

# **Oklahoma County Elected Official's Employee Handbook**



**Effective March , 2017**

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## **SECTION 1: INTRODUCTION**

An interesting and challenging experience awaits you as an employee. In order to answer questions you may have concerning the Oklahoma County Elected Officials and their policies, we have written this Handbook. Please read it thoroughly and retain it for future reference.

This Handbook is designed to familiarize you with the policies and practices that apply to your employment and is not intended to be and does not constitute a contract of employment. This Employee Personnel Policy Handbook has been adopted by the Oklahoma County Elected Officials pursuant to Okla. Stat. Ann. Tit.19, §339 (A) (9).

The following personnel policies are designed to inform the employees of the Oklahoma County Elected Official's operating policies and practices as they apply to each of their individual employees. Employees are defined as those deputies and employees employed by or serving at the pleasure of their Elected Official. Each employee is responsible to the Elected Official, or their Representative, who hires and/or appoints that employee.

From time to time as conditions change, it will be necessary to change or add rules and procedures governing employees. Where practical or required by law such changes will be posted in advance of their effective date, after which time they will become a part of this Handbook.

Should you have any questions regarding policies, please ask your Supervisor or your Elected Official's Human Resource Representative for assistance.

We wish you the best of luck in your position and hope that your employment relationship with Oklahoma County will be a rewarding experience.

## **1.1. Personnel Handbook Disclaimer**

It is the policy of each Oklahoma County Elected Official, that this Handbook and the items contained, referred to, or mentioned herein, are not intended to create, nor should be construed to constitute a contract of employment between an Oklahoma County Elected Official and any one of their personnel. Regardless of what the Handbook says, or provides, each Oklahoma County Elected Official promises nothing and remains free to change wages and all other working conditions or other policies at any time, for any or no reason, without notice to, or approval from its personnel. This Handbook is presented only as a matter of information and direction regarding the Oklahoma County Elected Official policy, benefits and other useful information. Each Oklahoma County Elected Official continues to have absolute power to terminate anyone at any time for any reason as an at-will (see Section 2.3 At-Will Policy) employer.

## **1.2. Changes and Additions**

Each Oklahoma County Elected Official reserves the right to change, interpret, withdraw or add to any of the policies, benefits, or terms and conditions of employment, at its sole discretion, and without prior notice or consideration to any employee. Employees are expected to regularly review this Handbook. None of the policies, benefits, terms or conditions, of employment, have been, or are required to be, approved by an employee. This document does not constitute an employment contract. An employee may be terminated at any time with or without cause and with or without advanced notice, at the option of their Elected Official(s) or the employee.

No Representative other than an Elected County Official has any authority to enter into any agreement for employment for any specified period of time or to make any arrangement contrary to the employment at-will (see section 2.3 At-Will Policy) doctrine and only then, it must be in writing. The contents of the Handbook may not reflect the full contents of a specific employment policy. If you have a question about a specific policy, you may request a copy of the policy from your supervisor or your Elected Official's Human Resource Representative.

This edition of the Oklahoma County Elected Official's Employee Handbook supersedes any others previously distributed. Please check the date of each policy when reviewing a situation, as policies are subject to routine changes. This Handbook may be posted on the Oklahoma County Elected Official's Intranet. Employees are encouraged to check with their Supervisor, Elected Official's Human Resource Representative, or the Intranet for changes and updates to this Handbook.

## **SECTION 2: POLICIES**

### **2.1. Equal Employment Opportunity Policy**

Each Oklahoma County Elected Official takes this opportunity to express its philosophy that an essential component of excellence in County government is the diversity of its community.

We recognize, welcome, and appreciate our increasingly diverse workforce. This diversity not only allows us to respond to the needs of our customers in a more effective and culturally sensitive manner, it also provides a reflection of the community that we serve.

As we continue to be committed to the acceptance of a diverse workplace, community, country and world, let us enjoy our differences and value the people who exhibit them.

Each Oklahoma County Elected Official is committed to ensuring that no employee, applicant, or independent contractor, shall be discriminated against based on gender, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, use of family medical leave, political affiliation, or any other basis protected by federal or state law. This policy shall apply to all employment practices. Every Oklahoma County Elected Official complies with all applicable federal and state equal employment opportunity laws.

Through adoption of this policy, each Oklahoma County Elected Official is committed to provide their employees to a diverse, results-oriented, equal employment opportunity environment aimed at a balanced workforce free of discrimination.

### **2.2. Recruitment/Job Postings**

Each Elected Official may choose to file their job openings publicly and/or filled from applications filed with their office. If the job opening is posted, it may include the title, the salary range, the minimum hiring specifications and the closing date for submitting applications. Applications will only be accepted when there is a job opening, and applications may be maintained on file for up to one (1) year.

### **2.3. Hiring Procedures**

Each Elected Official shall be responsible for hiring and/or appointing the employees in his/her office. Employees serve at the pleasure of their Oklahoma County Elected Official.

## **2.4. Policy against Discrimination and Harassment**

### **Discrimination Policy:**

Each Oklahoma County Elected Official is committed to ensuring that no employee, applicant, or independent contractor, shall be discriminated against based on gender, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, use of family medical leave, political affiliation, or any other basis protected by federal or state law. This policy shall apply to all employment practices. Each Oklahoma County Elected Official complies with all applicable federal and state equal employment opportunity laws.

It is the policy of each Oklahoma County Elected Official that equal employment opportunity is consistent with the basic principal that all persons be afforded equal access to positions in public service based on their ability to do the job. Hiring will be made on the basis of job-related criteria, and all employment decisions will be made on the basis of merit, in conformity with these principles of equal opportunity.

Each Oklahoma County Elected Official considers violation of this policy on the basis of any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to, and including termination of employment shall be taken against individuals who upon investigation it is confirmed the employee has violated any provision of this policy.

### **Harassment Policy:**

It is the policy of each Oklahoma County Elected Official to maintain an environment free from harassment or bullying in the workplace. Each Oklahoma County Elected Official will not tolerate any action by any employee which illegally harasses, disrupts, or interferes with another's work performance; or which creates an adverse and/ or antagonistic work environment or interferes substantially with an individual's ability to work.

Each Oklahoma County Elected Official encourages their employees to respect the



differences of others. Employees are expected to act in a responsible, professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity. All employees can expect to work in an environment free from harassing behaviors.

Each Oklahoma County Elected Official states their commitment to ensuring that no employee, applicant, or independent contractor, shall be discriminated against based on gender, pregnancy, childbirth, or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, use of family medical leave, political affiliation, or any other basis protected by federal or state law.

Each Oklahoma County Elected Official considers harassment or bullying on the basis or any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to, and including, termination of employment shall be taken against individuals who violate this policy.

Harassment is a systematic persecution through persistent and conscious behavior that intimidates, threatens, degrades, torments, or places demands upon another, to the extent that it creates a pervasively adverse and/or antagonistic work environment or interferes substantially with an individual's ability to work.

Harassing behavior includes, but it not limited to:

1. Verbal conduct such as epithets, derogatory or insulting comments, taunting, heckling, slurs, jokes, stories, disparaging terms, or unwanted sexual advances or comments;
2. Physical conduct, such as impeding or blocking movement, gestures, physical interference with normal work movement, unwelcome touching, or assault;
3. Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or writings, e-mail, cartoons, graffiti, drawings, or gestures;
4. Hazing by exacting unnecessary work, banter, or ridicule;
5. Treating in a disparate manner; or
6. Retaliating for reporting harassment.

Bullying is defined as the repeated, deliberate mistreatment of one person by another, whose intent is to intimidate, control, or have power over the other person. Examples of bullying include, but are not limited to:

1. Verbally belittling someone;
2. Spreading malicious rumors, gossip, or innuendo that is not true;
3. Excluding or isolating someone socially;
4. Undermining or deliberately impeding a person's work; or,
5. Yelling, using profanity, or intimidating a person.

### **Sexual Harassment Policy:**

Each Oklahoma County Elected Official abides by Federal and State laws, which prohibit sexual harassment and will maintain an employment atmosphere free of sexual harassment, intimidation, and coercion. Sexual harassment of any employee by any other employee will not be tolerated. If an investigation of a complaint of sexual harassment has occurred, appropriate disciplinary actions will be taken. Sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors, and other verbal, physical or body language of a sexual nature.

The actions above will be considered sexual harassment when:

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

### **Definitions and Examples**

**Sexual Harassment-** Any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Sexual harassment can include inappropriate remarks, comments, gestures, overtures or physical contact.

The following are some examples of conduct which may be legally actionable sexual harassment:

1. The use of any offensive or demeaning terms, which have a sexual connotation;
2. Objectionable physical proximity or physical contact;
3. Unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
4. Any indications expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of sexual favors to any other employee, supervisor or administrator;
5. Any action relating to an employee's job status which is in fact affected

- by consideration of the granting or refusal of social or sexual favors;
6. The deliberate or careless creation or an atmosphere of sexual harassment or intimidation;
  7. The deliberate or careless expression of jokes or remarks of a sexual nature to or in the presence of employees who may find such jokes or remarks offensive;
  8. The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, etc.) which have a sexual content and which are not necessary for work, to employees who may find such materials offensive.

**Coercion-** The act, process or power of enforcing or bringing about by force or threat.

## **Procedures:**

### **Complaints Related to Discrimination/Sexual Harassment**

The rights, feelings, and perceptions of all employees must be respected. Employees who feel that they are being subjected to discrimination and/or sexual harassment in any form, or who believe they have witnessed discrimination and/or sexual harassment, should contact their supervisor, Human Resource Representative or their Oklahoma County Elected Official. In the event that the Supervisor is the source or is responsible for the discrimination and/or sexual harassment, the employee should report such conduct to their Human Resource Representative or their Elected Official. In the event that a discrimination and/or sexual harassment complaint is made to a Supervisor and that Supervisor fails to report the discrimination and/or sexual harassment complaint to their Human Resource Representative or their Elected Official, disciplinary action will be taken and could result in termination of employment of that Supervisor. Complaints will be held in confidence and communication will only occur with “need to know” persons or persons involved in the reported complaint.

No retaliation of any kind will occur to an employee because they have in good faith reported an incident of suspected harassment or discrimination.

### **Retaliation Policy:**

Retaliation is defined as punishment of an employee because that employee reported sexual harassment, discriminatory conduct, or participated in an investigation of discrimination and/or sexual harassment. The most obvious types of retaliation are denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of adverse action include, but are not limited to, threats, reprimands, reprimand or negative evaluations without cause, or harassment. The

source of retaliation may be from a manager or supervisor toward an employee or it may be from an employee or group of employees toward another employee.

Each Oklahoma County Elected Official recognizes that the ability to communicate, report, and oppose discriminatory and/or sexual harassing activity is the singular most effective tool employees and applicants retain to prevent and stop such activity. If retaliation for reporting or opposing discriminatory and/or sexual harassing activity were permitted to go un-remedied, it would have a chilling effect upon the willingness of employees and applicants to speak out against, or oppose, such activity.

As such, Each Oklahoma County Elected Official maintains a zero tolerance policy against acts of retaliation. Employees are forbidden to retaliate against the good faith efforts of any employee or applicant in reporting any violation of this Equal Opportunity Policy. Corrective action up to, and including termination shall be taken against individuals who upon investigation have been determined to be in violation of any provision of this policy.

### **Whistleblower Policy:**

An employee who reports a suspected incident of fraud or illegality; a safety, health or security concern; or assists in an investigation; shall be protected from retaliation. An employee who believes that they have experienced retaliation for making a genuine report or assisting in an investigation shall report this as soon as possible to their Human Resource Representative, or their Elected Official.

Retaliation towards an employee who has come forward to raise a genuine concern under this policy or who has participated in an investigation of a suspected violation under this policy is strictly prohibited. Any such conduct will be grounds for disciplinary action, up to and including termination.

However, whistle blowing does not protect the employee from disciplinary action for his/her involvement if found to be in violation of this policy.

## **2.5. At-Will Policy**

In entering into this employment relationship, it is important to understand the status of the employment relationship between each Oklahoma County Elected Official and their employees.

Each Oklahoma County Elected Official offers no employment contracts, nor does it guarantee

any minimum length of employment. Just as any employee may terminate employment at any time, so may the employee's Elected Official terminate an employee at any time, "at-will," with or without cause, with or without advance notice. If you have any questions about the meaning of this at-will relationship, please contact your Elected Official's Human Resource Representative. No one except an Elected Official, of the County, has the authority whatsoever to alter this policy, or make any policies which are different from or contrary to those expressed in this manual and only then it must be in writing.

## **2.6. Hiring of Relatives Policy**

At the discretion of each Elected Official, should marriage occur between employees working in the same Division, the employees will have an affirmative duty to promptly advise management of their marriage. It is also at the discretion of the Elected Official that a relative (listed below) may not supervise another relative.

Relatives include:

Spouse, parents, step-parents, children, step-children, brothers, step-brothers, sisters, stepsisters, parents-in-law, step-parents-in-law, brothers-in-law, step-brothers-in-law, sisters-in-law, step-sisters-in law, grandparents, step-grandparents, grand-children, step-grand-children, uncles, step-uncles, aunts, step-aunts, nephews, step-nephews, nieces, step-nieces, first cousins, step-first cousins and legal guardians.

A supervisor is responsible for continually updating their Human Resource Representative of status changes and conflicting hiring. Any employee or supervisor who fails to follow this policy or advise their Human Resource Representative of a change in a relationship will be subject to discipline up to and including termination.

## **2.7. Drug-Free Workplace Policy**

### **Referenced Standard:**

1. Okla. Stat. Ann. tit. 40, §§ 551-565
2. Okla. Stat. Ann. tit. 40, §§ 2-406
3. Federal Motor Carrier Safety Regulations Part 382 – Controlled Substances and Alcohol Use and Testing

### **Scope:**

All Employees

## **Purpose:**

~~Use of alcohol or illegal drugs may jeopardize the safety of employees; the inmates/residents for whom Oklahoma County is responsible; and the citizens of Oklahoma County. Accordingly,~~ It shall be the policy of each Oklahoma County Elected Official to maintain an alcohol and drug-free work environment for the employees and to test job applicants and employees for the use of alcohol, ~~and illegal use of drugs,~~ and the unlawful use/abuse of prescription medication.

## **Definitions:**

The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

1. **Alcohol:** ethyl alcohol or ethanol.
2. **Dilute:** to make thinner or more liquid by admixture.
3. **Employee:** any person who works full-time, part-time, or on a temporary basis for an Oklahoma County Elected Official, including management staff.
4. **Illegal Drugs:** means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, section 2-101 et seq. of Title 63 of the Oklahoma Statutes.
5. **Applicant:** any person who has applied to be an employee of an Oklahoma County Elected Official and has received a conditional offer of employment.
6. **OSDH:** Oklahoma State Department of Health.
7. **Elected Official:** Assessor; County Commissioners; County Clerk; Court Clerk; Sheriff; Treasurer.
8. **Medical Review Officer:** A person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by an employer's drug or alcohol program, and who has the knowledge and training to interpret and evaluate test results together with the individual's medical history and other relevant information.
9. **Random selection basis:** a mechanism for selecting employees which:
  - a). Results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and;
  - b). Permits neither Oklahoma County Elected Officials, its Boards, Directors, Deputy Directors nor any employee to waive selection when an employee is selected under the mechanism.

## **Procedures:**

### **Substance Screening:**

Drug and alcohol testing shall be required for employees and job applicants under the following circumstances:

#### **Job Applicant Testing**

Every job applicant who is conditionally offered employment shall be tested. The refusal to undergo testing or a confirmed positive test result will be a basis for refusal to hire, provided that such testing does not violate the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C., Section 12101 et seq., and provided that such testing is required for all applicants who have received a conditional offer of employment for a particular employment classification.

#### **For Cause Testing**

Any employee may be tested at any time it is reasonably believed that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- a). Drugs or alcohol are found on or about the employee's person or in the employee's vicinity during work hours, while on County business, or on County property.
- b). Conduct on the employee's part that suggests impairment or influence of drugs or alcohol.
- c). A report is made of drug or alcohol use or impairment while at work or on duty.
- d). Information is given that an employee has tampered with drug or alcohol testing at any time.
- f). Negative performance patterns.
- g). Excessive or unexplained absenteeism or tardiness.

