and preparing a report of findings and recommendations for the department.

308: TAKE HOME VEHICLE POLICY. Excluding public safety departments, this policy applies to all City of Norman employees. Understanding there are various differences between departmental working conditions, a single policy can neither recognize those differences nor address the particular needs that exist in those different situations. Therefore, this policy is intended to provide guidelines for the assignment of take home vehicles.

The responsibility for the administration of this policy is assigned to the City Manager. The responsibility for the enforcement of this policy is assigned to the department directors. Department directors may assign vehicles as take home vehicles for their employees, but must inform the City Manager, justifying the use of each vehicle for this purpose.

For policies and procedures related to travel expense reimbursement, personal vehicle uses for City business, out-of-town business trips, and the like, please refer to Section 605.

308.1: Policy Criteria. Take Home Vehicles are provided to respond to emergency situations, which pose an immediate threat to the safety of the public and/or environment. The following criteria will serve as the basis for City authorization of an employee to use a City vehicle for work transportation:

- (a) Frequency of non-duty hour "call out";
- (b) Special equipment on the City vehicle;
- (c) Location of base work station;
- (d) Radio monitoring activities;
- (e) Inspections of facilities/activities during non-duty hours;
- (f) Emergency/pager call out lists;
- (g) When assignment of the vehicle is economically beneficial to the City.

308.2: Improper Use. Employees should be very careful to avoid any appearance of impropriety in the use of the City vehicle they are assigned. No vehicle assignments are made for the personal use or convenience of the employee. The employee should consider the assignment of a vehicle as a responsibility rather than a privilege. Examples of activities that are prohibited regarding the use of taking home vehicles are:

- (a) Use of the vehicle for personal errands or appointments, unless approved;
- (b) Permitting a passenger to ride in the vehicle unless that person is a City employee on official City business or a person being transported in association with City business;
- (c) Transporting alcoholic beverages or any other intoxicant at any time.

It is understood that City employees authorized to take City vehicles home have no other means of transportation available to them during their workday. Such employees may occasionally, out of necessity or as a practical matter, justifiably use the City vehicle for personal use. As such, it will be the individual department director's responsibility to set and describe the rules governing such uses, following the above listed criteria, when assigning City vehicles.

308.3: Distance Requirement. Each department will examine the distance from the employee's primary work site to the employee's residence to assure that the distance is no more than the distance from their primary work site to the most distant point in the City limits. If the distance from the employee's primary work site to the employee's residence exceeds the distance to the furthest point in the City limits, an exception must be obtained from the City Manager, or designee, to allow that employee to drive a City vehicle home.

308.4: Licensing and Safety. A valid State of Oklahoma driver's license and City of Norman operator's license is necessary for an employee to drive a City vehicle. Upon request, the employee will be required to submit evidence of their driver's license to their supervisor. The City reserves the right to prohibit employees with unsatisfactory safety or traffic violation records from operating City vehicles.

308.5: Accidents. All accidents involving City-owned vehicles in the possession of City employees or assigned to City employees must be immediately reported by the employee to the appropriate law enforcement agency and then through the established departmental and City accident reporting procedures. Failure to immediately report an accident while driving a City-owned vehicle may result in disciplinary action up to and including termination.

308.6: IRS Regulation. In accordance with the Internal Revenue Service (IRS) Rules, those employees who take a City vehicle home are to be taxed for each day that they drive the vehicle, at their personal tax rate, on the \$3.00 per day salary increase derived from the use of an employer-provided vehicle.

308.7: Discontinuance of Authorization. In the event a department determines that authorization for the use of a take home vehicle should be discontinued, the department director will notify the employee in writing that the authorization has been discontinued.

309: CASH HANDLING POLICY. This Policy governs the handling of City cash, as directed by the City Charter, Article IV, Section 1. The term “City Cash” applies to currency, coin, checks, credit, charge, and debit card payments, other electronic payment media, and other negotiable instruments payable in money to the City.

309.1: Procedures and Documentation. The City Finance Director is authorized to promulgate rules and approve departmental procedures for the receipt, handling, and deposit by City officers and employees of City cash into the City Treasury; for the method of documentation on all such transactions; for regular reporting to the Finance Department; for certifying and decertifying by the Finance Director of all City officers and employees who are authorized to receive or handle City monies in the regular course of their employment or departmental activities; for inspection of departmental cash records, including overages or shortages; for inspection of departmental practices and procedures in City cash; and for contracting with agents to collect City cash and their collection procedures. The Finance Director may enforce these rules through on-site inspections; by decertifying any officer or employee who fails to comply with the established rules and procedures and, in the event of noncompliance by a department or office, requiring that payments to personnel be authorized by the Finance Director, or deposited at their office.

309.2: Departmental Functions. The head of any City department or office that anticipates receiving City monies on a regular basis in the course of its activities shall:

- (a) Assign the receiving of City cash only to those persons who are certified by the Finance Director for performing those functions;
- (b) Collaborate with the Finance Director to establish and maintain a system of procedures, documentation and reporting on receipts handling and deposit of City monies;
- (c) Notify the Police and Finance Departments of any loss or theft of City cash immediately upon discovery. Written notice shall be given no later than twenty-four (24) hours after discovery; and
- (d) Allow the Finance Director, or designee, to make on-site inspections and observe the processing of City cash, and to make inspections of departmental collection records.

309.3: Liability for Loss as Between Department and Finance Department.

- (a) As between a department and its officers and the Finance Director, the department has primary responsibility for care and liability for loss of City cash in its custody until deposited in the City Treasury or entrusted to a cashier certified by the Finance Director; and the Finance Department thereafter. When deposit is made in an after-hours drop box of the City's financial institution, or an armored car service making collection for the City, losses are assigned to the Finance Department if the rules for making deposits have been followed, and to the department otherwise.
- (b) Compliance with the Finance Director's rules and procedures approved by the Finance Director establishes a presumption that a City department or office exercised due care in its custody and care of City cash.

309.4: Duties of City Personnel. Any City officer or employee, who receives City cash in the normal scope and course of their duties, shall:

- (a) Immediately deliver the same to the Finance Department or, when so authorized, deposit the cash with a City depository designated by the Finance Director to the credit of the City. The delivery or deposit must be made within twenty-four hours (24) after receipt unless otherwise authorized by the Finance Director.
- (b) Comply with rules promulgated by the Finance Director for handling and processing of City cash and for documentation and dissemination of records, and with departmental internal procedures, established in conformity with the Finance Director's rules.
- (c) Notify the employee's supervisor and the Finance Director of any loss or theft of City money immediately upon discovery. Written notice shall be given to them no later than twenty-four (24) hours after discovery.
- (d) Be subject to progressive disciplinary action, up to and including termination, for failure to comply with departmental and Finance Director's policies and procedures and the duties described in this Manual.

309.5: Certification of Receivers, Cashiers and Tellers. Only persons who are certified by the Finance Director may receive and handle City cash on a regular basis in the scope and course of their employment. As a condition to certification or maintenance of a certification, the Finance Department may require that the officer or employee complete a course of instruction or training and/or pass an examination on the secure processing of monies, the Finance Director's rules, procedures and applicable departmental rules, and thereafter take refresher instruction or training at periodic intervals, or when the need arises. It is anticipated that all officers or employees who receive and handle City cash on a regular basis in the scope and course of their employment, shall complete such certification within six (6) months of the implementation of this policy or within six (6) months of their employment with the City.

310: **COMPUTER NETWORKS AND COMMUNICATIONS.** The availability and use of the personal computer within the work environment has provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for rapid transfer and broad dissemination of sensitive information that can have damaging effects on the City, its employees, and the public if not managed properly. Therefore, it is the City's policy that all employees abide by the guidelines listed below when using computers and the services of both internal and external databases and information exchange networks, voice mail, mobile digital terminals and related electronic messaging devices. Use of the Internet is subject to the City of Norman policy related to the use of City equipment and the use of employee work time.

310.1: Policy. The City furnishes computers and services for use in City business activities. All City computer services and equipment, including the messages transmitted or stored by them, are the property of the City. The City reserves the right to access, read, use, and disclose employee communications and files, as it considers appropriate. Because the City reserves the right to access, read, use, and disclose employee communications and files, there is no expectation of privacy on City-owned computer services and equipment. Transmission of electronic messages and information on communications media provided for employees shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence.

310.2: Systems. City computer communication systems include computer equipment and services, such as personal computers, electronic mail (e-mail), computer networks, on-line services, computer files, PDAs, wireless devices, databases, mobile digital terminals, facsimile transmissions, printers, and Internet usage.

310.3: Guidelines. The computer communication systems are designed and intended to conduct business of the City of Norman and are restricted to that purpose. Installation of or access to software for entertainment purposes is prohibited. Exceptions to business use include the following:

- (a) Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit making business enterprise or the promotion of any product, service, or cause that has not received prior approval of the employee's department director.

310.4: Improper Use. Improper use includes, but shall not be limited to:

- (a) Violating copyright, license agreements, or other contracts;
- (b) Installing, importing or downloading software or information onto any City owned computer or network terminal, any file, including sound and video files and files attached to e-mail messages, or other materials from the internet or other external sources without authorization;
- (c) Interfering with intended use of information resources;
- (d) Using any computer or network resources under false pretenses;

- (e) Destroying, altering, dismantling, or otherwise interfering with the integrity of computer-based information and/or information resources without authorization;
- (f) Accessing or allowing others to access any file or database unless that person has a need and right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized persons.
- (g) Accessing, transmitting, or causing to be transmitted communications that may be construed as sexually suggestive, offensive, demeaning, insulting, harassment, or disparaging; or
- (h) Other uses such as unauthorized playing of games, and unauthorized listening to music or radio broadcasts, etc.

Improper use of the City's communication systems and equipment could result in discipline, up to and including termination, as outlined in Section 303 of the Personnel Manual.

310.5: Supervisor Responsibility. The department director shall approve use of City computers, equipment, networks, and the Internet for their employees.

- (a) Use of City computers, etc. at an employee's home shall be approved, in advance, by the department director.
- (b) Supervisors shall be responsible for assuring the distribution of this policy and informing employees that violation could result in disciplinary action.
- (c) Each employee has the responsibility for complying with this policy and to immediately notify their supervisor of any apparent violations.

311: CELL PHONE POLICY. This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of all cell phones by employees while driving.

311.1: Personal Cell Phones. While at work, employees are to exercise the same discretion in using personal cell phones as they do with the City's business phones. Excessive personal calls or texts during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should therefore limit the placing or receiving of personal calls or texts during working hours to those required only in emergency situations. Flexibility will be provided in circumstances demanding immediate attention. Employees are expected to inform friends and family members of this policy and will be held accountable for their actions.

The City will not be liable for the loss or damage of personal cell phones brought to the workplace.

311.2: City Provided Cell Phones. Where job or business needs demand immediate access to an employee, the City may issue a business cell phone to an employee for work-related communications. City-owned phones may be used for personal reasons when no

other immediate means of communication is available to the employee. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

311.3: Safety Issues for Cell Phone Use. Safe operation of any vehicle in the performance of City business is the responsibility of the driver and must be given appropriate attention at all times. In every situation, do not use a cell phone while the vehicle is in motion if doing so distracts attention from driving. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Additionally, all employees, except Fire and Police personnel, are prohibited from using data services on their cell phones, such as texting or accessing the web or other distracting activities, while driving. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Violations of this policy will be subject to disciplinary action as outlined in Section 303 of the Personnel Manual.

312: VOTING POLICY: All City of Norman employees, who are registered voters, may be allowed the necessary time to vote, up to two (2) hours, in city, state and national elections. In order for the City of Norman to be in compliance with state laws, this shall not include employees whose workday ends on or before 4:00 p.m., because these employees have three (3) hours or more to vote before the closing of the polls. Time should be arranged so that a minimum of employees are off at any one time, and no City function may be closed as a result of this policy. Department directors may designate the times in which employees are off. Upon proof of voting such employee shall not be subject to any loss of compensation or other penalty for such absence. Employees may be required to notify their supervisor orally, or in writing, of their intention to be absent for voting purposes on the day preceding the Election Day.

SECTION 400

CLASSIFICATION PLAN

400: POSITION CLASSIFICATION PLAN. The Position Classification Plan includes, but is not limited to, an outline of classes or positions, and class specifications in such form as prescribed by the Human Resources Director and approved by the City Manager. The classification specification gives accurate descriptions and titles of each position. Many positions are grouped together according to the nature of work, level of difficulty and responsibility, and comparable education and qualifications required at the time of recruitment.

401: CLASS SPECIFICATIONS FOR CLASSIFICATION PLAN. The Human Resources Director will develop and maintain a master set of all approved class specifications on all positions. Class specifications are descriptive only, not restrictive, and may be updated by the Human Resources Director as needed. Class specifications are intended to indicate the kinds of positions that are to be allocated to the respective classes, as determined by their duties and responsibilities. A listing of duties and responsibilities of a position within a class specification is also descriptive only and not restrictive. Duties and responsibilities that are not specifically listed, but are similar to the kind of duty and level of responsibility as those specifically listed on a position within a class, shall be considered to be an appropriate work assignment.

402: MAINTENANCE OF THE CLASSIFICATION PLAN. A process of continuing review and study of all positions and classes is recognized as an essential element of the Classification Plan. To maintain viability of the Classification Plan, the Human Resources Director shall have the authority to conduct classification reviews and studies of any or all positions and, with the approval of the City Manager, the Human Resources Director shall revise the Classification Plan according to the findings.

403: USES OF THE CLASSIFICATION PLAN. The Classification Plan shall be used:

- (a) To provide the structural basis of a compensation plan to assure that equal pay is provided for equal work;
- (b) To establish education and work experience qualifications and standards for recruiting, testing, and other selection purposes;
- (c) To provide administrators and supervisors with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individual positions and groups of positions;
- (d) To assist authorities in determining personal service costs and in projecting such cost for annual budget requirements;
- (e) To provide a basis for developing standards of work performance and relating them to goals or objectives; and
- (f) To establish lines of promotional and career opportunities and to indicate employee training needs and development potentials.

