

PERSONNEL POLICY

Foreword

Employees are the backbone of City Government, and sound personnel policies provide the framework for maintaining and improving the quality of public service to the citizens of Sulphur. Understanding these regulations will ensure that all employees are informed about their responsibilities and benefits.

The City Council is the legislative and policymaking body of the City. The Council appoints a City Manager who is responsible for the general administration of the City. In this capacity the City Manager is the hiring authority for the City and therefore appoints Department Heads and other employees.

Employment and promotions are based on a merit system demonstrated by productivity and ability, regardless of race, color, creed, religion, national origin, gender, sexual preference, marital status, or political affiliation.

CITY OF SULPHUR, OKLAHOMA

PERSONNEL POLICY

TABLE OF CONTENTS

- I. General Provisions
 - Section 1: Guidelines
 - Section 2: Service Classifications
 - Section 3: Appointment of City Manager
- II. Requirements for Employment
 - Section 4: Applications, Age and Residence Requirements
 - Section 5: Physical Examination and Drug Testing
 - Section 6: Interdepartmental Transfers and Job Vacancies
 - Section 7: Cause for Rejection of Application
 - Section 8: Entrance Examinations
- III. Temporary Appointments
 - Section 9: Definition of Temporary Employee
- IV. Probation
 - Section 10: Probationary Period
 - Section 11: Promotional Appointments
 - Section 12: Evaluation of Probationary Employees
- V. Separation from Municipal Service
 - Section 13: Termination
 - Section 14: Resignation
- VI. Accountability and Responsibility
 - Section 15: Chain of Command
 - Section 16: Right to Address Council
 - Section 17: Disciplinary Action
 - Section 18: Right to Appeal

VII. Fringe Benefits

- Section 19: Retirement
- Section 20: Insurance
- Section 21: Leave of Absence With Pay
- Section 22: Leave of Absence Without Pay
- Section 23: Annual Leave
- Section 24: Sick Leave
- Section 25: Certification of Illness
- Section 26: Military Leave
- Section 27: Records Maintenance
- Section 28: Regular Hours and Overtime Hours
- Section 29: Legal Holidays
- Section 30: Workman's Compensation Insurance
- Section 31: Police Uniforms

VIII. Records, Reports and Payroll

- Section 32: Personnel Records
- Section 33: Accident Reports
- Section 34: Payroll

IX. Purchasing

- Section 35: Purchasing Officer and Policy

X. Grievance Procedures

- Section 36: City Personnel Board Established
- Section 37: Appeal Process for Personnel Actions
- Section 38: Disputes Regarding Personnel Policy

XI. Employment Policies

- Section 39: Equal Opportunity/Non-Discrimination Policy
- Section 40: Professional Conduct and Anti-Harassment Policy

I. General Provisions

Section 1: Guidelines

1. As amended April 10, 2006, the City of Sulphur is committed to providing equal employment opportunities to all employees and applicants for employment. There shall be no discrimination against any employee or applicant on the basis of race, color, creed, religion, national origin, age, sex, disability or Veteran status, familial status, sexual orientation or any other character as described and approved by Federal Law. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and disciplinary action. The responsibility for administering the policy is delegated to Department Heads and Supervisors.. The appointing authority shall be the City Manager.
2. Just and equitable incentives and conditions of employment shall be maintained to promote efficiency and economy in the operation of the City Government. For this reason the merit principle shall be the philosophy in the Sulphur, Oklahoma system.
3. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
4. High morale shall be maintained by fair administration of this policy and by every consideration of the rights and interests of employees consistent with the best interests of the public and City.
5. Tenure of employees covered by this policy shall be subject to satisfactory performance of work.

Section 2: Service Classifications

All offices and positions of the City are identified as exempt or non-exempt based on guidelines established by the Fair Labor Standards Act.

1. Exempt positions shall include the following:
 - a. All elected officials and members of boards and commissions.
 - b. Appointive officials under the City Council.
 - c. Consultants and counsel rendering temporary or contractual professional service.
 - d. Volunteer personnel and personnel appointed to serve without pay.
 - e. City Manager, Public Works Director, Police Chief, Fire Chief, and temporary employees.

2. Non-exempt positions shall include all other positions that are not identified as exempt positions.
3. Regulations stated in this Personnel Policy shall apply to all employees unless otherwise specifically provided for such as the fact that working hours and overtime provisions do not apply to exempt positions.

*ORIGINAL
Dec. 9, 2002*

Section 3: Appointment of City Manager

The Council shall appoint a City Manager for an indefinite term by a vote of a majority of all its members. It shall choose the City Manager solely on the basis of his or her executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office. The City Manager shall reside within the City. The City Manager may be appointed to other offices and positions in the City Government subject to regulations prescribed by ordinance, but may not receive compensation for service in such other offices or positions. Neither the Mayor nor any members of the City Council may be appointed City Manager during the term for which they shall have been elected, nor within two (2) years after the expiration of the term.

ORIGINAL
Dec. 9, 2002

II. Requirements for Employment

Section 4: Applications, Age and Residence Requirements

1. Any person who has filed an application with the City in the manner specified in these rules upon the form furnished by the City shall be considered for appointment to a vacancy in the City Government. Applications will be held for six (6) months.
2. No person shall be employed in or transferred to any department of the City if a relative of third degree or less, by blood or affinity, is a supervisor in that department.
3. Eighteen (18) years shall be the minimum age to be eligible for entering employment in all departments of the City except the Police Department, for which the minimum age shall be twenty-one (21).
4. Employees of the City need not be residents of the City. However, employees subject to emergency call such as Police, Street and Water shall live sufficiently close to be able to respond quickly to emergency calls.

Section 5: Physical Examination and Drug Testing

1. All applicants hired for permanent positions may be compelled to submit to physical examinations prior to entering service and on an annual basis thereafter. In accordance with the Drug and Alcohol Free Workplace Policy of the City of Sulphur, applicants may be asked to undergo drug or alcohol testing in any of the following situations:
 - a. Upon receiving a conditional offer of employment;
 - b. If reasonable suspicion exists that the employee has violated the Drug and Alcohol Free Workplace Policy;
 - c. If reasonable suspicion exists that a work-related injury or accident has occurred as the result of drug or alcohol use.
2. The City may take disciplinary action up to and including termination for misconduct against an employee who has a confirmed positive drug or alcohol test, as detailed in the City's Drug and Alcohol Free Workplace Policy. This action may be appealed to the City Personnel Board as outlined in Chapter X. Grievance Procedures, Section 37: Appeal Process for Personnel Actions.

Section 6: Interdepartmental Transfers and Job Vacancies

1. New and vacated positions shall be posted in each department along with a qualifications statement and job description for not less than five (5) working days. Any qualified employee may apply for the position.
2. The hiring authority will screen each applicant either by written, practical, or oral testing to evaluate the applicant.
3. If a position is not filled from the ranks of employees in the department of the job opening, the position may be filled with a qualified City employee from another department. In making a decision between these applicants, seniority shall prevail when all qualifications are equal.
4. Consideration may be given to applications from persons not currently employed by the City after it has been determined that no qualified employee of the City is available.
5. When an employee is laid off for cause not his or her own, that person shall have re-employment rights over other first-time applicants.
6. The most senior employee laid off shall be the first person recalled to duty. The most junior employee laid off shall be the last person recalled to duty.

Section 7: Cause for Rejection of Application

The following are declared to be cause for rejection of any application for employment with the City.

That the applicant

1. Is not classified in any of the following categories:
 - a. A citizen or national of the United States,
 - b. An alien lawfully admitted for permanent residence,
 - c. An alien authorized by the Immigration and Naturalization Service to work in the United States.
2. Is found to be lacking any of the minimum qualifications set forth in the notice inviting applications and established minimum qualifications by the City,
3. Is physically or mentally unfit for the performance of the duties of the position.
4. Has been convicted of a crime involving moral turpitude or of a felony which would have a reasonable bearing on the City employment.