#### **Post-Accident Drug Testing**

An employee shall be tested under any of the following circumstances:

- a). The employee has sustained an injury while at work and requires medical attention from a professional medical provider.
- b). The employee is involved in an at-fault accident while at work that results in the injury of a coworker or other party.
- c). The employee is involved in an at-fault accident while at work that results in property damage, including damage to equipment.
- d). An employee shall be considered "at-fault" for an incident or accident when the employee's actions contribute to or cause an incident or

accident by way of negligence, improper procedure, horseplay or any such circumstance where the employee failed to do everything he/she reasonably could have done to prevent the incident or accident. The Elected Official or Department Head in consultation with the safety department will make the “at-fault” determination within two (2) hours of the incident. Factors that may be considered in making an “at fault” determination include but are not limited to eye witness statements or testimony, policy reports, accident reports, traffic citations.

### **Random Selection and Scheduled Periodic Testing**

Any employee may be subject to drug and alcohol testing on a random selection basis or a scheduled periodic basis, who:

- a). Is a police or peace officer;
- b). Has drug interdiction responsibilities;
- c). Is authorized to carry firearms,
- d). Is engaged in activities which directly affect the safety of others;
- e). Works in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services, or;
- f). Certain employees that are required to possess a Commercial Driver’s License in order to operate heavy trucks or equipment are subject to random drug and alcohol testing as mandated under the Federal Motor Carrier Safety Regulations Part 382 – Controlled Substances and Alcohol Use and Testing.

### **Scheduled Periodic Testing**

May be conducted as a routinely scheduled employee fitness-for-duty medical examination or as routinely scheduled for all members of an employment classification or group identified above.

### **Post-Rehabilitation Testing**

Any employee, who has had a confirmed positive test or has participated in a drug or alcohol dependency treatment program as a part of disciplinary action by their Oklahoma County Elected Official, or their Representative, may be tested with or without prior notice for a period of up to twelve (12) months, commencing with the employee’s return to work.

### **Independent Contractor**

An independent contractor, subcontractor, or employees of an independent contractor, may be subject to a workplace drug or alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar



classification or group.

### **Substances Tested:**

In accordance with Oklahoma Statutes, Title 40, Chapter 15, Section 555, each Oklahoma County Elected Official tests for drugs and alcohol.

### **Testing Methods:**

#### **Test Location**

Tests will be conducted by an outside testing facility according to Drug and Alcohol Testing Rules of the Oklahoma State Department of Health (OSDH).

#### **Drug Testing**

Drug testing shall be performed on urine samples or by other methods approved by OSDH.

#### **Alcohol Testing**

Initial testing shall be performed on blood, breath, or saliva or by other methods approved by OSDH. Confirmation testing shall be performed on breath or blood or by other methods approved by OSDH. Rehabilitation/post-rehabilitation alcohol tests may be performed on urine or by other methods approved by OSDH.

### **Collection Procedures:**

Collection of samples for drug and alcohol testing shall be in accordance with the Drug and Alcohol Testing Rules of the OSDH.

### **Dilute Specimen:**

#### **Employee**

Employees who provide dilute specimens will have to undergo an unannounced immediate re-collection under direct observation, as a safeguard for the integrity of the testing program. Should County employee's second test be reported as dilute, employees must provide medical documentation explaining why the samples were diluted within five (5) business days of being notified of the test results. Failure to provide documentation that demonstrates a legitimate medical reason for the dilute specimen will result in disciplinary action up to and including termination.

**Job Applicant**

Applicants who provide a dilute specimen will be contacted immediately and advised that he/she must undergo a recollection under direct observation as a safeguard for the integrity of the testing program. The job applicant must present themselves at the testing lab within four (4) hours of being notified to do so. Should job applicant's second test be reported as dilute, job applicant must provide medical documentation explaining why the samples were diluted. Failure to provide this documentation will result in the job applicant not being hired by an Oklahoma County Elected Official(s).

**Consequences of Refusal:****Employee**

Any employee who refuses testing under this policy shall be discharged from employment. Any employee discharged on the basis of refusal to undergo drug or alcohol testing or a positive drug or alcohol test shall be considered to have been discharge for misconduct for purpose of unemployment compensation benefits. A refusal by an employee includes refusal to supply a specimen when directed to do so, failure to appear at the drug testing location within two (2) hours of being directed to do so, leaving the drug testing location prior to completing the required drug testing, or unreasonable delay in submitting a sample.

**Job Applicant**

Any job applicant who has received a conditional offer of employment from an Oklahoma County Elected Official and who refuses to undergo drug and alcohol testing will not be hired. Unreasonable delay in submitting to testing or evidence of tampering with the sample shall be deemed a refusal.

- a). Job applicant shall submit to a pre-employment drug test within four (4) hours of being notified to do so.
- b). Any job applicant who leaves the drug testing facility prior to submitting a sample for testing will not be hired.

**Consequences of Positive Test Results:****Employee**

Each Oklahoma County Elected Official may take disciplinary action up to, and including, termination of employment against any employee who tests positive for the presence of drugs or alcohol.

Any employee who has a confirmed positive test result and whose employment is not terminated may be subject to the following disciplinary action plan:

- a). Employee will be immediately suspended without pay, from his/her duties, (work) for a minimum of five (5) working days.
- b). Within the five (5) days of suspension, at his/her expense, the

employee shall:

- i. Select and participate in a substance abuse program under the direction of a Substance Abuse Counselor (SAC). Employees may contact the Oklahoma County Employee Assistance Program (EAP) provider to assist in the selection of a SAC;
  - ii. Submit the SAC report of employee's initial evaluation and the schedule of counseling sessions and/or treatment recommended by the SAC to the Elected Official's Human Resource Representative, and;
  - iii. Provide the results of a return to work drug test, whether negative or positive, to the Elected Official's Human Resource Representative.
- c). Employee may be required to submit to a minimum of six (6) unannounced follow-up drug tests, at his/her expense, within twelve (12) months of employee's return to work. The Elected Official's Human Resource Representative will select the time and date of each test.
- d). In the event employee misses a counseling session with the SAC, tests positive for drugs or alcohol during required follow-up testing, or refuses to submit to follow-up testing, the employee may be terminated immediately.
- f). An employee's unsuccessful completion of the above corrective actions or refusal to participate in the above corrective actions may result in the immediate termination of employment.

### **Job Applicant**

Each Oklahoma County Elected Official will not hire any job applicant who has a confirmed positive test result.

### **Prescription Medication Exemption:**

Some prescription drugs may produce a positive or false positive drug test result. If an applicant or an employee claims this is the cause of the positive drug test, he or she must notify the employer immediately of the medication issue and will be required to provide medical documentation to the employer within five (5) business days that show the medication is prescribed to the individual and that the medication is known to cause a positive or false positive result. The employee will be on leave without pay until such medical documentation is provided.

The County Medical Review Officer will verify the information provided make the final determination regarding whether the test should be considered a false positive. If the individual is taking prescription drugs that actually causes him or her to test positive for a controlled dangerous substance, he or she must also produce a physician's statement that he or she is fit to perform the job duties required prior to resuming work duties.

## **Job Applicant and Employee Rights:**

### **Explanation of test results**

Any job applicant who has a confirmed positive test result shall have an opportunity to confidentially explain the result orally and in writing to a personnel officer within five (5) business days of the confirmed positive test. Any employee who has a confirmed positive test results shall have an opportunity to confidentially explain the result orally and in writing to the Medical Review Officer. If an employee or applicant requests a confirmation test of a sample within twenty-four (24) hours of receiving a positive test, the employee or applicant shall pay all costs of the confirmation test, unless the confirmation test reverses the findings of the challenged positive test. In that case, the Oklahoma County Elected Official(s) will pay for the confirmation test. If requested by the employee making the challenge, the Oklahoma County Elected Official(s), or their Representative, will provide chain of custody documentation. If the employee fails to request a confirmation test, the employee will not be eligible for unemployment benefits.

### **Confidentiality**

All information relating to employee drug testing will be treated with strict confidence. All records relating to drug testing will be kept in the Elected Official's Human Resource Department separate from personnel files. These records shall be maintained in a secure location with controlled access.

### **Information**

Test records shall be the property for the Elected Official and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The Elected Official, or their Representative, will not release such records to any person other than the applicant, employee, or the employer's review officer. Drug testing records may be released by the Elected Official, if either the employee or the Elected Official are named parties to a court case or agency proceeding, or to comply with a valid judicial or administrative order to provide to agents of the Elected Official who need the information to comply with the Drug Testing Act, unless the applicant or employee, in writing and following the receipt of the test results, has expressly granted permission for the Elected Official to release such records in order to comply with a valid judicial or administrative order.

### **No right to employment**

All employees work at the pleasure of their Elected Official, have no vested property interest in retaining employment, and may be terminated at any time, regardless of the length of employment. Employees terminated in accordance with this policy shall be considered to have been discharged for misconduct.

## **Changes to the Drug Testing Program:**

The Elected Official, or their Representative, shall provide a copy of the drug testing policy to each applicant upon his or her acceptance of employment. Effective November 1, 2011, any

changes to the drug testing program must provide at least ten (10) days' notice to employees. The announced changes may be communicated by:

1. Hand-delivery of a paper copy of the policy or changes to the policy;
2. Mailing a paper copy of the policy or the changes to the policy to the last known address of the employee or applicant;
3. Electronically transmitting a copy of the policy through an e-mail or by posting on the Oklahoma County Elected Official's website or InfoZone;
4. Posting a copy in a prominent employee access area.

Each Elected Official, or their Representative, shall provide a copy of the drug testing policy to each applicant upon his or her acceptance of employment by the same methods as described above.

## **2.8. Method of Resignation**

To resign in good standing, an employee must give a written resignation to their Elected Official, or their Human Resources Representative, within fourteen (14) calendar days prior to their departure. **The last day the employee is actively at work will be considered the date of termination.** At the discretion of the Elected Official, or their Representative, the employee may be released prior to the resignation date; since all employment is at-will (see section 2.3 At-Will Policy).

## **2.9. Resignation/Voluntary Quit**

Each Elected Official will consider an employee to have voluntarily terminated employment if the employee does any of the following:

1. Resigns from the employment in writing;
2. Does not return to work at the completion of an approved leave of absence, or;
3. Is absent for two days from with no call in OR no show to work.

Upon an employee's termination of employment, any and all Oklahoma County equipment & uniforms issued to that employee must be returned prior to departure from employment. The employee's supervisor must verify the return of such equipment prior to the issuance of that employee's final paycheck. Any deduction, from the employee's final paycheck, cannot make the employee's final wage lower than minimum wage. See Wage Withholding Authorization for Oklahoma County form listed on page 61.

## **2.10. Discharge**

Each Elected Official reserves the right to discharge any employee at any time with or without cause, and with or without advance notice.

Employment does not constitute an expressed or implied contract of continued or future employment for the employee, nor is the employee guaranteed any procedure such as reprimand, warning, or probation.

Furthermore, each Elected Official reserves the right to evaluate each instance of misconduct to determine the severity of the correction action, and what the Elected Official(s), up to and including discharge.

Since employment is “employment at-will (see section 2.3 At-Will Policy),” circumstances may also arise where an employee’s employment is terminated by an Elected Official(s), or their Representative, for reasons unrelated to misconduct.

Upon an employee’s termination of employment, any and all Oklahoma County owned equipment & uniforms issued to that employee must be returned prior to departure from employment. The employee’s supervisor must verify the return of such equipment prior to the issuance of that employee’s final paycheck. Any deduction, from the employee’s final paycheck, cannot make the employee’s final wage lower than minimum wage.

## **2.11. County Vehicles**

1. You must be at least 18 years of age to drive an Oklahoma County vehicle. You must be able to present proof of current motor vehicle insurance. We will keep a copy for our files. You must routinely keep Oklahoma County informed should you have a change in your insurance status.
2. You must have a valid Oklahoma driver’s license. You must have all required Oklahoma driver’s license endorsements that are required for your position. Oklahoma County may run a motor vehicle records check on driving employees.
3. Oklahoma County vehicles may only be used for Oklahoma County business. Non-county employees are expressly prohibited from traveling in Oklahoma County vehicles or in personal vehicles on Oklahoma County business without prior authorization from management.
4. Drivers are responsible for obeying all traffic and safety laws.
5. The driver and all passengers must wear seatbelts at all times.
6. While driving Oklahoma County vehicles drivers may not eat, smoke or use cell phones (law enforcement exempted). Tobacco use is not allowed in Oklahoma County vehicles.

7. Drivers involved in an accident must call the police and file a police report as well as the required Oklahoma County incident report.
8. Drivers are responsible for checking the condition of the vehicle before driving. Always check the mirrors, tires and lights. Always be sure that all material on the vehicle is properly tied down. Items which extend beyond the vehicle must be flagged.
9. Always make sure a copy of the Oklahoma County self-insurance paperwork is in the glove compartment of Oklahoma County owned vehicles.
10. Never drive a vehicle that is not in proper working condition. Immediately report all vehicle problems to your supervisor.
11. You must report any citations that you receive in an Oklahoma County vehicle with the exception of parking tickets. Any citations or tickets received by an employee driving an Oklahoma County vehicle are solely the responsibility of the person receiving the citation or ticket. Failure to follow this rule may result in losing your ability to drive for the Elected Official(s) and discipline up to and including termination. Passengers who are ticketed are also responsible for paying any fines they receive. The Elected Official(s), or their Representative, may revoke the driving privileges of ticketed drivers.
12. Take home vehicles are subject to the appropriate IRS taxation.

Oklahoma County vehicles and equipment are to be used for official Oklahoma County business only. Proper care of equipment shall be the responsibility of the employee to whom the equipment is issued. The employee must notify their Supervisor immediately, upon notice, of any faulty or damaged equipment.

### **Driving Policy and Procedures:**

It is the policy of each Elected Official to ensure all operators of a motor vehicle, while used on official County business, are qualified to drive and drive safely. This policy includes both County-owned and privately owned motor vehicles. The purpose is to determine operators have sufficient knowledge about vehicle handling, portrayed through a safe driving record, so as to protect employees, volunteers, the County, clients, and the public from an unsafe driver. This policy is not intended to apply to Law Enforcement Officers operating a vehicle in their official capacity.

When driving is a condition of employment, the employment offer will be made contingent upon satisfactory proof of an acceptable driving history.

No vehicle, while on County business, shall be operated by an improperly licensed driver or by a driver with an unacceptable driving record as defined.

### **Procedures:**

Any employee who operates a County vehicle or any vehicle on County business shall possess a valid driver's license. An Oklahoma driver's license must be obtained within thirty (30) days of date of hire. It is the Department Head's responsibility to verify the employee receives an Oklahoma license within thirty (30) days of hire. The class of license will be appropriate to the

vehicle operated during employment.

Each Elected Official's Representative will be responsible for conducting an annual review of the driving records of any employees who drive county vehicles or utilize personal vehicles for county business. At the annual performance evaluation, or more frequently if determined to be necessary by each Elected Official's Representative, driving records will be discussed with employees whose work duties require operating a motor vehicle. The validity of the employee's Oklahoma driver's license will be reviewed as well.

Any County driver found to have an unacceptable driving record as defined by this policy (see Standards below) may be subject to appropriate disciplinary action and/or loss of driving privileges for the County.

County driver authority will be given to operators who are required to regularly operate a vehicle on County business. Operators shall immediately report to their supervisor any suspensions, restrictions, limitations, revocation or restriction of driver's license or any other change in their driving status which violates the standards. Failure to do so by the next work day following knowledge of any change may result in disciplinary action.

### **Standards:**

1. All persons operating a motor vehicle on behalf of Oklahoma County must have a valid driver's license, appropriate for the type of vehicle being driven.
2. No authorized operator shall relinquish to an unauthorized individual the operation of a County vehicle unless an emergency exists.
3. Operators will receive proper instructions from their supervisor or other qualified person regarding County vehicles and/or equipment before being authorized to operate them. This will include review of this policy, discussion of responsibility of the operator, and a test drive.
4. When private vehicles are used for County business, owners of the private vehicles will assure to the Supervisor that:
  - i. The vehicle is in operable mechanical condition, and the vehicle is insured as required under Oklahoma law.
  - ii. Evidence of insurance must be provided annually to the Department Head.
5. Unacceptable driving record within the 12-month period preceding review of record is defined as either of the following:
  - i. Being convicted of a major traffic offense including driving while under the influence of intoxicants, hit-and-run, reckless driving, fleeing or trying to elude a police officer,
  - ii. Driving while suspended or revoked, or after having been found to be a habitual offender as defined in Oklahoma Statute.
  - iii. Three or more moving violations.



## **Safe Operations:**

All operators of County vehicles, equipment, or any other vehicle on County business will exercise every reasonable caution and care while operation the vehicle. Operators will obey all traffic laws, equipment, registration and licensing requirements applicable to the vehicle being operated.