404: ADMINISTRATION OF THE CLASSIFICATION PLAN. The Classification Plan is not static and is not intended to fix positions permanently into classes. The Plan shall be administered continually to adapt to changing conditions.

Three possible changes in the Plan itself are:

- (a) Abolition. A classification will be abolished whenever the City no longer needs the duties of that position.
- (b) Reclassification. A classification will be revised to correct injustices with respect to positions being under classified or over classified.
- (c) Creation. A new classification will be created for those positions that do not conform to any existing classification.

405: REQUEST FOR RECLASSIFICATION. When the duties of a current position substantially change, the department director shall submit a written recommendation to the Human Resources Director including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.).

The Human Resources Director will review the request. If the request is justified, a job audit may be conducted. A job audit is an analysis of the critical elements of a position against a predetermined formula for measuring the relative worth of a position and placement in the City's classification/compensation schedule.

If approved, the Human Resources Director will take the necessary steps to effect the reclassification. The City Manager shall be the final decision maker for all reclassification requests. If the City Manager does not concur with the request, the department director will be provided with reasons. The City Manager's decisions regarding classification designations and reclassifications shall be final and not subject to grievance.

Any employee who considers their position improperly classified shall first submit a request in writing for reclassification to their department director who shall review the request and transmit it with a written recommendation to the Human Resources Director. An employee may not submit a request for review of their position classification any time prior to the expiration of one (1) year from the date of completion of a prior job audit for that position.

SECTION 500

COMPENSATION PLAN

500: WAGES. Employees will be paid every other Friday unless payday falls on a holiday, in which case employees will be paid on the last normal workday prior to the holiday.

500.1: Direct Deposit. Employees shall receive their pay via direct deposit. Employees shall execute the required documentation to authorize the direct deposit of the employee's compensation into a financial institution of the employee's choice. The City will still provide a detailed "check stub" indicating the net amount of the employees pay, withholdings, accruals, and deductions.

500.2: Debit/Credit Card. For employees who choose not to authorize direct deposit, they will be issued a debit/credit card. On pay days, their card will be "loaded" with the amount of their net pay. This card can be used to obtain cash or make purchases.

501: HOURS OF WORK. The nature of the services performed by the City makes it impossible for all departments to operate on the same schedule of working hours. Working hours for department areas are such as necessary for continuing their work in a satisfactory and efficient manner. The designated workweek shall be defined according to that period of time requiring full-time service of the employee and regularly established by the various departments or divisions. Any changes to the designated workweek shall have prior approval of the City Manager.

It is the expressed desire of the City, subject to adequate funds and sufficient personnel, to standardize the workweek for all departments and non-salaried employees at forty (40) hours, except for Fire personnel.

- (a) The normal workday shall consist of eight (8) hours and the normal workweek shall be forty (40) hours.
- (b) The normal workweek for purposes of overtime begins at 12:01 a.m. on Friday morning and runs through 12:00 midnight the following Thursday night. The normal workday shall begin at 8:00 a.m., and end at 5:00 p.m., with one (1) hour for lunch. However, departments may, at their discretion, establish special hours, workweeks and tours of duty for their department, for specified units or for individual employees, as may be necessary to provide adequate service.

In the interest of equity and uniformity; however, such special hours shall conform to the following provisions:

1. The standard hours that are established for full-time employees shall be forty (40) hours a week.
2. Lunch periods may be established as between thirty (30) minutes and sixty (60) minutes. No lunch hour will be established for employees who are required to eat a meal while at work.
3. Lunchtime, if established, shall be deducted from the workday in establishing the total hours worked.

- (c) Shifts to be worked during the workweek shall not be changed unless at least seven (7) calendar days advance notice of the change is provided to the employees affected.
- (d) Employees who are required to work shifts other than during the normal working hours may request to work a specific shift in accordance with the following provisions:
 - 1. Employees may notify their supervisors, in writing, of their desired work shift.
 - 2. Except where impractical due to skill levels of employees or where special working conditions exist which would preclude certain employees from working specific shifts, shift assignment may be made on the basis of divisional seniority.
 - 3. Where shifts are regularly rotated among employees, the provisions of this section shall not apply.
- (e) Some employees may be assigned to work a shift schedule consisting of twenty-four (24) hours per shift or one hundred six (106) hours in a fourteen (14) day work period. The normal workday tour of duty for those personnel may begin at 7:00 a.m. and end at 7:00 a.m. the following day.
- (f) The employer may establish different hours of work if legislation should become effective requiring the City to pay overtime for any hours over forty (40) per week for employees assigned to twenty-four (24) hour shifts.
- (g) The employer agrees that the employees assigned to twenty-four (24) hour shifts shall have the right to exchange time when the change does not interfere with normal operations, providing approval is granted by the immediate supervisor in charge, and that all exchange time is in compliance with affecting laws and legislation. Probationary employees may not be allowed to exchange time for the first six (6) months of employment.
- (h) The above sections are not intended to affect the right of the employer to implement a reduction in force when necessary.

502: **REST PERIODS/REFRESHMENT BREAKS.** The purpose of this instruction is to inform employees of the general policy governing refreshment breaks.

502.1: Policy. City of Norman employees normally will be allowed two (2) fifteen (15) minute refreshment breaks each day, one (1) in the morning and one (1) in the afternoon. The employer will make every effort to plan work so as to permit such rest periods. Unusual and emergency work situations may preclude the taking of rest periods during the work shift. Rest periods shall not be contiguous to the lunch period, may not be granted immediately after the beginning of the workday or immediately prior to the close of the workday, and may not be counted toward leave time.

502.2: Procedure. Each department will be responsible for specific instructions for rest periods regarding their personnel following the general guidelines listed below:

- (a) Instructions should take into account the mission, the geographical location of the employee, and the method to be used for taking the break.

- (b) For those employees whose workday is in an office building complex, a division office, or in a department where refreshments are available, there should be no necessity for allowing travel time to and from a place where refreshments are dispensed.
- (c) Employees whose work location is not in a location where refreshments are available may be allowed travel time, not to exceed five (5) minutes. Otherwise, provisions should be made to bring refreshments to the work site.
- (d) Employees should not congregate at one location for refreshment breaks and should not make one location a permanent site for refreshment breaks.
- (e) No more than three (3) City vehicles may be parked at any one location for refreshment breaks.
- (f) The time spent within any place of business for a refreshment break shall not exceed fifteen (15) minutes.

503: OVERTIME WORK. Duty performed over and above the designated workweek shall be considered overtime work for certain classes of employees. The overtime work shall be paid in accordance to the Fair Labor Standards Act, 1937, as amended (FLSA). The provisions of these instructions are limited by applicable Federal and State Labor Laws, budget considerations and by the needs of the City. Federal and State Laws shall prevail, except where City standards exceed those laws.

503.1: Non-Exempt Employees. These employees are subject to the overtime provisions of the FLSA. Employees assigned to this category will be compensated for overtime as appropriate. Compensatory time is approved time off the job, with pay, earned by working in excess of the designated workweek and accepted by the employee in lieu of overtime pay. Compensatory time shall be credited at the rate of 1.5 hours of compensatory time for each hour worked in excess of the designated workweek that is not paid as overtime pay. Overtime pay is monetary compensation for approved hourly work time in excess of the designated workweek as computed by the Payroll Division. Time and one-half is overtime pay amounting to employee's normal hourly rate of pay, multiplied by 1.5, as computed by the Payroll Division.

- (a) Overtime and compensatory time compensation. All time worked in excess of an employee's eight (8) hour shift or forty (40) hours in a seven (7) day work period shall be compensated at the rate of time and one-half the employee's regular hourly rate. Time spent on vacation, sick leave, or any other paid leave shall count as hours worked for computing overtime pay for forty (40) hour a week personnel. Employees shall be compensated in the form of overtime pay unless the supervisor approves the employee's request for compensatory time. Maximum accrual of compensatory time which an employee may have at any one time shall be eighty (80) hours (except for commissioned police personnel, who can accrue one hundred sixty (160) hours). Maximum accrual for permanent part-time employees shall be forty (40) hours. Overtime work performed subsequent to maximum accrual of compensatory time shall be compensated by overtime pay.

- (b) Call-back time. A non-exempt employee who is called back to duty during normal off-duty hours, which is not contiguous to their regular work shift, shall be compensated for a minimum call-back of two (2) hours. Should more than two (2) hours be required, they shall be compensated for the hours actually worked with travel time returning to work being counted as hours worked, but travel time returning from work not being counted as hours worked.

503.2: Reporting Procedures for Non-Exempt Employees.

- (a) Non-exempt employee's time shall be recorded in accordance with the law.
- (b) Compensatory time earned or taken shall not be reported as overtime. Conversely, overtime hours shall not be reported as compensatory time.
- (c) At the discretion of the department director, an employee may be required to use compensatory and/or vacation hours when time off is requested, if the employee has reached or is nearing their maximum of either.

503.3: Discretion to Assign Overtime and its Calculation.

- (a) The decision of whether overtime is required to complete tasks shall be at the discretion of the supervisor, subject to review by the department director. Except in emergencies, authorization for an employee to earn overtime pay or compensatory time shall require explicit approval by the supervisor or designee.
- (b) In all calculations of regular overtime, whether paid or compensatory time, time worked prior to or immediately following an employee's regular shift, shall be computed in no less than one-quarter hour (15 minutes).
- (c) Upon request by an employee's supervisor or other representatives of departmental management, employees shall be required to work overtime assignments; however, upon presentation of an excuse acceptable to management, such employee may be relieved from working the overtime assignment.
- (d) Any request for accrued compensatory time off for non-exempt employees shall be subject to the condition that granting the same will not adversely affect the operation of the department. The supervisor or designee shall authorize all such compensatory time off before it is taken.
- (e) Upon separation, an employee shall be paid for the unused portion of their compensatory time.

503.4: Exempt Employees. It is the policy of the City of Norman to provide recognition to FLSA exempt employees for time worked substantially beyond accepted norms of performance. Such recognition may be in the form of paid time off away from work.

- (a) Leave deductions. Salaried (exempt) employees are not paid by the hour, but to perform the duties assigned to their position. In most instances, even for salaried employees, most duties assigned to salaried positions can be accomplished in a forty (40) hour work week. Under the FLSA's rules

regarding deductions, it is permissible to use accrued leave for the time an employee is absent from work, where the absence is a partial day or a full day, without affecting the salary basis of payment. *Therefore, the vacation and sick leave policies apply to exempt employees.* However, the salary of an exempt employee should not be docked for absences of less than a day if work hours are missed and there are no vacation or sick leave hours available to cover such an absence.

(b) Administrative Leave. The City of Norman also recognizes that at times some, although not all, exempt employees need to devote more than forty (40) hours per week to satisfy the duties and responsibilities of their positions. In such instances, Department directors may authorize administrative leave to address disproportionate commitments of time by exempt employees under their supervision, beyond that reasonably required by professional commitment to the job.

(c) Guidelines.

1. For exempt employees who work substantially beyond expected norms of performance, the department director may authorize administrative leave as deemed appropriate.
2. As applied to a salaried employee, it is not necessary for administrative leave to be calculated in direct proportion (i.e., on a one for one basis) to hours worked in excess of forty (40) hours.
3. Department directors will be held accountable for an employee's misuse of administrative leave and may retain documentation of allowed administrative leave.
4. Unlike vacation leave, sick leave or compensatory time, administrative leave does not accumulate, is not a "cash" item, should not be constructed as a guaranteed employment benefit, and will not be paid to a salaried employee upon separation from City employment.
5. Administrative leave should also not be confused with a flexible schedule (varied work hours utilized by salaried employees upon department director approval), but exists to recognize extraordinary work time commitments made by FLSA-exempt employees.

504: DEFINITION OF COMPENSATION PLAN. The Compensation Plan shall include a list of positions by union affiliation with an assigned salary range indicating the pay steps of the salary range and the rate of pay for each step.

505: PURPOSES OF COMPENSATION PLAN. The basic function of the Compensation Plan is to provide a structure that will enable the City to recruit, retain and reward competent employees. The Compensation Plan is designed to accomplish these goals by:

- (a) Providing for equal compensation for work of equivalent responsibility;
- (b) Establishing a method of rewarding employees for continued satisfactory or outstanding service;
- (c) Facilitating adjustments to changing economic and employment conditions requiring changes in pay levels and interrelationships;

- (d) Establishing pay rates which compare favorably with those of public and private organizations competing for competitive skills similar to those utilized by the City.

506: ADMINISTRATION AND MAINTENANCE OF COMPENSATION PLAN. It shall be the responsibility of the Human Resources Director to administer the Compensation Plan.

In order to maintain pay rates that are current, uniform, equitable, and competitive with other comparable employers of the same class, the Human Resources Director shall recommend to the City Manager desirable additions to, or changes in, the Compensation Plan including revisions of pay rates within the various salary ranges and changes of salary ranges for individual positions or classes. As a basis for such recommendations, the Human Resources Department shall conduct periodic analyses and reviews of the Compensation Plan and conduct periodic wage and salary surveys of the respective recruiting areas for the various classes.

507: STANDARDS FOR DETERMINATION OF PAY RANGES. Pay ranges shall be related directly to the Classification Plan, and shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility for work in the several classes as indicated by the class specification, the recruiting experience of the City, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private industry and other jurisdictions in the various recruiting areas, employee turnover, cost-of-living factors, and the financial policies and economic considerations of the City. Pay rates within the various salary ranges shall reasonably reflect these factors.

The Compensation Plan sets forth the pay ranges in annual and hourly amounts. A copy of the compensation plan may be obtained from the Human Resources Department.

508: INTERPRETATION AND APPLICATION OF STEPS IN PAY PLAN.

508.1: General Statement. Progression through the pay range shall be accompanied by a review of employee performance and, assuming satisfactory service, should proceed along the following lines:

- (a) Step 1 to Step 2: After six months of satisfactory probationary service;
- (b) Step 2 to Step 3: Consecutively, after one (1) year of permanent service;
- (c) Subsequent steps should be considered sequentially in intervals of one (1) year of permanent service.

Annual increases should be based on continued satisfactory service and on the positive recommendation of the employee's supervisor.

508.2: Initial Appointments.