5. Has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud in the application, examination or appointment.
6. Is known to habitually use narcotics or intoxicating beverages to excess.
7. Has been dismissed from the public service for delinquency or other disciplinary reasons.

Section 8: Entrance Examinations

1. Applicants for permanent employment may be required to take an examination for the specific position applied for before being employed by the City.
2. All examinations shall be of such nature that they will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular position to which they seek appointment.
3. Examinations for entrance into the Municipal Service and for promotion within that service may consist of one or more of the following parts as considered appropriate for the various positions:
 - a. Written adaptability and aptitude tests.
 - b. Oral interview.
 - c. Performance test.
 - d. Physical and health tests.

III. Temporary Appointments

Section 9: Definition of Temporary Employees

Temporary employees are those employees appointed to employment with the City during heavy work periods. Temporary employees receive no benefits.

*ORIGINAL
Dec. 9, 2002*

IV. Probation

Section 10: Probationary Period

1. All newly appointed personnel may be subject to a probationary period of not less than six (6) months of actual service. The probationary period may be extended or waived upon recommendation of the Department Head.
2. Probationary employees and temporary employees may be suspended, demoted or dismissed by the City Manager upon recommendation of the Department Head without the right of appeal.
3. Any employee who has successfully completed his or her term of probation and who is later suspended, demoted or dismissed shall have the rights as stated in Chapter X. Grievance Procedures, Section 37: Appeal Process for Personnel Actions.

Section 11: Promotional Appointments

1. Promotional appointments shall be subject to thirty (30) days probation.
2. Any person over eighteen (18) years of age who has worked full time for the City for more than six (6) consecutive months as a temporary employee shall be exempt from the probation requirement when hired as a regular employee.

Section 12: Evaluation and Leave Accumulation During Probation

1. The work and conduct of probationary employees shall be subject to close scrutiny and written evaluation, and if found to be below standard satisfactory to the Department Head, the Department Head may remove or demote the probationer at any time during the probationary period. Such removal or demotion shall not be subject to review or appeal.
2. An employee shall be retained beyond the end of the probationary period and granted permanent status only if the Department Head affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.
3. In the event a promotional appointee fails to serve satisfactorily during the probationary period, he or she shall be demoted to the position held at the time of the promotional appointment.
4. An employee who is retained on permanent status shall have annual leave and sick leave credited retroactive to the date probation

commenced, provided, however, that in no event shall such employee be permitted to take accrued annual leave until such time as one full year of employment is completed.

5. Persons terminated or choosing to leave employment prior to their first year anniversary may not claim compensation for accrued annual leave. Sick leave time accrued will be applicable at the end of the probation period.

*ORIGINAL
Dec. 9, 2002*

V. Separation from Municipal Service

Section 13: Termination

1. An employee shall be terminated if any of the following occurs:
 - a. The employee voluntarily resigns his or her position.
 - b. The employee is discharged for cause.
 - c. After a lay-off, the employee fails to report to work within five (5) working days of the delivery, by certified mail to the address of record, of a written notice to return to work.
 - d. The employee overstays a granted leave of absence of any type without prior approval or is absent without notice for three consecutive days except where the employee can show extenuating circumstances satisfactory to the Department Head.

Section 14: Resignation

Any employee wishing to leave the service in good standing shall file a written notice of resignation with the Department Head at least two (2) weeks before the effective date of such notice. Failure to comply with this procedure will be entered on the service record of the employee and may be considered grounds for denying future employment with the City. Any former employee who previously resigned from the City's employment may be rehired at a later date in accordance with regular hiring practice providing he or she left in good standing. At the discretion of the City Manager, he or she shall be classified as a new employee and shall carry no former seniority.

VI. Accountability and Responsibility

To ensure that the needs of the people are met, each employee must fully understand the lines of accountability and responsibility under which the City operates.

PROFESSIONAL CONDUCT AND ANTI-HARASSMENT POLICY

As amended April 4, 2006, the City of Sulphur is committed to establishing a professional and congenial work environment and will take reasonable steps to insure that the work environment is pleasant for all who work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City will not tolerate the harassment of any employee or any member of the public by any other employee, supervisor or customer. Employees may not use epithets, slurs, or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people. In addition, harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or Veteran status, sexual orientation or any other character as described and as approved by Federal Law is prohibited not only by State and Federal Laws but also by the policies of the City. The City prohibits not only unlawful harassment but other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes", written material or actions will not be tolerated in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment which is intimidating, hostile or offensive to the employee.

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

1. Verbal: Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggesting or insulting sounds;
2. Visual/Non-Verbal: Derogatory posters, cartoons, telefaxes, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. Physical: Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. Other: Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he or she has been subjected to harassment or otherwise has been discriminated against due to his or her race, color, religion, national origin, gender, sexual orientation, age, disability, Veterans status, familial status or any other character as described and as approved by Federal Law or who witnesses such harassment of or discrimination against another employee, should promptly report the incident. A complaint form is available in the City Clerk's Office. The original of the Complaint Form is to be given to the Supervisor or Department Head with a copy to be given to the City Manager. Although employees are encouraged to discuss issues of alleged harassment or discrimination with their immediate Supervisor or Department Head, they may by-pass their immediate Supervisor or Department Head and report the incident directly to the City Manager. This is particularly true if the employee believes the Supervisor or Department Head is involved in the alleged harassment or discrimination. Further any Supervisor or Department Head who gain information concerning allegations of harassment or discrimination is to immediately report the same to the City Manager.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy violations, management will keep any complaint and the information revealed in the investigation as confidential as possible.

All employees are strongly encouraged to use the complaint procedures set forth herein if they believe they have been subjected to discrimination or harassment. Before it becomes a serious problem and the conduct interferes with any individual's work performance or creates a hostile environment, employees are encouraged to notify management of conduct that may violate this policy. That will allow management time to address the situation.

The initiation of a complaint, in good faith, will not be grounds for discipline. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure.

However, deliberately reporting false allegations may be considered as a form of harassment and may subject an employee to appropriate discipline.

If a person is determined to have violated this policy, the City of Sulphur will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment or discrimination, regardless of whether the victim has filed a formal complaint. *(Revised by Resolution 12/14/15)*

Section 15: Chain of Command

Every employee reports directly to one full-time supervisor. Department Heads report directly to the City Manager. Employees will be guaranteed an audience with the City Manager upon request, subject to scheduling constraints; however, employees should respect the chain of command and address their immediate supervisors and Department Heads before requesting a meeting with the City Manager.

Section 16: Right to Address Council

Employees of the City have the right to attend City Council Meetings. Employees have the right to address the City Council on any work-related matter after having first discussed that matter with their immediate supervisor and the City Manager. Employees who are residents of the City of Sulphur have the same right as any citizen to address the Council on matters that are not work-related. In all cases, employees are responsible for ensuring that their name is placed on the agenda.

Section 17: Disciplinary Action

The City recognizes the fact that disciplinary action is sometimes necessary. The City also acknowledges that individual rights are to be protected. In order to provide a framework for administering disciplinary action without violating personal rights, the following policy is established.

1. Any employee found to be in violation of any City Policy, directive, order, procedure, rule and/or regulation whether a permanent or temporary employee of the City or a person delegated a position of authority by the City Manager may be disciplined.

2. As amended by City Council December 10, 2018, the following disciplinary action may be taken:

a.

1. Letter of Counseling:

A conversation shall focus on the issue and/or issues, verification of facts, employees' perspective, clarification of organizational expectations and formal communication about the seriousness of the incident.

