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Employee Handbook  
Revised July, 2010

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**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
1	<b><u>MISSION STATEMENT</u></b>
1	<b><u>WELCOME</u></b>
2	<b><u>RECEIPT FOR EMPLOYEE HANDBOOK</u></b>
3	<b><u>INTRODUCTION</u></b>
3	Authority
3	Applicability
3	Responsibilities
3	Dissemination of Handbook
4	<b><u>POLICY STATEMENTS</u></b>
4	Equal Employment Opportunity Policy Statement
5	Non-Discrimination and Anti-Harassment Policy Statements
5	<i>Definitions of Harassment</i>
6	<i>Individuals and Conduct Covered</i>
6	<i>Retaliation Is Prohibited</i>
6	<i>Complaint Procedure</i>
6	<b><i>IMPORTANT NOTICE TO ALL EMPLOYEES</i></b>
6	<i>The Investigation</i>
7	Americans With Disabilities Act (ADA) Policy Statement
7	<i>Procedure for Requesting an Accommodation</i>
8	Conflict of Interest and Outside Employment Policy Statements
8	<i>In General</i>
8	<i>Outside Employment</i>
8	<i>Financial Interest in Other Business</i>
9	<i>Acceptance of Gifts</i>
9	<i>Reporting Potential Conflicts</i>
9	Confidential Nature of Work Policy Statement
9	City of Ardmore's Open Records Request Procedure
12	<b><u>EMPLOYMENT</u></b>
12	Hiring Process
12	<i>Recruitment</i>
12	<i>Methods of Selection</i>
12	<i>Applicants and Applications</i>
13	<i>Immigration Reform and Control Act Compliance</i>
13	<i>Controlled Substance Testing</i>
13	<i>Disqualification(s)</i>
13	<i>Verification</i>
13	<i>WorkSTEPS® Program</i>
15	<i>Vacancies</i>
15	Employment Forms
15	Collective Bargaining
15	Employee Status

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
15	<i>Regular Employees</i>
15	<i>Temporary Employees</i>
15	Classification Plan
16	<i>Re-classification</i>
16	Promotions / Demotions / Transfers
17	<i>Promotions</i>
17	<i>Demotions</i>
17	<i>Transfers</i>
18	<b><u>COMPENSATION</u></b>
18	Performance Review
18	Payment of Salary / Compensation (payroll information)
18	<i>Statement of Earnings</i>
18	Social Security
19	Overtime Pay
19	Compensatory Time-Off (CTO)
20	Timesheets
20	<i>Non-Exempt Employees</i>
20	<i>Exempt Employees</i>
21	Personnel Records
21	<b><u>TIME OFF</u></b>
21	Vacation
22	Holidays
23	Personal Day
23	Absence Due To Illness (Sick Leave)
25	Jury Duty
25	Time Off To Vote
25	Education Leave
25	Hazardous Conditions
26	<i>Reporting to Work</i>
26	<i>Compensation Time for Hazardous Condition(s)</i>
26	<i>Closing Early</i>
26	Bereavement Leave
26	Military Leave and USERRA
27	<i>Continuation of Health Benefits</i>
27	<i>Requests for Military Leave</i>
27	<i>Return from Military Leave</i>
28	Family Medical Leave Act (FMLA)
28	<i>General Provisions</i>
28	<i>Eligibility</i>
29	<i>Types of Leave Covered</i>
31	<i>Amount of Leave</i>

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
31	<i>Employee Status and Benefits During Leave</i>
31	<i>Employee Status After Leave</i>
31	<i>Use of Paid and Unpaid Leave</i>
32	<i>Intermittent Leave or a Reduced Work Schedule</i>
32	<i>Certification for the Employee's Serious Health Condition</i>
33	<i>Certification for the Family Member's Serious Health Condition</i>
33	<i>Certification of Qualifying Exigency for Military Family Leave</i>
33	<i>Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave</i>
33	<i>Recertification</i>
34	<i>Procedure for Requesting FMLA Leave</i>
34	<i>Designation of FMLA Leave</i>
34	<i>Intent to Return to Work from FMLA Leave</i>
34	<b>Personal Leave Without Pay</b>
34	<i>Continuing Benefit Plan Coverage</i>
35	<i>Salary Action</i>
35	<i>Vacation and Personal Time</i>
35	<i>Performance Appraisal</i>
35	<i>Returning/Not Returning From a Leave</i>
35	<b><u>EMPLOYEE BENEFITS</u></b>
35	<b>Disclaimer</b>
35	<b>Insurance Benefits</b>
35	<i>Health, Dental, Vision, and Prescription Coverage</i>
36	<i>Life Insurance</i>
36	<b>Worker's Comp - Medical Leaves of Absence for Work-Related Disabilities</b>
36	<i>On-The-Job Injury or Illness Definition</i>
36	<i>Reporting Procedures</i>
36	<u>Initial Notification and Reporting</u>
37	<i>Forms</i>
37	<u>Safety Form 103-Injury-Illness Report</u>
37	<u>Safety Form 101 - Refusal of Medical Attention</u>
37	<i>Billing</i>
37	<u>Treatment</u>
37	<u>Prescriptions</u>
37	<i>Pay During Worker's Compensation Leave of Absence</i>
37	<u>Pay</u>
37	<u>Payment of Benefits During Leave</u>
38	<u>Accrual of Seniority and Benefits</u>
38	<u>Communication with the City During Leave</u>
38	<i>Returning to Work from a Worker's Compensation Leave of Absence</i>
38	<u>No Duty</u>
38	<u>Light Duty</u>

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
38	<u>Full Duty</u>
38	Other Benefits
38	<i>Workout Facility</i>
38	<i>Employee Activity Card</i>
38	<i>Prescription Discount Card</i>
39	<i>Membership Discounts</i>
39	<i>Payroll Deductions Available</i>
39	<b><u>DISCIPLINARY ACTION / APPEALS / GRIEVANCES</u></b>
39	Conduct and Discipline
39	<i>Standards of Conduct</i>
39	<i>Improper Employee Conduct</i>
40	<i>Disciplinary Action</i>
41	<u>Verbal Warning</u>
41	<u>Written Warning</u>
41	<u>Suspension / Administrative Leave With or Without Pay</u>
41	<u>Demotion</u>
41	<u>Termination</u>
41	Appeal Procedure
42	Policy on Grievances
42	Grievance Procedures
44	<b><u>SEPARATION FROM EMPLOYMENT</u></b>
44	Types of Separation
44	<i>Resignation</i>
44	<i>Retirement</i>
44	<i>Job Abandonment</i>
44	<i>Termination</i>
44	<i>Reduction in Workforce</i>
44	<i>Release</i>
44	<i>Automatic Termination</i>
44	<i>Death</i>
45	Out-Processing
45	<i>Return of Property</i>
45	<i>Exit Interview</i>
45	<i>Termination of Benefits</i>
45	<u>Vacation Leave</u>
45	<u>Sick Leave</u>
45	<u>Health Insurance</u>
45	<i>Rehire</i>
45	<i>Bar From Employment</i>
45	Social Security
46	Retirement Benefits
46	<i>Oklahoma Police Pension and Retirement System</i>

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
46	<i>Oklahoma Fire Relief and Pension System</i>
46	<b><u>ON-THE-JOB</u></b>
46	Accidents and Emergencies
47	Anti-Nepotism Policy
47	Attendance, Punctuality, and Dependability
47	Communication
47	<i>Open Door Policy</i>
48	Dress Standards (Dress Code)
48	<i>Field Employees</i>
48	<i>Office Employees</i>
48	<u>Males</u>
48	<u>Females</u>
48	<i>Casual Dress Day</i>
48	<i>Sensitivity to Fragrances and Odors</i>
49	Drug and Alcohol Abuse
49	<i>Drug Testing</i>
49	Employer Information and Property
50	Internal Investigations and Searches
50	Outside Requests for Employment Verification
50	Orientation
50	Political Activities
51	Public Relations
51	Reimbursement
51	Responsibility for City Property
51	<i>License Requirements</i>
51	<i>Take Home Vehicles</i>
52	Romantic or Sexual Relationships
53	Safety
53	Smoking and Tobacco Policy
54	Solicitations, Distributions, and Use of Bulletin Boards
54	Tape Recording Policy
54	Telephone Use
54	Training
55	<i>Recognized Training Categories</i>
55	<u>In-Service Training</u>
55	<u>Out-Service Training</u>
55	<u>Job Related Out-Service Training</u>
55	<u>Elective Out-Service Training</u>
55	<i>Payment of Training Expenses</i>
55	<u>Approval of Department Head</u>

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Table of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
55	<u>Job Related Out-Service Training</u>
55	<u>Elective Out-Service Training</u>
55	<u>Uncompleted Assignment</u>
56	Use of City Vehicles
56	Violence in the Workplace
56	Work Week and Work Period
56	<i>Hours of Operation</i>
56	<i>Work Week</i>
57	<i>Meal Periods</i>
57	<i>Rest Periods / Breaks</i>
57	<b><u>ACCEPTABLE USE OF THE CITY OF ARDMORE SYSTEMS POLICY</u></b>
57	Purpose
57	<i>Definitions</i>
57	<u>Email</u>
57	<u>Internet</u>
58	<u>Intranet</u>
58	<u>Social Media</u>
58	Scope of Policy
58	Authority
58	Responsibility
58	Ownership of Messages, Data, and Documents
58	No Presumption of Privacy
58	User Responsibilities
59	Usage of City Systems
59	<i>Examples of Acceptable Use of City Systems</i>
59	Misuse of City Systems
60	<i>Examples of Unacceptable Use of City Systems</i>
61	Receipt of Acceptable Use of the City of Ardmore Systems Policy

## **MISSION STATEMENT OF THE CITY OF ARDMORE**

To govern the affairs of the City under the Charter voted by the people of Ardmore and to administer the services and financial resources of the City for the peace, health and safety of the citizens.

## **WELCOME**

The City of Ardmore has and will continue to implement a system of human resource management based on merit principles and to facilitate effective and economical services to the citizens of Ardmore.

All employees are under the authority of the City Manager. The fire and police employees are also covered under labor agreements. The City's policy is to comply with Equal Employment Opportunity, Americans with Disabilities Act, and all State and Federal employment laws.

Whether you have just joined our staff or have been with the City for a while, we are confident that you will find a dynamic and rewarding place in which to work and we look forward to a productive and successful association. We consider the employees of the City to be one of its most valuable resources. This manual has been written to serve as the guide for the employer/employee relationship.

There are several things that are important to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your Department Head or the Human Resources Department. Neither this handbook nor any other City document, confers any contractual right, either express or implied, to remain in the City's employ. This Handbook is not a contract for employment, nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by the City or you may resign for any reason at any time. This is commonly known as at-will employment. The City of Ardmore is an at-will employer. No supervisor or other representative of the City (except the City Manager) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Second, the procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will inform you of any changes as they occur.

Third, some of the subjects described here are covered in detail in some individual department policy documents. You should refer to these documents for specific information, since this handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies are controlling.

Finally, the City of Ardmore is an at-will employer.



**RECEIPT FOR EMPLOYEE HANDBOOK**

I acknowledge that I have received a copy of The City of Ardmore's Employee Handbook. I agree to read it thoroughly, including the statements in the welcome describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my Department Head and/or the Human Resources Department. I understand that The City of Ardmore is an "at will" employer and as such, employment with The City of Ardmore is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of The City of Ardmore (except the City Manager) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states The City of Ardmore's policies and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with The City of Ardmore for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign, date, and return this receipt to the Human Resources Department.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

## **INTRODUCTION**

### **Authority**

The City of Ardmore retains the right to exercise customary management functions including the right to dismiss, assign, supervise and discipline employees; to determine and change starting time, quitting time, work days and work shifts; to transfer employees within their work unit or into other work units and other classifications; to determine and change the size of and qualifications of the work force; to establish, change and abolish its policies, practices, rules and regulations; to determine and change methods by which its operations are to be carried out; to contract and subcontract; to assign duties to employees in accordance with the needs and requirements determined by the City of Ardmore, and to carry out all ordinary administrative functions.

Should any section, sub-section, paragraph or sentence in this Handbook conflict with Federal, State, or City Law, the higher legal authority will take precedence and the rules and regulations will undergo immediate amendment.

### **Applicability**

This handbook will govern human resource administration for all personnel under the jurisdiction of the City Manager, and will be in addition to any existing departmental policies. This handbook will also apply to Police Department and Fire Department employees covered under labor agreements except when there is a conflict with such agreements, in that event, the Police and Fire Union Contracts will take precedence. The following positions are exempt from some of the provisions of this Handbook:

- City Commission Members
- Members of City Commission Appointed Boards, Commissions and Committees
- Employees hired by an outside association or trust authority, or persons engaged under contract to supply expert, professional, or technical services to the City
- Volunteers and other personnel who serve without pay

### **Responsibilities**

The Human Resources Department will be responsible for directing and coordinating human resource management within the City of Ardmore. The Department Heads are responsible for effective human resource management within their departments. They will develop work rules and regulations that are consistent with the intent of this Handbook. The City Manager will be responsible for approving or denying all personnel actions related to Department Heads.

Any employee who violates any employee Handbook rules of the City will be subject to disciplinary measures, up to and including termination. Failure to be aware of a rule is not an excuse.

### **Dissemination of Handbook**

A master employee Handbook, which contains the original Handbook in effect for the City, will be maintained in the Human Resources Department. Copies of the Handbook will be maintained in each department and provided to every employee.

The Human Resources Department will serve as the City's employee Handbook coordinator, the duties of which will include:

- Maintaining and updating the employee Handbook whenever a change, addition or deletion is made;
- Providing each Department Head with copies of amendments;
- Coordinating recommendations for additions, deletions and changes;
- Developing and implementing a system for notifying all City employees whenever an amendment is made; and
- Conducting an annual review of the Handbook to determine if it is consistent with actual practices and in compliance with all legislation relating to the personnel function and the relationship between the employer and the employee.

A committee, composed of a diverse group of current City employees may be appointed by the Human Resources Director to meet for the purpose of amending this Handbook. All additions, deletions, and corrections will be approved by the City Manager.

Any employee may submit to the Human Resources Department at any time suggestions as to possible changes to the employee Handbook.

## **POLICY STATEMENTS**

The City of Ardmore is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

### **Equal Employment Opportunity Policy Statement**

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, gender, age, national origin, disability, or any other protected characteristic as established by law.

This policy of equal employment opportunity applies to all policies and procedures relating to recruitment, hiring, compensation, benefits, termination, and all other terms and conditions of employment.

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employee questions or concerns should be referred to the Human Resources Department.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

## **Non-Discrimination and Anti-Harassment Policy Statements**

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, gender, national origin, religion, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, or any other characteristic protected by law. The City prohibits, and will not tolerate, any such discrimination or harassment.

### ***Definitions of Harassment:***

- A. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:
- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such 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.
- B. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Gender-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their gender.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, or any other characteristic protected by law or that of relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance;
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail and social media).