- (a) New employees will normally begin in Step 1 of their assigned range. However, provision is made to assign new employees to a higher step because of recruiting difficulty or experience level of the appointee. The decision to start a new employee beyond Step 1 may be implemented upon recommendation of the Human Resources Director and approval of the City Manager.
- (b) New employees who begin at Step 1 are eligible for a one-step merit increase after six (6) months' satisfactory service with the City. After satisfactory probationary service and award of six (6) month period increase, the employee then becomes eligible for merit increases annually thereafter, based upon that merit date.
- (c) Employees who begin above Step 1 may be considered for a one step merit increase after one (1) full year's service with the City.

508.3: Promotion. The following provisions shall govern pay rate upon promotion:

- (a) Upon promotion to a higher position classification, the employee will be placed in the higher range at a rate of pay that results in at least a 2.5% increase of the employee's former rate of pay. The employee's new merit date will be one (1) year from the date of promotion.
- (b) Employees who are promoted to a higher classification where the appropriate pay rate is Step 1 of the new classification, shall be eligible for an increase after completing six (6) months of satisfactory performance in the higher classification.

Upon promotion, an employee shall be on probation for a period of sixty (60) days. The department director may determine to return the employee to their previous position at any time during the probationary period. Within the probationary period, the employee may request assignment to their former position, or they may be so reassigned by the City if they do not make satisfactory progress in the new position. Such an employee shall be returned to the position and department from which they were promoted without loss of divisional seniority. An employee who bids on a vacancy, is selected to fill the vacancy, and who declines the selection, or within the probationary period requests reassignment to their former job, will not be eligible to bid on the same position for a period of one (1) year from the effective date of the selection.

508.4: Reclassification/Upgrade. The following provisions shall govern the pay rate upon reclassifications/upgrades:

- (a) Upon reclassification or upgrade to a higher classification, the employee shall be paid within the higher range that is nearest to, but not less than, the employee's former rate, whichever is greater. The employee's merit date will remain the same.

- (b) Upon reclassification to a lower classification, the employee shall receive the minimum rate within the range that is nearest to the employee's former rate. The employee's merit date will remain the same.

508.5: Demotion. A demotion is defined as moving a permanent employee to a lower classification, for which they are qualified. This is done either at the request of the employee or for disciplinary reasons, upon recommendation of the Human Resources Director and approval by the City Manager. The following provisions shall govern the pay rate upon demotion:

- (a) Voluntary Demotion. A permanent employee may request demotion to a lower classification for which they are qualified. The employee initiates this request in writing to their supervisor. Such a demotion must be approved by the department director, Human Resources Director and the City Manager prior to implementation. An employee approved for a voluntary demotion to a vacant position will be placed at the same letter step in the salary range of the lower classification (i.e. "Step 3" to "Step 3") or other step within the range as recommended by the department director and approved by the Human Resources Director and City Manager. The employee's merit date will remain the same.
- (b) Disciplinary Demotion. The department director may, within the recommendation of the Human Resources Director and the approval of the City Manager, demote an employee for disciplinary purposes when the actions of the employee do not justify dismissal, or where the work of an employee has not been satisfactory. The employee demoted shall be paid within the lower range at a step that represents approximately a one step decrease in salary, but not less than Step 1 of that range. The employee to be demoted must meet the qualifications of the lower classification and an existing vacancy must exist in the lower classification unless otherwise approved by the City Manager. An employee may be demoted by a reduction in pay step within their pay range in the same manner. The employee's merit date will be one (1) year from the date of the demotion.
- (c) Promotional Probation Demotion. When an employee is demoted to their former class during the probationary period following a promotion, their pay shall be restored to the rate in effect prior to the promotion, as though a promotion had not been granted. In the event an employee is demoted during their probationary period, they shall be eligible for any increases they normally would have received had they not been demoted.

508.6: Lateral Transfer. When a transfer is made from a department or division to another within the same classification or pay range, the base pay of the transferred employee may remain unchanged, with the consent of the receiving department.

508.7: Working Out-of-Classification. If an employee is directed by the supervisor to perform the duties of an absent employee in a higher classification on a temporary basis, the employee's pay rate shall be increased to the minimum pay step of that classification or

to the pay step of that position necessary to constitute a 4% pay increase above their present salary. The higher rate will remain in effect for the entire time spent filling the vacancy, provided the employee spends four (4) hours or more per day performing the duties of the absent employee.

508.8: Exclusions. The pay rates identified under the Compensation Plan described in this section do not include reimbursement for travel expenses, automobile allowances, or other authorized expenses incurred in connection with official City business.

SECTION 600

FRINGE BENEFITS

600: DEFINITION OF FRINGE BENEFITS. Salary alone cannot be used to measure the total value of City employment. The term "Fringe Benefits" refers to those added employment enhancements provided by the City to encourage its employees to remain in public service. Additional benefits of City employment include:

- (a) Health and Dental Insurance
- (b) Life Insurance
- (c) Paid Holidays
- (d) Retirement Benefits
- (e) Longevity Pay
- (f) Employee Assistance Program
- (g) Tuition Reimbursement
- (h) Travel
- (i) Training
- (j) Vacation Leave
- (k) Sick Leave

601: REQUIRED EMPLOYMENT STATUS. Fringe benefits, except for Social Security and Workmen's Compensation required by law, shall not be extended to part-time, seasonal, temporary, or emergency employees.

602: GROUP INSURANCE COVERAGE.

602.1: Group Health, Wellness and Dental Insurance. The City shall maintain a Group Health and Dental Insurance Plan for all full-time employees. Employees may optionally elect for such related dependent benefits and coverage as may be contractually provided.

- (a) Dependent Health and Dental Coverage. The City agrees to pay a percentage of the dependent health and dental coverage premium per month as a supplement to the employee's premium for dependent coverage (see Appendix C). Such payment shall be made directly to the City's group insurance fund.
- (b) Wellness Program. Employees are provided the opportunity for themselves and their spouses to participate in the City's Wellness Plan. The Plan shall consist of two elements, annual Health Risk Assessments and biometric screenings. Test results shall be provided to members and/or spouses in the form of a personalized health risk profile that they may then provide to their personal physician. The individual test results shall remain confidential and shall not be disclosed by the testing company to any person unless the employee authorizes the same.
- (c) The biometric testing shall be made available to employees and spouses on City premises during work hours. Employees shall be allowed a sufficient amount of time during their shifts to participate. Employees and/or spouses may also have the testing done at their physician's offices, who shall verify the testing for the testing company.

- (d) There shall be a \$25 semi-monthly, per person increase in health insurance premiums for those employees and/or covered spouses who do not participate in both the HRA and the biometric testing.
- (e) Additional information regarding this Plan is contained in Appendix B - Wellness Program.

602.2: Group Life Insurance. The City shall maintain a Group Life Insurance Plan covering a selected contractual amount of life insurance for all full-time employees, and shall pay the cost of the plan pertaining to employees. The employee may optionally exercise a choice for any extended benefits, beyond those contracted by the City, for employee and/or dependents.

603: HOLIDAYS. The following days shall be considered official holidays by the City of Norman. Employees shall be granted time off with pay (if applicable), unless required to work:

- (a) New Year's Day (January 1)
- (b) Martin Luther King's Birthday (third Monday in January)
- (c) Memorial Day (last Monday in May)
- (d) Independence Day (July 4th)
- (e) Labor Day (first Monday in September)
- (f) Veteran's Day (traditional observance)
- (g) Thanksgiving Day (fourth Thursday in November)
- (h) Day following Thanksgiving
- (i) December 24th
- (j) December 25th
- (k) Employee's Birthday
- (l) Floating Holiday (employee's choice)

603.1: Interpretation and Application. The granting of holidays observed by the City shall be subject to the following provisions:

- (a) When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed.
- (b) Non-exempt employees assigned to a forty (40) hour work week who are required to work on a City holiday, because of the nature of the work, shall receive compensation (either in cash or compensatory time if acceptable to both the employee and the supervisor) for actual hours worked as if it were a regular work day, plus bonus time at one and one-half (1 ½) times their hourly rate.
- (c) A holiday falling during a period of paid leave, including vacations, shall not be counted as a workday in computing the amount of leave expended. However, when an employee is absent without approved leave on a holiday for which they are scheduled to work, such time shall be counted as leave without pay, and they shall not be eligible to receive an additional day off with pay at a later date.
- (d) Holiday pay shall not be paid if the employee fails to work on both their regularly scheduled work day immediately prior to and following a designated

holiday, unless on paid leave which has been approved by the employee's supervisor.

- (e) An employee terminating their service with the City whose last scheduled work day falls on a holiday shall have the effective date of their separation on the work day immediately preceding the holiday.
- (f) An employee's birthday holiday must be taken within one year from the date of accrual. It will not be subject to any overtime pay or compensatory accruals. Prior approval by the employee's supervisor must be obtained.
- (g) An employee must have been employed by the City continuously for thirty (30) days before being eligible for a floating holiday. Employees exercising their floating holiday should inform their supervisor a minimum of fifteen (15) days in advance, excluding Saturdays and Sundays. Supervisors may schedule employees' requests for the floating holiday in order that its use occurs in a reasonably uniform dispersion throughout the twelve (12) month period so that City operations will not be disrupted. Use of this holiday will not be allowed following the end of the fiscal year in which it accrues and will not be subject to any overtime pay or compensatory accruals.

604: RETIREMENT BENEFITS. Employees of the City of Norman shall be entitled to retirement benefits according to the following plans:

604.1: Federal Social Security Program. All employees of the City of Norman (except those of the Fire Department) are entitled to retirement benefits under the Federal Social Security Program. All new full-time, temporary, or seasonal employees employed by the City automatically come under the program upon acceptance of employment. Elected officials cannot participate.

- (a) The employee, as well as the employer, contributes a percentage of the employee's bi-weekly gross pay to the Social Security Administration. The percentages and maximum amounts are determined by the most current legislation passed by Congress.
- (b) Information on Social Security benefits pertaining to each individual may be secured by contacting the local Social Security Office.

604.2: Firefighter's Pension Provisions. A regular paid firefighter shall be provided a pension fund that is administered by the Fire Pension Board of the City of Norman and by the State of Oklahoma Pension Board. Benefits from the fund shall be in accordance to the State laws.

604.3: Police Officer's Pension Provisions. A regular paid police officer shall be provided a pension fund that is administered by the Norman Police Pension Board and by the State of Oklahoma Pension Board. Benefits from the fund shall be in accordance to the State laws.

604.4: Employee Retirement System. The City shall administer an Employee Retirement System for all full-time employees except Police, Fire, and elected officials. All full-time

employees must participate and will automatically be enrolled. More detailed information regarding the Norman Employee Retirement System can be obtained in the Human Resources Department.

605: **LONGEVITY PAY.** Longevity pay is made in recognition of an employee's tenure and faithful service to the City.

- (a) Full-time employees who begin their fifth (5th) year of continuous service with the City of Norman will receive longevity pay effective with the pay period in which their fifth (5th) year of continuous service begins. Minimum beginning longevity pay will be forty (40) dollars per month. Longevity pay is computed at the rate of \$8.00 per month times the number of years of continuous service plus the year in which the employee is currently working.
- (b) Longevity pay may be received in one of two ways: (1) in addition to an employee's base pay and received bi-weekly on the same paycheck that an employee receives their normal pay; or (2) paid in a lump sum on the same paycheck that an employee receives their normal pay on the second regular paycheck in the month of November.

606: **EMPLOYEE ASSISTANCE PROGRAM (EAP).** The City of Norman cares about the well-being of its employees and recognizes that personal problems, such as alcohol and drug addiction, marital and family difficulties, financial or legal problems, and emotional distress can disrupt and affect their job performance. Therefore, the City of Norman offers an Employee Assistance Program (EAP). The Human Resources Director is responsible for establishing, monitoring, ensuring accountability and documentation, and administering the Employee Assistance Program.

All permanent full-time and permanent part-time employees are eligible to participate in the EAP program at no cost. An employee who wants to participate must contact the EAP counselor directly. Referrals to the program may be through the employee, supervisor/department director, City physician, or Human Resources Director. All records of City employees shall be handled in a confidential manner and shall not jeopardize present or future job status, except when personal work performance continues in an unacceptable manner. Any breach of confidentiality shall be in accordance with all existing state and federal laws governing release of information.

607: **TUITION REIMBURSEMENT.** The City of Norman recognizes that educational development encourages upward mobility and allows employees to grow and develop in their present jobs.

607.1: Policy. Each department director is responsible for budgeting tuition reimbursements. The maximum amount the City will reimburse to an employee is \$800 per fiscal year, if eligibility and procedural requirements are met and funding is available. An employee denied reimbursement cannot file a grievance since reimbursement is based on the number of requests and availability of funding. The City retains the right to amend or terminate tuition reimbursements at any time. When an employee requests to attend a course, the employee must use either vacation or compensatory time. When an employee is required, by their department or division head to attend a course, the employee will be

granted administrative leave. The employee's routine duties and responsibilities must be performed during the educational period.

607.2: Eligibility. Employees will be eligible for tuition reimbursement following these guidelines:

- (a) Tuition refunds will be granted only to full-time employees who have completed at least six (6) months of continuous service prior to the date on which the course begins.
- (b) Tuition reimbursement will not be given to any employee who qualifies for educational benefits under the G.I. Bill or other public or private funds. However, a veteran who is no longer eligible for government benefits may participate in the plan.
- (c) The resignation or discharge of an employee automatically terminates the eligibility for benefits under this policy.

607.3: Courses. Courses must meet the following criteria:

- (a) The courses must be offered by recognized institutions such as technical institutes, trade schools, correspondence schools, or accredited colleges and universities. Courses given by a tutor will not qualify for tuition reimbursement.
- (b) The course must be related to the employee's present job or contribute to the employee's career development.

607.4: Approval. An employee must request educational assistance in writing for each course the employee desires to take prior to enrollment. The request must be made to the employee's supervisor and approved by the department director.

607.5: Reimbursement. Reimbursements are made, subject to available funding to an employee for a course, if within sixty (60) days of its completion the employee submits the following to their supervisor.