The content of the discussion shall be documented. It shall include the date, time and agreed upon plan of improvement.

The Letter of Counseling shall be signed by all parties involved. A copy of the written document shall be given to the employee, and a copy shall be placed in the employee's personnel file.

2. Written Warning:

The employee shall be warned for a second time about the severity of the issue and/or issues and how the department expects the employee's behavior to change.

The Written Warning shall include a description of the problem, along with the department's expectation of the employee's behavior, description of the consequences, if expectations are not met, and the time frame for meeting expectations.

The Written Warning shall be signed by all parties involved. A copy of the written document shall be given to the employee, and a copy shall be placed in the employee's personnel file.

3. Written Warning with 3 Day Suspension:

The employee shall be warned for a third time about the severity of the issue and/or issues, and the employee shall be suspended for 3 days. The Supervisor and/or Department Head shall develop a written plan-of-action for improved performance. The improvement plan shall be reviewed with the employee and make adjustments as necessary.

The Written Warning shall include a description of the problem, along with the department's expectation of the employee's behavior, description of the consequences, if expectations are not met, and time frame for meeting expectations.

The Written Warning shall be signed by all parties involved. A copy of the written document shall be given to the employee, and a copy shall be placed in the employee's personnel file.

4. Termination:

The Department Head or Supervisor may recommend dismissal action to the City Manager.

There shall be sufficient documentation for a successful termination.

The Written Termination shall include a description of the issue and/or issues that lead to termination, and the steps taken to correct the issues.

The Written Termination shall be signed by all parties involved and a witness. A copy of the written document shall be given to the employee, and a copy shall be placed in the employee's personnel file.

The severity of the issue or any conviction of State or Federal Law may be subject to an accelerated punishment up to and including termination.

At least 2 of the 3 positions (City Manager, Department Head or Supervisor) shall be present at all times during any disciplinary action.

A neutral witness shall be present in the event the employee chooses not to sign any letters of counseling or written warnings.

b. The City Manager may discipline an employee to whatever degree he or she sees fit, up to and including dismissal.

3. Any disciplinary action taken must be fully documented in writing to ensure that the rights of the employee are fully protected within the letter and spirit of Federal, State, and local laws.

4: City Property

A. The City of Sulphur may issue employees various items in the course of their employment. Examples of this would be vehicles, equipment, uniforms, hand tools, gate remotes, keys, cell phones, radios, etc. The Department Supervisor will keep a log on each employee as to what property items have been issued to each employee. This list will be provided to the Personnel Department upon the employee's notice of separation of employment.

B. Upon the employee's notice of separation from employment, the Department Supervisor will make every effort to collect the items

that have been issued to the employee. These items shall be marked off the employee's log as they are collected.

- C. Items not returned by the departing employee will be charged to the departing employee. The costs of the items will be deducted from the employee's final paycheck. If the final paycheck is not enough to cover the costs, the Personnel Department will attempt to recover the costs from the departing employee. If costs or the items are not recovered, the file will be turned over to the District Attorney's Office.
- D. Items damaged, due to normal wear and tear, in the course of business will be replaced by the City. All other losses will be the responsibility of the employee. Loss or damages caused by the employee due to negligence or unauthorized work to or on the property will be the responsibility of the employee.
- E. Disciplinary actions due to damaged or lost city property, whether monetary and/or per personnel policy, will be dependent of the severity of the issue.

Amended by Council to add Item 4. City Property May 11, 2020

Section 18: Right to Appeal

Any employee who has successfully completed his or her term of probation and who is later suspended, demoted or dismissed shall have the right to appeal before the City Personnel Board as stated in Chapter X. Grievance Procedures, Section 37: Appeal Process for Personnel Actions.

VII. Fringe Benefits

Section 19: Retirement

Regular employees are required to contribute to the Oklahoma Municipal Retirement Plan at a variable annual rate. The City shall match the contributions of the employees. Employees of the Police Department and Fire Department participate in retirement plans as identified by Oklahoma Statutes (see the Oklahoma Police Officers Pension and Retirement System Pension Handbook and the Oklahoma Firefighters Pension and Retirement System Pension Handbook for additional information.)

Section 20: Insurance

After ninety (90) days of full-time employment, the City will pay for health and life insurance for the employee only. Coverage for dependents is optional and will be paid for by the employee.

Section 21: Leave of Absence with Pay

1. With approval of the City Manager, permanent employees may attend conventions, conferences, short training courses and similar meetings, serve required jury duty, and serve pallbearer duty. When the appropriate official is notified in advance, these absences shall be considered leaves of absence with pay. In the event of jury duty, the City will pay only the difference between the jury compensation and the regular salary.
2. In case of death in the immediate family, the City Manager may grant as many as three (3) days of absence as bereavement leave to a permanent employee. This period of leave may be extended to seven (7) days under extenuating circumstances. Bereavement leave is considered a leave of absence with pay, and is not deducted from the employee's accrued leave. Immediate family shall include father, mother, sister, brother, husband, wife, child, father-in-law, and mother-in-law. Requests for time off because of death of persons not listed above must be approved by the City Manager. Emergency situations may be extended with leaves-of-absence approved by the City Manager.
3. A record of all leaves of absence with pay taken by employees shall be filed in the employee's personnel file. Leave taken under Section 23 shall be filed in advance.

Section 22: Leave of Absence Without Pay

Leave of absence without pay shall be requested on a form provided for that purpose, stating the time desired and the reasons therefore. Such request, when approved by the City Manager, shall be processed through the Payroll Clerk for payroll purposes and subsequent filing in the employee's personnel file.

Section 23: Annual Leave

1. It is the policy of the Sulphur City Council to grant each full-time employee a paid vacation in the following manner:

- a. After one continuous year - 40 hours
- b. After two continuous years - 80 hours
- c. After five continuous years - 120 hours
- d. After ten continuous years - 140 hours
- e. After 15 continuous years - 160 hours
- f. After 20 continuous years - 200 hours
- g. After 25 continuous years - 240 hours
- h. After 10 years an employee may be allowed to carry over 40 hours of vacation time each year, but the balance of accumulated hours may not exceed 240 hours.
- i. After 15 years an employee may request to be paid for 80 hours of unused vacation time each year on his or her anniversary date.
- j. Fire Department employees work 24-hour shifts instead of the normal 8-hour shifts. To accommodate this difference, annual leave allotment and/or payment is translated in the following manner: 40 hours of annual leave equals three 24 hour shifts; 80 hours of annual leave equals six 24 hour shifts, etc.

2. An employee wishing to take vacation must obtain approval from the appropriate supervisor (City Manager or Department Head). Requests for leave should be submitted ten (10) days prior to the first day of leave. Every effort will be made to grant vacation during the period of time requested. However, departmental needs will be the determining criteria used in developing vacation schedules. Senior employees will be given precedence over junior employees. The taking of vacation is encouraged. In unusual circumstances, an employee, with City Manager approval, may be paid instead of taking a vacation. No employee may accumulate more than 240 hours of vacation time. Appropriate procedure will be initiated by

the City Manager to ensure that an accurate record of all vacations is maintained.

3. Annual Leave regulations are as follows:
 - a. No employee shall be given vacation in excess of his or her accumulated annual leave.
 - b. Any employee who is discharged for cause will be paid accrued annual leave.
 - c. Generally, requests for leave should not exceed five consecutive working days. However, longer periods of vacation time may be approved depending on departmental workload and staffing requirements.
 - d. See Section 12 of this policy pertaining to probationary employees.
 - e. See Section 9 of this policy pertaining to temporary appointments.