All heavy equipment operators shall comply with the applicable portions of regulations governing these activities including but not limited to:

1. All loads and coverings shall be securely fastened to prevent the load from becoming loose, detached, or presenting a hazard to other users of the road.
2. All trucks loaded with sand, gravel, cinder or other loose material susceptible to blowing or escaping shall have the load covered to prevent blowing or escaping of said load from the vehicle.
3. The truck tailgate shall be properly closed and secured at all times.
4. The truck bed shall be free from loose material, before leaving the job or loading site.
5. Top railings and side cavities of the truck shall be free of loose material before leaving the job or loading site.
6. The mudguards shall be secured and properly placed.

*\*Exception-* Sand/salt or other authorized material may be dropped for the purposes of securing surface tension. Water or other substances may be sprinkled on the roadway for the purpose of cleaning or maintenance.

All operators and passengers of vehicles or equipment equipped with safety belts are required to wear safety belts. It will be the responsibility of the operator to see that all occupants comply and that damaged or defective seatbelts are repaired prior to operation of the equipment or vehicle.

Possession, use or being under the influence of any narcotic, hallucinogen, stimulant, sedative or other controlled dangerous substance while operating a County vehicle, or a private vehicle while on County business, is prohibited. If use of controlled dangerous substances or withdrawal symptoms adversely affect a driver's physical or mental faculties to any perceptible degree, or the driver tests positive for any such substances by screening and confirmation tests, the driver will be deemed 'under the influence' for purpose of this policy (see Drug and Alcohol Policy). Violation of this policy is subject to disciplinary action up to and including termination for the first offense.

## **Operation:**

Operation of a county vehicle, or a private vehicle while on County business, within four (4) hours of having consumed alcoholic beverage, while in possession of an open container of alcoholic beverage or an alcohol hangover adversely impairing a driver's physical or mental faculties to any perceptible degree or the driver's blood alcohol content exceeds .02 percent,

the driver will be deemed ‘under the influence’ for purposes of this policy. County vehicles are not to be used to transport alcoholic beverages under any circumstances. Violation of this policy is subject to disciplinary action up to and including termination.

Those persons using prescription medication which limits or impairing their ability to operate a motor vehicle while on County business must report the use of medication to their supervisor or department head prior to operation of a vehicle. The supervisor or department head will determine whether the operator can safely operate the vehicle based upon the written recommendation of the operator’s doctor. Questions concerning the safe operation of a vehicle should be referred to the Safety Director for review.

Eating while operating county vehicles or equipment is not allowed. Non-alcoholic beverages may be consumed while driving, but drivers are warned to exercise caution if beverages are being consumed while driving.

Employees driving County vehicles or operating a personal vehicle on county business are required to comply with all State and local laws regarding the use of mobile communications devices while driving.

### **Traffic Violations or Incidents:**

1. Notify law enforcement if any personal injury or property damage occurred.
2. Complete the “Vehicle Incident Report” found on the county intranet site “Infozone” on the safety page within 24 hours or one working day.
3. If a County employee is injured complete the “Worker Injury Form” found on the county intranet site “Infozone” on the safety page within 24 hours or one working day.
4. Notify your immediate Supervisor and Health & Safety coordinator as soon as possible.
5. Employees whose job function requires possession of a commercial driver’s license are subject to post-accident drug screening. All other employees will be tested in accordance with the drug and alcohol procedures in this Handbook.
6. Incidents will be determined to be either chargeable or non-chargeable.
7. Chargeable is defined by National Safety Council Criteria as:
  - a). An incident which results from the driver’s negligence in which the driver failed to do everything he reasonably could have done to prevent it,
  - b). An incident cited as the driver’s fault by a State, County or City law enforcement officer.
8. If the incident is non-chargeable and it is the first involvement while on County business, a record will be made in the employee’s personnel file and the employee will receive a copy.
9. If the incident is non-chargeable but the employee had been involved in another County vehicle accident within the past 12 months, the Elected Official, or Department Head, will review the circumstances of the incidents and take appropriate corrective action.
10. If the incident is chargeable, the Department Head will determine appropriate corrective action. A letter of such action taken will be sent to the employee and also be placed in the employees permanent personnel file.

11. The appropriate Elected Official, or their Representative, should be consulted prior to any disciplinary or corrective action.
12. Any fines imposed due to non-compliance with the Oklahoma Motor Vehicle Code will be the responsibility of the driver.

## **2.12. Gifts**

The acceptance of gifts or gratuity in exchange for special consideration and/or the award of a contract for goods or services from vendors, potential vendors, or customers is prohibited. Examples of gifts or gratuities include but are not limited to the following: money, free meals, tickets to events, trips, personal services, etc.

## **2.13. Political Activity**

No employee (not including Elected Officials) shall participate in partisan politics while on duty. This means the devoting of time or labor during usual office hours towards the campaign of any candidate for office or for the nomination to any office.

Use of Oklahoma County property, funds or facilities for campaigning is prohibited.

## **2.14. Courtesy**

We view service to the public and other employees as one of our most important responsibilities. You are expected to help us carry out this policy by extending every courtesy and all assistance necessary, not only to the public but your fellow employees as well. If someone asks you for assistance that you are unable to give, refer them to your supervisor.

## **2.15. Limit Personal Visitors**

You should limit your personal visitors while at work. While much of our property is used by the general public, you should report any non-employee in restricted areas of Oklahoma County property immediately to management.

## **2.16. Restrictions on Personal Phone Calls**

Personal phone calls are permitted; however they should be limited, and preferably made during lunch periods and breaks. Personal long distance calls charged to Oklahoma County are the responsibility of the employee.

Excessive personal calls and/or any other violation of this policy will lead to disciplinary action up to and including termination.

## **2.17. Professional Development**

Employees are expected to become and remain current on technical matters affecting their office/position. Scheduling of personal time for professional development shall be the sole responsibility of the employee and should be on the employee's time, except when conferences or schools are added or approved by the Elected Official. Employees may be encouraged to join professional organizations, but participation shall not be required, except when necessary for the office.

## **2.18. Conduct**

Every employee shall fulfill to the best of their ability their duties of the office or position conferred upon them. In performing official duties and activities, the employee shall pursue the common good, and not only be impartial, but so act neither to endanger nor give occasion for distrust of their impartiality.

Every employee shall conduct themselves in a manner to further the Oklahoma County Elected Official's mission of providing high quality, professional, courteous and efficient customer services to all citizens, including other employees and all who may conduct business with Oklahoma County. No employee may engage in personal business matters while on Oklahoma County time or use Oklahoma County resources to do so.

Whether you are on duty or off, your conduct reflects on each Oklahoma County Elected Official. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and misconduct that the each Oklahoma County Elected Official considers inappropriate include, but are not limited to the following. This is **NOT** a complete list and each Elected Official reserves the right to investigate, make judgments and take appropriate disciplinary action in each individual incident. The level of severity of any infraction is solely at the discretion of the Elected Official.

1. Falsifying employment or other County records.
2. Violating the Oklahoma County Elected Official's non-discrimination and/or sexual harassment policy.
3. Soliciting or accepting gratuities.
4. Excessive absenteeism or tardiness.
5. Excessive, unnecessary, or unauthorized use of County equipment or supplies, particularly for personal purposes.
6. Reporting to work intoxicated or under the influence of non-prescribed drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs.
7. Bringing or using alcoholic beverages on County property or using alcoholic

beverages while engaged in County business off County premises, except where authorized.

8. Fighting or using obscene, abusive, or threatening language or gestures.
9. Theft of property from co-workers or the County.
10. Disregarding safety or security regulations.
11. Insubordination or willful refusal to follow a lawful order or directive.
12. Failing to maintain the confidentiality of protected County information.
13. Conviction of a crime.
14. Falsifying time keeping records with intent to defraud.
15. Deliberate or willful misrepresentation of the Oklahoma County Elected Official's policy.
16. Willful damage or destruction of County property.
17. Loafing, loitering or sleeping during work time.
18. Neglect of duty or incompetence.
19. Unsatisfactory job performance.
20. Violation of County policy or a provision of this Handbook.
21. Failure to follow supervisory instructions or directions.
22. Improper recording of time worked.
23. Work performance which is below the standards of performance required by the department.
24. Distribution or posting of written or printed matter that is not authorized by the Elected Official.
25. Inefficiency or lack of effort in the performance of duties.
26. Careless, negligent or improper use of County property or equipment.
27. Thoughtless conduct which results in injury to others or in more than minor property damage.
28. Willfully causing damage or destruction of equipment or property belonging to the County or to fellow employees.
29. Falsification of records or misrepresentation of material information.
30. Failure to maintain satisfactory and/or harmonious relationships with the public or with fellow employees.
31. Refusing to sign a consent form permitting the County to inspect and/or search an employee's personal property on County premises for intoxicants, controlled or illegal substances or any other substance which impairs job performance.
32. Abusing the sick leave policy.
33. Misconduct of any type.
34. Violation of the Oklahoma County Elected Official's Drug Policy.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the Elected Official(s), based on violations either of the above or of other Elected Official's policies, rules, or regulations, you will be subject to disciplinary action, up to and including termination.

## **2.19 Confidentiality— Open Records Procedure**

It is the State of Oklahoma's policy that the people are vested with the inherent right to know and

be fully informed about their government. This intent is expressed in the Oklahoma Open Records Act, 51 § 24A.1 through § 24A.26. All Elected Officials and their employees shall comply with the provisions of this Act in facilitating the public's right of access to and review of government records. Failure to comply with the Act is a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment in the Oklahoma County Jail for a period not to exceed one (1) year, or by both fine and imprisonment. Additionally, a party who is denied access to a record of the agency may bring a civil suit for relief and, if successful, shall be entitled to reasonable attorney fees. This policy is intended to cover record requests under the Oklahoma Open Records Act and not those records specifically covered under Title 28 of the Oklahoma Statutes, even though the documents may fall within the definition of a record under the Act.

It is against state law to release the home address, home telephone number, social security number, and information related to personal electronic devices of current or former employees without the current or former employees written permission or an order from the court of competent jurisdiction. It is the Oklahoma County Elected Official's policy to delete such information with regard to employees from any document otherwise available under the Open Records Act.

The Oklahoma County Clerk shall be considered the custodian of all records for the Board of County Commissioners and other County boards of which the Oklahoma County Clerk is the secretary and record keeper. The Oklahoma County Clerk is hereby designated as the person authorized to release records of the Board and its various office and departments for inspection, copying or mechanical reproduction.

The Oklahoma Open Records Act, 51 § 24A.1 through § 24A.26, ensures the public's right to access and review of government records. In order to facility the public's access to non-confidential government records, Each every Oklahoma County Elected Official is responsible for their offices' compliance with the Open Records Act. Each Oklahoma County Elected Official shall designate a person authorized to answer open record inquiries and assist in record production. The designated Open Records person for each agency and/or department release the records specific to the elected official's office and shall register with the County Clerk the name(s) of the individual(s) so designated.

### **Open Records Procedure:**

When an Open Records Request is sent to the Elected Official's office, the designated person(s) shall gather all records relevant to the inquiry within a reasonable time after receipt of the request. Prior to the release of records, the normal custodian of those records shall review the same to ensure the record is not exempt and does not contain information exempt

under the Open Records Act. If there is any information that is contained in the records that exempt under the Act, the records should be redacted as necessary all protect confidential and/or privileged information prior to production. Once the individual performing the open records search has completed and compiled the records, he or she shall transmit or deliver the responsive records, including an non-redacted copy of the records, to the County Clerk, who will make the records available to requesting party.

### **Role of Court Clerk:**

**Open records requests are to be received, recorded, and logged by the County Clerk. ~~or immediately forwarded to the County Clerk upon receipt by any department or employee.~~** The County Clerk shall maintain a log of the open records requests received that include: Such log shall contain the name and address of the individual requesting the records; the nature of the request; a description of information produced to the individual requesting the records. ~~;~~ ~~and information to determine if the request is solely for commercial purposes.~~ The County Clerk shall maintain a copy of records produced in the format produced, and in the rare occasion that information has been redacted, a copy of the document in its original format shall be maintained for reference purposes.

~~Requests for individual records of the offices of the Sheriff, Treasurer, County Clerk, Court Clerk, Assessor, and the member of the Board of County Commissioners shall be forwarded to the person designated to authorize release of records under the Open Records Act for that office.~~

~~The County Clerk shall forward a copy of the request to the Chairman of the Board of County Commissioners; and if the records requested are not within the possession of the County Clerk, to the County Officer in possession of the records for the production to the County Clerk as soon as reasonably possible. Most records should be readily available. However, should research, compilation, and review time be necessary, the party in possession of the records shall advise the County Clerk of the time necessary and when the records will be provided to the County Clerk.~~

~~Access to open records and adequate space for viewing the same shall be provided by the Elected Official or Department Head in possession of those records as soon as reasonably possible. Access to open records shall be limited to normal business hours, and each Department or Elected Official in possession of the records shall ensure the integrity of the records during viewing.~~

Prior to the release of records, the normal custodian of those records shall review the same to ensure the record is not exempt and does not contain information exempt under the Open Records Act. If the Elected Official, Department Head, or County Clerk is unsure, the District Attorney should be consulted for assistance.

The County Clerk shall notify the requesting party as soon as the records are available for viewing or copying.

The County Clerk shall maintain a copy of records produced in the format produced, and in the rare occasion that information has been redacted, a copy of the document in its original format for reference purposes.

### **Electronic Records:**

Elected officials may request assistance from the County Management Information Systems Department (IT) for retrieval and compilation of requested electronic records and telephone records. The IT Department will provide the records to the elected official as soon as reasonably possible. The IT Department is not authorized to respond directly or indirectly to any other party making a request for electronic or telephone records.

### **Copy Fees:**

The Court Clerk shall maintain a written schedule of charges for copies and electronic production of documents as allowed and in compliance with the Open Records Act.

The County Clerk shall collect a copy and/or production fee as allowed under the Act. A schedule of costs for copies, electronic reproduction fee of twenty five cents (\$0.25) per page for records having a dimension of eight & one half (8 1/2) by fourteen (14) inches or smaller and one dollar (\$1.00) per page for a certified copy. The cost of an electronic copy of existing computer data or documents onto disc shall be \$4.00 per disc. The County Clerk shall collect a reasonable search fee to cover the direct cost of record searches if the request is solely for commercial purposes or clearly would cause excessive disruption of the agency's essential functions. In no case shall a search fee be charged when the release of information is in the public interest, nor shall a search fee be charged to discourage requests for information. In no case shall search fees exceed the hourly wage plus payroll additives of the employee normally required to perform the search for the requested records. Department are expected to utilize the lowest level salaried employee capable of performing the search for the records requested.



~~The intent of this policy is to ensure open records requests are fulfilled in a timely and efficient manner. Each Elected Official should respond to day to day operational requests for records specifically requested within their office and charging the appropriate fee under Title 28 or the Oklahoma Open Records Act, whichever is applicable to the request.~~

## 2.20 Computer Security

Information Technology's intentions for publishing Security Policies are not to impose restrictions that are contrary to the Oklahoma County Elected Official's established culture of openness, trust and integrity. IT is committed to protecting employees and partners from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, www browsing, and FTP, are the property of Oklahoma County. These systems are to be used for business purposes in serving the interests of the organization, and of its constituents in the course of normal operations.

Effective security is a team effort involving the participation and support of every employee and affiliate who deals with information and/or information systems. **It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.**

These rules are in place to protect the employee and each Elected Official. Inappropriate use exposes risks including virus attacks, compromise of network systems and services, and legal issues.

The following policies apply to employees, contractors, consultants, temporaries, and other workers, including all personnel affiliated with third parties and all equipment that is owned or leased by Oklahoma County.

### **General Use and Ownership:**

1. While the Elected Official's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the County systems remains the property of Oklahoma County. Because of the need to protect Oklahoma County's network, management cannot guarantee the confidentiality of information stored on any network device belonging to Oklahoma County.
2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Each Elected Official is responsible for creating

guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.

3. For security and network maintenance purposes, authorized employees within Oklahoma County may monitor equipment, systems and network traffic at any time, per IT's Audit Policy.
4. The Elected Official's reserve the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

### **Security and Proprietary Information:**

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by the county confidentiality guidelines. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts, User level passwords should be changed every three (3) months.
3. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.
4. Use encryption of information in compliance with IT's Acceptable Encryption Use policy.
5. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the "Laptop Security Tips" available on the Oklahoma County Elected Official's Intranet.
6. Postings by employees from a Oklahoma County email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Oklahoma County, unless posting is in the course of business duties.
7. All hosts used by the employee that are connected to the Oklahoma County Internet/Intranet/Extranet, whether owned by the employee or Oklahoma County, shall be continually executing approved virus-scanning software with a current virus database. Unless written approval by the Elected Official's IT.
8. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.
9. Employees must not tamper with, deviate, or attempt to circumvent network security and/or approved and authorized network access. Unauthorized access or tampering with security protocols may result in disciplinary action including and up to termination.
10. Employees must respect the network security and report any known or suspected violations of computer security policy by outside sources and/or other employees.