- (a) A verified statement of tuition costs and receipts.
- (b) A record of satisfactory completion (or a grade C or above).

608: **TRAVEL POLICY**. The City recognizes that direct benefits accrue to the City as the result of employee training through attendance at seminars and meetings. However, it should also be recognized that the employee personally benefits through their career development.

Travel will be approved only if the purpose of the trip is to transact official business, attend official and professional meetings, or participate in conferences or training sessions necessary to maintain a required professional certification/license or promote and enhance the efficient conduct of the City's affairs.

608.1: Policy. This policy provides the administrative regulations governing all travel outside the Norman area on behalf of the City of Norman. Such travel includes being away on City business, training, seminars, workshops, and professional conferences. To protect the interests of both the City and its employees, the following rules are to be used as a guide in determining the expenses that the City will reimburse.

While this policy sets out standard guidelines for expense reimbursement, budget constraints in each department and division and the amount allocated in the budget for a particular trip may require a modified application of these guidelines on a case by case basis and will be a controlling factor for authorization of any expenditure. Trips must be authorized by the department director and deviation from reimbursement guidelines must be supported by written documentation, acknowledged by the participating employee(s), prior to incurring travel expenditures. It is the responsibility of the department directors to:

- (a) Screen all travel requests to limit trips, monitor expenses, review the number of employees traveling, points to be visited, itineraries, and the duration of the trips that are essential to the performance of the department mission.
- (b) Exercise control of travel expenses by keeping them within established budget appropriations.
- (c) Examine travel destinations to ensure that employees travel to destinations that result in the lowest cost of the City of Norman.

608.2: Travel Authorization. A signed and approved trip request form must be submitted if any reimbursement is required.

- (a) Trip requests must be submitted to the department director for authorization prior to any travel commitments.
- (b) Trip requests for department directors must be submitted to the City Manager for authorization prior to any travel commitments.
- (c) A memo or brochure documenting the purpose of the trip will be attached to the trip request form in order to support all travel.

608.3: Travel Agencies and Internet Travel Sites. Employees are encouraged to make their travel arrangements in whatever manner best meets their needs. Because our travel volumes are low, the City does not have a contractual relationship with any travel agency, so employees who desire to utilize a travel agency in making travel arrangements may use any agency they choose. Travelers should inquire of the travel agency what fees they will be charged so the full cost of their trip may be determined.

Because travel arrangements can at times be made via the Internet at fares lower than available through travel agents, departments can elect to purchase travel services directly over the Internet using the City credit card. Employees should keep in mind there are several options on how to make travel arrangements on the Internet. In addition to various general travel sites available, it is sometimes possible to obtain lower rates by going directly to a specific airline or hotel website.

608.4: Travel Expense Allowance. Within the guidelines below, approved expenses for travel will be reimbursed to the employee with appropriate expense documentation (receipts). It is not all-inclusive, and the City Manager or designated representatives may exercise discretion in reimbursing expenses not listed.

The City's travel allowance is limited to the total expenses resulting from traveling directly to the destination and staying only the number of days necessary to conduct official business. Employees are allowed to arrive earlier or stay longer than is necessary if doing so will result in savings to the City. In some cases, because of airline discount terms, additional day(s) of travel will result in substantial airfare savings – enough savings to offset additional lodging and per diem costs.

Items prohibited from reimbursement include personal items, laundry and cleaning, side trips, alcoholic beverages, and entertainment, unless such is necessary in the conduct of City business. Specific approval for this kind of expense should be attained in advance whenever possible. Also prohibited are reimbursements for expenses for members of the employee's family.

608.5: Transportation.

- (a) Air Travel. For travel outside the State of Oklahoma, commercial air transportation is usually more economical in time and money and should be utilized whenever possible. Air coach and discount rates should be considered the standard. First class passage may be used only when there is no alternative, and it must be approved in advance by the appropriate authority. Reimbursement shall be for the actual cost of the fare. Unused portions of any ticket should be refunded and the money returned to the City.
- (b) City Vehicles. City employees are encouraged to use a City-owned vehicle when traveling on City business within the State of Oklahoma. The use of any City-owned vehicle for travel out-of-state requires approval of the department director. Direct expenses associated with the use of a City vehicle, which are incurred by the employee, such as gasoline and oil, will be reimbursed.
- (c) Private Car. Use of a private car for the convenience of the employee will be reimbursed on a mileage basis in an amount not to exceed the "Coach" airfare plus an appropriate amount for ground transportation to the conference. Costs of lodging, meals and other expenses that would not have been incurred if public transportation had been used will not be reimbursed. Mileage will be reimbursed in an amount per mile as determined by the Finance Director.
- (d) Rental Car. Normally, rental of a vehicle while attending a conference will not be an eligible expense. Nevertheless, it is recognized that under some circumstances, rental of a vehicle may be a necessary and/or cost effective practice. Prior approval shall be obtained in all cases. Justification for the use of a rental car must be submitted with the travel request form. Employees are required to take out loss damage insurance with the rental agency when renting a car. A copy of the rental agreement and loss/damage insurance cost must be

submitted with the Travel Expense Voucher. If loss damage insurance is not verified, the expense of the rental car may be denied even with the prior approval.

- (e) Transportation expenses such as, but not limited to, gasoline, taxi fare, bus fare, parking, tolls, etc., shall be reimbursed at actual cost.
- (f) Employees receiving a car allowance shall not be eligible for mileage reimbursement for trips within the State of Oklahoma.

608.6: Lodging. Expenses will be allowed for adequate lodging and accommodations appropriate to the trip. Intermediate priced rooms should be the practice, although it is recognized that conference-housing bureaus may assign rooms without consideration of the employee's preference. If the employee's spouse is attending the event, the employee shall be responsible for any differential on the daily room rate for double occupancy. In-room entertainment and valet service is not reimbursable. A properly executed receipt will be required for reimbursement of lodging expenses. Lodging expenses shall not be allowed for any trips within two (2) hours driving time from Norman without department director approval. Employees are expected to return to Norman for the night. This rule shall not apply to meetings of more than one day's duration.

608.7: Meals and Other Incidental Expenses. Employees, when away from Norman on a trip, are allowed to use the "Per Diem" rate for meals and incidental expenses based on Internal Revenue Code Section 274. Meals shall be reimbursed for City of Norman employees only. The City shall not "pick up the tab" for others unless authorized by the City Manager.

The City will pay for meals at scheduled seminars, training sessions, and other meetings, but will not reimburse for meals elsewhere if the meal cost was included in the conference fee.

When filling out the Trip Request form, the employee will be allowed the per diem rate for meals and incidental expenses (tips, ground transportation). When filling out the Trip Reimbursement Form for meals, indicate the per diem rate (which can be obtained from the Finance Department) which is the limit allowed for meals and incidental expenses. Using the per diem rate for allowances will be more convenient for the employee by not having to ask for and keep up with meal receipts.

For partial days of travel, the meals and incidental expenses allowed is one-fourth (1/4) of the per diem allowance per each six (6) hour period away from home. A full day of travel is considered to be from 12:01 a.m. to 12:00 midnight.

608.8: Registration/Conference Fees. Fees charged for registration at any approved event are an allowable expense. Whenever possible, registration fees should be paid in advance directly by the Finance Department. A receipt or other proof of the fee should be provided with the expense report. Books, pamphlets, and tapes offered for sale, which are not required conference materials, will be reimbursed if approved by the department director.

608.9: Local Travel. Costs incurred by an employee while attending a conference, meeting, or training seminar, or while otherwise carrying out official City business within the Norman/Oklahoma City area, will be reimbursed upon submission of appropriate claim forms, including acceptable documentation of the expense.

Examples of reimbursable local costs are:

- (a) Registration fees for seminars, conferences, or meetings held within the Norman area. Receipts and brochures are required.
- (b) City cars should be used for local travel if possible, and multiple attendees should carpool when practical. If private vehicles are used, mileage will be reimbursed at the current rate.

608.10: Foreign Travel. Travel outside the continental United States must be approved in advance by the City Manager.

608.11: Reasonable Expenses. Any reasonable expense incurred because an employee is traveling can be an allowable expense. It may include such things as parking, postage, and cab fare. Telephone charges, both local and long distance, will be reimbursed only if they pertain to City business, or the conference or training being attended. As a general rule, an expense is likely to be approved if some City objective or mission is being served.

608.12: Expense Report. Upon return from a trip, the employee is required to submit a report for all trip related expenditures to the Finance Department, no later than ten (10) working days after returning to work, using the Trip Reimbursement Form. Receipts for all major items must be attached. Where the necessary receipt for an item is unavailable, the employee must explain in writing the expense for which reimbursement is being sought.

608.13: Additional Information.

(a) Attendance and Conduct:

1. Traveling on behalf of the City and using public funds is a privilege. As a City employee or appointed official, the claimant is expected to attend the conference and training sessions.
2. An employee found to be absent from a substantial portion of the conference, seminar, sessions or other activity without good and justifiable cause will be subject to disciplinary actions in accordance with applicable policies and may be personally liable for all travel expenses.
3. Any City employee who performs any action that reflects discredit upon the City of Norman, is involved in any conduct that is offensive, violates the common decency or morality of the community, or whose conduct is unbecoming of a City employee will be subject to disciplinary actions in accordance with the City's Personnel Policies.

(b) Cancellations:

1. If the registration, lodging and/or transportation has been prepaid by the City and the claimant is unable to complete the intended travel, the claimant and sponsoring department are required to follow-up on the cancellation policy of the sponsoring organization and lodging site. All possible means are to be explored to obtain refunds, partial refunds, or options for substituting another employee.
2. The claimant must provide written justification, which is approved by the department director, to explain and justify the reason for the inability to travel as previously arranged.

(c) Accidents:

1. In the event an employee traveling on City business becomes involved in an accident, the City Safety Manager should be notified as soon as possible.

Abuse of this travel policy, including falsifying expense reports to reflect costs not incurred by the employee, will be grounds for disciplinary action, up to and including termination of employment.

609: **IN-SERVICE TRAINING.** In order that employees may perform their work more efficiently and be able to qualify for positions of increasing difficulty and responsibility, the Human Resources Department encourages and will aid department directors and employees in setting up and carrying out such in-service training programs as are suitable to the various departments of the City. Due to the wide variation in the duties of individual employees and the type of service rendered by the different departments of the City, training programs affecting, or of interest to employee groups, may be limited. Police and Fire Departments and certain supervisory positions lend themselves to group training, while training in the various other departments may be on a more individual basis.

609.1: Courses Available. When an employee shows interest and curiosity about their job and related jobs, they are performing a service both for themselves and the City. Even when a formal on-the-job program is not in operation, there is much that the alert and interested employee can do to improve their efficiency and increase their prospects of promotion. The Human Resources Department shall maintain liaison with the various educational institutions in order to keep abreast of the many job-related educational opportunities that may become available.

609.2: Educational Counseling. Educational counseling shall be provided by the Human Resources Department.

609.3: Department Training. It is the desire of the City to provide on-the-job training in the service departments. This allows employees to prepare themselves for future

advancement when permanent vacancies occur or to fill such positions for temporary periods during vacation or sick leave of the regularly assigned employee. Training of this nature will be carried on by assigning the employee to the position they are interested in for brief periods when:

- (a) Absence from their regular job will not interfere with the operation of their department;
- (b) Their temporary assignment to the prospective new position will not disrupt operations; and
- (c) Someone skilled in the new operation is available to give proper instruction.

An employee taking on-the-job training should understand that such training does not indicate that there will be an early vacancy in the position. Employees, while taking such training, will be paid their regular wages.

In view of the fact that training of this type must, out of necessity, be carried on by a series of short periods of instruction rather than continuous, it is necessary that employees desiring such training do not wait until a vacancy occurs to start their training.

Any employee desiring to take such on-the-job training should confer with their supervisor for additional information.

610: OTHER. The City of Norman provides other miscellaneous benefits such as participation in Tinker Credit Union, Flexible Spending Plan, Direct Deposit options, Deferred Compensation, Vision Care, Long/Short Term Disability Insurance, Heart, Accident and Cancer/Intensive Care Insurance. Check with the Human Resources Department regarding participation in these programs.

SECTION 700

LEAVE PROVISIONS

700: GENERAL LEAVE POLICY. The following types of leaves are available to City employees:

- (a) Vacation Leave
- (b) Sick Leave
- (c) Injury Leave
- (d) Military Leave
- (e) Civil Leave
- (f) Funeral Leave
- (g) Pregnancy Leave
- (h) Leave of Absence without Pay
- (i) Family and Medical Leave

All leaves shall be granted in conformance with rules established for each type of leave. Generally, employees must submit a Leave Application form for approval.

Any employee who terminates employment with the City and is subsequently re-employed (except for layoff) shall, for the purposes of this policy, be considered a new employee and previous service shall not be considered when computing leave benefits.

701: VACATION LEAVE. Paid vacation leave is provided so employees may relax from every day work routines and return refreshed to their work without loss of pay.

701.1: Vacation Leave Administration. Vacation leave with pay shall be granted to employees in accordance with the following provisions:

- (a) An employee must have been employed by the City continuously for six (6) months before being eligible to use vacation leave.
- (b) Vacation leave shall not be converted from sick leave except as provided under the sick leave provisions in this policy.
- (c) Employees shall not be permitted to use accrued vacation leave time during a period of suspension.
- (d) Vacation leave shall be expended in increments of not less than one-quarter hour.
- (e) Upon separation, an employee shall be paid for the unused portion of their accrued vacation leave, provided they have completed six (6) consecutive months of employment with the City.
- (f) Salaries shall not be paid in lieu of vacations, except in extreme emergencies and with the prior approval of the Department Director, Human Resources Director, and the City Manager.
- (g) Scheduling of vacations shall be the responsibility of the department director and/or supervisor.
- (h) Employees may take only the amount of leave time that has accrued. Annual leave time that has not been earned cannot be "advanced" to employees.
- (i) The City shall have the exclusive right of scheduling vacations. Employees must realize that the needs of the City shall receive first consideration when

vacations are granted. Therefore, all employees applying for vacation leave must receive approval of proposed vacation leave from the appropriate supervisor. Supervisors shall take into account the seasonal demand upon their respective activities when scheduling vacations, and spread vacations over as wide a period as possible, in order to avoid any significant reductions in City services.