Section 24: Sick Leave

1. The concept of the sick leave benefit is like an insurance program to be used for sick leave purposes only. Any other use shall be considered abusive to the intent of the program.
2. Permanent employees will be given 80 hours of sick leave per year (six 24 hour shifts for Fire Department employees).
3. Accumulated sick leave may be donated from one permanent employee to another in 20-hour increments. To be eligible for a sick leave donation, the donee must have exhausted his or her accumulated sick leave and vacation time. The donor must retain a minimum balance of 40 hours of sick leave.
4. Sick leave accrues beginning on each employee's hire date; however, sick leave may not be used during the probationary period. During the probationary period, absences due to illness are considered to be leaves of absence without pay.
5. Employees who are absent from work because of illness are responsible for having absenteeism reported to the appropriate Department Head or official within one hour before the designated reporting time on the day of the absence except in extenuating circumstances.
6. If an employee has no accumulated sick leave, or does not have sufficient evidence that he or she was actually ill, he or she will be charged with leave of absence without pay. If an employee has used all his or her sick leave, he or she may use any vacation or compensation time to augment sick leave. Sick leave may be taken by the employee to attend to the serious illness or serious injury of

- an immediate family member. This condition of malady should be that requiring professional medical care and/or hospitalization. The City Manager may request a Doctor's verification.
7. Department heads may approve sick leave for up to three days. Sick leave taken in excess of 3 days will require a doctor's certificate or other valid proof of illness and approval by the City Manager. At the discretion of the Department Head, valid proof of illness may be required for any period of sick leave.
 8. A maximum of 480 hours of accumulated sick leave will be paid for in cash only at retirement with a minimum of twenty (20) years service.
 9. A leave of absence for childbirth or adoption, known as maternity leave, shall be granted to a regular employee provided an employee presents proof of birth or legal adoption. Such leave shall begin and end upon written recommendation from the employee's primary care provider or, in the case of adoption, shall begin on a date agreed upon by the employee and the City Manager. The period of maternity leave shall not exceed six (6) weeks. The employee shall be granted three days of family leave (not charged against the leave balance), then accumulated sick leave and vacation time as requested until the available amount is utilized, then shall be granted unpaid leave. Requests for extended leave may be considered by the City Manager in extenuating circumstances on an individual basis.
 10. To the employee whose spouse is giving birth or who is adopting, the City Manager may grant as many as three (3) days of absence as family leave. This may be extended to seven (7) days under extenuating circumstances. The employee may augment family leave by using sick leave.

Section 25: Certification of Illness

In the event that an employee is injured or becomes ill requiring absence from the job in excess of three (3) days, a doctor's certificate that he or she is unable to work because of illness or injury shall be presented to the Department Head. A doctor's certificate that he or she is able to work shall be presented to the Department Head upon return.

Section 26: Military Leave

Upon written application of an employee, the City shall grant military leave of absence without pay to enable him or her to enter the military service of the United States if drafted or mobilized, and such leave of absence shall continue during the period of active military service. The

employee shall provide the City with a copy of documents ordering him or her to active duty and releasing same once duty is completed.

1. Any such employee receiving military leave of absence shall be entitled to return to the position held at the time the leave of absence is granted upon termination of active service, provided the employee received an Honorable Discharge and remains physically and mentally fit to discharge the duties of the position, and provided further that application for reinstatement is made within ninety (90) days after discharge. Upon being returned to said position, such employee shall receive his full former or equivalent position and seniority credit for the time spent in the military service. A vacancy created by the absence of an employee on military leave shall be filled in accordance with the other provisions of the Personnel Regulations of the City, subject to the person filling such position being replaced by the employee to whom military leave of absence has been granted upon his return to the department.
2. All officers and employees who are either members of the Oklahoma National Guard or any of the Reserve Components of the Armed Forces of the United States shall be entitled to leave of absence in accordance with State law. The City shall pay the difference if the military pay is less than the salary. Said leave of absence will be classified as "Other leave with pay." A maximum of two (2) days essential travel time will be given for travel to and from duty.

Section 27: Records Maintenance

All leaves of absence with and without pay shall be fully and carefully recorded on an appropriate record which shall be kept in the City Clerk's Office, and the pertinent written forms shall be filed in the employee's personnel file.

Section 28: Regular Hours and Overtime Hours

1. For the purpose of computing overtime, a day shall commence at 12:01 A.M. and a week shall commence at 12:01 A.M. Monday. All work in excess of forty (40) hours per week shall be paid at the overtime rate of 1.5 times the normal hourly rate of pay. In general, not more than 40 hours of compensatory time shall be accumulated at any given time and such time shall be taken with prior approval of the Department Head within six (6) months. Straight time will be paid for holidays not worked. Double time will be paid for holidays worked.

2. The normal work period shall be eight (8) hours and the normal workweek shall be five (5) eight (8) hour shifts.
3. One rest break of twenty (20) minutes is granted during the first half of an eight-hour shift, and one rest break of twenty (2) minutes is granted during the second half of an eight-hour shift. The normal lunch period shall be one-hour duty free, unless other arrangements are approved by the City Manager.
4. Police and Fire Department employees will be given compensatory time for working on legal holidays. This time will be awarded and may be used after the holiday has passed. Earned compensatory time for legal holidays must be used before the end of the fiscal year in which it is earned, or it will be forfeited. *(Amended 12/12/05.)*
5. For Fire Department employees, work in excess of 204 hours per 27 days shall be considered overtime and shall be paid at the rate of 1.5 times the hourly rate of pay.

Section 29: Legal Holidays

1. Legal holidays, designated by ordinance, are as follows:
 - New Year's Day
 - Martin Luther King, Jr. Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veteran's Day
 - Thanksgiving Day & Following Friday
 - Christmas Eve
 - Christmas Day
 - Personal Day
2. Permanent full-time employees who work a regular work shift of Monday through Friday shall receive time off with pay for said holidays falling within this period. Holidays falling on Saturday shall be observed on Friday and holidays falling on Sunday shall be observed on Monday.
3. If a designated holiday occurs during the vacation period of an employee, an additional day of vacation will be given.
4. Employees who are required to stand call on holidays will receive double time pay when called, or compensatory time at the discretion of the City Manger and Department Head.

Section 30: Workman's Compensation Insurance

The City provides Workman's Compensation Insurance for on-the-job injuries as provided for in Oklahoma Statute 49-111. This program is

administered by the Division of Labor of the Department of Labor and Employment of the State of Oklahoma. The benefit applies beginning with the 1st day of unemployment unless the employee is off work with this disability for at least fourteen (14) calendar days. In that event, the benefit applies beginning the first day. The rate of benefit is 2/3 of the average weekly wage up to a maximum set by Oklahoma Statutes. All medical payments are covered without deduction and permanent disability provisions are also incorporated in the plan. This brief description is not intended to provide a complete summary of the benefits.

Section 31: Police Uniforms

31.2 Each uniformed Police Officer shall be provided with uniforms, accessories and a weapon, plus a stipend of \$20.00 per month to offset cleaning costs. The purpose of this allowance is to provide and maintain uniforms as a part of carrying out their assigned duties. Uniforms, accessories, and weapons will be turned in to the Police Department upon termination.

VIII. Records, Reports, and Payrolls

Section 32: Personnel Records

1. A record of the following facts regarding each employee shall be kept in a file designated for such purpose in the City Administrative Offices:
 - a. Name and Address of the employee
 - b. Date and character of each appointment and every subsequent change in status and all changes in compensation.
2. Applications, examinations, reports from Department Heads concerning employees, and other such letters and papers as may be of a confidential nature shall be kept in the employee individual personnel files for the use of the City and appropriate Department Heads. Employees shall have the right to inspect their files upon request.
3. One copy of all forms required and provided in this policy shall be filed in the employee personnel files as a work record. Each employee shall have an individual file jacket provided for this purpose in the City Administrative Offices.