## **Unacceptable Use:**

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job. Under no circumstances is an employee of an Oklahoma County Elected Official authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Oklahoma County owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

## **System and Network Activities:**

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Oklahoma County.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Oklahoma County or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using an Oklahoma County Government computing asset to actively engage in procuring or transmitting material that is in violation of discrimination and/or sexual harassment or hostile workplace laws in the user's local jurisdiction.
7. Making fraudulent offers of products, items, or services originating from any Oklahoma County account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged

routing information for malicious purposes.

10. Port scanning or security scanning is expressly prohibited unless prior notification to IT is made.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing information about, or lists of, Elected Official's employees, to anyone without the written consent of the Elected Official.

### **Email and Communications Activities:**

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header or footer information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Oklahoma County networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Oklahoma County or connected via Oklahoma County network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

### **Other applicable policies include:**

1. Acceptable Encryption Policy
2. Acceptable Use Policy
3. Analog Line Policy
4. Anti-virus Guidelines
5. Audit Policy
6. Automatically Forwarded Email Policy
7. DB Credentials Policy
8. Dial-in Access Policy
9. Password Policy
10. Remote Access Policy
11. Virtual Private Network

## 12. Wireless Communication Policy

All policies are available for review on the Oklahoma County Elected Official's Intranet. It is the responsibility of every computer user to know these policies, and to conduct their activities accordingly.

**Any employee found to have violated any of the Elected Official's approved IT policies may be subject to disciplinary action, up to and including termination of employment.**

### **2.21. Departmental Personnel Policies**

Each Oklahoma County Elected Official, or their Representative, may make departmental rules and regulations consistent with Personnel Policies, governing the conduct and performance of employees. The Oklahoma County Budget Board shall review and approve all Personnel Policies for consistency. Departmental rules and regulations may be published, and a copy furnished to each employee to whom they apply. Such rules and regulations, when approved, published and distributed as herein provided, shall have the force and effect of rules of the Elected Official's Personnel Policy.

### **2.22. Job Responsibility**

All employees should understand that temporary needs within the office will require some shifting of responsibilities and may require an employee to assume some responsibilities not included in their assigned position. An employee's job responsibilities, job title, pay, and or work area may be modified or adjusted with or without notice to the employee as each employee serves at the will of the Elected Official.

### **2.23. Attendance**

Each Oklahoma County Elected Official expects regular and prompt attendance from their employees. Excessive absences, tardiness, and leaving the job early are all unacceptable. As a result of excessive absences, regardless of the cause, the employee may be subject to disciplinary action up to and including discharge.

A written release from a physician specifying the dates of disability and return to work date may be required before returning to work after absences of two (2) or more consecutive days. If an employee is absent for two (2) or more days without notification, it will be considered job abandonment.

Employees are expected to personally notify their supervisor at least one (1) hour prior to their assigned shift if they are going to be absent from or late to work. Notification requires direct

contact with their supervisor or designee and not leaving a message with other personnel. Notification must be made by the employee, not another person. This notification is required for each day absent unless it is understood by your supervisor that you will be absent for a certain number of days. Employees are responsible for knowing their appropriate call-in numbers for both regular hours and off-hours.

## **2.24. Employee Records**

Employee records are the property of Each Oklahoma County Elected Official, and access is restricted subject to the Oklahoma Open Records Act. Only Supervisors and Management with a legitimate reason have access to these files. With reasonable advanced written notice, employees may review their own records in the presence of a manager during business hours. It is the responsibility of each employee to promptly notify their Human Resource Representative of any changes in personal data, such as contact information, address, phone number, and other relevant information, including an emergency contact and any changes in their dependents status. The employee's Human Resource Representative will notify the County Clerk's Payroll/Benefits division of any changes. The employee must process any changes in insurance or benefits through the County Clerk's Benefits Department. Copies of employee records will not be provided unless required by law. Personnel records will be maintained and requests for personnel records or information will be handled in accordance with Federal and Oklahoma law and Oklahoma's Open Records Act.

No employment inquiries or verifications are to be released except by the County Clerk or by persons who have received authorization from the County Clerk.

Okla. Stat. Ann. Tit. 51, § 24A.7

## **2.25. Personnel File**

Each Elected Official, or their Representative, maintains individual personnel files on all employees. Every Oklahoma County employee is guaranteed access to his/her personnel file and the information contained within that file during normal work hours with a two day advanced written request. However, these records may be reviewed only in the presence of a designated Human Resource Representative as appointed by the employee's Elected Official. The employee may not, of his/her own discretion, mark up, change, remove, or in any way alter the data contained in his/her personnel file.

In order to make corrections in a personnel record file, the employee must first submit a formal request in writing to their Elected Official, or their Human Resource Representative. If the request is granted, then the changes will be made by their Human Resource Representative, or their Elected

Official, under the direction of the employee while the employee is present.

If the request for a correction is turned down, the employee can request that his/her statement of disagreement be placed within their file. The statement of disagreement will be a permanent fixture in the employee's personnel record.

If an employee transfers positions to another Elected Official's office, the prior office will provide a copy of the employee's personnel file to the new office.

## **2.26. Savings Clause**

If any section, sentence, clause or phrase of these rules and regulations shall be held, for any reason, to be inoperative or unconstitutional, void or invalid, the validity of the remaining portion of these rules and regulations shall not be affected. Thereby, it being the intention of the Elected Officials in adopting these rules and regulations that no portion thereof, or provisions herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any portion or provision, and the Elected Officials do hereby declare they would have severally passed and adopted the provisions contained herein, separately and apart from the other.

## **2.27. Amendments, Changes, and Deletions**

Amendment changes and/or deletions are subject to change by the approval of the Oklahoma County Budget Board.

## **2.28. Travel Reimbursement Policy**

The reimbursement rates for specific cities and the percentage of reimbursement allowed for each day of travel in the Oklahoma County Elected Official's Travel Policy is pursuant to and shall be established by Continental United States, (CONUS), domestic per diem rates.

### **Travel:**

1. Reimbursement for travel on County business for Elected Officials is at the discretion of the Elected Official and their respective travel budget.
2. Travel for deputies and staff of an Elected Official requires the prior approval of their Elected Official and should be within the respective travel budget.
3. When claiming mileage, you must use the shortest distance from either your home or official workstation to your destination, when completing your travel claim. Whichever is closer will be used as the point of origin on your travel reimbursement claims. To calculate miles traveled you should use the ODOT Mileage Program

provided on the Office of State Finance website.

### **Transportation Cost:**

1. Air travel at the most economical fare available, but not including “first class” fare. Airline penalties charged from schedule changes not the fault of the employee are reimbursable. A statement must be attached to the Purchase Order explaining these conditions, signed by the Elected Official, or their Representative.
2. Transportation by private vehicle from residence to destination and return shall be reimbursed at the rate provided in Oklahoma Statutes §19-164, which allows a rate per mile equal to the current deductible rate permitted by the Internal Revenue Service for business use of a private vehicle. This rate is updated annually by the IRS. When claiming mileage, you must use the shortest distance from either your home or official workstation to your destination, when completing your claim.
3. Ground transportation at destination (if used, taxi or bus between points of business at destination, mileage for private motor vehicle or rental vehicle, parking and necessary tolls).

### **Registration Fees:**

Conference registration and/or meeting fees, banquet fees or other official functions are reimbursable at the rate of actual receipted expense.

### **Hotel and Lodging:**

1. Hotel and lodging expense will be reimbursable at the lower of actual cost or the per diem rate. Itemized hotel room receipts are required to establish whether the actual room rate or per diem rate is lower. Exceptions are allowed as provided for in specific sections.
2. When official travel is outside of the county and over sixty (60) miles from the employee’s residence, the employee may request overnight lodging. It is at the discretion of the Elected Official to authorize such lodging.
3. Reimbursement for overnight lodging while in official travel status may be made not to exceed an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation. Okla. Stat. Ann. Tit. 74, § 500.9(A).
4. A complete listing of the CONUS can be obtained from the GSA.
5. The per diem web site: [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem) or the County Clerk’s Accounts Payable Department.
6. The IRS per diem rates include one standard rate for all unlisted cities and specific rates for key larger cities. For example, Oklahoma City is the only city in Oklahoma with a specific per diem rate. The specific rates also apply to locations surrounding the key city. For instance, if you were staying in a suburb of Dallas that was unlisted, you would use the Dallas rate. In such cases, the traveler or approving officer must sign a certification statement on the travel claim which reads



as follows: “I certify the public lodging place named on the lodging receipt is located in the corporate limits or county of the CONUS city of travel.”

7. Charges in excess of the per diem rates are not reimbursable, and are therefore the responsibility of the employee. The following exception applies:
  - i. Officers or employees attending meetings, workshops, conferences or other objectives of trips which are conducted at a designated hotel, motel or other public lodging place or where lodging has been arranged for by the blocking of rooms or by rate reductions for the participants by the sponsor as evidenced by the announcement or notice of the meeting, workshop, conference or other objective shall be reimbursed the actual lodging expense, not to exceed the single occupancy room rate charged by the designated hotel, motel, or other public lodging place, provided that said officials or employees are in official travel status approved by the County Officers or Department Head. Okla. Stat. Ann. Tit. 74, § 17.
8. A per diem allowance in lieu of subsistence may be authorized by the Elected Official by a travel claim which shall include all charges for meals and lodging, not to exceed an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation. Okla. Stat. Ann. Tit. 74, § 17.
9. Employees are encouraged to utilize purchase orders to pay for hotel accommodations to minimize out-of-pocket expenses. Further, when hotel accommodations are paid through a purchase order, meals and other optional services shall not be charged to the hotel bill.
10. When employees share a room, both occupants need to provide a copy of the shared hotel bill with their travel claim for proof of a share room. Note: One of the two bills should have the notation, “zero reimbursement-double occupancy.”

## **Meals and Incidental Expenses:**

### **Overnight travel**

1. At the discretion of the Elected Official, meal expense, including server tips, incurred while traveling overnight are reimbursable either at the actual receipted expense, not to exceed the IRS per diem rates, or at the IRS per diem rates where no receipts are required. Proof of overnight stay must be provided to receive the per diem meal reimbursement (*i.e.* hotel receipt, conference attendance record, airfare tickets *etc.*).
2. Reimbursement in lieu of meals expense is authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation is authorized. Per Diem rates and policy shall be as established by GSA’s Federal Travel Regulation. The per diem rate chart is updated annually and provided as a part of Appendix A of the Federal Travel Regulation.
3. The County does not provide reimbursement for alcoholic beverages.
4. Authorized reimbursement rates will vary depending on the location of travel as identified in CONUS rates. Rates of key cities apply to locations surrounding the key cities (*i.e.* located in the corporate limits or same county). With the exception

of Oklahoma City, all Oklahoma per diem rates are at the standard rate. A complete listing of the CONUS can be obtained from the GSA per diem web site: [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem) or the County Clerk's Accounts Payable department.

5. Internet charges for business use only, will be reimbursed up to \$25.00 a day with receipts.
6. Airline fees for checked bags will be reimbursed up to two bags per employee with receipts. If additional bags, boxes or items are needed to be checked for business purposes, reimbursement must be approved by the elected official.

### **Day trips with no overnight stay**

Meals within Oklahoma County or meals without evidence of an overnight stay are not a reimbursable expense except as provided in specific sections:

1. Meal expense may be reimbursed if the meal expense is not included in the meeting cost and the Elected Official, or employee, is required to attend the meeting as a function of their job/office and the meeting has been pre-authorized by the appropriate Elected Official, or approved by budget.
2. Reimbursement for meals in Oklahoma County or without evidence of an overnight stay is limited to the standard CONUS rate.
3. Meals expense incurred in the course of official county business when an overnight stay is not necessary is reimbursable at the actual cost not to exceed the standard CONUS rate. Itemized receipts must be provided to receive reimbursement for actual meal expense.
4. The County does not provide reimbursement for alcoholic beverages.
5. Reimbursable meals without an overnight stay are a taxable fringe benefit.

### **Personal Service**

Expenses for personal service such as the use of iron/ironing board, pressing of garments, business related phone calls, service charges, gratuities, etc. are allowable up to a maximum daily amount of \$20.00 per trip. The \$20.00 maximum daily rate for personal services may be an average for the period of the trip. For reimbursement this average must not exceed \$20.00 per day.

### **Claim of Travel Reimbursement:**

#### **Claim forms and receipts**

1. Claim forms submitted for official travel reimbursement should be sworn to as required by Okla. Stat. Ann. tit. 19, § 163, using a form adopted by the County Budget Board and approved by the State Auditor and Inspector.
2. Itemized expense receipts showing payment for air travel tickets, hotel, food, taxi and registration fees should be attached, unless per diem for meals or subsistence is being claimed.
3. The individual submitting the claim must legibly sign the claim form.
4. Credit card receipts that do not provide purchase detail do not constitute an expense

- receipt.
5. Claims for reimbursement should be submitted by each individual for their own expenses, except in the case of law enforcement when transporting officers may seek reimbursement for a prisoner's traveling expenses paid by the officer. Notation should be made on the claim form or receipt if reimbursement is for prisoner expenses.
  6. Travel claims for reimbursement must be filed within forty-five (45) days from final date of travel.

### **Approval:**

Approval by the approving officer certifies:

1. That the employee claiming reimbursement was performing official County business.
2. The reimbursement rate is in an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation, or actual cost. Okla. Stat. Ann. tit. 74, § 500.9

### **Miscellaneous Travel Reimbursement Issues:**

Travel issues not specifically addressed by this policy may, as directed by the Elected Official, be handled in accordance with the State Reimbursement Act, Okla. Stat. Ann. Tit. 74.

### **Statutory Authorization:**

County Commissioners shall have the power to establish by resolution the use of per diem for specific purposes in accordance with the limitations provided by Section 500.8 and 500.9 of Title 74 of the Oklahoma Statutes. Okla. Stat. Ann. Tit. 19, § 339.

## **2.29. Weapons Policy**

Each Oklahoma County Elected Official wishes to maintain a work environment that is free of firearms, weapons, explosives, and other dangerous materials. To achieve this goal, each Elected Official prohibits the possession, transfer, sale, or use of the following items on its premises with the exception of properly secured firearms in a locked vehicle only as allowed by state law:

1. All types of firearms, switchblades knives, knives with a blade longer than four inches, corkscrews, razor blades;
2. Dangerous chemicals, chemical sprays, explosives and ammunition.

Nothing in this policy is meant to violate state or federal laws that supersede this policy. Other objects carried for the purpose of injuring or intimidating other people may be considered dangerous items. This prohibition includes all handguns, even if the individual has a valid license to carry a handgun. Exceptions to the policy may be allowed for law enforcement and others, as allowed by State Statutes.

### **2.30. Security Checks**

Desks and other storage devices may be provided for the convenience of employees, but remain the sole property of Oklahoma County. This also includes all Oklahoma County vehicles. Accordingly, they, as well as any containers or articles found within them, can be inspected by their Elected Official, or their Representative, at any time, with or without prior notice. Containers may include, but are not limited to, any packet, package, purse, briefcase, tool box or lunch container. Containers are subject to search whether or not they are locked. Each Oklahoma County Elected Official, or their Representative, has the right to search containers whether they are locked by a device provided by Oklahoma County, or by the employee. If any employee observes any dangerous item on Oklahoma County property, the employee is under a duty to report such item to their Elected Official, or Representative. Violations of this policy will result in discipline up to and including termination.

### **2.31. Tobacco Free Policy**

It is the goal of the Oklahoma County Elected Officials to promote and provide a healthy workplace and to establish a policy to regulate the use of tobacco materials, includes electronic cigarettes and similar devices, by designating Oklahoma County as a Tobacco free campus. No tobacco use is allowed in any Oklahoma County Building, Property, or facility, including Oklahoma County vehicles.

#### **Employee Assistance for Smoking Cessation:**

The Elected Officials are committed to encouraging and providing helpful support to any employee who wishes to quit using tobacco products by facilitating access to recommended smoking cessation programs and materials.