701.2: Vacation Accrual. An employee who begins employment between the 1st and 15th of the month will accrue vacation leave for the entire month. If employment begins between the 16th and end of the month, vacation leave will not accrue for that month. An employee who terminates employment between the 1st and 15th of the month will not accrue any vacation leave for that month. If termination occurs between the 16th and the end of the month, vacation leave will accrue for the entire month.

Annual vacation leave shall accrue to employees as follows:

<u>Length of City Service</u>	<u>Hours Per Month</u>
0-5 years	8 hours per month
6-10 years	10 hours per month
11-15 years	12 hours per month
16 years & over	14 hours per month

701.3: Maximum Vacation Accumulation. An employee may accumulate vacation leave not to exceed the following schedule:

<u>Length of City Service</u>	<u>Hours Accumulated</u>
1-5 years	256 hours
6-10 years	320 hours
11-15 years	400 hours
16 years & over	480 hours

701.4: Permanent Part-Time. All permanent part-time employees shall accrue annual vacation leave as follows:

<u>Length of City Service</u>	<u>Hours Per Month</u>
0-5 years	4 hours per month
6-10 years	5 hours per month
11-15 years	6 hours per month
16 years and over	7 hours per month

Accumulation of vacation leave shall not exceed the following:

<u>Length of City Service</u>	<u>Accumulated Hours</u>
1-5 years	64 hours
6-10 years	76 hours
11-15 years	88 hours
16 years and over	100 hours

702: **SICK LEAVE.** Sick leave shall accrue for full-time and permanent part-time employees as follows:

- (a) Sick leave shall be accumulated at the rate of eight (8) hours per month for full-time employees assigned to a forty (40) hour work week.
- (b) Permanent part-time employees shall accumulate sick leave at the rate of four (4) hours per month.
- (c) There shall be no limit to the amount of sick leave that can be accumulated.
- (d) Employees may use only the amount of leave time they have accumulated. Sick leave that has not been earned cannot be "advanced" to employees.
- (e) An employee who begins employment between the 1st and 15th of the month will accrue sick leave for the entire month. If employment begins between the 16th and the end of the month, sick leave will not accrue for that month. An employee who terminates employment between the 1st and 15th of the month will not accrue any sick leave for that month. If termination occurs between the 16th and the end of the month, sick leave will accrue for the entire month.
- (f) Any employee who receives payment for work performed for another employer while on approved sick leave may be subject to immediate dismissal.
- (g) Abuse, false or fraudulent use of sick leave may be cause for disciplinary action, up to and including dismissal.

702.1: Sick Leave Usage. The use of sick leave is limited to cases of illness or injury of the employee, or a member of the employee's immediate family. Sick leave may be taken in increments of one-quarter hour. Immediate family shall be construed to being those persons who are related to the employee or the employee's spouse as follows:

- (a) Spouse;
- (b) Children;
- (c) Parents;
- (d) Brothers;
- (e) Sisters;
- (f) Former guardians;
- (g) Grandparents;
- (h) Grandchildren.

702.2: Sick Leave Notification. An employee, who is absent from work because of an illness or injury that is not job-related, shall make a provision to notify the appropriate supervisor at least thirty (30) minutes before their shift is to start. An employee suspected of abusing or misusing sick leave who is absent for one (1) day may be required to submit a physician's statement regarding their illness. Employees who are absent for three (3) or more days shall normally be required to submit a physician's statement. This statement must indicate that they have sufficiently recovered to return to work. Sick leave forms are provided in each department and shall be filled out by the employee upon returning to work. Unauthorized absences, abuse of sick leave, or a three (3) day absence without leave (AWOL) shall be cause for termination.

702.3: Temporary Disability.

- (a) If requested by an employee, the department director may grant temporary disability leave for a maximum of twelve (12) calendar weeks. Temporary disability leave may be granted for an illness or injury, which is not job-related, after the employee has used all accumulated sick leave and vacation leave. The City shall consider pregnancy, or maternity, as a temporary disability.
- (b) Temporary disability leave shall be leave without pay. City employees may be allowed to voluntarily donate accrued vacation leave or accrued compensatory time to another employee on temporary disability leave who has no accrued sick leave hours, but who is otherwise eligible to take paid sick leave hours. No employee shall be allowed to donate accrued leave in increments of less than four (4) hours, nor more than forty (40) hours in one (1) calendar year. Employees desiring to donate accrued leave time shall make such a request in writing. The willingness of employees to donate accrued leave shall in no way restrict the City in its managerial discretion to deny or accept a request for temporary disability leave. Donated time will count towards the twelve (12) weeks temporary disability leave.
- (c) The employee taking temporary disability leave shall be required to present periodic medical statements from the physician on the employee's capacity to engage in their regular job duties. An employee on temporary disability leave shall not accumulate vacation or sick leave days, nor City or divisional seniority. However, an employee on temporary disability leave shall remain in the City's group health, dental, and life insurance plans with the City paying the normal premium cost, provided the employee pays their normal cost, if any.

702.4: Long-Term Disability Leave. At the end of temporary disability leave, an employee may request approval from their department director to be placed on long-term disability leave. Employees on long-term disability leave may remain in the City group health, dental and life insurance plans if the employee pays to the City the full cost of the necessary premiums. Long-term disability leave shall not be granted for a period of more than twelve (12) calendar weeks.

702.5: Sick Leave Accumulations.

- (a) Objectives. Employees should make every possible and reasonable effort to accumulate half or more of their sick leave hours as insurance for future sick leave occurrences, especially those of a prolonged nature which may be required because of a lengthy convalescence period taken in conjunction with a major surgical operation, injury, illness, or disability.
- (b) Payment Upon Separation from Service. Employees who resign, retire, or otherwise permanently separate from the service of the City shall be eligible to receive payment for a portion of their total accumulated sick leave hours provided and to the extent that they have the required number of years of continuous service with the City.
 - 1. Payment Percentages. Subject to the maximum limits set forth below, the percentage of accumulated sick leave hours for which employees shall be paid at the time of their separation is as follows:

<u>YEARS OF SERVICE</u>	<u>PERCENTAGE</u>
4 yrs. (after start of 5 th yr.)	10%
8 yrs. (after start of 9 th yr.)	20%
12 yrs. (after start of 13 th yr.)	30%
16 yrs. (after start of 17 th yr.)	40%
20 yrs. (after start of 21 st yr.)	50%
24 yrs (after start of 25 th yr.)	75%

- 2. Applicable Hourly Maximums. The maximum number of accumulated sick leave hours to which the above percentages may be applied is as follows:
 - a. Full-time employees assigned to forty (40) hour workweek: 960 hours.
 - b. Permanent part-time employees: 480 hours.
- 3. Payment Rate. The amount of payment for accumulated sick leave hours (based upon the percentage for which they are eligible) shall be calculated based upon an employee's regular straight-time hourly rate of pay in effect for the employee's regular position on the last day of the employee's employment.
- 4. Conversion Factor Upon Transfer:

- a. When an employee transfers to a forty (40) hour workweek from a twenty-four (24) hour work shift, they shall have their accrued number of sick leave hours reduced by multiplying the factor by point seven one four (.714).
 - b. When an employee transfers to a twenty-four (24) hour work shift schedule from a forty (40) hour workweek, they shall have their accrued number of leave hours increased by multiplying the factor by one point four (1.4).
5. Ineligible Employees. The following employees shall be ineligible to receive payment for a portion of their sick leave hours, regardless of their number of years of continuous service with the City:
- a. Employees who are discharged.
 - b. Employees who are dismissed because of their absence without leave for three (3) or more consecutive workdays.
6. Death Benefits. In the event of a death of an employee, unused sick leave shall be paid to the beneficiary designated by the employee in the City life insurance policy and in accordance with personnel records. The provisions of this section are subject to the conversion rates and maximum considerations listed above.

703: ON-THE-JOB INJURY (OJI). It is the policy of the City of Norman to provide compensated leave in the form of Temporary Total Disability (TTD) benefits as defined under the Oklahoma Workers' Compensation Statutes for employees who incur injuries 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. An employee who, due to such injury, is unable to perform their assigned job duties will be placed on On-Job-Injury (OJI) status within the terms and conditions as described in this Section.

703.1: Definition of Injury. Work-related injuries are injuries that occur on the job and as a direct result of the duties assigned to the specific job position. Work-related injuries are typically physical. However, there are occasions in which an employee may contract a disease or illness while at work, known as a work-related illness. For the purpose of this provision, injury shall also include diseases that qualify as occupational diseases and illnesses under the Workers' Compensation Laws of the State of Oklahoma.

703.2: Reporting of Injuries. When an employee has been injured in the course of employment with the City, they shall immediately report the injury, regardless of the severity, to the immediate supervisor. The supervisor will in turn then notify the Safety Manager. Should the employee be unable to do so, the employee's supervisor shall make the report.

703.3: OJI Procedures.

- (a) During the first three (3) days of absence due to a job-related injury, in accordance with Workers' Compensation Statutes, an employee is not eligible to receive TTD. The initial three (3) day period will be charged to the employee's sick leave balance. If the employee does not have sick leave available, then the employee may use vacation leave, compensatory time, or other leave such as leave without pay.
- (b) An injured employee who continues to be unable to perform regularly assigned duties for more than three (3) days shall be placed on OJI status. An employee on OJI status shall be either placed on "inactive duty" or considered for light duty as provided in this section, as determined by the City.
- (c) Generally, OJI status shall extend for such time as the injured employee is receiving approved medical treatment for the job-related injury and is unable to return to the regularly assigned duties of the employee's position, whether on inactive duty or assigned to light duty, and in no event shall an injured employee's OJI status exceed fifty-two (52) weeks.
- (d) City management will be able to immediately hire temporary employees to cover the workload of any employee who is placed on OJI status. Temporary employees will retain their temporary status in accordance with Section 206.1. Temporary employees may be assigned to another work unit to cover the workload of another injured employee. At no time will a temporary employee obtain permanent employee status while assigned to fill in for an injured employee.

703.4: Inactive Status.

- (a) While on inactive status, injured employees shall begin drawing TTD.
- (b) The City will pay the employee's health and life insurance premiums as well as the City's portion of family coverage, if applicable, for a total of six (6) months. These benefits shall only be provided once per each injured body part as defined by the Workers' Compensation statutes. The employee will be responsible for paying their portion of family coverage.
- (c) The employee will no longer accrue sick leave, vacation leave, or seniority; however, the employee will retain accumulated sick, vacation, and compensatory leave balances. Under emergency circumstances, the employee may be compensated for accumulated compensatory leave as approved by the department director, or vacation leave as provided by Section 701.1(f). Other than emergency circumstances, accumulated leave balances will only be paid upon resignation from City employment.
- (d) No contributions by either the City or the employee to the employee's retirement account shall be made during inactive status.

703.5: OJI Status. An employee who reaches maximum benefit of medical treatment (released from treating physician) or reaches the end of the fifty-two (52) week maximum OJI status period, whichever occurs first, will be evaluated for capability to return to the regularly assigned job duties of the employee's position.

- (a) If determined to be able to perform their regularly assigned job duties, the employee will return to work.
- (b) The employee will be placed on layoff if the employee is unable to return to the regularly assigned job duties of the position, the fifty-two (52) week period has expired, and the employee has not yet reached maximum benefit of medical treatment; or if the employee is unable to return to the regularly assigned job duties of the position, the employee has reached maximum benefit of medical treatment, and has not been off on OJI for fifty-two (52) weeks, then the "layoff" will extend only for the remaining balance of the fifty-two (52) week period.

1. The injured employee shall continue drawing TTD, if eligible, under the Workers' Compensation statutes.
2. The employee will be responsible for paying health and life insurance premiums directly to the Human Resources Department for continuation of coverage during layoff.
3. The employee will not accrue sick leave, vacation leave, or seniority; however, the employee will retain accumulated sick, vacation, and compensatory leave balances. Under emergency circumstances, the employee may be compensated for accumulated compensatory leave as approved by the department director, or vacation leave as provided by Section 701.1(f). Other than emergency circumstances, accumulated leave balances will only be paid upon resignation from City employment.
4. No contributions by either the City or the employee shall be made to the employee's retirement account during layoff.
5. The City may fill the position held by the employee on a permanent basis. If the laid off employee later reaches maximum benefit of medical treatment and is determined to be able to perform the regularly assigned job duties of their position held prior to layoff, then that employee may be recalled into that position. Employees displaced due to recall of an injured employee from layoff will be afforded the rights as outlined in Section 804.4, but in no event will the displaced employee be able to grieve displacement.
6. The employee may receive a "dismissal" from City employment, at the discretion of the City, if the employee is unable to return to the regularly assigned job duties of the position, has reached maximum benefit of medical treatment, and the fifty-two (52) week OJI status period has expired.

- (c) Employees on OJI status shall be returned to duty at the earliest practical date. The right to assign employees on OJI status to work light duty tasks is recognized and employees on OJI status may be assigned to light duty or limited duty by the City as determined by the City Manager or designee, when the employee's physical condition permits and the City determines such assignment is available. Duty assignments of this type may be made without reference to the employee's job classification or departmental assignment. Employees on light duty will receive their regular compensation and benefits. Following completion of the light duty assignment, or when no light duty assignment is available, or when an employee's medical condition prevents such an assignment, an employee on OJI status will be placed on inactive status. It is understood that light duty assignment shall not extend the initial fifty-two (52) week OJI status period.
- (d) Employees who are injured on the job due to their own gross negligence or misconduct or a violation of safety rules, or who fail to comply with established requirements of the City of Norman in the reporting and processing of injury reports, or who fail to cooperate with the City and its authorized representatives, shall be subject to disciplinary action, up to and including discharge from City employment.
- (e) Injured employees shall be required to submit medical documentation of their condition and proof of continuing inability to perform regularly assigned job duties from time to time, as required by the employee's supervisor, City Manager, or designee.
- (f) Benefits under this provision shall be concurrent with, and not in addition to, any similar benefits established under State law. Injured employees must receive prior approval for medical consultation and/or treatment for OJI injuries.
- (g) Medical costs incurred by the City from approved emergency medical facilities shall be considered to be approved by the City physician. Furthermore, the employee may request approval for treatment by a physician other than the designated City physician.
- (h) Requests for additional OJI status because of recurrence, aggravation, or sequels of an injury previously approved for OJI status shall be charged to the balance, if any, of the maximum allowance of OJI status for such original injury. Approval for OJI status for recurrence and aggravation shall stand the same tests of proof as may be required for granting the original OJI status.
- (i) Any employee who receives payment for work performed for any employer other than the City while on approved OJI status shall be subject to immediate dismissal. This provision shall also apply to employees who are self-employed and perform work in their private occupation while on approved injury leave.
- (j) 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.