### ***Individuals and Conduct Covered***

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

***Retaliation Is Prohibited***

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

***Complaint Procedure***

*Reporting an Incident of Harassment, Discrimination or Retaliation*

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the Human Resources Director or any member of the Human Resources Department before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives identified above.

**IMPORTANT NOTICE TO ALL EMPLOYEES:**

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

***The Investigation***

You may confront your harasser directly or use the following procedure. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent that it does not impair the investigation.

***Responsive Action***

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay

increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the City's Human Resources Director.

Individuals who have questions or concerns about these policies should talk with Human Resources Director or a member of the Human Resources Department.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further these policies, not to form the basis of an exception to them.

## **Americans With Disabilities Act (ADA) Policy Statement**

The City is committed to complying with all applicable provisions of the Americans With Disabilities Act (ADA). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

### ***Procedure for Requesting an Accommodation***

On receipt of an accommodation request, a member of the Human Resources Department and your supervisor or Department Head will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the Company, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The ADA does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

## **Conflict of Interest and Outside Employment Policy Statements**

### ***In General***

The City expects our employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the City. Business dealings that appear to create a conflict between the interests of the City and an employee are unacceptable. The City recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. However, the employee must disclose any possible conflicts so that the City may assess and prevent potential conflicts of interest from arising. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the City's business dealings.

Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the ones which most frequently present problems. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Human Resources Department to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

### ***Outside Employment***

Employees are required to obtain written approval from their supervisor before participating in outside work activities. Approval will be granted unless the activity conflicts with the City's interest. In general, outside work activities are not allowed when they:

- prevent the employee from fully performing work for which he or she is employed at the City, including overtime assignments; and/or
- involve organizations that are doing or seek to do business with the City, including actual or potential vendors or customers; and/or
- violate provisions of law or the City's policies or rules.

From time to time, City employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the City must be given priority. Employees are hired and continue in the City's employ with the understanding that the City is their primary employer and that other employment or commercial involvement which is in conflict with the business interests of the City is strictly prohibited.

### ***Financial Interest in Other Business***

An employee and his or her immediate family may not own or hold any significant interest in a supplier or customer of the City.

### ***Acceptance of Gifts***

Employees of the City of Ardmore are expected to provide the public with efficient and courteous service. Since such service is given impartially to all, the acceptance of gifts, money, or gratuities from any person or organization is prohibited, however, gifts may be accepted that are intended for employees in general within a department or within the city as a whole that are given for special occasions such as Christmas.

No employee may accept gifts of significant value (i.e., in excess of \$100.00), lavish entertainment or other benefits from potential and actual customers or suppliers. Special care must be taken to avoid even the impression of a conflict of interest.

An employee may entertain potential or actual vendors if such entertainment is consistent with accepted business practices, does not violate any law or generally accepted ethical standards and the public disclosure of facts will not embarrass the City. Any questions regarding this policy should be addressed to the Human Resources Department.

### ***Reporting Potential Conflicts***

An employee must promptly disclose actual or potential conflicts of interest, in writing, to his or her supervisor or Department Head. Approval will not be given unless the relationship will not interfere with the employee's duties or will not damage the Company's relationship.

## **Confidential Nature of Work Policy Statement**

City records and information relating to the City or its customers that are confidential must be treated accordingly. Not the City or the City-related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from the City's premises without permission from the City. Additionally, the contents of the City's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or protected by the Freedom of Information Act and/or the Oklahoma Open Records Act. Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the City. Employees who are unsure about the confidential nature of specific information or regarding the release of information should ask the City Clerk for clarification. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential nature.

## **City of Ardmore's Open Records Request Procedure**

Any person who makes a request to obtain information, legally available through state and federal laws (FOIA and Oklahoma Open Records Act) concerning open records, may do so by submitting the request, in writing, with the following information:

- Name of Person Making the Request
- Contact Information
- Date and Time of Request
- Specific data they wish to receive
- Per copy fee of 25¢ may be charged

The City will respond to all records requests in a timely manner. All requests will be submitted first to the City Manager. After the request is determined to be in compliance with all applicable laws, the City Manager will direct the appropriate designee to comply with the request.

***The following are excerpts from the Oklahoma State Statutes and information on the Freedom of Information Act (FOIA).***

### **§ 24A.5. Inspection, copying and/or mechanical reproduction of records—Exemptions**

All records of public bodies and public officials shall be open to any person for inspection, copying, and/or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Section 24A.1 *et seq.* of this title, does not apply to records specifically required by law to be kept confidential including:



- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges; or
  - b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 *et seq.* of Title 25 of the Oklahoma Statutes.
2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names and dates of birth or whose driver license numbers are not furnished by the requesting person. The Oklahoma State Bureau of Investigations shall not be required to assemble for the requesting person any criminal history records relating to persons whose names and dates of birth are not furnished by the requesting person.
3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:
  - a. is solely for commercial purpose, or
  - b. would clearly cause excessive disruption of the public body's essential functions,then the public body may charge a reasonable fee to recover the direct cost of document search; however, publication in a newspaper or by broadcast news media for news purposes shall not constitute a resale or use of data for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. Any public body establishing fees under this act shall post a written schedule of said fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants. The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.
4. Intentionally omitted.
5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.
6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one such person shall be available at all times to release records during the regular business hours of the public body.

## **§ 24A.7. Personnel records—Confidentiality—Inspection and copying**

- A.** A public body may keep personnel records confidential:
1. Which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or
  2. Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body, and transcripts from institutions of higher education maintained in the personnel files of certified public school employees; provided, however, that nothing in this subsection shall be construed to exempt from disclosure the degree obtained and the curriculum on the transcripts of certified public school employees.
- B.** All personnel records not specifically falling within the exceptions provided in subsection A of this section shall be available for public inspection and copying including, but not limited to, records of:
1. An employment application of a person who becomes a public official;
  2. The gross receipts of public funds;
  3. The dates of employment, title or position; and
  4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.
- C.** Except as may otherwise be made confidential by statute; an employee of a public body shall have a right of access to his own personnel file.
- D.** Public bodies shall keep confidential the home address of any person employed or formerly employed by the public body.

### *Freedom of Information Act (FOIA)*

FOIA, found in Title 5 of the United States Code, section 552, was enacted in 1966 and provides that, upon request from any person, a Federal agency must release any agency record unless that record falls within one of the nine statutory exemptions and three exclusions.

FOIA affords requesters all of the rights accorded to them by law, including the right of access to any non-privileged agency record, and to protect from inappropriate disclosure any agency record that may and should be withheld under the statute.

Under FOIA, employees have access to their own personnel records on a reasonable basis. Copies may be made and a fee may be charged. The records may not be removed from the Human Resources Department under any circumstances.

## **EMPLOYMENT**

### **Hiring Process**

When a vacancy occurs and the Department Head desires to fill the vacancy, a request will be submitted to the Human Resources Director.

#### ***Recruitment***

Methods of recruiting may include advertising in "The Daily Ardmoreite" newspaper, The City of Ardmore Web Site ([www.ardmorecity.org](http://www.ardmorecity.org)), Local Public Access Channel 7, the City of Ardmore Intranet, and with a local Job Service Office, thus meeting the Equal Employment Opportunity requirements. All postings will be for a minimum of five (5) calendar days.

#### ***Method(s) of Selection***

The Human Resources Director will establish uniform procedures and methods for the selection of persons for employment, assignment, promotion, demotion, discharge, and other personnel actions. Evaluations of fitness will be reasonable and practical in nature, including, but not limited to, one or any combination of the following:

- Physical Agility Tests
- Written or Oral Tests
- Performance Tests
- Rating of Education, Training, and/or Experience
- Professional Certification(s)
- Psychological Tests
- Background Checks

The Human Resources Director may, however, exercise discretion to implement the evaluation criteria appropriate to meet any particular situation or circumstance and to serve the best interests of the City of Ardmore.

#### ***Applicants and Applications***

An individual who is not a current employee of the City will be required to complete an application, available at the Human Resources Department at City Hall (23 South Washington, Ardmore, Oklahoma, 73401) and online at [www.ardmorecity.org](http://www.ardmorecity.org).

All applicants for general employment must have attained a minimum age of sixteen (16) years. Applicants for Firefighter positions must be a minimum age of eighteen (18) and applicants for Police Officer positions must be a minimum age of twenty-one (21). Proof of age may be requested via a birth certificate or other legal documentation.

Qualified applicants will be required to submit a written application; a resume or other pertinent information regarding training and experience are encouraged.

All employees are required to have a Social Security Number.

Applications of individuals applying for employment with the City will be kept in the Human Resources Department in City Hall for a minimum of one year after the final date of application and in accordance with applicable laws.

### ***Immigration Reform and Control Act Compliance***

The City of Ardmore is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure after they are hired. The law requires that within three days after commencing work, an employee must produce documents providing satisfactory evidence of identity and authority to work in the United States or receipts showing application for acceptable documents. An employee who cannot present such documents will be terminated. All new hires must go through this procedure.

### ***Controlled Substance Testing***

All applicants, upon a conditional offer of employment, will be required to submit a urine sample for the purpose of a drug screen. A job applicant, who refuses to consent to a drug and alcohol test, fails to report to collection site, or fails (tests positive) test will be denied employment for at least two (2) years.

### ***Disqualification(s)***

An applicant will be disqualified from consideration if they;

- Do not meet the minimum qualifications necessary for the performance of the duties of the position for which they are applying; and/or
- Have knowingly made a false statement on the application form or any other documents related to or which have bearing on the selection process; and/or
- Have committed or attempted to commit a fraudulent act during any stage of the selection process; and/or
- Fail any testing criteria; and/or
- Are not legally permitted to hold the position.

An applicant may be disqualified for consideration of employment for other reasonable grounds relating to job requirements.

### ***Verification***

Certain items on the employment application or resume will be verified by the Human Resources Department or the Department Head involved. References, background information, accuracy of degrees and education, job skills, certificates, and past employment will be verified, when possible, along with the industrial safety record and driving record prior to a conditional job offer being made to the applicant.

### ***WorkSTEPS® Program***

WorkSTEPS® is a nationally recognized program that matches the physical demand levels of a specific job to the physical capabilities of an employee. The program is based on objective scientific data and collection, and conforms fully to EEO Guidelines for application of the Americans With Disabilities Act (ADA).

The City of Ardmore understands that an ergonomic job analysis must be completed in order to meet the requirements for the American's with Disabilities Act (ADA). One of the outcomes of the ergonomic job analysis is the determination of one or more specific tests that will either qualify or disqualify the post-offer or post employment (fit for duty) candidate for the position.

The City of Ardmore initiated the WorkSTEPS® functional employment testing program in order to help promote the safety of all employees.

Components of the WorkSTEPS® Employment Test include (but are not limited to):

- Musculoskeletal evaluation including assessments of range of motion, strength, posture, and joint integrity.

- Cardiovascular status, including recovery condition, risk profile, blood pressure, and heart rate.
- Static (isometric) and Dynamic (isotonic) strength evaluation of the back and extremities, with analysis for deficits and/or abnormalities, and with resultant comparative analysis to our database containing information from thousands of employees tested.
- Risk profile for "over-use syndrome" (i.e. carpal tunnel syndrome).

*Revised Work Steps Testing Policy - (Effective April 25, 2005)*

I. New Hires

All potential new employees must successfully complete the WorkSTEPS® testing program on a post-offer, pre-employment basis. After the offer of employment is made, the prospective new employee must successfully complete the testing program before being allowed to begin work. This is in addition to other post-offer requirements.

II. Current Regular Employees will not be required to complete WorkSTEPS® testing except under the conditions described below:

- A. An employee must successfully complete the WorkSTEPS® testing program before being transferred or promoted to a new position, which is more strenuous than the employee's current position. Employees who are transferred or promoted to a position that is equally or less strenuous than their existing position (using WorkSTEPS® classifications) will not be required to complete the testing program.
- B. If an employee takes the WorkSTEPS® test prior to job transfer or promotion and is not successful, he or she will be returned to their previous position without penalty. They will then be ineligible to test for a similarly classified position (using WorkSTEPS® classifications) at city expense for a period of six months. However, employees, who do not successfully complete WorkSTEPS® testing, will be offered instruction on appropriate methods to use in preparing for future testing.
- C. Employees who suffer a non-work related injury that involves the musculoskeletal system, or employees who are absent from work in excess of 30 continuous days for any reason will be required to successfully complete the WorkSTEPS® testing for their position before returning to work.
- D. All employees involved in a Worker's Compensation injury must complete WorkSTEPS® before being returned to full duty.
- E. In the event an employee is unsuccessful in completing the WorkSTEPS® testing process, the City will attempt to accommodate the employee, whenever possible, by job modification, placement in another position of Light Duty position if one is available while following the requirements of appropriate state and federal regulations. Also see the ADA policy.
- F. No employee will be placed in a position for which the employee is not qualified or cannot perform safely.
- G. Employees returning from Active Military Service will need to refer to the Military Leave and USERRA Policy.

### ***Vacancies***

Vacancies for part-time or temporary positions may be filled without using the recruitment and selection procedures required for regular full-time positions. Determination of the appropriate methods and procedures for filling part-time or hourly vacancies will be made by the Human Resources Director.

## **Employment Forms**

The Human Resources Department along with Department Heads will ensure that new employees fill out appropriate employment forms at the Human Resources Department office on the first day of employment.

Employees will receive a copy of this Handbook and must certify in writing that they have read, or will read, and understand the information contained herein prior to being assigned a work duty. The original signed statement will be filed in the employee's personnel file which is kept in the Human Resources Office.

## **Collective Bargaining**

The City of Ardmore recognizes the Fire Union Local 1881 and the Fraternal Order of Police Lodge #108 as the collective bargaining units for the police and fire department personnel (except for the Chief of Police, Deputy Chief of Police, Fire Chief and Deputy Fire Chief) and engages in good-faith bargaining at the end of the prior contract when required by the terms of those contracts.

## **Employee Status**

### ***Regular Employees***

A regular employee is one established on a basis of either full-time or part-time.

### ***Temporary Employees***

A temporary employee is one established to meet staffing requirements of short-term duration such as seasonal work, emergency, extra workloads, vacation relief, paid sick leave or other situations requiring short-term fluctuating staff needs.

- Temporary employees will not be entitled to the benefits granted regular employees.
- Time spent in temporary status will not be considered as service towards fulfillment of the probationary period of a regular appointment.
- Persons in temporary status will be paid an hourly rate established by the Human Resources Director, which will not exceed the rate established for comparable full-time positions.
- Temporary positions may be established by the City Manager when deemed essential to the work program.

## **Classification Plan**

The purpose of the classification plan is to ensure each position is allocated to the appropriate class.

All positions in the City are grouped into classes. Each class includes those positions sufficiently similar in duties and responsibilities to require similar education, experience, knowledge, skills, abilities, and

personal characteristics; and are sufficiently alike to permit use of a single descriptive title, the same qualification requirements and the same test for competence.