Section 33: Accident Reports

All injuries to employees occurring while in the performance of duty shall be reported immediately after the occurrence thereof to the City Clerk for report to the State Compensation Insurance Fund. Injured employees who do not require immediate hospitalization but are in need of medical treatment shall be referred to their preferred medical provider. Documentation of such occurrences shall be maintained in all involved employees' personnel files.

Section 34: Payroll

1. Department Heads shall immediately report all permanent changes in the status of their department personnel to the Payroll Clerk.
2. The Payroll Clerk shall compare the payroll with the official personnel records and shall certify and approve same to be in accordance with the personnel rules of the City prior to the issuance of warrants for compensation to employees.
3. All employees will receive their paychecks once every two weeks on a regular, published schedule set by the City Manager.

IX. Purchasing

Section 35: Purchasing Officer and Policy

The City Manager is the designated Purchasing Officer. The Purchasing Officer is responsible for establishing and controlling the system by which purchase orders are processed in the City Offices. The City Manager is responsible for the encumbrance of designated monies up to amounts specified by the City Charter and Oklahoma Statutes. Purchases in excess of these specified amounts must receive City Council approval before a purchase order can be issued. The City Council will authorize payment when presented with a completely processed purchase order with signed invoices or delivery tickets attached.

ORIGINAL
Dec. 9, 2002

X. Grievance Procedures

Section 36: City Personnel Board Established

The purpose of the City Personnel Board shall be to hear appeals from regular employees who have been suspended, demoted or dismissed. The Board will be convened as needed and shall consist of three members, selected as follows:

1. Employees shall vote to select one employee representative.
2. Council members shall appoint one employee representative.
3. Council members shall appoint one representative from the community.
4. Effective August 13, 2018 amendment approved by City Council, employees from the terminating department cannot be appointed to serve on the City Personnel Board.

Section 37: Appeal Process for Personnel Actions

Any employee who has successfully completed his or her term of probation and who is later suspended, demoted or dismissed shall have the right to appeal as described below.

1. Within three (3) days after an employee is suspended, demoted or dismissed, the City Manager shall deliver, have delivered, or mail to said employee by registered or certified mail, a written statement of the reason or reasons for the action taken against the employee. The City Manager shall also advise the employee in the letter that the employee has the right to appeal the action to the City Personnel Board. To do so, the employee must file a Notice of Intent to Appeal with the City Clerk within ten (10) days of the receipt of the reasons statement.
2. As soon as is practical thereafter, the Personnel Board shall sit in an advisory capacity only. The hearing shall be open to the public unless the employee requests that the session be conducted in private. At the hearing, the supervisor taking the disciplinary action against the employee will state and explain the reasons for the action taken, and the supervisor can offer evidence in support of these reasons and actions. The employee may also present evidence. The employee shall have the right of cross-examination, the right to present witnesses on his own behalf, and all other due process rights guaranteed by state and federal law.
3. Within five (5) days after the hearing, the Board shall submit its findings and recommendations to the City Manager, the supervisor

taking the action and the employee. The City Manager shall consider the findings and recommendations of the Personnel Board and shall render a final decision and notify the employee in writing of the decision. Any employee who is reinstated shall be compensated for salary and benefits accruing during the period of suspension.

Section 38: Disputes Regarding Personnel Policy

Any grievances or disputes regarding the application, meaning or interpretation of this policy shall be settled in the following manner:

1. Within 24 hours of such disagreement, an employee who has a complaint must take the matter up with his or her immediate supervisor. The supervisor will give an answer within three (3) working days.
2. If the employee is not satisfied with the immediate supervisor's answer, he or she will submit a written complaint to the Department Head within five (5) working days after receiving the initial response to the complaint. The Department Head will give a written answer to the employee within five (5) working days.
3. If the employee is dissatisfied with the Department Head's response he or she must, within five (5) working days of receiving that response, submit the grievance in writing to the City Manager, who will give a written response within five (5) working days.
4. The City Manager's ruling on the grievance shall be final.

XI. Employment Policies

Section 39: Equal Employment Opportunity/Non-Discrimination Policy

The City of Sulphur is committed to providing equal employment opportunities to all employees and applicants for employment. There shall be no discrimination against any employee or applicant on the basis of race, color, creed, religion, national origin, age, sex, disability or Veteran status. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and disciplinary action. The responsibility for administering this policy is delegated to Department Heads and Supervisors.

Section 40: Professional Conduct and Anti-Harassment Policy

The City of Sulphur is committed to establishing a professional and congenial work environment and will take reasonable steps to insure that the work environment is pleasant for all who work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City will not tolerate the harassment of any employee or any member of the public by any other employee, supervisor or customer. Employees may not use epithets, slurs or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people. In addition, harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or veteran status is prohibited not only by State and Federal laws but also by the policies of the City. The City prohibits not only unlawful harassment but other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes," written material or actions will not be tolerated in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;

2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment which is intimidating, hostile or offensive to the employee.

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

1. Verbal: Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-Verbal: Derogatory posters, cartoons, telefaxes, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. Physical: Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. Other: Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he or she has been subjected to harassment or otherwise has been discriminated against due to his or her race, color, religion, national origin, gender, sexual orientation, age, disability or veteran status or who witnesses such harassment or discrimination against another employee, should promptly report the incident. A complaint form is available in the City Clerk's Office. The original of the Complaint form is to be given to the supervisor or department head with a copy given to the City Manager. Although employees are encouraged to discuss issues of alleged harassment or discrimination with their immediate supervisor or department head, they may by-pass their immediate supervisor or department head and report the incident directly to the City Manager. This is particularly true if the employee believes the supervisor or department head is involved in the alleged harassment or discrimination. Further any supervisor or department head who gains information concerning allegations of harassment or discrimination is to immediately report the same to the City Manager.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy

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**CITY OF SULPHUR
POLICY NO. 0309-03**

DRUG AND ALCOHOL FREE WORKPLACE

TABLE OF CONTENTS

I. Purpose.....	2
II. Definitions.....	3
III. Circumstances Under Which Testing Will Be Done and Persons Who Are Subject to be Tested.....	5
IV. Testing Defined.....	8
V. Applicant Testing: Methods, Collection Procedures and Results.....	9
VI. Employee Testing: Methods, Collection Procedures and Results.....	11
VII. Personnel Action Following Testing.....	13
VIII. Supervisor Training and Employee Education.....	14
IX. Record Keeping and Confidentiality.....	15
X. City Responsibilities Under Law.....	16
XI. Employee's Notice to City.....	17
XII. City's Notice to Federal Government.....	18

I. Purpose

The City of Sulphur considers its employees to be its most valuable resource and is concerned about the health, safety, well being, and satisfactory work performance of all employees. The use, abuse, and dependence on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and that of others, and can impair job performance.

It is the policy of the City of Sulphur to comply with all applicable state and/or federal laws in the administration of creating and sustaining a drug and alcohol free workplace.

It is the policy of the City of Sulphur that the unlawful manufacture, distribution, dispensations, possession, use of, or physical influence of a controlled substance is prohibited in the workplace. Any employee determined to be in violation of the policy while on duty or when wearing a City of Sulphur uniform, whether on or off duty, is subject to disciplinary action, which may include termination.

The City of Sulphur pursuant to the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, effective June 1993 and as amended, and the Omnibus Transportation Employee Testing Act, effective 1991 and as amended hereby declares and establishes the following Drug and Alcohol Testing policy for employees of the City of Sulphur (hereinafter referred to as the City).

The City Of Sulphur Drug and Alcohol Free Workplace Policy shall be implemented on January 10, 2003.

A period of thirty (30) days notice is given to employees before the implementation of the Drug and Alcohol Testing Policy set forth below. At such time as changes to the Policy may become necessary, the City will give employees at least thirty (30) days notice before the changes shall take effect.