704: **MILITARY SERVICE AND TRAINING.** The purpose of this instruction is to establish military leave policies and procedures for those employees who are members of the National Guard, Armed Forces Reserve, or any other component of the Armed Forces of the United States when ordered to active or inactive duty by proper authority.

City employees' job and career opportunities will not be limited or reduced because of their service in the Guard or Reserve. Rights and benefits to particular employee groups may differ depending on applicable state and federal laws. It shall be the responsibility of the Human Resources Director to administer the policies and procedures contained herein.

704.1: Active Duty. The following provisions shall govern military leave for active duty, other than for National Guard or Reserve training:

- (a) Request for Leave. Employees that are called to active duty must present a copy of their orders to the department director and the orders will then be forwarded to the Human Resources Department. Although some employees may be notified by telephone or by letter that they are being called to active duty, each person should receive written notice from their branch of the service or military unit specifically indicating when and where their unit is going on active duty. The date the "orders" state as the "date to report" is when the employee should be considered on active duty (not the date the orders were sent).
- (b) Employee Status. All employees should be carried on a "leave of absence without pay" status for the duration of their military leave. An exception to this rule concerns employees who are called to active duty and who are already members of the Reserves or National Guard as specified in (d) below.
- (c) Seniority. Seniority of an employee called to active duty should not be interrupted during the active duty period.
- (d) Reserves and National Guard. Employees who are members of the Reserves or National Guard who are called to active duty are entitled to a leave of absence without loss of pay during the first thirty (30) calendar days of such leave. State law also allows compensation for the first thirty (30) calendar days of active duty during any federal fiscal year. An employee whose period of active duty overlaps between federal fiscal years (October 1st through September 30th) will be allowed leave with pay status for up to a maximum of thirty (30) calendar days during each federal fiscal year. Thereafter, employees will be carried on a leave without pay status.
- (e) Holidays. Holidays will not be considered since the employee on military leave is on a leave without pay status. However, for those holidays occurring during paid military leave under section (d), the holiday will be honored so that the employee does not lose pay during this time period.
- (f) Vacation Leave. Employees may request use of vacation leave or compensatory time during active duty. Should an employee who qualifies under section (d) request the use of their accrued leave, the employee will be placed on leave or compensatory time, as appropriate, at the end of the thirty (30) days of military leave with pay period. After the employee has used all of their accrued vacation leave and compensatory time, as requested, thereafter, the employee

will be carried on a leave without pay status. Sick leave and vacation leave will not accrue during military leave.

- (g) Health Insurance. Employees on military leave will be allowed to continue their health insurance coverage under COBRA. COBRA allows an employee to choose to be maintained on the employer's group health insurance at the employee's expense for up to eighteen (18) months. Employees that are called to active duty that are in the Reserves or National Guard will be sent notices informing them that at the end of the thirty (30) days of military leave with pay, they will be allowed to utilize the COBRA application for their health insurance purposes.
- (h) Life Insurance. If the employee wants to continue their optional or dependent life insurance coverage, they have the option of converting to an individual policy. This conversion must be completed within thirty-one (31) days after their group insurance terminates. If the employee resumes employment within one (1) year after their military leave expires, they will be eligible for reinstatement of insurance on such date. If the employee is eligible for reinstatement of contributory insurance (dependent and optional), they must apply for this insurance within thirty-one (31) days after they resume employment. Employees, who qualify under Section (d), called to active duty will be removed from the City's group life insurance policy at the end of their thirty (30) days of paid military leave.
- (i) Pension. Employees participating in the City retirement system will receive credit for years of service for retirement purposes if absent on military leave for less than one (1) year even though no contribution to the system will be made by the City or the employee.
- (j) Eligibility for Return to Work. Employees must meet the following requirements for re-employment after release from active duty. Those requirements are as follows:
 - 1. The City position left by the employee must have been "other than temporary."
 - 2. The City position left by the employee must have been for the purpose of entering active duty.
 - 3. The employee must have served satisfactorily and been released from active duty (honorable discharge).
 - 4. An employee on military leave shall request reinstatement in their former position or in any other vacant position in the same class within the timeframes established related to military leaves under USERRA, but in no case shall this timeframe exceed ninety (90) days after their separation from the Armed Forces. An employee who remains on military leave for a period of more than five (5) years shall be considered resigned.
- (k) Terms of Return to Work. If the employee meets the criteria outlined above when applying for re-employment, the following rights are afforded:

1. Employees are entitled to be placed in the same position or classification held before assignment to active duty if qualified to perform the required job duties.
2. If the employee does not qualify for the employment position or classification held prior to being called to active duty by reason of disability sustained during military service, the employee shall be restored to a position of like seniority, status, and pay or the nearest approximation for which the employee is qualified.
3. There should be no lapse of seniority.

When returning from military leave for active duty service, employees will be placed at the same step or rate in the pay range the employees would have attained without the use of military leave and with full seniority. The employees original merit date will remain the same.

704.2: Reserve Training. The following provisions shall govern military leave for Reserve training:

- (a) All employees who are members of a Reserve component of the Armed Forces or the National Guard, when ordered by the proper authority to active service for the purpose of attending an annual military training encampment or for attending weekend drills, shall be entitled to a leave of absence for the period of such active or inactive duty or service without loss of pay during the first twenty (20) regularly scheduled work days of such leave of absence during the federal fiscal year. If attendance for such military training is required beyond the first twenty (20) regularly scheduled work days, then employees may be allowed to use vacation leave, compensatory time or be carried on leave without pay for those days in which the employee would have been regularly scheduled to work, but for the military training.

An employee shall not be required to use vacation leave or compensatory time for time spent in military training occurring on days that employee would not normally be scheduled to work.

- (b) In the event the time of such training is optional, the time shall be designated at the discretion of the appointing authority.
- (c) The employee shall present their supervisor a copy of their orders to report for Reserve training prior to departure on leave.
- (d) An employee returning from military leave is entitled to re-employment at the same pay range and step they held at the time they left.
- (e) Guard or Reserve members shall notify their supervisors of the summer camp schedule as soon as possible after the information becomes available to the members.
- (f) Supervisors of departments will use the information in "e" to construct a schedule for vacation and military leave to ensure that the department shall be adequately staffed at all times.

- (g) When applying for military leave, Guard and Reserve members shall complete a Leave Application form.
- (h) A copy of the orders placing the applicant on active duty shall be attached to the leave application.

705: CIVIL LEAVE. Any employee shall be given necessary time off without loss of pay for performing jury duty or when subpoenaed as a witness in a case where the employee is not a plaintiff or defendant. Any fees received for that service will be turned over to the City of Norman.

- (a) An employee serving such duty shall present to their supervisor the original summons, or subpoena from the court, and at the conclusion of the duty, a signed statement from the clerk of the court showing the actual dates of attendance at court.
- (b) If an employee, serving on jury duty or as a witness as described above, does not turn over fees received for said service to the City, then the employee shall be paid the difference between his normal rate of base pay for that period, excluding payment for overtime or special allowances, and the amount received as a fee for such duty.
- (c) If an employee is subpoenaed to testify in official capacity and within the scope of their employment, then the employee shall be compensated as provided above.
- (d) An employee subpoenaed to testify in a case involving the federal, state or municipal courts, in which the employee is either a plaintiff or defendant in the case, shall not be compensated as provided above. However, the employee may use vacation leave or compensatory leave, or be granted leave without pay for the length of such service.

706: FUNERAL LEAVE. Funeral leave with pay will be granted to an employee, by their supervisor, in the case of death in the immediate family.

- (a) In the event of a death in the immediate family of any employee, the employee shall be granted up to five (5) working days off with pay at the time of the death or funeral. Immediate family is those persons who are related to the employee, or the employee's spouse, as follows: spouse, children/stepchildren, parents/stepparents, brothers, sisters, former guardians, grandparents, and grandchildren.
- (b) The purpose of funeral leave is to allow an employee to be absent for a sufficient amount of time to attend and, if required, to make arrangements for the funeral and to handle such other personal matters as may be necessary.
- (c) Nothing contained in this section shall be construed or interpreted as automatically granting the maximum funeral leave authorized above, especially if the employee can attend and/or make appropriate arrangements for the funeral in a lesser amount of time. The time needed by an employee for funeral leave shall be determined taking into consideration such factors as the employee's involvement in arranging for the funeral, the date of the funeral in relation to the employee's regularly scheduled days off, and the travel mode and distance to the funeral. Requests for funeral leave shall be reviewed and must be approved by the employee's supervisor.
- (d) These funeral leave provisions do not consider nor grant any additional use of other leave provisions.

- (e) In case of unusual circumstances, a short-term leave of absence with pay may be granted in addition to the five (5) funeral leave days outlined in section (a) above. Approval must be granted in writing prior to taking such leave, by the employee's immediate supervisor, department director, Human Resources Director, and City Manager.

707: PREGNANCY LEAVE. Pregnant employees may be granted a leave of absence subject to the following provisions:

- (a) When a pregnancy is confirmed, the employee shall notify her immediate supervisor.
- (b) The employee shall be allowed to continue her normal work duties 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.
- (c) The department director may at any time, request a physician's statement regarding the advisability of continued employment during the pregnancy of the employee.
- (d) Beginning at the fourth (4th) month of pregnancy, the employee shall be required to present a physician's statement to her immediate supervisor regarding her ability to continue her normal work. Such statements shall be submitted monthly thereafter, and filed in the employee's department file. At any time the department director determines that medical evidence indicates that continued employment may be harmful to the health and safety of the employee, the unborn child, or the employee's fellow workers, the employee, at the employee's discretion, shall be:
 - 1. Placed on leave status using accumulated vacation or sick leave as provided under those sections; or
 - 2. Placed on maternity leave if all accumulated vacation leave, and sick leave has been expended; or
 - 3. Placed on temporary disability leave under the provisions of Section 702; or
 - 4. Considered for light duty. The right to assign employees to work light duty tasks is recognized and employees may be assigned to light duty or limited duty by the City as determined by the City Manager, or designee, when the employee's physical condition permits and the City determines such assignment is available. Duty assignments of this type may be made without reference to the employee's job classification or departmental assignment. Employees on light duty will receive their regular compensation and benefits. Following completion of the light duty assignment, when no light duty assignment is available, or when an employee's medical condition prevents such an assignment, the employee will be placed on leave in accordance with policy.
 - 5. Allowed to resign from City employment; or
 - 6. Allowed to use Family Medical Leave.
- (e) Maternity leave may be granted for a period not to exceed six (6) months, subject to receipt of proper medical documentation upon request by the department director that the employee is unable to perform her normal job duties. Such leave shall be without pay.

- (f) An employee on maternity leave shall notify the department director two (2) weeks in advance of her intention to return to work. The employee shall provide a physician's statement that she is able to resume her normal duties. An employee returning from maternity leave will be restored to her former position, if still qualified to perform those duties, at the same step and pay grade held by the employee at the time maternity leave was initially granted. If unable to perform the former duties, the employee may apply for any vacant position within the City that is being advertised and authorized to be filled. The employee will be allowed the same hiring preference for the vacant position as other City of Norman employees.
- (g) Employees are encouraged to use sick leave or vacation for maternity or paternity purposes as authorized under those sections. However, if the employee chooses not to use paid leave, then maternity and paternity leave will be without pay. If the leave is without pay, then vacation and sick leave will not accrue during the maternity or paternity leave.

708: LEAVE OF ABSENCE WITHOUT PAY. The department director, subject to the following provisions, may grant an employee a leave of absence without pay for a specific period:

- (a) Whenever possible, the employee shall request leave of absence without pay in writing to the department director at least five (5) working days prior to the requested starting date of such leave. The request shall specify the reason for the leave, the date of leaving, and the date of return to the job.
- (b) All requests for leave of absence without pay in excess of thirty (30) calendar days shall be approved by the City Manager prior to the granting of the leave.
- (c) Leave of absence without pay may be granted to employees for emergencies, and for other causes that are not repetitive in nature.
- (d) At the expiration of a leave of absence without pay, the employee shall be reinstated in the position they vacated. If the position has been eliminated, they shall be reinstated in any other vacant position in the same class for which they are qualified, and in which the employee can immediately and reasonably perform.
- (e) Vacation, holiday, and sick leave benefits shall not accrue during a leave of absence without pay for more than thirty (30) calendar days.
- (f) A leave of absence without pay for more than thirty (30) calendar days shall not constitute a break in service; however, time spent while on leave of absence without pay shall not be used in computing time-in-grade for satisfactory performance increases. Neither shall a leave of absence without pay for more than thirty (30) calendar day's count toward service for accruing vacation, sick leave, or seniority. An employee on leave of absence without pay for a period more than thirty (30) calendar days shall be dropped from the City's group health and life insurance plans.
- (g) Any employee who receives payment for work performed for any employer other than the City of Norman while on approved leave without pay shall be subject to immediate dismissal, except when such leave has been specifically approved by the employee's department director for the purpose of such employment.
- (h) Failure on the part of an employee to report promptly at the expiration of a leave of absence without pay may be cause for dismissal.

709: FAMILY MEDICAL LEAVE. The federal Family and Medical Leave Act (FMLA) provides job protected leave and benefits coverage entitlements to employees who meet FMLA eligibility requirements. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

709.1: General Provisions. Under this policy, the City of Norman will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

The provisions of this policy shall not supersede any state or local law that provides greater employee leave benefits and rights than are offered in this policy.