The Oklahoma Tobacco Helpline can be accessed, toll free, @ 1-866-748-2436 or <http://www.health.state.ok.us/program/tobac/>

The Oklahoma County EAP service provides smoking cessation to all employees and dependents.

County employees and dependents enrolled in the health plan have free smoking cessations treatment available to them, including supplies, doctor visits and prescription medications. Please contact the County Clerk's Benefit department for more information.

### **2.32. Posting in Public Areas Policy**

Only those items pertaining to Oklahoma County Business will be posted or displayed in public areas of Oklahoma County Office Buildings. All other items will be removed. All postings must be pre-approved by the BOCC.

## **SECTION 3: COMPENSATION POLICIES**

### **3.1. Employment Status Definitions**

All employees work at the pleasure of their Elected Official, have no vested property interest in retaining employment, and may be terminated at any time regardless of the length of employment.

At the time of hire and/or promotion, the Elected Official or Department Head will notify the employee of his or her job classification. Classification of an employee will be done in accordance with the Fair Labor Standards Act (FLSA) guidelines.

#### **Full-Time Employee:**

An individual who works forty (40) hours per week or a minimum of one hundred seventy- one (171) hours in a 28 day pay cycle is considered a full time employee. Full-time employees are eligible for benefits.

#### **Part-Time Employee:**

An individual who works fewer than forty (40) hours per work week. Part-time employees may be eligible for health plan coverage and some optional benefits if they meet certain requirements set out in the Oklahoma County Health Plan Document.

#### **Temporary Employee:**

An individual who works for a season or short term, for a period of time not exceeding ninety (90) calendar days per year. The period of time may be extended one time only,

not to exceed ninety (90) calendar days, with the approval of the Elected Official, or their Representative. Temporary employees are not eligible for benefits.

### **3.2. Exempt and Non-Exempt Classification of Employees**

#### **Exempt Employees:**

An individual whose job classification is NOT subjected to the federal minimum wage or overtime pay requirements of the Fair Labor Standards Act. This category of employee includes Elected Officials, Department Directors, First (1st) and Second (2nd) Deputies of record filed in the County Clerk's office, as well as other administrative personnel as designated by their Elected Official, and all other employees deemed "Exempt" by the Fair Labor Standards Act, 29 U.S.C.

#### **Regular Non-Exempt Employees:**

An individual who does not meet the Fair Labor Standards Act definition of "Exempt" and who does not work in law enforcement or detention position. This classification of employee typically works a forty (40) hour work week in positions such as maintenance workers, day laborers, construction workers, truck drivers, equipment operators, and clerical support staff.

#### **Non-Exempt Law Enforcement & Detention Employees:**

An individual whose job classification qualifies under the Fair Labor Act in law enforcement or in corrections or jail detention is allowed to work up to 171 hours, during a 28 day cycle. 29 C.F.R. § 553.211(a) & (f). This classification of employee typically works in positions such as jailers, detention officers and deputy sheriffs. Law Enforcement and Detention Officers are subject to different overtime rules under the Fair Labor Standards Act than regular non-exempt employees.

[http://www.dol.gov/whd/opinion/FLSANA/2008/2008\\_05\\_30\\_09NA\\_FLSA.htm](http://www.dol.gov/whd/opinion/FLSANA/2008/2008_05_30_09NA_FLSA.htm)

Employees who meet the following requirements are considered law enforcement and/or detention officers under the FLSA guidelines:

#### **Law enforcement employees are:**

- a). A uniformed or plain clothed member or a body of officers who are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property

- from accidental or willful injury, and to prevent and detect crimes;
- b). Has the power of arrest; and
  - c). Presently undergoing, has undergone, or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigation and law enforcement techniques, community relations, medical aid, and ethics.

**Detention officers are:**

- a). Employees who act as jailers and perform work to detain or supervise suspected and/or convicted criminals, including juveniles.

### **3.3. Work Week**

The work week for all employees, except employees classified as law enforcement/detention officer, is a forty (40) hour work week, which commences at 12:01 A.M. on Sunday and ends at 12:00 midnight on Saturday.

As allowed by 29 C.F.R. § 553.211(a), the work period for law enforcement and detention officers begins at midnight on Sunday and continues on a twenty eight (28) day cycle ending at midnight on Sunday four (4) weeks later. The latter work period for all law enforcement and detention personnel is intended to qualify for the exemption permitted under Section 7(K) of the Fair Labor Standards Act, as amended. All time keeping will be rounded in ten minute increments for the purposes or reporting.

### **3.4. Work Hours**

Each Elected Official is responsible for establishing their office work hours. Each employee shall be assigned a schedule of working hours: i.e., 8:00 a.m. – 5:00 p.m., 8:30 a.m. – 5:00 p.m., 4:30 p.m. – 12:30 a.m., etc. The work schedule may be changed at any time to meet the needs of the Elected Official.

The length and scheduled start time of a lunch period may vary according to the scheduled hours of the office and the working requirements. Lunch periods are generally not paid. The provision of break periods and/or their scheduling are at the discretion of management and may be dictated by work demands.

All employees are expected to devote full time, attention, and effort to the County's business

during the employee's work hours. Employees shall not use County property, equipment, time or supplies for private gain. Therefore, outside activities that an employee elects to participate in, such as community volunteer work, secondary employment, school, or other personnel activities are expected to be conducted on personal time and kept separate from the County employee's work hours.

### **Secondary Employment:**

It is the policy of Oklahoma County that employees who wish to work a second job outside of their County employment to be able to do so as long as the type and kind of secondary employment does not conflict, compromise, or interfere with the employee's ability to perform his or her job duties. In order to ensure there is no conflict of interest with County employment or duties, any employee who wishes to work a secondary job outside of their primary employment with the County must first obtain permission from his or her Elected Official prior to engaging in secondary employment. However, under no circumstances can an employee perform his or her secondary job during the employee's regular County business hours. Violation of this policy may result in disciplinary action, up to and including termination.

### **3.5. Scheduling**

Multiple shifts or overtime schedules may be required, as determined by the employee's Elected Official. The Elected Official, or their Representative, will give as much advance notice as possible when it is necessary to schedule multiple shifts or overtime. Refusal to work overtime may result in discipline up to and including termination.

It is the employee's responsibility to check the schedule to verify their work assignment.

### **3.6. Employees Working For More Than One Elected Official**

For employees that may be working full-time for an Elected Official and working part-time for another Elected Official:

FLSA overtime rates are applicable assuming the employee is non-exempt. The hours worked at both jobs would be combined in computing any overtime compensation due. There is an exception for "occasional" or "sporadic" part-time work done for the same public agency but in different capacities from their regular jobs. The employee must freely and at his or her own option enter into such activities and these activities must not be within the same general occupational category as the employee's regular work. It is not advisable to rely on this narrow exception without further



legal advice. <http://www.dol.gov/compliance/laws/comp-flsa.htm>

### **3.7. Time Recording**

Each Oklahoma County Elected Official is required by law to keep accurate records of the actual hours worked by employees, including hours worked each day and total hours worked each work week. Employees must accurately record their regular hours worked, meal periods, overtime, absences, holidays and vacations. Time records should be carefully checked for accuracy as paychecks will be calculated according to the information shown on them unless the information is determined to be erroneous.

#### **Exempt Employees Time Keeping:**

Exempt employees are the employees listed in Section 3.2 above. Exempt employees of the County shall record their actual hours worked to gain annual and sick leave accruals. The actual hours reported by exempt employees will not be used to dock pay, unless the employee is off for a full day or more and has exhausted all leave benefits.

Exempt employees who work a minimum of half their shift each day, for the purpose of leave accruals and timekeeping, shall be considered to have worked the full daily shift. Exempt employees who work less than half their shift shall accurately record all exceptions (all leave hours used). Abuse of this section may subject the exempt employee to disciplinary action.

#### **Non-Exempt Employees Time Keeping:**

Employees who are not exempt from the FLSA requirements for minimum wage and overtime compensation are referred to as non-exempt employees. Non-exempt employees are subject to the minimum wage and overtime requirements of the FLSA and must record their time accordingly. The non-exempt employment classification governs what kind of payment cycle.

All Non-exempt employees of the County are governed by the following standard work regulations:

1. You Employees should arrive at the workplace allowing sufficient time to clock or check in (if appropriate) and start work on time.
2. Employees should clock or check in or otherwise accurately record their time immediately prior to starting work, immediately before and after their meal periods (if required) and when leaving at the end of the work shift or when leaving the premises for approved personal reasons.

3. Employees are not permitted to clock or check in for another employee or to otherwise record another employee's time.
4. To be valid, corrections or alterations on a time record must be approved as soon as possible by the employee's Supervisor.
5. Employees who fail to clock or check in or out or otherwise accurately record their time may be subject to discipline up to and including immediate discharge.
6. Employees are prohibited from working overtime that is not approved and authorized by a Supervisor.
7. Failure of the employee to seek approval prior to working overtime may subject the employee to disciplinary actions, up to and including termination.
8. Hours worked will be reported in 15 minute increments. Employee time from 1 to 7 minutes will be rounded down and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time.

### **3.8 Employee Attendance Recordkeeping:**

Every Oklahoma County Elected Official's employees, both classified "Exempt and Nonexempt" are defined by the Fair Labor Standards Act (also known as the FLSA), 29 U.S.C. (<http://www.dol.gov/whd/>). The pay, work week and accrual of overtime for each employee is governed by their FLSA classification. Employees who fail to accurately record work time or who falsify time records may be subject to disciplinary action, up to and including termination.

### **3.9. Compensatory Time**

The accrual and recording of overtime earned will depend on the classification of the employee. In Oklahoma County, employees are classified as either (1) Exempt, (2) Regular Non-Exempt or (3) Non-Exempt Law Enforcement/Detention. Compensatory time will be granted and used in accordance with Fair Labor Standards Act.

Time worked by regular non-exempt employees in excess of forty (40) hours per week or in excess of one hundred seventy one (171) hours per a consecutive twenty-eight (28) day work period in the case of law enforcement/detention employees, will be compensated with compensatory time off rather than the payment of wages. 29 C.F.R. §553.201; §553.211. The employee must have prior approval from their Supervisor and/or Director to work excess hours or to accrue compensatory time. Failure of the employee to seek approval prior to working overtime may subject the employee to disciplinary actions, up to and including termination. However, if worked, it must be compensated, whether approved or not, if the work was known or should have been known by the Supervisor. Failure of the employee to seek approval prior to working overtime may

subject the employee to disciplinary action, up to and including termination.

Compensatory time is earned as follows:

1. **Exempt employees** are NOT entitled to accrue or earn overtime payments because they are exempt from the overtime pay requirements of the Federal Fair Labor Act.
2. **Regular non-exempt employees**, earn compensatory time at the rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of forty (40) hours a week. A regular non-exempt employee is allowed to accumulate up to 240 hours of compensatory time.
  - a). However, for those regular non-exempt employees that from time to time are engaged in a public safety, emergency response, or seasonal activity with regular and reoccurring work periods of significantly increased demand, the maximum limit of compensatory time which may be accrued shall be 480 hours, of which no more than 320 hours can be actual overtime hours worked.
3. **Non-exempt law enforcement and/or detention employees** earn compensatory time at a rate of one and one-half (1½) hours for each hour of overtime worked in excess of 171 in a 28 day pay cycle. A non-exempt law enforcement and/or detention employee is allowed to accumulate up to 480 hours of compensatory time.

All compensatory time off will be scheduled within a reasonable period after requested, if it does not unduly disrupt operations. Compensatory must be used before using annual leave.

In all cases where compensatory time off is authorized, once the employee has utilized compensatory time off to reduce the maximum accrual below the applicable limit, then additional overtime will be paid in the form of additional compensatory time off. 74 O.S. § 840-2.15; 29 U.S.C. § 207(o).

Note: 74 O.S. § 840-2.15 requires that any employee working in "an institutional setting" (i.e., jailors and perhaps others) must be allowed to take their compensatory time off within 180 days of when it is accrued.

When an Elected Official's employee transfers to the office of another Elected Official, the employee's accrued Compensatory Leave Time balance will be transferred to the employee's new Elected Official's department.

As an exception to this policy, and at the sole discretion of the Elected Official, the Elected Official may decide to make cash overtime payments.

### **3.10. Holidays**

Oklahoma County Shall pay active full-time employees for holidays based on an eight (8) hour workday. Full-time employees who are scheduled to work either more or less than eight (8) hours on a holiday shall receive the equivalent of eight (8) hours of holiday pay or eight (8) hours of holiday leave time. If a full-time employee's scheduled hours worked plus holiday hours total less than the employee's normally scheduled hours during the workweek, the Elected Official, or their Representative, shall account for the difference exercising one or more of the following options:

1. Work additional hours during the same workweek;
2. Charge to accumulated annual leave; or
3. Record as leave without pay.

The Fair Labor Standards Act requires that only hours actually worked be counted as hours worked in accordance with the Fair Labor Standards Act.

For full-time employees who are required to work on a holiday and for employees whose day off falls on a holiday, the Elected Official, or their Representative, shall either:

1. Reschedule the employee's holiday to be taken within 360 days; or
2. Pay the employee for the holiday based on an eight (8) hour workday times the employee's base rate of pay at the time of payment;
3. When an employee transfers to the office of another Elected Official, the employee's accrued Holiday balance will be transferred to the employee's new Elected Official's department;

If a regular full-time employee is not scheduled to work on the State recognized Holiday, they will accrue up to 8 hours of Holiday Leave that may be used as compensatory leave. This type of leave when taken must be requested and granted in accordance with division leave request policies. The Holiday leave may not be used at any time prior to the date of the holiday.

When a holiday falls during a work week and the employee is off on the paid holiday, but works additional hours outside their normal schedule to meet a deadline during the week, any additional hours worked under forty (40) hours for the week the employee would earn hour for hour compensatory time.

### **3.11. Payment of Wages**

All Oklahoma County Elected Officials and employees shall be paid monthly. The regular payday

shall be on the last working day of the current month worked. The Oklahoma County Elected Official's allows direct deposit or pay card for the payment of wages. Employees can expect confirmation, of the regular payroll deposit, in their financial institution by the regular payday. Deposit advices will normally be distributed by 4:00 p.m. on the regular payday. When a payday falls on a holiday of other non-scheduled workday, employees will normally be paid on the last preceding work day. <http://countyclerk.oklahomacounty.org/payroll>

### **3.12. Payroll Deductions**

Only deductions required and/or permitted by law and/or authorized by the employee will be withheld from an employee's pay. Those required by law are Federal Income Tax, State Income Tax, Social Security Tax, Medicare Tax, Levies and Garnishments. Examples of deductions which may be authorized by the employee include Group Health Insurance, Optional Insurance Plans, Credit Union and other Optional Deductions. Any questions about a paycheck should be addressed to your Human Resource Representative or the Payroll department.

Whenever an employee's employment terminates, the employer shall pay the employee's wages in full, less offsets, at the next regular designated payday established for the pay period in which the work was performed either through the regular pay channels or by certified mail postmarked within the deadlines herein specified if requested by the employee.

Okla. Stat. Ann. tit. 19, § 153; Okla. Stat. Ann. Tit. 40, §§ 165.2 to 165.3

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=67364>

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=77475>

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=77476>

## **SECTION 4: LEAVE BENEFITS**

Eligible full-time employees hired or reinstated, regardless of a break in service, shall receive vacation and sick leave benefits in accordance with the schedules outlined below.

Years of service shall be based on cumulative periods of employment calculated in the manner that cumulative service is determined for longevity purposes pursuant to Okla. Stat. Ann. tit. 74, § 840-2.18

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440519>

ANNUAL AND SICK LEAVE ACCUMULATION LIMITS AND YEARLY ACCRUALS [74:840-2.20(2)] Note: "Days" refers to 8 hour working days
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Years of Cumulative Service	Vacation Leave		Sick Leave	
	Yearly Accrual	Accumulation Limit	Yearly Accrual	Accumulation Limit
Less than 5 years	15 days/year	30 days	15 days/year	No limit.
5 years but less than 10 years	18 days/year	60 days	15 days/year	No limit.
10 to 20 years	20 days/year	60 days	15 days/year	No limit.
Over 20 years	25 days/year	60 days	15 days/year	No limit.

#### 4.1. Vacation Leave

Vacation leave is intended to be used for vacations, personal business, and other time off work not covered by other paid leave or holiday provisions. An employee may charge approved family and medical leave against annual leave accumulations.

Eligible full-time employees shall accrue vacation leave based on hours worked (excluding overtime), paid leave and holidays not to exceed the total possible work hours for the month. Vacation leave earned during one pay period shall not be available for use until payroll has processed all departments time, this would typically be the 23<sup>rd</sup> of the month.