The City shall post a copy of the Drug and Alcohol Free Workplace Policy and any changes to the policy in a prominent employee access area in the place of employment and shall give a copy of the policy and any changes to the policy to each employee and to each applicant upon receipt of a conditional offer of employment with the City.

II. Definitions

As used in this policy, the defining terms are as follows:

1. "Alcohol" means ethyl alcohol or ethanol.
2. "Applicant" means a person who has applied for a position with the City.
3. "Breath alcohol technician 'BAT'" is an individual who instruct and assists in the alcohol testing process and operates and evidential breath-testing device (EBT).
4. "Commercial motor vehicle" is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight or 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or
 - b. Has a gross vehicle weight rating of 26,001 or more pounds, or
 - c. Is designed to transport 16 or more passengers, including the driver, or
 - d. Is of any size and is used in the transportation of hazardous materials requiring placards.
5. "Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test.
6. "Driver" is any person who operates a commercial motor vehicle (CMV). For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.
7. "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphen, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein.
8. "Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids, or products.
9. "Employee Assistance Program" or "EAP" means an in-house or contracted program, which, at a minimum, provides drug and alcohol dependence evaluation, and referral services for substance abuse counseling, treatment or rehabilitation.
10. "Employee" means any person who is an employee of the City.
11. "City" means the City of Sulphur.
12. "Reasonable suspicion" means a belief that an employee is using or has used drugs or alcohol in violation of the City's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:
 - a. Observable phenomena, such as
 - i. Physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty, or
 - ii. direct observation of drug or alcohol use while at work or on duty.
 - b. A report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated,
 - c. Evidence that an individual has tampered with a drug or alcohol test during employment with the City, or

- d. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol while on duty or while on the City's premises or operating the City's vehicle, machinery or equipment.
13. "Medical Review Officer (MRO)" means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by the City's drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual's test results together with the individual's medical history and any other relevant information.
 14. "Sample" means tissue, fluid, or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body.
 15. "Safety-sensitive function" means
 - a. All time waiting to be dispatched, unless the commercial motor vehicle driver has been relieved from duty by the employer.
 - b. All time inspecting equipment, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
 - c. All time spent at the driving controls of a commercial motor vehicle.
 - d. All time loading or unloading a commercial motor vehicle, supervising, or assisting un the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving shipments laded or unloaded.
 - e. All time spent performing the driver requirements associated with an accident.
 - f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
 16. "Screening test," in alcohol testing, means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.
 17. "Substance abuse professional (SAP)" means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
 18. "Testing Facility" means any person, including any laboratory, hospital, clinic, or facility, either on or off the premises of the City, which provides laboratory services to test for the presence of drugs or alcohol in the human body.

III. Circumstances Under Which Testing will be Done and Persons who are Subject to be Tested

1. Applicant Testing. The City reserves the right to require that all applicants, upon receiving a conditional offer of employment, undergo drug and/or alcohol testing, and will use a refusal to undergo such testing or a confirmed positive test result as a basis for refusal to hire provided that such testing does not violate the Americans with Disabilities Act of 1990 (hereinafter referred to as ADA). The ADA does not, in any way, preclude or interfere with the City's compliance with the Department of Transportation (hereinafter referred to as DOT) new or existing drug and alcohol testing regulations. Such testing will be required of all applicants who have received a conditional offer of employment regardless of employment classification.

The City is not required to administer an alcohol test or controlled substances test if:

- a. The applicant has undergone an alcohol test within the previous six (6) months, with a result indicating a breath alcohol concentration less than 0.04 and meeting the requirements of the DOT.
 - b. The applicant has participated in a drug testing program within the previous thirty (30) days that meeting requirements of the DOT, and
 - c. While participating in that program, either:
 - i. Was tested for controlled substances within the past six (6) months from the date of application, or
 - ii. Participated in a random controlled substances testing program for the previous twelve (12) months from the date of application, and
 - iii. The City will check that no prior employer of the applicant, of whom the City has knowledge, has records of a violation of DOT regulations within the previous six (6) months.
2. Employee Testing. Employees of the City will be subject to drug and/or alcohol testing under the applicable circumstances detailed below.
 - a. Reasonable Suspicion Testing. The City will require an employee to submit to drug and/or alcohol testing if there is reasonable suspicion that the employee is violating the City's Drug and Alcohol Free Workplace Policy.
 - i. Observations of employee conduct while the employee is at work or on duty, which cause the City to require reasonable suspicion testing of an employee, shall be made by a supervisor or department head who has received training for the detection of symptoms or manifestations of being under the influence of a drug or alcohol. Testing will be required of all employees, regardless of classification when reasonable suspicion exists.
 - ii. The driver of a CMV may be directed to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

- iii. If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the Personnel Department shall prepare and maintain on file a record stating the reasons the alcohol test was not properly administered.
 - iv. If an alcohol test is not administered within eight (8) hours following the determination, the City shall cease attempts to administer an alcohol test and shall cite in the record the reasons for not administering the test.
 - v. If a controlled substance test is not administered within thirty-two (32) hours following the determination, the City shall cease attempts to administer a controlled substance test, and the Department Head will prepare and maintain on file in the Personnel Department, a record stating the reasons why the test was not properly administered
- b. The City shall not permit an employee to perform or continue to perform job functions, until
 - i. An alcohol test is administered and the employee's breath alcohol concentration measures less than 0.02, or
 - ii. Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the policy concerning the use of alcohol.
- c. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor or department head who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
- d. Post-Accident Testing. The City will require an employee to undergo drug and/or alcohol testing if there is a reasonable suspicion that the employee or another person sustained a work-related injury or that the City's property was damaged as a direct result of use of drugs and/or alcohol by an employee in the workplace or while performing job duties.
- e. As soon as is practical following an accident involving a CMV, the City shall test for alcohol and controlled substances, the surviving driver:
 - i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life, or
 - ii. Who receives a citation under State or local law for a moving traffic violation arising from the accident.
 - iii. No driver of a CMV required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
 - iv. If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the Personnel Department shall prepare and maintain on file a record stating the reasons the alcohol test was not properly administered.

- v. If an alcohol test is not administered within eight (8) hours following the determination, the City shall cease attempts to administer an alcohol test and shall cite in the record the reasons for not administering the test.
- vi. If a controlled substance test is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer a controlled substance test, and the Department Head will prepare and maintain on file in the Personnel Department, a record stating the reasons why the test was not properly administered.
- f. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed, by the City, to have refused to submit to testing.
- g. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

IV. Testing Defined

1. All Drug and Alcohol Free Workplace testing of employees and applicants shall be conducted at a laboratory, selected by the City, which has been approved by the Substance Abuse and Mental Health Services Administration (hereafter referred to as "SAMHSA"), pursuant to federal and state law requirements.
2. The facility will be responsible for:
 - a. Employing testing procedures that ensure privacy to employees and job applicants consistent with prevention tampering,
 - b. Employing the split sample method of testing, in the event results of the test are challenged (without a split sample, a challenged test is considered negative),
 - c. Employing methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results,
 - d. Employing chain-of-custody procedures that ensure proper identification, labeling, and handling of test samples,
 - e. Employing retention and storage procedures that ensure reliable results on confirmatory tests of original samples,
 - f. Employing alcohol screening tests using approved evidential testing devices that test for prohibited alcohol concentration, and
 - g. Maintaining SAMHSA approval of their facility.
3. The City shall not permit a driver who refuses to submit to a post-accident alcohol or controlled substance test or to a reasonable suspicion alcohol or controlled substance test to perform or continue to perform safety-sensitive functions.
4. Employee consent will be obtained for each test. Refusal of an employee to consent and submit to testing will subject that employee to disciplinary action up to and including termination.
5. The City shall pay all costs of testing for drugs or alcohol required by the City, including confirmation tests required by this policy. An individual who requests a retest of a sample in order to challenge the results of a positive test shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test. In such case, the City shall reimburse the individual for the costs of the retest.