It is noted that the City's Personnel Manual and Collective Bargaining Agreements already contain leave (both paid and unpaid) provisions that are in substantial compliance with the FMLA. Therefore, leave qualifying as FMLA leave will run concurrently with leave provisions available to employees under the Personnel Manual and Collective Bargaining Agreements.

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

- (a) The employee must have worked for the City for twelve (12) months or 52 weeks. The twelve (12) months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- (b) The employee must have worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Employees applying for and granted FMLA leave are required to meet notification and documentation requirements as outlined further in this policy. Failure to meet these requirements may result in the denial or revocation of FMLA leave.

Leave qualifying as FMLA leave may either be requested by the employee subject to the rules as outlined in this policy or will be designated as FMLA leave by the City concurrent with other leave provisions provided by policy or contract.

709.3: Types of Leave Coverage. To qualify for FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- (a) The birth of a child and in order to care for that child.
- (b) The placement of a child with the employee for adoption or foster care and to care for the newly placed child.
- (c) To care for a spouse, child or parent with a serious health condition (described below).
- (d) A serious health condition (described below) of the employee. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- 1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- 2. A period of incapacity requiring absence of more than three (3) calendar days from work, school, or other regular daily activities requiring two (2) visits to a health care provider with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity; or
- 3. Any period of incapacity due to pregnancy, or for prenatal care; or
- 4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.) requiring periodic health care visits for treatment (such visits must take place at least twice a year); or
- 5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- 6. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a health care provider for a condition that likely would result in an incapacity of more than three (3) consecutive days if left untreated (e.g., dialysis, chemotherapy, physical therapy, etc.).

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- (e) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment; b) military events and activities; c) child care and school activities; d) financial and legal arrangements; e) counseling; f) rest and recuperation; g) post-deployment activities and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's twelve (12) week maximum of FMLA leave in a twelve (12) month period.

- (f) Military caregiver leave (also known as covered servicemember leave) to care for an ill or injured servicemember.

This leave may extend up to 26 weeks in a single twelve (12) month period for an employee to care for a spouse, son, daughter, parent or next of kin covered servicemember with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

709.4: Amount of Leave. An eligible employee can take up to twelve (12) weeks for the FMLA circumstances (1) through (5) above under this policy during a twelve (12) month period. The City will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single twelve (12) month period. For this military caregiver leave, the City will measure the twelve (12) month period as a rolling twelve

(12) month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

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

709.5: Employee Status and Benefits During Leave. While an employee is on leave, the City will continue the employee's health and life insurance benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or other insurance plan, the employer will continue making payroll deductions while the employee is on paid leave. While on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. The payment must be received either in person or by mail in the Human Resources Department by the 10th day of each month. If the employee does not continue these payments, the City will discontinue coverage during the leave.

709.6: Employee Status after Leave. An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions.

If an employee would have been laid off had they not been on FMLA leave, any right to reinstatement would be whatever it would have been had they not been on leave of absence when the layoff occurred.

709.7: Use of Paid and Unpaid Leave. An employee must use all paid vacation and sick leave prior to being eligible for unpaid leave. The leave will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employee needs to use leave due to a serious health condition and has 40 hours of sick leave and 80 hours vacation leave, the time will be designated as FMLA leave by the City and the twelve (12) week leave period will be covered as follows: 1 week (40 hours) sick leave; 2 weeks (80 hours) vacation leave; nine (9) weeks unpaid temporary disability leave. Employees have the option of taking accrued compensatory time in lieu of FMLA leave. If compensatory time is used in lieu of FMLA leave, it will not count against the employees' FMLA entitlement.

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

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

709.8: Intermittent Leave or a Reduced Work Schedule. The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks (or 26 workweeks to care for an injured or ill servicemember over a twelve (12) month period).

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

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

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

709.9: Procedure for Requesting FMLA Leave. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their supervisor (FMLA booklet Form A). When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days notice. When an employee becomes aware of a need

for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five (5) business days after the employee has provided this notice, the supervisor will complete and provide the employee with the Notice of Eligibility and Rights and Responsibilities (FMLA booklet Form B) or the Notice of Eligibility Denial or Delay (FMLA booklet Form G).

709.10: Certification for the Employee's Serious Health Condition. The City may require certification for the employee's serious health condition. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Employee's Serious Health Condition (FMLA booklet Form C).

The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

709.11: Certification for the Family Member's Serious Health Condition. The City will require certification for the family member's serious health condition. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA booklet Form D).

The City may directly contact the family member's health care provider for verification or clarification purposes using a health care professional, an HR professional or management official. The City will not use the employee's direct supervisor for this

contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

709.12: Certification of Qualifying Exigency for Military Family Leave. The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification of Qualifying Exigency for Military Family Leave (FMLA booklet Form E).

709.13: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave. The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification for Serious Injury or Illness of Covered Servicemember (FMLA booklet Form F).

709.14: Recertification. The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of their leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

709.15: Intent to Return to Work from FMLA Leave. On a basis that does not discriminate against employees on FMLA leave; the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

710: CATASTROPHIC ILLNESS/INJURY LEAVE DONATION. City of Norman employees may donate vacation leave and/or compensatory time to any employee who is eligible to accrue and use sick leave. The intent of this donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to a catastrophic illness or injury of the employee or a member of the employee's immediate family.

710.1: Definitions. For purposes of this section the following definitions shall be used:

- (a) Immediate family shall be construed to being those persons who are related to the employee as follows: spouse, children, parents, and/or former guardians.
- (b) Catastrophic illness or injury shall be defined as a critical medical condition considered to be life-threatening, terminal, or a long-term major physical impairment or disability.

710.2: Recipient Employee. An employee may receive donated leave, up to the number of hours the employee is regularly scheduled to work each pay period, if the employee who is to receive donated leave:

- (a) Has a catastrophic illness or injury (including an immediate family member);
- (b) Has no accrued leave (e.g. compensatory time, sick leave, vacation leave, etc.);
- (c) Provides verification, including diagnosis and prognosis, to their department director who shall review the documentation and confer with the Director of Human Resources to determine whether or not the employee is eligible to receive donated leave;
- (d) Has at least one (1) year of completed service with the City.

710.3: Employees Donating Leave. Employees may donate leave if the donating employee:

- (a) Voluntarily elects to donate vacation leave or compensatory time and does so in writing;
- (b) Donates a minimum of eight (8) hours, subject to a maximum of forty (40) hours in a calendar year (this includes ALL donations); and
- (c) Retains a vacation leave balance of at least one-hundred sixty (160) hours.
- (d) Shift firefighters may donate any amount of vacation leave up to a maximum of ninety-six (96) hours, provided that it does not cause the firefighter's vacation leave balance to fall below five (5) shifts or one-hundred twenty (120) hours.

710.4: Maximum Donation Received. A recipient employee is eligible to receive a total maximum of four-hundred eighty (480) hours of donated leave time during their employment with the City. The amount of donated leave time available to an employee shall be appropriately prorated for permanent part-time employees.

710.5: Increase to Maximum Donation Received. If an eligible employee exhausts the maximum four-hundred eight (480) hours of donated leave and if the employee's (or eligible family member's) catastrophic illness or injury prevents the employee from returning to work, the employee or the employee's designee may apply for an increase of the maximum to nine-hundred sixty (960) total hours of donated leave. Approval for the increased maximum shall be made to the City Manager through the Director of Human Resources. The request shall include a recommendation from the employee's department director and is subject to re-verification of the medical condition to determine if the illness or injury still qualifies as catastrophic and prevents the employee from returning to work. The denial of a request for an increase to the maximum donated leave received is final and is not subject to the grievance procedure.

710.6: Administration of Leave. This donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Any leave accrued by an employee using donated leave time shall be used in the following pay period before additional donated leave time may be received. Donated leave shall be converted to sick leave of the recipient employee, and all leave qualifying as FMLA leave will be counted as such.

SECTION 800

SEPARATION OF EMPLOYMENT

800: TYPES OF SEPARATION. Separation of employment can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce, termination or job abandonment.

801: RESIGNATION. Resignation is a voluntary act initiated by the employee to end employment with the City of Norman. Employees are expected to give at least ten (10) working days notice prior to their effective date of termination. Employees who resign in good standing shall be eligible for re-employment with the City subject to the same requirements and standards as applied to new applicants. If an employee quits their job without prior notification and thereby impairs the effectiveness of the City's service, their separation may be designated as a dismissal, and possibly forfeit their eligibility for re-employment.

802: RETIREMENT. Employees who wish to retire should notify their supervisor in writing at least one (1) month before the planned retirement date.

803: RELEASE. Release is the end of temporary or seasonal employment.

804: LAYOFF DUE TO REDUCTION IN FORCE.

804.1: General Policy. A reduction in force occurs when the City abolishes a position. A position may be abolished for a variety of reasons including, but not limited to, economic conditions, increased efficiency, consolidation, reorganization, use of private contractors to perform work, or other reasons. It is at the absolute discretion of the City Manager to abolish or create employment positions within the City. When the City workforce is reduced, some employees will either have to transfer to other positions or face layoff. This section is designed to provide an orderly process in which employees can be placed in other positions or placed on layoff as appropriate. Vacancies existing at the time the layoff are announced and vacancies occurring prior to the effective date of the reduction in force may be "frozen" for use in the bumping procedure outlined in Section 804.4(e). Vacancies that, in the discretion of the City Manager, might provide placement for employees affected by the reduction in force shall be frozen. If a position held by an employee is targeted for reduction in force, and before the effective date of the reduction in force, a vacancy occurs within that cost center that is the same position classification as the position targeted, then the vacancy shall be cut by the reduction in force rather than the position held by the employee. Vacancies that occur on or after the effective date of the reduction in force will not normally be frozen, subject to the discretion of the City Manager.

804.2: Order of Layoff. In determining the order of layoff, the following factors shall be taken into consideration:

- (a) Efficiency of the employee as demonstrated on the job;
- (b) Needs of the City;
- (c) Nature of work to be curtailed;
- (d) Length of service;

- (e) The advisability of demoting employees in higher classes to a lower class for which they are qualified and laying off those in lower classes; and
- (f) Retaining an affected employee when it is determined that the employee with less seniority possesses special skills, training, and competence in the position necessary to accomplish the work of the City, and which are not possessed by employees with greater seniority. Any employee so affected by such decision by management may appeal to the grievance procedure.

804.3: Notice of Layoff. Employees whose services with the City are terminated by the City due to layoff are entitled to ten (10) working days notice from the City.

804.4: Bumping Procedure. Upon the elimination of any position, the incumbent shall have the alternative of accepting layoff or of choosing to transfer to another position at an equal or lower classification. The incumbent's right to transfer to any such position shall be governed by the following options in order of priority provided they are more senior.

- (a) Step One. In an effort to place as many employees as possible, an employee must exercise their first placement option or waive their bumping rights. Employees who waive their bumping options may apply and compete for vacancies, if they are existing after the reduction in force procedure is completed.
- (b) Step Two. An affected employee may bump to the same position classification held by the least senior employee City-wide as long as the employee can demonstrate they can immediately and reasonably perform the job duties of that position.
- (c) Step Three. If the affected employee does not have a bumping option at Step Two, then the affected employee may bump to the next lower position classification held by the least senior employee within the job series City-wide as long as the employee can demonstrate they can immediately and reasonably perform the job duties of that position.
- (d) Step Four. If the affected employee does not have a bumping option at Step Three, then the affected employee may bump to the next lower position classification held by the least senior employee within the job family City-wide as long as the employee can demonstrate they can immediately and reasonably perform the job duties of that position.
- (e) Step Five. At this stage, the bumping process will be completed. Any employee will be allowed to apply for and compete with any other City employees for then existing vacancies within the City prior to the effective date of layoff. The competition for these vacancies will be City-wide only. An employee who is selected as the best applicant and can demonstrate that they possess the skills and abilities necessary to perform the job duties of that position will be placed in the vacancy. Any employee facing layoff who does not receive placement in a vacancy during Step Five prior to the effective date of layoff will then be placed on layoff status.

804.5: Performance Probation.

- (a) All employees transferred to a position as set out in Step Two, Step Three, and Step Four above, shall be placed on thirty (30) day performance probation during which time the employee must demonstrate the ability to competently and adequately perform the job duties, and responsibility of the position. If, in the discretion of the department director, the employee is not competently and adequately performing the job duties and responsibilities of the position, the employee will then be placed on layoff status in accordance with Section 804.7.
- (b) All employees placed in a vacancy in accordance with Step Five above shall have a normal six (6) month probationary period under the same terms as new employees as described in Section 206.3 of this manual.

804.6: Pay Administration on Reduction in Force.

- (a) When an employee is placed in accordance with Step Two, Step Three, or Step Four above, the employee will be placed in the same letter step in the pay range of the position in which the employee is placed as had been obtained at the employee's former position (not same pay rate). The employee's merit review date shall remain unchanged.
- (b) Despite the general rule as set out in (a), when an employee is bumped to a position which they had previously held, such employee shall be placed in no lower pay step in the new position than was held by that employee when previously in that position. Under no circumstances shall an employee lose or give up merit steps achieved at the previously held lower position classification. The employee's merit date shall remain unchanged.
- (c) When an employee is placed in accordance with Step Five, then the employee's pay shall be fixed as any newly hired, promoted or demoted employee as set out in Section 500 of this manual. The employee's merit date will be adjusted to reflect one (1) year from the new placement.

804.7: Recall.

- (a) All persons removed due to reduction in force shall have priority recall rights, in order of seniority, in the same position from which they are laid off or bumped or any subsequently created position whose primary duties are the same, for a period of one (1) year. Upon notification by certified mail from the City that a position is available, the employee shall have ten (10) working days to respond to the recall notice. It is the employee's responsibility to keep the Human Resources Department advised of their current mailing address. Should the employee fail to respond within the ten (10) working days, they shall forfeit all seniority recall rights.
- (b) Employees on layoff status as a result of the reduction in force provision shall preserve all vacation, sick leave, and seniority credits while on layoff, but shall not acquire any additional credits for the period of time during which such employee is on layoff status. Credits may include, but are not limited to,

an employee's monthly vacation accrual rate, City seniority, and divisional seniority.