Vacation rules are as follows:

1. Temporary or part-time employees do not accrue Vacation leave.
2. Vacation leave accrual rates based on years of service change on the first day of the employee's anniversary month of hire, or re-hire.
3. Vacation leave must be earned before it is used.
4. No vacation will be longer than 10 consecutive work days, (80 hours), without permission of the appropriate elected official.
5. Vacation leave balance will not be reduced for any Holiday that falls within the scheduled absence.
6. Vacation leave balance accrued in excess of established limits will be lost each year if not used by June 30th, Oklahoma County's fiscal year end.
7. Vacation leave will not be used for an emergency closing of the County buildings. (If there is an emergency closing during an employee's scheduled absence, vacation leave balance will not be reduced for emergency closing days).
8. Vacation leave balance will transfer with an employee to the office of another Oklahoma County Elected Official.
9. Vacation schedules are subject to Elected Official, or their Representative.

Upon separation, an employee will be paid for the balance of accrued Vacation leave up to the accumulation limit.

## 4.2. Sick Leave

Eligible full-time employees shall accrue sick leave based upon hours worked (excluding overtime), paid leave, and holidays not to exceed the total possible work hours for the month. The hourly rate is equal to the annual accrual divided by the number of work hours in the current year. Sick leave earned during one pay period shall not be available for use until payroll has processed all departments time, this would typically be the 23<sup>rd</sup> of the month.

An employee may utilize sick leave for the following reasons:

1. Personal illness.
2. Illness of a spouse, child, parent, step-parent, parents-in-law, grandchild, grandparent, grandparent-in-law, brother, sister, step-child, brother-in-law, sister-in-law, daughter-in law, son-in-law or any individual residing in the employee's home as a member of the employee's household. This term shall include foster children and legal wards even if they do not live in the household.

Basic rules for Sick Leave are:

1. Sick leave will not be taken in advance of being earned and will not be used for annual leave.
2. Holidays, which fall during an employee's sick leave, will not be counted as Sick leave.

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=68582>

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=467633>

## 4.3. Leave Sharing

An employee may donate Vacation or Sick leave or compensatory time to another employee only pursuant to the following conditions:

1. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave and compensatory time (if applicable) due to illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature and have to be considered as an eligible FMLA event with certification required.
2. The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment.
3. The supervising officials of both the Recipient Employee and the Donor Employee approve the leave sharing arrangement.
4. The receiving employee has been a full-time employee and has at least twelve (12) months of service.
5. No employee shall pressure or coerce an employee to donate leave time.
6. The donating employee may donate any amount of annual leave and sick leave, provided the donation does not cause the combined annual and sick leave balances

of the employee to fall below eighty (80) hours or ten (10) days.

7. Employees may not donate “excess annual leave,” which is any leave above or beyond the maximum allowed that the donor would not be able to otherwise take.

The maximum amount of shared leave an employee may receive during their employment with the county is two hundred sixty-one (261) days (2088 hours) of shared leave.

#### **4.4. Paid Personal Leave**

Paid Personal Leave is for days for when an employee is eligible to be absent from work with pay instead of vacation, sick leave or holidays.

Only full-time employees are entitled to PPL for the following reason:

An emergency shutdown of the County buildings, or sites where those employees are assigned to work. An emergency shutdown occurs when the Chair or Vice-Chair of the Board of County Commissioners, or, in their absence, the Emergency Management Director, has declared formal closing, the late-opening or the early closing of the building, due to:

1. Emergency evacuation (bomb threat, fire, chemical spills, etc.)
2. Severe weather conditions (snow, ice, tornados, hurricanes, etc.)
3. Unsafe conditions of County buildings (structural damage, incapacitated water supply, power outage, etc.)

Those departments that must stay open during the above conditions should require chief and first deputies, and supervisors, or department directors to remain in the office to carry out those duties, if at all possible. Non-exempt employees that work will receive Compensatory Time.

Notification of all Elected Officials, department directors and the presiding judge shall fall upon the Chair or Vice-Chair of the Board of County Commissioners, or, if none are available, the Emergency Management Director.

Sick and Vacation leave will not be charged to the employees while they are entitled to PPL.

#### **4.5. Disaster Leave**

Each Oklahoma County Elected Official, or their Representative, may grant leave with pay not to exceed fifteen (15) working days to an employee who is affected by a Presidential Declared National Disaster in Oklahoma County after May 1, 1999, if:

1. The employee suffered a physical injury as a result of the disaster.



2. A relative or household member of the employee, (as described below) suffered a physical injury or dies as a result of the disaster; or “Relative of the employee” shall include Immediate Family, and “Household members” means a person who resides in the same home, who has reciprocal duties to and do provide financial support for one another. The term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.
3. The domicile of the employee or the domicile of a relative of the employee was damaged to the point of being uninhabitable or destroyed as a result of the disaster.
4. The authority to grant leave with pay pursuant to subsection 3 of this section shall extend for a period of not more than six (6) months after the date of a Presidential Declared National Disaster.

#### **4.6. Jury and Court Appearance Leave**

Each Oklahoma County Elected Official desires that all employees fulfill their duty to serve as members of juries or to testify when called in Federal, State or municipal courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court:

1. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal, State or municipal court as a witness or juror. The employee will be required to provide satisfactory documentation requiring their appearance as a witness or juror that details their dates of service.
2. The employee will receive his/her regular compensation during the time he/she is serving on jury duty and, the employee may retain all compensation or fees which he/she receives for serving as a juror.
3. If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her worksite and provide a release form from the courts.
4. The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions, the employee must take annual leave, compensatory time or leave without pay. Okla. Stat. Ann. Tit. 38, §§ 34-35

#### **4.7. Bereavement Leave**

Employees shall be granted time off with pay not to exceed three (3) consecutive scheduled working days to attend the funeral in the event of the death of the employee's parent, child, spouse, brother, sister, in-laws, grandparent, grandchild, great grandparent, great grandchild, uncle, aunt, nephew, or niece. Any additional time shall be charged to annual leave.

At the discretion of the Elected Official, or their Representative, employees may be granted necessary time off with pay to attend the funeral of other relatives or friends.

The employee may be required to provide verification, such as a program from the memorial

services.

#### **4.8. Election Time Off**

Each Oklahoma County Elected Official encourages their employees to participate in the election of government leaders and to vote on issues presented to the public. Generally, the hours for the polling places in Oklahoma begin prior to the normal work day and extend beyond the normal closing time. Oklahoma County Elected Officials expect their employees to vote either before or after work. More specifically, if your work day begins three hours or more after the time that the polls are opened, or ends three hours or more before the time the polls are closed, you will be expected to vote either before or after work. If your work hours are not within the above schedule, then you will be granted two hours of time during the period when the polling location is open which to vote and will not be subject to loss of compensation or any other penalty for absence, as long as you notify your supervisor whether orally or in writing of your intent to be absent at least one day prior to the election to allow for the proper scheduling of departmental coverage.

#### **4.9. Education Leave**

Full-time employees may be granted leave with pay for attendance at conferences, seminars, or short-courses of instruction designed to advance the technical or professional skills of the person attending. Such education or training leave must be authorized by the Elected Official prior to the leave being taken, and the education or training must be determined by each Elected Official to be related to the employee's job responsibilities. Okla. Stat. Ann. Tit. 19, § 130.6

#### **4.10. Administrative Leave**

Paid, or unpaid, Administrative Leave may be granted to address situations not covered by other types of leave. Administrative Leave is to be used at the discretion of the Elected Official, or their Representative. Examples, where administrative leave may be appropriate, would be to provide a cooling off period to defuse a potentially violent occurrence or given as part of a corrective disciplinary action. During the Administrative Leave for an investigation for possible termination, the employee may be placed on paid, or unpaid, administrative leave, at the discretion of the Elected Official leave until the conclusion of action on a proposed termination of an employee.

#### **4.11. Military Leave**

Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed an accumulation of five (5) years while working for an Elected Official. In order to be eligible for such leave, the employee must:

1. Provide an Elected Official, or their Representative, with advance written or verbal notice of the leave;
2. Completed one year of full-time employment;
3. Return to work or apply for reemployment in a timely manner after conclusion of service; and
4. Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

During the first thirty (30) calendar days for employees in any federal fiscal year, employees shall continue to receive their full regular rate of pay for such military leave of absence. The federal fiscal year is October 1st to September 30th. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders. Okla. Stat. Ann. Tit. 72, § 48

#### **4.12. Absent without Leave**

When an employee is off work and there is no available accrued paid leave. This is considered an unexcused absence and employees shall not be compensated. Excessive use of Absent Without Leave will result in disciplinary action. Absent Without Leave will not be considered an approved leave of absence, without pay or FMLA.

#### **4.13. Leave of Absence Without Pay**

Leave of Absence Without Pay, not to exceed six (6) months, may be granted when approved by the employees Oklahoma County Elected Official, or their Representative. The total length of time allowed for Leave of Absence without Pay, including any leave taken pursuant to the Family and Medical Leave Act (FMLA), shall not exceed six (6) months.

The employee may continue to carry Oklahoma County health insurance coverage during Leave of Absence. The monthly premium, as determined by the Oklahoma County Budget Board, must be paid by the employee by the 1<sup>st</sup> of each month during such leave. Failure to make premium payments will result in the termination of health insurance coverage. If an employee terminates coverage and then later returns from leave, they may re-enroll for health insurance coverage. Health insurance coverage would be effective the first day of the month following the re-enrollment.

If an employee desires to continue retirement benefits during leave of absence, they must pay a certain percentage of their gross salary (12 percent) or an amount as established by the Retirement Board. This amount must be paid by an employee by the 10th of each month during such leave.

While on Leave of Absence without pay, service credit time does not accrue. See the Retirement Plan Document for further information.

Employees desiring to retain County-parking privileges during leave must pay their monthly fee to the Board of County Commissioners. If an employee does not choose to retain parking, they must turn in their transponder prior to taking leave.

If termination of employment occurs upon the completion of a Leave of Absence, the employee may elect to continue insurance coverage under the Consolidated Omnibus Budget Act (COBRA) program, if eligible. The period of the Leave of Absence is applied to the eighteen (18) months maximum allowed for COBRA insurance coverage.

#### **4.14. Workers' Compensation Leave of Absence**

An employee who sustains illness or injury arising out of or in the course of employment with their Oklahoma County Elected Official shall be provided with reasonable and necessary medical care.

In all accepted claims, Oklahoma County Elected Official's employees will be provided their regular monthly salary for up to one month, plus the balance of the month they were injured, if an employee is required to miss work because of a compensable injury or illness, as determined by the County's authorized physician. This benefit will be paid after a three (3) day waiting period, as mandated by the Oklahoma Statutes (O.S. Title 85, Chapter 2, Section. 13).

Employees may use accrued leave (annual, sick or comp time) for the three (3) day waiting period. Employees will be paid for up to one month, plus the balance of the month they were injured, unless the employee is authorized to return to work earlier. The employee will be placed on Worker's Compensation Leave status.

After salary continuation, plus the balance of the month injured, payment of regular monthly salary will cease. Any additional time off will be considered as Temporary Total Disability (TTD) benefits and will be paid through the Workers' Compensation Administrator at the rate mandated by law.

An injured employee may receive TTD benefits for as long as the employee is temporarily totally disabled, not to exceed a maximum of 300 weeks. An employee cannot receive their full salary as designated in Section D. 2 and receive TTD payments as designated in Section D. 3, at the same time.

Employees will not be allowed to use their accrued leave (annual, sick or comp time) to augment TTD benefit payments or in lieu of TTD while on Workers' Compensation Leave as a result of an on-the-job injury or illness.

Authorized absences from the job due to a workplace injury or illness will not be charged against the employee's sick leave or annual leave.

Temporary, part-time employees, and volunteers injured on-the-job are not generally covered, unless specifically addressed by the Workers' Compensation Act, or other Oklahoma Statutes.

An employee who is absent from work, due to an on-the-job injury, shall obtain a written release from the treating physician, before returning to work. The written release must be completed and signed by a physician, before an employee is allowed to return to work.

Sick and annual leave do not accrue to an employee while on Workers' Compensation Leave.

An injured employee must notify their supervisor if they accept or continue other employment while on Workers' Compensation Leave. An employee receiving TTD payments from another employer must promptly report, in writing, the amount of income they are receiving, or any change in their employment status while receiving TTD payments.

No employee may receive TTD payments and unemployment benefits covering the same period of time.

Oklahoma County will continue to maintain health, dental, vision, and life insurance coverage for employees on Workers' Compensation Leave as long as they were covered prior to such leave. During this period, employees are required to continue to pay any premium they were paying prior to Workers' Compensation Leave. Any premium adjustments that are made to employees will also include employees on Workers Compensation Leave. This premium is due from the employee by the 1st of each month and is considered delinquent after the 15th of the month. Coverage is subject to termination if the premium is not paid by the last day of the month.

If an employee terminated coverage and then later returns from leave, they must re-enroll for health insurance coverage by providing evidence of insurability. If approved, health insurance coverage would be effective the first day of the month following approval.

Oklahoma County shall continue to make payments into the employee's Retirement Account during the time they are on Workers' Compensation Leave and are still on payroll.

**WORKERS' COMPENSATION FRAUD:** (O.S. Tit. 21, Chap. 65, Sec. 1663). A person is guilty of Workers' Compensation Fraud who:

Alters, falsifies, forges, distorts, counterfeits or otherwise changes any material statement, form, document, contract, application, certificate, or other written or verbal statements with the intent to defraud, deceive, or mislead another, including any medical provider or employer, or to obtain benefits therefrom when they are not entitled thereto.

Upon conviction, said person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding seven (7) years or by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or by both such fine and imprisonment.

#### **4.15. Abuse of Leave**

The abuse of any category of leave by an employee, or the failure to provide documentation when requested, shall be just cause for disciplinary action, including termination.

#### **4.16. Family and Medical Leave**

**FMLA – 1993; Amended by National Defense Authorization Act – 2010, Public Law 11184)**

Family Medical Leave (FMLA) is provided consistent with the Family and Medical Leave Act (FMLA). Any provisions of Oklahoma County's policies which are found to be contradictory to the FMLA will be superseded by the FMLA.

##### **FMLA Policy:**

Except in the case of Military Caregiver Leave (described below), eligible employees may take up to 12 weeks of unpaid FMLA within a 12 month forward rolling period (described below) and be restored to the same or an equivalent position upon return from leave. The 12 month forward rolling period during which time you may take up to 12 weeks of unpaid FML leave is a period measured forward from the date the employee first takes FML leave. For example, if an eligible employee first takes FML leave on May 1, they are entitled to no more than 12 weeks of FML leave through April 30. **Note: For coordination, see the section on Military FML below.**

## **Eligibility:**

In order to be eligible for FMLA, you must: (1) have worked for an Oklahoma County Elected Official for at least 12 months, and (2) have worked at least 1,250 hours during the 12 months preceding the beginning of your leave. The 12 months worked in (1) above, do not have to be consecutive, but employment breaks of seven years or more does not have to be counted unless the employee was on active duty with the National Guard or Reserve.

## **Reasons for FMLA:**

You may take FMLA for any of the following reasons:

The birth of a son or daughter;

1. The placement of a son or daughter with you for adoption or foster care;
2. To care for a spouse, parent, or child (under the age of 18) with a serious health condition;
3. Qualified child includes biological, adopted, foster child, a stepchild or a legal ward of the covered employee. It also includes a child for whom the employee stands in loco parentis, who is under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.
4. Because of your own serious health condition which renders you unable to perform the functions of your position;
5. Because of a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a Covered Military Member on active duty (or has been notified of an impending call or order to active duty) in support of a Contingency Operation; or
6. To care for a Covered Service member with a serious injury or illness if the Covered Service member is your spouse, son, daughter, parent, or next of kin.

Leave because of reasons “1” or “2” must be completed within the 12 month period beginning on the date of birth or placement.

If both the husband and wife work for an Oklahoma County Elected Official, the combined total of leave taken may not exceed twelve (12) weeks for reasons “1” and “2” or twenty-six (26) weeks if leave is to care for a covered service member with a serious injury or illness.