V. Applicant Testing: Methods, Collection Procedures, and Results

1. The job application form of the City contains Notification of Drug/Alcohol Testing Policy of the City, in accordance with federal and state law. The application form must be signed by the applicant, acknowledging receipt of Notice of City's Drug and Alcohol Free Workplace Policy.
2. In order to achieve the City's goal in providing and maintaining a drug and alcohol free work environment for the safety and protection of employees and others, the following procedures are hereby established:
 - a. Upon notification that a conditional offer of employment has been extended to an applicant, the City Manager or designee will schedule the applicant for the drug screen/alcohol test.
 - b. The applicant shall complete the "Applicant/Employee Consent for Drug Screen/Alcohol Test" form. A copy of the completed form shall be given to the applicant in an envelope along with directions to the testing facility.
 - c. Applicants refusing to submit to the drug screen and/or alcohol test will be considered to have withdrawn their application for employment.
 - d. The sample collection site will obtain from the applicant a specimen of sufficient quantity to allow for split sample testing. The specimen will be sent to the laboratory by the collection facility.
 - e. The laboratory designated by the City shall perform an initial drug screen, which shall be a form of chemical identification with confirmation testing of any positive results with Gas Chromatography/Mass Spectrometry (GC/MS) or other reliable confirmation testing.
 - f. The alcohol screening tests will be done using approved evidential testing devices that test for prohibited alcohol concentration.
3. Upon completion of testing, results of the drug screen/alcohol test shall be communicated to the City Manager or designee, after compliance with the procedures listed below:
 - a. Negative test results from drug screen and/or alcohol test.
 - i. The collection site will notify the City Manager that the drug screen and/or alcohol test was negative.
 - ii. The City Manager will inform the supervisor of the department in which the applicant is to be employed.
 - b. Positive test results from drug screen and/or alcohol test.
 - i. The collection site Medical Review Officer shall compare the test results to the list of prescribed medications that the applicant identified as having taken.
 - ii. If a drug screen reveals a drug present which is questionable, the Medical Review Officer will contact the applicant and give him/her an opportunity to explain, in confidence and/or provide additional documentation as is deemed necessary to satisfy the Medical Review Officer that the presence of such drug is not unlawful.

- iii. The applicant must provide the requested explanation and/or documentation within forty-eight (48) hours of time of request. Failure to provide information within the forty-eight (48) hours will result in applicant's drug screen being reported to the City Clerk as positive.
- iv. If the applicant provides explanation and/or documentation within forty-eight (48) hours of the request, sufficient to satisfy the Medical Review Officer that the presence of the drug is lawful, the result of the drug screen test shall be reported to the City Manager as negative.

VI. Employee Testing: Methods, Collection Procedures, and Results

1. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.
2. A supervisor who has reasonable suspicion to believe an employee has ingested, inhaled, or injected an illegal substance, or has ingested an alcoholic beverage when reporting for duty, while on duty, or during standby or callback duty must:
 - a. Prohibit the employee from working or continuing to work.
 - b. Notify the City Manager and request a personal observation of the employee's conduct to confirm that reasonable suspicion exists.
 - c. Based on reasonable suspicion, employees shall be required to submit to drug or alcohol testing. Prior to requesting such testing, the basis for the reasonable suspicion shall be communicated to the City Manager or designee.
 - d. The employee will immediately be escorted, by the supervisor or department head, to a collection facility selected by the City in compliance with state and federal regulations.
 - e. Before testing, the employee shall sign a form consenting to testing. Failure or refusal to sign the consent form and to submit to testing will result in disciplinary action, up to and including termination.
 - f. Supervisors are prohibited from demanding or encouraging drug or alcohol testing without reasonable suspicion and without confirmation from the City Manager or designee.
 - g. Harassment, by any other employee, of any employee who has been requested or required to undergo a drug screen will result in disciplinary action being taken toward the harassing employee.
3. Upon completion of testing, results of the drug screen and/or alcohol test shall be communicated to the City Manager or designee, after compliance with the procedures listed below:
 - a. Negative test results from drug screen and/or alcohol test.
 - i. The collection site will notify the City Manager that the drug screen and/or alcohol test was negative.
 - ii. The City Manager will inform the supervisor of the department in which the employee is employed.
 - b. Positive test results from drug screen and/or alcohol test.
 - i. The collection site Medical Review Officer shall compare the test results to the list of prescribed medications that the employee identified as having taken.
 - ii. If a drug screen reveals a drug present which is questionable, the Medical Review Officer will contact the employee and give him/her an opportunity to explain the results of the test in confidence, and/or to provide additional documentation as is deemed necessary to satisfy the Medical Review Officer that the presence of such drug is not unlawful.

- iii. The employee must provide the requested explanation and/or documentation within forty-eight (48) hours of time of request. Failure to provide information within the forty-eight (48) hours will result in the employee's drug screen being reported to the City Manager as positive.
- iv. If the employee provides explanation and/or documentation within forty-eight (48) hours of the request, sufficient to satisfy the Medical Review Officer that the presence of the drug is lawful, the result of the drug screen test shall be reported to the City Clerk as negative.
- v. An employee testing positive to a drug screen and/or alcohol test shall be subject to disciplinary action, up to and including termination.
- vi. The test results will not be disclosed to any person other than the employee, the City Manager or designee, and others directly involved.
- vii. Any employee who is found to have tampered with the results of a drug screen/alcohol test will be terminated.

VII. Personnel Action Following Testing

1. No disciplinary action, except a temporary suspension or temporary transfer to another department, may be taken by the City against an employee based upon a positive test result unless the test result is confirmed by a second test, using gas chromatography-mass spectroscopy or an equivalent scientifically accepted method of equal or greater accuracy as approved by rule of the State Board of Health at the cutoff levels determined by Board rule.
2. The City may take disciplinary action against an employee who refuses to undergo drug or alcohol testing conducted in accordance with the provisions of the City's policy, the Standards for Drug and Alcohol Free Workplace Act and/or the Omnibus Transportation Employee Testing Act.
3. An employee discharged on the basis of a refusal to undergo drug and/or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with the provisions of the City's policy, the Standards for Drug and Alcohol Free Workplace Act and/or the Omnibus Transportation Employee Testing Act shall be deemed to have been discharged for misconduct for purposes of unemployment compensation benefits.
4. An employee may appeal the disciplinary action taken against him/her to the City Personnel Board in accordance with the procedure outlined in the City Personnel Policy, Chapter X. Grievance Procedures, Section 37: Appeal Process for Personnel Actions.

VIII. Supervisor Training and Employee Education

1. Supervisor training will ensure that supervisors are competent in the following duties.
 - a. Recognizing when employees appear to be unfit for duty because of drugs or alcohol and determining when reasonable suspicion exists.
 - b. Effectively and appropriately intervening in reasonable suspicion instances.
 - c. Understanding the methods of the City's Drug and Alcohol Free Workplace Policy procedures.
 - d. Effectively and appropriately documenting reasonable suspicion cases throughout the entire process, from reporting to resolution.
 - e. Understanding and implementing proper disciplinary measures.
 - f. Understanding issues relative to privacy, search and seizure, and employee representation rights during an investigation.