- (c) Employees on layoff status removed as a result of the reduction in force shall be entitled to receive payment for accrued vacation and/or sick leave, if applicable, in accordance with City policy. If the affected employee is rehired within one (1) year after layoff, any vacation or sick leave hours remaining after payoff will be reinstated.
- (d) Regular, full-time employees thus recalled shall be returned to work provided that the employee is qualified and has the necessary skill to immediately and reasonably perform the duties of the position to be filled. Employees recalled under this section shall be placed on a thirty (30) day performance probation as set out in Section 804.5(a).

805: **TERMINATION.** Employees may be terminated for, but not limited to, the reasons set out in Section 303.9. Prior to termination employees will be given notice of the reasons for termination and an opportunity to respond to the allegations. Normally a pre-termination hearing will be scheduled by the Human Resources Director at the request of the department director. Due to the elaborate nature of post-termination procedures available under Section 304, the pre-termination hearing shall serve only as an initial check to determine if reasonable grounds exist to believe the allegations made against the employee. If the termination recommendation is imposed, then the affected employee may be notified either at the hearing or in a subsequent memorandum. Affected employees aggrieved by the decision may appeal the termination in accordance with Section 304.

806: **JOB ABANDONMENT.** Employees who fail to report to work or contact their supervisor for two (2) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the second day. The supervisor shall notify the Human Resources Department at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.

807: **RETURN OF PROPERTY.** Separating employees must return all City property at the time of separation, including, but not limited to, uniforms, wireless telephones, pagers, keys, identification cards, tools and equipment, and building card keys. Employees who fail to do so will be deemed ineligible for rehire and may be subject to legal proceedings.

SECTION 900

MISCELLANEOUS

900: STUDENT INTERNSHIPS. The Human Resources Director or designee can approve the hiring of interns when the requesting department can provide an employment opportunity consistent with the objectives of the program. The objectives of the City of Norman's internship program are: 1) gain practical work experience related to the intern's major course of study; 2) perform necessary research/analysis work related to the intern's major course of study that will benefit the City; and, 3) to provide internships to college students who are required (as a part of the curriculum) to serve internships by their respective colleges and universities.

901: MISCELLANEOUS. All references to "full-time" employees in this policy designate those employees who are in a budgeted position for which funds have been appropriated.

APPENDICES

APPENDIX A

NON-UNION/NON-DOT SUBSTANCE ABUSE TESTING POLICY

SECTION 1:

- 1.1 Drug testing shall be conducted according to all applicable existing federal and Oklahoma state laws and regulations. Conditions under which an employee will be tested are:
 - a. For Cause;
 - b. Post Accident;
 - c. Return to Work;
 - d. Post-rehabilitation testing.
- 1.2 Failure to submit to a required drug or alcohol test will subject the employee to disciplinary measures as outlined.
- 1.3 The City of Norman will pay for all City required drug/alcohol testing as required for the proper administration of this policy. If an employee requests a confirmation test of a sample within twenty four (24) hours of receiving notice of a positive test in order to challenge the results of a positive test, the employee shall pay all costs of the confirmation test, unless the confirmation test reverses the finding of the challenged positive test. In such cases, the City shall reimburse the employee for the costs of the confirmation test.
- 1.4 Any drug or alcohol testing required by the City shall be deemed work time for purposes of compensation and benefits.

SECTION 2: Definitions as used in this Policy:

- 2.1 The “Act” means the Standards for Workplace Drug and Alcohol Testing Act of the State of Oklahoma.
- 2.2 “Alcohol” means ethyl alcohol or ethanol.
- 2.3 “Board” means the State Board of Health.
- 2.4 The “City” means the City of Norman.
- 2.5 “Confirmation test” means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test.
- 2.6 “Department” means the State Department of Health for the purposes of this policy.

- 2.7 “Drug” means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein.
- 2.8 “Drug or alcohol test” means a chemical or breathalyzer test administered for the purpose of determining the presence of a drug or its metabolites or alcohol in a person’s bodily tissue, fluids or products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test.
- 2.9 “Employee” means any non-union employee.
- 2.10 “Employer” means the City of Norman.
- 2.11 “Review officer” means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by the City’s drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual’s test results together with the individual’s medical history and any other relevant information.
- 2..12 “Sample” means tissue, fluid or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body (this is the statutory definition).
- 2.13 “Testing facility” means any laboratory, hospital, clinic or other facility, which provides laboratory services to test for the presence of drugs or alcohol in the human body.

SECTION 3: DRUG OR ALCOHOL TESTING – RESTRICTIONS

The City may only request or require an employee covered by this policy to undergo testing under the following circumstances.

- 3.1 “For Cause” testing: When there is a reasonable belief that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:
 - a. conduct on the employee’s part that suggests impairment or influence of drugs or alcohol;
 - b. drugs or alcohol on or about the employee’s person or in the employee’s vicinity;
 - c. a report of drug or alcohol use while at work or on duty;
 - d. information that an employee has tampered with a drug or alcohol test at any time;
 - e. negative performance patterns; or
 - f. excessive or unexplained absenteeism or tardiness.
- 3.2 Post-accident testing: The City may require an employee to undergo drug or alcohol testing if the employee has sustained an injury while at work or City property has been damaged. For purposes of workers’ compensation or unemployment compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test required by the City, shall be eligible for such compensation.

- 3.3 Return to work: An employee may return to work after completing the requirements, and upon the recommendation, of the EAP Counselor and has a negative return to duty drug test.
- 3.4 Post-rehabilitation testing: The City may require an employee to undergo drug or alcohol testing for a period of up to two (2) years commencing with the employee's return to work, following a positive test, or following participation in a drug or alcohol dependency treatment program.
- 3.5 Positive Test Results:
- a. If a positive test is received, a confirmation test of the initial sample will automatically be done. If the confirmation test is positive, the employee will be contacted by the Medical Review Officer.
 - b. The employee may then request a re-test which shall be at the employee's expense.
 - c. If notified of a positive test result, the employee will meet with the EAP Counselor. The EAP Counselor shall make an assessment and recommendation for treatment and/or counseling. The Employee and the EAP Counselor shall meet with the Human Resources Director to determine specific action(s) to be taken. At all times during this process, the employee has the right to representation and/or to request a hearing, as in any other type of disciplinary procedure.
 - d. If the employee refuses to comply with the EAP Counselors treatment plan or again tests positive in the future, the employee shall be placed on suspension and termination proceedings shall commence. As stated above, the employee has the right to representation and/or to request a hearing at any stage of this process.

SECTION 4: CONFIDENTIALITY OF TESTING RESULTS AND RECORDS – DISCLOSURE OF GENERAL HEALTH INFORMATION PROHIBITED

- 4.1 The City shall maintain all drug and alcohol test results and related information, including, but not limited to, interviews, reports, statements and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding, or any civil or administrative proceeding, except in those actions taken by the employer or in any action involving the individual tested and the employer or unless such records are ordered released pursuant to a valid court order.
- 4.2 The records described in subsection 4.1, shall be the property of the employer and upon the request of the employee tested, shall be made available for inspection and copying by the employee. The employer shall not release such records to any person other than the employee or the employer's representative, unless the employee, following receipt of the test results, has expressly granted permission in writing for the employer to release such records, or pursuant to a valid court order.
- 4.3 A testing facility, or any agent, representative or designee of the facility, or any review officer, shall not disclose to any employer, based on the analysis of a sample collected from an employee for the purpose of testing for the presence of drugs or alcohol, any information relating to:

- a. The general health, pregnancy or other physical or mental condition of the employee; or
- b. The presence of any drug other than the drug or its metabolites that the employer requested be identified and for which a medically acceptable explanation of the positive result, other than the use of drugs, has not been forthcoming from the employee. Provided, however, a testing facility shall release the results of the drug or alcohol test and any analysis and information related thereto to the individual tested upon his or her request.

SECTION 5: DISCIPLINARY ACTION

- 5.1 No action except for a temporary suspension with pay shall be taken by the employer based upon a positive test result unless the test result has been confirmed by a second test as provided for and defined in the statute.
- 5.2 The City will take disciplinary action against any employee who refuses to undergo drug or alcohol testing conducted in accordance with the provisions of this policy or if it is determined that the employee tampered with the specimen and/or the testing of the specimen.
- 5.3 An employee whose test results show the presence of alcohol or drugs as defined in this article in excess of those limits set by rule of the State Board of Health shall be subject to discipline, including discharge, in accordance with the provisions of this policy. In the event of such test results, the employee shall have the opportunity to have additional testing done on the sample and shall have the opportunity to explain the results.

APPENDIX B

Wellness Program

For Plan Year 2012, the City will implement two new features designed to increase plan participant awareness regarding their health and the risk factors that may influence their future health. The purpose of this annual risk factor analysis is to improve employee health awareness, allow employees to avoid significant health issues by taking appropriate preventative intervention measures and therefore promote health, save lives and decrease the financial impacts of major illness on the City's insurance plan. The following program components will be included within this Wellness Program effort:

1. A Wellness Program Provider (Provider) shall be contractually established by the City based on recommendations from the Medical Insurance Plan consultant.
2. A personalized Health Risk Assessment questionnaire is to be completed by each employee and (insurance program) covered spouse who elects to participate in the Wellness Program, on an annual basis. The questionnaire can be completed on-line or by hard copy. The member provides or sends the questionnaire directly to the Wellness Program Provider.
3. The information compiled within this Health Risk Assessment and the biometric screening will be strictly confidentially maintained between the plan member (employee or spouse) and the Provider. The information obtained through the assessment shall not be made available to any other person or organization, including the employee or employee's spouse's own personal medical provider, or City without written direction and approval of the employee or employee's spouse. The information will also be maintained and only utilized in compliance with Federal HIPAA (privacy) and GINA (genetic information protection) laws.
4. After the annual assessment is completed by the employee or spouse, the information is analyzed by the Provider and a "personalized risk assessment report" that evaluates their health and identifies health risks is sent to the member's mailing address. This information is sent only to the employee or spouse. A wellness action plan related to these specific needs and goals is included within this report that includes any appropriate disease management recommendations.
5. A Biometric Screening process will also be conducted with each participating member annually. This screening process will include a blood test, a blood pressure test and a waist measurement.
6. Those who receive biometric screenings will receive a confidential personalized report of the results. Only the employee or spouse shall receive the results. The blood test will be utilized to check for only the following: diabetes risk factors through a hemoglobin test, high cholesterol through an LDL cholesterol test and tobacco usage through a nicotine test.
7. The Biometric Screenings will be conducted on-site at City facilities for the employee and their spouse. Employees shall be allowed to use paid work time during their normal shifts to participate in on-site screenings. A nurse will be present to administer these screenings. Plan participants

will not incur any Wellness program-related costs if participating in and using the on-site screening processes.

8. As an alternative, an employee or their spouse may choose to have the blood pressure, waist circumference and blood test performed through their personal physician, who must then provide a confidential written report to the Provider. Employees shall be responsible for insuring that their physician completes the appropriate form and returns it to the Provider in a timely manner. Failure to return the form may result in non-participation fee until such time as the forms are received. The employee can use any available leave accruals if they choose to use their personal physician. There shall be no co-pay for these services or the report. In addition, this testing shall not substitute for the annual no-cost physical each employee is entitled to under the Insurance Plan.
9. An employee and/or spouse who chooses to not participate in the Health Risk Assessment and biometric screening shall pay an additional twenty five dollars (\$25) per individual per pay period collected with regular premium costs to the medical plan (for a total of fifty dollars per pay period for a non-participating employee and spouse) for a maximum of \$50 per month per person.
10. Employees and spouses shall be provided a twenty (20) day window to complete the annual assessment and testing noted in 8 above, after the last Provider on-site screening is made available to all employees. If the employee or spouse has not completed the assessment and testing by the end of the twenty (20) day window then the non-participation fees may be implemented beginning with the next pay period.
11. The Wellness Program shall be administered and managed in compliance with HIPAA and GINA regulations.

APPENDIX C
Health & Dental Insurance
FYE14 Semi-Monthly Premiums with Wellness Participation*
Effective July 1, 2013

	<u>Employee Cost</u>	<u>City Cost</u>	<u>Total Premium</u>
<u>Health</u>			
Single Health	\$17.30	\$291.36	\$308.66
Addnl Family Health	\$99.04	\$297.12	\$396.16
Total Family Health	\$116.34	\$588.48	\$704.82
<u>Dental</u>			
Single Dental	\$1.59	\$26.64	\$28.23
Addnl Family Dental	\$9.22	\$27.68	\$36.90
Total Family Dental	\$10.81	\$54.32	\$65.13
<u>TOTAL</u>			
Total Health & Dental - Single	\$18.89	\$318.00	\$336.89
Addnl Health & Dental - Family	\$108.26	\$324.80	\$433.06
Total Health & Dental Family	\$127.15	\$642.80	\$769.95

*Effective May 1, 2012, the Employee semi-monthly health premiums shown above will increase by \$25 or \$50 in cases where the employee's (and spouse's) full and proper participation in the Wellness Plan Health Risk Assessment and Biometric Screenings does not occur. (The difference in the premium increase being based on single or family coverage as applicable).

FORMS

**NON-UNION
OFFICIAL GRIEVANCE FORM**

EMPLOYEE _____ DEPARTMENT _____

POSITION _____ WORK LOCATION _____

IMMEDIATE SUPERVISOR AND TITLE _____

STATEMENT OF GRIEVANCE:

Briefly describe your Grievance:

Adjustment requested:

Date: _____ Signature of Employee: _____

EMPLOYEE'S REPRESENTATIVE:

I authorize _____ to act as my representative in the disposition of this grievance.

Date: _____ Signature of Employee: _____

Signature of Representative: _____

RECEIVED BY:

Name and Title of Management's Representative: _____

Date: _____ Signature: _____

NOTE: PLEASE ATTACH ALL DOCUMENTATION RELATED TO THIS GRIEVANCE.

ORIGINAL TO: Human Resources Department

COPIES TO: Employee's Representative; Management's Representative; Employee's department director and Employee's Immediate Supervisor