## **Military FMLA:**

### **Military Caregiver Leave**

If you are the spouse, son, daughter, parent, or next of kin of a Covered Service member, you may take a total of 26 weeks of unpaid FMLA within a twelve (12) month period to care for the Covered Service member. Military

### **Caregiver Leave**

When combined with other FMLA qualifying leave, may not exceed 26 weeks in a single (twelve (12) month period. **Note: You are entitled to a total of 26 weeks of Military Caregiver Leave during a 12 month period. The 12 month period mentioned in this subsection on Military Caregiver Leave begins on the first day you take FMLA leave to care for a covered service member and ends 12 months after that date.**

### **Certification for Military Caregiver Leave:**

If you are requesting Military Caregiver Leave to care for a Covered Service member, you must supply appropriate certification completed by an authorized health care provider of the covered service member. When you request Military Caregiver Leave, the Elected Official or their Representative, will notify you of the requirement for certification and when it is due (15 days after you request leave). Failure to provide the requested certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided.

### **Military Qualifying Exigency Leave:**

You may take a total of twelve (12) weeks of unpaid FMLA within a twelve (12) month period because of a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. **Note: The 12 month period mentioned in this subsection on Military Qualifying Exigency Leave is the period described in the FMLA Policy section above.**

### **Certification for Qualifying Exigency Leave:**

If you are requesting Military Qualifying Exigency Leave, you must provide documentation issued by the military which indicates that the covered military member is on covered active duty or is under a call to covered active duty status in the Armed Forces. You must also provide a statement of facts sufficient to support you need for leave. Such facts should include the type of Qualifying Exigency for which leave is requested and any available written documentation which supports your request. When you request Military Qualifying Exigency Leave, the Elected Official or their Representative(s), will notify you of the requirement for certification and when it is due (15 days after you request leave). Failure to provide requested certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided.



**Covered Active Duty:**

Covered Active Duty means - in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(3)(B) of Title 10 of the United States Code.

**Covered Military Member:**

Covered Military Member means - your spouse, son, daughter, or parent on covered active duty or call to covered active duty status.

**Covered Service Member:**

Covered Service Member means - a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Or, a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**Next of Kin:**

Next of Kin is used with respect to an individual, means the nearest blood relative of that individual.

**Serious Injury or Illness:**

Serious Injury or Illness means - in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in the line of duty or active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in the above paragraph, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

**Veteran:**

Veteran has the meaning given the term in section 101 of Title 38, United States Code.

[http://www.ssa.gov/OP\\_Home/comp2/D-USC-38.html](http://www.ssa.gov/OP_Home/comp2/D-USC-38.html)

**Qualifying Exigency:**

**Short-Notice Deployment**

To address any issue that arises from the fact that a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation.

**Military Events and Related Activities**

To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of a Covered Military Member. Also, to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a Covered Military Member.

**Childcare and school activities**

To arrange for alternative childcare when the active duty or call to active duty status of a Covered Military Member necessitates a change in the existing childcare arrangement for a biological, adopted, or foster child, a stepchild, or a legal ward of a Covered Military Member, or a child for whom a Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. Or, to provide

childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the active duty or call to active duty status of a Covered Military Member for a biological, adopted, or foster child, a stepchild, or a legal ward of a Covered Military Member, or a child for whom a Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. Or to enroll in or transfer to a new school or day care facility a biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when enrollment or transfer is necessitated by the active duty or call to active duty status of a Covered Military Member. Or, to attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when such meetings are necessary due to circumstances arising from the active duty or call to active duty status of a Covered Military Member.

### **Financial and legal arrangements**

To make or update financial or legal arrangements to address the Covered Military Member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust. Or, to act as the Covered Military Member's Representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the Covered Military Member is on active duty or call to active duty status, and for a period of 90 days following the termination of the Covered Military Member's active duty status.

### **Counseling**

To attend counseling provided by someone other than a health care provider for yourself, for the Covered Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the

Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a Covered Military Member.

**Rest and recuperation**

To spend time with a Covered Military Member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.

**Post-deployment activities**

To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the Covered Military Member's active duty status; and to address issues that arise from the death of a Covered Military Member while on active duty status, such as meeting and recovering the body of the Covered Military Member and making funeral arrangements.

**Additional activities**

To address other events which arise out of the Covered Military Member's active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

**Notice of Leave:**

If your need for FMLA is foreseeable (e.g. based on an expected birth, placement for adoption or foster care, or planned medical treatment for (1) you or your family members serious health condition, or (2) a serious injury or illness of a covered service member), you must give an Elected Official, or their Representative, thirty (30) days prior written notice. If thirty (30) days' notice is not practicable, you must provide notice as soon as possible and practical taking into account all of the facts and circumstances of your situation. Failure to provide such notice may be grounds for delay of leave.

The appropriate Elected Official's HR Representative should be notified by the employee or the employee's supervisor if an absence of 3 or more days occurs, or if the employee has communicated information that may cause the employer to believe the absence would qualify for FMLA. FMLA will tentatively begin when there is a potential qualifying event. Each Oklahoma County Elected Official, or their Representative, in all circumstances, is responsible

for designating leave as qualifying for FMLA.

<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

### **Eligibility Notice:**

When an employee requests FMLA leave or the employer finds out that an employee may need leave for an FMLA-qualifying reason, it must notify the employee within five business days of his or her eligibility to take the leave and any additional requirements for qualifying, absent extenuating circumstances. This eligibility notice must provide information about the employee's eligibility for leave, detail the employee's specific responsibilities and explain any consequences for failing to meet those responsibilities. The notice must tell the employee whether he or she is eligible and if the employee is not eligible for leave, must tell the employee the reason for ineligibility.

### **Medical Certification:**

If you are requesting FMLA because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. When you request FMLA, Oklahoma County will notify you of the requirement for medical certification and when it is due (15 days after you request leave). Failure to provide requested medical certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided. The county, at its expense, may require an examination by a second health care provider designated by Oklahoma County, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, Oklahoma County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Subsequent medical certification may be required on a reasonable basis.

**Note: For coordination, see the specific certification requirements in the section on Military FMLA above.**

### **Recertification While on FMLA:**

In the course of the FMLA leave, you may be required to provide re-certification at reasonable intervals, not exceeding one inquiry every thirty (30) days, unless the employee seeks an extension of leave, the medical condition changes, or the County receives information casting doubt on the validity of the certification.

### **FMLA is Unpaid:**

You will be required to use your accumulated paid leave or compensatory time concurrently with your FMLA. The use of paid leave time and/or compensatory time for unpaid leave time does not extend the 12 week leave period (or the 26 week leave period in the case of Military Caregiver Leave).

### **Medical and Other Benefits:**

During an approved FMLA, Oklahoma County will maintain your health benefits, as if you continued to be actively employed. While on FMLA leave, an employee shall not lose accrued benefits or seniority; however, benefits and seniority shall not accrue during unpaid leave. Retirement benefits will be paid by the County while an employee is using paid leave. However, retirement benefits shall not be paid by the County during any unpaid FMLA leave and must be paid by the employee if they wish to continue to accrue their benefits. Oklahoma County will deduct your portion of the health plan premium as a regular payroll deduction.

If your leave is unpaid, you must pay your portion of the premium to Oklahoma County by the first day of each month. Your health care coverage will cease if your premium payment is more than 30 days late. However, once an employee returns from FMLA leave, they will be reinstated to health insurance without penalties. Insurance coverage or cost may change during an employee's FMLA leave, but only if this change applies to all employees. If the FMLA absence lasts longer than your period of FMLA leave entitlement, it may be necessary to fill the position with another employee.

### **Intermittent and Reduced Schedule Leave:**

Family Medical Leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, your salary may be reduced based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, each Oklahoma County Elected Official reserves their right to temporarily transfer you to an alternative position which better accommodates your recurring leave and which has equivalent pay and benefits. Your Elected Oklahoma County Official, or their Representative, may require you to attempt to schedule intermittent leave, such as doctor's appointments, so as not to disrupt county operations.

### **Key Employee:**

If a salaried employee is among the highest paid 10 percent of both salaried and non-salaried employees, a determination will be made whether an individual is a key employee, as defined by FMLA. If it is determined that reinstatement of the key employee would cause substantial and grievous economic injury to the Oklahoma County Elected Official, the individual will be so informed either prior to commencement of the leave, or as soon as such a determination is made, and the employee will be given an opportunity to return to work.

### **Return from Leave:**

If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. Employees failing to provide the certification will not be permitted to resume work until it is provided.

An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, unless you were designated a “key employee” when you received your certification for FMLA. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

If the employee requires a leave of absence for a FMLA qualifying event that lasts longer than the statutory period of FMLA leave entitlement, there is no guarantee that the employee will be entitled to retain his or her employment as it may be necessary to fill the position with another employee.

### **Forms:**

The following forms are approved by the Department of Labor and should be used for FMLA documentation. The most current version of the forms may be obtained from the Department of Labor website ([www.dol.gov](http://www.dol.gov)).

1. Certification of Health Care Provider for Employee’s Serious Health Condition (WH380-E)
2. Certification of Health Care Provider for Family Member’s Serious Health Condition (WH-380-F)
3. Notice of Eligibility and Rights & Responsibilities (WH-381)
4. Designation Notice (WH-382)
5. Certification of Qualifying Exigency for Military Family Leave (WH-384)
6. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave (WH-385)
7. Notice to Employees of Rights Under FMLA (WH Publication 1420)

## **Additional Information:**

Additional information regarding FMLA may be accessed using the Department of labor website at [www.dol.gov/whd/fmla/employeeguide.pdf](http://www.dol.gov/whd/fmla/employeeguide.pdf).

## **SECTION 5: EMPLOYEE SAFETY**

### **5.1. Safety Policy Statement**

Our Goal: “An Injury Free Workplace.”

Each Oklahoma County Elected Official is committed to the health and safety of their employees. Protection of employees from injury or occupational disease is a major continuing objective. We are committed to continuing improvement toward an accident-free workplace through effective administration, education and training. All supervisors and workers must be dedicated to the continuing objectives of eliminating the “near misses” which will greatly reduce the risk of injuries.

Our philosophy is that the well-being of the county and its citizens is dependent on the health and safety of our workforce. The Elected Officials of Oklahoma County take every precaution reasonable in all circumstances for the protection of all workers. No job is to be regarded so urgent that time cannot be taken to do it in a safe manner. The welfare of every county employee and the public we serve is our greatest concern.

Supervisors will be responsible for the health and safety of workers under their supervision. Supervisors are responsible to ensure that machinery and equipment required for use by each worker is safe and that each worker works in compliance with established safe work practices and procedures for each piece of equipment. Workers must receive adequate training in their specific work tasks to protect their health and safety.

All supervisors, employees and subcontractors must protect their own and fellow workers’ health and safety by working in compliance with the *Occupational Health and Safety Act (OSHA)*, *Oklahoma State Department of Labor Public Employees Occupational Safety and Health (PEOSH) Regulations* and all applicable regulations and safe work practices and procedures established by the Elected Officials.

We recognize that a safe work environment can be established and sustained only through a united effort by all employees and that the assistance of each person is required. Your attitude and cooperation in promoting accident prevention will assist in achieving our goal: “An Injury Free Workplace”, and make Oklahoma County a safe place to work, one where employees share in growth and success.

Everyone from Elected Officials to new workers have the responsibility to ensure a safe and healthy workplace. Let’s all work together to prevent incidents from creating unwanted losses and



personal injuries or illnesses.

## **5.2. Employee Safety Rules**

Rules and regulations are an integral part of our safety program. When used effectively, they will contribute to the overall success of our program.

### **Definitions:**

**Rule-** A directive that governs and controls conduct or action and that is instituted by an organization.

**Regulation-**An ordinance, a law, or a directive set by an outside organization or agency, such as government, for control of people and their environment.

### **General Rules:**

1. Personal protective clothing and equipment will be utilized in accordance with OSHA and PEOSH regulations where applicable.
2. Report all substandard acts, conditions, and incidents.
3. Report all injury or damage incidents/accidents immediately.
4. Perform all work following safe work practices and safe job procedures.
5. Maintain good housekeeping in your work area.
6. Operate all vehicles and mobile equipment in accordance with Oklahoma County rules and applicable legislation.
7. No possession or consumption of alcohol or illegal drugs while at work.
8. Arriving or remaining at work when your ability to perform the job safely is impaired may result in disciplinary action.
9. No possession of weapons (firearms) unless specifically authorized to carry such in performance of your duties.
10. No fighting, horseplay, or practical jokes.
11. No damaging, disabling or interfering with safety, fire-fighting or first-aid equipment.

NOTE: When employees are using prescription medication that may impair their ability to work safely, it is mandatory that they inform their immediate supervisor.

Specific rules and responsibilities are outlined in the applicable Safety policies and procedures. A complete copy of all Safety policies and procedures can be found on the Oklahoma County Elected Official's Intranet site "Infozone" on the safety page or in the Safety Office.

### **Disciplinary Program:**

1. The main objective of our disciplinary program is to ensure that Oklahoma County Elected Official's rules and safe work practices are taken seriously by all employees and are followed.
2. Where disciplinary action is deemed to be appropriate, it shall be conducted in timely manner.
3. Trying to correct unsafe behavior by waiting only allows the behavior or habit to become

more ingrained.

4. The goal is to correct the problem, action, or behavior of the person. The type of discipline shall fit the severity of the misconduct and shall be conducted in private.

### **Enforcement Policy:**

This policy is applicable to all employees. All employees are required to comply with the Occupational Safety and Health Act, Oklahoma Department of Labor Regulations, Oklahoma County Elected Official's Policies and all other applicable regulations. Failure to comply with these regulations, policies and procedures may result in disciplinary action up to and including termination.

Note: Warnings are intended to give workers the opportunity to correct their actions. Serious offenses or flagrant violations of the safety program or the Occupational Safety and Health Act and Oklahoma Department of Labor Regulations are grounds for immediate suspension or termination.

### **5.3. Safety Training**

The purpose of this policy is to provide for general and specialized safety and related training throughout all levels of the county.

The Oklahoma County Elected Officials will provide all safety and related training that is necessary to minimize losses of human and physical resources of the company. Employees will participate in this training.

This training will include, but not be limited to:

1. Safety orientation;
2. New hire safety orientations;
3. Safety training for workers, supervisors and management;
4. Task and trade-specific training and certification;
5. Workplace Hazardous Communication (Right to Know) orientation;
6. Blood-borne Pathogens training;
7. Safe work practices and job procedures, as applicable; and
8. Emergency Preparedness training

In addition, safety meetings involving workers will be held on a quarterly basis or more frequently as determined by job hazard severity or other departmental requirements.

\*The safety information in this policy does not take precedence over Occupational Safety and Health legislation. All employees should be familiar with the Oklahoma Department of Labor regulations and the requirements of the Public Employees Occupational Safety and Health (PEOSH) unit.

## **5.4. Workers Compensation Policies and Procedures**

### **Policy:**

1. An incident involving injury arising solely out of and in the course of employment shall be reported by the employee to their supervisor as soon as possible, but before the end of the work shift of the injury. Failure to do so, or to follow Workers' Compensation procedures, may be reason for denying the claim.
2. No employee who is off work as a result of any injury shall be engaged in any off-duty employment, gainful or otherwise, or any physical activity that would in any way prolong the employee's chance of a speedy recovery.
3. An eligible employee of an Oklahoma County Elected Official who is injured on the job shall be provided medical services and treatment in accordance with the Workers' Compensation Leave of Absence (WCLOA) policies and procedures in the Employee Handbook.
4. Each Elected Official, or their Representative, may identify a position or assignment that may be available to accommodate light duty work to assist injured employees. Employees on WCLOA may return to duty at the earliest possible date. Employees on WCLOA may be assigned to light or limited duty by their Oklahoma County Elected Official, or their Representative, when the employee's physical condition permits such assignment. If a light/modified duty assignment can be identified and if Oklahoma County's physician or any physician recognized by Oklahoma County determines that the injured employee can do the assignment, the employee may be offered the assignment. Such assignment is only for a temporary period of time. No employee can expect a permanent modification to essential job functions or to make temporary assignments permanent. If the employee does not return to work after receiving a Return to Work Authorization by the treating physician, or if the employee does not provide a medical report that would vary from that of the releasing physician, he/she will be deemed to have voluntarily resigned after any unexcused absence of two (2) working days.
5. All medical treatments will be provided by an authorized and approved medical provider. If an employee seeks medical treatment from a physician without authorization, the claim may be denied.

### **Injury Reporting:**

All incidents involving injury solely arising out of and in the course of employment with an Oklahoma County Elected Official shall be reported to the Safety Office as follows:

1. By completing the "Worker Injury Form" found on the county intranet site "Infozone" on the safety page within twenty four (24) hours or one working day, or,
2. By telephone to a Safety Coordinator, or to the Director of Safety, immediately after the accident happens.
3. Signing the printed form and submitting the completed form to the Safety Office within five (5) business days.
4. The injured employee will need to maintain contact with their supervisor or department head daily unless instructed otherwise by the supervisor or department head. In addition

injured employees will need to maintain at least weekly contact with Safety until released to a full duty status.