2. Employee education shall cover the following subjects.
 - a. Educating employees concerning the harmful effects of drugs and alcohol in the workplace.
 - i. The City shall provide educational materials that explain the characteristics of drug and alcohol use and abuse, and the City's policies and procedures with regard to drug and alcohol use and abuse.
 - ii. The City shall ensure that a copy of these materials is distributed to each employee prior to the start of drug and/or alcohol testing and to each driver hired or transferred into a position requiring operation of a CMV.
 - b. Encouraging employees to voluntarily seek assistance through the Employee Assistance Program.
 - c. Informing employees concerning the City's concern for dealing with drug and alcohol use or dependency before it adversely affects the employee's work record or causes irreparable harm to the employee, other employees, and the public.
 - d. The City's responsibility in providing written notice to representatives of employee organizations regarding the availability of this information.
 - e. The responsibility of the City Manager or designee with regard to answering questions concerning City policies and materials distributed by the City.

IX. Record Keeping and Confidentiality

1. The City shall maintain all drug and alcohol test results and related information including, but not limited to, interviews, reports, statements and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding or in any civil or administrative proceeding except in those actions taken by the City, or in any action involving the individual tested and the City, or unless such records are ordered released pursuant to a valid court order.
2. The records described above and maintained by the City shall be the property of the City and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The City shall not release such records to any person other than the applicant. Employee of the City's Medical Review Officer, unless the applicant or employee, in writing, following receipt of the test results, has expressly granted permission for the City to release such records, or, pursuant to a valid court order.
3. A testing facility, or any agent, representative designee of the facility, or any Medical Review Officer, shall not disclose to the City, based on the analysis of a sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to:
 - a. The general health, pregnancy, or other physical or mental condition of the applicant or employee, or
 - b. The presence of any drug other than the drug or its metabolites that the City requested be identified and for which a medically acceptable explanation of the positive results, other than the use of drugs, has not been forthcoming from the applicant or employee.
 - c. Provided that the testing facility shall release the results of the drug or alcohol test and any analysis and information related thereto, to the individual tested upon his/her request.

X. City Responsibilities Under Law

1. The Personnel Department is responsible for notification of the drug testing policy and procedure to employees as specified, and for the education and training of employees, supervisors and department heads as outlined.
2. The Personnel Department will provide for an Employee Assistance Program and will coordinate City education and training relative to drug testing and the benefits of voluntary admission into the EAP.

XI. Employee's Notice to the City

It is mandatory that an employee notifies the City Personnel Department, within five (5) working days, if he/she has been convicted of a criminal drug status violation.

XII. City's Notice to Federal Government

1. The City, as a recipient of a grant from the Community Development Block Grant Program from the United States Department of Housing and Urban Development (HUD), shall notify HUD within ten (10) working days after receiving notice that any employee has been convicted of a criminal drug statute.

SOCIAL MEDIA POLICY

PURPOSE

City of Sulphur views personal online journals, websites and web logs positively, and it respects the right of co-workers to use them as a medium of self-expression. However, as a responsible municipality, City of Sulphur has ethical, business, legal and regulatory obligations to protect confidential and proprietary information of its co-workers, and business. In doing so, City of Sulphur must ensure that its co-workers exercise good judgment and the highest degree of professionalism and confidentiality concerning data and information included in online journals and web logs and related online communications (“blogs”).

The term, “Social Media” or “Social Network” refers to any media, including, but not limited to, print, electronic, audio or video, whose purpose is to share, discuss or exchange personal information, pictures, video and ideas. The proliferation of social networking websites such as blogger.com, Twitter, Facebook and others provide prospective and existing citizens/visitors with opportunities to gain information that might assist them in their perception of the City, its staff or visitors. For these reasons, City of Sulphur co-workers must be cognizant of the impression they create about City of Sulphur and others when they create and/or participate in social media and must ensure that their communication is not causing harm to the City, its staff or visitors.

Moreover, co-workers are usually unaware of the legal implications with blogging and/or posting on the blogs of others. When an individual decides to go public with his or her opinions on a social media site, he/she is legally responsible for his or her commentary. Individual bloggers can be held personally liable for any commentary deemed to be defamatory, obscene, proprietary, or libelous. For these reason, co-workers should exercise extreme caution before including information or data about third parties (anyone other than you). Each individual blogs or posts comments at his or her own risk and should understand that outside parties can pursue legal action against co-workers for defamatory or libelous postings.

Consequently, the guidelines below outline the standards that must be adhered to by all co-workers in connection with Social Media and Social Networks.

POLICY

1. Co-workers are strictly prohibited from disclosing any City of Sulphur “Confidential Information” or trade secrets, including but not limited to protected information, applications and other corporate information integral to the success of City of Sulphur and the complete privacy of City of Sulphur’s co-workers on any Social Media or Social Network. That a co-worker is not physically present at City of Sulphur’s facilities or is not

using City of Sulphur's technology while posting a blog does not excuse any breach of confidentiality.

2. Before a co-worker publishes, uploads, or disseminates any information, including print, video, audio and photography, related to his or her employment at City of Sulphur, such co-worker should carefully consider whether the disclosure of such information is prohibited by this policy or any other City of Sulphur policy.
3. Because the livelihood of City of Sulphur co-workers depends in large part on our citizen's confidence in the quality services provided, it is important that all co-workers carefully consider whether communications associated with City of Sulphur could be interpreted in such a way as to damage City of Sulphur's reputation. Posting derogatory or negative comments about City of Sulphur is unacceptable.

At no time and under no circumstances should a co-worker state or imply that he or she is speaking on behalf of City of Sulphur unless given written authorization to do so by the facility's administrator or designee.

4. The names of any provider or entity within City of Sulphur, logos or corporate identity are trademarked. No co-worker or other person is authorized to use them without the consent of City of Sulphur. The use of a trademarked name or symbol without consent by the facility's administrator or designee may be considered a violation of this policy and could result in discipline up to and including termination, along with any other action City of Sulphur or its affiliates may deem to be in its best interest.
5. Content placed on the internet or transmitted via other media may not be potentially or actually defamatory, abusive, threatening, harassing, invasive of privacy, or injurious to City of Sulphur or any of its citizens or co-workers.
6. No reference or cite, including video or pictures of City of Sulphur's customers, vendors or co-workers may be made without their expressed written consent.
7. Social Media or Social Networking activities should not interfere with work commitments and should not be accessed while being paid by, nor using the equipment and property of City of Sulphur, unless such blog posting/social networking are related to the performance of their routine job responsibilities.
8. Co-workers who choose to blog anonymously are also responsible for complying with this policy. Whether they choose to identify themselves or not, co-workers are cautioned that they should have no expectation of privacy while posting or logging on the internet. Your posting/blogs can be reviewed by anyone, including City of Sulphur. City of Sulphur

reserves the right to monitor comments about City of Sulphur, its co-workers, visitors, and vendors, whether posted by co-workers or non-co-workers. City of Sulphur reserves the right to use content management tools to monitor, review or block content on internal postings/blogs that violate City of Sulphur's posting/blogging rules and guidelines.

9. Co-workers are expected to uphold the Mission, Values and Services Standards of City of Sulphur.
10. Social media is not an appropriate platform for addressing employment and management concerns. Any such issues are to be addressed according to the policies of City of Sulphur.
11. Co-workers are encouraged to seek guidance from their supervisor or Human Resources if they have any doubt as to whether any of the restrictions of this policy apply in a given set of circumstances.
12. Discipline up to and including termination may result from any communication that violates this policy.

This policy shall not be interpreted to restrict or interfere with any co-worker's federal or state labor law rights any applicable rights under the First Amendment to the United States Constitution or equivalent state law rights, or any whistleblower protections under federal or state law.

By signing this agreement, I acknowledge that I have read, understood and will conform to the responsibilities outlined above in the City of Sulphur's Social Media Policy.

SIGNATURE

DATE

PRINTED NAME

Effective Date:

