

INTRODUCTION

Personnel administration is an important aspect of municipal government. The City of Grove believes its Personnel Policies will assist City employees in achieving high standards of performance and in providing excellent service to the community.

The Personnel Policies apply to all City employees in all Departments unless inconsistent with or superseded by a specific agreement with certain City employees, such as the collective bargaining agreement between the City and the Grove Police Department. Exceptions for particular Departments are sometimes necessary but these should be rare and based solely on the business needs or the specific operation of that particular Department. These exceptions or variances must be documented in the appropriate Departmental manual and approved by the Grove City Council. Departments may promulgate rules and regulations which are consistent with these Personnel Policies. Those rules and regulations must be approved by the City Manager.

All employees should carefully read the Personnel Policies. Work rules are made to prevent problems and misunderstandings.

These Personnel Policies do not constitute an employment contract. Nothing contained herein should be construed by an employee as granting any contractual right. This manual is simply a tool used to communicate to all employees the Personnel Policies of the City of Grove. As needed, the Policies may be updated in writing and the changes distributed to City employees.

SECTION I – EMPLOYMENT MATTERS

1-1 PURPOSE, ADOPTION AND ADMINISTRATION

1-1.1 Purpose

The purpose of these Personnel Policies is to provide Department Heads, supervisors, and employees with the information necessary to understand and fulfill their responsibilities in a consistent and lawful manner.

1-1.2 Adoption

These Policies shall take effect upon adoption by the City Council but may be added to, amended, or repealed by the City Council.

1-1.3 Administration

The City Manager, Department Heads, and supervisors will administer these Policies.

1-2 DEFENSE OF CITY EMPLOYEES

The Oklahoma Governmental Tort Claim Acts authorizes the governing body of a municipality to defend, save harmless, and indemnify employees against certain claims arising out of an alleged act or omission which occurred while the employee was acting within the scope of employment. However, the City has the right to recover from an employee the amount expended to provide a defense, or pay a settlement agreed to by the employee and the City, or pay the final judgment, if it is shown that the employee's conduct that gave rise to the action was fraudulent or corrupt or if the employee fails to reasonably cooperate in good faith in defense of the action.

Similarly, other Oklahoma statutes allow the City Council to provide legal representation to a City employee in civil actions or special proceedings in Oklahoma courts or in federal courts which are based upon any act done or omitted in good faith in the course of employment. The City employee must have performed a statutorily required duty which is the basis of the civil action or special proceeding. The City Council may also direct its attorney to intervene in any action or proceeding and to appear on behalf of the City, or any of its officers or employees, if the governing body deems the City to have an interest in the subject matter of the litigation.

If an employee seeks a defense in a civil action or special proceeding, the following procedure shall apply:

1. The employee shall make a written request to the City Council within ten (10) days after service of summons on the employee. A copy of the request shall be transmitted by the employee to his immediate supervisor and to the City attorney or other designated legal counsel.

2. Before any defense is initiated, an inquiry shall be made by the City Council of the facts upon which the action or special proceeding is based.
3. Upon the decision of the City Council to provide representation for the employee, it shall direct an attorney to appear and defend the action. The attorney shall determine the method of preparation and presentation of the defense and shall not be held civilly liable for the exercise of such discretion.
4. The employee named in the action may employ private counsel at his own expense to assist in his defense.

1-3 EEO POLICY

The City of Grove strives to recruit, hire, and maintain a diverse work force. Equal employment opportunity applies to all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits.

As an equal opportunity employer, the City of Grove treats its employees and applicants for employment without discrimination as to race, creed, color, sex, national origin, age, military status, handicap/disability, religion, or any other basis that would be in violation of any applicable local, state, or federal law.

1-4 EMPLOYMENT AT WILL

Unless a written employment contract is executed and approved by the City Council or the City Manager, employment for the City of Grove is on an at-will basis. This means that employees are free to resign their employment at any time for any reason, and the City retains that same right. In those rare cases in which an individual is offered an employment contract, the contract must be signed and approved by the City Council or the City Manager as appropriate. No statements to the contrary, written or oral, made either before or during employment can change this. No City employee (including the City Manager, a Department Head, a supervisor, or an employee) can make a contrary agreement.

Subject to these provisions, the City Council appoints the City Manager, City Judge, City Attorney and the City Treasurer. The City Manager appoints, and when necessary for the good of the service, removes, demotes, lays off or suspends all other City officers and employees, except as otherwise provided by law. Appointments and promotions are made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs are made solely for the good of the service.

1-5 HIRING PROCEDURES

1-5.1 Posting of Available Positions

Job openings will occur from time to time either through normal attrition, terminations, or a management decision to create new or additional jobs. Whenever possible, available positions will be filled by current City employees.

Upon learning that a position may become vacant, the Department Head should complete a Vacancy Notice which shall include a description of the position (classification, duties, full-time, part-time, intermittent, and other pertinent information). The Department Head will provide the Vacancy Notice to the Personnel Department and the City Manager. If the Department Head wishes to recommend a current employee for the vacancy, he or she should submit a Personnel Action Form recommending the current employee along with the Vacancy Notice.

The Personnel Department will post available positions on the City bulletin boards. Nonexempt positions will be posted for a minimum of three days and exempt positions will be posted for a minimum of five days. The Personnel Department may also prepare and publicize appropriate recruitment and promotional announcements which will include the statement that the City is an equal opportunity employer.

1-5.2 Job Selection Process

An outside applicant must complete an Application Form which can be obtained from the Personnel Department. The Personnel Director will schedule interviews. Employment applications will be considered "active" for a period of thirty (30) days from advertised closing date of position. Thereafter, the applications will be filed separately and retained for the period required by law. When a job applicant is hired, the original Application Form shall be placed in the Employee's Personnel Record. Any false statements made by the applicant in securing employment with the City of Grove shall be considered grounds for termination.

Current employees must complete a Request for Interview Form and turn it in to the Personnel Department. The Personnel Director will schedule interviews, if needed, through the employee's current Department Head. Current employees applying for internal positions must have completed a minimum of six months in their current position. This provision may be waived with the approval of the employee's current Department Head and the City Manager.

The City will give preference to a candidate who is a current full-time employee, a current part-time employee, or an employee who lost his or her position due to a reduction in force when that employee's qualifications are substantially equivalent to an outside applicant.

City employees need not be City residents, but the hiring of local people will be encouraged. Employees subject to emergency call shall live sufficiently close, within a twenty (20) minute drive time at posted speed limits, to be able to respond quickly to emergency calls. All full-time employees must possess a valid driver's license. Full-time police officers must be at least 21 years of age; all other full-time employees must be at least 18 years of age.

The City Manager will make the final decision to fill the vacancy. The Personnel Director will inform all candidates regarding the final selection.

1-5.3 Drug Screens and Physicals

After the decision has been made to hire an outside applicant, an offer of employment will be extended contingent upon the candidate successfully passing a pre-employment drug screen and, for certain positions, a physical examination. The Personnel Director will be responsible for determining the facility to be used for the pre-employment drug screen and/or physical exam.

EXCEPTION: All Seasonal and Temporary employees shall not be required to take a pre-employment drug screen.

The candidate will be given directions to the collection site for a drug screen. He or she must report to the collection site with a valid picture ID. If the collection site staff discovers that the candidate has not followed the collection procedures or has altered the specimen in any way, the candidate will no longer be eligible for employment.

The candidate should understand that passing the pre-employment drug screen and/or physical exam is a part of the employment process. In the event that the candidate does not successfully pass the pre-employment drug screen and/or physical exam, the offer of employment will be revoked. If the candidate should have any questions concerning a drug screen and/or physical exam, all inquiries should be forwarded to the Personnel Director.

Information regarding drug screens and/or physical exams will be kept strictly confidential. This information will be kept separately in the employee's confidential medical file in the Personnel Department. The results of a candidate's pre-employment drug screen will not be discussed with the Department Head or other employees but will be handled confidentially by the individuals in the Personnel Department authorized to deal with this information. *(Section 1-5.3 amended per Council action 04/01/2014)*

1-5.4 Oath of Office

City employees must take and subscribe to the following loyalty oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am an employee of the City of Grove.

Affiant

Subscribed and sworn to before me this ____ day of _____, ____.

Notary
Public, or other officer authorized to administer
oaths or affirmations.

All oaths or affirmations of municipal officers or employees shall be filed in the office of the City Clerk.

Every public officer or employee having taken and subscribed to the oath or affirmation and having entered upon the duties of his office or employment, who, while holding his office or while being so employed, advocates by the medium of teaching, or justifies, directly or indirectly, or becomes a member of or affiliated with the Communist Party or the Cominform, or with any party or organization, political or otherwise, known by him to advocate by the medium of teaching, or justify, directly or indirectly, revolution, sedition, treason or a program of sabotage, or the overthrow of the government of the United States or of the State of Oklahoma or a change in the form of government thereof by force, violence, or other unlawful means, shall be guilty of a felony and, upon conviction be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in addition thereto, the person shall forfeit his or her office or employment.

1-5.5 I-9 Requirements

Federal regulations require the City of Grove to comply with the Immigration Reform and Control Act of 1986. All new employees must complete an I-9 Form and provide proof of their identity and their ability to work in this country. If a new employee is unable to provide the necessary documentation within three (3) working days from the date of hire, he or she must provide proof that he or she has applied for the required documents. If this is not provided, the employee will be terminated.

1-6 EMPLOYEE RESPONSIBILITIES AND DEFINITIONS

1-6.1 Department Heads

Department Heads are expected to maintain efficiency in their Department's operations. Department Heads may adopt and enforce Departmental rules and regulations consistent with these Policies. These rules and regulations should be submitted to the City Manager for review and approval. Department Heads will report regularly to the City Manager and, if requested, to the City Council regarding their Departments, operations, personnel, and other matters. Department Heads should immediately notify the City Manager of changes in duties and responsibilities of their employees in order that the Classification Plan may be properly maintained.

1-6.2 Personnel Director

The Personnel Director shall develop and recommend to the City Manager personnel policies and practices that will promote equal employment opportunity for all City employees consistent with the City of Grove Classification and Pay Plans. The City Manager shall work with the Personnel Director to maintain and revise the Classification and Pay Plans and make recommendations to the City Council regarding possible changes and salary or wage adjustment in the Plans.

1-6.3 Employees

Employees under these rules shall comply with and aid in all proper ways in carrying out the provisions of these Policies and Departmental rules and regulations. Any employee who fails to comply with any of the provisions of these Policies or other rules and regulations, shall be subject to disciplinary action.

1-6.4 Definitions

Appointment – a regular assignment to a position established within the City service.

Class – one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same test of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

Classification Plan – a system of classes with specifications and pay range assignments for each class.

Days – unless otherwise indicated, this means working days.

Demotion – a change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary or wage range.

Exempt Employee – an employee that is exempt from the payment of overtime compensation under the Fair Labor Standards Act. In general, this means that these employees are expected to provide services which are managerial, administrative, or professional. These services may extend beyond normal office hours and may include, but not be limited to, travel, preparation, business contacts, and other job-related responsibilities. Exempt positions include, but are not limited to, City Manager, Assistant City Manager, City Treasurer, City Clerk, Police Chief, Assistant Police Chief, Fire Chief, Assistant Fire Chief and Public Works Director.

Grievance – a dispute or disagreement as to the interpretation or application of these Policies.

Intermittent Part-Time Employee – an employee who works on a non-regular basis with hours that vary from week to week.

Non-Exempt Employee – an employee who is compensated on an hourly basis and is subject to overtime and/or compensatory time as allowed by the Federal Fair Labor Standards Act.

Overtime – hours worked in excess of a normal forty (40) hour workweek.

Pay Range – a division of the salary or wage schedules to which classes of positions are assigned.

Performance Evaluation – a systematic review of an employee's job performance.

Personnel Department – the Personnel Director and employees engaged in personnel administration.

Position – a group of current duties and responsibilities assigned or delegated requiring the full-time or part-time employment of one person.

Probationary Period – a working test period during which a new employee is required to demonstrate fitness for the position.

Promotion – a change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary or wage range.

Reclassification – a reassignment or change in classification of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of significant change in kind, difficulty, or responsibility of the work performed in such a position.

Regular Full-Time Employee – an employee in City service who works on a regular schedule of at least 40 hours per week in a position which is generally a part of year round City services.

Regular Part-Time Employee – an employee in City service who works on a regular schedule of at least 20 hours per week in a position which is generally a part of year round City services.

Seasonal Employee – an employee in City service who works the standard daily hours established for the position but which is generally seasonal, i.e. limited by the duration of the work to less than 12 consecutive calendar months.

Seniority – the length of continuous full-time employment with the City, excluding any unpaid leave of absence.

Temporary Employee – an employee in City service who is hired to work on a special or limited project where such project has a limited expected duration and where there is little eventuality of continued employment by the City in such position after the special project expires.

Transfer – a change by an employee from one position to another position of the same class or to another class in the same salary or wage range, usually involving the performance of similar duties and requiring essentially the same basic qualifications.

1-7 CLASSIFICATION PLAN

1-7.1 Introduction

The City Manager, Department Heads, and employees shall develop a Classification Plan which includes specifications and pay range assignments for various classes of job positions. Upon adoption by the City Council, the Classification Plan shall become a part of these Policies. The Personnel Director shall maintain a current official copy available for inspection.

1-7.2 Amendment and Revision of Plan

The Classification Plan and rules for its administration may be amended from time to time by resolution of the City Council. Department Heads or employees may be required to submit position descriptions on a periodic basis, or any time there is a reason to believe that there has been a change of duties and responsibilities of one or more positions. Class Specifications may be revised to accommodate minor changes. Each time a new class is established, a Class Specification shall be written, evaluated, and incorporated in the existing Plan and the class title incorporated into the Classification Plan. A class, which has been abolished, shall be removed from the Classification Plan.

1-7.3 New Positions

A new position may be created through the following procedure:

1. A Department Head may make a written request that a new position be created. The request should be submitted to the City Manager and should include

justification for the position, a proposed job description, and a recommended class and pay range.

2. After review and possible revision by the City Manager and the Department Head, the City Manager will provide the written request along with a recommendation to the City Council for review and action regarding creation of the new position.

1-7.4 Reclassifications

The City Manager, after review with the Department Head, may recommend that positions, whether new or already created, the duties of which have changed materially, be reclassified. Reclassification is subject to City Council approval and shall not be used for the purpose of avoiding restrictions concerning lay-off, demotion, and promotion.

1-8 PROBATIONARY PERIOD

The Probationary Period shall be regarded as a part of the testing process and shall be utilized for training and observing an employee's work and for securing the most effective adjustment of a new employee to his or her position.

During the Probationary Period, an employee may be terminated at any time by the Department Head with the approval of the City Manager. The City Manager or Department Head shall provide the employee with written notice of termination.

1-8.1 Probationary Period for New Employees

All new employees appointed to a regular vacant position shall be required to successfully complete a Probationary Period. The Probationary Period shall commence on the initial date of appointment.

The Probationary Period shall be six (6) months. Fire fighters shall have a twelve (12) month Probationary Period. Probationary Periods may be extended by the Department Head with consent of the City Manager.

Prior to the end of the Probationary Period, the Department Head shall submit to the City Manager a performance review of the probationary employee. If the review is satisfactory, the Department Head recommends ending the Probationary Period, and the City Manager approves, the probationary employee shall be confirmed to classified status with the City. If the review is unsatisfactory, the City Manager may extend the Probationary Period, assign the employee to another vacant position, or terminate the employment.

1-8.2 Probationary Period for Promoted or Transferred Employees

Upon promotion, transfer, or entry into a new position, the employee shall serve a Probationary Period of three (3) months, unless the Department Head recommends

waiving this requirement and the City Manager approves. Should an employee continue in a probationary status, the Department Head shall submit a performance review prior to the end of the three (3) month period to the City Manager and to the probationary employee. If the review is satisfactory, the Department Head recommends ending the Probationary Period, and the City Manager approves, the probationary employee shall be confirmed to the new position. If the review is unsatisfactory, the City Manager may extend the Probationary Period, assign the employee to another vacant position, or terminate the employment.

1-9 PROMOTION, TRANSFER, DEMOTION AND SEPARATION

1-9.1 Promotion

The City Manager will fill vacancies in higher positions, when it is in the best interest of the City, by promotion of present employees (other than the City Judge, City Attorney, and City Treasurer) who meet the requirements established for the higher classification. Promotion shall be based solely upon merit and fitness.

1-9.2 Transfer

The City Manager may transfer an employee (other than the City Judge, City Attorney, and City Treasurer) from one Department to another, when it is in the best interest of the City.

1-9.3 Demotion

The City Manager will demote an employee (other than the City Judge, City Attorney, and City Treasurer) to a position of lower grade for which the employee is qualified for the good of the service, which includes, but is not limited to, the following reasons:

1. When an employee would otherwise be laid off because the employee's position is being abolished;
2. When an employee's position is being reclassified to a lower grade;
3. Because of lack of work;
4. Because of lack of funds;
5. When another employee is returning to the position from an authorized leave of absence;
6. When an employee does not render satisfactory service in the position the employee holds or was promoted to and, in the case of a promotion, is removed during the Probationary Period, provided this does not give such a promoted employee the right to displace another employee; and
7. When an employee voluntarily requests such demotion.

1-9.4 Separation

The City Manager may separate an employee (other than the City Judge, City Attorney, and City Treasurer) due to a voluntary resignation or due to termination from employment for the good of the service, which includes, but is not limited to, the following reasons:

1. Unauthorized absence;
2. Unexcused failure to return to work after a layoff or authorized absence or leave;
3. Violation of a work rule; and
4. Any other misconduct.

This provision does not affect the City's employment at will policy. Any employee wishing to leave the service in good standing shall file a written resignation with his or her Department Head at least two (2) weeks before leaving.

1-9.5 Non-disciplinary Separation – Layoffs and Notice

The City Manager may determine that it is necessary for the good of the service to reduce the number of employees due to a lack of funds in the budget, lack of sufficient work, or other reasons outside of the City's control which do not reflect discredit on the service of the employee. In selecting the employees who will remain with the City, only job-related criteria will be used. The criteria used will be determined based on the reason for the reduction in force and the determination of each Department's needs. Job-related criteria may include the employee's current performance, competencies, skills, responsibilities, experience, leadership, education and training, personal commitment, and seniority.

Affected employees are encouraged to seek other positions. In some cases, the City Manager may be able to transfer an employee whose position is being eliminated into another area.

Temporary/Seasonal/Special Project Employment – In the case of temporary, seasonal, or special project employment, the Department Head shall notify the employee at the time of appointment of the estimated termination date.

1-10 JOB PERFORMANCE EVALUATION

Department Heads will evaluate all employees in their Departments at least once per year following completion of the Probationary Period.

The City may choose to provide a written evaluation at any time it determines that it is in the best interest of the City or the employee. A Department Head may prepare an Employee Performance Action Plan to assist an employee in improving performance. The Plan may include periodic Performance Evaluations within the period of the Plan.

Performance Evaluation procedures shall be developed and may be amended from time to time as needed by the City Manager.

Employee pay may be adjusted depending upon Performance Evaluations. Any pay adjustments are subject to City Manager approval.

1-11 REFERENCES

All inquiries regarding employees who are currently employed or have been previously employed by the City are to be referred to the Personnel Director. Frequently a prospective employer will inquire about an employee's character or abilities. This information is considered confidential and may not be released. The Personnel Director will only provide confirmation of dates of employment and job title(s) unless special circumstances exist or the City is compelled by law to release additional information. The City will comply with the Open Records Act and the Freedom of Information Act.

The Personnel Director may release salary information to credit institutions when such information will assist the employee in securing credit, provided the request for salary information is made in writing and the employee authorizes release of the information.

1-12 BACKGROUND CHECKS

The position an individual applies for and the information he or she gives during the interview process will determine what contingencies may apply to an offer of employment. All employees applying for any position with the City will be subject to reference checks with former employers and/or managers. Unless required by law, reference checks will not be shared with the potential employee. Individuals' claims to have certain educational credentials, either in writing or in an interview, are subject to verification.

Positions that have responsibility for initiating or affecting financial transactions will require a credit check. These responsibilities could include, among other things, collecting or handling cash or checks, writing checks or approving them, access to a direct money stream or as a fiduciary to the City.

Any potential employee who will be driving a City vehicle or driving a personal vehicle on City business will be subject to an inspection of his or her Motor Vehicle Record annually. Depending upon the job requirements, some employees may have to comply with the Department of Transportation requirements for a Commercial Driver's License.

For positions that require employees to enter the homes of clients/customers, the employee will be subject to a criminal background check. Only individuals in the

Personnel Department that are authorized to do so may initiate or receive criminal background information.

Information gained from any of the above background checks will be held in confidence and shared with management individuals only on a need-to-know basis.

1-13 PERSONAL APPEARANCE

While it is the City's intent that all employees dress for their own comfort during work hours, the City's image is maintained, in part, by the image that employees present to citizens, customers, vendors, and other visitors.

Employees working in office areas should dress conservatively and professionally in appropriate business attire. Skirts and dresses should not be any shorter than three inches above the knee. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress.

For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.

On approved casual days, employees may dress in casual clothing, including blue jeans and T-shirts, although dress standards still require a neat, clean appearance. Employees meeting with customers should wear appropriate business attire.

Employees working in maintenance, construction, and similar areas may wear blue jeans and T-shirts as well as shorts that are no more than three inches above the knee. No open-toe shoes may be worn. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.

Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.

Uniformed employees must wear neat and clean uniforms at all times.

For all employees, professional appearance also means that the City expects you to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well trimmed. Earrings are acceptable; however, rings through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public

may not be worn while working. Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.

If employees require a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact their supervisor or the Personnel Department to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, the City will accommodate such requests.

All employees should practice commonsense rules of neatness, good taste, and comfort.

Provocative clothing is prohibited. The City reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined their dress is not appropriate. Employees will not be compensated for this time away from work.

1-14 NEPOTISM – EMPLOYMENT OF RELATIVES

Relatives of Department Heads and employees shall not be employed, promoted, or engaged to perform services in full-time positions under the same supervisor or where one relative will or may exercise or directly influence the recruitment, supervision, employment, salary, fees, or performance review of another relative. This policy is not to be made retroactive and will not affect situations in effect prior to the passage of this policy.

For the purpose of this policy, immediate family or relative is defined as: persons related by blood or marriage within the third degree of kindred, computed according to the rules of “civil law” which shall include: spouse, parents, sons, daughters, brothers, sisters, grandparents, grandchildren, in-laws, uncles, aunts, nieces, and nephews.

The City Manager will make all decisions and determinations with regard to the interpretation of the Nepotism Policy. The City Manager may grant exceptions, not in conflict with State Law.

If two employees within the same Department marry during the period of their employment, causing their employment to violate this Nepotism Policy, one of the employees shall be transferred to another Department if a position for which they are qualified is available. If no position exists, and the parties do not indicate a preference as to who shall resign, a termination notice shall be served on the person with the least seniority.

1-15 EMERGENCY CLOSINGS

In the event of an emergency closing of the City offices, employees not expected to report to work shall be reimbursed at the current rate of pay. An emergency closing shall be called at the discretion of the City Manager or his/her designee.

An employee who does not report for work due to inclement weather conditions on a day the City offices remain open will have such time deducted from current accrued vacation leave or compensatory time or arrangements can be made with the Department Head for making up the time.

SECTION 2 – FRINGE BENEFITS

2-1 LEGAL HOLIDAYS

2-1.1 Schedule

The following days are paid holidays for eligible full-time employees:

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th
Floating Holiday	Employee's Discretion

Holidays falling on Saturday will be observed on the Friday before the Holiday. Holidays falling on a Sunday will be observed on the following Monday. Holidays falling during an employee's vacation shall be counted as a Holiday and not charged as a Vacation Day.

Certain City Offices will be closed on the Holidays listed above. As determined by the City Manager, emergency operations such as police, fire, and utilities maintenance will remain in operation on Holidays.

2-1.2 Eligibility

To be eligible for Holiday Pay, the employee must have worked the workday before and the workday following the Holiday, unless the day off is part of his or her work schedule. An employee is entitled to Holiday Pay when the employee is on some type of paid leave on the workdays before and after the Holiday; otherwise, an employee on unpaid leave is not considered to be present for duty and is thus not entitled to Holiday Pay.

Employees (excluding bargaining units) working Holidays will receive Holiday Pay plus eight or ten hours time and a half compensatory time, or time and a half payroll compensation (hours of pay is determined by hours of normal work shift).

Utility workers on-call during Holidays will receive Holiday Pay, On-call Pay, plus time and a half payroll compensation for hours actually worked.

2-1.3 Leave in Lieu of Holidays

Full-time Police Department personnel regularly assigned to shift work shall be assigned one-hundred four (104) hours of holiday leave per calendar year starting on January 1st in lieu of regularly scheduled holidays received by other City employees.

Full-time Fire Department personnel regularly assigned to shift work shall be assigned one-hundred fifty-six (156) hours of holiday leave per calendar year starting on January 1st in lieu of regularly scheduled holidays received by other City employees.

The accrued holiday leave must be used within the calendar year earned or it is forfeited.

If an Employee receiving holiday leave in lieu of Holidays with earned holiday leave terminates employment with the City, Employee will be paid for such unused hours. If an employee who has used unearned holiday leave terminates employment, Employee will repay the City for such hours. Such adjustments shall be made on the Employee's final paycheck.

This section excludes bargaining units and exempt personnel. *(Section 2-1.3 added per Council action 02/15/2011)*

2-2 BREAKS

Unless disruptive to work load or scheduling, one rest break of 15 minutes is granted during the first half of a shift of at least eight (8) hours, and one rest break of 15 minutes is granted during the second half of a shift of at least eight (8) hours. Supervisors will administer this policy.

2-3 ON-CALL PAY

On-Call Employee: A classified employee who is required to carry a cell-phone or pager and is required to respond and report to the work immediately upon notification.

On-Call Status: An On-Call employee who receives notification and reports to the work site immediately to perform duties that are not previously scheduled shall be considered in an On-Call Status.

Compensation for On-Call Employee: Employees shall be paid for a minimum of five hours of straight-time compensation for being On-Call.

(Exception: Buildings & Grounds Employees who are On-Call for a weekend shall be paid for a minimum of two hours of straight-time compensation for being On-Call.

Compensation for On-Call Status: Employees who are notified and required to report to work shall be paid for a minimum of two (2) hours of work at an over-time rate. If the On-Call work exceeds more than two (2) hours, the employee shall be paid for actual hours worked at an over-time rate. Employees are guaranteed compensation for each occasion in which a call back is made after having left the work site.
(Section 2-3 amended per Council action 07/07/2015)

2-4 LONGEVITY PAY

Longevity Pay is designed to reward long-term employees for their dedication and commitment to the City of Grove.

2-4.1 Eligible Employees

Full time employees must be employed for a minimum of 4 consecutive years to be eligible to participate in the Longevity Plan.

Eligible employees will receive \$5 per month for every month they have been employed (\$60 per year) up to a cap of 20 years (\$1,200.00). Months of pay shall be calculated based on the employee’s anniversary date.

Longevity Pay will be paid to eligible employees in mid-November of each year in a check separate from payroll.

Longevity Pay does not accrue until mid-November and is not payable upon termination.

2-5 VACATION LEAVE

2-5.1 Accrual

Upon completion of 1 year of continuous full-time employment, an employee is entitled to 96 hours (12 days) of Vacation Leave. Thereafter, full-time employees shall accrue Vacation Leave according to the table below:

LENGTH OF SERVICE	HOURS PER MONTH	DAYS PER YEAR
After completion of 1 st year of service through 5 years of service	8	12
After completion of 5 years of service	10	15
After completion of 10 years of service	12	18
After completion of 15 years of service	14	21
After 20 years of service	16	24

Employees must use their Vacation Leave each year it is earned and prior to their employment anniversary date or it is lost, provided employees may accumulate up to a maximum of two (2) years Vacation Leave. Vacation Leave which is not taken and which exceeds the maximum Vacation Leave accumulation is lost as of the employee's employment anniversary date each year.

If an employee has accumulated compensatory time, the employee shall exhaust such compensatory time prior to taking Vacation Leave except where the employee is subject to losing the Vacation Leave.

2-5.2 Scheduling

The Department Head shall determine and approve the time at which Vacation Leave may be taken, subject to final approval by the City Manager. Those times shall not conflict with Departmental work load. Senior employees will be given preference in scheduling in case of two or more requests for Vacation Leave on the same date. Vacation Leave Request Forms are available in the Personnel Department and shall be submitted to the Department Head for approval prior to the effective date on which Vacation Leave is to begin.

Any Holiday observed by the City of Grove, which falls within an employee's Vacation Leave shall not be counted as a Vacation Leave day.

No employees shall be given Vacation Leave in excess of his accumulated Vacation Leave.

Upon termination, the City will pay accrued Vacation Leave. Employees with less than one year of employment have no accrued Vacation Leave and thus are not entitled to Vacation Leave pay upon termination.

2-6 SICK LEAVE

2-6.1 Purpose

The City treats Sick Leave like an insurance program rather than as extra days off from work. Full-time employees may use Sick Leave when absence from work is necessary due to their own illness or due to illness in the employee's immediate family. The City coordinates Sick Leave benefits with its FMLA policy. When leave qualifies as FMLA leave, the Employee must use any accumulated paid leave during the FMLA leave and may select such paid leave from any combination of Sick Leave, Vacation Leave, compensatory time, or Shared Leave.

2-6.2 Accumulation of Sick Leave

Full-time employees accumulate one day (8 hours) of sick leave for each full calendar month of employment. An employee may accumulate a maximum of 125 days or 1000 hours of Sick Leave.

2-6.3 Qualifying and Reporting

In order to qualify for Sick Leave, the employee must notify his or her immediate supervisor or Department Head each day of absence prior to or at his or her scheduled time to report to work. The employee must advise that his or her absence is for Sick Leave and advise the expected duration of the absence. The employee must call in each day of absence unless prior agreement has been made with the supervisor or Department Head. If circumstances surrounding the absence make such notification impossible, or the immediate supervisor or Department Head cannot be reached by telephone, the employee must notify the Personnel Director no later than one (1) hour after his or her scheduled reporting time.

Employees must sign and submit to his or her Department Head for approval a "Request for Leave" form for all absences for which Sick Leave is desired. The employee's Department Head or the City Manager will review the form for approval or denial.

Employees may use only the amount of Sick Leave which has been accumulated. Sick Leave which has not been earned cannot be "advanced" to employees. If an employee has used all his or her Sick Leave, he or she may use any Vacation Leave, compensatory time, or Shared Leave to augment Sick Leave. If an employee has no accumulated Sick Leave or other leave or does not have sufficient evidence that he or she was actually ill, he or she will be charged with an unauthorized absence.

2-6.4 Uses of Sick Leave

Sick Leave may be used for the employee's own illness or medical, dental or optical treatment which is necessary during working hours. Sick Leave may be taken by the employee to attend to the serious illness or injury to an immediate family member. For the purpose of the Sick Leave policy, immediate family is defined in the City's FMLA policy. To ensure the proper use of Sick Leave, the City Manager or Personnel Director may require a doctor's certification and/or return to work statement.

If an employee does not have sufficient Sick Leave or other leave to cover an absence, he or she will be subject to corrective action up to and including termination for attendance regardless of whether a medical statement is furnished.

2-6.5 Sick Leave Upon Retirement

An employee who retires from employment with the City may elect to apply the maximum amount of days or hours of Sick Leave allowed by the Oklahoma Public

Employees Retirement System toward his or her retirement service credit provided the employee otherwise has the required number of years of continuous service with the City to qualify for retirement benefits. An employee who opts to add his or her unused Sick Leave to retirement service credit will not be eligible to receive payment for Sick Leave.

If an employee chooses not to apply his or her unused Sick Leave to retirement service credit, he or she may receive payment for accumulated Sick Leave hours up to a maximum of 720 hours provided the employee otherwise has the required number of years of continuous service with the City to qualify for retirement benefits. The amount of payment for accumulated Sick Leave hours shall be calculated based upon the employee's regular straight time hourly rate of pay in effect for the employee's regular position on the last day of the employee's employment.

For employees appointed after July 1, 2009, if the employee chooses not to apply his or her unused Sick Leave to retirement service credit, he or she may receive payment as set forth herein for accumulated Sick Leave hours provided the employee otherwise has the required number of years of continuous service with the City to qualify for retirement benefits. The amount of payment for accumulated Sick Leave hours shall be calculated based upon the employee's regular straight time hourly rate of pay in effect for the employee's regular position on the last day of the employee's employment; provided the employee will be entitled only to a payment equal to twenty-five percent (25%) of the accumulated Sick Leave up to a maximum of 250 hours.

Sick Leave is not payable or applied to employee's retirement service credit upon separation from employment prior to completing the vesting period of 7 years and 7 months of continuous employment. *(Amended per Council action 8/2/2011)*

2-6.6 Sick Leave Upon Termination from Employment

Except as provided above for vested employees, Sick Leave is not payable to any employee who is involuntarily terminated. *(Amended per Council action 8/2/2011)*

2-6.7 Death of an Active Employee

Upon the death of an active employee eligible for retirement, the beneficiary designated on the employee's retirement application may choose how the unused Sick Leave is to be disbursed.

All accumulated Sick Leave may be added to his or her service credit for retirement benefits, up to a maximum of ninety (90) days or (720 hours) provided the employee has been employed with the City long enough to be vested, as defined in the Oklahoma Public Employees Retirement System handbook, in the City's retirement plan.

If the beneficiary so chooses, unused Sick Leave may be paid to the beneficiary designated by the employee in the City retirement fund and in accordance with personnel records. Payment for Sick Leave shall be as set forth above and depending upon whether the employee was appointed before or after July 1, 2009.

2-6.8 Conversion to Vacation Leave

When an employee accumulates 1000 hours of Sick Leave, he or she may trade 3 days (24 hours) of Sick Leave for 1 day (8 hours) of Vacation Leave. This trade is just for those accumulated hours that exceed 1000 hours up to 1024 hours.

2-6.9 Incentive Program

Employees who have used Zero (0) hours of Sick Leave during the preceding twelve (12) month period shall be awarded One (1) day off with pay.

Employees who have used no more than One (1) workday (hours based on the employee's regular scheduled workday) of Sick Leave during the preceding twelve (12) months shall be awarded One-half (1/2) day off with pay.

The Incentive Pay will be awarded to the employee no later than February 28 of the following calendar year. *(Amended per Council action on 02/03/2015)*

2-7 LEAVE SHARING PROGRAM

2-7.1 Purpose

The purpose of the City's Leave Sharing Program is to permit full-time employees to donate Sick Leave or Vacation Leave to a fellow employee who is suffering from or has an immediate family member or relative suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause this employee to take leave without pay or terminate employment.

2-7.2 Definitions

Immediate family or relative – as defined in the City's FMLA policy.

Severe or extraordinary – means serious, extreme or life threatening.

Eligible Employee – means a Regular Full-time Employee or a Regular Part-time Employee, as defined in the City's Personnel Policy and Procedures Manual with over six (6) months continuous service with the City. This does not include employees in probationary status. *(Amended per Council action 09/18/2012)*

2-7.3 Eligibility to Receive Leave

An employee may be eligible to receive Shared Leave pursuant to the following conditions:

1. The receiving employee has exhausted, or will exhaust, all Vacation Leave, Sick Leave, and all compensatory time due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature and involves the employee or immediate family member;
2. The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment;
3. The City Manager determines that the employee meets the criteria described in this section and approves the Leave Sharing; and
4. The employee has abided by City policies regarding the use of Sick Leave and/or FMLA Leave.

2-7.4 Conditions for Donating Leave

An employee may donate Sick Leave or Vacation Leave to another employee only pursuant to the following conditions:

1. An employee may donate up to forty (40) hours of accumulated Vacation Leave AND up to forty (40) hours of accumulated Sick Leave to eligible employees.
2. The City Manager shall have the authority to approve the donation of additional hours based on individual circumstances and hardships; provided the donation of additional hours shall not cause:
 - a. The Vacation Leave balance of the donor to fall below ten (10) days or eighty (80) hours; and
 - b. The Sick Leave balance of the donor to fall below sixty (60) days or four-hundred eighty (480) hours.
3. Employees may not donate excess Sick Leave that the donor would not be able to otherwise use.
4. All donated leave must be given voluntarily. No employees shall be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave-sharing program.

2-7.5 Rules Regarding Shared Leave

1. The City Manager shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of ninety (90) days (720 hours) of Shared Leave during total City employment.
2. The City Manager may require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed Physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.
3. The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of salary of the

recipient. The calculation of the leave value of the recipient shall be in accordance with personnel policies, regulations and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be designated as Shared Leave and be maintained separately from all other leave balances.

4. The recipient may only use donated leave for the purposes specified in this section.
5. All forms of paid leave available for use by the recipient must be used prior to using Shared Leave.
6. Any Shared Leave not used by the recipient during each occurrence as determined by the City Manager shall be returned to the donor. The Shared Leave remaining over one (1) hour will be divided among the donor(s) on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the Vacation Leave or Sick Leave balance of each donor. The receiving employee will be under no obligation to repay donated leave.
7. The receiving employee will not accrue Vacation Leave or Sick Leave while on Shared Leave time.

2-8 BEREAVEMENT LEAVE

Absence from work for Bereavement Leave will be charged against Sick Leave. Employees shall be granted from one to three days (8 to 24 hours) paid Sick Leave when a death occurs in the immediate family. The appropriate form requesting Bereavement Leave shall be completed and approved by the Department Head and the City Manager. For the purpose of the Bereavement Leave policy, immediate family is defined as: mother, father, husband, wife, son, daughter, stepson, stepdaughter, brother, sister, grandchildren, grandparents, in-laws, half brother, and half sister.

Should an employee require additional time in excess of three (3) consecutive scheduled working days, he or she may request additional time from his or her Department Head and the City Manager. Any additional time shall be charged to Vacation Leave and/or compensatory time.

The City Manager may approve Bereavement Leave for other than immediate family.

If an authorized Holiday falls within an employee's Bereavement Leave, the day shall be considered a Holiday rather than a Bereavement Leave day.

2-9 MILITARY LEAVE

The City will abide by all the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and will grant Military Leave to all eligible full-time and part-time employees. Military Leave may be granted to full-time and part-time employees for a period of four years plus a one-year voluntary extension of active duty (five years total) if this is at the request and for the convenience of the United States

government.

Employees must provide ten days' advance notice to their Department Head of their intent to take Military Leave and must provide appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity.

An employee's salary will not continue during Military Leave unless required by law. However, employees may request to use any accrued Vacation Leave during Military Leave. Benefit coverage will continue for 31 days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than 31 days, employees will be eligible to continue health benefits under COBRA.

Upon return from Military Leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within 90 days of discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.

If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training without loss of pay during the first twenty (20) working days of such leave during any calendar year. The City will pay the difference between the Armed Forces or the National Guard pay received to insure no loss of pay. The employee will provide the Personnel Department with a copy of his or her military pay voucher. If the employee's military pay is greater than the employee's base pay with the City, the employee may keep the difference. Such time off will not be considered Vacation Leave. However, employees may elect to have their reserve duty period be considered as Vacation Leave to the extent they have such time available.

2-10 JURY DUTY OR WITNESS SERVICE

Full-time, part-time, or temporary employees called to serve on a jury or to testify as a voluntary witness at the request of the City (by subpoena or otherwise) will be paid for the day or days in which the court requires attendance. If employees are subpoenaed to appear in court as witnesses, but not at the request of the City, they will be excused from work in order to comply with the subpoena but will not be paid for the time off. However, employees may request to use any accrued Vacation Leave during Jury Duty or Witness Service.

Employees must present any summons or subpoena to their Department Head on the first working day after receiving the notice. If an employee summoned is for jury duty and is not required to serve on a day he or she is normally scheduled to work or if the employee is excused before serving three hours of jury duty, he or she is expected to report to work.

Compensation for jury duty or witness service on behalf of the City will be the difference between the employee's straight time base rate of pay and any compensation received for jury duty or witness service. Compensation for witness service will be paid only if the employee is summoned for witness service by the City.

Copies of the vouchers received from the court showing compensation (excluding mileage) and dates served should be submitted to the Personnel Department.

2-11 TIME OFF TO VOTE

The City encourages its employees to participate in the election of government leaders. Therefore, if an employee does not have sufficient time outside regular work hours to vote, adequate time off will be allowed at the beginning or end of the workday to exercise this right. If possible, employees should make their requests at least 48 hours in advance of Election Day. Employees may wish to inquire of their registrar of voters about the possibility of voting early or by absentee ballot. Every effort should be made to vote either before or after the employee's normal workday.

2-12 EMPLOYEE OF THE QUARTER INCENTIVE PROGRAM

An Employee of the quarter shall be selected four times per year from nominations submitted by Department Heads to the Human Resource Director.

Employee of the Quarter will be recognized at a City Council meeting and will be presented a certificate from the Mayor. A plate bearing the honored employee's name will also be placed on the Employee of the Quarter plaque displayed at City Hall. The recognized Employee of the Quarter will receive an additional vacation day to be taken within one year of recognition.

2-13 SCHOOL CONFERENCES AND ACTIVITIES LEAVE

Employees will be granted up to a total of sixteen (16) hours of unpaid leave during any school year to attend school conferences or classroom activities related to the employee's child, provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City. An employee may use accrued Vacation Leave, but not Sick Leave, if the employee wishes to be paid for this time off.

2-14 UNAUTHORIZED ABSENCE OR LEAVE

An unauthorized absence may subject an employee to disciplinary action up to and including discharge.

An unauthorized absence for three (3) consecutive workdays shall be considered a

voluntary resignation of employment. However, the Department Head may subsequently recommend granting an approved leave of absence and reinstatement of employment due to circumstances surrounding the unauthorized leave. The City Manager may grant such leave or request.

2-15 LEAVES WITHOUT PAY

There may be the rare occasion when an employee is faced with an emergency or special circumstance and needs to take an unpaid leave of absence. The employee's Department Head in conjunction with the Personnel Director and City Manager may grant a leave of absence without pay. Each request for a leave of absence will be evaluated on an individual basis, taking into consideration length of service, work record, staffing needs, and reason for and length of the leave. In order to qualify for a personal leave of absence, the employee must be classified as a full-time employee and must have completed at least six (6) months of full-time service at the time of the request.

Employees may apply for a leave by submitting a Personal Leave of Absence Form to their Department Head at least two weeks prior to the start date of the leave requested describing the nature of the leave, the dates the employee expects to be away from work and the date the employee intends to return. If the leave is emergency in nature, this two-week period may be waived.

Generally, a leave of absence shall not exceed two calendar weeks. A longer leave of absence may be granted only under extreme circumstances. Failure to report back to work on the first day after expiration of the leave of absence will be considered a voluntary termination of employment.

Employees who are granted personal leaves of absence are expected to exhaust any paid time off they have accrued before their leave status changes from paid to unpaid. Unless required by applicable law, employees will not accrue additional paid time off while on an unpaid leave of absence that exceeds 30 days.

If an employee is granted and takes a personal leave of absence, his or her other benefits may be affected. Employees who return to work at the end of a personal leave of absence will normally be restored to their former position if an opening exists. If there is no such opening, they will be considered for a comparable position if one is available when they return.

2-16 FAMILY AND MEDICAL LEAVE POLICY

The Family and Medical Leave Act became effective in 1993 for most employers and entitled eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Amendments in 2008 expanded the FMLA to allow eligible employees to take up to 12 weeks of unpaid, job-protected leave in the applicable 12-month period for any "qualifying exigency" arising

out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The amendments also allow eligible employees to take up to 26 weeks of unpaid, job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

The City coordinates Sick Leave benefits with its FMLA policy. When leave qualifies as FMLA leave, the Employee must use any accumulated paid leave during the FMLA leave and may select such paid leave from any combination of Sick Leave, Vacation Leave, or Shared Leave.

2-16.1 Eligibility for Family or Medical Leave

To be eligible for FMLA benefits at The City, an employee must have worked at the City for a total of 12 months; and have worked at least 1,250 hours over the previous 12 months.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is caused by the employee’s fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)); or a written agreement exists reflecting the City’s intention to rehire the employee after the break in service.

2-16.2 Types of Leave

The City will grant an eligible employee up to a total of 12 work weeks of unpaid leave during a 12-month period, measured from anniversary date to anniversary date, for the following reasons:

1. Birth or adoption of a child or placement of a child with the employee for foster care;
2. To care for an employee’s spouse, child, or parent who has a serious health condition;
3. For a serious health condition that renders the employee unable to perform the functions of his or her position;
4. For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

The City will also grant Military Caregiver Leave which entitles an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, to take up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness.

2-16.3 Leave for Birth, Adoption, or Foster Care

This leave may be taken only during the first 12 months following the birth, adoption or placement of the child.

2-16.4 Leave for Serious Health Condition of Employee or Employee's Spouse, Child, or Parent

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider, which includes a period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - a. Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 - b. One treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
3. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
4. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
6. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

2-16.5 Leave for Qualifying Exigency

Qualifying exigencies may include:

1. Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or

- call to active duty status of a covered military member;
3. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
 4. Making or updating financial and legal arrangements to address a covered military member's absence;
 5. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
 6. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
 7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
 8. Any other event that the employee and employee agree is a qualifying exigency.

2-16.6 Military Caregiver Leave

A covered service member is a current 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. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

2-16.7 Intermittent Leave

When medically necessary, an employee may take FMLA leave intermittently or on a reduced schedule basis for their own serious health condition, the serious health

condition of a family member, qualifying exigency leave, or military caregiver leave. Except for qualifying exigency leave, employees must cooperate with The City to arrange reduced work schedules or intermittent leave so as to minimize disruption of business operations.

When intermittent leave is required, The City may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits if that job will better accommodate such leave. Intermittent leave may be taken in blocks of one hour periods, unless it is physically impossible for an employee using intermittent leave to commence or end work mid-way through a shift. In this case, the entire period is designated as FMLA leave.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Leave because of the birth or adoption of a child may not be taken intermittently.

2-16.8 Medical and Other Certifications

Employees will be required to provide a medical certification if the leave request is for:

1. The employee's own health condition;
2. A family member's serious health condition, or
3. Military caregiver leave.

Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a certification, his or her leave request may be denied and the employee may be disciplined. Certification forms are available from the Personnel Department, and a copy is attached to this policy.

If the City determines that a medical certification is incomplete or insufficient, it will specify in writing what information is lacking, and give the employee seven calendar days to cure the deficiency.

The City, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, certain City officials (Personnel Director, Personnel Department employee, or a management official, but not the employee's direct supervisor) may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. City officials will not ask health care providers for additional information beyond that required by the certification form. Second opinions may not be required for military caregiver leave or for a qualifying exigency leave.

If the first and second opinions differ, the City may, at its own expense, require a third opinion from a health care provider jointly approved by the City and the employee, and

this third opinion shall be binding.

The City may request a new medical certification each leave year for medical conditions that last longer than one year. The City may request recertification of an ongoing condition every six months in conjunction with an absence.

Where leave for a qualifying exigency is requested, the City may require a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. City officials may contact the appropriate military branch to determine if the service member is serving in support of a contingency operation. The City may contact the individual or entity named in a certification of leave for purposes of verifying the existence and nature of the meeting. Second and third opinions and recertification are not permitted for a qualifying exigency leave; however, the City may require certification if a new qualifying exigency necessitates leave.

Where military caregiver leave is requested, the City may require a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. The City may use the Personnel Director, Personnel Department employee, or a management official—but not the employee's direct supervisor—to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Second and third opinions and recertification are not permitted for a covered service member's serious injury or illness.

2-16.9 Fitness for Duty Certifications

Because the City wishes to ensure the well-being of all employees, any employee returning from FMLA leave for his or her own serious health condition will need to provide a Fitness for Duty (FFD) certification signed by his or her health care provider. An employee who fails to provide an FFD certification will be prohibited from returning to work until it is provided. An employee who fails to provide an FFD certification may be disciplined or terminated.

FFD certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume his or her duties safely.

2-16.10 Benefits During Leave

During FMLA Leave, the City will maintain the employee's health coverage under the City's group plan on the same terms as if the employee had continued to work. The employee is required to pay his or her portion of any health care premium by providing a check to the Personnel Department on or before the 1st day of every month. If an employee fails to pay his or her portion of the insurance premium, the benefits will be

lost. Employee on FMLA will not accrue any Employer benefits.

2-16.11 Use of Paid Leave Days During FMLA Leave

Employees must use any accumulated Sick Leave, Vacation Leave, compensatory time, or Shared Leave to the extent available during FMLA leave unless such leave is covered under workers' compensation, in which case the employee may use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

Employees will not accrue paid leaves during FMLA.

2-16.12 Requests for Leave

Employees must provide 30 days advance notice of the need to take FMLA Leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as possible, generally, either the same day or the next business day. The employee must comply with the City's normal call-in procedures regarding absences from work.

2-16.13 Return from Leave

Upon return from FMLA Leave, an employee will be restored to his or her original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. An employee's use of FMLA Leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA Leave.

An employee who fails to return at the end of FMLA leave without further explanation or notice will in most cases be considered to have voluntarily resigned his or her position with The City.

2-16.14 Married Couples Who Work for The City

If an employee and his or her spouse both work for The City, they are both eligible for leave. The employee and employee spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

1. The birth, adoption, or foster placement of a child;
2. To care for and bond with such child who does not suffer from a serious health condition;
3. To care for a parent with a serious health condition; or
4. A combination of the above.

For military caregiver leave, the employee and employee spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this section.

2-16.15 Secondary employment prohibited while on Family Medical Leave:

Any employee who is off work from the City of Grove and is on Family Medical Leave shall be

prohibited from engaging in secondary employment. *(Section 2-16.15 added per council action 06/20/2017)*

2-17 WORKER'S COMPENSATION

City employees are covered by the Oklahoma Workers' Compensation Act. Certain injuries occurring in the course of employment are paid for by workers' compensation insurance. Compensable injuries are defined in the Oklahoma Workers' Compensation Act and are generally those injuries or occupational illnesses or diseases occurring in the course of and arising out of employment. There are well-defined provisions that must be met to ensure that employees qualify for workers' compensation benefits.

2-17.1 Reporting Incident Required

Any employee experiencing a work-related injury or illness must immediately report the incident to the employee's supervisor, generally no later than 24 hours after the injury. Except in the case of an emergency where immediate medical treatment is required, medical treatment must be pre-approved by the City or workers' compensation insurer.

Upon receiving notice from the employee of a non-emergency work-related injury or illness the supervisor shall immediately transport the employee to the office of the City Clerk to report the incident. In an emergency situation, the supervisor shall report the incident to the City Clerk as soon as possible after the incident.

The employee, supervisor and any witnesses to the incident are required to complete the documentation required by workers' compensation no more than 24 hours after the injury or illness. The City Clerk is responsible for complying with the procedure of submitting the required documentation to the workers' compensation insurer.

If a work-related injury or illness occurs during non-business hours of the City Clerk's office, the employee and supervisor shall document the incident and report to the City Clerk the next business day following the incident.

2-17.2 Accident Investigation Report

If an employee has a work-related injury due to an accident involving a City or GMSA owned or leased vehicle, equipment or machinery, he/she shall complete an Accident Investigation Report and submit it to the City Clerk within twenty-four (24) hours of the occurrence. EXCEPTIONS: In the case of an emergency where the employee requires immediate medical treatment, the employee shall complete and submit the report to the City Clerk upon release from a physician to return to work.

A copy of the Accident Investigation Report will become a part of the Workers' Compensation documentation.

2-17.3 Post Accident Testing

All employees experiencing a work-related injury or illness shall comply with the City of Grove

Substance Abuse Policy including but not limited to undergoing post-accident drug and alcohol testing. Upon completion of reporting the incident to the City Clerk and completing the documents required by workers compensation, the supervisor shall transport the employee to the medical facility for drug testing, and to the Grove Police Department for alcohol testing. An employee is prohibited from receiving workers' compensation if they refuse to take a drug or alcohol test required by the employer.

Any claim for an injury or illness caused by an employee's willful misconduct or by alcohol or drug usage, or that occurs during certain other situations will not be compensable. The insurer may investigate late reported claims and questionable treatment. Where facts cannot be verified, the claim will be denied.

2-17.4 Workers' Compensation Fraud is a Felony

Workers' compensation fraud is a felony, punishable by fines and/or jail time. The City will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

2-17.5 Types of Benefits Paid

There are two types of workers' compensation benefits paid to an employee with a work-related injury or illness. These are Medical and Wage Replacement benefits.

Medical benefits may include the following:

- a. Physician's or certain other health care provider fees;
- b. Hospital fees;
- c. Pharmacy costs; and
- d. Special costs, including but not limited to braces, crutches, physical therapy, and rehabilitation therapy.

Wage replacement benefits:

Wage replacement benefits are paid during the time employees are temporarily disabled because of a work-related injury or illness. The percentage of their salary and the maximum compensation benefit rate employees will receive is determined by the state workers' compensation law.

Once wage replacement benefits begin, the employee may draw from his or her accumulated leave for the fraction of the employee's pay not covered by the wage replacement benefit but in no instance shall the total amount of monies received by the employee exceed the employee's rate of pay on the day of the injury.

2-17.6 Waiting Period

The City of Grove shall comply with the workers' compensation laws which require a waiting period before injured employees become eligible for wage replacement benefits. Employees will be covered for the period of disability to the limit allowed under the state workers' compensation law. The workers' compensation insurer will reimburse the Employer. The employee may use accumulated leave to cover the waiting period.

2-17.7 Excused from Work for Treatment

An employee who suffers a compensable injury is excused from work without the loss of pay, Vacation Leave or Sick Leave in order to obtain medical attention on the day the injury occurs and on any subsequent day on which treatment related to that injury is sought during work hours. All such absences are limited to the time required to obtain the necessary medical attention. If the attending Physician recommends that the employee be excused from work for the balance of the day on which the injury occurred or the balance of the day medical attention is first required, the employee will be excused from work without the loss of pay, Vacation Leave, or Sick Leave. The employee is required to furnish satisfactory proof of medical treatment to obtain the excused absence.

2-17.8 Workers' Compensation Leave

If an approved Physician or health care provider determines that an employee who has suffered a compensable injury should not return to work and is in need of a leave of absence, the City will grant the employee workers' compensation leave, *i.e.* a leave of absence without pay.

2-17.9 Benefits accrued while on Workers' Compensation Leave

An employee who has suffered a compensable injury and is on a workers' compensation leave will accumulate Vacation Leave and Sick Leave for a period not to exceed six (6) months. The Vacation Leave and Sick Leave accumulated during this period will be credited to the account of the employee only upon return to active employment status. Under no circumstances shall the employee receive credit for the accumulated leave if the employee has reached the maximum amount of accrued leave allowed.

An employee who has suffered a compensable injury and is on workers' compensation leave shall continue to be covered under the City's group health and life insurance benefits so long as the employee pays his or her portion of any cost of such coverage.

2-17.10 Secondary employment while on Workers' Compensation Limited Duty or Workers' Compensation Leave

Any employee who is placed on restricted activity or limited duty by a qualified health care professional, such restriction or limitations shall apply to any off-duty or part-time employment as well as services performed for the City of Grove. All work performed by the employee during the term of such restriction or limitation shall comply with the specified limitations regardless of the employer of such activities. Should an employee suffer any illness or injury that will require a limitation or restriction upon their ability to perform their work activities, the employee shall notify his or her supervisor as soon as practical. Nothing herein shall prevent an employee from working off-duty jobs so long as the employee complies with the medical restrictions while working off-duty jobs.

An employee who has suffered a compensable injury and has been taken off work by a qualified workers' compensation health care professional or an employee who is receiving temporary total disability from the City of Grove under workers' compensation shall be prohibited from engaging in secondary employment.

Employees who decline temporary modified duty in order to return to work from a leave of absence due to a workers' compensation injury will be considered to have resigned and will be terminated. If employees are eligible for family and medical leave because of the employees' personal health condition, they will have their workers' compensation benefits terminated if they refuse temporary modified duty for which the employee is qualified. (*Section 2-17.10 amended per Council action on 6/20/2017*)

2-17.11 Failure to Return to Work upon Release

Any employee who fails to return to work after being released by an approved Physician will be considered to have resigned.

2-17.12 Fitness for Duty Exam

At the written request of the supervisor, the City Manager may order a physician designated by the City at the expense of the City, to examine the employee and determine if the employee is capable of returning to and performing the full-time duties of his job.

As a result of the physician's findings, the supervisor and the City Manager shall consider an appropriate course of progressive action as outlined below:

- a. Assignment to part-time status until such time as a doctor releases the employee for full-time duty status, but not to exceed 90 calendar days.
- b. Transfer or reclassification to a job class where the employee demonstrates the physical and mental capability of performing the duties of the class, if position is available.
- c. Grant a leave of absence without pay in accordance with provisions found elsewhere in these policies, and in accordance with the Family Medical Leave Act, but for not more than 90 calendar days.
- d. To assist the employee in applying for early retirement, if applicable, in accordance with provisions of the applicable retirement system.
- e. Take steps to separate employee from the City's employment when it is determined that the employee is unable to perform the duties required of any positions available.

Actions (a.) and (b.) shall be granted for thirty (30) days, and any extension after 30 days shall be approved by the City Manager. Actions (d.) and (e.) will be considered when all accrued sick leave has been exhausted. (*Section 2-17 amended per Council action 06/17/2014, 8/16/2016*)

2-18 INSURANCE

Once employees have met the appropriate eligibility requirements, they are eligible to participate in the City's group health, dental and life insurance plans. The City is currently operating under a cafeteria plan (see Section 125 of the Internal Revenue Code), which allows for payroll deductions for various types of coverage. Currently included in the plan are dependent health and dental insurance, plus additional life, vision, long and short-term disability at employee's expense.

More detailed information about each plan can be found in the plan documents maintained in the Personnel Department and the summary plan descriptions (SPDs). SPDs are the official documents regarding employee benefit plans and supersede all

references to employee benefits in this manual.

Eligibility – Full-time employees with the City may be eligible for health, life and dental benefits upon the first (1st) day of the month following a thirty (30) day waiting period.

Termination - Terminated and laid-off regular full-time employees may continue available coverage through COBRA for a period of time, through payment by them of the monthly premium.

2-19 UNIFORM ALLOWANCE

Each uniformed Police Officer, Dispatcher and Animal Control Officer is provided a Uniform Allowance in an amount determined by the City Council and included in the annual budget for purchasing, cleaning and upkeep of uniforms.

Other employees may be provided uniforms and/or cleaning allowances. The nature of the employee's job and the public's perception of the position will determine the need for uniforms and/or a cleaning allowance. This determination shall be made solely at the City Manager's discretion.

Departments with field crews (Buildings & Grounds, Street Department, Vehicle Maintenance and GMSA) shall be furnished uniforms. Such uniforms are not owned by the employees and shall be cleaned and maintained by a company designated by the City.

An employee that is furnished a uniform is expected to wear the uniform while on duty. These uniforms clearly indicate that the employee represents the City of Grove and the employee's appearance is a direct reflection on the City. Uniforms supplied by the City shall not be worn while off duty.

Upon termination of employment with the City of Grove, employees shall return to his or her Department Head all City issued uniforms, along with all tools, equipment, identification cards, insurance cards and any other City property in their possession.

2-20 RETIREMENT PLAN

Once full-time employees have met the appropriate eligibility requirements, they are required to participate in the City's retirement plan unless prohibited by age at the time of employment. City employees with the exception of Police and Fire personnel are covered by the Oklahoma Public Employees Retirement System (OPERS). Police Officers are covered by the Oklahoma Police Pension and Retirement System. Fire Department employees are covered by the Oklahoma State Firefighters Pension and Retirement System.

More detailed information about each plan can be found in the plan documents maintained in the Personnel Department and the summary plan descriptions (SPDs).

SPDs are the official documents regarding employee benefit plans and supersede all references to employee benefits in this manual.

Employees who plan to retire are urged to provide the Department Head and Personnel Director with a minimum of two (2) months' notice. This will allow time for completing the retirement procedures and ensure that retirement benefits may commence in a timely manner.

The retirement plan requires contributions by both the employee and the City. An employee will begin to participate in the retirement program after successfully completing thirty (30) days of employment unless employment begins on the first day of the month.

Any employee who is a member of the Oklahoma Public Employees Retirement System (OPERS) shall forfeit whatever retirement benefits are due to them upon final conviction of or pleading guilty or nolo contendere to a felony for bribery, corruption, forgery, or perjury or any other crime related to their employment. If an employee receives a deferred sentence they are not required to forfeit their retirement benefits, but retirement benefits will not commence prior to the completion of the deferred sentence. The forfeiture does not include the employee's contribution to the retirement system or retirement benefits that are vested prior to August 26, 2011.

The employee will also lose their benefits, even after leaving their position with the City of Grove, if they are convicted of, or pleads guilty or nolo contendere to, in a state or federal court or competent jurisdiction, a felony committed during employment with the City of Grove, where the felony is for bribery, corruption, forgery or perjury or any other crime related to the duties of his or her employment.

The forfeiture will continue until the conviction or guilty plea is reversed by the highest appellate court to which the employee may appeal. *(Amended per Council action 9/6/2011)*

2-21 TUITION REIMBURSEMENT

The City of Grove recognizes the benefits of improved employee performance through continuing education and training. To assist the employee in achieving this improved performance, the City offers tuition reimbursement under the following circumstances.

Tuition reimbursement or paid training is available to full-time employees who have completed their probationary period of employment. An employee who is under probation is not eligible for tuition reimbursement or paid training.

Employees must meet with their supervisor to assure that the classes or training will contribute to the continued development of the individual based on his or her current or projected position. Supervisors must also ensure that attendance of the classes or training will not result

in undue disruption of the City’s schedule or workload. Approval will also be subject to budget limitations and restrictions.

All requests for tuition reimbursement or paid training must be submitted to the City Manager for approval thirty (30) days prior to enrollment. Reimbursement may be in terms of release time, registration, tuition, books and supplies, or a combination of the same for up to six (6) hours credit per semester. If reimbursement is sought for college level classes, the college must be an accredited institution of higher learning. The employee must receive a grade of C or better.

Reimbursement will be made upon presentation of documentation showing completion of training or classes and acceptable grades, tuition receipts, and textbook receipts. Paid training or tuition reimbursement may not exceed \$1000 (or \$500 per semester) per employee per calendar year. If an employee’s employment is terminated prior to completion of training or classes, no expenses will be reimbursed.

2-22 LICENSE INCENTIVE

The City of Grove recognizes the benefits of improved employee performance through continuing training. To encourage employees to obtain additional training and licensing, the City offers an incentive to employees who receive and retain licenses. Employees will receive a license incentive based on the *current* license(s) they hold.

<u>Water and Wastewater</u>	<u>Class A</u>	<u>Class B</u>
Water or Wastewater <i>Operator</i> License	\$25.00/month per license	\$12.50/month per license
Water or Wastewater <i>Lab</i> License	\$25.00/month per license	\$12.50/month per license

When an employee upgrades from a Class B to a Class A license, the employee will receive only the incentive for the Class A license; at no time shall the employee be paid an incentive for the same license in Class A and Class B. The maximum dollar amount of Water and Wastewater license incentives shall not exceed \$100.00 per month.