The Human Resources Director will ensure the preparation and maintenance of class specifications covering all positions, the allocation of positions to the appropriate classification, and the revision of the classification plan when appropriate.

### ***Re-classification***

The Human Resources Director will ensure the periodic review of the classification plan.

When the City has assigned duties to a position which has caused material changes to duties and responsibilities of that position, the Human Resources Director will recommend the allocation of the position to a more appropriate class.

Duties voluntarily assumed by an employee will not be cause for re-classification.

A Department Head may request a classification review for the purposes of re-classification. Such requests will be reviewed by the Human Resources Director or his/her designee at a designated time period.

## **Promotions / Demotions / Transfers**

The City encourages employees to assume higher-level positions or lateral transfers for which they qualify. Toward this end, the City has a job posting program that offers employees the opportunity to apply for certain positions within the City.

Employees must have a good performance, attendance, and punctuality record before applying for a promotion or transfer.

Each employee requesting a promotion and/or transfer may be considered for the new position along with all other applicants.

Each promotion and/or transfer is judged on an individual basis, depending on the needs of the departments involved.

All final decisions regarding promotions and/or transfers will be made by Department Heads in conjunction with the Human Resources Department.

Final selection of an applicant for any position will be made by the Human Resources Director with input from the Department Head and will be in accordance with established procedures.

An employee must successfully complete the WorkSTEPS® testing program before being transferred or promoted to a new position, which is more strenuous than the employee's current position. Employees who are transferred or promoted to a position that is equally or less strenuous than their existing position (using WorkSTEPS® classifications) will not be required to complete the testing program.

If an employee takes the WorkSTEPS® test prior to job transfer or promotion and is not successful, he or she will be returned to their previous position without penalty. They will then be ineligible to test for a similarly classified position (using WorkSTEPS® classifications) at city expense for a period of six months. However, employees, who do not successfully complete WorkSTEPS® testing, will be offered instruction on appropriate methods to use in preparing for future testing.

### **Promotions**

Positions may be filled by promotion from a current employee within a department or on an open-competitive basis from within the City of Ardmore employee pool. Determination of the method of selection will be made by the Human Resources Director.

### **Demotions**

An employee will not be demoted to a position for which they do not possess the minimum qualifications.

Demoted employees will be subject to a training period in their new capacities. If a demoted employee is not able to meet the required minimum standards for the job during the pre-determined training period (determined by the Department Head in conjunction with the Human Resources Director), the employee may be dismissed.

#### Voluntary Demotion

A voluntary demotion may occur following a request by an employee, and, upon the recommendation of the appropriate Department Head and approval of the Human Resources Director.

#### Voluntary Demotion Due to Lack of Work or Lack of Funds

An employee may be offered a demotion in lieu of layoff for lack of work or lack of funds, provided a position is available.

#### Demotion for Reasons Other than Lack of Work or Lack of Funds

The City may demote an employee for reasons other than lack of work or lack of funds.

### **Transfers**

An employee will not be transferred to a position for which they do not possess the minimum qualifications.

Transfers are available to enhance employees' career advancement and growth possibilities. Transfers may either be voluntary (employee-initiated) or involuntary (City-initiated) and will be approved when considered to be in the best interests of the City.

A lateral transfer will usually enable the employee to retain the same rate of pay and anniversary date for purposes of salary review.

All transfer requests will be reviewed and subject to approval by the Human Resources Director.

A transfer request must be approved by the Department Head of the employee's current department. If the transfer involves a change from one department to another, both Department Heads must agree to the transfer unless the City Manager directs the transfer for purposes of economy and efficiency.

An employee accepting a transfer between departments will give the Supervisor and/or Department Head at least two (2) weeks written notice before transferring, unless this requirement is waived by that Supervisor and/or Department Head.

An employee transferred to a job with different qualifications from what the employee currently holds will be required to satisfactorily complete a training period in the new position.

#### Voluntary Transfers

To be eligible for a voluntary transfer, an employee must meet the following conditions:

- The employee must possess the minimum qualifications required for the position to which a transfer is sought. If the minimum qualifications are substantially different from an employee's current or previous classification, the employee requesting the transfer will be required to demonstrate eligibility for employment in the position under consideration.



- An employee must be in good standing, with a satisfactory overall performance rating or better. A written warning received in the six-month period preceding the transfer request will constitute unsatisfactory job performance for purposes of this handbook.

## **COMPENSATION**

### **Performance Review**

In order to attract and retain a highly qualified and competent workforce, the City has instituted an appraisal program to compensate regular full-time employees in a fair and equitable manner based upon demonstrated job performance, and in accordance with its Equal Employment Opportunity policy statement.

Through this program, regular full-time employees will receive annual reviews, on or about their anniversary date, designed to address performance and skill, developmental needs, and interests. Reviews may be scheduled more frequently in certain circumstances.

### **Payment of Salary / Compensation (payroll information)**

All employees are paid bi-weekly on Fridays.

The City uses electronic, direct-deposit of all pay; therefore employees must provide the Human Resources Department with their bank or credit union depository information.

Overtime compensation will be included in the pay period in which it was earned, unless the employee and supervisor agree to Compensatory Time-Off in lieu of Overtime Pay.

No salary advances will be made.

Payout of remaining vacation time will not be issued until all city property (including but not limited to uniforms, badges, and keycards) is returned to the employee's Supervisor or to the Human Resources Department. Final pay will be distributed upon final approval from the Human Resources Director.

#### ***Statement of Earnings***

Statement of Earnings (Paycheck Stubs) will be distributed bi-weekly by supervisors in such a manner as to not interfere with the normal work day.

The Statement of Earnings includes information such as Gross Pay, Regular and Overtime Hours, Vacation, Holiday, Sick, and/or Personal Day Hours used; all applicable deductions, all available Sick, Vacation, and Personal Day time available (as of the 15<sup>th</sup> of the month).

The amount of Federal or State withholdings is affected by the number of exemptions claimed on Form W-4, the Employee's Withholding Allowance Certificate. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Human Resources Department.

### **Social Security**

Certain City employees are required by law to participate in the Federal Social Security and Medicare program, which provides certain retirement and disability income benefits. The Fire Chief, uniformed fire department employees, and all commissioned police personnel are exceptions to this section.

Deductions will be made from each employee's paycheck in accordance with the requirements of the Federal Social Security and Medicare Program.

The City will match the employee's Social Security deduction to each employee's Social Security account in accordance with the regulations of the program.

## **Overtime Pay**

All hourly, full-time employees may be required to work beyond their regularly scheduled forty (40) hour work week. Exempt employees do not earn overtime. Employees covered by labor contracts will be in accordance with the terms of that respective contract with the City. Working overtime without prior approval or request of a Supervisor may be subject to disciplinary action, up to and including termination.

After the employee has worked their regularly scheduled forty (40) hour work week, overtime is paid at the rate of 1½ times the employee's normal hourly rate.

Example: 45 hours actually worked in one work week = 40 regular hours of pay and 7.5 overtime hours.

Overtime hours are *actual hours worked* in that work week; vacation and sick leave hours do not count as actual hours worked. Holidays do count towards actual hours worked in that work week.

Overtime worked must be previously approved by a Supervisor each day, additionally, timesheets with overtime must be countersigned by the Supervisor/Manager and approved by payroll.

The selection of pay or CTO to compensate an employee for overtime hours worked is at the discretion of the Supervisor, subject to the approval of the Human Resources Director.

## **Compensatory Time-Off (CTO)**

No employee, Supervisor, or Department Head is allowed to accumulate or use Compensatory Time-Off (CTO) from a source other than the City's official payroll system, which is the final binding calculation for available leave. Exempt employees do not earn CTO.

The selection of pay or CTO to compensate an employee for overtime hours worked is at the discretion of the Supervisor, subject to the approval of the Human Resources Director.

Employees allowed overtime pay (non-exempt, hourly) may be compensated for overtime using compensatory time-off (CTO). Employees covered by labor contracts will be in accordance with the terms of that respective contract with the City.

CTO Overtime hours are *actual hours worked* in that work week; vacation and sick leave hours do NOT count as actual hours worked.

CTO is calculated at the rate of 1½ hours for each hour of overtime actually worked.

Example: 45 hours actually worked in one work week = 40 regular hours of pay and 7.5 CTO hours.

CTO may be banked (up to 40 hours) and should be used at a time that will not be disruptive to work schedules, and with prior approval of the Supervisor.

Total hours of banked CTO cannot exceed 40. Once the employee's CTO bank reaches 40 CTO hours, the overtime worked will be compensated for in overtime pay.

An employee may make a request to their Supervisor to be compensated in pay, rather than time off, for their banked CTO hours. Compensation requests for banked CTO hours should be made far enough in advance by the employee so that it can be reflected on the next timesheet and compensated for in the pay period following the request.

CTO can be used in addition to sick leave, vacation leave, or FMLA leave with prior approval of the Supervisor.

Upon separation from City employment, employees will be compensated for any banked CTO.

## **Timesheets**

Attendance of employees is recorded daily by each department and submitted to the Human Resources Department bi-weekly. Our attendance records are company records, and care must be exercised in recording the hours worked, overtime hours, and absences. Both the employee and the Supervisor are responsible for carefully and honestly completing the timesheets.

All timesheets must be in the Human Resources Department by noon the Monday preceding payday in order for an employee's pay to be processed for payday.

Employees are not to clock or sign in or out for other employees. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, the supervisor must be notified immediately so the time may be adjusted.

Hourly employees must calculate their overtime on a weekly basis (see overtime section for further explanation). An employee's Supervisor must approve each overtime entry; employees with overtime entries that do not have prior approval may be subject to disciplinary action, up to and including termination.

Employees are not allowed to show up for work early and expect that time be counted as overtime without approval of their Supervisor (5 minutes is acceptable).

### ***Non-Exempt Employees***

Non-exempt or hourly employees must record the time they arrive and depart each day on their timesheet or report their time to the designated timekeeper in their department.

Non-exempt or hourly employees must record the use of personal, sick and/or vacation time on their timesheet or report it to the designated timekeeper in their department.

The employee's Supervisor must approve the hours worked at the end of each week, or daily if overtime is worked.

### ***Exempt Employees***

Exempt or salary employees are not required to sign in or out daily; however, business trips, vacation, sick and personal days must be recorded on the attendance sheet by the employee designated to monitor attendance.

## Personnel Records

In order to keep City employee records up to date, and for insurance verification purposes, it is important that the Human Resources Department be notified as soon as possible of any change(s) in:

- Name
- Marital Status
- Address
- Telephone Number
- Number of Eligible Dependents
- W-4 Deductions
- Emergency Contact Information

## TIME OFF

### Time Off

No employee, Supervisor, or Department Head is allowed to accumulate or use Compensatory Time Off (CTO) from a source other than the City's official payroll system, which is the final binding calculation for available leave. Exempt employees do not earn CTO.

### Vacation

Time away from work to relax and pursue special interests is important to everyone. All regular full-time employees of the City are eligible for paid vacation days. Vacation days for employees covered by labor contracts will be in accordance with the terms of that respective contract with the City. Temporary, seasonal, or part-time employees are not entitled to vacation benefits.

Vacation days for regular full-time employees not covered by labor contracts will begin after the completion of one (1) year of service.

Leave prior to the completion of one year of service may be permitted, please see the "Personal Leave Without Pay" policy.

Vacation Leave and the maximum amount of vacation allowed are calculated based on the following chart:

Years of Service	Monthly Accrual Rate	Annual Accrual	Maximum Allowed Balance*
On 1 <sup>st</sup> Anniversary Date	-	96	-
Years 2-3	8	96	192
Years 4-8	9.33	112	224
Years 9-13	10.67	128	256
Years 14-18	12	144	288
Years 19-Remainder of Service	14.67	176	352

\*In **very rare** and **unusual** cases the City Manager **may** review an employee's vacation time and allow a higher balance of hours than what is shown in the chart. These cases are very uncommon and are reviewed on a case by case basis and at the sole discretion of the City Manager. Employees covered by Union Contracts with the City should refer to their current contract.

Vacation benefits are calculated and entered into the payroll system monthly.

Vacation leave benefits *will* continue to be earned during any period of paid FMLA, Worker's Comp, and Leave With Pay status. Vacation leave benefits *will not* be earned during Long-Term Disability or Leave Without Pay. Military Leave please see USERRA policy.

Employees should make their vacation requests as far in advance as possible. Based on department needs and seniority, it is the intention of the City to attempt to grant an employee the vacation dates requested.

Vacation leave may be taken in any amount desired (but not less than one hour and in 15 minute increments after the initial hour) subject to approval of the Supervisor or Department Head.

When an official City holiday falls during a scheduled vacation, it is not counted as a vacation day.

Any employee that becomes ill during a scheduled vacation cannot change a vacation day to a sick day; a scheduled vacation day counts as vacation even if an employee would ordinarily take a sick day.

City employees will not be permitted to work for compensation for the City in any capacity during any paid vacation except during emergencies as determined by the City Manager.

Employees leaving the City's employ due to voluntary resignation, retirement, or dismissal may be paid for accrued and unused vacation time according to the following guidelines:

- upon resignation or retirement, if two weeks notice is given;
- upon termination for reasons other than gross misconduct, gross negligence, or other cause.

Accrued and unused vacation will be paid upon an employee's death.

#### Donation of Vacation Hours

When an employee sustains a personal injury or illness and uses all their available paid leave, their Supervisor may make a vacation donation request. In this event, fellow employees may donate their unused accrued vacation hours to the employee making the request in four (4) hour increments, up to forty (40) hours per employee. Employees covered by Union Contracts with the City should refer to their current contract.

## **Holidays**

All regular full-time employees are eligible for twelve (12) paid designated City holidays per year as follows:

- New Year's Day
- Dr. Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day
- Floating Holiday
- Personal Day

The list of designated City holidays may be amended at any time by the City Manager.

The City will recognize any day appointed by the City Commission as a designated City holiday.

When a designated City holiday falls on a weekend, it will be observed the previous Friday or the following Monday, at the discretion of the City Manager.

Temporary or part-time employees of the City may be required to report to work on designated City holidays, but will only receive regular wages (no Holiday Pay).

When a designated City holiday falls on an employee's regularly scheduled day off, the designated City holiday will be treated as though it has fallen on the next work day.

Designated City holidays for personnel covered by labor contracts will be in accordance with the terms of their respective contracts with the City.

In order to receive pay for a designated City holiday, an employee must be in a *pre-approved pay status* on the work days immediately before and after the holiday. A *pre-approved pay status* means a scheduled day off with prior approval from the Supervisor, calling in sick the day of is *NOT* a *pre-approved pay status*.

Regular full-time employees, not covered by labor agreements, who are required to work a designated City holiday, will receive both Regular Pay and Holiday Pay for that shift.

Holiday Pay is defined as eight (8) hours of pay.

## **Personal Day**

If hired before December 1<sup>st</sup>, all regular full-time employees of the City are eligible for one paid personal day (8 hours) per year. Personal Days are loaded into the payroll system the first of every calendar year. Personal Days must be used within the same calendar year and prior to December 1<sup>st</sup> (except for employees covered by labor contracts, which will be used in accordance with the terms of that respective contract with the City). Personal days are to be used at the employee's convenience with the Department Head's prior approval.

Personal days cannot be donated to other employees.

## **Absence Due To Illness (Sick Leave)**

To keep the business and each department running smoothly and efficiently, it is important that every employee be on the job and on time regularly. For this reason, careful attention is given to promptness, absence record, and overall dependability.

The City recognizes, however, that an employee may occasionally be disabled by injury or illness. As a result, the Absence Due to Illness (Sick Leave) policy is designed to provide protection to employees against loss of income during unavoidable illness or injury to themselves or an immediate family member.

For the purposes of this policy, an employee's "immediate family member" is defined as the employee's spouse or children; the employee's or spouse's mother, father, brother, sister, grandchildren or grandparents, or other members of the employee's family residing in the employee's home; or other members of the employee's family primarily dependent upon the employee.

Many times, with the best of intentions, employees report to work even though they feel ill. During flu season and/or an influenza pandemic, it is critical that employees do not report to work while they are ill and/or experiencing the following symptoms: fever, cough, sore throat, runny or stuffy nose, body aches,

headache, chills and fatigue. The Centers for Disease Control and Prevention recommend that people with influenza-like illness remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever *without the use of fever-reducing medications*. Employees who report to work ill will be sent home in accordance with these health guidelines.

All regular full-time employees are eligible to receive sick days at the rate of eight (8) hours per month. Sick Leave benefits will continue to be earned during any period of paid or unpaid FMLA, Worker's Comp, and Leave With Pay status. Sick Leave benefits will not be awarded during Long-Term Disability or Leave Without Pay beyond FMLA. For Military Leave, please see the USERRA policy.

Any absence from work for three (3) consecutive days or more may qualify as an FMLA condition; please see the FMLA section for qualifying leaves of absence and other related information.

Because Sick Leave benefits are intended to provide income protection in the event of actual illness or injury; on or about December 15<sup>th</sup> of each calendar year, the City buys back Sick Leave from non-exempt employees who are not covered by a union agreement. Hours in excess of 720 will be paid at a six to one ratio (6:1).

<b>Examples of Sick Leave Buy Back</b>				
Sick Leave Balance	Balance <u>-720</u> Hours for buy back	Buy Back Hours Divided by 6 = Hours of Buy Back	Employee is paid for:	Balance after Buy Back
725	725 <u>-720</u> = 5	$5 \div 6 = 0.83$	0.83 hours	720
775	775 <u>-720</u> = 55	$55 \div 6 = 9.16$	9.16 hours	720
816	816 <u>-720</u> = 96	$96 \div 6 = 16$	16 hours	720

To be eligible for sick pay, employees unable to report to work due to their own illness or an immediate family member's illness must telephone their supervisor directly, each day of their absence, as far in advance as possible, but no later than one hour before their scheduled arrival time. If their supervisor is not available, the Human Resources Department should be contacted (580-226-2100). If an employee is unable to make the call personally, a family member or a friend should contact the Supervisor. An employee who fails to contact their immediate Supervisor or the Human Resources Department may be considered as having voluntarily resigned. This policy must be followed unless an exception has been made for a particular absence, and a written memo to this effect has been sent to the Human Resources Department.

If the Department Head or the Human Resources Department has questions about the nature or length of an employee's sick leave taken, a written certification from a physician or licensed health care professional may be required.

Sick leave cannot be donated to other employees.

## **Jury Duty**

A leave of absence for jury duty will be granted to any employee who has been notified to serve. During this leave, employees will be compensated by payment of an amount equal to the difference between their jury duty pay and their regular salary. An employee on jury duty is expected to report to work any day they are excused from jury duty.

Upon receipt of the notice to serve jury duty, the employee should immediately notify their supervisor, as well as the Human Resources Department. Upon the employee's return from jury duty, the employee must notify Human Resources and must submit a signed Certificate of Jury Service indicating the number of days served, a copy of which should be attached to the employee's timesheet for attendance purposes.

If the jury duty falls at a time when the employee cannot be away from work, the City may request that the court allow the employee to choose a more convenient time to serve if the request is made in accordance with the court's procedures. The employee must cooperate with this request.

## **Time Off To Vote**

On election days, employee's schedules will be accommodated as needed to ensure that employees have the opportunity to exercise their right to vote.

Employees living in other localities need to inform their supervisor in advance if they expect any conflict between their work schedule and the exercise of voting rights in any election. Supervisors will find out when the polls are open and adjust employee's schedules as needed to ensure that they will have the opportunity to vote.

No employee will be penalized or retaliated against for requesting time off to vote.

## **Education Leave**

Education leave of absence without pay may be granted to an employee not to exceed twelve (12) consecutive months. Course work will be related to the employee's career. The leave must be approved by the Department Head and the Human Resources Director.

## **Hazardous Conditions**

The City of Ardmore desires to achieve a balance to ensure the safety and protection of municipal workers, as well as citizens, by providing basic and/or necessary services to citizens during periods of hazardous conditions.

The purpose of this policy is to set forth the guidelines to be followed in the event that hazardous conditions cause the closing, or limited staffing, of municipal departments.

This policy is in effect for all regular, part-time, and temporary employees. Except for those covered in labor contracts, please see your respective contracts for details.

### ***Hazardous Condition(s)***

A hazardous condition is defined as a weather-related or other emergency situation that may cause the closing, or limited staffing, of municipal departments. Hazardous conditions include, but are not limited to, snow or ice storms, flooding, tornadoes, or any situation that impairs travel, causes power outages, or otherwise impedes public safety, or makes opening the facilities dangerous or extremely difficult.



### ***Reporting to Work***

Employees are expected to report to work during hazardous conditions as they normally would on any other day. If an employee chooses not to report to work or will be late during an event described above as a hazardous condition, the employee agrees to follow the call in policy as written in this handbook.

### ***Compensation Time for Hazardous Condition(s)***

If an employee chooses to stay home during the course of a hazardous condition, the absence may be compensated by using paid leave with the approval of the Supervisor. However, sick leave cannot be used to compensate time off during hazardous conditions.

### ***Closing Early***

In the event that a hazardous condition develops during the course of the work day, the City Manager has the sole discretion to dismiss non-essential staff. If City facilities become closed and non-essential staff is dismissed at any point during the work day due to a hazardous condition, they will be compensated for the remainder of their shift as if they had remained at work.

## **Bereavement Leave**

In the event of a death in an employee's immediate family, an employee may be granted emergency leave of up to three (3) calendar days. Emergency leave may be paid but will be charged to sick, vacation, or personal time depending on the wishes of the employee. Emergency leave for employees covered by labor contract will be in accordance with the terms of the respective contract.

For purposes of this section, an employee's immediate family will consist of the Employee's or their Spouse's, Child(ren), Mother or Step-Mother, Father or Step-Father, Brother or Step-Brother, or Sister or Step-Sister; Grandchildren, Grandparents, or other members of the employee's family residing in the employee's home; or other members of the employee's family primarily dependent upon the employee.

Emergency leave will not exceed twenty-four (24) consecutive work hours nor a total of forty-eight (48) work hours per year.

When you return to work from bereavement leave, please send HR a copy of the funeral, mass, service card, or obituary, etc. for our files.

## **Military Leave and USERRA**

The **Uniformed Services Employment and Reemployment Rights Act (USERRA)** is a federal law enacted to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. They should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention on the basis of present and future membership in the armed services.

USERRA is a follow up to the Veterans Reemployment Rights (VRR). The Soldier and Sailors Civil Relief Act (SSCRA) and the Family and Medical Leave Act (FMLA) go further to protect service members and are used in conjunction with USERRA.

USERRA defines the employment and reemployment rights of all uniformed service members; the law is administered and enforced by the Department of Labor Veterans' Employment and Training Service (DoL/VETS)

An employee who is a member of the armed services will be granted a leave of absence for military service, training or related obligations in accordance with applicable law. Employees on military leave

may substitute their accrued paid leave time for unpaid leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

### ***Continuation of Health Benefits***

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage for up to 24 months of uniformed service, but may be required to pay all or part of the premium for the continuation coverage. [NOTE: Employees and/or dependents who elect to continue their coverage may not be required to pay more than 102% of the full premium for the coverage elected. The premium is to be calculated in the same manner as that required by COBRA.]

### ***Requests for Military Leave***

#### ***Leave for Active or Reserve Duty***

Upon receipt of orders for active or reserve duty, an employee should notify and submit a copy of the military orders to his or her Supervisor or Department Head and Human Resources as soon as possible (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

#### ***Leave for Training and Other Related Obligations (e.g., fitness for service examinations)***

Employees will also be granted time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service. Employees should advise their Supervisor and/or Department Head of their training schedule and/or other related obligations as far in advance as possible.

### ***Return from Military Leave***

#### ***Notice Required***

Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

- 1) An employee who served for less than 31 days or who reported for a fitness examination, must provide notice of reemployment at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service.
- 2) An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.
- 3) An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.
- 4) An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human Resources Department (if the service was less than 31 days), or submit an application for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

#### ***Required Documentation***

An employee whose military service was for more than 30 days must provide documentation within two weeks of his or her return (unless such documentation does not yet exist or is not readily available) showing the following:

- 1) the application for reemployment is timely (i.e. submitted within the required time period);

- 2) the period of service has not exceeded five years; and
- 3) the employee received an honorable or general discharge.

## **Family Medical Leave Act (FMLA)**

The City of Ardmore will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The City posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the Human Resources lobby and on departmental bulletin boards at outlying locations throughout the City.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you may contact the Human Resources Department.

### **A. General Provisions**

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

### **B. Eligibility**

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

- 1) The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.

Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break.

For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

- 3) The employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

C. Type of Leave Covered

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

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the City's sick leave policy are encouraged to consult with the Human Resources Department.

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

- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.  
An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

“Covered active duty” means:

- (a) 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
- (b) 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)(13)(B) of title 10, United States Code.

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

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

An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period of leave to provide care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term “covered servicemember” means:

- (a) 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
- (b) 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 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness”:

- (a) 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 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 may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- (b) 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 when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an 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.

#### D. Amount of Leave

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

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If family members work for the City and each family member wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for an immediate family member with a serious health condition, the employees may only take a combined total of 12 weeks of leave. If family members both work for the City and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

#### E. Employee Status and Benefits During Leave

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

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

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums,

#### F. Employee Status After Leave

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

#### G. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use a minimum of 40 hours of paid leave (vacation, personal, and sick) prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy. Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. An employee who is taking leave for the adoption or foster care of a child may use all of their

available paid leave (vacation, personal, and sick), but are allowed to bank up to 40 hours of vacation time, prior to being eligible for unpaid leave. Upon return from FMLA leave, the use of the 40 hours of banked vacation is at the discretion of the supervisor, just like a normal request to use such days.

An employee using military FMLA leave for a qualifying exigency must use a minimum of 40 hours of paid leave (vacation, personal day, and sick) prior to being eligible for unpaid leave.

An employee using FMLA military caregiver leave must use a minimum of 40 hours of paid leave (vacation, personal day, and sick) prior to being eligible for unpaid leave (as long as the reason for the absence is covered by the City's sick leave policy).

#### H. Intermittent Leave or a Reduced Work Schedule

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

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

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

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

#### I. Certification for the Employee's Serious Health Condition

The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/whd/forms/WH-380-F.pdf>).

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

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

opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

J. Certification for the Family Member's Serious Health Condition

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family (<http://www.dol.gov/whd/forms/WH-380-F.pdf>).

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

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

K. Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/whd/forms/WH-384.pdf>).

L. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember (<http://www.dol.gov/whd/forms/WH-385.pdf>).

M. Recertification

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



N. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/whd/fmla/finalrule/WH381.pdf>).

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

O. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/whd/forms/WH-382.pdf>).

P. Intent to Return to Work from FMLA Leave

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

### **Personal Leave Without Pay**

Should a situation arise which temporarily prevents an employee from working, a Personal Leave of Absence Without Pay may be granted. However, employees must be employed for at least three months prior to the requested leave.

Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the employee's Supervisor and/or Department Head and the Human Resources Director. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance, punctuality record, reason(s) for the leave, the effect the employee's absence will have on the work in the department, and the expectation that the employee will return to work when the leave expires.

Leaves of absence will be considered only after all vacation, sick, and personal time has been exhausted. The duration of a leave of absence, if granted, is according to the following schedule:

<b>LENGTH OF SERVICE</b>	<b>ALLOWABLE LEAVE of ABSENSE</b>
Under 5 Years	3 months
5-9 Years of Service	6 months
10 and Over	1 month for every year of service, up to 18 consecutive months

### **Continuing Benefit Plan Coverage**

While on a Personal Leave of Absence Without Pay, the employee's medical coverage will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation. Unemployment Insurance benefits cannot be collected while on a Personal Leave of Absence Without Pay.

**Salary Action**

Any planned salary increase for an employee returning from an unpaid leave of absence without pay will be deferred by the length of the leave.

**Vacation and Personal Time**

During the calendar year that an employee takes an unpaid leave of absence without pay, the employee is not eligible for vacation. Unused vacation and personal days must be used before an unpaid leave of absence without pay will be granted.

**Performance Appraisal**

The normal performance appraisal date of an employee on an unpaid leave of absence without pay will be extended by the length of the leave.

**Returning/Not Returning From a Leave**

Due to the nature of our business, the City cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave is sought. When an employee is ready to return from a leave of absence without pay, the City will attempt to reinstate the employee to his/her former position or to one with similar responsibilities.

## **EMPLOYEE BENEFITS**

**Disclaimer**

The City has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement.

The City reserves the right to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, the City reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans. For more complete information regarding any of our benefit programs, please contact the Human Resources Department.

**Insurance Benefits*****Health, Dental, Vision, and Prescription Coverage***

The Human Resources Department is responsible for the coordination and management of benefit programs under the authority of the City Manager. Employees with questions about benefits should contact the Human Resources Department.

For the employees that choose to enroll, the City maintains group health, dental, vision, and prescription coverage plans for all regular full-time employees and their eligible dependents. Employees may be asked to share in the cost of such plans.

Benefits begin on the first day of the next month after the hire date (see following example). Each employee and dependent covered will be given an identification card and a booklet detailing the insurance coverage.

**EXAMPLE**

<b>START DATE</b>	<b>BENEFITS BEGIN</b>
October 31 <sup>st</sup>	November 1 <sup>st</sup>
November 15 <sup>th</sup>	December 1 <sup>st</sup>

***Life Insurance***

The City of Ardmore also provides to all employees a term life policy with an accidental death and dismemberment benefit. Details of that plan are available in the Human Resources Department.

**Worker’s Compensation-Medical Leaves of Absence for Work-Related Disabilities**

All employees are eligible for Worker's Compensation coverage beginning with their first day of employment. FMLA may run concurrent with Worker’s Compensation (see FMLA policy).

Any illness or injury compensated for must arise out of and in the course and scope of employment.

Employees who suffer an on-the-job injury, and are temporary totally disabled, may be eligible for continuing salary under the Oklahoma Worker’s Compensation law.

Worker’s Compensation death benefits are paid to survivors based on the Oklahoma Worker’s Compensation law.

***On-The-Job Injury or Illness Definition***

Any physiological trauma to the body resulting in tissue or skeletal injury, or followed by any unusual or excessive pain.

Any sudden serious and hazardous medical illness suffered by an employee while on-duty and as a direct result of or associated with performing their tasks in a safe and reasonable manner in the course and scope of their duty as defined by the Oklahoma Worker’s Compensation law

An On-the-job Injury may include, but is not limited to:

- Natural or Mechanical Accidents
- Assaults by another Person or by an Animal
- Exposure to Noxious, Toxic, or Radioactive Chemicals or Substances, or Blood-Born Pathogens

***Reporting Procedures***

***Initial Notification and Reporting***

Whenever a City employee sustains an injury or illness (or a suspected injury or illness) while on-duty, the employee’s Supervisor or Department Head should be immediately notified, regardless of the extent of the injury (whether the injury or illness requires medical treatment or not). If the injured or ill employee is unable to give notification, any co-worker having knowledge of the injury or illness should do so.

Any Supervisor or Department Head who has been notified that an employee has suffered an on-the-job injury or illness will notify the Safety Manager immediately who may advise what medical facility should treat the injured or ill employee.

Failure to give notification of the injury or illness promptly may jeopardize the employee’s eligibility to receive, or may delay, Worker’s Compensation payments.

## **Forms**

### Safety Form 103 – Injury-Illness Report

Whenever a City employee sustains an injury or illness while on-duty, the incident must be documented by completing, signing, and delivering “*Safety Form 103 – Injury-Illness Report*” to the Safety Manager immediately following the incident. The Safety Manager is available by cell phone 24-7.

### Safety Form 101 – Refusal of Medical Attention

Whenever a City employee sustains an injury or illness on-duty which appears minor and does not require immediate medical treatment or the employee refuses immediate medical treatment, the refusal must be documented by completing, signing, and delivering “*Safety Form 101 – Refusal of Medical Attention*” and “*Safety Form 103 – Injury or Illness Report*” to the Safety Manager immediately following the incident. The Safety Manager is available by cell phone 24-7.

Signing the “Refusal for Medical Attention” form does not prevent the employee from seeking medical treatment for the injury or illness in the future within the Oklahoma Worker’s Compensation statute of limitations. However, the Safety Manager must be contacted prior to the employee seeking treatment for an injury or illness for which the employee initially refused medical attention.

## **Billing**

### Treatment

The Safety Manager is responsible for coordinating medical appointments for Worker’s Compensation incidents. However, when an employee is receiving treatment at a pre-approved medical facility, the employee must also remind the medical office staff that the injury or illness is job related and treatment is not to be filed with the insurance carrier, but under Worker’s Compensation.

### Prescriptions

When an employee receives prescriptions from a pre-approved pharmacy, the employee must also remind the pharmacy staff that the prescriptions are related to an on-the-job injury or illness and are not to be filed with the prescription insurance carrier, but under Worker’s Compensation.

## **Pay During Worker’s Compensation Leave of Absence**

### Pay

Employees on temporary total disability (TTD) leave will be paid their full salary for the first three days after the initial injury charged to Worker’s Compensation Injury/Illness Leave and thereafter be paid in compliance with the Oklahoma State Worker’s Compensation law.

An employee who receives payment for work performed for an employer other than the City of Ardmore while on Worker’s Compensation Injury/Illness Leave, without written permission from the Human Resources Department (Form 104), may be subject to disciplinary action, up to and including termination. This provision also applies to self-employed individuals who perform work in their private occupation or business.

Police and Fire personnel should review their respective contracts with the City.

### Payment of Benefits During Leave

Under current City policy employees pay a portion of their benefit premiums. When an employee goes off the payroll system for any reason, it is the employee’s responsibility to make the payments for their portion of the premiums in person or by mail. The payments must be received in the Human Resources Department by the first (1<sup>st</sup>) day of each month. If the payment is more than thirty (30) days late, the employee’s benefit coverage may be dropped.

### Accrual of Seniority and Benefits

Employees returning from a leave of absence for a Worker’s Compensation injury or illness may be reinstated without loss of seniority earned prior to the commencement of their leave. An employee on Worker’s Compensation leave will continue to accrue vacation and sick leave.

### Communication with the City During Leave

It is the employee's responsibility to communicate with the City during a Worker's Compensation leave of absence. Immediately after each doctor's visit, the employee must bring a physician signed progress report to the Health and Safety Manager.

### **Returning to Work from a Worker's Compensation Leave of Absence**

Capacity to Perform Assigned Work

#### No Duty

Once it is determined by a physician, in writing, that an employee is not able to perform the required physical duties or tasks of his/her present position, the employee will be placed on temporary total disability (TTD).

#### Light Duty

Once it is determined by a physician, in writing, that an employee is able to return to work with certain restrictions, the City may find light duty work for the employee for up to twelve (12) weeks. A "Form 104 - Restricted Duty Report" must be completed and signed by the Safety Manager, Supervisor, Department Head, and Employee before the employee may return to work.

Many departments within the City may find light duty work for their employees within the working restrictions; however, other departments may have a more difficult time finding this type of work because of the physically strenuous nature of the jobs. The City believes it is important that all employees are treated consistently and fairly. If the department does not have appropriate light duty work, the Human Resources Department may locate work that respects the restrictions outlined by the doctor while providing meaningful work for the recovering employee in some department in the City.

Employees covered by labor contracts will be in accordance with the terms of that respective contract with the City.

#### Full Duty

Once it is determined by a physician, in writing, that an employee is able to return to work, the employee must pass the WorkSTEPS testing for the required position before returning to work. The employee may be returned to his/her former position or to a position of like status and pay for which the employee is qualified and able to perform, provided such a position exists.

## **Other Benefits**

### ***Workout Facility***

All employees and their spouses have free access to the workout facilities located at City Hall.

*\*A waiver must be signed prior to access.*

### ***Employee Activity Card***

All regular full-time employees receive a City of Ardmore Employee Activity Card at the beginning of each fiscal year which allows the use of city facilities free of charge or with a discount, with some restrictions.

### ***Prescription Discount Card***

All employees are eligible for a City of Ardmore Prescription Discount Card which can be used for prescriptions not covered under our regular prescription program.

### ***Membership Discounts***

All regular full-time employees are eligible for discounts on memberships to:

*Sam's Club*

*YMCA*

### ***Payroll Deductions Available***

All regular full-time employees are eligible to receive automatic payroll deductions to pay for benefits involving voluntary contributions or premiums for retirement plans, flexible health spending accounts, supplemental insurance, club memberships, required steel-toed safety boots, etc. For a complete list of companies and benefits that are available for payroll deduction, please see the Human Resources Department.

Steel-toed safety boots when required by the safety manual and purchased from approved vendors are eligible for a \$50 credit every other year from the date of the first credit given. The balance may be charged and reimbursed to the City through payroll deduction in as many as six (6) pay periods, but no less than \$25 per pay period.

## **DISCIPLINARY ACTION / APPEALS / GRIEVANCES**

### **Conduct and Discipline**

#### ***Standards of Conduct***

It is expected that all City employees will render the best possible service and maintain high standards of conduct. Supervisors and Department Heads help direct employees in a manner to achieve these goals.

Whenever work habits, conduct or production fall below a desirable acceptable standard, the Supervisor or Department Head may take action to facilitate improvement.

#### ***Improper Employee Conduct***

Improper conduct may be cause for disciplinary action, up to and including termination. The term "improper conduct" is any improper action by an employee on or off the job, or work site, and any improper use of the position as an employee for personal advantage. Additionally, improper conduct includes but is not limited to:

- Violation of any Federal, State, or local law directly impacting the employee's fitness for employment.
- Conviction of a felony or official misconduct.
- Insubordination.
- Using, possessing, dealing, distributing, storing, or manufacturing unlawful drugs or unlawful prescription drugs while on or off duty.
- Reporting to work or operating City vehicles or equipment under the influence of intoxicating beverages, unlawful drugs or unlawful prescription drugs.
- Being under the influence of intoxicating beverages, unlawful drugs or unlawful prescription drugs.
- Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized Supervisor, Department Head or City management official, unless such assignments or instructions are potentially hazardous to the employee or the general public's health or safety.
- Inefficiency, incompetence, carelessness, or negligence in performance of duties which result in not maintaining a satisfactory rating on performance evaluations.
- Endangering the safety of others through negligent or willful acts.
- Unauthorized or abusive use of official authority.

- Sexual harassment or other unlawful harassment of another employee.
- Rude or discourteous treatment of another employees or the public.
- Chronic or excessive absenteeism, whether excused or unexcused, or inconsistent attendance.
- Inattention to duty, tardiness, repeated early departure, carelessness or negligence in the care and handling of City property.
- Misuse or abuse of sick leave, including using sick leave under false pretenses.
- Absence from duty without authorized leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved, revoked, or canceled.
- Loss or misuse of City funds or property.
- Improper or unauthorized use of City vehicles or equipment or misappropriation of supplies.
- Theft or intentional destruction of City property or another employee's property.
- Sleeping on duty except when accepted as a normal portion of the job assignment.
- Unauthorized use of official information or unauthorized disclosure of confidential information.
- Furnishing false information to secure appointment, or falsification of work hours or other official records and reports.
- More than three (3) instances of employee's earnings being subjected to garnishment from at least two (2) creditors within a twelve month period.
- Violation(s) of this Handbook, Departmental policies, or any written policies that may be prescribed by the City.
- Acceptance by an employee of any bribe, gratuity, kickback, or other item of value (in excess of \$100) when such is given in the hope or expectation of receiving preferential treatment.
- Outside work that creates a conflict of interest with City work, or detracts from the efficiency of the employee in the effective performance of official City functions.
- Failure to obtain or maintain necessary qualifications, certificate, or license, which is required as a condition of employment.
- Possession of an unsafe driving record for those employees required to operate City vehicles.

### ***Disciplinary Action***

The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement, to meet appropriate standards, and/or to correct for violation of City Policies.

Notice: No employee will be subjected to disciplinary action involving loss of pay without first being presented with the nature of the accusations against him or her and being offered the chance to present his or her side of the story.

The normal progression of disciplinary action consists of but does not necessarily include the following:

#### Verbal Warning

A verbal communication to the employee that an offense has been committed.

#### Written Warning

A written communication to the employee that an offense has been committed, one copy of this warning is given to the employee and one copy is filed in the employee's personnel file.

Suspension/Administrative Leave With or Without Pay

A temporary leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the City's best interest to retain the employee relationship for a period of time to be determined by the City; or, provides employees with options not otherwise available.

Administrative leave is a general term for temporary removal of an employee from a job assignment. An employee on administrative leave may or may not continue to receive pay and benefits during the leave, which can be as short as a day or as long as several months, depending on the circumstances.

While it is most common for an employee placed on administrative leave to be directed to go home and remain there during the leave, in some cases, a temporarily reassignment may occur.

Demotion

This step may involve the reduction in pay, step, class, or grade.

Termination

The final step in the disciplinary process is termination. The Department Head may choose to enforce an alternative measure of discipline, such as demotion, in an effort to solve the problem short of dismissing an employee.

Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary.

Disciplinary action will not automatically or permanently disqualify an employee from consideration for future promotions, pay increases or other personnel action.

The City of Ardmore is an at-will employer. This means that an employee may be discharged at any time, and for any reason, with the understanding that neither party has an obligation to base that decision on anything but the intent to end the job relationship, for the good of the service.

**Appeal Procedure**

Employees not covered by labor agreements, and have been employed with the City for a minimum of one (1) year, who wish to appeal disciplinary action affecting pay status may notify the Human Resources Director, in writing within forty-eight (48) hours, excluding weekends and holidays, from the date of their notification of the disciplinary action.

Upon notification of the employee's desire for appeal the Human Resources Director will schedule a meeting with the City Manager or his/her designee to discuss the employee's appeal within the next five (5) business days, excluding weekends and holidays, and notify the employee of the date, time, and location of the meeting.

The City Manager will have the authority to impose any appropriate disciplinary action, up to and including termination; or reinstate the employee and dismiss the disciplinary procedures against the employee. The City Manager will render the decision and notify the employee in writing within three (3) days, excluding weekends and holidays, from the conclusion of the hearing. At the appeal hearing, no formal rules or evidence or procedures will apply. The City Manager may adopt such rules or regulations as he/she deems necessary for the orderly conduct of the hearing. Both parties may present any evidence they desire and the City Manager deems relevant. The decision of the City Manager will be final.

Appeals procedures for those employees covered by labor agreements will be in accordance with the terms of their respective contracts and applicable collective bargaining statutes.



### ***Policy on Grievances***

Employees of the City of Ardmore who are not covered by labor agreements and who feel they have been improperly or unfairly treated in their job will have the right to file a grievance. Actions or results which occur and which are beyond the control of the City of Ardmore will not be considered grounds for grievance.

Disciplinary actions are not subject to review through the grievance process, but are handled through the appeals process.

Only the employee who has filed the grievance will be able to stop the grievance procedure either by action or inaction. The grievance procedure will be stopped if:

- The employee indicates he/she is satisfied with the action to resolve the grievance at any level of the grievance procedure.
- The employee, for any reason, indicates that he/she no longer wishes to continue the grievance procedure; or
- The employee fails to take action to continue with the next step of the procedure within three (3) working days of completion of the prior step.

Grievance action must be initiated within three (3) working days of the occurrence of the incident causing the grievance.

No adverse action will be taken against any employee due to their exercising the right to file a grievance. An employee following the internal grievance procedure will not give up his/her right to other recourse in resolving the grievance.

Grievances for employees covered by labor agreements will be in accordance with the terms of their respective contracts and applicable state statutes.

### ***Grievance Procedures***

The City wishes to provide each employee fair and impartial treatment. Accordingly, it has established a grievance procedure to allow employees the opportunity to resolve differences and grievances. The grievance procedure for employees not covered by labor agreement is as follows:

- The aggrieved employee will discuss his grievance orally with his immediate supervisor within three (3) working days after the occurrence of the grievance and attempt to resolve the matter.
- The immediate Supervisor or Department Head will provide the employee with an answer within two (2) working days after the discussion.
- If the aggrieved employee is not satisfied with the supervisor's response or if the supervisor does not respond within two (2) days, the employee will prepare and submit a written statement to the supervisor giving the details of the grievance and stating the specific remedial action requested by the employee.
- The grievance will be reviewed by the Supervisor, who will decide on an appropriate resolution within three (3) working days. The supervisor will communicate his/her decision with the employee.
- If the aggrieved employee is not satisfied with the Supervisor's response or if the Supervisor does not respond within three (3) working days, the employee will file a written copy of the grievance with the Department Head documenting the grievance history. A copy of the decision made by

the supervisor or a statement that the supervisor failed to provide a decision within the time limit should also be submitted to the Department Head.

- The Department Head reviews the details of the grievance and, within five (5) working days provides the employee with a written statement of what action, if any, is to be taken to resolve the grievance.
- If the employee is not satisfied with the decision of the Department Head or if the Department Head fails to respond within five working days, the employee may submit a copy of the grievance to the Human Resources Director along with copies of any prior decisions regarding the grievance. The Human Resources Director will schedule a meeting with the City Manager within five (5) working days.
- The City Manager will make the final decision concerning the alleged grievance within ten (10) working days in writing to all parties concerned. There will be no further appeal process provided by the City.

When a grievance is decided in favor of the employee at any of the administrative levels set above, the award will be retroactive to the date of the action that caused the grievance.

Discrimination against employees who file grievances will not be tolerated and such action will be in violation of the personnel rules of the City of Ardmore. Any persons responsible for discriminatory actions will be subjected to disciplinary action.

Supervisory personnel will apply previous decisions in favor of employees to all similar situations to eliminate the filing of grievances.

All correspondence related to the grievance procedure will be placed in the aggrieved employee's personnel file in the Human Resources Department.

Specifically excluded from the grievance procedure are:

- Subjects involving the amendment or change of resolutions, ordinances, or minute orders.
- Performance appraisals, dismissals, suspensions, administrative leave and other matters that have other means of appeal.

## **SEPARATION FROM EMPLOYMENT**

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce, or termination. When an employee separates from the City, the Supervisor should contact the Human Resources Department to schedule an exit interview, typically to take place on employee's last workday.

### **Types of Separation**

#### ***Resignation***

Resignation is a voluntary act initiated by the employee to end employment with the City. The employee should provide a minimum of two (2) weeks notice prior to resignation. If an employee does not provide advance notice or fails to actually work the remaining two weeks, the employee may be ineligible for rehire and may not receive accrued benefits. The resignation date may not fall on the day after a holiday.

**Retirement**

Employees who wish to retire are asked to notify their Department Head and the Human Resources Department in writing at least one (1) month before planned retirement date. (See Retirement Benefits Below)

**Job Abandonment**

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the third day. The Supervisor shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and become ineligible for rehire.

**Termination**

Employees of the City are employed on an at-will basis, and the City retains the right to terminate an employee at any time. See at-will employment definition.

**Reduction in Workforce**

An employee may be laid off because of changes in duties, organizational changes, lack of funds or lack of work.

**Release**

Release is the end of temporary or seasonal employment.

**Automatic Termination**

If an employee has not returned to full-duty status from an authorized leave of absence(s) at the end of one (1) year, employment may be automatically terminated. An employee may be considered unable to return to work if he or she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under rare circumstances may an employee be absent from the workplace for more than eighteen (18) months, such as Military Leave or with approval of the Human Resources Director.

**Death**

If an employee dies while employed by the City, the designated beneficiary or estate will receive earned pay and payable benefits.

The City Manager and the Human Resources Director will be immediately notified by the Department Head in order to make financial settlement to the deceased's estate and process insurance and/or worker's compensation documentation.

**Out-Processing****Return of Property**

The separating employee must return all City property at the time of separation, including but not limited to uniforms, cell phones, keys, and identification cards. Failure to return some items may result in delay of payout of vacation.

**Exit Interview**

The separating employee's Supervisor should contact the Human Resources Department as soon as notice is given to schedule an exit interview, typically to take place on employee's last workday.

### ***Termination of Benefits***

An employee separating from the City is eligible to receive the following benefits as long as the appropriate procedures are followed as stated above. Two weeks notice should be given, and the employee must work the full two workweeks.

- Vacation Leave - Accrued vacation leave will be paid in the last paycheck if City property has been returned. Vacation time may not be used during the final days of employment unless prior approval from the Supervisor, Department Head, or Human Resources Director is given.
- Sick Leave - Sick leave may not be used during the final days of employment and is not paid upon separation from employment.
- Health Insurance - Health insurance terminates the last day of the month of employment, unless the employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided during the employee's exit interview. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

### ***Rehire***

Former employees who left the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resources Director or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure is not considered in calculating longevity, leave accruals or any other benefits.

### ***Bar From Employment***

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation becomes ineligible for rehire.

## **Social Security**

Certain City employees are required by law to participate in the Federal Social Security and Medicare program, which provides certain retirement and disability income benefits. The Fire Chief, uniformed fire department employees, and all commissioned sworn police officers are exceptions to this section.

Deductions will be made from each employee's paycheck in accordance with the requirements of the Federal Social Security and Medicare Program.

The City will match the employee's Social Security deduction to each employee's Social Security account in accordance with the regulations of the program.

## **Retirement Benefits**

All regular full-time employees of the City participate in the retirement system adopted by the City except employees covered by labor contracts who participate in the Police Pension or Fire Fighters Pension Plans.

The City and the employee begin their contributions to the employee's retirement plan with the employee's first paycheck and every pay period thereafter until separation from employment.

*Vested* - A vested right is an absolute right. When a retirement plan is fully vested, the employee has an absolute right to the entire amount of money in the account subject to reductions for lump sum and/or early retirement withdrawals. The City elects to use a cliff vesting schedule where the portions contributed by the City are considered vested on the employee's 5<sup>th</sup> anniversary date. Vested portions cannot be reclaimed by the employer, nor can it be used to satisfy the employer's debts.

Upon separation from employment *prior to the 5<sup>th</sup> anniversary* date the employee only has the right to their personal contributions in a lump sum distribution. Employees are not eligible to receive the City's contributions (without penalty) until they are vested employees *and* are of retirement age.

#### ***Oklahoma Police Pension and Retirement System***

This plan is available to any sworn officer between the ages of 21 and 45, subject to the rules and regulations of the pension board and applicable state law. For a complete description of benefits and contributions, Police Department employees should contact the Police Chief or the department representative for the Pension Fund.

Disability benefits are provided in the Police Pension Plan. Granting of these benefits is subject to the provisions of the state law and the State Pension Board.

#### ***Oklahoma Fire Relief and Pension System***

The Oklahoma Fire Relief and Pension Fund offers a retirement system for Ardmore Firefighters. For a complete description of benefits and contributions to the plan, Fire Department employees should contact the Fire Chief or their department representative for the Pension Fund.

The Oklahoma Fire Relief and Pension Fund provides disability benefits for uniformed employees of the Ardmore Fire Department. Those employees should contact their departmental representative for the Pension Fund for further information.

## **ON-THE-JOB**

### **Accidents and Emergencies**

Maintaining a safe work environment requires the continuous cooperation of all employees. The City strongly encourages employees to communicate with fellow employees and their Supervisor regarding safety issues.

Employees will be provided care, first-aid, and emergency service as required for injuries or illnesses while on a City premises. Employees should contact their Supervisor, Department Head, or the nearest Supervisor, and/or 9-1-1 in the event of an accident or emergency. The City of Ardmore Safety Manual and department procedures should be followed at all times.

If an employee is injured on the job, the City provides coverage and protection in accordance with the Oklahoma Worker's Compensation Law. When an injury is sustained while at work, it must be reported immediately to the employee's Supervisor, who in turn will notify the Safety Manager and/or Human Resources of the incident.

Failure to report accidents is a serious matter as it may delay or impair an employee's coverage under Oklahoma Worker's Compensation Insurance.

## **Anti-Nepotism Policy**

Members of an employee's immediate family will be considered for employment on the basis of their qualifications. Immediate family may not be hired, however, if employment would:

- Create a supervisor/subordinate relationship with a family member;
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy must also be considered when assigning, transferring, or promoting an employee. For the purpose of this policy, immediate family includes: spouse, parent, child, sibling, in-law, aunt, uncle, niece, grandparent, grandchild, and other members of the household. This policy also applies to romantic relationships.

Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the conditions set forth above. If one of the conditions outlined should occur, attempts will be made to find a suitable position within the City to which one of the employees will transfer. If employees become immediate family members or establish a romantic relationship, the City will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If the employees cannot make a decision, the City Manager will have sole discretion in deciding who will remain employed.

## **Attendance, Punctuality, and Dependability**

Because the City depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled work days and during all scheduled work hours and to report to work on time. Further, an employee must notify their Supervisor or the Human Resources Department as far in advance as possible, but not later than one hour before scheduled starting time if they expect to be late or absent. This policy applies for each day of an employee's absence. An employee who fails to contact their immediate supervisor or the Human Resources Department for three (3) consecutive work shifts days may be considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in disciplinary action, up to and including termination.

## **Communication**

### ***Open Door Policy***

The City promotes an atmosphere whereby employees can talk freely with their Supervisors or Department Heads. Employees are encouraged to openly discuss with their Supervisor or Department Head any problems so appropriate action may be taken. If the Supervisor or Department Head cannot be of assistance, the Human Resources Department is available for consultation and guidance. The City is interested in all of our employees' success and happiness with us and welcomes the opportunity to help employees whenever feasible.

## **Dress Standards (Dress Code)**

In order to enhance and maintain a professional image to the general public; all employees should maintain the highest standards of personal cleanliness and grooming and shall present a neat and business like appearance during working hours. (Union employee dress codes are already covered in their collective bargaining agreements) In times of extreme weather or when you must accommodate a medical condition then exceptions to this policy may be granted.

### ***Field Employees***

Uniform shirts must be worn at all times and kept buttoned. If you are not issued a uniform then your clothing should be job appropriate and take your personal safety into consideration. Long pants or uniform trousers should be worn at all times. OSHA safety requires long pants when operating any equipment. Pants must be free of rips, holes and tears. Safety footwear will be required for certain jobs. There are a limited number of field positions where long walking shorts may be permitted.

### ***Office Employees***

#### *Males*

All City employees should wear a uniform if one is provided. If no uniform is provided for your position then you should wear dress or casual slacks or khakis, long or short-sleeved shirts with a collar and footwear with socks. Sport coats and suits are optional but are recommended for a more professional appearance when attending meetings.

Tee shirts, sleeveless shirts, shorts, sweat suits, wind pants and suits, pajama pants, and flip flops are among the items considered inappropriate for office wear. Tattoos and piercings should be covered or discrete.

#### *Females*

All City employees should wear a uniform if one is provided. If no uniform is provided for your position then you should wear dresses, skirts, walking shorts or Capri pants, split skirts or slacks with a blouse, sweater, or casual or dressy top. Footwear may include sandals or other shoes.

Examples of inappropriate dress (even on casual dress day) include tank tops without a jacket, short-shorts, gym shorts, tight fitting spandex, sweat suits, wind pants and suits, pajama pants, and flip flops. Tattoos and piercings should be covered or discrete.

### ***Casual Dress Day***

Office employees will be allowed to dress casually every Friday in jeans that are free of rips, holes and tears or more casual shorts or shirts. (If Friday is a holiday then Thursday will be substituted as casual day.) The casual day is not a floating day based on the employee's personal work schedule, it is the calendar day Friday or in the case of a holiday, Thursday.

Always remember that the City of Ardmore is a business and we should always present ourselves in a neat, clean, and professional manner.

### ***Sensitivity to Fragrances and Odors***

Employees are asked to be considerate of those who are sensitive to fragrances and odors and avoid using scented products in the workplace. If you use a fragrance or scented product, please use it sparingly.

A general guideline for fragrances and scented products is that they should be barely detectable at an arm's length away, or if it can be smelled by a reasonable person at a distance of between three and four feet away, it is too strong. If there is a question whether a scent is too heavy, err on the side of caution.

When using products such as air fresheners in your work area, please be considerate and coordinate with your coworkers with regard to any sensitivity issues from certain scents.

## **Drug and Alcohol Abuse**

Manufacture, distribution, dispensation, possession, or use of any illegal drug, alcohol, or controlled substance while on City premises is strictly prohibited. These activities constitute serious violations of City rules, jeopardize the City and can create situations that are unsafe or that substantially interfere with job performance. Employees in violation of the policy are subject to appropriate disciplinary action, up to and including termination. Additionally, the City reserves the right to require an employee to undergo a medical evaluation under appropriate circumstances.

The City is an employer with federal grants and complies with the Drug-Free Workplace Act (41 U.S.C. § 701) by giving employees a separate sheet at the onset of employment with the information contained in the preceding paragraph. The sheet states that the employee must abide by the terms of the statement, and the employee is obligated to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The City has established a drug-free awareness program that is available from the Human Resources Department which informs employees about the dangers of drug abuse in the workplace, the City's policy of maintaining a drug-free workplace, the City's Employee Assistance Program (EAP), and the penalties imposed for violations of this policy.

### ***Drug Testing***

The City is determined to eliminate the use of illegal drugs, alcohol, and controlled substances at our work sites. The purpose of this program is to improve job safety on all projects.

Testing: Drug and alcohol tests will be administered under the following conditions:

- when an employee shows signs of impairment on the job;
- after any accident or occurrence that results in an injury on the job as defined by the Occupational Safety and Health Administration;
- after any vehicular accident when it appears that the employee might reasonably have avoided the accident or minimized the consequences, but did not do so; and
- at hiring time, when all new hires will be required to pass a pre-employment drug-screening test as a condition of employment.

Employees who refuse to submit to drug and alcohol testing will be terminated.

## **Employer Information and Property**

The protection of City business information, property and all other City assets are vital to the interests and success of the City. No City related information or property, including without limitation, documents, files, records, computer files, equipment, office supplies or similar materials (except in the ordinary course of performing duties on behalf of the City) may, therefore, be removed from the City's premises. In addition, when an employee leaves the City, the employee must return to the City all related information and property that the employee has in his/her possession, including without limitation, documents, files, records, manuals, information stored on a personal computer or on a computer disc, supplies, and equipment or office supplies. Violation of this policy is a serious offense and will result in appropriate disciplinary action, up to and including termination.



## **Internal Investigations and Searches**

From time to time, the City may conduct internal investigations pertaining to security, auditing or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

Whenever necessary, in the City's discretion, work areas (i.e., desks, file cabinets, etc.) and personal belongings (i.e., brief cases, handbags, etc.) may be subject to a search without notice. Employees are required to cooperate.

The City will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings, but may not always be able to do so.

## **Outside Requests for Employment Verification**

All inquiries regarding a current or former the City employee must be referred to the Human Resources Department.

Should an employee receive a written request for a reference, he/she should forward the request to the Human Resources Department for handling. No City employee may issue a reference letter to any current or former employee without the permission of the Human Resources Department.

Under no circumstances should any City employee release any information about any current or former City employee over the telephone. All telephone inquiries regarding any current or former employee of the City must be referred to the Human Resources Department.

In response to an outside request for information regarding a current or former City employee, the Human Resources Department will furnish or verify only an employee's name, dates of employment, job title, and department. No other data or information regarding any current or former City employee, or his/her employment with the City, will be furnished unless the employee authorizes the City to furnish this information in writing that also releases the City from liability in connection with the furnishing of this information or the City is required by law to furnish any information.

## **Orientation**

New employees will be scheduled for orientation to receive an introduction to City employment; including its history, operations, policies, and a review of employee benefits.

## **Political Activities**

The political activities of City employees are restricted by certain State and Federal laws. Employees of the City will obey all applicable laws.

- Employees are specifically prohibited from engaging in political activities at any time while on duty, while wearing a City uniform, or while on City premises; provided, however, that an employee may participate in public political meetings on City property.
- City employees may not use their official authority or influence, City funds, or City equipment for the purpose of providing support or opposition to a candidate or a ballot measure.
- City employees may not solicit political contributions from other City employees.

- Directly or indirectly coercing, commanding, or advising a state or local official or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political reason is strictly prohibited. Employees may make appeals to the public generally, even though this includes City employees.
- City employees may not be a candidate for elective office in a partisan election.

Nothing stated herein will be construed as limiting any employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of Oklahoma.

## **Public Relations**

All employees are expected to avoid conduct at work or elsewhere which may cause embarrassment or criticism to the City. It is essential that attitudes and action both on and off duty bring credit to the City since the City is often measured by the personal conduct of its employees.

Any employee guilty of gross negligence, disloyalty to the City or defects of character that bring discredit upon the City may be subject to discipline, up to and including termination.

## **Reimbursement**

See Current Purchasing Policy

## **Responsibility for City Property**

All City employees will be responsible for the proper use and maintenance of all tools, equipment or vehicles assigned to them by the City.

### ***License Requirements***

All City employees who operate City vehicles or equipment must have a valid state of Oklahoma driver's license necessary for that vehicle or equipment. Employees who are required to have a driver's license to operate City vehicles or equipment need to immediately notify their supervisor of any change in the status of that license. Suspension or revocation of a necessary driver's license may result in a job change, demotion or termination.

### ***Take Home Vehicles***

City vehicles may be driven home at night only upon approval of the City Manager and where the employee is required by the nature of the job to make use of the City vehicle on an emergency call basis. A listing of all personnel who are designated to drive vehicles home at night as a part of their function will be developed as a part of the budget process each fiscal year. Exceptions include Police Department individually assigned vehicle program.

Passengers will not be transported in a City vehicle unless on official City business.

Personal use of any City property, materials, supplies, tools, equipment or vehicles will not be permitted without prior permission.

City vehicles will be operated at all times in conformity with state and local laws affecting their usage. However, the City retains the right to place more restrictive rules and regulations than that required by law.

Seat belts will be worn at all times while operating a vehicle or equipment that is so equipped.

Employees who are subject to call-back after hours or on weekends will respond in a physical and mental condition which does not prevent them from operating City equipment in a safe and lawful manner. Violations of this policy may result in immediate termination.

An employee operating City equipment or vehicles and becomes involved in an accident should immediately notify their supervisor and law enforcement or other authority. A City incident form and report of all accidents and property damage to should be submitted to the supervisor and to the proper law enforcement or other authority immediately. Copies of all accident and incident reports completed by a City employee or law enforcement official should be sent to the employee's supervisor and to the HR Safety Manager.

## **Romantic or Sexual Relationships**

Consenting "romantic" or sexual relationships between a Supervisor and an employee may at some point lead to unhappy complications and significant difficulties for all concerned - the employee, the Supervisor and the City. Any such relationship may, therefore, be contrary to the best interests of the City.

Accordingly, the City strongly discourages such relationships and any conduct (such as dating between a Supervisor and an employee) that is designed or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship.

By its discouragement of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment; and the policy articulated above is not to be relied upon as justification or excuse for a Supervisor's refusal to engage in such social interaction with employees.

If a romantic or sexual relationship between a supervisor/manager and an employee should develop, it shall be the responsibility and mandatory obligation of the Supervisor promptly to disclose the existence of the relationship to the employee's Department Head. The employee may make the disclosure as well, but the burden of doing so shall be upon the Supervisor.

The City recognizes the ambiguity of and the variety of meanings that can be given to the term "romantic". It is assumed, or at least hoped, however, that either or both of the parties to such a relationship will appreciate the meaning of the term as it applies to either or both of them and will act in a manner consistent with this policy.

The Department Head shall inform the City Manager and others with a need-to-know of the existence of the relationship, including in all cases the person responsible for the employee's work assignments.

Upon being informed or learning of the existence of such a relationship, the City Manager may take all steps that, in his or her discretion, deems appropriate. At a minimum, the employee and Supervisor will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the Supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the Supervisor has or has had such a relationship.

In addition, and in order for the City to deal effectively with any potentially adverse consequences such a relationship may have for the working environment, any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to the City Manager, a Department Head, or Human Resources Director.

This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship of the kind described.

## **Safety**

It is the policy of the City to prevent the occurrence of accidents by maintaining safe working conditions in all departments and promoting safety at all times. The practice of accident prevention is one of the most important employee responsibilities. Knowing and applying safe working methods are fundamental parts of every job.

For their own protection, and in the interest of fellow workers and the public served, employees must learn and follow all established safety practices and avoid activities that might result in injury. When in doubt, they should check with their supervisor. Any unsafe or hazardous conditions must be reported directly to a supervisor immediately.

The Department Heads and Supervisors will be responsible for enforcing safe work rules and reporting all infractions. The success of any safety program depends largely upon the Supervisor who is in direct contact with the subordinates. The Supervisor or Department Head is responsible for immediately reporting all accidents and injuries occurring under their supervision to the Safety Manager and to assist in investigation of said accidents even if there is no resulting injury.

To assist all departments in the investigation of work injuries and in the development of safety related programs, the City of Ardmore has established a Safety Division and authorized a Safety Manager. All Supervisors and Department Heads are expected to adhere to strict safety standards and to immediately act upon the recommendations of the Safety Manager.

## **Smoking and Tobacco Policy**

In order to comply with government regulations, the City has prohibited smoking and any tobacco use throughout its workplace and in any City vehicle.

Employees are protected from retaliatory action or from being subjected to any adverse personal action for exercising or attempting to exercise his/her rights under the smoking and tobacco policy. Any violation of this policy may result in appropriate corrective disciplinary action, up to and including termination.

Any questions regarding the smoking and tobacco policy should be directed to the Human Resources Department.

## **Solicitations, Distributions, and Use of Bulletin Boards**

### ***Solicitations & Distributions***

Employees may not solicit any other employee during working time, nor may employees distribute literature in work areas at any time. Persons not employed by the City may not solicit City employees for any purposes on City property.

### ***Bulletin Boards***

Bulletin boards maintained by the City are to be used only for posting or distributing material of the following nature:

- notices containing matters directly concerning City business;
- announcements of a business nature which are equally applicable and of interest to employees.

All posted material must have authorization from the Human Resources Department. All employees are expected to check these bulletin boards periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees are not to remove material from the bulletin boards.

## **Tape Recording Policy**

It is a violation of City policy to record conversations with a tape recorder or other recording device unless prior approval is received from your Supervisor or Department Head or all parties to the conversation give their consent.

The purpose of this policy is to eliminate a chilling effect on the expression of views that may exist when one person is concerned that his or her conversation with another is being secretly recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed.

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

## **Telephone Use**

Because a large percentage of our business is conducted over the phone, it is essential to project a professional telephone manner at all times.

Although the City realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls. Additionally, no long distance personal calls may be made on City phones without prior approval from the employee's supervisor.

## **Training**

It is the policy of the City to encourage and promote training and educational opportunities for all City employees so that services rendered by the City may be made more effective. The Human Resources Director and Department Heads will establish such procedures as they deem appropriate to assist in the implementation of the training and educational opportunities.

Employees will receive instruction in the policies, procedures, and equipment use necessary to perform their job effectively either from their Supervisor, Department Head, or another employee with appropriate knowledge to qualify them as a trainer.

Training periods may be conducted during or after normal working hours. Training sessions conducted during normal working hours will be arranged so as to minimize interference with scheduled work.

Non-exempt employees who are required by the City to attend in-service or out-service training programs which are scheduled outside the normal working hours will be compensated for the hours of attendance at the program at the appropriate hourly rate.

Employees will not be compensated for attendance at elective out-service training programs which are scheduled outside normal working hours.

## **Recognized Training Categories**

### In-Service Training

Any formal employee training or development program that is sponsored and conducted by the City. Such programs are designed and conducted to meet job related needs of City employees.

### Out-Service Training

Any formal employee training or development program that is sponsored and conducted by any agency or organization other than the City. Conferences and seminars that are conducted primarily for training and educational development purposes are considered out-service training.

### Job Related Out-Service Training

Job-related out-service training is directly related to improving the employee's performance of present duties and is required by the City.

### Elective Out-Service Training

Elective out-service training is taken at the discretion of the employee to improve the employee's eligibility for career advancement or for personal growth. It is not required by the City.

## **Payment of Training Expenses**

### Approval of Department Head

No job-related out-service training may be taken, nor will any expenses be paid for out-service training, without the prior approval of the Department Head.

### Job-Related Out-Service Training

The employee will receive regular salary when attending job related out-service training during regular work shift and may be reimbursed for certain expenses at established rates set by the City, when such training is required by the City.

### Elective Out-Service Training

When an employee desires to participate in elective out-service training, the Department Head may, after consulting with the City Manager, within budgetary limits and in accordance with City policies, authorize the payment of regular salary and reimbursement for certain expenses.

### Uncompleted Assignment

An employee who does not satisfactorily complete an out-service training assignment according to standards determined by the Department Head is not eligible for reimbursement of tuition and other necessary expenses and will return any advance payment received.

An employee who does not complete approved job-related training may also be subject to disciplinary action.

Employees must have Department Head approval for attendance at classes during their regular work schedule.

## **Use of City Vehicles**

Only employees with an unrestricted, current, valid, Oklahoma driver's license and who have adequate insurance coverage may operate the City vehicles or use a vehicle to conduct City business. City vehicles may only be used for authorized City business. Any employee operating a City vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be immediately terminated. The City has the right to search any City vehicle at any time; therefore, employees have no reasonable expectation of privacy with respect to City vehicles.

There is no smoking or tobacco use allowed in City vehicles.

## **Violence in the Workplace**

The City strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the employee's Supervisor, Department Head, and/or the Human Resources Department. All complaints will be fully investigated.

The City will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including termination.

## **Work Week and Work Period**

### ***Hours of Operation***

The normal City office operating hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise provided by the City Commission. Other shifts may be created to satisfy department needs.

### ***Work Week***

In accordance with the Fair Labor Standards Act (FLSA), the City Commission adopted Resolution #2221 on September 3, 2009 setting certain guidelines for City personnel including the following work week and work period designations:

For all NON-PUBLIC SAFETY departments, the work week will be a seven (7) day work week cycle beginning at 12:00 a.m. on Saturday and ending 11:59 p.m. the following Friday. Subsequent work periods will begin anew at the expiration of the previous seven day work period.

For FIRE DEPARTMENT PERSONNEL, the work period will be a twelve (12) day work period beginning at 7:00 a.m. and ending at 6:59 a.m. twelve days later. Subsequent work periods will begin anew at the expiration of the previous twelve day work period. This work period is established pursuant to Section 207(k) of the FLSA and 29 C.F.R., Part 553.

For POLICE DEPARTMENT PERSONNEL, the work period will be a twenty-eight (28) day work period beginning at 7:00 a.m. on Saturday and ending at 6:59 a.m. on Saturday four weeks later. Subsequent work periods will begin anew at the expiration of the previous twenty-eight day work period. This work period is established pursuant to Section 207(k) of the FLSA and 29 C.F.R., Part 553.

Employees are not permitted to do any work for the City except during their work hours or authorized extra work hours. Unauthorized reporting for work may cause the employee to be subjected to suspension, demotion, or termination. However, since all City Departments are located within public buildings, the City cannot prevent an employee from being on his/her work premises outside normal work hours or assigned extra hours for personal reasons when such public building is open.

### ***Meal Periods***

Employee meal periods should be taken approximately in the middle of each shift in a manner that facilitates efficient department operations and public service.

The normal length of the meal period will be one (1) hour.

For computation of hours worked, employees will be considered off duty during meal periods unless circumstances require them to remain in an on-duty status during the meal period as defined by the Fair Labor Standards Act (FLSA), if on-duty the employee will be paid.

Shift meal breaks may differ, check with departmental policy.

### ***Rest Periods/Breaks***

Each non-exempt employee is permitted a fifteen (15) minute rest period/break during each four (4) hours of work.

Rest period/breaks should be taken at a time to ensure that the employee's position and duties will be covered.

Rest periods/breaks may not be combined or added to an employee's lunch break, and should be taken approximately in the middle of each four (4) hour shift and may not be taken within one (1) hour of the beginning or ending of any four (4) hour shift.

Employees may not leave work premises during a paid rest period/break without special permission from the appropriate supervisor.

Nursing mothers will be provided a reasonable break time as needed to express their milk, clean equipment, and store the expressed milk. Nursing breaks will be allowed for up to one year from the child's date of birth. A suitable place, other than a bathroom, that is shielded from view and free from intrusion of coworkers and the public, will be provided.

## **ACCEPTABLE USE OF THE CITY OF ARDMORE SYSTEMS POLICY**

### **Purpose**

The purpose of this policy is to provide common standards for the use of the City of Ardmore's electronic communications, including but not limited to electronic mail systems (E-mail), the Internet, Social Media, computers, laptops and related technologies and equipment (herein referred to as "city systems").

The intent of this policy is to provide information concerning the appropriate and inappropriate use of city systems. Examples are included in order to assist readers with the intent of specific sections of this policy. However, the examples contained within this policy do not exhaust all possible uses or misuses.

### ***Definitions***

- E-mail or electronic mail refers to the electronic transfer of information typically in the form of electronic messages, memoranda, and attached documents from a sending party to one or more receiving parties via an intermediate telecommunications system. E-mail is the means of sending messages between computers using a computer network. E-mail services, as defined by this policy, refer to the use of city-provided electronic mail systems.
- Internet refers to a "worldwide system of computer networks - a network of networks in which users at any one computer can, if they have permission, get information from any other computer (and sometimes talk directly to users at other computers). The world-wide web is the most widely used part of the Internet, (often abbreviated "WWW" or called "the Web").
- Intranet refers to an internal network or website within an organization. The main purpose of an intranet is to share company information and computing resources among employees.
- Social Media (also known as Social Networking) includes the various online technology tools that enable people to communicate easily via the internet to share information and resources. Social media can include text, audio, video, images, podcasts, and other multimedia communications. Blogging, Facebook, MySpace, Twitter and You Tube are examples of social media.



**Scope of Policy**

This policy covers all City of Ardmore agencies and employees whether permanent or non-permanent, full, or part-time, and all consultants or contracted individuals retained by a City of Ardmore agency using City of Ardmore systems (herein referred to as “users”).

**Authority**

The IT Director in conjunction with the HR Director and the City Manager are responsible for developing and implementing policies pertaining to information and telecommunication systems for City agencies.

**Responsibility**

The HR Department is responsible for providing all users with a copy of this policy, obtaining a signed acknowledgment of receipt from each user, and keeping a copy of the signed acknowledgement on file.

Agencies may establish additional restrictions regarding the use of City systems within their local environments. Should conflict exist between this policy and an agency policy, the more restrictive policy would take precedence.

Distribution of information within or between City agencies may be subject to more restrictive agency computer use policies. When in doubt, users are urged to inquire about all applicable restrictions.

The Director of Human Resources (or person serving in this capacity) is responsible for addressing individual employee questions concerning this policy and the appropriate use of City systems. The IT Director will serve as consultant in this regard.

**Ownership of Messages, Data and Documents**

City systems and all information contained therein are City property. Information created, sent, received, accessed or stored using these systems is the property of the City.

**No Presumption of Privacy**

All activities involving the use of City systems are not personal or private; therefore, users should have no expectation of privacy in the use of these resources. Information stored, created, sent or received via City systems is potentially accessible under the Freedom of Information Act. The City reserves the right to monitor and/or log all activities without notice.

**User Responsibilities**

As a user, it is important to identify yourself clearly and accurately in all electronic communications. Concealing or misrepresenting your name or affiliation is a serious abuse. Using identifiers of other individuals as your own constitutes fraud. This includes but is not limited to using a computer Logon ID other than the individual User ID authorized. Individuals may not provide their passwords or logon IDs to others.

Users should also be mindful that the network is a shared resource and be aware of the impact of their activities on other users. For example, a user with a need to frequently move large files across the City network should consider scheduling this to occur during off hours so as not to degrade network performance.

Employees are expected to exercise good judgment regarding personal usage of the Internet. Personal use of the Internet should be limited in duration and not for any purpose that would otherwise be in violation of this policy. Personal use should normally occur during non-work time.

Employees should be aware that all Internet use is logged and may be audited for unauthorized attempts, invalid access logs, invalid password attempts, application usage and other purposes.

If violations of this policy occur, disciplinary action, up to and including termination, may result.

### ***Usage of City Systems***

City systems are provided at City expense and are to be used solely to conduct City of Ardmore business. This means system usage is in conformance with federal and state laws, agency policies and procedures, and collective bargaining agreements.

System usage must be in accordance with each user's job duties and responsibilities as they relate to the user's position with the City of Ardmore at the time of usage. Users who are dually employed must keep in mind the responsibilities of each specific position while engaged in activities involving City systems. Activities must reflect the position duties the employee is performing at the time of City system usage.

### ***Examples of Acceptable Use of City Systems***

Examples of acceptable use of City systems include job-related activities involving any of the City systems and in accordance with the above criteria. The following items are examples of acceptable activities:

- E-mail: sending and receiving correspondence for job related purposes; communicating with local governments, vendors, other city/county/state agencies and/or employees, etc., on work-related issues; collaborating with other organizations, states, cities, and the federal government about initiatives and projects of interest to City of Ardmore. Note: E-mail messages are considered public records and are, therefore, legally discoverable and subject to record retention policies.
- Internet: researching state and federal legislation and regulations as they pertain to the user's City position; obtaining information useful to users in their official capacity;

### ***Misuse of City Systems***

City systems are provided at City expense and are to be used solely to conduct City of Ardmore business. Unacceptable system usage is generally defined as any activity NOT in conformance with the purpose, goals, and mission of the City. Additionally, activities that are NOT in accordance with each user's job duties and responsibilities as they relate to the user's position within City service are also unacceptable. Any usage in which acceptable use is questionable must be avoided. When in doubt, seek policy clarification from your Department Director or the Director of Human Resources (or person serving in this capacity) prior to pursuing the activity.

### ***Examples of Unacceptable Use of City Systems***

Any and all personal activities involving any of the City systems. The following items are examples of prohibited activities; however, users are reminded prohibited activities are not limited to these examples:

- Email: creating or forwarding jokes, chain messages, or any other non-work related messages; checking and/or responding to personal e-mail via another (second party) e-mail system such as Yahoo! or Hotmail; sending or forwarding messages referring to political causes or activities; messages concerning participation in sports pools, baby pools or other sorts of gambling activities; religious activities; stock quotes; distribution groups or "listservs" for non-work related purposes; solicitations or advertisements for non-work related purposes.
- Internet: pirating software; stealing passwords; hacking other machines on the Internet; participating in the viewing or exchange of pornography or obscene materials; engaging in other illegal or inappropriate activities using the Internet; personal job searches; shopping on-line for non-work related items; checking/viewing stocks or conducting any personal financial planning activities.
- Use of a personal Internet account using City systems is strictly prohibited.

- Any usage of City systems for illegal or inappropriate purposes is prohibited. Illegal activities are violations of local, state, and/or federal laws and regulations. Inappropriate uses are violations of the appropriate use of City systems, as defined in this document.
- Failure to identify the author(s) of information accessed and obtained through City systems (i.e., that which is subject to copyright laws, trademarks, etc.)
- Connecting personally owned hardware or installing and/or using non-city licensed software.
- Any unauthorized access to any computer system, application or service.
- Any activities for private, commercial purposes, such as business transactions between individuals and/or commercial organizations.
- Any usage that interferes with or disrupts network users, services, or computers. Disruptions include, but are not limited to, distribution of unsolicited advertising, and deliberate propagation of computer viruses.
- Any activities where users engage in acts that are deliberately wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, broadcasting unsolicited mailings or other messages, creating unnecessary output or printing, or creating unnecessary network traffic.

**Acknowledgement of Receipt of the  
Acceptable Use of the City of Ardmore Systems Policy**

I, \_\_\_\_\_(print name), hereby acknowledge that the City of Ardmore has provided me with the Acceptable Use of the City of Ardmore Systems Policy indicating that the City of Ardmore may monitor my use of its Technology Systems to the extent allowed by law. I have read and understand the above policy and consent to it. I understand that the City has provided me with Internet access to its Technology Systems and will assign me access upon my representation that I will abide by this policy.

I understand that if I have any questions about this policy, that I will contact the IT Director or Human Resources Director for clarification.

I understand that any violation of this policy shall subject me to disciplinary action, up to and including termination. Such discipline shall be in accordance with any applicable collective bargaining agreement, where applicable.

Please sign, date, and return this receipt to the Human Resources Department.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
23	Absence Due To Illness (Sick Leave)
57	Acceptable Use of the City of Ardmore Systems Policy
9	Acceptance of Gifts (Conflict of Interest and Outside Employment Policy Statements)
46	Accidents and Emergencies
38	Accrual of Seniority and Benefits (Worker's Comp)
7	Americans With Disabilities Act (ADA) Policy Statement
31	Amount of Leave (FMLA)
47	Anti-Nepotism Policy
41	Appeal Procedure
3	Applicability (of handbook)
12	Applicants and Applications (hiring process)
55	Approval of Department Head
47	Attendance, Punctuality, and Dependability
58	Authority (City of Ardmore Systems)
3	Authority (of handbook)
44	Automatic Termination
45	Bar From Employment
26	Bereavement Leave
37	Billing (Worker's Comp)
48	Casual Dress Day
33	Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (FMLA)
32	Certification for the Employee's Serious Health Condition (FMLA)
33	Certification for the Family Member's Serious Health Condition (FMLA)
33	Certification of Qualifying Exigency for Military Family Leave (FMLA)
9	City of Ardmore's Open Records Request Procedure
15	Classification Plan
26	Closing Early (hazardous conditions)
15	Collective Bargaining
47	Communication
38	Communication with the City During Leave (Worker's Comp)
18	Compensation
26	Compensation Time for Hazardous Condition(s)
19	Compensatory Time-Off (CTO)
6	Complaint Procedure (non-discrimination and anti-harassment policy)
39	Conduct and Discipline
9	Confidential Nature of Work Policy Statement
8	Conflict of Interest and Outside Employment Policy Statements
27	Continuation of Health Benefits (Military and USERRA)
34	Continuing Benefit Plan Coverage (While on Personal Leave w/o Pay)
13	Controlled Substance Testing (hiring process)
44	Death

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
57	Definitions
5	Definitions of Harassment
41	Demotion (disciplinary action)
17	Demotions (definition)
34	Designation of FMLA Leave
40	Disciplinary Action
39	Disciplinary Action / Appeals / Grievances
35	Disclaimer for Employee Benefits
13	Disqualification(s) (hiring process)
3	Dissemination of Handbook
48	Dress Standards (Dress Code)
49	Drug and Alcohol Abuse
49	Drug Testing (during employment)
25	Education Leave
55	Elective Out-Service Training
55	Elective Out-Service Training
28	Eligibility (FMLA)
57	Email (definition)
38	Employee Activity Card
35	Employee Benefits
15	Employee Status
31	Employee Status After Leave (FMLA)
31	Employee Status and Benefits During Leave (FMLA)
49	Employer Information and Property
12	Employment
15	Employment Forms
4	Equal Employment Opportunity Policy Statement
59	Examples of Acceptable Use of City Systems
60	Examples of Unacceptable Use of City Systems
20	Exempt Employees
45	Exit Interview
28	Family Medical Leave Act (FMLA)
48	Females (dress code)
48	Field Employees (dress code)
8	Financial Interest in Other Business (Conflict of Interest and Outside Employment Policy Statements)
37	Forms (Worker's Comp)
38	Full Duty (Worker's Comp)
28	General Provisions (FMLA)
42	Grievance Procedures
25	Hazardous Conditions
45	Health Insurance (upon separation from employment)

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
35	Health, Dental, Vision, and Prescription Coverage
12	Hiring Process
22	Holidays
56	Hours of Operation
13	Immigration Reform and Control Act Compliance
6	Important Notice to all Employees (non-discrimination and anti-harassment policy)
39	Improper Employee Conduct
8	In General (Conflict of Interest and Outside Employment Policy Statements)
6	Individuals and Conduct Covered by non-discrimination and anti-harassment policy
36	Initial Notification and Reporting (Worker's Comp)
55	In-Service Training
35	Insurance Benefits
34	Intent to Return to Work from FMLA Leave
32	Intermittent Leave or a Reduced Work Schedule (FMLA)
50	Internal Investigations and Searches
57	Internet (definition)
58	Intranet (definition)
3	Introduction (to handbook)
6	Investigation (non-discrimination and anti-harassment policy)
44	Job Abandonment
55	Job Related Out-Service Training
55	Job Related Out-Service Training
25	Jury Duty
51	License Requirements
36	Life Insurance
38	Light Duty (Worker's Comp)
48	Males (dress code)
57	Meal Periods
39	Membership Discounts
12	Methods of Selection (hiring process)
26	Military Leave and USERRA
1	Mission Statement of the City of Ardmore
59	Misuse of City Systems
38	No Duty (Worker's Comp)
58	No Presumption of Privacy (City of Ardmore Systems)
5	Non-Discrimination and Anti-Harassment Policy Statements
20	Non-Exempt Employees
48	Office Employees (dress code)
46	Oklahoma Fire Relief and Pension System
46	Oklahoma Police Pension and Retirement System
46	On-the-job

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
36	On-The-Job Injury or Illness Definition
47	Open Door Policy
50	Orientation
38	Other Benefits
45	Out-Processing
55	Out-Service Training
8	Outside Employment
50	Outside Requests for Employment Verification
19	Overtime Pay
58	Ownership of Messages, Data, and Documents
37	Pay (Worker's Comp)
37	Pay During Worker's Compensation Leave of Absence
37	Payment of Benefits During Leave (Worker's Comp)
18	Payment of Salary / Compensation (payroll information)
55	Payment of Training Expenses
39	Payroll Deductions Available
35	Performance Appraisal (While on Personal Leave w/o Pay)
18	Performance Review
23	Personal Day
34	Personal Leave Without Pay
21	Personnel Records
42	Policy on Grievances
4	Policy Statements
50	Political Activities
38	Prescription Discount Card
37	Prescriptions (Worker's Comp)
7	Procedure for Requesting an Accommodation (ADA Compliance)
34	Procedure for Requesting FMLA Leave
17	Promotions (definition)
16	Promotions / Demotions / Transfers
51	Public Relations
57	Purpose
2	Receipt for Employee Handbook
61	Receipt of Acceptable Use of the City of Ardmore Systems Policy
33	Recertification (FMLA)
16	Re-classification
55	Recognized Training Categories
12	Recruitment (hiring process)
44	Reduction in Workforce
15	Regular Employees (status)
45	Rehire
51	Reimbursement
44	Release



**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
9	Reporting Potential Conflicts (Conflict of Interest and Outside Employment Policy Statements)
36	Reporting Procedures (Worker's Comp)
26	Reporting to Work (hazardous conditions)
27	Requests for Military Leave (USERRA)
44	Resignation
58	Responsibility (City of Ardmore Systems)
3	Responsibilities (for handbook)
51	Responsibility for City Property
57	Rest Periods / Breaks
6	Retaliation Is Prohibited (non-discrimination and anti-harassment policy)
44	Retirement
46	Retirement Benefits
27	Return from Military Leave (USERRA)
45	Return of Property
38	Returning to Work from a Worker's Compensation Leave of Absence
35	Returning/Not Returning From a Leave (While on Personal Leave w/o Pay)
52	Romantic or Sexual Relationships
53	Safety
37	Safety Form 101 - Refusal of Medical Attention
37	Safety Form 103-Injury-Illness Report
35	Salary Action (While on Personal Leave w/o Pay)
58	Scope of Policy (City of Ardmore Systems)
48	Sensitivity to Fragrances and Odors
44	Separation from Employment
45	Sick Leave (upon separation from employment)
53	Smoking and Tobacco Policy
58	Social Media (definition)
45	Social Security (benefits)
18	Social Security (compensation)
54	Solicitations, Distributions, and Use of Bulletin Boards
39	Standards of Conduct
18	Statement of Earnings
41	Suspension / Administrative Leave With or Without Pay
51	Take Home Vehicles
54	Tape Recording Policy
54	Telephone Use
15	Temporary Employees (status)
41	Termination
44	Termination
45	Termination of Benefits
21	Time Off
25	Time Off To Vote
20	Timesheets
54	Training
17	Transfers (definition)
37	Treatment (Worker's Comp)
29	Types of Leave Covered (FMLA)
44	Types of Separation
55	Uncompleted Assignment

**CITY OF ARDMORE EMPLOYEE HANDBOOK**  
**Index of Contents**

<b><u>Page</u></b>	<b><u>Section</u></b>
59	Usage of City Systems
56	Use of City Vehicles
31	Use of Paid and Unpaid Leave (FMLA)
58	User Responsibilities (City of Ardmore Systems)
15	Vacancies (hiring process)
21	Vacation
35	Vacation and Personal Time (While on Personal Leave w/o Pay)
45	Vacation Leave (upon separation from employment)
41	Verbal Warning
13	Verification (hiring process)
56	Violence in the Workplace
1	Welcome to the City of Ardmore
56	Work Week
56	Work Week and Work Period
36	Worker's Comp - Medical Leaves of Absence for Work-Related Disabilities
38	Workout Facility
13	WorkSTEPS® Program
41	Written Warning