The Oklahoma County Elected Officials have an obligation to provide Workers' Compensation benefits to employees injured as a result of job-related incidents or illnesses and to ensure timely provision of those benefits. At the same time, the Oklahoma County Elected Official have an obligation to ensure that benefits are not provided to persons whose injuries or illnesses are not, in fact, job-related, or where injuries are exaggerated or feigned by employees. Any suspicious circumstances surrounding a claim or indications of fraud should be reported to H&S immediately.

When an Oklahoma County Elected Official's employee is working off-duty for a private employer, the private employer is responsible for providing worker's compensation coverage for injuries resulting while working for the private employer. Okla. Stat. Ann. Tit. 85, § 12

### **5.5. Open Flames Prohibited in County Buildings**

In accordance with the recommended best practices of the National Fire Protection Agency open flames including the burning of candles, incense, and aromatic oils are prohibited in all County offices and facilities.

### **5.6. Electrical Appliance Policy**

All personal electrical appliances must meet the following requirements and specifications:

**Heaters MUST:**

- a. Be UL approved as evidenced by a UL listing label.
- b. Have a tip-over safety switch.
- c. Be of no more than 1500W or capable of being set at this limit.
- d. Have all guards firmly attached.

**Coffee Makers MUST:**

- a. UL approved as evidenced by a UL listing label.
- b. Have timed safety switch that will shut unit off after a predetermined time.
- c. Burner/Heat plate must be kept clean at all times with no accumulation of spilled coffee.

**Hot plates:** Hot plates are discouraged; however, when used they MUST:

- a. Be UL approved as evidenced by a UL listing label.
- b. Only be used on a counter/table dedicated to food/beverage preparation and consumption.

All personal appliances, including but not limited to, coffee makers, microwaves, crock pots, refrigerators, and food storage/preparation appliances must be located in the designated break areas not in individual offices.

The condition of cords and cord caps will be of utmost concern. Any cords and caps that are cut, nicked, frayed, or damaged in anyway will require that the appliance be removed from the County facility.

All appliances must be plugged directly into the receptacle or an approved (UL listed) re-locatable power tap (power strip) that is plugged directly into the receptacle as required by the State Fire Marshall. Plugging a power strip into another power strip otherwise known as “Daisy Chaining” is prohibited.

Only listed and approved power strips may be used to extend power from the receptacles located in the wall or floors or power poles where used. The State Fire Marshall forbids the use of extension cords – including listed ones, as a replacement for permanent wiring.

## **SECTION 6: BENEFITS**

Oklahoma County is committed to providing a comprehensive benefit package to employees. In addition to their salary, Oklahoma County pays the entire cost for all full-time employees to receive a life insurance policy, a retirement program, and an employee’s assistance program. Full-time employees may pay to participate in the many optional benefits that Oklahoma County makes available to them. The information provided in this section is subject to change at any time. Any statements made herein are not a guarantee of coverage or eligibility. Please refer to the actual plan documents and policies for eligibility requirements, coverage descriptions, plan limitations and exclusions. Please contact the Oklahoma County Clerk’s Benefit office for more information.

Detailed benefit information is available on the Oklahoma County Clerk’s website at:

<http://countyclerk.oklahomacounty.org/hr> & <http://countyclerk.oklahomacounty.org/hr/forms>

### **6.1. Eligible Employee**

For the purpose of health care benefits, the term “Eligible Employee” shall mean any full-time employee of Oklahoma County, a part-time employee who is regularly scheduled to work an average of thirty (30) hours per week. For the purposes of this provision, the term week shall mean any period of seven consecutive days, which need not be the same as a calendar week, during which the Employee works hours, except law enforcement hours which can be based on a twenty-eight (28) consecutive day period of one hundred seventy one (171) total hours. Variable part-time employees may be eligible for coverage as outlined in the Oklahoma County Health Plan document.

### **6.2. Waiting Period**

Qualification begins on the 1st of the month following sixty (60) days of employment.

### **6.3. Effective Date of Employee Health Coverage**

Each participant shall become effective on the first day of the month after he or she completes the employment Waiting Period of sixty (60) days and an Employee and completes an application for coverage on or before that date. A “Waiting Period” is the time between the first day of employment and the first day of coverage. An Exception to the sixty day waiting period is made for a full-time employee coming directly to the employment of an Oklahoma County Elected Official from other full-time governmental service within the State of Oklahoma, without a break in employment and for elected officials. For purposes of this exception, “without a break in employment” shall be defined as employment, which begins with an Oklahoma County Elected Official within six (6) months of said employee’s departure from the previous full-time governmental service.

### **6.4. Medical, RX, Dental, Vision & Wellness Plan**

Oklahoma County offers a comprehensive health and wellness plan. These benefits are all offered as one complete package. If an employee elects to pay and participate in this coverage, Oklahoma County pays over 75% of the cost. Complete plan details are available on the County Clerk’s website.

### **6.5. Questions Concerning Benefits & Eligibility**

Please contact the Oklahoma County benefits office, or the appropriate benefit provider regarding any questions related to your benefits. Every attempt will be made to help covered persons understand their benefits; however, any statement made by an employee of a benefit provider or the Oklahoma County benefits department is not binding. Actual benefit payment and eligibility can only be determined at the time the claim is submitted and all facts are presented in writing. All benefit payments are governed by the provisions of the plan document or coverage summary. If a definite answer to a specific question is required, please submit a written request. A written reply will be sent, which will be kept on file.

### **6.6. Changes in Family Status**

Outside of the annual enrollment period in November, employees are only allowed to make changes to their coverage if they experience a qualifying change in family status. The following is list of events qualifying as changes in family status:

1. New employee
2. Divorce
3. Marriage
4. Birth or adoption of a child

5. Death of a spouse or child
6. Loss of coverage due to a loss of a spouse's employment.

If you experience a change of family status, please contact the Oklahoma County benefits office within 31 days to complete the necessary forms.

There is a special enrollment provision in connection with the CHIPRA Act of 2009. If an employee's or dependent's Medicaid or CHIP coverage is terminated or if the employee or dependent become eligible for a premium assistance subsidy under Medicaid or CHIP the employee can request coverage within 60 days after the termination or eligibility date is determined.

## **6.7. Annual Enrollment**

Eligible employees may enroll for coverage for themselves and their eligible dependents during Annual Enrollment Periods. The Annual Enrollment Period will be November. Coverage for individuals enrolling during an Annual Enrollment Period will become effective on January 1, unless the eligible employee has not satisfied the waiting period, in which event coverage for the eligible employee and eligible dependents will become effective on the first of the month following completion of the waiting period.

## **6.8. 401(A) Retirement Program**

Eligibility to receive Defined Contribution Retirement Plan (401(A)) contributions is effective the first of the month following sixty (60) days of employment for eligible employees. Vesting and service credit will be calculated as stated in the Defined Contribution Retirement Plan Document.

Oklahoma County contributes funds monthly for each full-time employee into the "Employee Retirement System of Oklahoma County, Oklahoma." For employees hired on or before December 31, 2004, participants' shall be entitled to receive the amount of their account, subject to vesting restrictions when their age plus years of service at least totals sixty (60), or if a participant's employment is terminated at an earlier age as the result of a Total and Permanent Disability. For employees hired on or after January 1, 2005, eligibility to continue participation in the county's health plan at retiree rates requires participants' age plus years of service to total at least seventy five (75) years.

Participants have thirty (30) calendar days from their termination date to submit a retirement packet to be eligible for retiree health and/or life insurance coverage at retiree rates. For additional information regarding retirement, refer to the most recent resolution describing this program.

Further information can be obtained from the office of the County Clerk and is available on the County Clerk's website.

## **6.9. 457 Retirement Plans**

In addition to the Oklahoma County Defined Retirement Plan, Oklahoma County offers full-time employees the opportunity to contribute their own money into a 457 retirement plan. Details are available by contacting the County Clerk's benefit department.

## **6.10. Life Insurance**

Life Insurance is provided to all full-time employees of an Oklahoma County Elected Official. This Life Insurance benefit is provided regardless of if the employee elects to participate in the Oklahoma County Health benefit plan. This benefit is paid entirely by Oklahoma County. The Life Insurance benefit provided is equal to one and one half times the employee's annual salary, up to \$100,000. There is additional coverage provided for accidental death and dismemberment under this policy. A copy of the policy is listed on the County Clerk's website. Employees are able to purchase additional Life Insurance for their dependents and spouses.

## **6.11. Employees Assistance Program (EAP)**

This benefit is provided free to all employees of an Oklahoma County Elected Official and their dependents regardless of participation in the Oklahoma County Health benefit plan. The EAP benefit covers 3 confidential short-term counseling visits per problem. The EAP can assist with many different types of problems. Among these are stress, depression, anxiety, workplace difficulties, substance abuse, marital problems, family or parenting conflicts, grief violence and unhealthy lifestyles. The EAP can also provide additional assistance with, and tools & referrals for:

1. Childcare and Eldercare Resources with Referrals
2. Financial and legal issues
3. Child and Parenting Support Services
4. Retiree Assistance
5. College Resources/Checklist
6. Unlimited Health Coaching

The EAP is available when you need it, 24 hours a day, 365 days a year. The EAP will also coordinate with the Oklahoma County Health plan for cases that require treatment under the medical benefit.



## **Live Well:**

Each Oklahoma County Elected Official encourages participation in the Live Well service to assist you and your spouse in achieving your health and wellness goals. This service includes unlimited access to a professional Wellness Coach via telephone and instant messaging. Working with a Wellness Coach is the perfect opportunity to set and achieve your goals. A wellness Coach can help with:

1. Weight management
2. Fitness and exercise
3. Nutrition
4. Smoking cessation
5. Self-care of chronic conditions such as back pain, cardiovascular disease, diabetes, asthma, and headaches
6. Menopause
7. Stress management

Detailed information is available by contacting the County Clerk's benefit office and on the County Clerk's website.

## **6.12. Credit Union**

All full and part-time employees are eligible to join Oklahoma Employees Credit Union immediately upon employment. <https://www.oecu.org/>

## **6.13. Optional Benefits**

Each Oklahoma County Elected Official provides their full-time employees with the opportunity to enroll in additional Optional Benefits. These benefits are 100% employee paid:

1. Flexible Spending Accounts
2. Dependent Child Care Accounts
3. 457 Retirement Accounts
4. Term Life & AD&D Insurance
5. Whole Life Insurance
6. Short-Term Disability Insurance
7. Long-Term Disability Insurance
8. Accident Insurance
9. Cancer Insurance
10. Critical Illness
11. Medical Bridge
12. Discounted Gym Membership

- 13. Legal Shield
- 14. Credit Monitoring & Protection
- 15. Auto and Home Insurance

#### **6.14. Changes in Benefits**

Oklahoma County reserves the right to change, interpret, withdraw or add to the benefit package at its sole discretion and without prior notice (unless required by law) or consideration to any employee. None of the benefits have been, or are required to be, approved by an employee or employee group.

## **Employee Acknowledgement Form**

This is to acknowledge that I have received a copy of the Oklahoma County Elected Official's Employee Personnel Policy Handbook adopted by each Oklahoma County Elected Official and understand that it outlines the policies and practices that apply to me as an employee.

I understand it is my responsibility to familiarize myself with all information in the Handbook.

Since the information, policies and benefits, described in this Handbook are subject to change, I understand and agree that such changes can be made by each Oklahoma County Elected Official at their sole and absolute discretion. Any changes to the policies and practices described in the Handbook must be made in writing by in order to be effective. I understand this Handbook represents the sole policy of each Oklahoma County Elected Official and replaces and supersedes any and all other oral or written personnel policies or procedures.

I understand this Handbook is not, nor is it intended to be, a contract of employment. I understand I am an **employee-at-will** and understand that each Oklahoma County Elected Official retains the right to terminate employees at any time for any reason not prohibited by Federal, State or Municipal law, and I also understand employees can terminate their own employment at any time. Furthermore, I acknowledge that the Employee Handbook is neither a contract of employment nor a legal document. I have received a copy of the Employee Handbook and I understand that it is my responsibility to read and comply with the policies contained in the Employee Handbook and any revisions made to it. I understand that it is my responsibility to routinely check with my Supervisor, Human Resources Representative and/or the Intranet for any updates or changes to this Handbook. I understand that this signed Employee Acknowledgement Form will be placed in my personnel file.

This is also to certify that I have received a copy of the Drug and Alcohol Policy (See section 2.8. of this Handbook) and I understand the contents of the policy and the reasons behind the policy. I agree to adhere to the terms of the policy as a condition of my employment, or as a condition of my continued employment. I understand that this Acknowledgement of Receipt of the Drug and Alcohol Policy will be placed in my personnel file.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Telephone, E-mail, Internet, and  
Voice-mail Employee Acknowledgement Form**

I have read and understand the County's Electronic Communication Policy included in the Oklahoma County Elected Official's Employee Personnel Policy Handbook. I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of Oklahoma County I also understand that these systems, including facsimile, telecopier, telephone, voice-mail, copy machine, computer, Internet, E-mail, and telephone systems, are to be used primarily for job-related purposes and not for personal purposes, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to Oklahoma County monitoring my use of this equipment at any time, at its discretion. Such monitoring may include monitoring telephone communication, printing up and reading all E-mail entering, leaving, or stored in these systems as well as listening to my voice-mail messages. Each Oklahoma County Elected Official reserves and may exercise the right to review, audit, intercept access, disclose, delete, and purge all messages or content created, received or sent over the Internet or E-mail access systems for any purpose. An employee's use of the Internet and E-mail systems grants management permission to review any and all transactions or sites.

I understand that unauthorized, excessive or inappropriate use of any of the electronic communication systems may be grounds for discipline, up to and including discharge. I understand that this Acknowledgement Form will be placed in my personnel file.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Wage Withholding Authorization  
For Oklahoma County**

I \_\_\_\_\_ hereby acknowledge that I have read this withholding authorization form in its entirety, understand it, and have received all of the property itemized below. I acknowledge that the property listed below is loaned to me by Oklahoma County, during my employment, and that said property is now and will always remain the property of Oklahoma County. This includes, but is not limited to, such things as uniforms, keys, parking transponders, computers, ID Badges, etc. I understand and agree that the property itemized below is valued as shown.

I understand that once my employment is terminated or ends for whatever reason, it is my responsibility to ensure all of the property listed below is returned to my Elected Official’s Human Resources Representative, within 24 hours of my leaving employment.

I hereby expressly agree, as shown by my signature below, that in the event that I fail to return any of the property itemized herein below within 24 hours of leaving employment, that Oklahoma County is given my permission to withhold from my final paycheck an amount equal to the value as listed below of any property not returned by me, except to the extent such is prohibited by federal or state minimum wage law.

<b>Items</b>	<b>Agreement Date</b>	<b>Unit Cost</b>	<b>Total Cost</b>	<b>Returned Date</b>	<b>Returned Acknowledged</b>
<b>Total</b>			\$		

**I represent that this authorization is executed voluntarily and has not been made as a condition of my continued employment.**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT**

I, \_\_\_\_\_, have read, understand and have in my possession Oklahoma County Elected Official’s Employee Personnel Policy Handbook. I agree as a condition of employment to follow the policies in this Handbook, and if there is at any time something that I do not understand, I agree to ask a County Representative.

I further understand that if I am an employee who is entitled to overtime pursuant to the Fair Labor Standards Act, I will be paid compensatory time off in lieu of cash overtime payment according to the Fair Labor Standards Act and as provided in the Oklahoma County Elected Official’s Employee Personnel Policy Handbook.

I further understand that this signed statement will be a permanent record in my personnel file.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Oklahoma County Personal Use of County-Owned Vehicle Agreement**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_

Regularly assigned vehicle: \_\_\_\_\_

I have read and understand the Oklahoma County Elected Official's policy on the use of county-owned vehicles. I have been instructed by \_\_\_\_\_ to use a county-owned vehicle for limited personal use solely for the benefit of the county. Based on my regular use of a county-owned vehicle for personal use (such as in commuting), I understand the valuation of the amount of taxable fringe benefits attributed to me will be calculated by the Annual Leave Value Rule.

The amount so calculated in each calendar year will be included in my taxable wages as a fringe benefit. Falsification of statements concerning vehicle usage, use of the county-owned vehicle beyond the specific instructions of the elected official, or failure to provide required documentation may result in discipline up to and including discharge. I understand that this signed statement will be a permanent record in my personnel file.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_