<u>Inspection</u>	<u>Unlimited</u>	<u>Residential</u>
Building	\$25.00 per month	\$12.50 per month
Electrical	\$25.00 per month	\$12.50 per month
Plumbing	\$25.00 per month	\$12.50 per month
Mechanical	\$25.00 per month	\$12.50 per month

(Unlimited includes both Residential & Commercial licenses for a particular trade)

When an employee upgrades a trade from Residential to Unlimited license, the employee will receive only the incentive for the Unlimited license in that trade; at no time shall an employee receive both the Residential license incentive and the Unlimited license incentive in any one trade. The maximum dollar amount of Inspection license incentives shall not exceed \$100.00 per month. *(Inspection License Incentive added per Council action on 05/02/2017).*

2-23 TRAINING/LICENSE COSTS

All costs pertaining to employee training and obtaining licenses/certifications will be paid by

Grove Municipal Services Authority (GMSA) or the City of Grove depending on the department of the employee.

An employee who leaves employment less than one-year after obtaining licenses/certifications through the City of Grove and/or GMSA shall re-pay the entire costs associated with obtaining the licenses/certifications including travel and lodging expenses.

An employee who leaves employment after one-year and prior to five-years after obtaining licenses/certifications through the City of Grove and/or GMSA shall re-pay one-half the entire costs associated with obtaining the licenses/certifications including travel and lodging expenses. *(Section 2-23 added per Council action on 04/07/2015).*

EXCEPTIONS: A vested employee eligible for retirement through Oklahoma Public Employees Retirement System (OPERS) who chooses to retire within one-year of renewing annual licenses/certificates that are required for their job performance shall not be responsible for repayment of costs associated with those annual license/certification renewals. *(Exceptions added per Council action on 05/05/2015).*

2-24 COMPENSATION FOR CLEET CERTIFICATION

Police Department employees (excluding Bargaining Units) shall be compensated for Intermediate or Advanced CLEET certification at the following rate:

Intermediate CLEET Certification	\$ 600.00 annually, paid at \$ 50 per month
Advanced CLEET Certification	\$1,200.00 annually, paid at \$100 per month

To be eligible to receive compensation for CLEET certification, employees shall provide employer with documentation of the level of certification held. The compensation for CLEET certification shall go into effect the month following notice of certification.

Compensation for CLEET certification for Bargaining Unit employees is included as part of the Agreement between the City of Grove and the Fraternal Order of Police Grand Lake Lodge No. 171. *(Added per Council action on 01/05/2016)*

SECTION 3 – RECORDS, REPORTS & PAYROLL

3-1 EMPLOYEE RECORDS

Each employee shall have an individual file jacket in the Personnel Department.

A record of the following facts regarding each employee shall be kept in a file designated for such purpose in the Personnel Department:

1. Name and current physical and mailing address of the employee.
2. Date and character of each appointment and every subsequent change in status and all changes in compensation.
3. Applications, examinations, reports from Department Heads, and such other letters and papers as may be of a confidential nature.
4. A copy of all forms required and provided in these Policies.

The City will keep the following personnel records confidential:

1. Records which relate to internal personnel investigations, including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or
2. Records where disclosure would constitute a clearly unwarranted invasion of personal privacy, including:
 - a. employee evaluations;
 - b. medical information;
 - c. payroll deductions;
 - d. employment applications submitted by persons not hired; and
 - e. the home address, telephone numbers and social security numbers of current and former City employees

All other personnel records 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.

Except as may otherwise be made confidential by statute, employees shall have a right of access to their own personnel files. Employees who wish to examine and/or copy the non-confidential portion of their file may submit a written request to the Personnel Director. Employees may submit for inclusion in their file a written response to any material contained in the file.

3-1.1 Other Personnel Files

Separate files will be maintained in the Treasurer's Office for staff time reports; Vacation Leave, Sick Leave and other leave records; insurance information; Workers'

Compensation records; employment contracts; and employee travel reports.

A separate file containing confidential medical and similar information will be maintained in the Personnel Department with limited access as allowed by law.

3-2 PAYROLL PROCEDURES

The City of Grove currently issues paychecks bi-monthly. The Treasurer distributes the payroll checks to the Department Heads. If a payday falls on a Holiday, checks will be issued on the preceding day. If a payday falls on the weekend, the City will endeavor to issue checks on the preceding Friday.

The City offers an option for electronic direct deposit for employees. Forms are available in the Personnel Department.

3-3 PAY INCREASES

3-3.1 Requested Pay Increase

Pay increases must be requested in a timely manner allowing time for approval and processing for the next following pay period. Pay increases will be approved for the next following pay period only. There will be no pay increases approved which are retroactive, unless approved by the City Manager. All requests for a pay increase must be accompanied by an Employee Evaluation form with a satisfactory or higher rating, and a written recommendation from the employee's supervisor.

3-3.2 Temporary Pay Increase

Employees who are responsible for temporarily performing supervisory duties due to the regular supervisor being on an *Extended Leave of Absence* (defined below) will receive a Temporary Pay Increase. The amount of the Temporary Pay Increase will be based on the extra responsibilities and duties required to perform the supervisory position and will be determined by the City Manager.

Upon return to duty by the regular supervisor, the Temporary Pay Increase will be discontinued and the employee will be returned to their normal rate of pay.

Extended Leave of Absence: When an employee is off work for more than two (2) consecutive weeks due to a situation other than normal vacation, sick, holiday, or comp time.

3-4 WORK HOURS, WORK WEEK, OVERTIME, COMPENSATORY TIME AND HOURS WORKED AS VOLUNTEER FIREFIGHTERS

3-4.1 Work Hours and Work Week

A work day shall commence at 12:01 a.m. and a workweek shall commence at 12:01 a.m. Monday.

3-4.2 Overtime and Compensatory Time

Department Heads are responsible for scheduling the work in their Departments in order to minimize overtime. Overtime must be authorized by Department Heads or their designee in advance of working such overtime.

Opportunity to work overtime shall be distributed as equally as practicable among employees in each department.

Overtime shall be calculated to the nearest fifteen minutes. Unless specifically noted within these Policies, overtime compensation shall be provided to non-exempt employees through the accrual of compensatory time rather than overtime pay.

For the purpose of calculating overtime or compensatory time, paid Vacation Leave, Holiday Pay, and compensatory time shall be considered as time (hours) worked within the workweek. *(Amended per Council action 07/07/2015)*

Paid Sick Leave time shall NOT be considered as time (hours) worked within the workweek for the purpose of calculating overtime or compensatory time. The only exception will be any external bargaining contracts, which will supersede this policy. *(Amended per council action 07/07/2015)*

Non-exempt employees will accumulate compensatory time only when the actual number of hours worked during a workweek exceeds 40 hours. For the purpose of computing compensatory time, in Departments other than the Police Department, Compensatory time will be computed at 1½ hours for every hour worked during a workweek over the regular 40 hours.

Non-exempt employees shall not be allowed to accumulate more than eighty (80) hours of compensatory time. Any hours in excess of the eighty (80) hours maximum accrual must be paid out. *(Amended per Council action 10/19/2010)*

Upon an employee changing eligibility status from Non-exempt to Exempt, the employee will be paid for allowed compensatory time accumulated. Accumulated compensatory time will be paid at the employee's current non-exempt hourly rate. *(Added per Council action 08/21/2012).*

Police Officers subject to the collective bargaining agreement may accumulate compensatory time not to exceed the amount established in the agreement.

Employees shall be permitted to use accumulated compensatory time within a "reasonable period of time" after making the request, provided the use of the compensatory time does not unduly disrupt the operations of their department or impose an unreasonable burden on their department's ability to provide services. The

employer can advise an employee that he will take accumulated compensatory time on a certain date, to insure that the accumulated compensatory time will not exceed applicable limits.

All additional compensatory time over the applicable limits will be paid at the rate of 1½ times the hourly rate for each hour worked. Employees will be paid for all compensatory time accumulated upon termination of employment or retirement.

There shall be no pyramiding, compounding, or other addition to any premium pay.

All compensatory time off and overtime compensation shall be in compliance with the Fair Labor Standards Act (FLSA).

3-4.3 Employees serving as Volunteer Firefighters

Unless an employee is in the middle of a major project and his/her absence will not cause an undue hardship to the department, as determined by their immediate supervisor, an employee may be allowed to respond to a 911 fire call.

Employees shall not intentionally delay their return to regular duties, instead they shall return to their regular duties as soon as their volunteer responsibilities for the 911 fire call have concluded.

Employees responding to a 911 fire call during regular working hours will be paid their regular hourly rate of pay plus the per run rate established for other volunteer firefighters.

Employees responding to a 911 fire call during non-working hours will be paid the per run rate as established for other volunteer firefighters.

Employees desiring to take time off during their regular working hours to work as a fire volunteer in a non-emergency capacity shall be required to submit a Request for Leave form; approval is at the discretion of the supervisor depending on the work load and schedule. *(Section 3-4.3 added per Council action on 02/21/2017)*

3-5 PERSONAL DEBTS AND GARNISHMENTS

City of Grove employees are expected to pay bills promptly and maintain a good credit standing. It is costly to the City when creditors are forced to collect delinquent bills through garnishments.

SECTION 4- CONDUCT & DISCIPLINE

Any City employee may be terminated, demoted, suspended or laid off “For the Good of the Service”. Nothing contained in these Policies shall be construed as granting a property interest in employment with the City of Grove.

4-1 DEALING WITH THE PUBLIC

All employee positions were created for and maintained to provide necessary services to the citizens of Grove in a courteous, impartial and efficient manner.

City government is evaluated either positively or negatively by the conduct of the employees. As such, City employees are under constant evaluation by the public. Even when employees are not present, they are evaluated by the condition and appearance of the streets, parks, facilities and services provided by the City.

It is important for all employees to present themselves in socially acceptable manner (clean, neat, and decent) and to do their jobs in an efficient manner as prescribed by Department policies and procedures.

When dealing with the public, be polite, courteous, and fair. Employees are expected to assist the public as best they can without violating department rules. Should a problem arise that the employee cannot handle, the immediate supervisor should be notified as soon as practical.

4-2 CONTACT WITH THE NEWS MEDIA

It has always been the City’s policy to cooperate as fully as possible with news media inquiries and to communicate truthfully with the media on City matters appropriate for public knowledge. To ensure accuracy and consistency regarding the City or its actions, the City Manager or his/her designee will serve as the only authorized media spokesperson for the City. All media inquiries should be referred to the City Manager.

4-3 USES OF SOCIAL MEDIA

The City of Grove understands that social networking has become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interest and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

Social media is quickly becoming a critical mode of communication. One in five Oklahomans use some form of social media on a daily basis, making it one of the most effective, direct communications tools for nonprofit and governmental organizations.

4-3.1 Purpose

As the City of Grove seeks to actively inform, serve and engage citizens, social media

provides an opportunity to reach a large audience directly, and allows for greater personal interaction between the City of Grove and residents.

Social media platforms offer many advantages to city governments. Social media opens up government, encourages citizen participation, strengthens our democracy, and supports a civic culture. When properly used, it can be an effective tool for the City of Grove to:

1. Increase transparency of local government by openly, directly and publicly communicating with citizens;
2. Develop new and/or improved relationships with citizens and community partners;
3. Seek input and listen to residents and customers on key issues or services provided, enabling the City of Grove to improve services, programs and practices;
4. Expand communication tools with added content distribution methods.

4-3.2 Definitions

Author - Person who creates and is responsible for posted articles and information on social media sites.

Authorized User - A person authorized by the City Manager to create, access and update the social media sites for the City of Grove information resource.

Blog - A site with regular entries of commentary, descriptions of events, or other material such as graphics or video. Blogs are typically topic-specific, where content is provided by one or several authors and made available for comment.

Commenter - A person who submits a comment for posting in response to the content of a particular article or social media content.

Comment - A response to an article or social media content submitted by a commenter.

Employee - Individuals retained and authorized on a temporary, part-time, or full-time basis by the City of Grove to perform a service for compensation.

Post - Original content placed on a Social Media site.

Social Media - An umbrella term referring to internet-based communications tools which focus on interactivity, user participation, and person-to-person information sharing within online social networks. Social media is quickly rising as an important means of outreach and two-way communications.

Some typical examples of social media include:

1. Social networking sites (*Facebook, Twitter, YouTube, MySpace*)
2. Wikis (*Wikipedia*)
3. Blogs
4. Podcasts
5. Message boards

Social Networking - The way users build online networks of contacts and interact with the personal or business friends in a secure environment.

WWW - World Wide Web means the complete set of documents residing on all Internet servers that use the HTTP protocol accessible to users via a simple point-and click system.

4-3.3 Statement of Policy

All City of Grove social networking sites shall adhere to applicable state, federal and local laws, regulations and policies.

The City of Grove's website, www.cityofgroveok.gov will remain the primary and predominant Internet presence.

1. The best, most appropriate City of Grove uses of social media tools fall into two categories:
 - a. As channels for disseminating time-sensitive information as quickly as possible (examples: road closures, safety tips, updates on ordinances, building codes, events and activities)
 - b. As a marketing and promotional channel which increases the City's ability to broadcast its messages to the widest possible audience.
2. Whenever possible, content posted to the City of Grove's social media sites will also be available on the City's main website. A link directing users back to the City's official website for in-depth information and forms shall be available on the social media sites.
3. Information posted shall be relevant and timely and shall not be designed to raise partisan questions, issues or promote a political agenda or campaign.
4. The City of Grove reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.
5. All City of Grove social media sites shall comply with the City of Grove's Internet Usage Policy.
6. All social networking "profiles" managed by the City of Grove shall clearly indicate that they are maintained by the City of Grove and shall have the City of Grove contact information easily accessible.
7. All content, comments and replies posted on the City of Grove's social media

sites are subject to the Oklahoma Open Records Act.

8. If a copyright is indicated on a video, photo, graphic or other material, permission to use these materials must be obtained from the original source prior to use.

4-3.4 Prohibited Uses

Site articles and comments containing any of the following forms of content shall be prohibited from posting:

1. Comments not topically related to the particular site or blog article being commented upon;
2. Comment is in support of or in opposition to political campaigns or ballot measures;
3. Profane language or content;
4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
5. Sexual content or links to sexual content;
6. Solicitations for commerce;
7. Illegal conduct or the encouragement of illegal activity.
8. Information that may tend to compromise the safety or security of members of the public, the public at large, or public systems;
9. Content that violates a legal ownership interest of any other party.

4-3.5 Employee Guidelines

1. Only employees authorized by the City Manager may create and maintain social media sites. If an authorized user leaves the City of Grove employment, his/her access to the media sites shall be removed.
2. In some social media formats you may encounter comments which cause you concern as an authorized user. If user content is positive or negative and in context to the conversation, then the content should be allowed to remain, regardless of whether it is favorable or unfavorable to the City. If the content is ugly, offensive, denigrating and completely out of context, then the content should be rejected and removed, after approval of the City Manager.
3. Employees representing the City government via social media outlets must identify themselves with a full professional signature; this shall include the individual's name, the individual's title, and department name.
4. If you identify yourself as a City employee, ensure your profile and related

content is consistent with how you wish to present yourself to colleagues, and citizens.

5. City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business.
6. Comment to your readers like you would talk to people in professional situations. Avoid overly "composed" language. Bring in your own personality and say what is on your mind. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allowing your content to be shared or syndicated.
7. Protect your privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, and protect sensitive and confidential information. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully.
8. To avoid potential privacy violations, employees must not reference or cite citizens, clients, partners or customers without their written consent for each specific reference.
9. Follow all copyright laws, public record laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the City or your functional area.
10. Never comment on anything related to legal matters, litigation, or any parties with which the City may be in litigation without the approval of the City Manager.
11. You shall comment and post only regarding matters in your area of expertise. All comments or questions regarding a topic you do not engage in on a daily basis, or a topic about which you have no expertise, should be referred to the appropriate department. Failure to follow this policy could lead to inaccurate or misleading information being provided to readers. When in doubt regarding your ability to comment on a topic, contact the City Manager for guidance.
12. Do not denigrate others or the City. It is not necessary to respond to every criticism or barb.
13. Do not post comments or articles that demonstrate a deliberate attempt to cause poor morale or disrespect to the City of Grove or its employees, this includes negative comments about co-workers, supervisors, management, trustees or the governing board; *(This applies to all postings by City of Grove employees on any social media site.)*
14. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments that may be

considered objectionable or inflammatory.

15. Employees who post or publish non-official statements to a blog, website or social media site, for work related purposes, must include the following disclaimer: *The views expressed here are mine alone and do not necessarily reflect the views of the City of Grove. The City of Grove has not reviewed or approved any of its contents, and therefore accepts no responsibility.*
16. Employees are accountable for content that they post or publish, and shall obtain approval of the City Manager prior to posting content that could be deemed inappropriate or unreliable.
17. Employees found in violation of this policy may be subject to disciplinary action up to and including dismissal. *(Amended per Council action 01/03/2012)*

4-4 CONFIDENTIAL AND PROPRIETARY INFORMATION

City property includes not only tangible property, but also intangible property such as information. Proprietary information includes information obtained by employees during the course of their work. City employees will receive and have access to information that is confidential in nature to the City, its customers, and its vendors. This information includes but is not limited to strategic plans, personnel files, City data, customer lists, etc. Employees are not to disclose any such information to (a) any other person in City employment unless there is a legitimate business reason for doing so or (b) any person outside City employment unless management has expressly stated that the information can be disclosed to that person. This obligation exists even after the employee leaves City employment

The City will comply with the Open Records Act and the Freedom of Information Act; however, employees should discuss the propriety of the release of information with their Department Head or the City Manager prior to the release of such information.

4-5 POLITICAL ACTIVITIES

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for municipal office.

No City employee shall solicit any monetary contribution or take an active part in a municipal campaign, nomination or election or any other political campaign, nomination or election during working hours or while in City uniform.

Any employee holding employment in the City service shall not continue within such position after becoming a candidate for elective public office, unless prior to involvement, such employee shall request a leave of absence without pay and, upon approval by the City Manager, be granted such.

4-6 DISCIPLINARY ACTION AND WORK RULES

The City Manager shall hire, fire, discipline, and maintain the efficiency of all City operations in accordance with federal, state, and local law, and the policies adopted by the City Council.

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities.

An adequate reason or cause for a disciplinary action shall include, but not necessarily be limited to, each of the following kinds of conduct:

1. Conduct or performance on the job which indicates a lack of ability to adequately perform the duties of the position or classification held by the employee.
2. Conduct or performance on the job which indicates a failure to produce the quality of work the position or classification requires.
3. Discourtesy to the public. City employees shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions, and statements are, in essence, those of the City.
4. Falsifying employment or other City records.
5. Conduct or performance on the job which demonstrates insubordination, which is defined as a refusal to follow appropriate written or oral procedures, instructions, or directions from a supervisory employee or Department Head.
6. The solicitation or acceptance of money or anything of value to influence the decisions of an employee in public matters or as a reward for such decisions.
7. Drinking an alcoholic beverage or being intoxicated while at work or being under the influence of a non-prescribed controlled drug.
8. Conduct or performance on the job which demonstrates a deliberate attempt to cause poor morale or disrespect among City employees by actions or attitude on the job.
9. Verbal or physical abuse or improper treatment of a City client or employee.
10. Habitual or excessive tardiness or absences in reporting for scheduled working hours.
11. Unauthorized possession of firearms on City premises or while on City business.
12. Stealing, misappropriation, or conversion of City property or the property of other employees or clients of any City department.
13. The willful violation of any departmental or City rule or regulation which has been adopted in written form and is known, or reasonably should be known, by the employee involved.
14. Reporting for a scheduled work assignment in clothing or other aspects contributing to appearance which an authorized supervisory employee or Department Head has reasonably advised the employee is not acceptable or appropriate for the work assignment or duties performed by that employee.

15. Willful misuse of and/or negligence involving City property or equipment.
16. Conviction of a felony and/or a misdemeanor involving moral turpitude or casting doubt on the employee's ability to properly perform his job.
17. Violation of any policies.
18. Horse play, cursing, or similar inappropriate work conduct.
19. Making jokes that demean another individual or group of individuals.
20. Name calling or nicknames that may be offensive.
21. Taking credit for another individual's work or ideas.
22. Refusing to communicate or speak with another individual.
23. Offensive verbal, visual, or physical conduct.
24. Repeated negative comments about others either orally or in writing.
25. Threatening another individual.
26. Invading another's privacy.
27. Knowingly blaming other individuals for a mistake they did not make.
28. Purposely invading another's personal space.
29. Gossiping about another individual.
30. Any type of "bullying" behavior.
31. Reasons or causes specifically defined other than those listed here.

4-7 TYPES OF DISCIPLINARY ACTION

When it becomes necessary to address an employee's actions in the workplace, general guidelines of acceptable business conduct will govern. Depending upon the nature and seriousness of the employee's actions, disciplinary action may begin at any step of the disciplinary action process.

Oral Reprimand: A formal, verbal rebuke of an employee by a supervisor, Department Head or City Manager for specific infraction(s) of City policy, unacceptable employee behavior, or unacceptable job performance.

Written Reprimand: This is an action taken by a Department Head in which he or she writes out the action or behavior which he or she wishes the employee to change, cease, or begin. The written reprimand shall describe in detail the behavior to be corrected and shall give direction and orders for the future and will point out the consequences of repeating the actions which brought about the written reprimand. The written reprimand shall be signed by the Department Head and presented in person by the Department Head or authorized subordinate. The employee should sign all copies to acknowledge receipt; if he or she refuses, the presenter shall note it on the form. All written reprimands shall be dated and signed by the employee and placed in the employee's personnel file. The employee will be given a signed copy. The employee may place a dated written rebuttal in the personnel file attached to the reprimand.

Forced Transfer: This is an action taken by a Department Head to eliminate a specific conflict within a Department or division. An employee may be transferred from a position in a Department to a position of equal level in a different Department or

division.

Involuntary Demotion: At the discretion of the City Manager, reassignment from an employee's current position to one of a lesser starting pay and lower responsibility level. A dated memo shall be sent to the employee no less than ten (10) working days prior to the effective date stating effective date of the demotion and new salary.

Suspension Without Pay: On recommendation of the Department Head and approval of the City Manager or on recommendation of the City Manager, the ordered absence from duty without pay for a time period not to exceed thirty (30) days, provided this time period may be extended by the City Manager. A signed and dated letter will be given to the employee no later than the beginning of the regular workday on which the suspension is scheduled to begin, stating the duration of the suspension. A copy will be placed in the employee's personnel folder.

This action does not require the employee's consent to place him/her on such a leave without pay and results in the following:

1. The employee does not accrue salary, Vacation Leave, or Sick Leave, nor is the employee entitled to use such paid Leave time while on suspension.
2. Following suspension, the employee shall be returned to the payroll at the same classification and salary as when he or she was suspended.

Suspension with Pay: On recommendation of the Department Head and approval of the City Manager or on recommendation of the City Manager, an employee may be suspended from normal work duties with pay for a period of up to thirty (30) days, provided this time period may be extended by the City Manager. Suspension with pay shall not be charged against accrued Vacation Leave. A written dated memo of suspension with pay shall be delivered to the employee stating the effective date and duration of the suspension. The employee shall sign the original memo and shall receive a copy. The original memo shall be placed in the personnel file.

4-7.1 Suspension Procedure

The Department Head with City Manager approval or the City Manager may suspend an employee when necessary for the good of the service. The Department Head shall notify the employee in writing of the suspension and reasons thereof. A copy of this written notification shall be presented to the Personnel Director immediately.

The employee shall be informed that he or she has the right to make a written request for a meeting with the City Manager to discuss any grievance concerning the suspension.

Dismissal: This is an action recommended and taken by a Department Head and approved by the City Manager which permanently removes an employee from his or her Department and from the City payroll. Dismissed employees need not be kept in

employment or be paid for any time after the completion of the normal working day they are dismissed.

4-7.2 Dismissal Procedure:

The Department Head with City Manager approval or the City Manager may dismiss an employee when necessary for the good of the service. The Department Head shall notify the employee in writing of the dismissal and reasons thereof. A copy of this written notification shall be presented to the Personnel Director immediately.

The employee shall be informed that he or she has the right to make a written request for a meeting with the City Manager to discuss any grievance concerning the dismissal.

4-8 CONFLICT OF INTEREST/OUTSIDE EMPLOYMENT

4-8.1 Employees Other Than Department Heads

Employees shall be required to disclose to their Department Head engagement in or change in the status of any other employment, activity, or enterprise for private gain, which may constitute a conflict of interest or is inconsistent or incompatible with public employment.

It shall be the responsibility of the Department Head so notified to inform the City Manager in writing of such a disclosure.

The Department Head shall determine if such other employment, activity, or enterprise for private gain does constitute a conflict of interest or is inconsistent or incompatible with public employment. Once such determination is made, the Department Head shall notify the employee and the Personnel Director in writing whether such other employment, activity, or enterprise for private gain is allowed or prohibited.

In determining whether such employment, activity, or enterprise for private gain constitutes a conflict of interest with public duties or is inconsistent or incompatible with public employment, the following should be considered:

1. The performance of an act in other than an official capacity as an employee which acts may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which she/he is employed.
2. For employees classified as FLSA non-exempt, such work is the same as similar or related to the type of work performed for the City.
3. Private gain or advantage will not be realized from the use of City time, staff, facilities, equipment, supplies, or influence.
4. Private gain or advantage will not be realized for the performance of an act, which the employee should be required or expected to perform as part of his/her duties as an employee.

The City Manager may reverse the determination reached in determining whether such employment, activity, or enterprise for private gain constitutes a conflict of interest or is inconsistent or incompatible with public employment. The City Manager shall be the authority of final determination.

The Department Head shall monitor no less than annually the status of such disclosed employment, activity, or enterprise for private gain, which may constitute a conflict of interest with public duties or is inconsistent or incompatible with public employment, and shall notify the employee and City Manager of any change in the determination.

The employee's failure to disclose to his/her Department Head engagement in or change in the status of employment, activity, or enterprise for private gain, which may constitute a conflict of interest with public duties or is inconsistent or incompatible with public employment, may be grounds for disciplinary action including suspension or dismissal. Employees who have submitted the appropriate disclosure shall not be disciplined for failure to cease unless they have been notified in writing by the Department Head that an activity is prohibited and fail to comply.

4-8.2 Department Heads

Department Heads shall be required to disclose to the City Manager engagement in or change in the status of any other employment, activity, or enterprise for private gain which may constitute a conflict of interest or is inconsistent or incompatible with public employment.

It shall be the responsibility of the City Manager so notified to inform the City Council in writing of such a disclosure.

The City Manager shall determine if such other employment, activity, or enterprise for private gain does constitute a conflict of interest or is inconsistent or incompatible with public employment. Once such determination is made, the City Manager shall notify the employee and the City Council in writing whether such other employment, activity, or enterprise for private gain is allowed or prohibited.

In determining whether such employment, activity, or enterprise for private gain constitutes a conflict of interest with public duties or is inconsistent or incompatible with public employment, the following should be considered:

1. The performance of an act in other than an official capacity as an employee which acts may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which she/he is employed.
2. For employees classified as FLSA exempt, such work is the same as, similar, or related to the type of work performed for the City.
3. Private gain or advantage will not be realized from the use of City time, staff, facilities, equipment, supplies, or influence.

4. Private gain or advantage will not be realized for the performance of an act, which the employee should be required or expected to perform as part of his/her duties as an employee.

The City Manager Shall Be The Authority of Final Determination.

The City Manager shall monitor, no less than annually, the status of such disclosed employment, activity, or enterprise for private gain, which may constitute a conflict of interest with public duties or is inconsistent or incompatible with public employment, and shall notify the Department Head and City Council of any change in the determination.

The Department Head's failure to disclose to the City Manager engagement in or change in the status of employment, activity, or enterprise for private gain, which may constitute a conflict of interest with public duties or is inconsistent or incompatible with public employment, may be grounds for disciplinary action including suspension or dismissal. Department Heads who have submitted the appropriate disclosure shall not be disciplined for failure to cease unless they have been notified in writing by the City Manager that an activity is prohibited and fail to comply.

4-8.3 Secondary Employment

1. An employee shall not engage in any secondary employment or other activity which would compromise impartiality or independence of judgment in the performance of the City of Grove job duties or create a conflict of interest.
2. An employee is prohibited from engaging in any secondary employment that interferes with scheduled City of Grove work.
3. An employee is prohibited from engaging in any secondary employment when the employee is off work from the City of Grove on administrative leave, sick leave, injury leave, FMLA leave, workers' compensation leave or is receiving temporary total disability benefits from the City of Grove under workers' compensation laws.
4. Duties with the City of Grove shall take priority over Secondary Employment.

(Section 4-8.3 amended per Council action, 6/20/2017)

4-9 CITY AND GROVE MUNICIPAL SERVICES AUTHORITY (GMSA) OWNED OR LEASED VEHICLES, EQUIPMENT AND MACHINERY

4-9.1 Vehicles, Equipment and Machinery.

Vehicles, equipment and machinery are purchased or leased by the City and Grove Municipal Services Authority (GMSA) and are intended for official City and GMSA business use only. Vehicles, equipment and machinery will not be used by or be used to transport any person(s) not engaged in official City or GMSA business. The personal use of City or GMSA vehicles, equipment or machinery is prohibited. Each Department Head is responsible for informing their departmental personnel and enforcing this policy.

City and GMSA vehicles, equipment and machinery shall be operated in compliance with the appropriate traffic laws and the operator's manual. Only authorized, licensed, qualified personnel may operate City and GMSA vehicles, equipment and machinery.

Only authorized personnel may take City and/or GMSA vehicles home overnight and will pay applicable taxes as required by IRS regulations for such use. The City Manager may authorize personnel to take City and/or GMSA vehicles, equipment or machinery home overnight during an emergency situation.

All non-management vehicles shall have a City of Grove or GMSA insignia on them for easy identification. As such, they are singled out to the public. City and GMSA vehicles, equipment and machinery must be operated in a safe, courteous and professional manner so as to set a good example to the public. Unlawful or improper use of City or GMSA vehicles, equipment or machinery is cause for disciplinary action.

An employee, who normally takes a city vehicle home, may not leave that vehicle at their home while they are on vacation. The vehicle will be left at the appropriate shop or yard. It is your responsibility to make the necessary arrangements prior to departure.

If an employee has an accident involving a City or GMSA owned or leased vehicle, equipment or machinery, he/she shall first notify the Police Department and then their supervisor. The Department Head shall notify the City Manager's office. The employee shall complete an Accident Investigation Report and submit it to his/her supervisor within twenty-four (24) hours of the occurrence; the supervisor shall provide a copy of the completed report to the Department Head and the City Manager.

EXCEPTIONS: In the case of an emergency where the employee requires immediate medical treatment, the employee shall complete and submit the report to his supervisor upon release from a physician to return to work. Upon receipt of the report, the supervisor shall submit a copy to the Department Head and the City Manager.

A copy of the Accident Investigation Report will be placed in the employee's personnel file.

All traffic violations incurred by the employee while driving a City-owned vehicle are the personal responsibility of the employee. All such violations shall be reported to the Department Head.

The use of tobacco, any alcoholic beverages, and other narcotics or controlled substance in city vehicles is prohibited. *(Section 4-9.1 amended per Council action 06/17/2014)*

4-9.2 Cellular Phone Allowance

The City of Grove offers a taxable allowance for cellular phone equipment and services to those employees whose duties require the frequent use of cellular phone devices.

These employees are provided a monthly allowance to defray City of Grove business-related phone calls.

The City does not typically purchase cellular phone devices or cellular service plans for employees conducting City business. An exception may be granted for departmental shared cellular phone devices as detailed below. Cellular phone devices and service plans purchased with the monthly allowance may be used for both personal and business purposes. The allowance is intended to defray the cost of conducting City business with cellular phone devices and may, at times, not cover the total cost of a cellular phone plan or usage. Departmental shared cellular phone devices shall only be used for business purposes; personal use is not permitted.

Criteria: The allowance is granted per the following criteria:

1. Job function requires extended time (i.e. greater than 2 consecutive hours) outside of assigned office or work area, and it is essential to the City that the employee be accessible during those times; and/or
2. Job function requires continuous accessibility beyond scheduled or normal working hours (i.e., on-call responsibilities for critical City services); and/or
3. Job function requires access to e-mail outside of the office or beyond normal scheduled working hours, and it is essential for the City that the employee has the ability to receive and send e-mail during those times.

A cellular phone device acquired as provided by the criteria above is considered to be the personal property of the employee. No City department or supervisor shall force employees to use a specific cellular phone device, carrier or plan. However, some City services (i.e. email, calendar, contacts synchronization, paging) may not be compatible with all devices, carriers, or plans. The employee is responsible for ensuring compatibility.

Exceptions: A departmental shared cellular phone device for use by multiple individuals within the department may be purchased under the following conditions:

1. The departmental shared cellular phone device will be used to fulfill functions related to special events, on-call duty, or maintenance, particularly to address emergency or after-hours related issues that require calling capabilities that cannot be addressed with a pager; and
2. Multiple employees will be using the departmental shared cellular phone device to fulfill functions as noted above, making individual allowances financially imprudent.

The departmental shared cellular phone device will be purchased by the department, but will be assigned to one individual within the department to manage and maintain control of the device, including phone assignment and ensuring that the equipment is only used for business purposes. This entails reviewing and maintaining records which establish the amount, date, place, and business purpose for each business call. An

annotated copy of the cell phone bill is an example of such a record. The record can be audited or reviewed periodically for compliance.

Cost reduction measures: Cellular phones and data plans are not intended to replace other available less expensive means of communication such as landline (or desktop) phones. In an effort to reduce costs, employees should:

1. Use conventional communication methods (e.g., landline phones) when available and cost effective;
2. Minimize forwarding landline calls to cellular phones; and
3. Use landlines instead of cellular phones while in the office.

If an employee does not use his/her landline phone due to the amount of time spent out of his/her office, the supervisor should evaluate elimination of the landline phone.

Allowance: The allowance will be provided as taxable income to the employee. An employee is prohibited from continuing to collect a monthly cell phone allowance when his/her cellular phone device is no longer active or needed for the performance of the employee's job responsibilities. Simple convenience is not a criterion for granting a cell phone allowance. Please see "Cellular Phone Allowance Procedures" (Appendix A) for the allowance amount.

Responsibility: Any employee receiving an allowance is expected to maintain cell phone service, notify the City of the cell phone number, agree to publication of the number as needed, and be reachable for City of Grove business purposes. Failure to perform these requirements while receiving a cell phone allowance is subject to disciplinary measures up to and including termination. *(Amended per Council action 7/19/2011)*

4-9.3 Text Messaging is Prohibited while operating city owned vehicles, heavy equipment or machinery.

TEXT-MESSAGING means reading from or entering data into any handheld or other electronic device, including but not limited to e-mailing, instant messaging, obtaining navigational information or engaging in any other form of electronic data retrieval or electronic data communication.

City of Grove employees are prohibited from text-messaging while operating city owned vehicles, heavy equipment or machinery.

EXCEPTION: Safety personnel including Fire and Police Department are exempt when they are engaged in emergency situations. *(Section 4-9.3 added per Council action 08/21/2012).*

SECTION 5 – DISCRIMINATION AND HARASSMENT

5-1 DISCRIMINATION AND HARASSMENT POLICY

The City strives to provide a professional, businesslike work environment free from all forms of employee discrimination, harassment, and/or retaliation. The City does not condone and will not tolerate any illegal harassment, discrimination, and/or retaliation. All appointments, promotions, demotions, commendations, disciplinary actions, separations, and other terms and conditions of employment shall be made without regard to race, color, age, disability, gender, religion, national origin, veteran status, status as a recipient of public assistance or any other basis protected by federal, state, or local law. “Status with regards to public assistance” means the condition of being a recipient of federal, state or local assistance, including medical assistance, housing subsidies, AFDC or general assistance.

The City prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone’s gender, national origin, age, disability, veteran status, status as a recipient of public assistance or any other basis protected by federal, state, or local law. This policy applies to all employees, agents, officers, trustees, or other elected officials and to all individuals who may have contact with any employee, agent, officer, trustee, or other elected official of the City. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship, health or safety concern.

The City will investigate all complaints, either formal or informal, verbal or written, of discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone’s gender, national origin, age, disability, veteran status, status as a recipient of public assistance or any other basis protected by federal, state, or local law and will discipline or take appropriate action against any person found to have violated this policy. The City Manager or his/her designee shall be the responsible party for investigations into violations of EEOC requirements, including harassment and discrimination.

5-1.1 Sexual or Gender Based Discrimination or Harassment

Sexual or gender based discrimination or harassment includes unwelcome physical or verbal conduct relating to an individual’s gender or directed at an individual because of gender; unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual or gender biased nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, public services or public accommodations;
2. Submission to or rejection of that conduct or communication by an individual is

- used as a factor in decisions affecting that individual's employment, public services or public accommodations; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creating an intimidating, hostile or offensive employment, public service or public accommodation environment.

Examples of sexual/gender harassment may include but are not limited to:

1. Unwelcome verbal remarks, jokes or innuendoes of a sexual nature or based upon gender;
2. Unwelcome pressure for sexual activity;
3. Unwelcome, sexually motivated or inappropriate patting, pinching or other physical contact;
4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations;
5. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;
6. Any sexually motivated, unwelcome touching;
7. Distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature;
8. Other unwelcome behavior or words directed at an individual because of gender.

5-1.2 Other Prohibited Discrimination or Harassment

Unwelcome physical or verbal conduct, including derogatory statements and bias, relating to an individual's status as a member of a protected class, such as race, color, age, disability, gender, religion, national origin, veteran status, status as a recipient of public assistance or any other basis protected by federal, state, or local law, when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, public services or public accommodations;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or public accommodations; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creating an intimidating, hostile or offensive employment, public service or public accommodation environment.

Examples of such discrimination or harassment may include but are not limited to:

1. Unwelcome verbal remarks, derogatory statements, jokes or innuendoes based upon the protected status;
2. Unwelcome behavior or words based upon the protected status accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations or concerning preferential treatment with regard to an individual's employment or access to public services or public accommodations;
3. Distribution or display of written materials, pictures or other graphics based upon the protected status; or
4. Other unwelcome behavior or words directed at an individual because of his or her protected status.

5-1.3 Illegal discrimination and/or harassment may occur:

1. Between a supervisor and an employee;
2. Between co-employees;
3. Between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;
4. Between an elected official and an employee or member of the public receiving Or seeking public services/accommodations;
5. Between an agent of the City and an employee, supervisor, elected official or member of the public; and
6. Between an outside third party and an employee, elected official, or member of the public.

5-1.4 Reporting Procedures

Any person who believes he or she has been the victim of discrimination or harassment as described above or any person with knowledge or belief of such conduct **shall** report the alleged conduct immediately to a Department Head, the Personnel Director, the City Manager, or other supervisory employee. The complaining employee is not required to approach the person who is harassing and/or discriminating against them, and they may bypass any offending member of management. The report **shall be made** within 24 hours of the conduct or of learning of the same. Failure to make or forward such a complaint or report is grounds for discipline, including immediate discharge.

The City encourages the reporting party or complainant to use the report form available from the Personnel Department, the City Manager, or Department Heads, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandatory.

If the complaining party did not make the report directly to a Department Head or the City Manager, the receiving party must report the complaint to the Department Head or City Manager within 24 hours. If the report was given verbally, the Department Head or City Manager shall request that the reporting party reduce the report to written form or shall prepare the written report personally. The Department Head or City Manager may

request, but may not insist upon, a written complaint by the complainant.

Submission of a good faith complaint or report of improper conduct under this policy shall not affect the reporter's future employment or access to public services or public accommodations.

5-1.5 Investigation

Upon receipt of a report or complaint of improper conduct under this policy, the City shall conduct or authorize an investigation. The investigation may be conducted by City officials or by a third party designated by the City if authorized by the City Manager.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

The City will process complaints made under this policy as discreetly as possible, consistent with the City's legal obligations and the necessity to investigate allegations of improper conduct under this policy.

5-1.6 City Action

Upon receiving a report, the City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

Upon completion of the investigation, the City will take appropriate action which may include disciplinary action up to and including termination.

In determining whether the alleged conduct constitutes a violation of this policy, the City should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and the surrounding circumstances.

5-1.7 Retaliation

The City prohibits retaliation of any kind against employees, who, in good faith, report discrimination and/or harassment or assist in investigating such complaints. If an employee feels he or she has been subjected to any form of retaliation, the employee should report that conduct to his or her Department Head, the Personnel Director, the City Manager, or other supervisory employee within 24 hours of the offense. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

5-1.8 Dissemination of Policy

This policy shall be conspicuously posted in each city building in areas accessible to employees and members of the public. This policy shall be distributed to all employees upon its adoption and to all new employees upon hire.

5-2 WORKPLACE VIOLENCE

5-2.1 Purpose

The City of Grove strives to provide a safe work environment and prevent workplace violence. Employees who engage in violent acts or engage in behavior that threatens the safety of employees or visitors in the workplace may be subject to immediate disciplinary action, up to and including termination.

5-2.2 Definitions

Workplace violence: An implied or actual act or threat made directly or indirectly that creates, or could create, physical harm to employees, their families, friends or property that takes place at the workplace or because of performing work duties associated with employment by the city.

Long gun: Any firearm with a barrel length of more than twelve (12) inches designed, made or adapted to be fired with two hands.

Handgun: Any firearm with a barrel length of less than twelve (12) inches designed, made or adapted to be fired with one hand.

Knife: Any bladed (a blade of three and one-half (3¹/₂) inches or longer) hand instrument that is capable of inflicting serious physical injury or death by cutting or stabbing. It includes a dirk, sword or spear in a cane, razor, ice pick, throwing star, switchblade and butterfly knife.

Club: Any instrument that is specially designed, made or adapted for inflicting serious physical injury or death by striking, including a blackjack, billy and sap.

Course of conduct: A pattern of conduct composed of two (2) or more acts separated by at least thirty-six (36) hours but occurring within one (1) year. Constitutionally protected activity is not included within the meaning of course of conduct.

Stalking: A person commits stalking if he or she purposely engages in a course of conduct that harasses another person and makes a terrorist threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

Zero Tolerance: Threats, intimidation, harassment, or acts of violence (particularly employee against employee assaults) shall not be tolerated.

Harassment: A person commits harassment if, with intent to harass or threaten another person, the person:

1. Communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a way that harasses or threatens;
2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist; or
3. Engages in a course of conduct or repeatedly commits an act that harasses or threatens another person.

5-2.3 Prohibited Possession of Weapons

It is prohibited for any employee, while on City property or while conducting City business, to carry (or possess), maintain in a city-owned vehicle, or maintain in a desk, locker, personal item or otherwise have readily available for use as a potential weapon, any loaded or unloaded long gun, handgun, knife, or club, unless specifically required for job functions and approved by the City Manager. For the purpose of this prohibition, a City tool is not considered to be a prohibited weapon.

5-2.4 Prohibited Activities

The City has a zero tolerance policy for the following:

While on City property or while conducting City business, any person's involvement in workplace violence including, but not limited to, any act of violence (including pushing and shoving) or threat of violence (including "joking" or intimidation of others).

Any course of conduct by a City employee that may or may not occur on City property or while conducting City business and involves another City employee(s), their families, friends or property that includes stalking or harassment as defined above and by the laws of the state.

5-2.5 Searches and Inspections

A Department Head, or his designated representative, has the right to search and inspect all City work areas and equipment, including but not limited to, buildings, vehicles, desks, lockers, computers and storage areas. Because even a routine inspection or search might result in the viewing of an employee's personal possessions, employees are encouraged not to bring any item of personal property into the workplace that they do not want revealed.

A Department Head may also conduct a reasonable search of an employee's personal property, if presently situated on City property, provided the employee consents to the

search in writing. If a Department Head has a reasonable suspicion, as validated by objective facts and observations, that an employee may be concealing a prohibited weapon in an article of personal property, the Department Head shall contact the City Manager who may involve the Chief of Police, provided the Department Head, without endangering himself or others, may take such emergency action as is needed in the event of imminent danger.

5-2.6 Duty to Report

All City employees have a duty to contribute to workplace safety. This duty includes reporting information about perceived, potential, or real problems that may involve workplace violence. Employees are encouraged to report their concerns to their supervisor, Department Head, or the City Manager. If appropriate, an investigation shall be undertaken and specific action shall be pursued.

5-2.7 City Action

Any person who makes threats, stalks, exhibits threatening behavior, or engages in violent acts on City property or on a City-controlled site, or in connection with City employment or City business shall be removed from the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation. Following investigation, the City will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or civil or criminal prosecution of the person or persons involved.

5-2.8 Non-retaliation Policy

The City of Grove strictly prohibits any acts of reprisal or retaliation against any employee who in good faith reports an allegation of workplace violence or who in good faith participates in any investigation of such a report. Any person who violates this non-retaliation policy may be subject to discipline, up to and including termination of employment.

SECTION 6 – SAFETY

The City strives to provide a safe working environment for all employees. The City shall comply with occupational safety and health standards and regulations promulgated by the Oklahoma Department of Labor Public Employee Occupational Safety and Health Section.

6-1 RESPONSIBILITIES

6-1.1 Department Heads

The Department Head is responsible for fulfillment of departmental goals and objectives as well as health and welfare of each employee in the department. In the adopted safety policy, the highest priority has been placed on employee safety, which therefore becomes the responsibility of the respective supervisor. It is normal practice for supervisors to delegate the authority to carry out safety policy in the department; but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

It is the responsibility of the Department Head, or any employee of his or her department as designated, to see that all vehicles and machinery are in proper working condition. Any problems or known repairs that are needed will be reported to the Vehicle Maintenance Department. The Vehicle Maintenance Department maintains records of maintenance on vehicles as part of the preventive maintenance program.

6-1.2 Supervisors

Supervisors shall assume responsibility for safe working areas for employees and shall take the initiative in recommending corrective action where deficiencies are noted.

Supervisors shall also ensure that each employee is properly trained and familiar with his or her work requirements. Supervisors cooperate with the Safety Officer when he or she provides training, reports of unsafe conditions, and observations. Supervisors shall conduct safety meetings at least monthly, to ensure that safety is considered an important aspect of the job, and to keep fresh in the minds of employees the safe aspects of their work environment. Supervisors shall also look into and act on safety suggestions from employees, and encourage them to report any unsafe observations.

Supervisors shall assist the Safety Officer in investigating the causes of all accidents and make sure all accidents are reported promptly and accurately. Supervisors shall instruct all employees regarding disciplinary policy for violating safety rules and ensure impartial, positive enforcement.

6-1.3 Employees

Each employee is expected to place safe work practices as the highest priority while performing daily tasks. Each employee is expected to use the safety equipment provided while performing work assignments. Employees shall warn co-workers of

unsafe conditions or practices and report defective equipment immediately to a supervisor. Employees shall report unsafe situations observed throughout the community, such as missing signs, open manholes, sunken basins and sewers, etc. Employees shall report all injuries and accidents, no matter how small. Employees shall protect City work sites from the public.

6-2 ACCIDENT AND CLAIM REPORTING – VEHICLES AND PROPERTY

Upon occurrence of an accident involving City property or equipment where bodily injury has occurred or property damage has occurred, the Police Department shall be contacted immediately so that an investigation of the matter can be undertaken prior to removal of damaged property. This will allow the City to better perform adjustment activities, preserve witness evidence, and assess situations where liability may exist.

All accidents or incidents involving any City employee or equipment wherein the City or the employee might be found at fault will be reported to the City Manager in writing within 24 hours. The report will include:

1. A copy of any police report made of the incident
2. The employee's statement
3. A list of witnesses
4. A description of the equipment involved
5. A description of the location, property involved, names of any injured persons
And description of those injuries
6. Photographs

All accidents or incidents involving any city equipment wherein the fault is that of someone other than a city employee, the following will be included with the report to the City Manager within 48 hours:

1. A copy of any police report made of the accident
2. The employee's statement
3. A list of witnesses
4. Two estimates of repair or replacement cost of the equipment
5. Photographs

All accidents involving injury to a city employee while on city business or being paid by the city, no matter how caused, will be reported to the City Manager immediately. Additionally, if the cause of the injury is the fault of defective equipment or the actions of someone other than a city employee, a report containing the following will be made to the City Manager's office within 48 hours;

1. A copy of the police report
2. The employee's statement
3. A list of witnesses
4. The name, address, phone number, and insurance information of person causing
accident

5. If equipment is city owned no repairs made until approved by the City Manager.
6. Photographs

The City Attorney's office and the City's insurance carrier will be notified in writing of all written complaints against the City, a city department, a city official, or a city employee where there is a potential of liability on the part of the city as a result of any incident that may have occurred. All aspects of any contract of employment concerning individual complaints will, in addition to the above, be strictly adhered to.

6-2.2 Safety Committee Accident/Incident Investigation Report Required.

Any employee experiencing a work-related Accident/Incident must immediately report the incident to the employee's supervisor, generally no later than 24 hours after the occurrence

Upon receiving notice from the employee of a work-related Accident/Incident the supervisor shall report the incident to the Safety Committee Chairman as soon as possible after the occurrence.

The Accident/Incident Review Committee will schedule a time to interview the employee, supervisor and any witnesses to the incident. Following the interview and investigation, the committee will complete an Accident/Incentive Investigation Report. The committee will meet with the employee to discuss the report and recommend preventative actions that will lessen future re-occurrences.

The committee members and the employee shall sign the Accident/Incident Investigation Report, and the Report shall be placed in the employee's personnel file. *(Added per Council action 10/4/16)*

SECTION 7 – MANAGEMENT’S RIGHTS

Nothing contained in this policy should be construed by the employee to grant a property interest in his or her employment with the City of Grove or to grant any contractual right to the procedures contained herein.

Within the framework of City, State and Federal regulations, the City of Grove claims the right to exercise the customary functions of management. This shall include but not necessarily be limited to the following:

1. to select, hire, promote, suspend, discharge, lay-off, assign, supervise, and discipline employees;
2. to determine and change starting times, quitting times, and shifts;
3. to transfer employees within departments or into other departments and into other job classifications;
4. to determine and change the size, composition, and qualifications of the work force;
5. to establish, change and/or abolish its policies, practices, rules and regulations;
6. to determine and modify job descriptions, job evaluations, and wage classifications;
7. to determine and change methods and means by which its operations are to be carried on; and
8. to assign duties to employees in accordance with the needs and requirements determined by the City Manager, Department Heads, and other appropriate city employees and officials.

An employee may be discharged at any time from employment for the good of the organization, at the discretion of the City Manager, with or without cause or with or without notice.

SECTION 8 – INTERNAL PROBLEM SOLVING AND GRIEVANCE PROCEDURE

8-1 PROBLEM SOLVING AND COMPLAINT PROCEDURE:

Communication is at the heart of good employee relations. Employees should share their concerns, seek information, provide input, and resolve work-related issues by discussing them with their supervisor until they are fully resolved. It may not be possible to achieve the result an employee wants, but the supervisor needs to attempt to explain in each case why a certain course of action is preferred.

Regardless of the situation, the employee should be able to openly discuss any work-related problems and concerns without fear of retaliation. Supervisors and Department Heads are expected to listen to employee concerns, to encourage their input, and to seek resolution of the issues and concerns.

There may be times when an employee feels that the supervisor has reached a wrong decision regarding the employee, or that the employee did not receive something to which he or she thought they were entitled. In those situations, the employee may follow these steps:

Step 1: Discuss the situation with the employee's immediate supervisor. He or she should address the concern and provide the employee with an oral answer within three (3) days.

Step 2: If the supervisor cannot resolve the issue, the employee may put the complaint in writing and submit it to his or her Department Head within five (5) working days after receipt of the employee's supervisor's answer. The Department Head will review the complaint and give the employee a written answer within five (5) working days after receipt of the complaint.

Step 3: Should the complaint not be satisfied at this point, the employee may submit the complaint in writing to the City Manager within five (5) working days after receipt of the Department Head's answer. After careful review of the matter, the City Manager will provide a written response within five (5) working days. The City Manager's decision is final.

If the job-related issue involves a suspension or dismissal, the employee may submit a written request for a meeting with the City Manager within three (3) days of the suspension or dismissal. The City Manager will schedule a meeting with the employee within ten (10) days of receipt of the request to discuss the suspension or dismissal. The City Manager's decision on the suspension or dismissal will be final.

No supervisor or Department Head will interfere with this grievance procedure and will assist any employee with the process. It is the responsibility of management personnel

to provide fair and factual responses to an employee's concerns.

If an employee has a concern about discrimination and/or harassment, the City has set up special procedures to report and address these issues. Those reporting procedures are set forth in the City's Discrimination and Harassment Policy.

SECTION 9 - PROCEDURE TO HANDLE PUBLIC COMPLAINTS
AGAINST EMPLOYEES

The City of Grove will address all complaints or allegations of misconduct against City employees which are initiated by citizens of the City.

9-1 PROCEDURE

Complaints shall be handled on a case-by-case basis by the City Manager.

All complaints shall be in writing and submitted to the City Manager. This complaint shall be detailed enough to provide fact and allegations about the incident and employee(s) involved.

Once the complaint is submitted to the City Manager, he or she shall determine if disciplinary action is warranted. The City Manager's decision will be final.

SECTION 10 - POLICIES

To the extent that any policy may conflict with federal, state, or local laws, the City will abide by the applicable federal, state, or local law.

The City of Grove reserves the right to suspend, revise, or revoke any of its Policies, procedures, and/or practices at any time.

The City of Grove has policy positions, which affect you but are not a part of these Personnel Policies. Every Department has a copy of the City of Grove Manual of Policies, Rules, & Regulations available for your review. Policies can also be reviewed in the office of the City Clerk. Employees may request copies of any City policy.

The following policies will be included in 'New Hire' paperwork provided to new employees:

Employment Reasonable Accommodation Policy *(Added per Council action 09/18/2012)*

Use of Internet Policy

Substance Abuse Policy

Tobacco Use Policy *(Added per Council action 02/07/2012)*

Upon receipt of Policies, employees will be required to return a signed consent agreement stating the policy has been received.

Americans with Disabilities Act Employment Reasonable Accommodations Policy

1. Purpose.

The purpose of the City of Grove Americans with Disabilities Act (ADA) Reasonable Accommodations Policy is to provide policy and procedures to ensure equal and effective opportunities for persons with disabilities and full compliance with the employment provisions of Titles I and II of the Americans with Disabilities Act, including any amendments made to the Act.

2. Policy.

The City of Grove is committed to providing equal access and opportunity to qualified persons with disabilities in all terms and conditions of employment and in all City programs and services. The City of Grove recognizes that in order to have equally effective employment opportunities and benefits, individuals with disabilities may need Reasonable Accommodations.

The City of Grove will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing Reasonable Accommodations, as necessary, to afford equal employment opportunities and equal access to programs, services, and benefits for qualified persons with disabilities.

Questions regarding Reasonable Accommodations and/or discrimination on the basis of disability should be directed to the City of Grove ADA Compliance Officer.

3. Definitions.

Disability shall mean (a) an impairment that substantially limits one or more major life activities; (b) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; The determination of whether an impairment substantially limits a major life activity shall be made without regard to *ameliorative effects of mitigating measures*.

Ameliorative effects of mitigating measures shall mean (a) medication, medical supplies, equipment, or appliances, *low-vision devices* (which do not include *ordinary eye glasses or contact lenses*), prosthetics including limbs and devices, hearing aid and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable accommodations or auxiliary aides or services; (d) learned behavioral or adaptive neurological modifications.

Ordinary eye glasses or contact lenses shall mean lenses that are intended to fully correct visual activity or eliminate refractive error.

Low-vision devices shall mean devices that magnify, enhance or other augment a visual image.

Major Life Activities shall mean (a) including but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working; (b) operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain respiratory, circulatory, endocrine and reproductive functions.

Substantially Limits shall mean an individual is unable to perform a major life activity that the average person can perform or being significantly restricted as to the condition, manner or duration under which a major life activity can be undertaken.

Reasonable Accommodations shall mean modifications or adjustments to a job application process that enables a qualified person with a disability to be considered for a position he or she desires OR modification or adjustments to the job, work environment, or the way in which work is customarily performed that permits a qualified employee with a disability to perform the essential functions of the job or enjoy the benefits and privileges of employment equal to those of employees without disabilities.

Direct Threat shall mean a significant risk of substantial harm to the health or safety of others that cannot be eliminated or reduced by reasonable accommodations.

Essential Job Functions shall mean the job duties that are fundamental to the position, not marginal to the position. Duties are what must be accomplished, not how the duties are performed. Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it.

Undue Hardship shall mean that a specific accommodation would require significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency.

A Qualified Person shall mean a person who satisfies the requisite skills, experience, education and other job-related requirements of the position and who, with or without Reasonable Accommodation, can perform the essential functions of the job.

Regarded as having impairment shall mean the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual who establishes that such individual has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. Individuals being “regarded as having an impairment” shall not apply to impairment that are *transitory or*

minor.

Transitory or Minor Impairment shall mean an impairment with an actual or expected duration of six months or less. A reasonable accommodation or a reasonable modification to policies, practices or procedures need not be provided to an individual who only meets the “regarded as” definition of disability.

City of Grove Compliance Team shall mean a five member team consisting of the ADA Compliance Officer, Director of HR, City Attorney, City Treasurer, and Buildings and Grounds Superintendent.

Request for Reasonable Accommodations shall mean a statement that an employee needs an adjustment or change at work; or an applicant needs special assistance during the application process.

4. Procedures.

The City of Grove will make reasonable accommodations on a case-by-case basis to current employees and applicants seeking employment.

Employees:

- a. An employee with a disability may request a Reasonable Accommodations from his/her supervisor or the HR Director;
- b. Upon receipt of a request for accommodation the employee will meet with the supervisor and HR Director who will explain the Reasonable Accommodations process and provide the employee with an Employee Reasonable Accommodations Request form. Appropriate medical documentation may be requested if the disability and/or need for accommodation is not obvious;
- c. Upon receipt of the completed Reasonable Accommodations Request form, the Supervisor and HR Director shall discuss with the employee the purpose and essential functions of the particular job involved and accommodations requested;
- d. The ADA Compliance Officer will review the Reasonable Accommodation Request form and consider the employee’s preference of accommodation;
- e. To ensure that all effective accommodations are considered, the ADA Compliance Officer may discuss with the employee accommodations he/she has requested and any specific limitation, problems or barriers that are unclear;
- f. The ADA Compliance Officer will identify the potential accommodation(s) and assess the effectiveness of each in enabling the employee to perform the essential functions of the job, and;
- g. The ADA Compliance Officer will recommend the most appropriate accommodations for both the employee and employer to the Compliance Team. While the employee’s preference will be given consideration, the City of Grove is free to choose among equally effective accommodations.

- h. The Compliance Team will review the ADA Compliance Officer's recommendation, and if it is determined that Reasonable Accommodations will enable the employee requesting the accommodations to perform the essential functions of the job or enjoy the benefits and privileges of employment equal to those employees without disabilities, a Reasonable Accommodations Agreement will be approved,
- i. Upon receipt of the Reasonable Accommodations Agreement the employing department shall implement the agreed-upon accommodations.
- j. An employee may refuse offered accommodations; employees cannot be forced to accept a particular accommodation. However, the employee continues to be responsible for performing the essential functions of his/her job with or without accommodations and shall maintain defined performance standards.

Applicants:

- a. All application materials shall be made available in reasonable alternative formats, upon request, according to the needs of a qualified person with a disability. All position announcements shall include the following statement:
The City of Grove is committed to making the application, interview and pre-employment testing process accessible to persons with disabilities. If you wish to volunteer information regarding any special assistance you may need, please notify the HR Director.
- b. An applicant with a disability may request Reasonable Accommodations to assist them through the application, interview and pre-employment testing process from the HR Director;
- c. Upon receipt of a request for accommodations the HR Director will meet with the applicant to explain the process and provide the applicant with a copy of the Employment Reasonable Accommodations Policy and Request form. Appropriate medical documentation may be requested if the disability and/or need for accommodation is not obvious;
- d. To ensure that all effective accommodations are considered, upon receipt of the completed Reasonable Accommodations Request form, the ADA Compliance Officer may discuss with the applicant accommodations he/she has requested and any specific limitation, problems or barriers that are unclear;
- e. After evaluating the request, the ADA Compliance Officer will identify the potential accommodations and assess the effectiveness of each in assisting the applicant with the application, interview and pre-employment testing process;
- f. The ADA Compliance Officer will recommend the most appropriate

accommodations for both the applicant and employer to the Compliance Team. While the applicant's preference will be given consideration, the City of Grove is free to choose among equally effective accommodations.

- g. The Compliance Team will review the ADA Compliance Officer's recommendation, and if it is determined the Reasonable Accommodations will assist the applicant requesting the accommodation with the application, interview, and pre-employment testing process, a Reasonable Accommodations Agreement will be approved.
- h. Upon receipt of approval of the Reasonable Accommodations Agreement the ADA Compliance Officer shall make sure the agreed-upon accommodations are implemented.

The Reasonable Accommodations procedure will be an interactive process, with the involvement of the employee and applicant requesting the accommodations.

5. Appeals

If the employee or applicant requesting accommodations disagrees with the appropriateness of the accommodations determined, an appeal may be made to the City Manager for reconsideration or consideration of alternate accommodations.

The City Manager shall make a determination regarding the appeal within ten (10) working days of the request and notify the employee or applicant of his/her decision. The City Manager's decision is final.

6. Dissemination of Reasonable Accommodation Procedures

Copies of the Reasonable Accommodations Procedures shall be readily available to all City of Grove employees and employment applicants.

The Reasonable Accommodations Procedures shall be accessible to individuals with disabilities. Copies of the procedures will be made available in alternative formats, such as large print or audio tapes, upon request.

This Policy does not in any way constitute an employment contract. The City of Grove reserves the right to amend this policy at any time.

USE OF INTERNET AND E-MAIL POLICY

Section 1. Purpose

The purposes of the City of Grove's (The City of Grove and all subsidiaries are referred to as the City of Grove hereinafter) computer and other electronic systems, including, but not limited to, electronic mail (e-mail) and the Internet, are to provide an efficient and effective means of internal and external communications, and to improve work productivity. This policy addresses access to and the disclosure of information from such electronic systems.

Among other things, this policy is intended to guide the City of Grove's employees, (City of Grove employees are referred to as employees, volunteers, contractors, public officials, or users hereinafter) in the performance of their duties.

This policy serves as notice to the employees of the City of Grove, that all data, including any that is stored or printed as a document, is subject to audit and review. There are no expectations of personal privacy in the use of the Internet or e-mail systems when using computers or services provided by the City of Grove.

Finally, this policy serves to delineate acceptable uses of the Internet and e-mail systems by City of Grove employees while using government-owned or leased equipment, facilities, Internet addresses, domain names, and/or e-mail services registered to the City of Grove. It seeks to ensure that the use of the Internet and e-mail systems by City of Grove employees while conducting work for the City of Grove and/or while using City of Grove provided systems is consistent with applicable laws, and the individual user's job responsibilities.

Section 2. Statement of Policy

The City of Grove promotes Internet and e-mail use that enables employees to perform City of Grove missions and encourages it's employees to develop Internet and e-mail skills and knowledge; to access scientific, technical and other information on topics which have relevance to the City of Grove; and to communicate with their peers in other government agencies, academia and industry on matters of relevance to their work for the City of Grove.

1. *Responsible Use:* Users are advised not to use the Internet or e-mail systems for any purpose, which would reflect negatively on the City of Grove or its employees.
2. *Property of the City of Grove:* The City of Grove's electronic mail and Internet systems are business tools. These systems shall be used in a professional manner for legitimate business purposes only, and at all times, remain the property of the City of Grove.
3. *Scope:* This policy applies to:
 - a. All technical resources that are owned or leased by the City of Grove that are used on or accessed from the City of Grove's premises, or that are used for City of Grove business. This policy also applies to all activities using any City of Grove paid accounts, subscriptions, or other technical services, such as Internet access

- and e-mail, whether or not the activities are conducted from the City of Grove's premises; and
- b. All full or part-time employees who use City of Grove resources to access the Internet or e-mail systems.
4. *Information is Not Private:* The City of Grove computers and the data stored on them remains at all times, the property of the City of Grove. As such, all messages created, sent or retrieved over the Internet or the City of Grove's electronic mail systems are the property of the City of Grove, and should not be considered private information. Employees have no right to privacy as to any information or file transmitted through or stored in the City of Grove computer systems, electronic mail, or other technical resources.
 5. *Monitoring and Disclosure:* The City of Grove reserves the right to access, retrieve, read and disclose any data, messages or files stored on the City of Grove systems for any purpose. Employees should be aware that, even when a message is erased or a visit to a web site is closed, it is still possible to recreate the message or locate the web site. The City of Grove reserves the right to monitor use of these systems to prevent abuse, enforce other policies, and access this information. Access may occur, in but is not limited to, situations including (1) impropriety (2) violations of this Policy (3) legal requirements (4) suspected criminal activity (5) breach of systems security or (6) to locate substantive information or monitor employee performance and conduct. The contents of these systems may be disclosed by the City Manager within or outside of the City of Grove without employee permission. Furthermore, all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. The City of Grove has unlimited access to protect the security of these systems and the City of Grove's property rights.
 6. *Consent:* All City of Grove employees who have access to the City of Grove e-mail system and/or the Internet are required to abide by this policy.

Section 3. Use of the Internet

The City of Grove provides Internet access to many employees for their use in performing their duties. All employees are responsible for using Internet resources in an effective, ethical and lawful manner. It is the City of Grove's policy that the Internet resources, like other assets, be used for the benefit of the City of Grove. All Internet use should be congruent with the City of Grove's overall government policies. The City of Grove reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the systems in violation of this or other City of Grove policies is prohibited and may lead to disciplinary action, up to and including termination.

1. *Uses that are acceptable and encouraged:*
 - a. Communications and information exchanges directly related to the mission, charter and work tasks of the City of Grove.
 - b. Announcements of the City of Grove's procedures, meetings, policies, services and activities.
 - c. Use for advisory, standards, research, analysis, and professional society or development activities related to the user's City of Grove job-related duties; and
 - d. Use in applying for or administering grants or contracts for City of Grove.

2. *Uses that are unacceptable:* It is unacceptable for a user to access, use, submit, publish, display, download, save or transmit on the network, or on any computer system, any information which:
 - a. Violates or infringes upon the rights of any other person, including the right to privacy.
 - b. Contain defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory or illegal materials.
 - c. Violates the City of Grove regulations prohibiting harassment;
 - d. Restricts or inhibits other users from the system, or the efficiency of the computer systems;
 - e. Encourages the use of controlled substances for the purpose of criminal intent;
or
 - f. Uses the system for any other illegal purpose.

3. *Other unacceptable uses.* It is also unacceptable for a user to use the facilities and capabilities of the system to:
 - a. Conduct any non-approved business;
 - b. Solicit the performance of any activity that is prohibited by law;
 - c. Transmit material, information, or software in violation of any local, state or federal law;
 - d. Conduct any political activity;
 - e. Conduct any non-City of Grove fund raising or public relations activities;
 - f. Engage in any activity for personal gain or personal business transactions; or
 - g. Make any unauthorized purchases.

4. *Copyrighted Material:* Users may download copyrighted materials, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U.S.C. 101 et seq. (1988) protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's ideas or writings and passing it on as one's own).

5. *E-Mail:* Internet e-mail is considered network activity, and is subject to all policies regarding acceptable/unacceptable uses of the Internet as well as the City of Grove's

e-mail policy. Users should not consider Internet e-mail to be either private or secure.

6. *Passwords*: Access to the Internet may require a password. Authorized employees are prohibited from giving their passwords to any other person, except as provided in this policy. The password remains the property of the City of Grove, and the Personnel Director is responsible for maintaining a log of network passwords.

Section 4. Uses of E-Mail System.

The City of Grove provides an e-mail system to employees for their use in performing their duties. All employees of the City of Grove are responsible for using the e-mail system in an effective, ethical and lawful manner. It is the City of Grove policy that the e-mail system, like other City of Grove assets, be used for the benefit of the City of Grove. All e-mail use should be congruent with the City of Grove's overall governmental policies. The City of Grove reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other City of Grove policies is prohibited and may lead to disciplinary action, up to and including termination.

1. The City of Grove's e-mail system is for official City of Grove business and it shall be unacceptable to use the system for unrelated purposes, including but not limited to the following:
 - a. To send or receive 'chain' or similar type 'letters'.
 - b. To send or receive documents in violation of copyright or other laws.
 - c. To knowingly open mail not directed to you. Except to the extent that the City of Grove reserves the right to access and review all electronic uses and records, e-mail messages are confidential.
 - d. To send messages in violation of City of Grove security policies.
 - e. To forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.
 - f. To send messages that are false or misleading, inaccurate, abusive, obscene, pornographic, sexually oriented, threatening, offensive, discriminatory, or illegal, including but not limited to sending messages under assumed name or with intent to obscure the origin of the message.
 - g. To solicit for commercial ventures, religious or political causes, outside organization or other non-job related solicitations.
2. Avoid carbon-copying individuals who have no direct involvement or need-to-know. Likewise, e-mail to all users should only be used on very rare occasions when every person on the system has a direct need to know.
3. Avoid 'forwarding' e-mail to a third party unless necessary (see 'carbon-copying'). When forwarding, explain the reason for the forwarding action and edit out any

- potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.
4. When sending an e-mail requiring 'action' be sure to indicate which 'To' addressee(s) is/are to take the action.
 5. Do not 'say' anything in an e-mail message that could prove embarrassing or compromising to you or others. Each employee is responsible for the content of all text, audio or images they transmit.
 6. Avoid potentially contentious exchanges through e-mail.
 7. Confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.
 8. Communication which would be inappropriate under other City of Grove policies are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breaches of confidentiality, and insubordinate statements.
 9. Use your common sense in determining when to use e-mail, in what is said, and to whom. Remember that no electronic communication is private and the City of Grove reserves the right to monitor and review all communication originating from or entering its computer systems.

Section 5. Security and Virus Protection.

1. E-mail and/or Internet access may utilize passwords for security, however employees should be aware that the reliability of such tools for maintaining confidentiality cannot be guaranteed. Additionally, all passwords must be made known to the City of Grove through the Personnel Director, and passwords not known to the City of Grove may not be used.
2. To prevent computer viruses from being transmitted through the system, employees who are permitted to download software onto their computer or any drive in that computer, users must scan all materials with the City of Grove virus protection software. Additional concentration of policies established by the City Manager should be used in determining the opening of e-mails or files.

Section 6. Enforcement.

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet and e-mail systems provided by the City of Grove and are not necessarily exhaustive. Questions about specific uses should be directed to the user's supervisor.

Immediately upon implementation of this policy, Assistant City Manager will be responsible to provide a copy of this policy to, and collect signed consent forms from all employees.

The supervisor will review and report to the City Manager any alleged or suspected violations of the policy and clear violations may result in disciplinary actions. Any user violating these provisions or applicable local, state or federal laws is subject to immediate loss or restrictions of

Internet/e-mail privileges, additional disciplinary actions, up to and including termination of employment and/or criminal prosecution.

Section 7. Consent Agreement.

As a condition of employment, all City of Grove employees must acknowledge that all computer and electronic systems, including but not limited to, electronic mail and Internet network activity are the property of the City of Grove, and therefore, they should not consider any activity to be private. All employees of the City of Grove must sign the consent form provided, within thirty (30) days of receiving a copy of this policy. By signing the consent form, users acknowledge that they received a copy of this policy, read it, and understand the City of Grove's policy and the potential penalties for non-compliance.

SUBSTANCE ABUSE POLICY

1. POLICY:

This policy is to ensure the establishment of an Alcohol and Drug-free Workplace and to follow federal procedures outline in 49 CFR, Parts 40 and 382, and the standards for workplace drug and alcohol testing act, Oklahoma Statutes Title 40, Section 551, et. seq.

- a. The provisions of this policy shall apply to all employees of the City and applicants for positions with the City.
- b. The City of Grove shall apply this policy in a manner consistent with State and Federal laws.

2. PURPOSE

- a. Approach drug and alcohol dependencies as medical and behavioral problems that must be treated.
- b. Set consistent guidelines for handling substance abuse cases.
- c. The City of Grove has the power and authority to take disciplinary action in accordance with the provisions of this policy.

3. STATEMENT OF INTENT

In addition to the provisions stated in the Substance Abuse Policy of the City of Grove, and in accordance with the requirement placed on the City by the provisions of the Drug-Free Workplace Act of 1988 all employees are hereby notified as follows:

- a. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about or within any property which is owned, leased, operated, used, maintained or occupied by the City of Grove, Oklahoma.
- b. Employees who violate this policy will be subject to disciplinary action up to and including termination or mandatory referral for substance abuse assessment counseling or mandatory referral or rehabilitation in accordance with the provisions of this policy.
- c. Zero tolerance is enforced for violation of the Substance Abuse Policy.

4. DRUG-FREE WORKPLACE

The City of Grove shall provide a drug and alcohol free working environment to enhance the ability of city employees to provide, safe, productive and efficient services to the community.

The City of Grove will provide Drug-Free Awareness information to all employees including:

- a. Inform employees of dangers of drug abuse in workplace.
- b. Inform employees of the City's policy of maintaining a drug free workplace.
- c. Provide available sources for drug counseling, rehabilitation and employee assistance for substance abuse problems.
- d. Knowledge of penalties, which may be imposed, on employees who commit drug abuse

violations in the workplace.

- e. Every employee shall be provided a copy of the Substance Abuse Policy.
- f. Employees as a condition of employment shall:
 - ✓ Abide by the terms of the Substance Abuse Policy.
 - ✓ Consent to random testing for alcohol and drugs per standards of this policy.
 - ✓ Notify immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
 - ✓ The City will notify the Federal Agency through which a grant is administered within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction. Within thirty (30) days of receiving notice with respect to any employee who is so convicted.
 - Impose appropriate personnel action against such an employee, up to and including termination.
 - Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health agency or other appropriate agency.
- g. The City of Grove, Oklahoma, will make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of the Substance Abuse Policy of the City of Grove, Oklahoma.

5. DEFINITIONS:

- a. Alcohol: Means any liquid or substance that has an alcoholic content.
- b. Applicant: Means a person who has applied for a position with the City of Grove.
- c. Alcohol Test: Shall refer to testing of a sample of breath and/or blood to determine the percentage by weight of alcohol in the blood of the test subject.
- d. 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. Where a breathalyzer test is utilized, a confirmation test means a second sample test that confirms the prior result. Where a single-use test is utilized, a confirmation test means a second test confirmed by a testing facility. *(Amended per Council action 08/21/2012, Resolution No. 12-022)*
- e. Controlled Substance: means a controlled substance including prescription drugs, unless specifically excluded.
- f. Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- g. Drug: Means any substance other than alcohol capable of altering the mood, perception, pain level or judgment of the individual consuming it.
- h. Drug Paraphernalia: Means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,

- ingesting, inhaling, or otherwise inducing into the human body a controlled substance or an imitation controlled substance.
- i. Drug, Prescribed: Means any substance prescribed for the individual by a licensed medical practitioner.
 - j. Drug Test: Shall refer to testing of a sample of urine and/or blood to determine any traces of drugs in the blood or urine of the test subject.
 - k. Employees: Means a person hired in a position in City Services and is under direct or administrative supervision of the City Manager for which he is compensated by the City of Grove on a full time or part time basis. Refers to both male and female employees, the use of the pronouns on he or his in this policy shall in all instances be read to refer to both male and female employees.
 - l. Equipment Handling Position: Shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment including but not limited to dump trucks, tractors, bulldozers, earth scrapers, road graders, backhoes, street sweepers or any other type of heavy duty self-propelled equipment excluding automobiles and pickups.
 - m. Illegal Drug: Means any drug or controlled substance including, but not limited to, substances controlled or prohibited by Federal or State law, the sale or possession of which is illegal.
 - n. Intoxicates: Shall include any beverage or substance containing alcohol for human consumption.
 - o. Positive Drug Screen: Means positive identification of a drug or metabolic which has been confirmed with sophisticated scientific laboratory tests.
 - p. Public Safety Position: Shall include all positions falling within the following categories – law enforcement, communications, fire fighting personnel.
 - q. Random Selection basis: Means a mechanism for selecting employees for drug or alcohol testing that:
 - ✓ Results in equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and
 - ✓ Does not give an employer discretion to waive the selection of any employee selected under the mechanism.
 - r. Reasonable Suspicion: Shall refer to a suspicion based upon objective facts and circumstances for which an ordinarily careful and prudent supervisor would conclude that an individual is in possession of or under the influence of drugs and/or alcohol while on City property or on duty. Circumstances which might constitute a basis for determining reasonable suspicion include, but are not limited to:
 - a. Pattern of abnormal or erratic behavior.
 - b. Information provided by a reliable or credible source.
 - c. Direct observation of drug or alcohol possession.
 - d. Presence of physical symptoms of drug or alcohol use.
 - e. An admission of possession or use of drugs or alcohol by the employee.
 - s. Safety Sensitive Position: Employees who “discharge duties fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences.” Municipal jobs which have been found by the courts to be “safety sensitive” include

firefighters; emergency medical technicians; law enforcement officers who carry firearms or who are directly involved in the interdiction of illegal drugs; bus drivers and some (but not all) other transportation workers; gas meter repairmen; and correctional officers. Shall include an employee or contractor who performs work on a natural gas pipeline or an operation, maintenance or emergency-response function regulated by the U.S. Department of Transportation.

- t. Testing: An initial screening test followed by a confirmatory test in the event the results of an initial screening test are positive.
- u. Workplace: means any and all properties owned or leased by the City of Grove and Grove Municipal Services Authority, including building, land and vehicles.

6. RESPONSIBILITY OF EMPLOYEES

- a. Each employee or applicant for employment is responsible for reading, understanding and abiding by the provisions of this policy.
- b. Each employee or applicant for employment is responsible to direct questions about this policy to his immediate supervisor or the Human Resource Director.
- c. An employee with a substance abuse problem is personally responsible for seeking evaluation and undertaking rehabilitation.
- d. The City will encourage any employee with a substance abuse problem to seek assistance through an approved medical facility.
- e. The program for substance abuse will be managed and administered to provide confidentiality. (Separate files)
- f. Any employee who knows he has an alcohol or drug dependency problem and voluntarily admits this dependency to his Supervisor or the Human Resource Director or voluntarily seeks treatment shall not be subject to discipline for having admitted such problem nor for seeking treatment.
- g. A person with a substance abuse problem and conceals such from his Supervisor and/or does not seek help, places his employment with the City in jeopardy.
- h. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct on or off duty or causes an employee to become involved in criminal activities or proceedings, the employee will be subject to formal discipline as prescribed in this policy.
- i. Employees who are ordered by supervisory personnel to seek treatment for substance abuse problems shall be subject to formal discipline set-forth in this policy for refusal or such treatment.
- j. As a condition of employment, it is the responsibility of every employee to adhere to the requirements and provisions of this policy and to notify his/her supervisor in writing of his/her conviction for a violation of a criminal drug statute occurring no later than five (5) calendar days after such conviction.
- k. Employees may not use alcohol or drugs within four hours prior to reporting to work or being called to duty to respond to an emergency or on-call situation. If it is determined the employee has consumed alcohol or drugs within this time frame, the employee will not be permitted to perform or continue to perform duties.
- l. Employees may volunteer as participants in a drug and alcohol random testing program.

These volunteer participants may not be counted toward the random testing totals referenced in Section VIII A.b. Volunteers must contact the Human Resource Director in writing requesting voluntary program participation. Under no circumstance shall anyone be coerced or otherwise influenced to volunteer. The names of the volunteers shall be submitted by the Human Resource Director directly to the testing laboratory service, which shall select participants on a random basis in the same percentage as that established in Section VIII A.b. Positive test results shall be handled in the same manner as mandatory participant test results.

7. RESPONSIBILITY OF THE CITY OF GROVE

Grounds for disciplinary action or denial of employment:

- ✓ Reporting to work, performing work or applying for work while under the influence of illegal drugs, prescription drugs or intoxicants.
- ✓ Causes or creating an unreasonable risk of damage to property or injury to any person.
- ✓ Using, selling, possessing, manufacturing or delivering controlled substance or drug paraphernalia at any time or place except as authorized by law, whether on or off duty.
- ✓ Consuming intoxicant while on duty, or possessing intoxicants on City property with the intent to consume them while on duty.
- ✓ Providing or selling intoxicants to any person while on duty.
- ✓ Testing positive for the presence of drugs and/or alcohol following completion of testing procedures.
- ✓ Failing or refusing to submit a test sample within two hours after the time a request for a test same was made, causing or attempting to cause the adulteration of a test sample, submitting or attempting to submit a false test sample or otherwise obstructing the process of testing the presence of drugs or alcohol.

Termination Specifically Authorized:

- ✓ Employee has sold or attempted to sell controlled substances, whether on or off duty.
- ✓ Employee has possessed or manufactured a controlled substance under circumstances that create a reasonable inference that the employee intended to sell the controlled substance, whether on or off duty.
- ✓ Employee has used or be found to be in unauthorized possession of illegal drugs while on duty.
- ✓ Employee has been found to be on duty while under the influence of illegal drugs, prescription drugs, or intoxicants and has caused, or created an unreasonable risk of damage to property or injury to any person.
- ✓ Employee has failed or refused to submit a test sample within two hours after the time a request for a test sample was made.
- ✓ Employee has caused or attempted to cause an alteration to a test sample.
- ✓ Employee has submitted or attempted to submit a false test sample following a

request for submission of a test sample.

- ✓ Employee has been ordered by the Supervisor or Personnel Director to seek treatment for substance abuse problem through a treatment facility and has refused treatment.

Disciplinary action:

- a. No disciplinary action, except for temporary suspension or a temporary transfer to another position, may be taken against an employee based on a positive test result unless the test result has been confirmed by a second test using gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or great accuracy.
- b. Shall be independent of all other proceedings. Disciplinary action may be undertaken pursuant to this policy and shall constitute an independent administrative action against the employee and shall not be depended upon or controlled in any manner by other civil, administrative or criminal proceedings, which are or may be instituted against the employee.
- c. An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with this policy shall be considered to have been discharged for misconduct for the purposes of unemployment compensation benefits.

8. TESTING FOR A PRESENCE OF SUBSTANCE ABUSE

A copy of this policy shall be provided to each employee and applicant for employment, who shall sign and date the attached receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing form. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.

Types of Testing:

- a. Pre-Employment – All persons accepting a conditional offer of employment with the City of Grove must take a pre-employment drug test. Positive test results will prohibit the hiring of an individual and the promotion or transfer of a current employee.
EXCEPTION: Seasonal and Temporary employees shall not be required to take a pre-employment drug test.

The official making the conditional offer of employment will arrange for drug testing for the candidate.

(Amended per Council Action 04/01/2014)

- b. Random Testing - The following employees are required to undergo drug or alcohol testing on a random selection basis:
 - ✓ Police or peace officers;
 - ✓ Have drug interdiction responsibilities;
 - ✓ Are authorized to carry firearms;

- ✓ Are engaged in activities which directly affect the safety of others;
- ✓ Work in direct contact with inmates in the custody of the City of Grove or work in direct contact with juvenile delinquents or children in need of supervision.

An employee who has been ordered to seek treatment for a substance abuse problem shall be subject to random testing for the presence of drugs or alcohol during a twelve (12) month period following the date of the notice of referral.

- c. Reasonable Suspicion – All employees are subject to reasonable suspicion testing. Reasonable suspicion means a belief that an employee is using or has used drugs or alcohol in violation of the employer’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”

Observable phenomena, such as:

- ✓ the physical symptoms or manifestations of being under the influence of a drug or alcohol while at work, or
- ✓ the direct observation of drug or alcohol use while at work or on duty
- ✓ Report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated:

Evidence that:

- ✓ an individual has tampered with a drug or alcohol test during his employment with the City of Grove, or;
- ✓ an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on the City of Grove premises or operating a City of Grove or Grove Municipal Services Authority vehicle, machinery or equipment;
- ✓ An employee has negative performance patterns, or;
- ✓ An employee has excessive or unexplained absenteeism.

(Amended by Council 11/1/2011, Resolution No. 11-042)

Reasons for submitting an employee to this type of testing must be documented by the immediate supervisor or the supervisor in charge who has received training to recognize alcohol and drug abuse. All supervisors are required to receive the training. The training documentation will be maintained by the Human Resource Director. Each reporting supervisor must have completed one hour of training on alcohol misuse and one hour of training on drug misuse prior to certifying an employee for reasonable suspicion testing. A reasonable suspicion form must be completed and signed off by the reporting supervisor. Following completion of the reasonable suspicion form, the time constraints for testing will conform to those under “Post Accident Testing”, paragraph VIII.A.d below. Testing shall be authorized by the City Manager and will be arranged through the Human Resource Director. Following testing, the reasonable suspicion form will be forwarded to the Human Resource Director and filed according to Section X, Confidentiality.

- d. Post-Accident Testing – All employees are required to undergo post-accident drug and alcohol testing if the employee or another person has sustained a work-related injury or that property has been damaged while at work, including damage to equipment. *(Amended per Council Action 04/01/2014)*

Any City of Grove employee involved in a vehicular accident in a City of Grove vehicle will be tested under the circumstances indicated in the following table.

Post Accident Testing		
Type of Accident Involved	Citation Issued to Driver	Tests Must Be Performed
Human Fatality	Yes	Yes
	No	Yes
Bodily Injury with Immediate Medical Treatment Away From the Scene	Yes	Yes
	No	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
	No	Yes

If the employee has not submitted to an alcohol test within 2 hours of the accident, the supervisor must prepare a record stating the reason a test was not given. If the employee has not submitted to an alcohol test within 8 hours, the supervisor must cease attempts to have the alcohol test administered and prepare a record stating the reasons a test was not given.

If the employee has not submitted to a drug test within 32 hours, the supervisor must cease attempts to have the drug test administered, and prepare a record state the reasons a test was not given.

If the employee tests positive, the Progressive Discipline table in Section XII will be implemented at a minimum. Depending on the accident, more stringent discipline can be implemented.

- e. Return-to-Duty and Follow-Up-Testing - Employees shall undergo a return-to-duty drug or alcohol test after engaging in prohibited conduct regarding drug or alcohol misuse. Before an employee returns to duty, he/she shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use. Employees will be assigned duties in the department, not requiring the performance of a safety-sensitive function, and will not be allowed to operate a

motor vehicle until such time as the results of the return-to-duty test are received. Employees will not pay for the return-to-duty test.

- f. Safety-Sensitive Positions - All applicants for Public Safety, Equipment Operators, and Safety-Sensitive positions shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the test procedures herein set out.
 - ✓ City employees who apply for such positions and who have successfully completed testing as a condition of employment with the City may not be subject to re-testing.
 - ✓ Applicants subject to mandatory testing who are conditionally appointed to a Public Safety Officer, Equipment Operator or Safety-Sensitive position shall be required to undergo testing within fourteen (14) days following conditional appointment to the position, and in no case shall the employee report to work until results of testing have been provided to the Human Resources Director.
 - ✓ Mandatory testing shall not apply to the promotion or transfer of a Public Safety, Equipment Operator or Safety-Sensitive position within his own department.

9. SUBSTANCES TO BE TESTED FOR

- a. Testing may be administered to detect the presence and concentration of any substance, which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect.
- b. Substances and concentration levels tested for will include, but are not limited to:
 - (1) Alcohol
 - (2) Marijuana
 - (3) Cocaine
 - (4) Amphetamines
 - (5) Opiates
 - (6) Phencyclidine (PCP)
 - (7) Barbiturates
 - (8) Codeine
 - (9) Diet Pills
 - (10) Halluciuoques
 - (11) LSD
 - (12) Steroids
 - (13) Tranquilizers
- c. State of Oklahoma and D.O.T. recommended cut-off levels: Tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer specifications for the particular test method to be used.

10. TESTING PROCEDURE

- a. Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice.
- b. Testing is a two-stage process. First a screening test is performed. If it is positive for one or more of the drugs listed in Section IX, then a confirmation test is performed using gas chromatography/mass spectrometry (GS/MS) analysis. Positive results must be reviewed by a Medical Review Officer (MRO).

The MRO shall personally contact each employee having a positive drug test result to determine if there is a medical reason for a positive test result. The MRO shall provide the final report to the Human Resource Director. Split-specimens will be collected at the test site. In the event of a positive test result on the first specimen, the employee may request in writing to the Human Resource Director, within 72 hours of receiving written notice of a positive result, that a test be conducted on the second specimen. The employee must pay in advance for the second specimen testing. If the test results on the second specimen are negative, the employee will be reimbursed by the City of Grove.

- c. Testing for alcohol will be performed using breathalyzers as specified in federal regulations. If an employee is not physically capable of performing a breathalyzer test, documents from a medical doctor must be submitted verifying existence of medical explanation of the inability of a tested employee to provide adequate breath for alcohol testing.
- d. Testing results shall identify the substance or substances found and specify the concentration level.
- e. The testing agency shall respect the dignity and privacy of individuals required to give test samples.
- f. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples.

11. CONFIDENTIALITY OF TESTING INFORMATION

- a. All information regarding the testing of applicants and employee's shall be kept in a separate confidential medical folder securely kept under the control of the Human Resource Director.
- b. Laboratory reports and test results shall not be placed in an employee's general personnel file, but kept in a separate confidential medical folder securely kept under the control of the Human Resource Director.
- c. Records of all drug and alcohol test results and related information maintained by the City of Grove shall be the property of the City of Grove, and upon the request of the applicant or employee tested, shall be made available for inspection and copying for the applicant or employee. Except as provided in subsection – D of this section, an employer shall not release such records to any person other than the applicant, employed or the review officer. *(Amended per Council action 08/21/2012, Resolution 12-022).*
- d. Disclosure without employee consent is authorized if:

- ✓ Production of the information is compelled by law or by judicial or administrative process.
 - ✓ The information has been placed at issue in a formal dispute between the City and the employee.
 - ✓ The information is needed by administering an employee benefit plan.
 - ✓ The information is needed by medical personnel for the diagnosis or treatment of the employee and he is unable to authorize disclosure.
- e. All information regarding voluntary and mandatory referrals shall be confidential.

12. ACTION WHEN POSITIVE TESTS ARE INDICATED

- a. Job applicants will be denied employment based on an initial positive test result.
- b. An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination in accordance with this policy.
- c. Alcohol concentrations of .02 to .039 will necessitate removal of the employee from safety sensitive functions and operating a motor vehicle for a minimum of 24 hours.
- d. Progressive Discipline – The following tables indicate minimum required levels of discipline and action taken on positive test results. Part of the documentation required in the disciplining process is the completion of the EAP referral form.

PROGRESSIVE DISCIPLINE	
ALCOHOL	
ALCOHOL LEVEL	.04 AND HIGHER
1 st Offense	15 Day Suspension without Pay
2 nd Offense	30 Day Suspension without Pay
3 rd Offense	Termination
PROGRESSIVE DISCIPLINE	
DRUGS	
1 ST Offense	30 Day Suspension without Pay
2 nd Offense	Termination

- e. Positive tests will be considered a second or subsequent offense only if occurring within three (3) years of the date of the prior positive test.
- f. Refusals shall be treated the same as positive test results and appropriate discipline shall be applied progressively with each refusal. Employees refusing to take a drug or alcohol test will be subject to return-to-duty and follow-up testing as previously described.
- g. An adulterated test specimen as determined by the testing laboratory shall be deemed a positive test.
- h. Suspension with Pay
 Upon notice of a positive drug or alcohol test the employee shall be given written notice of disciplinary action. The employee shall be placed on Suspension With Pay from the time of notification of positive test results until the time of the pre-disciplinary hearing.

- i. Factors to be considered in determining appropriate disciplinary response shall include, yet is not limited to:
 - ✓ Employees work history.
 - ✓ Current level of performance.
 - ✓ Past disciplinary actions imposed.
 - ✓ Specific circumstances causing testing to be required.
 - ✓ Consideration if employee's action caused injury to property or person or created an unreasonable risk to property or person.
 - ✓ Previous efforts on the part of employee to deal with his substance abuse problem.
 - ✓ The degree to which continued employment of the individual would either enhance or impair the ability to the affected City department to deliver safe and efficient service to the community.
 - ✓ Public trust.

13. ASSISTANCE PROGRAM

- a. It is mandated that all employees with positive test results will be automatically referred by the Human Resource Director to a Substance Abuse Professional (SAP) for evaluation.
- b. These employees are required to be evaluated by a SAP who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse and controlled substance abuse. These employees cannot return to work, perform safety sensitive functions or operate a motor vehicle until they have been evaluated by a SAP and have successfully complied with SAP recommendations.
- c. In addition, each affected employee identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a SAP to determine that the employee has followed the rehabilitation program prescribed.
- d. Failure to successfully comply with the SAP's recommendations for alcohol or substance abuse problem within one (1) year of formal written notice for assessment or referral will result in more stringent disciplinary action up to and including termination.
- e. The City Manager is authorized to suspend formal discipline for a period not to exceed one (1) year, pending the successfully completion of assessment, counseling, and rehabilitation by the employee.
- f. Compliance with SAP recommendation may serve as alternative to or in conjunction with disciplinary proceedings.
- g. Functions of Assistance Program:
 - ✓ Will function primarily as an intake and referral service for those employees who have voluntarily sought assistance or have been directed to such assistance through the program.
 - ✓ The Human Resource Director will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment service programs and institutes in the community.
 - ✓ The Human Resource Director shall monitor progress of person seeking treatment to document and verify administration of health care or other benefit plans, including leave time.

- h. Use of Leave during Substance Abuse Treatment
 - ✓ Employees receiving treatment for substance abuse are entitled to use all forms of accumulated time available (sick/vacation leave).
 - ✓ If any employee exhausts all available leave time, employee may request a leave of absence without pay in accordance with rules and regulations of the Personnel Manual. (Nothing stated in the program shall be constructed to require a leave of absence without pay be granted.) Granting of leave of absence without pay will be considered in accordance with circumstance of the case, manpower needs of the affected City department, medical needs of the employee, and degree of good faith, effort displayed.

14. RECORD RETENTION

- a. Upon written request by the tested employee, all records relating to a request for the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the test do not show a substance concentration level requiring action to be taken.
- b. If the employee tested files a written appeal with the Human Resource Direction, the records shall be preserved until all proceedings arise out of the appeal.

15. APPEAL RIGHTS

An employee who receives formal discipline for violations of the provisions of this policy including but not limited to dismissal, suspension without pay, demotion, reduction in pay is entitled to the appeal rights as set out in the Personnel Manual.

16. SUPPLEMENT TO THE CITY OF GROVE SUBSTANCE ABUSE POLICY

The following shall be included as Supplements to the City of Grove Substance Abuse Policy:

- a. DOT Pipeline Safety Alcohol Misuse Prevention Procedure
- b. DOT Pipeline Safety Anti-Drug Program

17. SAFETY SENSITIVE POSITIONS

All Safety-Sensitive positions defined in Section V of this policy shall comply with the City of Grove Substance Abuse Policy and the Supplements included.

18. PREVAILING POLICY

The City of Grove Substance Abuse Policy shall prevail when a discrepancy occurs with any Supplements included.

TOBACCO USE POLICY

1. POLICY:

This policy is to ensure the establishment of a Tobacco Use Policy.

- a. The provisions of this policy shall apply to all employees of the City and applicants for positions with the City.
- b. The City of Grove shall apply this policy in a manner consistent with State and Federal laws.

2. PURPOSE

- a. Set consistent guidelines for tobacco use.
- b. The City of Grove has the power and authority to take disciplinary action in accordance with the provisions of this policy.

3. STATEMENT OF INTENT

In addition to the provisions stated in the Tobacco Use Policy of the City of Grove, and in accordance with the requirement placed on the City by the provisions of the Smoking in Public Places and Indoor Workplace Act all employees and applicants are hereby notified as follows:

- a. Smoking, the use of snuff, chewing tobacco or any other form of tobacco is prohibited on Public Property or in any Vehicle.
- b. Employees who violate this policy will be subject to disciplinary action up to and including termination.
- c. Applicants who violate this policy will not be considered for hire.
- d. Zero tolerance is enforced for violation of the Tobacco Use Policy.

4. TOBACCO-FREE WORKPLACE

The City of Grove shall provide tobacco free working environment to enhance the ability of city employees to provide, safe, productive and efficient services to the community.

The City of Grove will provide Tobacco-Free Awareness information to all employees including:

- a. Inform employees of dangers of tobacco in workplace.
- b. Inform employees of the City's policy of maintaining a tobacco free workplace.
- c. Provide available sources for counseling, rehabilitation and employee assistance for tobacco use problems.
- d. Knowledge of penalties, which may be imposed, on employees who do not comply with a tobacco-free workplace.
- e. Every employee shall be provided a copy of the Tobacco Use Policy.
- f. Employees as a condition of employment shall:
 - ✓ Abide by the terms of the Tobacco Use Policy.
- g. The City of Grove, Oklahoma, will make a good faith effort to continue to maintain a tobacco-free workplace through implementation of the provisions of the Tobacco Use Policy of the City of Grove, Oklahoma.

5. DEFINITIONS:

Electronic Smoking Device means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and electronic hookah, or any other product name or descriptor.

Meeting: means a meeting as defined in the Oklahoma Open Meeting Act.

Public body: means a public body as defined in the Oklahoma Open Meeting Act.

Public Property means all buildings, land and other properties, or portions thereof, owned or operated by the City of Grove, Grove Municipal Services Authority or other authorities to which the City of Grove is the beneficiary.

Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, electronic smoking device or vaping device.

Tobacco product means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, smokeless tobacco, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco Product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Vaping means utilizing a [Propylene Glycol](#) or [Vegetable Glycerin](#) based liquid, mixed with small amounts of nicotine and food grade flavoring that then get vaporized in a small battery powered atomizer, Simulating the experience of smoking. The vapor created is inhaled and exhaled much like cigarette smoke hence the term "VAPING" as opposed to "SMOKING"

Vehicle shall mean any vehicle or equipment owned or leased by the City of Grove, Grove Municipal Services Authority or other authorities to which the City of Grove is the beneficiary.

Workplace: means any and all properties owned or leased by the City of Grove and Grove Municipal Services Authority, including buildings, and vehicles. A workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or

windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such workplace at any given time, whether or not work is being performed.

6. USE OF TOBACCO PROHIBITED

- a. Smoking or the use of tobacco is prohibited in a workplace, in any vehicle, on public property or at a meeting of a public body.

7. RESPONSIBILITY OF THE CITY OF GROVE

- a. Grounds for disciplinary action or denial of employment:

- ✓ Failing or refusing to comply with this policy.

- b. Measurements to prevent the use of tobacco:

- ✓ Post signs at entrances to places where the use of tobacco is prohibited which state that the use of tobacco is prohibited or that the indoor environment is free of tobacco use.

- ✓ Advise tobacco users to refrain from using tobacco upon observation of anyone violating this policy.

- ✓ A copy of this policy shall be provided to each employee and applicant for employment, who shall sign and date the attached receipt of the Tobacco Use Policy. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.

- c. Disciplinary action:

Shall be independent of all other proceedings. Disciplinary action may be undertaken pursuant to this policy and shall constitute an independent administrative action against the employee and shall not be depended upon or controlled in any manner by other civil, administrative or criminal proceedings, which are or may be instituted against the employee.

8. EMPLOYEE RESPONSIBILITIES

- a. As a condition of employment, it is the responsibility of every employee to adhere to the requirements and provisions of this policy.

9. APPEAL RIGHTS

- a. An employee who receives formal discipline for violations of the provisions of this policy including but not limited to dismissal, suspension without pay, demotion, reduction in pay is entitled to the appeal rights as set out in the Personnel Manual.

PERSONNEL FORMS

Vacancy Notice

Personnel Action Form

Job Application

Request for Interview

Employee Performance Action Plan

Request for Leave

Vacation Leave Request

Employee Cellular Phone Allowance Agreement

APPENDIX A
CELLULAR PHONE ALLOWANCE PROCEDURES

This procedure describes the process to request and approve an allowance from the City of Grove for the use of cellular phone devices in order to conduct City business.

Any employee who receives an allowance will be required to maintain cell phone service, notify the City of the cell phone number, agree to have his/her number distributed to appropriate state members or published to the public, if needed, and be reachable for City business purposes.

Process: Upon determination that the necessary criteria are met as stipulated in the Cellular Phone Allowance” directive, the employee and authorized approver will follow the process outlined below:

1. Select the most reasonable monthly allowance option, based on the city usage of the device, from the options below:

Plan Option Allowance	Amount	Comments
Voice only – low usage	\$30	120-450 minutes expected monthly usage
Voice only – high usage	\$50	Over 450 minutes expected monthly usage
Voice/Data plan – low usage	\$40	120-450 minutes + email expected monthly usage
Voice/Data plan – high usage	\$60	Over 450 minutes + email expected monthly usage

2. Complete ‘Employee Cellular Phone Allowance Agreement’ form and obtain necessary approvals.
3. The approved form is sent to Finance Department for review then forwarded to Payroll personnel to enter into payroll system.
4. The ‘Employee Cellular Phone Allowance Agreement’ form must be reviewed and re-approved each fiscal year to confirm the employee’s eligibility for the cellular plan allowance or the department’s eligibility for the shared cellular phone device.

Changes in allowance may be made at the beginning of each fiscal year with appropriate approvals.

Departmental Shared Cellular Phone Devices: For departments fulfilling functions related to special events, on-call duty or maintenance, particularly addressing on-call or after-hours related issues requiring calling capabilities a departmental shared cellular phone device may be approved as an exception.

The department shared cellular phone device will be assigned to one individual with the department to manager and main control of the device, including phone assignment and ensuring that the equipment is only used for business purposes. This entails a monthly review and maintenance of records which establish the amount, date, place, and business purpose for each business call. An annotated copy of the monthly cell phone bill is an example of such a record.

Departmental shared cellular phone devices shall only be used for business purposes; personal use is not permitted. Any employee in violation of this directive must reimburse the City for the personal phone calls, may lose use of the departmental shared cellular phone device, and may be subject to disciplinary action up to and including termination.

Transition. Effective immediately upon approval of this directive, the City of Grove will no longer purchase any cellular phone devices or services, nor will any existing cellular phone device contracts be renewed or extended, unless an exception is authorized for a departmental shared cellular phone device. Effective immediately upon approval of this directive, employees with City of Grove assigned cellular phone devices must make arrangements to transfer their cellular phone billing and contract to their name by August 1, 2011. In the event the transition cannot be completed by this date, the employee should notify his/her supervisor with an anticipated transfer date.

If employees are transferring from a City cellular phone to a personal cellular phone, they are encouraged to retain their existing City cellular phone number. If any employee changes his/her cellular phone number, he/she must notify the department within one (1) business day of the change. For those departments that have an existing contract with a cellular phone vendor, if the transfer will result in a cancellation fee, the existing account shall be transferred to the employee immediately following the expiration of the cancellation provision.

Employees using City owned equipment and converting to personally owned contracts may continue to use the existing cellular phone devices while employed by the City. In the event the employee leaves City employment, the cellular phone device must be returned to the department with any other City owned property. Employees may choose to either stay with the current AT&T cellular plan or adopt a new cellular phone plan of their choice. Departments cannot force employees to use a specific cellular carrier or plan. Some City services (i.e. email, calendar, contacts synchronization, paging) may not be compatible with all devices, carriers, or plans. The employee is responsible for ensuring compatibility.

Positions		Grade			
Lifeguards		LG	\$8.25/hr-1 st yr; \$8.50/hr – returning guards + .25/hr for each returning year, max at \$9/hr		
Voluntary Firefighters/Officers		1	\$15/run; Shift work: minimum wage; FFII certification \$9/hr		
Temporary/Seasonal		2	\$9/hour		
Intermittent Part-Time		3	\$9.50/hr		
Regular Part-Time		4	\$10/hr		
			Range Minimum	Range Midpoint	Range Maximum
Animal Control Officer	Yearly	5	\$23,404	\$29,222	\$37,401
	Hourly		\$11.25	\$14.05	\$17.98
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Administrative Assistant	Yearly	7	\$25,744	\$32,163	\$41,191
Buildings & Grounds Laborer	Hourly		\$12.38	\$15.46	\$19.80
Clerk: Deputy Court, Records, Utility					
Community Development Laborer					
Meter Reader					
Service Technician					
Sewer Collection Laborer					
Street Laborer					
Water Distribution Laborer					
Intentionally Left Blank		8			
Accounting Clerk	Yearly	9	\$28,330	\$35,396	\$45,337
Communications Officer	Hourly		\$13.62	\$17.02	\$21.80
Locator					
Natural Gas Laborer					
Mechanic					
WTP/WWTP Operator					
Firefighter (non-volunteer)	Yearly	10	\$29,736	\$37,136	\$47,538
AMR/Utility Technician	Hourly		\$14.30	\$17.85	\$22.85
911 Coordinator	Yearly	11	\$31,161	\$38,985	\$49,907
Building Inspector/Code Officer	Hourly		\$14.98	\$18.74	\$23.99
Cemetery Sexton					
Comm Officer Supervisor					
Fire Captain					
Foreman: Natural Gas, Swr Coll/ Water Distribution, Street					
Utility Billing Analysis					
WTP/WWTP Lead Operator					
WWTP Lab Technician					
Intentionally Left Blank		12			
Buildings & Grounds Superintendent	Yearly	13	\$35,841	\$44,735	\$57,262
Street Superintendent	Hourly		\$17.23	\$21.51	\$27.53
Utility Office Manager					
Vehicle Maintenance Superintendent					
Assistant Fire Chief	Yearly	14	\$40,322	\$50,352	\$64,439
Assistant Police Chief	Hourly		\$19.39	\$24.21	\$30.98
Utility Superintendent					
WTP/WWTP Superintendent					
City/Court Clerk		15	\$44,802	\$55,947	\$71,616
Chief: Fire, Police			\$21.54	\$26.90	\$34.43
Public Works Director					
Assistant City Manager	Yearly	16	\$60,296	\$75,302	\$96,393
	Hourly		\$28.99	\$36.20	\$46.34

