

**PERSONNEL POLICY AND PROCEDURES  
MANUAL**

**CITY OF MOORE**

Adopted by the Moore City Council on  
June 19, 2023

## **PREAMBLE**

The City of Moore recognizes that human relationships are an important factor in the efficient and effective operation of an organization. The attitude, efficiency and productivity of employees depend largely upon the degree to which a pleasant working environment, equitable treatment and good working relationships exist. Therefore, this Personnel Manual is intended to provide a clear and concise statement of personnel policies and practices deemed essential in the promotion and maintenance of a harmonious working environment.

The City Manager, as prescribed in Section 3-3 of the City of Moore Charter, has the primary responsibility for implementing the purposes and provisions set forth in this Personnel Manual and shall review the policies, procedures, and benefits periodically to increase the efficiency and effectiveness of the work force.

These Policies and Procedures apply to all classified employees of the City, except where a labor-management agreement exists. Conflicts between these Policies and Procedures and a labor-management agreement will be resolved by the labor-management agreement only if specifically addressed in the Agreement.

# **INTRODUCTION**

## **HUMAN RESOURCES ADMINISTRATION**

Human Resources Administration encompasses the classification of positions according to type of work, skill and responsibility; recruiting employees; placing employees in positions that will result in the greatest possible yield; administering an employee evaluation system to measure performance on the job for purposes of training, promotion, layoff, and disciplinary actions; control of personnel transactions such as vacations, holidays, sick leave, promotions, etc.; establishing policies and procedures pertaining to health, safety, grievances and counseling; maintaining adequate personnel records; and other activities, programs and policies relating to Personnel.

## **OBJECTIVES AND GOALS**

- A.** To develop and administer Personnel Policies and Procedures and techniques necessary to govern all employees of the City.
- B.** To promote and increase efficiency and economy in the City.
- C.** To provide fair and equal opportunity for all qualified persons to enter City employment in all positions on the basis of merit and fitness without regard to race, color, sex, age, religion or national origin.
- D.** Develop a program for recruitment, advancement and tenure, which will make employment attractive as a career.
- E.** Establish and promote high morale by providing good working relationships, uniform personnel policies, and opportunity for advancement without regard to race, color, sex, age, religion or national origin.
- F.** To establish, maintain and administer a fair and equitable pay plan that is related to requirements and complicity of each position classification.

## **THE MERIT SYSTEM**

- A.** The merit system for personnel is established by policies and procedures contained in this manual.
- B.** The merit system of the City of Moore shall require that all personnel transactions be based upon the individual's qualifications, abilities and experience, and that all employees meet acceptable levels of competence in performing their duties.
- C.** Appointments, promotions, retention and all personnel actions.

## **ADMINISTRATIVE RESPONSIBILITY**

### **A. The City Manager**

All Personnel Policies and Procedures for the City of Moore shall be administered by the City Manager. In all instances, the Manager's decision on personnel matters shall be final.

### **B. The Human Resources Department**

The Human Resources Department is appointed and authorized by the City Manager to administer the personnel program including all policies and procedures, the classification plan and pay plan. Duties include, but not limited to the following:

1. Recruiting candidates for employment;
2. Maintaining contact with all recruitment sources, including those representing minority groups;
3. Screening of candidates and referring to department heads;
4. Advising and assisting the City Manager and department heads concerning personnel policies and individual cases, to ensure that all laws and administrative regulations are followed and good personnel practices are observed;
5. Representing the City Manager, with private and governmental agencies involving personnel matters;
6. Issuing and revising, these personnel policies;
7. Administering and maintaining the classification and pay plans;
8. Maintaining the central personnel records in compliance with Oklahoma Open Record Act and applicable laws.

### **C. Department Heads**

Department Heads will supervise their employees, and administer the personnel program in their department.

### **D. City Council**

The Personnel Policy and Procedure Manual and the Position Classifications and Pay Plan are subject to approval of the City Council and represent the policy of the City regarding personnel.

## **THE CLASSIFICATION PLAN - POLICY STATEMENTS**

**A.** The Classification Plan is designed to provide the City with a defensible and understandable rationale for assigning each individual position to an appropriate class and ultimately provide the basis for compensating them fairly for the responsibilities they respectively assume. The Classification Plan is based upon a clear definition and consistent use of class levels, class series, conventions and levels of supervision.

The Plan provides the following:

- A current and accurate description of the various jobs that are performed.
- A basis for establishing a compensation program that is related to the nature of the work performed.
- A means of assuring internal equity among the overall work force.

**B.** City Council shall approve all amendments to the Classification Plan.

**C.** The Human Resources Department, with approval of the City Manager, shall allocate job positions to one of the classifications approved by the City Council.

**D.** The Classification Plan and Class Specifications are contained in the classification and concepts and compensation reports of the City of Moore.

## **AUTHORITY FOR CHANGES IN THE POLICIES**

The City Council is responsible for establishing general policies for the City. Such policies are administered by the City Manager. Policies may be amended as needed. Suggestions for amendments are welcomed from employees when submitted in writing to the Human Resources Department.

These policies shall be issued to department heads and made available for review by employees. Department heads will keep their copies up to date.

## **DEPARTMENT POLICIES**

Departmental policies shall not conflict with these policies. All departmental policies must be approved by the City Manager.

## **NOT AN EMPLOYMENT CONTRACT**

This document shall not be construed as an employment contract. Employees including Department Heads of the City of Moore serve at will and at the pleasure of the City Manager.

## **Policy Statement**

Employment with the City of Moore, Oklahoma shall be construed as “at will” and may be terminated by either the City (employer) or the employee at any time, provided, however, the employee has certain appeal rights pursuant to the City Charter, City Code and the personnel manual.

City of Moore Personnel Policies and Procedures shall not constitute an employment contract and can be amended by the City at any time, for any reason, and without notice.

The City of Moore includes all related entities including the Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority.

## **ARTICLE I | GENERAL PROVISIONS**

### **1.1 Savings Clause**

The provisions of these policies and procedures are declared to be severable, and if any section, sentence, clause, phrase, or word of the policies and procedures shall for any reasons are held to be invalid, or unconstitutional, by any court or tribunal of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, phrases and words of these policies and procedures, but they shall remain in full force and effect; it being the intent that these policies and procedures shall stand notwithstanding the invalidity of any part.

### **1.2 Amendments to Policies and Procedures**

The Human Resources Division shall present in writing the proposed amendment (s) to the City Manager. The City Manager shall recommend amendments to the City Council with the approval by a majority of the Council. Employees shall receive written notification of amendments.

### **1.3 Employee Rights**

No applicant for employment or employee shall be permitted to waive, relinquish, or forego any right (s) accorded under the City Charter, City Code or these rules. No employee or public official shall use their authority to coerce another employee to waive any rights accorded under the City Charter, City Code or these rules.

### **1.4 Non-Discrimination**

The City of Moore will fully comply with the spirit and the letter of the Civil Rights Act of 1964 (as amended), the Age Discrimination in Employment Act of 1967 (as amended), the Equal Pay Act of 1963 (as amended), and other applicable legislation and court rulings pertaining to prohibition of discrimination concerning race, color, religion, sex, national origin, age or disability in all aspects of employment with the City.

## **Article II | Employee Activities**

### **2.1 Pecuniary Interest**

Employees of the City shall not have a financial interest of any contract, service or other work performed for the City. Employees shall not accept any free or preferred service, benefits, or concessions from any person, companies, or other agencies doing business with the City.

### **2.2 Outside Employment**

An employee may engage in employment during off duty hours unless, the department head determines that the outside employment is interfering with the employee's job performance. The department head shall take whatever action deemed appropriate.

### **2.3 Political Activities**

Employees of the City shall not use their authority to influence or coerce the political action of another employee. Employees shall not during the course of normal working hours, distribute literature or other materials or conduct campaign activities. Employees may actively participate in partisan and nonpartisan political activities, if the political activity is exercised during off-duty hours and not in uniform. Federal statutes governing the political activities of Municipal employees shall supersede this section.

#### **2.3(1) Council or Other Public Meetings**

Employees may attend and express their views at City Council meetings or any other public meetings or any other public meeting of the municipal body.

#### **2.3(2) Employees Prohibited from Filing for Municipal Office**

In accordance with Resolution No. 250 (89) an employee must resign before filing for an elected position in the City.

### **2.4 Use of City Equipment**

Employees shall not use city equipment and shall not permit others to use city equipment for non-city activities.

#### **2.4(1) Use of City Vehicles**

The City Manager may assign vehicles to employees for City related activities. The City Manager may also assign vehicles to employees who are on call for use to and from work. Smoking, tobacco use, or the use of vapor products, as those terms are defined in City Code, is prohibited inside any City vehicle. Any commuting with a City vehicle is a taxable transaction and will be added to the employee's earnings, according to IRS rules. See IRS Publication 15-B.

#### **2.4(2) Personal Vehicles for City Business**

An employee using a personal vehicle for City business may be eligible for a vehicle allowance. The City Manager will determine the amount and conditions of the allowance.



### **2.4(3) Idle Reduction Policy**

All operators of City vehicles and equipment shall adhere to the following:

1. Vehicles and equipment shall not be left unattended until the engine has been turned off and key removed.
2. Vehicles shall not be permitted to idle more than one minute while attended.
3. Vehicles shall not be left idling while parked for the purpose of keeping the cab cool or heated including breaks and lunch periods. (See Exception 13 below for exceptions).
4. Vehicles shall not be left idling while tools, equipment, or passengers are loaded or unloaded.
5. Vehicles shall not be left idling while refueling.
6. Start up or cool down periods for turbo-charged equipped engines shall not exceed the manufacturer's recommendations.
7. No vehicles shall be started before driver's starting time.
8. On-scene vehicles shall be shut off unless actively engaged in operational responsibilities.
9. Vehicles equipped with fuel operated heaters (FOH) shall not be permitted to idle while the FOH unit is in operation.

#### **Exceptions**

Due to the operational nature of some vehicles and equipment, the following shall be exceptions to this policy:

1. Emergency response and law enforcement vehicles in the course of responding to and completing emergency calls.
2. Service or repairs being performed to vehicles requiring diagnostic testing.
3. Vehicles not expected to restart due to mechanical or electrical problems.
4. Idling the engine is required to power auxiliary equipment other than a heater or air conditioner, such as hoist, lift, computers or safety lighting.
5. Idling is necessary to operate defrosters, heaters, air conditioners or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers.
6. Vehicles equipped with temperature sensitive equipment.
7. Vehicles must be kept at an appropriate temperature for the health and safety of animals, such as police K-9s, while being transported and during animal adoption activities.
8. An emergency or law enforcement motor vehicle, particularly when transporting patients, prisoners, victims, or witnesses, or when performing traffic control.
9. For an official traffic control signal or device.
10. For traffic conditions over which a driver has no control including, but not limited to, being stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone.
11. Vehicles stopped in a line of traffic at the direction of a police officer or other official traffic controller.
12. For diesel powered vehicles tasked with making numerous and frequent stops,

such as may be required for garbage/recycling pickup or repairing potholes, unless the vehicle is going to idle for more than 15 minutes.

13. When the use of the vehicle heater or air conditioner, at the discretion of the appropriate supervisor, is necessitated by adverse weather or temperature above 95° heat index (HI) or below 40°.

## **2.5 Hours of Work**

The definition of a standard workweek period for regular full time employees is forty (40) hours per week within seven (7) calendar days (this also includes exempt employees). The standard workweek period shall include holiday leave hours but shall not include any other type of leave.

## **2.6 Breaks**

The time and places of rest and lunch breaks shall be determined by the Department Heads and will be established according to the department's work activities. Total number of breaks or smoke breaks cannot equal more than two fifteen minute breaks. Breaks are not to be added to the lunch hour or to be used to make up coming in late or leaving early. If an employee does not take a break, it is not to be added to the time. If an employee comes in late or leaves early, the employee needs to show that on the time card.

## **2.7 Overtime**

Employees may be required to work overtime, but overtime will not be permitted without authorization by the employee's supervisor and or Department Head.

Job Classifications in the executive, administrative and professional definition of applicable state and federal law will be designated exempt employees for the purpose of being eligible for any type of overtime compensation.

Emergency overtime shall be defined as and limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition and situation wherein the public health and safety are endangered and shall only require approval of the department head.

Time and one-half overtime, or time accumulated (comp time), shall be paid to all non-union employees only, who work more than forty (40) hours in a seven (7) day work period.

Whenever a disaster strikes similar to the May 3, 1999 tornado, exempt employees will earn comp time or be paid overtime during the first 30 days following.

## **2.8 Emergency Call Back**

Call Back is when an employee is required to physically return to duty after a regularly scheduled shift. Employees will be paid overtime, as defined in Section 2.7 of these Policies and Procedures, for *actual time worked*. Call Backs will be for a two- (2) hour minimum unless the starting time is less than two (2) hours before a regularly scheduled shift.

## **2.9 Dress Code**

It is the responsibility of each employee to represent the City in a manner which shall be courteous, efficient and helpful. An employee shall be well-groomed and dressed in a manner which is suitable for the public service environment and reflects favorably on the City's image. Divisions or departments may establish specific dress codes as approved by the City Manager.

## **Article III | Recruitment and Selection**

### **3.1 Vacancy Notice**

When an authorized position becomes vacant, the department head will submit a signed Request to Fill a Budgeted Vacant Position with the Human Resources Department. The request must be approved by the Director of Finance and the City Manager before the Human Resources Department begins recruitment activities.

### **3.2 Posting Notice**

Vacancy notices will be posted in accordance with the information provided on the Request to Fill a Budgeted Vacant Position.

### **3.3 Recruitment**

The City will recruit from a geographic area as broad as necessary to assure soliciting well-qualified applicants. Preference will be given to City employees who meet the minimum job requirements and are determined to be the most qualified applicant for the position.

#### **3.3(1) Veterans Preference**

Veterans and disabled veterans given an honorable discharge from military service will be given preference in recruiting and selection if qualified for budgeted vacant positions.

The City will not discriminate against any employee or applicant for employment because he or she is a veteran or disabled veteran following honorable discharge in regard to any position for which the employee or applicant for employment is qualified. The City agrees to take action to employ, advance in employment and otherwise treat veterans and disabled veterans without discrimination based upon their disability or veteran status in all employment practices such as the following: employment classification, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other form of compensation, and selection for training, including apprenticeships.

The City will comply with and strictly adhere to all Federal and State statutes, codes, rules and regulations regulating the re-employment of a member of the United States Armed Forces.

### **3.4 Applications**

Applications will be accepted when recruiting for authorized vacant positions. Applications will not be considered after the closing date to accept applications.

### **3.5 Rejection of Applicants**

An applicant may be rejected for consideration of employment because of any of the following:

- (1) Failing to meet the minimum qualifications of the position;
- (2) Submitting false information;
- (3) Having an unsatisfactory employment or personnel record; or
- (4) Failing the required background check or pre-employment drug screen.

### **3.6 Probationary Period**

The probationary period will be a minimum of twelve (12) complete and consecutive months of active service. The probationary period for the positions of Police Officer I and Firefighter I will be a minimum of twelve (12) complete and consecutive months of active service. Department heads may extend the probationary period for a period not to exceed an additional six (6) months if warranted by the employee's performance.

Probationary employment may be terminated by either the City or the employee. Advance notice by the City is not required.

If the probationary employee is not recommended for regular status, the employee will be released from employment by the last day of the probationary period.

Employees serving their initial probationary period are not eligible to participate in Pre-Determination Procedures.

This policy is intended to be an "established probationary plan" in compliance with Oklahoma Statute title 40, Section 3-106(G)(5). If an employee is terminated for unsatisfactory work performance during this the first ninety (90) days of employment, the employee is not entitled to unemployment compensation from the State.

### **3.7 Probation After Reclassification, Promotion and Transfer**

An employee reclassified, promoted, or transferred will serve a probationary period of twelve (12) complete and consecutive months of active service.

During probation after reclassification, promotion or transfer, unsatisfactory performance will, at the discretion of the City, lead to:

- a) Reinstatement to former position; or
- b) Reassignment to a comparable position; or
- c) Separation from City employment

An employee reclassified, promoted or transferred to the position of Police Officer I or Firefighter I will serve a twelve (12) month probationary period.

### **3.8 Re-Employment**

Former employees in good standing will be considered for re-employment.

### **3.9 Types of Appointments**

All employees are employed conditionally on the basis of continuing fitness or need. The following status categories or anything contained in this manual does not guarantee employment for any specified length of time. Employment is at the mutual consent of the employee and the City and can be terminated at will by the employee or the City.

The following are employment status categories:

- (1) **Probationary Employees:** New, reclassified, promoted or transferred employees who serve a prescribed period of close supervision and evaluation in order to assess their ability and adaptation.

- (2) **Full-Time Regular Employees:** Employees who are hired to regularly work forty (40) hours per week on a continuous basis and have completed a satisfactory probationary period.
- (3) **Part-Time Regular Employees:** Employees who are hired to regularly work thirty-two (32) hours per week on a continuous basis and have completed a satisfactory probationary period.
- (4) **Part-time Hourly Employees:** Employees who complete a satisfactory, probationary period and regularly work a minimum of twenty (20) hours, but less than thirty-two (32) hours per week on a continuous basis.
- (5) **Seasonal Employees:** Employees who are hired with an expected duration or employment of less than six (6) months and work an average of fewer than thirty (30) hours per week, depending on department needs. Seasonal employees are not eligible to receive city-sponsored benefits such as health insurance, paid leave or step increases.
- (6) **Temporary Employees:** Employees hired to work for a limited or specified duration as established by the City, but no more than twenty-nine (29) hours per week. Temporary employees are not eligible to receive city-sponsored benefits such as health insurance, paid leave or step increases.

### **3.10 Age Requirements**

All employees must be a minimum of sixteen (16) years old on their first date of employment. Employees hired as a Police Officer and Fire Fighter must meet the age requirements mandated by statutory pension requirements.

### **3.11 Residence Requirements**

Employees are not required to reside within the City of Moore, but should live within a reasonable distance of the City.

### **3.12 Nepotism**

This policy will not apply to relatives who are employed in the same department prior to its adoption. (November 1995, modified April 2006)

This policy will not apply to temporary or seasonal employees, except no employee will supervise a relative. No employee will work in the same department of the City with a relative by marriage or consanguinity in the third degree. (Refer to Nepotism Chart, Appendix D)

## Article IV | Classifications

### 4.1 Position Classification Plan

The Position Classification Plan is designed to provide the City with a defensible and understandable rationale for assigning each individual position to an appropriate job class, and ultimately provides the basis for compensating them fairly for the job responsibilities. The plan is based upon a clear definition and consistent use of class levels, class series, titling conventions and levels of supervision.

Job classes consist of any number of positions, which are sufficiently similar in duties, responsibilities and qualification guidelines.

### 4.2 Classified and Unclassified Service (Per City Charter Section 8-3.)

All positions that are not specifically defined herein will be considered classified. Unclassified positions include the following:

- (1) Elected officials and Municipal Judge or Judges.
- (2) City Manager, and one Secretary to the Manager.
- (3) Volunteers and persons appointed to serve without pay.
- (4) Individuals rendering professional services.
- (5) Members and Secretary of each Board, Commission or other plural authority.

### 4.3 Class Specifications

The class specifications are descriptive and explanatory. Each class specification may contain all or part of the following information:

- (1) Class Title: This is a brief and descriptive designation of the type of work performed.
- (2) Definition: This is a brief, concise description and definition of the primary responsibilities assigned to positions in the class.
- (3) Distinguishing Characteristics: This describes the level of work in relation to higher or lower classes in the same series.
- (4) Supervision Received and Exercised: Describes the level of supervision received and exercised by the positions in the class.
- (5) Examples of Duties: Typical tasks, which are common to positions of the class. It serves to illustrate the more typical portions of the work performed. The statement performs related duties as assigned is included in all class specifications to provide legitimate flexibility to management in assigning duties.
- (6) Qualifications: Knowledge and abilities that the duties of the class typically require. They are intended to serve as guidelines in the recruitment process.
- (7) Licenses or Certificates: In certain classifications, legal or special provisions require possession of a specific license or certification issued by a Board of Licensure as a condition of employment.

#### **4.4 Administration of Position Classification Plan**

The Human Resources Department will maintain the position classification plan to reflect the duties performed by each position. The Department will allocate new positions to the appropriate classification. The classification plan will be reviewed periodically and recommendations made to the City Manager concerning changes in the plan.

A department head may request a new position by submitting a job analysis questionnaire to the Human Resources Department. The Department will review the request and submit a recommendation to the City Manager for consideration.

#### **4.5 Salary Plan**

The City utilizes a traditional range and step salary structure. Each range consists of fifteen (15) two and one half percent (2.5%) steps, and each range is uniformly separated by about two and one-half percent (2.5%). The top step of each pay range is set to the market, as determined by the compensation survey conducted by Breen Consulting in October 2002.

Salary progression through the range is step-wise; with a step increase authorized annually, based on satisfactory employee performance and budgeted appropriations approved by the City Council/ Moore Public Works Authority Trustees. No additional payments are authorized once the top step of the pay range is reached, except in the event of promotion or reclassification to a higher level class.

Pay ranges will be reviewed annually and may be adjusted based on the consumer price index (CPI) subject to appropriations approved by the City Council/ Moore Public Works Authority.

The following practices will be followed when administering the salary plan:

- (1) Employment Rate: The rate of pay for newly hired employees will be at the minimum step of the assigned range to ensure equity with current employees with greater tenure. Based on the City's needs and employees' qualifications, however, placement may be made above the minimum step. Hiring above the entry rate will be only with approval of the City Manager.
- (2) Promotion: Upon promotion to a classification in a higher salary range, employees will be placed in the new range so that at least a two and one half percent (2.5%) increase in pay results, unless such an increase will exceed the maximum step of the range of the class.
- (3) Demotion: Upon voluntary demotion to a classification in a lower salary range, employees may be placed in nearest step placement in the new range. In the event of disciplinary demotions, employees may be placed in the new range at the level so that a two and one half percent (2.5%) loss in pay results, but in no event will the salaries be reduced below the entry rate for the new range.
- (4) Lateral Transfer: Upon transfer to a position classified at the same level, the



employee's range and salary level placement will not change. However, a new probationary period in the new class will be required.

- (5) Reclassification: Upon reclassification to a higher level classification, salaries will be placed at the same step in the new range as the employee held in the old range.
- (6) Reclassification to a lower level class will result in salary placement within the new range equal to the current rate of pay, not to exceed the maximum rate for the new range. Reclassification to classes at the same level will result in no pay change.
- (7) Y-rating: In the event that an employee is promoted, demoted or transferred into a position and placed at a salary level inconsistent with the above, the salary will be Y-rated or frozen.

#### **4.6 Longevity**

All regular employees and regular part-time employees will receive, in addition to their base salary, longevity pay as described in Resolution 84 (79). In order to be eligible to receive longevity, a regular part-time employee must work at least thirty-two (32) hours per week. Longevity base pay amounts will be frozen as of June 30, 2002.

Only employees hired as regular and regular part-time employees before September 1, 1997 will receive longevity.

#### **4.7 Service Incentive Pay**

All regular employees and regular part time employees not receiving longevity pay, will receive, in addition to their base salary, Service Incentive Pay. Service Incentive Pay will be paid to employees hired after September 1, 1997 and will begin after three (3) full years of service. Service Incentive Pay will be calculated from the date the employee receives fringe benefits. Service Incentive Pay will consist of one hundred dollars (\$100) for each year of completed service as of December 1, up to a maximum of two thousand dollars (\$2,000) for twenty (20) plus years of service. Service incentive pay will be paid as a lump sum payment in December of each year.

#### **4.8 Payroll Periods**

Payroll periods will be biweekly, with the first period ending July 14, 1990. If a payday falls on a holiday, paychecks may be issued on the first workday immediately preceding the holiday.

#### **4.9 Method of Pay**

All employees hired after July 1, 2010 shall be paid by direct deposit or with a pay debit card.

## Article V | Leave

### 5.1 Types of Leave:

#### 5.1(1) Holidays

The following will be paid holidays for all non-contract full-time regular and part-time regular employees:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve
Christmas Day	

In the event that a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. Should a holiday fall on a Sunday, the following Monday shall be observed as the holiday. If Christmas Eve falls on a Friday, the Thursday preceding will be the observed holiday for Christmas Eve and Friday will be the observed holiday for Christmas Day. If Christmas Eve falls on a Sunday, the following Monday will be observed as the Christmas Eve holiday and Tuesday will be observed as the Christmas Day holiday.

In the event that a non-contract full-time regular or part-time regular employee is requested to work on an observed holiday, the employee shall be paid one and one-half (1 1/2) times his or her normal rate of pay for hours worked plus eight (8) hours of his or her normal rate of pay as holiday pay. Part-time, temporary and seasonal employees are not eligible for "Holiday Worked" (1.5 rate) pay.

Should a union employee be separated from service with the City, he or she will be paid for any approved accumulated holiday leave. Such time is to be compensated at a rate of one (1) hour of pay per hour of leave accumulated.

#### 5.1(2) Vacation

Vacation leave for full-time regular employees shall accrue as follows:

0 - 24 months (0 - 2 years)	---	8 hours per month
25 - 60 months (2 - 5 years)	---	10 hours per month
61 -120 months (5 -10 years)	---	12 hours per month
121 -180 months (10 -15 years)	---	13 hours per month
181+ months (over 15 years)	---	15 hours per month

Vacation leave for part-time regular employees will accrue at 4/5 of the rate above.

Vacation leave accrues from the date of employment as a full time employee, but may not be used until the employee has served for a period of six (6) continuous months. This policy may be waived in extenuating circumstances by the recommendation of the employee's supervisor and/or department head and with the approval of the City Manager. The maximum vacation accrual amount is **350** hours.

An employee shall request vacation leave in writing at least five (5) working days prior to the first day of vacation time requested, unless there are extenuating circumstances, and such request must be approved by his or her supervisor and /or department head and, if less than five (5) days' notice is given the employee may only take up to two consecutive days of vacation leave. In the event that requested vacation time of an employee conflicts with that time already requested by another employee, or such requested time will interfere with the operations of the department due to a workload, unusual circumstances, etc., the vacation time shall be scheduled at a later time agreeable to the employee as approved by the supervisor and/or department head and City Manager. As approved, an employee's vacation leave may be taken at any time or in any periods not to exceed two (2) week intervals, unless waived for unusual circumstances by the City Manager. A holiday which falls within an approved period of vacation leave shall not be counted as a vacation day, but will be paid in accordance with 5.1(1).

Should an employee be separated from service with the City, he or she will be paid for all accrued vacation leave. Such time is to be compensated at a rate of one (1) hour of pay per hour of leave accumulated.

### **5.1(3) Sick Leave**

Sick leave shall be granted for reasons of personal illness or physical incapacity of an employee or of a member of the employee's immediate household or parents of the employee (parents means a biological, adoptive, step or foster father or mother). For purposes of sick leave, members of the immediate household shall include spouse, children, or other relatives permanently residing with the employee. Sick leave shall accrue from the date of the employee's employment as a full-time employee at a rate of ten (10) hours per month, but cannot be used until the employee has served for a period of three (3) continuous months. Sick leave will accrue from the date of the employee's employment at a rate of 6.4 hours per month for Regular Part-Time employees and sick leave cannot be used until the employee has served a period of three (3) continuous months. This policy may be waived in extenuating circumstances with the approval of the supervisor and/or department head and the City Manager.

Those with continuing employment shall have an option **once a fiscal year** on **May 1st or December 1st** of each year to elect a buyback of fifty percent (50%) of their accumulated sick leave on a two-for-one (2:1) basis. Those eligible for sick leave buy back must have a minimum of 200 hours of accrued sick leave. An employee who has elected to sell sick leave may not receive donated sick leave during that same calendar year. Those with a sick leave balance above 1000 hours at the time of the May 1 and/or December 1

buyback period shall have the excess hours above 1000 bought back down to 1000 hours on a two for one basis and such mandatory buy back shall not count toward the optional “once a fiscal year” buy back. Actual buy back computation will be on a two-for one **(2:1) basis.**

If an employee does not use any sick leave for the entire fiscal year, they will receive one additional vacation day.

In the event that an employee retires or terminates employment in good standing (***with a minimum two-week notice in writing to the Personnel Office in City Hall***) the employee shall be compensated for accumulated sick leave on a two-for-one (2:1) basis.

Should an employee be unable to report to work due to sickness, he or she must notify his or her supervisor and/or department head on each day that he or she will be absent prior to the beginning of the actual work period. Failure of an employee to notify his or her department head under the above stipulations shall constitute an unauthorized absence from work on the part of the employee.

Should an employee be granted a release to return to work with limitations or restrictions (light duty), the Risk Management Department shall make the decision as to whether there could be a potential aggravation of an injury or sickness that would be detrimental to the employee and would expose the City to worker’s compensation liability if the employee returned to work.

Employees working second jobs may not be granted sick leave on the same day that they work a second job, if the absence from their work is due to their own personal illness. However, should an employee take sick leave because of the illness of a member of their immediate household as defined in this section, the employee may work the second job. But in no instance shall sick leave and a second job occur at the same time, i.e. an employee may not be granted sick leave so the employee can work a second job.

In cases where an employee is absent from work for an extended period of time due to hospitalization or other reasons associated with a serious illness, accident, etc.; during the period of the employee’s absence, he or she in lieu of calling the department head on a daily basis, will weekly notify his or her supervisor and/or department head regarding his or her medical status and the projected duration of his or her absence from work.

In cases where the supervisor and/or department head has reasonable doubt as to the nature and extent of an employee’s illness, sick leave shall be granted only after presentation of a written statement by a licensed physician certifying the employee’s condition, why that condition has prevented the employee from performing the duties of his or her position, and the projected date of return. Employees may be required to execute a medical release form in order to provide this information.

Donating Sick Leave: (Donating of any other type of leave is prohibited). An employee wishing to donate sick leave to other employee(s) may donate any number of hours but

must maintain a minimum of 200 hours of sick leave. Donated sick leave will be on an hour for hour basis. The maximum amount of hours an employee may donate to an individual employee is 40 hours per calendar year.

Accepting and Using Donated Sick Leave: Any employee using donated sick leave must first exhaust all other paid leave time. The employee requesting donated sick leave must not have sold back sick leave in the twelve months previous to the request. Donated sick leave will be used in the order it is donated. Should the injured/ill employee return to work, retire, resign, or in any way separate from service with the City, the unused donated sick leave will revert back to the employee who donated the leave. The use of donated sick leave shall not extend the leave permitted under the FMLA. An employee may use donated sick leave up to a maximum of three (3) consecutive calendar months per year from the date of request. An employee may use donated sick leave up to a maximum of six (6) total months during the length of employment.

Procedure for Sick Leave Donation Usage: An employee wishing to request donated sick leave shall exhaust all paid leave as described above and A) provide a letter from a doctor stating the employee is unable to work or B) provide a letter from a doctor stating the employee is under restrictions and these restrictions are unable to be accommodated by the City. Donated sick leave for the care of an immediate family member will be taken on a case by case basis. The employee requesting the use of donated sick leave shall provide the letter from the doctor to the HR director or designee. The decision to allow the use of donated sick leave will be made by the HR director or designee but decision may be appealed to the City Manager whose decision will be final. The determination to allow the use of donated sick leave may be made proactively if notice of health situation is known ahead of time for purposes of approving access to donated sick leave, but at no time will the actual use of donated sick leave be granted until the employee has exhausted all paid leave. Upon determination of access to donated sick leave, the HR director/designee shall send an email to all city employees stating the name of the employee and that they have been approved for donated sick leave and the instructions on how to donate sick leave. No details of the health condition or other factors will be emailed. The employee requesting donated sick leave shall not use city email to solicit others into donating. The employee receiving donated sick leave shall keep the HR director/designee apprised of any changes to restrictions or return to work status as they happen. Any violation of these rules by the recipient of donated sick leave will be cause for the usage of donated sick leave to cease immediately and the employee will be barred from all future requests for donated sick leave. Accrual of all types of leave will be suspended during the period of time an employee receives donated sick leave.

### **5.1(3A) Returning Sick Leave Procedures**

In cases where an employee has been on sick leave for an extended period of time (an extended period of time shall be defined in accordance with the type of sickness, surgery, or injury involved, but normally any time over two (2) weeks); the employee shall furnish the Human Resources Department with the following information by a licensed physician (responsible for treatment of the employee's condition) before returning to work:

- 1) A statement from his or her physician authorizing the employee to report

for work, and to perform at full duty capacity in the position that the employee normally holds with the City; and

- 2) A statement which includes the period of treatment of the employee and last date seen by the physician.

In addition, the City reserves the right to have an employee returning to work, under these conditions, examined by a physician of the City's choice at City expense to determine his or her fitness. Under such circumstances the City seeks to determine if the employee remains physically or medically able to perform the duties of the position he or she holds with the City, at the time of initial appointment, as to prevent the employee from performing those duties.

#### **5.1(4) Bereavement and Emergency Leave**

Bereavement leave shall be granted for the reasons of the death of a member of the employee's immediate family (by blood or marriage), i.e., grandparents, grandchildren, parents, sisters, brothers, sons, daughters, step-children, spouse and in-laws: grandparents-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, and brother-in-law, as well as other relatives permanently residing in the employee's household. Maximum absence allowed under bereavement leave at any one time shall be four (4) work days, taken consecutively or intermittently, unless extended by the City Manager. The employee may be required to provide documentation confirming the need for bereavement leave.

Employees affected by a disaster similar to the May 3, 1999 tornado will receive Emergency Leave during the first five (5) calendar days following the disaster. Total maximum hours allowed will be 40 hours for non-union/general employee unions, 72 hours for fire union employees and 45 hours for police union employees.

#### **5.1(5) Jury Duty**

An employee shall be granted leave with pay when subpoenaed for jury duty or as a witness, provided the subpoena action does not involve the employee's personal affairs or is not a case wherein the employee is testifying as part of the performance of his or her duties. Such leave with pay shall not exceed thirty (30) workdays in any calendar year. Employees must turn over jury duty check minus mileage to the City.

#### **5.1(6) Military Leave**

The City of Moore recognizes the authority of Oklahoma Statutes, Title 44 § 209, and Title 72 § 48 concerning leaves of absences and restoration to positions for employees ordered to military service as those statutes are amended from time to time.

#### **5.1(7) Compensatory Leave**

In the event that an employee works more than forty hours in a work week or works on a paid City holiday as authorized by the Department Head and approved by the City Manager, the employee may elect to be compensated for the overtime in the form of time off with pay, or Compensatory Leave. Time is earned at one and one half (1 ½) time hours worked. Compensatory Time may accrue for non-exempt employees to a maximum of

one hundred and fifty (150). All exempt employees will be paid 1:1 for all compensatory time down to eighty (80) hours effective the pay period ending June 17, 2023.

Exempt employees may accrue compensatory time above one hundred and fifty (150) hours only by approval of the City Manager. In the event of balances at or above 150, the balance will be bought down to 80 hours on a 1:1 basis in the first pay period of May and/or the first pay period of December.

Should an employee be separated from service with the City, he or she will be paid on a 1:1 basis for all accrued compensatory leave up to the 150 hours maximum.

#### **5.1(8) Administrative Leave**

As approved by the employee's department head and the City Manager, an employee may be granted administrative leave by a department head or the City Manager. Such leave is defined as being temporarily relieved from duty with pay for reasons deemed necessary for the good of the service of the City. If administrative leave is granted by a department head, he or she must notify the City Manager of this action on or before the next business day.

The City Manager may grant paid administrative leave to employees when city services are reduced or City buildings are temporarily closed due to dangerous weather or hazardous building conditions.

The City Manager may grant paid administrative leave pending the disposition of a disciplinary investigation and/or Pre-Determination Review.

#### **5.1(9) Leave Without Pay**

In the event that a full-time, regular employee is required to temporarily leave the City's service for a period of time due to unusual or unique circumstances out of his or her control, the City Manager may grant the employee leave without pay for a period not to exceed two (2) calendar months. In no event shall an employee be granted such leave for the purpose of acquiring other employment elsewhere. At the end of that time, should an employee not return to work, he or she will be considered as having voluntarily terminated his or her employment with the City of Moore unless extended leave without pay is specifically granted by the City Manager. During a period of leave without pay under this section, an employee will not be eligible to accrue any leave benefits.

#### **5.1(10) Disability Leave**

A qualified employee who exhausts all accrued paid leave because of a serious health condition that makes the employee unable to perform the functions of the position such employee may be eligible for paid disability leave administered by the Moore Risk Management Program.

A qualified employee may only receive a total of twelve (12) weeks of leave when requesting such leave pursuant to the Family and Medical Leave Act. The twelve weeks of F.M.L.A. leave may be any combination of accrued paid leave and disability leaves as set forth in this Article.

## **5.1 (11) The Family and Medical Leave Act (FMLA) Policy**

### **Purpose:**

This Policy is intended to inform employees of their rights and responsibilities under the FMLA. This Policy is further intended to comply with the FMLA and all regulations thereto, and all terms herein shall be defined and interpreted to comply with the FMLA and all regulations thereto.

### **Eligibility & Requirements:**

Leave under the Family and Medical Leave Act of 1993, as amended, (the “FMLA”) is available to employees of the City of Moore (referred to herein as the “the City”): (1) who have worked for the City for at least 12 months (consecutive or non-consecutive over a seven year period); and (2) who have worked at least 1,250 hours during the 12 months immediately preceding the commencement of FMLA leave; and (3) if at least 50 employees are employed by the City within 75 miles of the employee’s worksite. Such employees are referred to as “Eligible Employees” in this Policy. FMLA leave is not available to ineligible employees or to non-employees.

### **Basic Leave Entitlement:**

In compliance with the FMLA, the City will provide Eligible Employees with up to 12 workweeks of unpaid, job-protected FMLA leave per single, rolling 12 month period for FMLA qualifying reasons. The City will also provide Eligible Employees with up to 12 workweeks of leave for military family leave for exigent circumstances per single 12 month period and up to 26 workweeks of leave per single, rolling 12 month period for care of a covered service member (see “Military Family Leave Entitlements” under this Policy).

The City determines the single 12 month period in which the Eligible Employee can take FMLA leave by measuring a “rolling” 12 month period backward from the date the Eligible Employee commences any FMLA leave. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

FMLA qualifying reasons include:

- incapacity due to pregnancy, prenatal medical care or child birth;
- leave to care for the Eligible Employee’s child after birth, or placement for adoption or foster care;
- leave to care for the Eligible Employee’s spouse, son, daughter, or parent, who has a “serious health condition”; or
- a “serious health condition” that makes the Eligible Employee unable to perform the Eligible Employee’s job.

For purposes of this Policy and the FMLA, a “Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the Eligible Employee from performing the functions of the Eligible



Employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the "continuing treatment" requirement may be met by:

- a period of incapacity of more than three (3) consecutive, full calendar days combined with at least one visit to a health care provider within 30 days of the first day of incapacity (absent extenuating circumstances), or one visit to a health care provider resulting in a regimen of continuing treatment under the supervision of the health care provider for which the employee sees the health care provider at least two times per year for treatment. The first (or only) in-person visit to a health care provider must occur within seven (7) days of the first day of incapacity;
- incapacity due to pregnancy or prenatal care;
- incapacity or treatment for a chronic Serious Health Condition;
- incapacity that is permanent or long-term due to a Serious Health Condition that does not respond to treatment; or
- absences to receive (or recover from) multiple treatments for restorative surgery or a condition that would result in incapacity for more than three (3) consecutive, full calendar days if left untreated.

Other conditions may also meet the definition of continuing treatment as defined under the applicable FMLA regulations. Please contact Human Resources for further information.

If leave is taken for more than one of the eligible reasons listed above, a total leave of 12 workweeks is allowed; not 12 workweeks for each eligible reason.

Spouses who are both employed by the City are entitled to a combined total of 12 workweeks of leave (rather than 12 workweeks each) for the birth or adoption of a child or for the care of a parent with a Serious Health Condition. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA Leave. Where each spouse both use a portion of the total 12 week FMLA Leave entitlement for the birth or adoption of a child or for the care of a parent with a Serious Health Condition, each spouse would be entitled to the difference between the amount he or she has taken individually for the purposes above and the 12 weeks allowed for other qualifying purposes (e.g. the member's own, or a child's serious medical condition).

### **Military Family Leave Entitlements:**

#### **1. "Qualifying Exigency Leave"**

An Eligible Employee with a spouse, son, daughter, or parent on covered active duty or who is being called to covered active duty status in the National Guard, Reserves, or regular Armed Forces deployed to a foreign country is permitted to take unpaid, job-protected FMLA leave for a total of 12 workweeks during any 12-month period to address certain qualifying exigencies. Qualifying exigencies may include any of the following:

- Short-notice deployment (notice of seven (7) days or less) – up to seven (7) days of leave is allowed;
- Military events and related activities;
- Childcare and school activities;
- Financial and legal arrangements;
- Counseling sessions provided by someone other than a health care provider (nonmedical);
- Rest and recuperation of up to fifteen (15) days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave;
- Post-deployment activities within ninety (90) days of the termination of the covered military member’s duty;
- Parental care for military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty; or
- Additional activities to which the City and the Eligible Employee may agree and under times and duration agreed to between the City and Eligible Employee.

**2. “Military Caregiver Leave”**

An Eligible Employee is permitted to take up to 26 workweeks of leave per single 12 month period to care for a “Covered Service member” that is the Eligible Employee’s spouse, son, daughter, parent, or next of kin. A Covered Service member is: 1) 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 on the temporary disability retired list, for a serious injury or illness; or 2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the Eligible Employee takes FMLA leave to care for the veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

A “serious injury or illness”, for purposes of Military Caregiver Leave, is distinct from the definition of Serious Health Condition and shall be defined as set out in the applicable FMLA regulations. For further information, please contact Human Resources.

The Next of Kin is the nearest blood relative of a Covered Service Member other than the Covered Service Member’s Spouse, Parent, or Child. The Next of Kin is in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the Covered Service Member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the Covered Service Member, all such family members shall be considered the Covered Service Member's next of kin and may take FMLA leave to provide care to the Covered Service

Member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the Covered Service Member's only next of kin. For example, if a Covered Service Member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the Covered Service Member's next of kin. Alternatively, where a Covered Service Member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the Covered Service Member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the Covered Service Member pursuant to § 825.122(k).

The single 12 month period available for Military Caregiver Leave commences on the first day of FMLA leave to care for the covered service member and ends exactly twelve (12) months later. This leave entitlement is applied to each covered service member on a per-injury basis, except that no more than 26 workweeks of leave may be taken within any single 12 month period.

**Benefits and Protections:**

During FMLA leave, the City will maintain an Eligible Employee's health and other insurance coverage on the same terms as if the Eligible Employee had continued to work. Eligible Employees are responsible for payment of their insurance premium contributions in order for coverage to continue during any period of unpaid absence. The Eligible Employee must contact Human Resources to make payment arrangements.

If an Eligible Employee's premium payment is more than thirty (30) days late, the City will no longer be obligated to maintain insurance coverage for that Eligible Employee. If a premium payment is late, the Eligible Employee will be mailed a notice at least fifteen (15) days before coverage would cease, informing the Eligible Employee that coverage will be terminated on a set date that is at least fifteen (15) days after the date of the notice unless the premium payment is received.

The City may recover its share of health insurance premiums and other premiums paid by the City on the Eligible Employee's behalf during a period of unpaid FMLA leave from the Eligible Employee if the Eligible Employee fails to return to work after the FMLA leave entitlement has been exhausted or expires, unless the Eligible Employee's failure to return is due to the continuation, recurrence, or onset of a Serious Health Condition which would otherwise entitle the Eligible Employee to FMLA leave, or to circumstances beyond the Eligible Employee's control.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an Eligible Employee's leave. Other than when reinstatement can be lawfully denied, most Eligible Employees shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms upon return from FMLA leave.

**Intermittent Use of Leave:**

Under certain circumstances, Eligible Employees do not need to use FMLA leave in one

block of time. When medically necessary, leave can be taken intermittently (in separate blocks of time due to a single health condition) or by taking reduced schedule leave (reducing the usual number of hours or work per workweek or workday, usually by moving the employee from full-time to part-time while on FMLA leave). Leave will be accounted for in fifteen (15) minute increments. If the medical certification indicates that intermittent leave or reduced schedule leave is needed beyond a single 12-month period, recertification is required. Leave due to qualifying exigencies or Military Caregiver Leave may be taken on an intermittent or reduced schedule leave basis.

Employees are not entitled to intermittent or reduced schedule leaves for the birth or placement of a child, unless the mother or the child has a Serious Health Condition and such leave is medically necessary.

The Eligible Employee and the City shall attempt to work out a schedule for such intermittent and reduced schedule leave that meets the Eligible Employee's needs without unduly disrupting the City's operations, subject to the approval of the health care provider. In certain circumstances, the City may require the Eligible Employee to transfer, temporarily, during the period that the intermittent or reduced schedule leave is required, to an available alternative position for which the Eligible Employee is qualified and which better accommodates recurring periods of FMLA leave than does the Eligible Employee's regular position. The alternative position will have equivalent pay and benefits. When the Eligible Employee is able to return to full-time work, the Eligible Employee will usually be placed in the same or equivalent position as when the FMLA leave commenced.

**Abuse of Leave:**

Employees may not take leave pursuant to this Policy to work for compensation for another employer or person. Any such leave is prohibited and will be considered an unapproved leave of absence and the employee will be subject to discipline, up to and including termination.

Employees who fraudulently use available leave pursuant to FMLA or use leave for a reason other than the purpose for which the leave was requested, will be subject to discipline, up to and including termination.

Employees who have excessive absences beyond absences or leave pursuant to FMLA, other applicable law, or the City's other leave policies may be subject to discipline, up to and including termination.

**Limitations on an Employee's Right to Reinstatement and Termination of Leave:**

An Eligible Employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the Eligible Employee had been continuously employed during the FMLA period.

Approved FMLA leave can terminate in several ways, including when an Eligible Employee: (1) returns to work, (2) does not return to work when the leave expires, (3)

accepts employment elsewhere or provides unequivocal notice of intent not to return to work when the leave expires, (4) behaves while on leave in such a manner that would cause termination if still actively at work, or (5) violates this Policy by, among other things, obtaining FMLA leave fraudulently or using FMLA leave for a reason other than the purpose for which the leave was requested.

**Substitution of Paid Leave and Worker’s Compensation Absences:**

FMLA leave is unpaid leave. However, Eligible Employees must substitute any accrued paid leave, such as vacation days and sick leave, during FMLA leave prior to taking unpaid leave.

The term “substitute” means that the paid leave available will run concurrently with and will count against the Eligible Employee’s unpaid FMLA leave entitlement. By doing this, Eligible Employees may, for example, receive compensation from vacation leave during a period of otherwise unpaid FMLA leave.

Any worker’s compensation absence that would otherwise qualify for leave under this FMLA Policy will run concurrently with and will count against the Eligible Employee’s unpaid FMLA leave entitlement.

The City cannot guarantee Eligible Employees that they will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms after FMLA leave is exhausted, even if remaining leave is available under any other law.

**Employee Responsibilities:**

Employees must provide at least thirty (30) days advance notice to the City of the need to take FMLA leave when the need is foreseeable. When planning medical treatment, the employee must consult with the City and make a reasonable effort to schedule the treatment so as not to disrupt unduly the City’s operations, subject to the approval of the healthcare provider. If thirty (30) days’ notice is not possible, the employee must provide notice as soon as practicable and must comply with the City’s normal call-in procedures.

Employees must provide sufficient information to Human Resources to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Human Resources if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An Eligible Employee’s failure to provide (i) timely and (ii) sufficient notice may result in the delay in the start of the Eligible Employee’s FMLA leave. Further, an employee who fails to follow the City’s usual and customary notification procedures, absent unusual circumstances, may be subject to discipline and any leave request may be delayed or denied. No action on the part of the City or any of its representatives shall be interpreted as a waiver of employee’s FMLA notice requirements under 29 C.F.R. §§ 825.302(g),

825.304(e).

Eligible Employees must provide complete and sufficient certification forms within fifteen (15) days of receipt of the City's request, unless it is not practicable despite the Eligible Employee's diligent good faith efforts. Failure to submit these forms on a timely basis may delay FMLA leave or result in denial of the leave request. Once on leave, if Eligible Employees need more or less leave time than originally anticipated, Eligible Employees must provide at least two days notice to the City of the changed circumstance where foreseeable.

If the City has reason to doubt the validity of the initial certification, the Eligible Employee may be required to obtain a second medical opinion at the City's expense (except for Military Caregiver Leave certifications affiliated with DOD, VA, or TRICARE.), and a third if the first two differ. Recertification, at the Eligible Employee's expense, will be required at the expiration of the initial leave certification if continued leave is needed and may otherwise be requested as permitted by law. Failure to timely return a recertification may result in a denial of FMLA leave.

The City may request recertification for leave taken because of the employee's own serious health condition or the serious health condition of a family member every thirty (30) days if the employee continues to be absent. If the medical certification indicates that the minimum duration of the condition is more than thirty (30) days, the City will wait until the minimum duration expires before requesting a recertification. In all cases the City can request recertification of a medical condition every six (6) months in connection with an absence of the employee. In all cases, the City may request recertification in less than thirty (30) days if: (a) the employee requests an extension of leave; (b) circumstances described by the previous certification have changed significantly; (c) the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. All recertification requested shall be at the employee's expense.

Eligible Employees must also provide a fitness-for-duty certification from their health care provider indicating that they are able to safely resume work and perform the essential functions of their job. The fitness-for-duty certification must be returned to the Human Resources for review and approval prior to the Eligible Employee's requested return-to-work date. Failure to return a fitness-for-duty certification may result in a delay of the Eligible Employee's restoration of employment.

**The City's Responsibility:**

The City will timely issue a Notice of Eligibility and Rights & Responsibilities informing employees requesting leave of their FMLA eligibility. If eligible, the notice will specify any additional information, including certification forms that may be required as well as the employees' rights and responsibilities. If not eligible, the City will provide a reason for the ineligibility.

Upon receipt of enough information to determine whether the leave is for an FMLA-

qualifying reason (i.e., upon receipt of the certification form), the City will timely issue a Designation Notice informing Eligible Employees: (1) if leave will be designated as FMLA-protected and (2) for scheduled FMLA leave, the amount of leave to be counted against the Eligible Employees' leave entitlement, if known at the time of the designation of the leave. If it is not possible to provide the amount of leave to be counted against the Eligible Employee's leave entitlement at the time of the designation of the leave, then the Eligible Employee has the right to request this information once in a 30-day period (if leave was taken in the 30-day period). The Designation Notice will also contain information concerning the Eligible Employee's return to work, including the requirement that the Eligible Employee present a fitness-for-duty certification indicating that the Eligible Employee can perform the essential functions of the Eligible Employee's position. If the City determines that the leave is not FMLA-protected, the City will also timely issue a Designation Notice to the Eligible Employee stating the reason that the leave is not FMLA-protected.

**Key Employees under FMLA:**

The City retains the right to deny reinstatement to "Key Employees" upon its determination that substantial and grievous economic injury will result. The employee will be given notice that he or she is considered a "Key Employee" as soon as practicable after receipt of a request or designation by the City of an absence as FMLA leave. If a determination is made of substantial and grievous economic injury, the employee will be notified in writing, with such notice being served in person or by certified mail. Leave cannot be denied, but reinstatement can.

**Unlawful Acts and Enforcement:**

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights than the FMLA.

**Questions:**

Questions regarding the FMLA should be directed to Human Resources.

## Article VI | Performance Evaluation and Performance Increases

### 6.1 Definition and Purpose

Performance evaluation is a method by which the performance of employees is evaluated on a formal and regular basis. Such evaluations are conducted to maintain and improve the quality of service rendered by the organization. More specifically, performance evaluation is a method of improving the performance of individual employees by informing them of specific performance deficiencies. It encourages the formulation of performance standards such that both the departmental supervisors and the employee may agree upon a quality of work, which constitutes acceptable performance. It serves as a positive force in the development of employee morale by encouraging closer departmental supervisor-employee contact. It serves as a major factor in making promotion, transfer, step increase, demotion, suspension, and dismissal decisions. It can serve as an indicator of training, organizational, and supervisory deficiencies in a department. Finally, it improves the quality of supervision by fostering the objective appraisal of employee performance.

### 6.2 Procedures for Evaluation

Performance evaluations shall be conducted on all City personnel, covered by these rules, once each year, on their anniversary date, and completed no later than the last workday of the month, of their anniversary date. The evaluation period shall cover the period of the previous year. No evaluations shall be conducted on persons employed in a position for fewer than ninety (90) calendar days as of the last day of the evaluation period. Performance evaluations shall be in writing and completed on appropriate employee evaluation forms. The performance of an employee shall be evaluated objectively and without regard to personal prejudices, biases, and favoritism. Evaluations shall be made on the basis of the demonstrated performance of the employee over the rating period taken as a whole. Evaluation ratings shall not be based on anticipated performance, the salary, or the seniority of an employee. The evaluation of an employee shall be conducted by the employee's first line supervisor. However, the evaluation shall be reviewed through the departmental chain of command up to and including the department head, with final review by the City Manager. Completed and reviewed performance evaluations are to be forwarded by the department head to the Human Resources Department in a manner that protects the confidentiality of the evaluations.

The ***anniversary date*** is established as the date of the employee's date of hire.

The anniversary date is used to determine the eligibility date for longevity or service incentive pay.

The ***evaluation date*** is determined by successful completion of any probationary period. Upon demotion, the evaluation will be one year after the effective date of the demotion. The evaluation date is used to:

1. Determine the date for the annual performance evaluation.



2. Determine the effective date of step increases following a successful annual performance evaluation.

### **6.3 Consultation with Employees**

The written performance evaluation of an employee shall be discussed by the employee and the evaluating supervisor. As part of this discussion, the employee shall be informed by the supervisor as to the ratings given for each criteria; the reasons for the ratings; and the ways in which the employee may address and correct areas of deficiency. When the discussion with the employee is completed, the supervisor should have the employee sign and date the official performance evaluation form signifying that he or she has received and understands the ratings given. In the event that actual ratings are changed, after review by others in the chain of command, including the City Manager, the department head shall meet with the supervisor and employee to discuss the changes and the reasons for those changes.

### **6.4 Procedure for Step Increases**

**Step A - Newly Appointed Employees.** The minimum salary rate (Step A) is the normal rate for newly hired full-time and part-time regular employees or for transferred or promoted employees except in those cases where unusual circumstances warrant the appointment of the employee at a higher step. Hiring rates above the normal rate will be made only with the approval of the City Manager on a determination that such an exception is in the best interests of the City. Approval will be based on qualifications of an applicant; a shortage of qualified applicants; applicants declining employment at the normal rate; or other related factors.

**Step B - Rate after Successful Probationary Period:** Upon the successful completion of an employee's probationary period in a position, a step increase will occur based on the annual evaluation.

Step increases after Step B for all employees of the City will be considered on the employee's anniversary date. Each supervisor shall perform a performance evaluation and forward through the chain of command for approval before forwarding to the Human Resources Department. Performance Evaluations should be completed within 30 days following the employee's evaluation date. In order for an employee to be eligible for a step increase, they must have been in the preceding step for a period of at least one (1) year.

#### **a) Hourly Part-Time Employees**

All hourly (part-time) personnel will enter the salary plan on step "A" and are eligible for an increase to the "B" step following satisfactory completion of a probationary period. The probationary period will follow the same standards and guidelines as established within these Personnel Policies and Procedures for full time employees unless otherwise specified.

Only hourly personnel assigned to year round positions will be eligible for "merit" increases. The merit procedure for such personnel will follow the same guidelines as outlined for "merit" increases for full time personnel as outlined in these Personnel Policies and Procedures; Seasonal staff will not be eligible for "merit" increases.

b) Seasonal and Temporary Employees

Seasonal and temporary employees hired in accordance with 3.10 do not serve a probationary period, and will not receive annual performance evaluations or related step increases (although performance should be reviewed on a regular basis by the supervisor). Eligibility for any Cost of Living Increases (COLA's) will be determined by the City Manager based on the best interest of the City.

### **6.5 Performance Evaluation Procedure**

All full-time and part-time regular employees of the salary plan shall have their performance evaluated by their department head at the employee's evaluation date to ensure continued satisfactory performance.

Should a department head deem that an employee's performance during the past year no longer warrants the employee's status at his/her current step, the department head shall notify those employees in writing to this fact.

Based on the recommendation of the department head, the City Manager may demote the employee to the grade/step in the salary plan that said employee previously held.

With respect to all hourly (part time) personnel assigned to year round positions and working a minimum of 4/5 time (32 hours per week), performance evaluations shall be conducted by the employee's first line supervisor which will be reviewed through the departmental chain of command in a manner identical to that outlined within these Personnel Policies and Procedures governing full time staff. No regular part time employee working less than 4/5 time (32 hours per week), or having worked in the position for less than ninety (90) calendar days will receive a performance evaluation.

Hourly part-time, temporary, and seasonal staff may receive informal performance evaluations at the end of their first month of service (or other designated intervals). These informal performance evaluations shall not be interpreted to mean that any hourly part-time, temporary, or seasonal employee is eligible for a step increase.

## **Article VII | Discipline, Grievance and Rewards**

### **7.1 Purpose of Disciplinary Action**

Whenever an employee's performance, work habits, or attitude falls below a desirable level, the immediate supervisor and/or department head shall promptly institute disciplinary action with respect to the employee.

#### **7.1(1) Types of Actions**

All reprimands shall be purged every two (2) years at the written request of the employee. Disciplinary action may include any of the following:

a) Oral Warning:

An employee may be given a face-to-face verbal warning by the supervisor and/or department head regarding the specific nature of the employee's undesirable performance, work habits, or attitude, and accompanied by a verbal statement of actions that must be taken by the employee to address the problem area (s). Such oral warning shall be documented, and placed in the employee's official personnel file.

b) Written Reprimand:

An employee may be given a written statement by the supervisor and/or department head, formally reprimanding the employee; detailing the specific nature of the employee's desirable performance, work habits, or attitude; and the specific actions that must be taken by the employee to remedy the problem area (s). The supervisor and/or department head shall present the written reprimand form to the employee and allow him or her to examine it; shall have the employee sign the reprimand form; shall allow the employee to formally (in writing) respond to the reprimand; and shall forward the reprimand and accompanying response by the employee to the Human Resources Department, through the proper organizational chain of command, for inclusion in the employee's personnel file.

c) Suspension:

An employee may be suspended without pay upon the recommendation of the supervisor and/or department head with the City Manager's approval.

d) Disciplinary Probation:

An employee may be placed on disciplinary probation upon the recommendation of the supervisor and/or department head, with the approval of the City Manager.

The supervisor and/or department head shall forward a written statement to the Human Resources Department and City Manager through the proper

organizational chain of command, explaining the reasons for and the duration of the probation recommended. The employee shall be allowed to examine the recommendation and the supervisor and/or department head shall request that the employee sign it signifying he/she understands the nature of the action.

### **7.1(2) Basis of Disciplinary Decision**

The determination by a supervisor and/or department head as to the severity of the disciplinary action to be taken on any given case (oral warning, written reprimand or suspension or disciplinary probation) shall depend on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

## **7.2 Demotion**

### **7.2(1) Reasons for Demotion**

An employee may be demoted for any of the following reasons:

1. When an employee would otherwise be terminated because his/her position is abolished; lack of work; lack of funds; etc; or
2. When an employee does not possess the necessary skill, knowledge, abilities or motivation to render satisfactory service in the position he/she holds; or
3. When an employee requests a voluntary demotion i.e. a transfer to another position classified lower than the employee's current position.

### **7.2(2) Reporting / Notification of Demotion**

In the event than an employee is recommended for demotion by the employee's immediate supervisor and/or Department Head, the said supervisor and/or Department Head shall place said recommendation in writing with appropriate reasons, and forward it to the Human Resources Department and City Manager.

The City Manager has final approval. The procedures for appealing a demotion are outlined in the Grievance Procedure in Article VII Section 7.4 (3) in these policies and procedures. In the event that an employee voluntarily requests a demotion, the employee shall place such request in writing with appropriate reasons and forward it to the City Manager through the organizational chain of command.

### **7.2(3) Classification Upon Demotion**

In the event of an involuntary demotion, the City Manager shall demote the employee upon recommendation of the Department Head to the grade/step in the salary plan that said employee previously held. When an employee requests a demotion, said employee shall be demoted to the grade/step corresponding to the position to which he or she is being demoted in conformance with the definition in Section 4.5 (3).

### **7.3 Dismissal or Discipline**

The following acts constitute misconduct and are grounds for disciplinary action or the dismissal of an employee from the employment of the City of Moore by that employee's supervisor and/or department head as approved by the City Manager:

- a) Habitual tardiness and absenteeism.
- b) Violation of these policies and procedures established by the City Council, or departmental rules as established by a department head governing the operation of the department.
- c) Possession, consumption or distribution of intoxicating liquor, illegal drugs, or other substances while on duty, or reporting to work under the influence of an intoxicating or illegal substance.
- d) Failure to follow the instruction of an employee's supervisor.
- e) Insubordination that constitutes a serious breach of discipline.
- f) Conviction of a felony or other crime involving moral turpitude.
- g) Misappropriation, destruction, theft, or conversion of city property.
- h) Act of incompetence while on duty; neglect of duty; or notorious disgraceful personal conduct.
- i) Willful falsification of Personnel records.
- j) Willful or purposeful misrepresentation resulting in harm to the City of Moore.
- k) Failure to maintain a valid Oklahoma Operator's or chauffeur's license, or any other license or certificate in a position with the city in which a valid license or certificate are requirements of the position consistent with class of driver's license in effect.
- l) Excessive unauthorized absences (unauthorized absence is defined as an absence from work by an employee which is not approved by the employee's supervisor) Accrued leave may not be used for time missed, if not approved by supervisor ahead of time.
- m) Other acts of an employee deemed to constitute misconduct by the employee's supervisor and/or department head, as approved by the City Manager, to be detrimental to the good of the city organization.

Habitual Tardiness is defined as employees coming in late at the beginning of their work shift or from lunch two (2) or more times a week in consecutive weeks or four (4) or more times in a month.

Absence by an employee for the following number of workdays shall be used as a guide in determining excessive absenteeism:

1. 2 work days in any 7 calendar day period.
2. 5 work days in any 30 calendar day period.
3. 10 work days in any 180 calendar day period.
4. 15 work days in any 360 calendar day period.

#### **7.3(1) Pre-Determination Procedures**

In the event that a non-probationary employee misconducts himself/herself in such a manner to warrant disciplinary action and /or dismissal from employment with the City, as outlined within the Personnel Policies and Procedures; departmental rules or other applicable regulations; the Department Head/Supervisor/Staff Supervisor or the supervisory personnel shall complete, in writing, a report recommending a disciplinary action and/or termination and the reason(s) therefore. Such report shall be forwarded to the City Manager through the proper organizational chain of command. A copy will be provided to the employee through a means that is reasonably calculated to give actual notice, e.g. by hand-delivery, first class mail, certified mail, or the like. The employee may transmit his/her own statement directly to the City Manager within three (3) working days, unless the City Manager grants an extension of time.

Upon receipt of such report by the City Manager, a Pre-Determination Review will be held as soon as possible. A Pre-Determination Review will be conducted by the

City Manager, or designee. The employee will be notified in writing of the date, time and place of the hearing.

The Pre-Determination Review shall permit:

1. The presentation of witnesses, documentary evidence or investigatory findings by the Department Head / Supervisor / Staff Supervisor/ or other supervisory personnel against the employee; further a designated representative (legal or administrative) of the city may make the presentation.
2. The employee may be represented by an attorney or other representative of the employee's choice, at the employee's own expense.
3. The employee may call and question witnesses and other pertinent parties.
4. The employee may present documentary evidence, which may be applicable to his/her case.

The City Manager shall consider the evidence presented to it, and shall have the right to call witnesses and request documentary evidence as deemed appropriate to making an equitable, impartial decision. The Pre-Determination hearing shall be closed to all but necessary personnel, including witnesses who have not yet testified, and the designated representative (s) of the employer or employee. Rules of evidence will not be strictly enforced.

The City Manager will review the documentary evidence received in the case, and shall render a written determination as to disciplinary action or termination. Such written decision shall be final in the matter, and shall satisfy the City's obligations to provide due process in an employment disciplinary action and/or dismissal case except as provided in Section 8-4 of the Moore Charter. A copy of the City Manager's decision shall be placed in the employee's personnel file.

## **7.4 Employee Grievances**

### **7.4(1) Definition and Purpose**

A grievance, as recognized by these procedures, shall be defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of these Policies and Procedures. These procedures are established to ensure the prompt review, impartial consideration, and equitable disposition of grievances presented by employees. The person filing a grievance will be free from restraint, coercion, discrimination, or reprisal growing out of the filing of a grievance.

### **7.4(2) Aggrieved Employees**

Any employee having a grievance relating to his/her employment shall first present their grievance to their immediate supervisor, in writing within ten (10) business days of being aggrieved.

### **7.4(3) Grievance Procedure**

All grievances shall be filed in the following prescribed manner:

**Step 1.** An aggrieved employee shall file a written grievance within ten (10) business days following the event with his or her immediate supervisor. Said supervisor shall respond in writing to said grievance within ten (10) business days and discuss said grievance in an attempt to reach a satisfactory solution.

**Step 2.** If the grievance is not settled by the provisions of Step 1, the aggrieved employee shall file a written grievance within ten (10) business days from receipt of the supervisor's response in Step 1 to the Department Head.

The Department Head shall submit his or her written response within ten (10) business days to the aggrieved employee, in an attempt to reach a satisfactory solution.

**Step 3.** If the grievance is not settled by the provisions of Step 2, the aggrieved employee shall file a written grievance within ten (10) business days from receipt of the Department Head's response in Step 2 to the City Manager.

The City Manager shall submit his or her written response within ten (10) business days to the aggrieved employee in an attempt to reach a

satisfactory solution.

- Step 4.** Any employee meeting the requirements of Section 8-4 of the City Charter may request a hearing before the Personnel Board.

**7.4(4) Department Head/Administrative Staff**

If a department head or a member of the City Manager's administrative staff has a grievance or complaint, he or she may formally and in writing notify the City Manager as to the nature of the grievance. Within ten (10) business days of receiving such notification, the City Manager shall provide the department head or administrative staff member with a written statement as to the City Manager's decision.

Should the department head or administrative staff member be satisfied with the disposition of the grievance at this point, the matter will be considered settled and no further action taken.

**7.4(5) Definition of Business Day**

Business day shall be defined as any time that City Hall is open for the conduct of regular business functions.



## **Article VIII | Discrimination Complaints**

### **8.1 Policy and Definition**

The City of Moore does not discriminate against members of any protected minority group in admission or access to, or treatment of employment in, any of its programs, services and activities. Discrimination for purposes of these provisions, shall be defined as any violation of applicable local, state and or federal laws which prohibit discrimination on the basis of race, color, religion, sex, national origin, age or disability in any aspect of the City. The use of the procedures contained herein are designed to provide a means for the review and disposition of cases presented by individuals (members of the protected minority groups and/or employees) against the City under the provisions of applicable local, state or federal legislation. These procedures are established to ensure the prompt review, impartial consideration, and equitable disposition of cases presented by any individual, as outlined herein. The person filing a complaint will be free from restraint, coercion, discrimination, or reprisal growing out of the filing of such complaint.

#### **8.1(A) Filing of a Complaint of Discrimination**

Should any person (being a member of a protected minority group and or an employee) deem it necessary and appropriate to file a complaint of discrimination, based upon race, color, religion, sex, national origin, age or disability against any employee (or group of employees) of the City staff (or any activities of the City in conjunction with programs and or services of the City); he or she shall present to the Human Resources Department a written statement (using the form as provided by the Human Resources Department) requesting an investigation into the complaint. A formal investigation of a complaint of discrimination will not be initiated until the individual provides the Human Resources Department with a signed, sworn and notarized statement. Before an investigation begins, the accused employee (s) will be notified, in writing, with respect to the nature of the complaint; in cases of complaints against activities, services or programs of the City, the appropriate department head(s) or members of the administrative staff shall be notified in writing.

Upon receipt of the complaining individual's statement, the Human Resources Department (or designee) shall make a prompt and full investigation of each complaint. The complaining individual shall be offered the opportunity to complete a polygraph examination administered by any state certified examiner of his or her choice, to substantiate his or her position provided that such examinations shall not be mandatory. If there is no basis for the allegations, the complaint shall be dismissed and all affected parties notified in writing. The complaining individual may file, within three (3) working days after being notified, a request for review.

Upon request for a review by the complaining individual; or upon determination by the Human Resources Department that probable cause exists for the allegations made in the complaint; the Human Resources Department shall schedule a hearing within ten (10) days of the date of such determination or request for review, before the Grievance Review

Board of the City. Upon scheduling the hearing, the Human Resources Department shall provide all concerned parties with a written notice as to the date, time, and place of the hearing; the manner in which it is to be conducted; and the issue (s) to be decided.

For purposes of hearing cases of alleged discrimination, the Grievance Review Board shall be comprised of the Personnel Division, an Administrative Assistant of the Manager's Staff, and one other individual selected by the other two members. In cases by or against an employee, the other individual shall not be a member of the department in which either the complaining employee or accused employee works. Procedures for the conduct of the hearing shall be identical to those outlined within the Grievance Review Board procedures within the Personnel Policies and Procedures.

The Review Board shall consider all evidence presented to it as a result of the Human Resource's investigation as well as evidence submitted at the time of the hearing and shall present its decision in writing within five (5) working days of the hearing's conclusion. The decision shall include a synopsis of the facts, a statement of the decision and reasons therefore, and the remedies, if any, to be applied in the case. A copy of the decision and or subsequent actions will be forwarded to the City Manager to serve as the basis for actions, if any, to be directed by the Board. Should the complaining individual be satisfied with the decision of the Board (and subsequent actions or remedies, if any,) the matter shall be considered settled at this point and no further action will be taken, other than that specified in the decision of the Review Board.

### **8.1(B) Decision by the City Manager**

The City Manager shall review the recommendation of the Review Board as well as all records of the case and shall render a written decision in the matter within five (5) working days of receiving the Review Board's recommendations. Such written decision shall be considered as final in the matter and shall be considered as satisfying the City's obligations regarding the consideration of any complaint of discrimination in admission or access to, or treatment or employment in, any of the city programs, services and or activities. A copy of such decision shall be forwarded to all affected parties and shall be included in the permanent personnel file of any affected employee(s).

### **8.2 Sexual Harassment Policy**

It is the policy of the City of Moore to promote an employment environment free from sexual harassment. The City of Moore will not tolerate sexual harassment and will vigorously enforce this policy.

#### **8.2(1) Sexual Harassment Defined**

Sexual Harassment: Unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as

- promotion, assignment, demotion, discipline, or discharge;
3. Such conduct has the purpose or effect of unreasonable interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

### **8.2(2) Prohibited Conduct**

No employee, volunteer or intern shall make, either explicitly or implicitly, verbally or physically, any unwanted sexual advances, requests for sexual favors, or any other conduct of a sexual nature.

### **8.2(3) Enforcement of Policy**

Each department head will ensure that this policy is made known to the departmental employees by:

- a. providing every employee with a copy of the policy and complaint procedure and redistribute it periodically;
- b. providing training to all employees to ensure that they understand their rights and responsibilities;
- c. ensuring that copies of this policy are posted in all work places within the department; and
- d. strictly enforcing the anti-harassment policy and complaint procedure and to take other reasonable steps to prevent and correct harassment.

### **8.2(4) Employee Cooperation**

All city employees are directed to cooperate in an investigation conducted pursuant to this policy. Any employee who fails or refuses to cooperate will be subjected to disciplinary action.

### **8.2(5) Confidentiality**

All records, reports or written statements or documents that are a part of any investigative proceeding pursuant to this policy will be kept confidential. All persons participating in any way in an investigation will exercise extreme care to ensure the confidentiality of any information relative to the investigation.

### **8.2(6) Reporting Procedures**

- a. Employees encountering harassment should tell the person that their actions are unwelcome, offensive and to stop the behavior;
- b. The employee should document all incidents of harassment in order to provide the fullest basis for investigation;
- c. Any employee who believes that he or she is being harassed should immediately report the incident so steps may be taken to protect them from further harassment, and so that investigative or

resolution measures may be initiated;

- d. Complaints of harassment should be reported to:
  1. The employee's immediate supervisor; or
  2. A supervisor other than their immediate supervisor; or
  3. The Department Head; or
  4. The Human Resources Director; or
  5. The City Manager.
- e. False accusations will result in disciplinary action up to and including termination.

### **8.2(7) Roles and Responsibilities**

1. **Employees** have a responsibility to conduct themselves in a manner that will ensure proper performance of City business and maintenance of public confidence.
2. **Victims** have a responsibility to complain about sexual harassment in a timely manner and pursue their complaint to a higher authority if not satisfied with the response of anyone in their chain of command.
3. **Supervisors and Department Heads** have a responsibility to act promptly and affirmatively when they observe behavior that violates this regulation, and or when they receive complaints of sexual harassment.

They have a responsibility to ensure that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation.

4. **Human Resource Department (or designee)** shall make a prompt, thorough and impartial investigation of each complaint.
5. **City Manager** ensures the employer will take immediate and appropriate corrective action when it determines that harassment has occurred and assurance that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation.

### **8.2(8) Disciplinary Action**

Substantiated reports of sexual harassment may result in one or more of the following actions being taken against the violator of this policy.

1. Written warning to desist from harassment, which, if not observed, would be followed by more severe disciplinary action;
2. Suspension without pay;
3. Termination of employment.

Reports of incidents or actions which might constitute sexual harassment should be made immediately to the supervisor, department head, Human Resources Department or City Manager.

### **8.3 Grievance Procedure (Sexual Harassment)**

A Sexual Harassment Grievance Review Board (SHGRB) will be responsible for taking and conducting investigations into complaints regarding sexual harassment of city employees.

The complaint should be made within thirty (30) days of the alleged harassment.

The SHGRB will review evidence compiled in an investigation of each sexual harassment complaint and make recommendations regarding sanctions for violators when appropriate. The board will normally be made of two men and two women and shall be selected by the City Manager according to circumstances of the reported incident.

The SHGRB will then make recommendations for resolution of the charge based on the evidence and the accused party's responses. Such recommendations may include such disciplinary action as deemed appropriate.

The board may also include recommendations for counseling or conferences between employees and supervisor, or any other measure which may be taken to resolve problems that are supported by evidence.

The SHGRB's decision shall be considered as final.

## **Article IX | Separation from Service**

### **9.1 Types of Separation**

All separations of employees from positions shall be designated as one of the following types and shall be accomplished in the manner indicated:

Resignation, layoff, disability, death, retirement, termination of temporary appointment, and dismissal.

### **9.2 Resignation**

An employee wishing to resign his or her position with the City in good standing shall notify his or her department head in writing at least two (2) weeks prior to leaving as to the effective date of the resignation and the reasons for leaving the City's employment. The two (2) week notice prior to leaving must be worked by the employee and not taken as vacation leave, compensatory leave, etc. Failure to comply with this procedure will be formally recorded in the employee's personnel file and may be considered grounds for a poor job recommendation and for denying the individual future employment with the City of Moore.

Two consecutive days of unauthorized absence by an employee shall be considered a voluntary resignation on the part of the employee.

An employee resigning in good standing may be reinstated to any position in the same class if there is need for their services within two (2) years after the date of resignation.

### **9.3 Layoff**

In the event of a layoff, the supervisor and/or department head, with the approval of the City Manager, will select the individual(s) to be laid off, which selection shall be based upon the demonstrated skills, knowledge, abilities, and job performance (as relative to the assessed needs of the department) of the employee(s). When the above-stated factors are determined to be relatively equal, seniority will govern.

Upon the termination of circumstances precipitating the layoff(s), those persons previously laid off shall be given priority filling reopened positions so long as the re-openings occur within one year from the date of the layoff. In determining which

individual(s) of those laid off shall receive priority in filling the re-opened position(s), the factors specified above will govern.

### **9.4 Disability**

An employee may be separated from service with the City when he or she can no longer perform required duties of the position due to physical or mental impairments. Action may be initiated by the employee, the employee's legal representative, or the City. However in all cases, such action must be supported by medical evidence acceptable to the City Manager.

## **9.5 Death**

Separation shall be effective as of the date of the employee's death.

## **9.6 Retirement**

A "retiree" shall be defined as any employee who receives a continuing benefit pursuant to the provisions of the Oklahoma Firefighters Pension and Retirement System, or the Oklahoma Police Pension and Retirement System, or an employee who worked for a period of at least twenty (20) years or more for the City of Moore, OK, Moore Public Works Authority, or Moore Risk Management on a full-time basis and had a standard work-week of thirty-two (32) hours or more (or an annual budgeted work week averaging thirty-two (32) hours or more per standard work week and for whom benefits were budgeted by the employer,) or "retiree" shall also be defined as any employee whose age plus years of full time service equals seventy (70), following the termination of their active status.

## **9.7 Termination of Temporary Employment**

Employees who have been employed on a temporary or seasonal basis shall be terminated when the job for which they were hired is completed. Applicants for temporary or seasonal employment shall be informed prior to their employment of the temporary nature of such position. Temporary employees who are terminated due to the completion of the job for which they were hired and who otherwise leave their employment in good standing, shall be given priority in filling regular City positions which become open subsequent to their termination, and for which they are qualified.

## **9.8 Dismissal**

The following acts constitute misconduct and are grounds for the dismissal of an employee from the employment of the City of Moore by the employee's department head as approved by the City Manager:

- 1) Habitual tardiness or absenteeism;
- 2) Violation of these Personnel Rules established by the City Council, or departmental rules as established by a department head governing the operation of the department;
- 3) Possession, consumption or distribution of intoxicating liquor, illegal drugs, or other substances while on duty, or reporting to work under the influence of any intoxicating or illegal substance;
- 4) Failure to follow the instructions of an employee's supervisor;
- 5) Insubordination that constitutes a serious breach of discipline;
- 6) Conviction of a felony or other crime involving moral turpitude;
- 7) Misappropriation, destruction, theft, or conversion of City property;

- 8) Act of incompetence while on duty;
- 9) Neglect of duty;
- 10) Notoriously disgraceful personal conduct;
- 11) Willful falsification of Personnel records;
- 12) Failure to maintain a valid Oklahoma operator's or chauffeur's license, or any other license or certificate in a position with the City in which a valid license or certificate are requirements of the position;
- 13) Excessive unauthorized absences (unauthorized absence is defined as an absence from work by an employee, which is not approved by the employee's supervisor).

Absence by an employee for the following number of work days shall be used as a guide in determining excessive absenteeism: two (2) workdays in any seven (7) calendar day period; five (5) workdays in any thirty (30) calendar day period; ten (10) workdays in any 180 calendar day period; fifteen (15) workdays in any three hundred sixty (360) calendar period.

- 14) Other acts of an employee deemed to constitute misconduct by the employee's department head, as approved by the City Manager, to be detrimental to the good of the City organization.

### **9.9 Final Paychecks**

Each employee will be paid all leave hours following the end of the pay period last worked. An exception to this is: Upon employee request, up to two additional pay periods will be processed if available leave time exists.

An employee must have a minimum of 64 hours leave time to extend their active employment status for one pay period and a minimum of 128 hours to extend their status two pay periods. Fire union personnel must have a minimum of 90 hours to extend one pay period and 180 to extend two pay periods. Leave time is defined as accrued vacation or holiday, earned compensation, and one-half or one-third of accrued sick leave. (Dependent upon union contract or personnel policy and procedures manual.)



## **Article X | Personnel Board**

### **10.1 Hearing Before the Personnel Board, Removal, etc.**

The City Manager or any other authority who lays off, suspends without pay for more than ten days, demotes, or removes any regular (that is, non-temporary) officer or employee in the classified service after a probationary period of twelve (12) months, shall, at that time or within two (2) days thereafter, deliver, or have delivered, or mail by registered mail, to the officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal. Such officer or employee may appeal in writing to the Personnel Board. The appeal must be filed with the secretary of the Board, or with the City Clerk for transmittal to the Board, within ten (10) days after receipt of notice of the layoff, suspension, demotion or removal (which appeal may thus be filed either before or after the time of effectiveness of the layoff, suspension, demotion, or removal). As soon as practicable thereafter, the Board shall hold a public hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations, in cases of subordinates of the City Manager, to the City Manager, and in other cases to the respective authorities having power of removal; and the City Manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided that, if the Board finds that the layoff, suspension, demotion, or removal was made for a political reasons or for any other reasons other than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the City Manager or other authority shall be nullified thereby.

### **10.2 Scheduling of Hearing**

The Personnel Board shall hear the appeal of an employee regarding suspension, demotion, lay-off, or dismissal within thirty (30) calendar days of the date the City Clerk receives notice by the employee requesting such appeal. The Personnel Division shall notify the employee requesting an appeal of the date, time, and place of the Personnel Board hearing a minimum of ten (10) calendar days prior to the date of the hearing. Such notice is to be given to the employee either personally or by certified or registered mail. If an employee requesting a Personnel Board hearing has been notified of the time, date, and place of such hearing under the above stipulations, and said employee does not report for the hearing at the designated time and place (or does not notify the Personnel Division of his or her inability to attend), the employee's failure to attend and lack of notification of his or her inability to attend shall constitute a waiver of the employee of his or her right to an appeal.

### **10.3 Composition and Powers of the Personnel Board**

The Personnel Board shall be appointed by the City Council and shall consist of three (3) members who shall not be elected City officials, appointed City official, City employees, employers of or related to any City employee. The Personnel Board shall select its own Chairperson who shall preside. The Personnel Board shall be charged with hearing all evidence surrounding the dismissal or suspension, lay-off or demotion being appealed

and with rendering a recommendation to the City Manager on the matter. In all hearings, the employee appealing the dismissal or suspension shall have the right to be represented by counsel; to call and question witnesses and other pertinent parties; and to present applicable documentary evidence. The Personnel board shall have the authority to issue subpoenas for attendance of witnesses, and witnesses may be placed under oath. All hearings shall be public and informal.

#### **10.4 Recommendation of Personnel Board**

Within three (3) workdays of the completion of the Personnel Board hearing, the Board shall render a written recommendation to the City Manager as to whether the dismissal, suspension, lay-off or demotion should be upheld, rejected, or upheld with modifications.

#### **10.5 Final Decision by City Manager**

The City Manager shall review the recommendation of the Personnel Board and shall render a final written decision in the case, determining that the suspension, dismissal, lay-off, or demotion shall be upheld, rejected, or upheld with modifications. The City Manager shall be the final authority in all cases except those where evidence received at the Personnel Board hearing clearly indicates that the suspension, dismissal, lay-off or demotion was taken against an employee for political reasons or other reasons not for the good of the service. In the event that the City Manager (or the Personnel Board, in the excepted situations detailed above) determines that, based on the evidence, a dismissal, lay-off, suspension or demotion should not be upheld, the employee shall be restored to his or her former position effective immediately, and such employee shall receive full compensation at the rate of pay he or she was receiving at the time of his or her suspension, demotion, lay-off or dismissal for the actual time lost. In the event that the City Manager (or the Personnel Board, in the excepted situations detailed above) determines that, based on the evidence, a dismissal, demotion, lay-off, or suspension should be upheld (it shall be held to be effective with the date of the actual suspension, with modification). Any time of a suspension accrued up to and including the date of the final decision of the City Manager (or the Personnel Board in the excepted situations detailed above) shall count toward the completion of the time stated in the suspension (or modified suspension).

#### **10.6 Notification of Employee**

Within three (3) working days of the decision of the City Manager (or the Personnel board, in the excepted situations above), the employee shall be formally notified by registered or certified mail as to the decision in the case and the reason(s) for that decision. There shall be no right of appeal from this decision.

## **Article XI | Personnel Records**

### **11.1 Definitions**

Personnel records shall be defined as any record covering a present (or previous) employee which is maintained by the City, as used in the personnel management/policy setting process, including any information which has or could have any influence on any personnel action concerning the individual.

### **11.2 Official Records**

There shall be only one official set of personnel records for all employees, such set to be maintained by the Human Resources Department. Department heads and supervisors may maintain unofficial personnel files on employees and these files may contain duplications of official copies of reports, forms, etc., in the official file. However, all official documentation will be maintained in the official file and all official documentation will be maintained in the central personnel files located in City Hall.

### **11.3 Maintenance of Security**

To insure the security and confidentiality of official personnel records, and to prevent the unauthorized use, modification, disclosure, or destruction of these records, all official personnel files will be maintained under the direction of the Human Resources Department. These files will be stored in filing cabinets or other filing facilities which shall be locked at all times when not in use or under the supervision of a designee of the Human Resources Department whose responsibility it is to oversee the security of the records.

Departmental files will be maintained under the authority of the department head, with all appropriate actions taken to properly secure the records.

### **11.4 Access to Records**

Access to personnel files of employees (whether official or departmental) shall be strictly limited to the following persons:

- a) Employees whose official duties require access to the information (such employees to include the City Manager, Human Resources Department and specified designee(s) of the Human Resources Department);
- b) The supervisor(s) of the employee;
- c) The employee - subject of the records; An employee may examine his or her personnel records (whether official or departmental) on request during all regular hours of business. Should the employee - subject want a copy of specific records in his or her file for personal use, they will be made available within a reasonable period from the date of a written request. In no event shall original documents in the

official file be released to the employee. Review of all official documents in the central file by an employee shall be made in the presence of the designee of the Human Resources Department assigned to maintenance of the central file. Upon request of an employee to review his or her central personnel file, identification by the employee may be required as deemed necessary by the designee maintaining the files.

### **11.5 Release of Information**

Information contained in an employee's personal records shall be released to an outside individual or agency only by the Human Resources Department or specified designee (s) of the Department. Information may be made available to outside agencies or individuals with the written, signed authorization of the employee when the requesting agency/individual has submitted a written request formally asking for specified information and stating the reason(s) for the request.

Information may be released to outside agencies/individuals without a written authorization of employee in the below stated instances:

- a) On either oral or written request when such information consists of no more than confirming employment (whether present or past) and dates of that employment;
- b) On written request, when the City has received satisfactory assurances that the information released shall be used for only statistical research. In such cases, the information shall be released in a form such that the individual(s) cannot be identified;
- c) On written request, to another agency or to an instrumentality of any governmental jurisdiction for a civil or criminal law enforcement activity if the activity is authorized by law;
- d) Pursuant to a written order of a court of competent jurisdiction; and
- e) Pursuant to a written subpoena for the information issued in connection with a judicial or administrative proceeding.

### **11.6 Amendment of Records**

An employee may request an amendment of his or her record by filing with the Human Resources Department a written statement identifying the specific records sought to be deleted or amended; how that information is to be amended; and the reasons(s) why the request for deletion or amendment is being made. In considering this request, the Human Resources Department will take into account such factors as the sufficiency of the evidence submitted by the employee; the character, relevancy, necessity, accuracy, and completeness of the record (s) in question; the degree to which the denial of the request could result in an unfair determination to the employee; and the propriety and feasibility of complying with the amendment requested.

Within five (5) workdays of receiving the request for amendment, the Human Resources Department will reply in writing to the employee stating his or her determination in the

matter and the reason (s) for it. Should the employee not be satisfied with the decision, he or she may appeal within three (3) work days to the City Manager, who will follow the above-stated procedures in reviewing the case, and whose decision shall be final in the matter.

**11.7 Disposal of Records**

Upon the termination of an employee, his or her official personnel records shall be kept for a period of seven (7) years from the date of termination in an inactive capacity.

## **Article XII | Safety and Risk Management**

It is the policy of the City of Moore and Moore Public Works Authority to provide an effective safety program for all employees. This is accomplished through a formal program of preventive safety measures, on-going safety education and the use of safety equipment on the job. Employees are expected to do their part...to work safely, wear required safety equipment, observe all posted safety rules and regulations and keep their work area neat and clean.

The safety program is developed with the intent of minimizing financial loss, as well as providing the safest possible conditions for its employees. To this end, every reasonable effort will be made in the interest of accident prevention.

### **12.1 Loss Control Officer**

The Loss Control Officer will be responsible for conducting safety training geared to the needs of the department and the investigation of all on-the-job injuries and accidents and safety inspections. The Loss Control Officer will coordinate all aspects of the safety program with Risk Management.

### **12.2 Responsibilities**

#### **A. Management Responsibility**

The success of the safety program depends upon the Department Head and the Supervisors. Department Heads and Supervisors will:

1. Enforce all safety regulations in effect and inform employees that violations of safety rules will not be tolerated.
2. Make sure all accidents are reported promptly and any injuries treated properly, and that all accidents are reported whether or not injury is apparent.
3. Review investigations of all accidents submitted by Risk Management and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment.
4. Provide employees with complete safety instructions regarding their duties, prior to the employees actually starting work.
5. Conduct regular safety checks, including a careful examination of all new and relocated equipment, before it is placed into operation.
6. Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.
7. Continuously inspect for unsafe practices and conditions and promptly undertake any necessary corrective action.
8. Develop and administer an effective program of good housekeeping and maintain high standards of personal and operational cleanliness throughout all operations.

9. Provide safety equipment and protective devices for each job, based on knowledge of applicable standards.
10. Conduct safety briefings at department meetings and encourage the use of employee safety suggestions.
11. Give full support to all safety procedures, activities and programs.

#### B. Employee Responsibility

Employees are expected to place safe work practices and identification of unsafe conditions as the highest priority while performing their daily job tasks. Employees' safety commitment must include, but not be limited to, the following:

1. Using the safety equipment which has been provided for use in performing daily work assignments.
2. Wearing the prescribed uniform, safety equipment, safety shoes, etc., if required.
3. Operating only that equipment for which training or orientation has been received.
4. Warning co-workers of unsafe conditions or practices they are engaged which could lead to or cause an accident.
5. Reporting defective equipment immediately to their supervisor or department head.
6. Reporting all injuries and accidents, resulting from municipal work, that would present a hazard to the public.
7. Protection of unsafe conditions, resulting from municipal work, that would present a hazard to the public.

### **12.3 Hazardous Communication: Employee Right to Know**

It is the policy of the City to comply with Title 40, Oklahoma Statute, Section 401 through 424, as amended, concerning the Employee Right To Know/Hazard Communication Standards.

It is the responsibility of the Department Head to ensure that all material safety data sheets (M.S.D.S.) are obtained on all chemicals utilized in the work place. It is the employee's responsibility to follow safe practices, as outlined in the M.S.D.S. or operating procedures regarding the use of hazardous materials.

#### A. Training and Education

This policy will be strictly enforced and followed. Any employee, whether management or non-management who violates this policy may be subject to disciplinary action as contained in this Chapter which includes termination.

1. Training and education will be provided by the Department Head, within thirty (30) days of employment and/or transfer of an employee.

If requested, Risk Management will assist the department head in training and education.

2. Training and education will be conducted by the Human Resources Department on an annual basis for all employees.
3. Training and education will be conducted by the department when new chemicals are introduced into the work place.

If requested, Risk Management will assist in the training and education of employees when a new chemical is introduced into the work place.

4. Verification of training will be obtained. The original training certificate will be forwarded to the Human Resources Department for placement in the employee's official personnel file; a copy of the training certificate will be forwarded to Risk Management; and a copy of the training certificate will be retained by the employee's department and placed in the employee's departmental personnel file.

#### B. Material Safety Data Sheets (M.S.D.S.)

This policy will be strictly enforced and followed. Any employee, whether management or non-management who violates this policy may be subject to disciplinary action as contained in this Chapter which includes termination.

1. Material Safety Data Sheets will be maintained and updated by each department. Copies will be forwarded to Risk Management Division.
2. M.S.D.S. are required by regulation and will be made available no later than one (1) business day after the request is made for access by an employee or public.
3. When an affected employee or employee representative requests a copy of the Chemical Information List (C.I.L.) and M.S.D.S., the City will, within fifteen (15) days assure that a copy of same is provided to the requesting party.
4. A Chemical Information List will be maintained on each employee. Upon separation from service, this information may be provided to the employee and will include the following statement:

“You should preserve this report for future reference.”

#### C. Labeling



This policy will be strictly enforced and followed. Any employee, whether management or non-management who violates this policy may be subject to disciplinary action as contained in this Chapter which includes termination.

The department will take any action necessary to ensure that every container in the work area, containing a hazardous substance, will bear a label indicating the chemical name and C.A.S. number of the substance.

#### **12.4 Discipline**

A four (4) step disciplinary process is recommended for unsafe acts, safety violations, failure to utilize personal protective equipment, preventable vehicle or equipment accidents and other safety concerns.

The procedure is as follows:

- Step 1: Oral Warning
- Step 2: Written Reprimand
- Step 3: Suspension Without Pay
- Step 4: Disciplinary Probation and or Review for Termination

The above disciplinary procedure will be administered in the same manner as prescribed in Article VII entitled Discipline.

Disciplinary action will be the responsibility of the Department Head and will not be limited to the four (4) step process, dependent upon the severity and circumstances of the violation.

#### **12.5 On-the-job-Injury Reporting**

1. An employee injured on the job shall immediately notify his/her immediate supervisor and/or the Department Head. Upon notification of an employee being injured on the job, the supervisor and/or Risk Management shall make arrangements for the injured employee to receive medical treatment.
2. The employee, with assistance of the supervisor, shall complete an On-The-Job Injury Report; and the Department Head shall complete the portion of the form designed "To Be Completed By The Department Head" and forward said report to Risk Management within twenty-four (24) hours of the date of the accident. If the injury is not life threatening, have employee transported to an occupational health center, or to an emergency Room at a hospital, if after hours.
3. An employee suffering a re-injury or change of condition, in relationship to

an earlier on-the-job injury, shall report the re-injury or change in condition in the manner as prescribed above.

### **Treatment of an Injured Employee**

1. If the injury is life threatening have employee transported to the nearest medical facility with a trauma center (emergency room).
2. If the injury is not life threatening have employee transported to Occupational Health Center, or to an emergency room at a hospital, if after hours. (See current C.O.M. Injury Process Flow Chart)
3. If the injury does not require medical attention from a medical professional, treat the injury with the department's first aid kit.

### **Injury Leave and Temporary Total Disability**

1. Employees sustaining an on-the-job injury will be placed on injury leave for seven (7) calendar days, if unable to return to work as determined by the treating physician, with the first day of injury leave commencing the day after the date of said injury. An employee off work due to an on-the-job injury for more than seven (7) calendar days may be eligible for Total Temporary Disability Pay (T.T.D.) under the Oklahoma Workers Compensation Act, unless the employee remains on full pay. Risk Management shall issue and mail to the employee a T.T.D. check each Friday.
2. When an employee is advised by the treating physician to remain "off work" and/or places the employee on Temporary Total Disability, the employee will notify their department head at least weekly or by department policy, and when work status changes.

When an employee is released to return to work, the employee will first confirm with supervisor/department head that all work restrictions (if any) are able to be accommodated. Any employee returning to work without a release from the treating physician shall not be allowed to perform any work related tasks.

3. Any employee failing to return to work three (3) days after being released to work by the treating physician and Risk Management shall be deemed as voluntarily resigning from his/her position with the City of Moore.
4. An employee on T.T.D. will not be eligible to accrue paid leave benefits.
5. An employee on T.T.D. will be responsible for the employee's portion of the

health benefit plans required contribution which shall be due and payable each payday of the City of Moore.

6. An employee returning to work who sustained an on-the-job injury which results in an impairment making the employee an otherwise qualified individual under A.D.A. will be returned to the same position with or without reasonable accommodation.

#### **12.6 Reporting Accidents**

1. An employee involved in an accident or witnesses an accident involving another employee shall report said accident immediately to the department's Supervisor. Upon notification of an accident, the department's Supervisor shall report the accident immediately to Risk Management. The department Supervisor shall complete an Accident Investigation Report and submit the report to Risk Management within twenty-four hours (24 hours) of the occurrence of the accident.
2. The Accident Investigation Report shall be reviewed by Risk Management. Risk Management may make recommendations to the City Manager for additional safety training and /or disciplinary action.

#### **12.7 Unsafe and Hazardous Working Conditions**

An employee finding a potentially unsafe or hazardous working condition shall report said condition to the department's Supervisor. The Supervisor shall notify the department head and Risk Management of the unsafe and hazardous condition and the remedy to fix the condition.

It shall be the ultimate responsibility of the department head to fix said unsafe or hazardous condition within a reasonable time.

A reasonable time shall be defined as ten (10) business days. The accident Investigation Report shall be reviewed by Risk Management. Risk Management may make recommendations to the City Manager for additional safety training and /or disciplinary action.

If the condition cannot be fixed within the above referenced time period the department head shall notify the City Manager of the reason(s) why said condition cannot be fixed and the estimated time to fix said condition.

Until the unsafe or hazardous condition is fixed on the article of equipment, machinery, tool, vehicle, etc. shall be locked and tagged out.

Any employee violating the lock out/tag shall be subject to disciplinary action leading up to and including termination.

**ALL ON-THE-JOB INJURIES AND ACCIDENTS SHALL BE REPORTED. FAILURE TO REPORT AN INJURY MAY RESULT IN DISCIPLINARY ACTION, LEADING UP TO AND INCLUDING TERMINATION.**

**Safety Manual**

All City of Moore employees should familiarize themselves with the programs and procedures of the City of Moore Safety Manual.

Compliance with all requirements established in the City of Moore Safety Manual is mandatory.

## **Article XIII | Travel Regulations**

### **13.1 Travel and Expense Regulations**

The City shall pay reasonable expenses, which are incurred from official authorized trips for City business. The following uniform rules shall govern expense allowance to be granted employees who travel out of town on City business.

1. All travel on behalf of the City must have prior approval by the City Manager or their designee ( i.e. Department Head).
2. Officials and employees are expected to show good judgment in expending City funds for travel expenses and have proper regard for economy in conducting business away from the City.
3. Discretion remains with the City Manager in approving travel expenses including unusual circumstances and or travel costs.

### **13.2 Amount of Reimbursement**

The following expense classifications are for information and guidance in determining which expenses are allowable when traveling on City business. The expense classifications are included but are not limited to the following:

#### **A. Transportation**

1. Municipal-owned vehicles: If a municipal owned vehicle is used, cash receipts for gas, oil and other necessary supplies shall be submitted.
2. Personal Vehicles: If the use of an employee's vehicle is approved, the City shall pay the prevailing rate paid by the Federal Government for map distance, plus a reasonable mileage figure for in-town travel.
3. Commercial Transportation: The City shall pay the cost of the airline ticket for coach accommodations. In addition, bus transportation or taxicab expenses shall be allowed when necessary in conducting City business.
4. Parking Expenses: Reasonable parking charges will be reimbursed when a receipt for parking is provided.

#### **B. Lodging**

Expenses shall be allowed for adequate lodging, provided, however, such accommodations shall be appropriate to the purpose of the trip and receipts shall be provided to obtain reimbursement, excluding luxuries, i.e. room services and in-room movies, etc.

#### **C. Meals**

Expenses for meals shall be reimbursed on actual cost basis or federally approved per diems. Receipts are required except when utilizing per diem allowances. Alcohol or other libations will not be reimbursed.

#### **D. Telephone**

Reimbursement for messages shall be allowed for official communications only. Receipts are required.

**E. Registration Fees**

Fees charged for registration at any convention, conference, seminar, or meeting shall be reimbursed on an actual cost basis. Receipts or other proof of payment of the fee shall be provided. Employees are encouraged to pre-register with payment from the City's Accounts Payable Division.

## **Article XIV | Educational Assistance**

### **14.1 General**

The purpose of Educational Assistance is to aid full-time and part-time employees, who are regularly scheduled to work at least thirty-two (32) hours per week and who have completed their original probation period. Tuition reimbursement is available for job related associate or bachelor degree traditional on-campus programs. Colleges or Universities must be accredited by an accrediting agency that is recognized by the U.S. Secretary of Education. Participation in the program does not guarantee job progression within the City of Moore.

### **14.2 Administration**

The Education Assistance Program is administered by the Educational Assistance Committee. The Committee shall consist of the Human Resource Director or designee, the applicant's department head, and a department head appointment by the City Manager. The committee shall make recommendations for approval or denial of the course work to the City Manager, in keeping with the following guidelines:

1. Improve skills or knowledge required in the employee's present position.
2. Prepare the employee for significant technological changes occurring in his or her career field.
3. Prepare the employee for assumption of new and different duties; and or
4. Be part of a degree plan, which has been approved by the Committee.
5. The applicant must have maintained a grade of "C" or better in any previous course work taken through the Educational Assistance Program. A below "C" grade average disqualifies an employee from further educational assistance until the employee has retaken and completed the same course (s) with a grade of "C" or better at his or her own expense.
6. At least 30 hours of required courses under a degree plan must be taken prior to approval of any elective courses.
7. Taking the course(s) must not interfere with the employee's work assignments.

### **14.3 Application Process**

Employees must make application to the Committee through their department head. "Application" and "Degree Plan" forms may be obtained from the Human Resources Department. College courses which are not job related must be listed on a degree plan which is signed by an authorized representative of the school. This degree plan must be obtained by the employee and submitted with the application. Final approval or denial will be given by the City Manager. A copy of the approved application will be given to the applicant.

### **14.4 Prorated Reimbursement**

Upon completion of the course, with a grade of "C" or better, the employee is eligible for prorated reimbursement to an annual maximum of \$1,500 for part-time and \$2,500 for

full-time employees. Employees receiving a letter grade of “A” will be reimbursed at 60% of the cost of tuition, fees and books. Employees receiving a letter grade of “B” or “C” will be reimbursed at 50% of the cost of tuition, fees and books. A “pass” grade in a pass/fail class will be reimbursed at 50% of the cost of tuition, fees and books. A grade below “C” will be reimbursed at 0%. Employees who have terminated employment with or been dismissed from the city before completion of the course will not be eligible for reimbursement. The employee may request reimbursement by submitting the official final grade (internet printouts are not acceptable), the official billing statement for tuition, original receipt for books, and a copy of the approved application to the Personnel Division. Allow at least 20 working days for reimbursement after submitting all relevant documentation to the Human Resources Department.

#### **14.5 Exceptions**

These guidelines do not include charges for attending seminars, workshops or other required courses. Charges for this type of training will be paid in full by the city, if approved by the City Manager, in advance.

#### **14.6 Grants / Scholarships**

Grants, scholarships or other funds which the employee does not have to repay must be disclosed when applying for Tuition Reimbursement. The City of Moore payment will be coordinated with these programs so the employee does not receive more than 100% reimbursement for the tuition and books.

#### **14.7 Tax Status**

The rules of this program are governed by the Internal Revenue Code. As such certain reimbursements may be subject to income taxes. All reimbursements are processed through the City of Moore payroll or accounts payable system, regardless of whether they are subject to income tax or not. The payment of any taxes due remains the responsibility of the employee. The rules of this program may be modified at any time without notice to keep the program in compliance with the Internal Revenue Code.

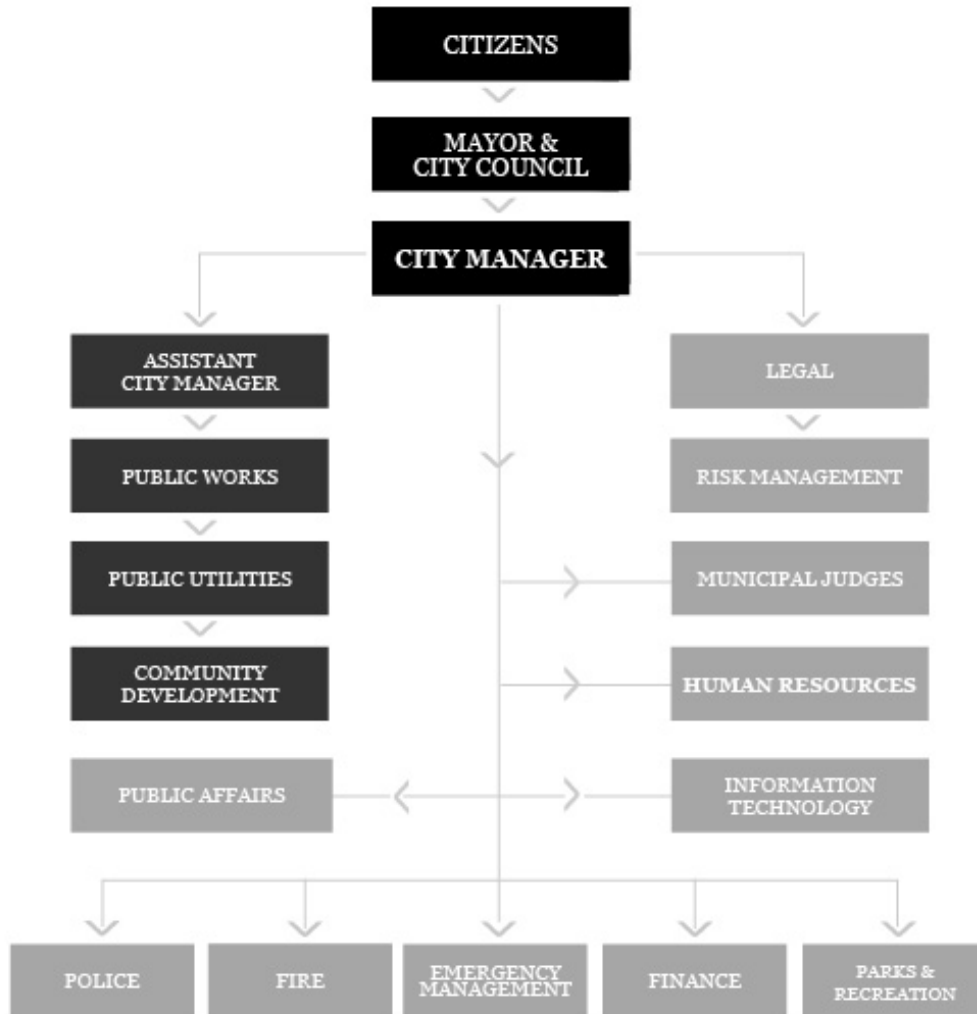


# **Appendix A**

## **Organizational Chart**

(See the following page for Organizational Chart)

**Organizational Chart  
City of Moore**



## **Appendix B**

### **Salary Plan**

(See the following pages for Salary Plan)





PAY GRADE PERIOD	STEPS																							
	A-1	B-2	C-3	D-4	E-5	F-6	G-7	H-8	I-9	J-10	K-11	L-12	M-13	N-14	O-15	P-16	Q-17	R-18	S-19	T-20	U-21	V-22	W-23	
105	Hourly	\$ 15,5322	\$ 15,9071	\$ 16,2912	\$ 16,6841	\$ 17,0867	\$ 17,4992	\$ 17,9221	\$ 18,3542	\$ 18,7972	\$ 19,2511	\$ 19,7159	\$ 20,1915	\$ 20,6792	\$ 21,1783	\$ 21,6895	\$ 22,2131	\$ 22,7495	\$ 23,2985	\$ 23,8610	\$ 24,4371	\$ 25,0271	\$ 25,6313	\$ 26,2501
	Bi-Weekly	\$ 1,242.57	\$ 1,272.56	\$ 1,303.30	\$ 1,334.73	\$ 1,366.94	\$ 1,399.94	\$ 1,433.77	\$ 1,468.33	\$ 1,503.77	\$ 1,540.08	\$ 1,577.27	\$ 1,615.32	\$ 1,654.34	\$ 1,694.27	\$ 1,735.16	\$ 1,777.05	\$ 1,819.94	\$ 1,863.88	\$ 1,908.88	\$ 1,954.97	\$ 2,002.17	\$ 2,050.50	\$ 2,100.01
	Annual	\$ 32,306.91	\$ 33,086.67	\$ 33,885.70	\$ 34,702.87	\$ 35,540.43	\$ 36,398.40	\$ 37,277.90	\$ 38,178.67	\$ 39,098.10	\$ 40,042.21	\$ 41,008.98	\$ 41,998.42	\$ 43,012.79	\$ 44,050.96	\$ 45,114.07	\$ 46,203.25	\$ 47,318.49	\$ 48,460.93	\$ 49,630.92	\$ 50,829.16	\$ 52,056.33	\$ 53,313.13	\$ 54,600.17
Admin Clerk Detective (#7148) Building Maintenance Tech (#7228) Lead Custodian (#7224) Admin Clerk Police Records (#7149) Deputy Court Clerk (#7320) Utility Billing Specialist Fitness Facility Assistant (#7622) Admin Clerk Inspections (#7330) Admin Clerk Code Enforcement (#7331) Aquatics Manager (Seasonal) (#7338) Municipal Customer Service Representative/Cashier (#7410)																								
104	Hourly	\$ 14,1961	\$ 14,5388	\$ 14,8897	\$ 15,2488	\$ 15,6172	\$ 15,9942	\$ 16,3800	\$ 16,7756	\$ 17,1805	\$ 17,5951	\$ 18,0201	\$ 18,4550	\$ 18,9002	\$ 19,3568	\$ 19,8237	\$ 20,3022	\$ 20,7920	\$ 21,2944	\$ 21,8085	\$ 22,3350	\$ 22,8743	\$ 23,4265	\$ 23,9921
	Bi-Weekly	\$ 1,135.69	\$ 1,163.11	\$ 1,191.18	\$ 1,219.91	\$ 1,249.37	\$ 1,279.54	\$ 1,310.40	\$ 1,342.05	\$ 1,374.44	\$ 1,407.61	\$ 1,441.61	\$ 1,476.40	\$ 1,512.01	\$ 1,548.54	\$ 1,585.90	\$ 1,624.17	\$ 1,663.36	\$ 1,703.55	\$ 1,744.68	\$ 1,786.80	\$ 1,829.94	\$ 1,874.12	\$ 1,919.37
	Annual	\$ 29,527.87	\$ 30,240.76	\$ 30,970.66	\$ 31,717.55	\$ 32,483.72	\$ 33,268.01	\$ 34,070.44	\$ 34,893.18	\$ 35,735.38	\$ 36,597.88	\$ 37,481.91	\$ 38,386.34	\$ 39,312.31	\$ 40,260.08	\$ 41,233.39	\$ 42,228.49	\$ 43,247.40	\$ 44,292.37	\$ 45,361.72	\$ 46,456.89	\$ 47,578.90	\$ 48,727.19	\$ 49,903.61
Spraying Technician - Park & Cemetery (#7636) Custodian (#7229) Parks & Cemetery Maint Worker I (#7637) Street Maint Worker I (#7240) Receptionist (#7416) Polycart Operator (#7231) Front Desk Spec (#7618) Animal Shelter Assistant (#7294)																								
102	Hourly	\$ 11,5234	\$ 11,8013	\$ 12,0860	\$ 12,3783	\$ 12,6789	\$ 12,9882	\$ 13,2965	\$ 13,6174	\$ 13,9460	\$ 14,2827	\$ 14,6271	\$ 14,9802	\$ 15,3420	\$ 15,7120	\$ 16,0918	\$ 16,4797	\$ 16,8775	\$ 17,2851	\$ 17,7024	\$ 18,1298	\$ 18,5675	\$ 19,0158	\$ 19,4749
	Bi-Weekly	\$ 921.87	\$ 944.10	\$ 966.90	\$ 990.27	\$ 1,014.15	\$ 1,038.65	\$ 1,063.72	\$ 1,089.39	\$ 1,115.68	\$ 1,142.62	\$ 1,170.17	\$ 1,198.42	\$ 1,227.36	\$ 1,256.96	\$ 1,287.34	\$ 1,318.38	\$ 1,350.20	\$ 1,382.81	\$ 1,416.19	\$ 1,450.38	\$ 1,485.40	\$ 1,521.26	\$ 1,557.99
	Annual	\$ 23,968.66	\$ 24,546.68	\$ 25,139.43	\$ 25,746.92	\$ 26,368.01	\$ 27,004.97	\$ 27,656.66	\$ 28,324.22	\$ 29,007.65	\$ 29,706.08	\$ 30,424.37	\$ 31,158.80	\$ 31,911.36	\$ 32,680.92	\$ 33,470.89	\$ 34,277.85	\$ 35,105.22	\$ 35,952.98	\$ 36,821.00	\$ 37,709.97	\$ 38,620.40	\$ 39,552.81	\$ 40,507.73
Child Care Specialist (#7221)																								
101	Hourly	\$ 10,1873	\$ 10,4331	\$ 10,6848	\$ 10,9431	\$ 11,2074	\$ 11,4776	\$ 11,7544	\$ 12,0388	\$ 12,3307	\$ 12,6288	\$ 12,9334	\$ 13,2436	\$ 13,5629	\$ 13,8904	\$ 14,2255	\$ 14,5693	\$ 14,9208	\$ 15,2800	\$ 15,6469	\$ 16,0277	\$ 16,4147	\$ 16,8110	\$ 17,2169
	Bi-Weekly	\$ 814.99	\$ 834.64	\$ 854.78	\$ 875.45	\$ 896.59	\$ 918.21	\$ 940.35	\$ 963.07	\$ 986.30	\$ 1,010.14	\$ 1,034.51	\$ 1,059.48	\$ 1,085.03	\$ 1,111.23	\$ 1,138.04	\$ 1,165.55	\$ 1,193.68	\$ 1,222.48	\$ 1,251.99	\$ 1,282.22	\$ 1,313.18	\$ 1,344.88	\$ 1,377.35
	Annual	\$ 21,189.62	\$ 21,700.77	\$ 22,224.39	\$ 22,761.61	\$ 23,311.30	\$ 23,873.45	\$ 24,448.21	\$ 25,035.70	\$ 25,643.79	\$ 26,263.74	\$ 26,897.30	\$ 27,546.73	\$ 28,210.89	\$ 28,890.05	\$ 29,589.07	\$ 30,304.23	\$ 31,035.26	\$ 31,784.42	\$ 32,551.79	\$ 33,337.69	\$ 34,142.56	\$ 34,966.87	\$ 35,811.07
Recycling Specialist (PT) (#7719) Recreation Specialist (7730) Fitness Center Attendant (#7726) Child Care Attendant (#7722)																								

7/1/2022

2022 SEASONAL (including Scorekeepers)

SALARY TABLE - NON-UNION EMPLOYEES  
CITY OF MOORE, OK

1/1/2022

PAY GRADE	PERIOD	STEPS																										
		A-1	B-2	C-3	D-4	E-5	F-6	G-7	H-8	I-9	J-10	K-11	L-12	M-13	N-14	O-15	P-16	Q-17	R-18									
S102	Hourly	\$ 10.99	\$ 11.25	\$ 11.52	\$ 11.80	\$ 12.08	\$ 12.38	\$ 12.68	\$ 12.98	\$ 13.29	\$ 13.62	\$ 13.94	\$ 14.28	\$ 14.63	\$ 14.98	\$ 15.34	\$ 15.71	\$ 16.09	\$ 16.48									
	Bi-Weekly	\$ 878.81	\$ 900.00	\$ 921.73	\$ 944.00	\$ 966.77	\$ 990.15	\$ 1,014.04	\$ 1,038.50	\$ 1,063.58	\$ 1,089.23	\$ 1,115.50	\$ 1,142.42	\$ 1,170.04	\$ 1,198.23	\$ 1,227.19	\$ 1,256.81	\$ 1,287.12	\$ 1,318.23									
	Annual	\$ 22,849	\$ 23,400	\$ 23,965	\$ 24,544	\$ 25,136	\$ 25,744	\$ 26,365	\$ 27,001	\$ 27,653	\$ 28,320	\$ 29,003	\$ 29,703	\$ 30,421	\$ 31,154	\$ 31,907	\$ 32,677	\$ 33,465	\$ 34,274									
		Head LG - new						Head Lifeguard						SDCS - new														
		Hd LG - 2nd			Hd LG - 3rd			Hd LG - 4th yr			Summer Day Camp Supervisor			Summer Day Camp Specialist			Lifeguard			Aquatics Cashier			Aquatic Deck Attendant			Scorekeeper		
		SDCS - 2nd yr			SDCS - 3rd																							
S101	Hourly	\$ 9.71	\$ 9.95	\$ 10.19	\$ 10.43	\$ 10.68	\$ 10.94	\$ 11.21	\$ 11.48	\$ 11.75	\$ 12.04	\$ 12.33	\$ 12.63	\$ 12.93	\$ 13.24	\$ 13.56	\$ 13.89	\$ 14.22	\$ 14.57									
	Bi-Weekly	\$ 776.52	\$ 795.65	\$ 814.85	\$ 834.54	\$ 854.69	\$ 875.31	\$ 896.42	\$ 918.00	\$ 940.23	\$ 962.96	\$ 986.19	\$ 1,010.00	\$ 1,034.35	\$ 1,059.31	\$ 1,084.88	\$ 1,111.12	\$ 1,137.92	\$ 1,165.38									
	Annual	\$ 20,200	\$ 20,687	\$ 21,186	\$ 21,698	\$ 22,222	\$ 22,758	\$ 23,307	\$ 23,870	\$ 24,446	\$ 25,037	\$ 25,641	\$ 26,260	\$ 26,893	\$ 27,542	\$ 28,207	\$ 28,889	\$ 29,586	\$ 30,300									
		Scorekeeper - all years			AC - new			AC - 2nd yr			LG - new			LG - 2nd yr			LG - 3rd yr			LG - 4th yr								
		ADA - new			ADA - 2nd yr			AC - 3rd yr																				
		SDCS - new			SDCS - 2nd yr			ADA - 3rd yr																				
					SDCS - 3rd yr																							

Source: FY-22 Salary Schedule effective 7/1/2021

# Appendix C

## Information Systems Usage Policy

### I. Purpose

The purpose of this policy is to outline the acceptable use of computer equipment within the City of Moore. These rules are in place to protect both the employees and Moore's Municipal Government. Inappropriate use exposes the City of Moore to risks including virus attacks, compromise of network systems and services, and unfavorable legal action.

### II. Policy

#### GENERAL USE AND OWNERSHIP

1. While the City of Moore desires to provide a reasonable level of privacy, users should be aware that the data they create on the City's systems remains the property of the City of Moore. Because of the need to protect the City of Moore's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the City of Moore.
2. Employees are responsible for exercising good judgment regarding the reasonability of use. Employees should consult the information systems manager if in doubt about any subject of use not included in this policy.
3. For security and network maintenance purposes, authorized individuals within the City of Moore may monitor equipment, systems, and network traffic at any time for security and network maintenance purposes.
4. The City of Moore reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy for security and network maintenance purposes.
5. The City of Moore's information systems may be used for legitimate business purposes of the City. The City of Moore prohibits the use of computers, e-mail, voice mail and all information systems in ways that are disruptive, offensive, disrespectful or harmful to morale.

#### SECURITY AND PROPRIETARY INFORMATION

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts; User level passwords should be changed every three months.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10-minutes or less, or by logging-off when the host will be unattended.
3. All hosts used by the employee that are connected to the City of Moore's Internet/Intranet/Extranet, whether owned by the employee or the City of Moore, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental authority.
4. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan Horse Code.



5. If a department or employee routinely deals with sensitive systems, data, procedures, or other confidential matter, the employee/department must maintain a “clear desk” in order to protect papers, media, desktop, and computer screens. Not maintaining a “clear desk” could potentially expose sensitive information to unauthorized individuals.

### **III. Computer Systems**

The City is responsible for informing users of the rules, regulations and procedures that apply when using network-computing resources. Users are responsible for understanding these rules so that they can abide by them. The City maintains a strict policy against software piracy. Users shall not load programs onto City computers without prior permission from the Information Systems Manager.

#### UNACCEPTABLE USE

The following are violations of the City’s computer use policy. Violators may be subject to disciplinary action. This list of violations is intended to present examples of violations, but violations are in no way limited to this list.

1. Violations of the rights of a person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the City of Moore.
2. You should assume that any software you did not create is copyrighted.
3. You should promptly report abuse of computing resources or potential loopholes in computer security to you supervisor.
4. Unauthorized copying of copyrighted material, including, but not limited to, the installation of any copyrighted software for which the City of Moore or the end user does not have an active license is strictly prohibited.
5. Introduction of malicious programs into the network or server (e.g., viruses, worms, e-mail bombs, etc...).
6. Revealing your account password to others or allowing use of your account by others unless authorized.
7. Using a City of Moore computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
8. Executing any form of network monitoring which will intercept data not intended for the employee’s host, unless this activity is a part of the employee’s normal job/duty.
9. Circumventing user authentication or security of any host, network or account.
10. Interfering with or denying service to any user other than the employee’s host (for example, denial of service attack).
11. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable a user’s terminal session, via any means, locally or via the Internet/Intranet/Extranet.
12. Providing confidential information about, or lists of, the City of Moore employees to parties outside the City’s Municipal government.

13. Attempting to access another user's files without permission. Furnishing false or misleading information or identification in order to access another user's account.
14. Unauthorized manipulation of City's computer systems, programs, or data. Copying or attempting to copy data or software without authorization.
15. Intentionally damaging computer hardware or software. Removing computer equipment without authorization.
16. Using the computer systems, programs or data for personal profit or other illegal purposes. Any violation of the State of Oklahoma Computer Crimes Act.

O.S. §21-1953. Prohibited acts.

A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;
2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation;
3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property;
4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property;
5. Willfully and without authorization use or cause to be used computer services;
6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;
7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;
8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person; and
9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death.

B. Any person convicted of violating paragraph 1, 2, 3, 6, 7 or 9 of subsection A of this section shall be guilty of a felony punishable as provided in Section 1955 of this title.

C. Any person convicted of violating paragraph 4, 5 or 8 of subsection A of this section shall be guilty of a misdemeanor

#### **IV. Electronic Mail (E-Mail)**

The city provides electronic mail to employees at City expense for their use in performing their duties for the City. Use of e-mail benefits the City and its employees by providing an expedient and efficient means of direct communications both between City departments and between City employees and City residents and vendors.

**Ownership** | All electronic systems, hardware, software, temporary or permanent files and any related systems or devices used in the transmission, receipt or storage of e-mail are the property of the City of Moore. E-mail messages are considered to be City property and may be retrieved from storage even though they have been deleted by the sender or receiver. These messages may be used in disciplinary proceedings.

**Privacy** | The Information Systems Manager shall extract stored e-mail messages when requested to do so by the City Manager. Reasons for review include, system hardware problems, general system failure, regular system maintenance, a lawsuit against the City, suspicion of a crime or need to perform work or provide a service when the employee is unavailable.

**Statement of Policy** | It is the policy of the City of Moore that the e-mail system, like other City assets, are to be used for the benefit of the City. Use of e-mail to violate other City policies is prohibited and may lead to disciplinary action, up to and including termination. All employees who use e-mail shall certify that they have read and fully understand the contents of this policy. Any and all opinions made using these systems, whether implied or expressed, are those of the individual and not necessarily the opinions of the City or its management.

**Personal Use** | Should employees make use of e-mail to transmit personal messages, such messages will be treated no differently than other messages, and may be accessed, reviewed, copied, deleted, or disclosed when subject to the Oklahoma Open Records Act, O.S. §§24A.1-24A.29 et seq. as revised. You should not expect that a message will never be disclosed to or read by others beyond its original intended recipients.

**Authorized Uses** | Department heads may authorize the use of e-mail to send and receive messages and to subscribe to list serves from recognized professional organizations and entities relating to the official duties of the city. All employees are authorized to use e-mail as they would any other official City communication tool. Communication by e-mail is encouraged when it results in the most efficient or effective means of communication. The sender of e-mail messages must retain the primary responsibility for ensuring that the communication is received by the intended receiver.

**Uses Subject to Authorization** | The following uses require the written approval of the employee's department head.

1. Using hardware, related computer equipment and software not owned or purchased by the City for e-mail.
2. Reading electronic mail of another employee without prior written approval. Encrypting any e-mail message unless specifically authorized to do so and without depositing the encryption key with the Information Systems Manager or your immediate supervisor prior to encrypting any message. If an employee is allowed to encrypt e-mail, this does not mean that the e-mail is intended for personal communication, nor does it suggest that encrypted e-mail messages are the private property of the employee.

**Prohibited Uses** | The following actions pertaining to e-mail are prohibited.

1. Intercepting, recording, altering another person's e-mail message.
2. Improperly forwarding a message sent to you without the sender's permission.
3. Adopting the identity of another person on any e-mail message, attempting to send electronic mail anonymously or using another person's password.
4. Misrepresenting your affiliation in any e-mail message.
5. Composing e-mail which contains racial or sexual slurs or jokes, or patently harassing, intimidating, abusive, or offensive material to or about others.
6. Sending or receiving any software in violation of copyright law.
7. Using e-mail to communicate obscene or derogatory material, or any unwanted or unsolicited material of a political or religious nature.

**Confidential Information** | Oklahoma law requires that all employees protect the integrity of the City's confidential information as well as the confidentiality of others. Employees must exercise a greater degree of caution in transmitting confidential information on the e-mail system than with other communication means because of the reduced effort required to redistribute such information. Confidential information should never be transmitted or forwarded to other employees inside the city who do not have a need to know the information. To reduce the chance that confidential information may inadvertently be sent to the wrong person, avoid the use of distribution lists when sending such information and make sure that any lists used are current. Each name on any list of recipients should be reviewed before transmission to ensure that all recipients have a need to know the information

If you are unsure whether information is confidential, consult the City Attorney or City Manager. Some types of information which can be confidential include, but are not limited to:

1. Information from a person's personnel file;
2. Personal information about other employees, such as home addresses and phone numbers;

3. Information relating to litigation or administrative hearings of a criminal or civil nature;
4. Information which if released would give a competitive advantage to one competitor or bidder over another;
5. Information related to location or price of property the city might buy;
6. A draft or working paper involved in the preparation of proposed legislation;
7. Private correspondence of elected officials;
8. Trade secrets, commercial or financial information of outside businesses;
9. Information related to the regulation of financial institutions or securities;
10. Anyone's social security number;
11. Personal family information of another city employee;
12. Photographs of peace officers;
13. Certain information the City obtains from businesses in regard to environmental audits.

E-mail messages that contain confidential information should have a confidentiality legend in all capital letters at the top of the message in a form similar to the following: "THIS MESSAGE CONTAINS CONFIDENTIAL INFORMATION OF THE CITY OF MOORE. UNAUTHORIZED USE OR DISCLOSURE IS PROHIBITED."

Since copies of e-mail may be placed on "back-up" or other systems in which the employee does not control, (and may be under certain circumstances accessed by information system personnel or others without a need to know the information) employees should keep in mind that e-mail may be inappropriate to communicate certain types of confidential information.

In addition, to minimize inadvertent disclosures, employees should not access their e-mail messages for the first time in the presence of others. Messages should not be left visible on the monitor when a user is away from his or her computer. E-mail passwords should be routinely changed.

**Copyright Infringement** | The ability to attach a document to an e-mail message for distribution greatly enhances the risk of copyright infringement. A user can be liable for the unauthorized copying and distribution of copyrighted material through e-mail systems. Accordingly, you should not copy and distribute through the e-mail system any copyrighted material of a third party (such as software, database files, documentation, articles, graphics files and downloaded information) unless you confirm in advance from appropriate sources that the City has the right to copy or distribute such material. Any questions concerning these rights should be directed to appropriate legal counsel.

**Messages to Counsel** | All messages to and from legal counsel seeking or giving legal advice should be marked with the following text in all capital letters at the top of the message:

## "CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION"

In addition, in order to preserve the attorney-client privilege, messages to and from counsel should never be sent to distribution lists, should never be forwarded to anyone else, and should never be retained on a network e-mail system. If a copy of an attorney-client privileged communication needs to be retained, it should be printed and filed in the appropriate file.

**Deletion of Messages** | The City strongly discourages the local storage of large numbers of e-mail messages. Retention of messages fills up large amounts of storage space on the network server, and can also slow down performance. In addition, because e-mail messages can contain confidential information, it is desirable to limit the number, distribution and availability of such messages. If the message should be saved as a public record, archive it within a week of receipt or generation.

**Unauthorized Access** | All suspected intrusions by unauthorized persons or employees are to be reported to the Department Head and Information Systems Management immediately.

**Miscellaneous Considerations** | E-mail is a valuable form of communication which can help the City improve its quality of service. However, employees should consider the following matters when considering whether or not a message is appropriate for e-mail communication:

1. Avoid making a statement in an e-mail message about someone if you would not make the statement face-to-face with the person or write it in a formal memo.
2. Avoid making a statement in an e-mail message which may be perceived as being ill-considered, uninformed, or offensive.
3. Avoid using e-mail if a more time or cost-effective communication is available (for instance, when a telephone conversation would be quicker).
4. Avoid using e-mail as a substitute for manager-subordinate face-to-face communications.
5. Avoid using e-mail for personnel performance related communications.

## V. Internet

The Internet provides a source of information from which many employees can benefit. It is the goal of the City of Moore that all employees whose job performance can be improved through use of the Internet should have access and gain the skills needed to use the Internet effectively.

The Internet is comprised of thousands of interconnected networks that provide digital pathways to millions of host computers. Because these networks subscribe to a common set of standards and protocols, users have worldwide access to

Internet hosts and their associated applications and databases. These capabilities can provide enormous benefit to the City which depends upon a wide variety of technical and professional skills to carry out its activities. Employees may use the Internet to stay current on career-related topics, to improve their knowledge and skills, and to communicate with others that have expertise in the employee's field of work.

The City encourages authorized users to access the Internet during normal working hours, when direct work-related benefits can accrue. Since the Internet access service is paid for on a fixed cost basis and so is not usage sensitive, users are permitted to use this capability for non-work-related activities in order to build their network search and retrieval skills.

Authorized Internet users are not permitted to engage in the following activities either

during working or nonworking hours, using City equipment or facilities, or when using a City IP address:

1. Activities for any illegal purpose
2. To transmit threatening, obscene or harassing materials or correspondence
3. To view, transmit, or otherwise distribute pornographic materials
4. Unauthorized distribution of city data and information
5. To interfere with or disrupt network users, services or equipment
6. Unauthorized private purposes such as marketing or business transactions
7. Unauthorized not-for-profit business activities
8. Private advertising of products services
9. Any unauthorized activity meant to foster personal gain

## **VI. Telephone Systems**

Personal use of telephones is permitted, although excessive personal use may subject an employee to disciplinary action. Department Heads are responsible for monitoring personal usage by employees and to provide for a routine examination of phone billing summaries to ensure the proper use of telephone equipment. Authorization for long distance telephone calls by employees shall be determined by Department Heads and should take into account the individual employee's job requirements. Department heads are responsible for reviewing long distance telephone usage and assuring that the City is reimbursed for any unauthorized long distance use. Unauthorized long distance telephone usage may subject an employee to disciplinary action.

**Cellular Telephone Systems** | Any purchase and/or installation of cellular phones shall be approved by Department Heads. It shall be the responsibility of Department Heads to ensure that sufficient funds are budgeted for the purchase and monthly operational costs associated with such equipment prior to their use.

Cellular phones owned by the City shall only be used for authorized City business as determined by the Department Head and the individual employee's job requirements. The general use of cellular phones shall not be in lieu of more cost effective, practical and available means of communications. Cellular phone transmissions are not secure, so users should use discretion in relaying confidential information.

Cellular phones may be used for personal reasons when no other immediate means of communication is available to the employee. In such event, the employee shall reimburse the City for the cellular phone charge incurred. It is the responsibility of Department Heads or designee to provide for a routine examination of cellular phone billing summaries to ensure proper use of such equipment.

## **VII. Radio Systems**

Radios are available for City employees' safety and convenience while performing their job functions. Improper or unauthorized radio transmissions are strictly forbidden by Federal law and by City policy. Improper, unauthorized or other communication violations may result in the operating license and radio equipment being confiscated, as well as a substantial fine being assessed to both the City and the operator or operators.

In order to protect the City's equipment and licenses, unauthorized radio traffic such as playing music over the air, use of foul offensive or harassing language is prohibited. Intentionally transmitting over, or breaking into the communications of another employee in an attempt to disrupt or prevent an employee's communications is prohibited. The user of radio equipment shall use the following procedures to insure the efficient operations of the radio network:

1. When transmitting clearly identify your unit or base station then the mobile unit or base station you intend to contact.
2. Speak clearly but briefly. Do not conduct extended conversations over the radio. Observe proper radio courtesy and remember that all radio communications are public and can be listened to by the public, by the news media and by governmental regulatory agencies. The use of codes and/or approved abbreviations is recommended when possible, but the use of citizen band slang is prohibited.

## **VIII. Violations**

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action. All communications may be subject to all State and Federal laws and rules which may apply. In addition, violations of this policy or misuse of the information systems which are of a criminal nature may be referred for criminal prosecution.



## **Appendix D**

### **Nepotism Chart**

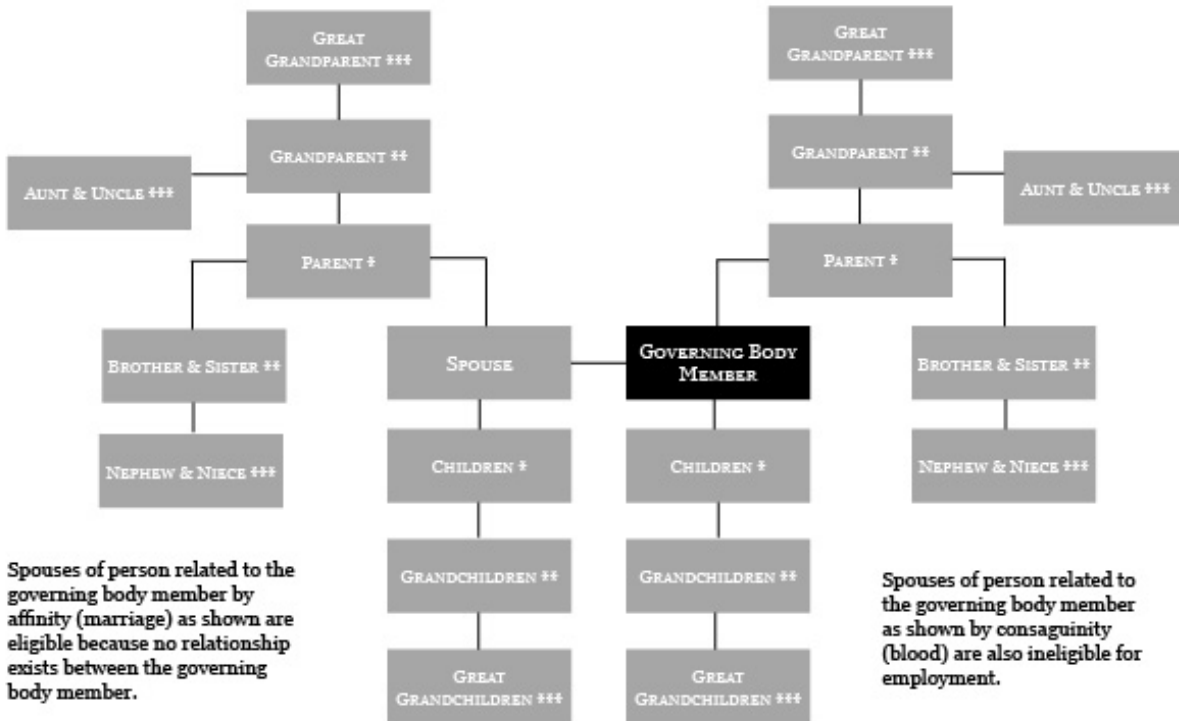
**(See the following page for Nepotism Chart)**

## Nepotism Chart City of Moore

Nepotism chart represents relatives within the third degree. The lines connecting the boxes are bloodlines. Boxes to the left of the governing body member represent relatives by affinity (marriage). Boxes to the right represent relatives by consanguinity (blood).

Note: Includes any elected or appointed official or other authority of the municipal government.

- \* Relationship to the 1st Degree
- \*\* Relationship to the 2nd Degree
- \*\*\* Relationship to the 3rd Degree



Spouses of person related to the governing body member by affinity (marriage) as shown are eligible because no relationship exists between the governing body member.

Spouses of person related to the governing body member as shown by consanguinity (blood) are also ineligible for employment.

Children includes adopted children; and step-children.

## **APPENDIX E**

### **ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY**

#### **Section 1. Alcohol and Controlled Substance Testing Policy Defined**

It is the policy of the City of Moore to comply with all applicable state and/or federal laws in the administration, creating and sustaining of a drug and alcohol free workplace. The City is committed to the highest standards of employee safety. The use of alcohol and illegal drugs, to the extent that it affects worker safety, is completely counter to this goal. Recognizing its responsibility to protect the safety and health of city employees and citizens as well as public and private property, the City of Moore implements the following policy and procedure described herein.

It is the policy of the City of Moore that the unlawful manufacture, distribution, dispensing, possession, use of, or being under the influence of, alcohol or a controlled substance is prohibited during working hours, including meals and breaks. Employees are also prohibited from reporting to work under the influence of alcohol and drugs. Any employee determined to be in violation of this policy while on duty or when wearing a City of Moore uniform, whether on or off duty, is subject to disciplinary action, which may include termination.

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

The City shall post a copy of the Alcohol and Controlled Substance Testing Policy and any changes to the policy, in a prominent employee access area in the place of employment and shall give a copy of the policy and any changes to the policy to each employee and to each applicant upon his or her receipt of a conditional offer of employment with the City. It is the responsibility of the employee to read and understand this policy and determine what impact or effect these alcohol and controlled substance testing requirements may have on them or their employment.

#### **Section 2. Authority**

This policy shall be in accordance with and administered pursuant to OKLA. STAT. Title 40, Sec. 551 et. seq., The Oklahoma Standards for Workplace Drug and Alcohol Testing Act; 49 U.S.C. Sections 31138, 31301 et. . Of the Federal Statutes and the U.S. Department of Transportation (U.S.D.O.T.) rules and regulations found at 49 C.F.R. 382, 391 and 392 and any amendments thereto. Drug and Alcohol testing required by and pursuant to federal law or regulation shall be exempt from the provisions of the Standards for Workplace Drug and Alcohol Testing Act, and the rules promulgated pursuant thereto.

### **Section 3. Application**

Unless specifically stated, this policy shall apply to all employees of the City of Moore, as well as job applicants who have been given a conditional offer of employment. For all types of testing (Pre-Employment, Reasonable Suspicion, Post-Incident or Random), the possession of or the issuance of a medical marijuana card is not a valid excuse for a positive test for marijuana.

### **Section 4. Pre-Employment Testing**

All applicants for positions with the City shall undergo controlled substance and/or alcohol testing prior to assignment.

- 4.1 Job applicants shall be tested only after a conditional offer of employment is made.
- 4.2 Refusal to submit to a test or a confirmed positive test shall be the basis for withdrawing a conditional offer of employment.

### **Section 5. Reasonable Suspicion**

The testing for a controlled substance and/or alcohol may be conducted on any City employee when there exists a reasonable suspicion of substance or alcohol abuse in the workplace. Reasonable suspicion, as defined herein, means a belief that an individual may be using or may have used alcohol, illegal drugs or overused/abused prescription drugs in violation of the City's drug free policy. The belief may be based upon, but not limited to:

- 5.1 Observable and articulable phenomena, such as physical symptoms or manifestations of being under the influence of a controlled substance or alcohol while at work or on duty (appearance, behavior, speech, body odor, etc.) or the direct observation of such use while at work or on duty; or
- 5.2 A report of controlled substance or alcohol use while at work or on duty, provided by a reliable and credible source and which is corroborated by a Supervisor or member of City management; or
- 5.3 Evidence that an individual has tampered with a controlled substance or alcohol test during his employment; or
- 5.4 Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of controlled substances or alcohol while on the employer's premises or operating the employer's vehicle, machinery or equipment.

No testing under Reasonable Suspicion shall be initiated unless the circumstances are properly reviewed and agreed upon by at least two (2) representatives of City management (which shall be considered to include supervisory level personnel). The two supervisors shall discuss their suspicions with the Risk Manager, a member of HR, the City Attorney, or the City Manager who will have the final authority to authorize the drug and/or alcohol test.

Whether a test is authorized or not, a written record of the observations leading to a reasonable suspicion determination shall be created and signed by both supervisors who made such observations within 24 hours of the observed behavior and delivered to the City's Risk Management Department.

### **Section 6. Post-Incident Testing**

Post-incident testing for a controlled substance and/or alcohol may be conducted on employees under the following conditions:

- A. An actual (work-related) injury to an employee or a third party which was directly or proximately caused by the employee and there exists reasonable suspicion (as defined in Sections 5.1 – 5.4 of this appendix) that the injury was a direct result of the employee's use of a controlled substance and/or alcohol.

OR

- B. The employee is involved in an accident with estimated damage greater than \$500.00 and the employee cannot be eliminated as a contributing factor of the accident and there exists reasonable suspicion (as defined in Sections 5.1 – 5.4 of this appendix) that the accident was a direct result of the employee's use of a controlled substance and/or alcohol.

OR

- C. If the employee is a current holder of a Commercial Driver's License and the employee is involved in an accident driving a commercial vehicle, the employee may be given a regulated drug and alcohol test if: a) the accident involved a human fatality, or b) there was bodily injury with immediate medical treatment away from the scene and the employee cannot be eliminated as a contributing factor of the accident, or c) there exists disabling damage to any motor vehicle requiring tow away and the employee cannot be eliminated as a contributing factor of the accident.

The following timelines will apply for all post-incident testing resulting from accidents, injuries, or other related incidents:

- A. Post incident drug and/or alcohol tests must be given as soon as practicable during the eight (8) hours following an incident.
- B. The employee must be readily available for the test or they will be deemed to have refused the test.
- C. The alcohol test should be administered as soon as possible. If the test is not administered within two (2) hours of the incident, then the Supervisor/Decision Maker must prepare and maintain a record stating why they were unable to administer the test. If eight (8) hours have passed, the attempts should be discontinued and the Supervisor/Decision Maker must document as to why they were unable to administer the test.
- D. If a drug test is not administered within 32 hours following the incident, the test shall not be administered and the supervisor shall document the reasons.

## **Section 7. Random Testing of Employee**

The city shall at various times, randomly select employees who are required to possess a Commercial Driver's License, and in a separate list, select employees who work in a safety sensitive position for unannounced testing for controlled substances and alcohol. For purposes of this section, "safety-sensitive" means any job that the employer reasonably believes could affect the safety and health of the employee performing the task or others including, but not limited to, any of the following:

- a. the handling, packaging, processing, storage, disposal or transport of hazardous materials,
- b. the operation of a motor vehicle, other vehicle, equipment, machinery or power tools,
- c. repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage,
- d. performing firefighting duties,
- e. the operation, maintenance or oversight of critical services and infrastructure including, but not limited to, electrical, gas, and water utilities, power generation or distribution,
- f. the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transport of potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component.
- g. dispensing pharmaceuticals,
- h. carrying a firearm, or
- i. direct patient care, direct child care or providing life-saving duties.

(See section 22 of this Article for examples of job titles that are considered safety-sensitive.)

The selection of employees to be tested shall be by a scientifically valid method, as defined in Section 8 of this article so that each employee shall have an equal chance of being tested each time testing occurs.

The dates for the unannounced testing of randomly selected employees shall be spread reasonably throughout the year.

The number of employees to be tested shall equal an annual rate based on Federal and/or State regulations for controlled substances and alcohol for the total number of employees employed by the City. Note: The percentages are subject to change because of federal requirements and may not apply to safety sensitive positions.

The City shall require that each employee who is notified of selection for random testing proceed to the testing site immediately, as designated in Section 17 of this article.

## **Section 8 Selection Procedure**

The City has established the following procedure(s) for selection of individuals for random testing for controlled substance and alcohol:

### **8.1 Computer Generated – Selection Process Number One**

The city shall use a computer program that, either by social security number or name will randomly select a group of employees, which will then be required to submit to testing.

8.2 Outside Selection – Selection Process Number Two

The City shall contract with an outside agency to provide selection, testing and reporting in compliance with Federal and State requirements.

**Section 9. Post-Rehabilitation Testing**

The City may require an employee to undergo testing for controlled substances and alcohol for a period of two (2) years after the employee’s return to work following a confirmed positive test and following participation in a substance abuse dependency program under the City’s assistance program or attended at the request by the City.

The employment status of any City employee, while undergoing substance abuse dependency rehabilitation and until satisfactory completion of said rehabilitation shall be changed to probationary. Restoration to employment status prior to probationary employment status shall be at the sole discretion of the City.

Failure of an employee to comply with items listed below shall constitute a voluntary resignation from employment with the City by the employee, to-wit:

- 9.1 Failure to progress satisfactorily in a rehabilitation program;
- 9.2 Presence of a controlled substance or alcohol in your body evidenced by a confirmed positive test; or
- 9.3 Refusal to submit to any or all post-rehabilitation testing or any part of this policy.

**Section 10. Substances for Which Tests May Be Given (Includes the Related Metabolites)**

10.1 Ethyl alcohol or ethanol (beer, liquor, etc.)

10.2 Drugs approved for testing

- (A) A licensed testing facility may test for any drug or class of drugs or their metabolites included in Schedule I, II, or III of the Controlled Substances Act (21 U.S.C. Sec. 801, et. seq.) provided testing for such substances has been approved by the Commissioner of Health.
- (B) The following drugs or their metabolites have been approved for testing by the Commissioner of Health:
  - (1) marijuana
  - (2) opiates:
    - (a) codeine
    - (b) heroin
    - (c) morphine
  - (3) semi-synthetic and synthetic narcotics:
    - (a) hydrocodone
    - (b) hydromorphone
    - (c) meperidine
    - (d) methadone

- (e) oxycodone
- (f) propoxyphene
- (4) cocaine
- (5) phencyclidine
- (6) amphetamines:
  - (a) amphetamines
  - (b) methamphetamines
  - (c) methylenedioxyamphetamine
  - (d) methylenedioxymethamphetamine
  - (e) phentermine
- (7) barbituates:
  - (a) amobarbital
  - (b) butalbital
  - (c) pentobarbital
  - (d) secobarbital
- (8) benzodiazepines:
  - (a) diazepam
  - (b) chlordiazepoxide
  - (c) alprazolam
  - (d) clorazepate
- (9) methaqualone
- (C) If the United States Department of Health and Human Services has established an approved protocol and positive threshold for a substance not listed in (B) of this Section, testing for such a substance shall be deemed to be approved by the Commissioner of Health.
- (D) Drugs other than those listed shall be tested by scientifically established methods at scientifically established detection levels.
- (E) Threshold reporting levels shall be those established and maintained by the U.S. Department of Transportation and as utilized by the National Institute for Drug Abuse (NIDA). Any positive levels below those established reporting levels should not be reported to the City by the testing laboratory.

**Section 11. Controlled Substance and Alcohol Testing Methods and Documentation**

Collection, storage, transportation, and testing procedures shall be conducted in accordance with rules established by the Oklahoma State Board of Health and applicable Federal Statutes and regulations including the following:

11.1 Testing facilities shall meet or exceed the qualifications and standards of and be licensed by the Oklahoma State Department of Health.

11.2 Samples shall be collected only by those persons “deemed qualified” by the Oklahoma State Department of Health and appropriate labeling of samples shall occur so as to reasonably preclude the probability of erroneous identification of test results.

11.3 Body component samples that are appropriate for controlled substance and alcohol testing shall be collected with due regard to the privacy of the individual being



tested. In no case shall the city's representative directly observe collection of a urine sample.

11.4 A written record of the chain of custody of the sample shall be maintained until the sample is no longer required.

11.5 An applicant or employee shall be given the opportunity to provide notification of any information, which (s)he considers relevant to the test, including current or recent used controlled substances prescribed by a licensed physician or other relevant information.

11.6 Reporting levels utilized for identification of positive substance abuse results shall be those levels established by the U.S. Department of Transportation.

### **Section 12. Costs**

The City is responsible for all costs associated with controlled substance and/or alcohol testing. If an employee requests a re-test to challenge the findings of a confirmed positive test, the employee is responsible for the cost of the test unless that test reverses the findings of the previous test,

in which case the city is responsible for the cost of the re-test. Any test of an employee must be performed during or immediately after the employee's scheduled work period and is deemed as compensable hours of work as applicable under the Fair Labor Standards Act.

### **Section 13. Refusal to Undergo Testing: Tampering with Samples**

Employees refusing to undergo testing according to the terms of this policy shall be deemed to have voluntarily resigned from the employment of the City. Employees found supplying or attempting to supply an altered sample or a substitute sample, not their own, by whatever means shall be subject to disciplinary action up to and including termination.

### **Section 14. Medical Review Officer**

The City shall employ and/or contract a Medical Review officer qualified by the Oklahoma State Board of Health. The Medical Review Officer shall receive test results from the testing facility and evaluate said results in conjunction with the subject employee and/or applicant. Upon receiving a confirmed positive test result, the medical Review officer shall contact the employee or applicant prior to notification of City Officials. The employee or applicant shall be given the opportunity to explain the confirmed positive test results.

### **Section 15. Confidentiality**

The City shall comply with all provisions of the Workplace Drug and Testing Act including confidentiality and shall treat all tests and information related to such tests, including interviews, memoranda, reports and statements as confidential. All records relating to testing shall be kept separate and apart from personnel records. Risk Management shall maintain said records. Such records may not be used in any criminal proceeding, civil or administrative action except in actions taken by the city or otherwise involving the subject

employee and the City, unless there is a valid court order authorizing the release of such records. Records shall be the property of the City and will be made available to the affected applicant or employee for inspection and copying upon request. Records may not be released to any person other than the applicant or employee without the applicant's or employee's express written permission, or if otherwise required by law.

Employees within supervisory or management positions shall be responsible for compliance with this policy. They shall also ensure those employees seeking treatment or within rehabilitation processes are treated fairly and appropriately as it concerns their job rights and job security. Additionally, supervisors and managers shall ensure that all reasonable efforts are made to allow for confidential handling of diagnosis and treatment of employees with substance abuse problems.

### **Section 16. Disciplinary Action**

The City recognizes that substance abuse is treatable and that appropriate responses to these problems include education, treatment and rehabilitation. The City shall not take disciplinary action against an employee who tests positive for a controlled substance or alcohol unless the test is confirmed by a second test performed on the same sample using methods prescribed by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act or U.S. Department of Transportation rules and regulations. However, this shall not preclude the use of administrative leave in cases involving reasonable suspicion and/or at the discretion of the City.

A non-probationary employee with a previously satisfactory work performance record will be given one (1), and only one (1), opportunity to continue employment after an initial occurrence of a positive test for controlled substance or alcohol where such testing is required by the City. In such cases, no direct disciplinary actions shall normally be effected due to the test results unless the test arose under reasonable suspicion criteria. However, some period of leave without pay may occur prior to the employee being allowed to return to work dependent upon the employee's leave accruals and as stated herein below. Such an attempt to allow for rehabilitation of an employee is believed to be an appropriate course of action to meet the City's obligation to both our employees and to the citizens.

If an employee tests positive for a controlled substance or alcohol, said employee may be suspended, demoted, or terminated. In addition to the alleged offense, the appropriate course of action may be determined based on the employee's total work performance record including, but not limited to any prior confirmed positive controlled substance and/or alcohol test results.

Continued employment, if offered, shall be contingent upon the employee agreeing in writing to undergo random or periodic tests for controlled substances and/or alcohol post rehabilitation for a period not to exceed two (2) years and satisfactorily participate in the City's assistance program.

Employees who have had a positive test shall not be allowed to return to work until they can provide a verified negative “return to work” test for either controlled substance or alcohol or both, whichever is applicable. Said “return to work” test shall be obtained through a City approved testing facility which meets the requirements of Section 11 (Testing Methods) of this policy and the cost of said test shall be paid by the City. Employees in such situations may use available sick vacation or compensatory leave. All test must be pre-approved by the City to prevent re-testing abuse.

### **Section 17 Testing Procedure**

When a controlled substance or alcohol test is deemed appropriate under this policy, the employee’s department head shall arrange transportation to the City’s testing facility. An exempt supervisory or management employee shall accompany the employee to the testing facility. If the testing facility is closed, the department head shall arrange for the employee to be transported to an alternate test facility.

Employees must present a picture I.D. (e.g., Oklahoma Driver’s License) or the exempt supervisory or management personnel accompanying the employee can provide identification witness as the employer representative to the testing facility personnel prior to testing as required by NIDA procedures.

The exempt supervisory or management personnel shall make a reasonable effort to ensure the employee is transported to their place of residence after any test is completed under the criteria of reasonable suspicion in Section 5 or Post Accident testing in Section 8.

### **Section 18. Challenging Test Results**

Employees wishing to receive test results, which could be used to challenge the results of the City’s test, must:

18.1 Do so at their own expense;

18.2 Do so in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Act;

18.3 Have the sample collected within (1) hour of the City’s sample collection and said sample collection shall comply with standards established in accordance with federal and state guidelines.

### **Section 19. Employee Assistance Program**

The City shall maintain either an in-house or contractual Employee Assistance Program (E.A.P.). The E.A.P. provided by the City shall at a minimum provide substance dependency evaluation and referral services for substance abuse counseling, treatment and/or rehabilitation.

Employees who (1) voluntarily self-identify at least twenty-four (24) hours prior to any notification of required testing for a controlled substance or alcohol, (2) self-identify as to having substance abuse problems or (3) initiate E.A.P. rehabilitation through the City’s E.A.P. shall not be considered to have suffered a violation of this policy or be subject to

discipline under Section 16. However, those employees in safety sensitive positions may be assigned to non-safety sensitive positions until a verified negative test can be obtained from an appropriate testing facility per Section 11. Additionally, the employee may be required to enter into a signed agreement for continued required testing and E.A.P. compliance as provided under Sections 11 and 16 if a problem is determined to exist.

### **Section 20. Penalties and Remedies**

Employees are hereby advised that there are certain criminal sanctions and civil remedies for violations of the Oklahoma Standards for Workplace Drugs and Alcohol Testing Act contained in OKLA. STAT. Title 40, Section 551,et.seq. The City's implementation of testing for controlled substances and alcohol shall not diminish the rights of individual employees under federal or state statutes as related to said testing.

### **Section 21. Prohibitions**

No employee shall report for duty within four (4) hours after using alcohol or remain on duty while having an alcohol concentration of 0.04 or greater and no supervisor shall permit any employee to perform any work duties if the supervisor is aware the employee has an alcohol concentration of 0.04 or greater. No employee shall be on duty or operate a City vehicle or perform job duties while in possession of alcohol nor use alcohol during such duty time.

No employees shall report for duty, drive a City owned vehicle, operate equipment or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician and/or the physician has advised an employee the substance will not adversely affect an employee's ability to drive a vehicle or operate equipment, if such duties are required.

No supervisor having knowledge that an employee has used a controlled substance shall permit an employee to be on duty, drive a City owned vehicle, or operate equipment.

No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until (s)he undergoes a post-accident alcohol test, whichever occurs first.

## Section 22. Safety-Sensitive Job Titles

ANIMAL CONTROL OFFICER  
ANIMAL WELFARE SUPERVISOR  
AQUATIC CENTER ATTENDANT  
AQUATICS CASHIER  
AQUATICS DECK ATTENDANT  
AQUATICS MANAGER  
AQUATICS/FITNESS COORDINATOR  
ASSISTANT EMERGENCY MANAGER  
ASSISTANT FIRE CHIEF  
ASSISTANT FIRE MARSHALL  
ASST SR CITIZENS COORDINATOR  
BATTALION CHIEF OF SUPPORT  
BUILDING INSPECTOR  
BUILDING MAINT SUPERVISOR  
BUILDING MAINTENANCE TECH  
CHILD CARE ATTENDANT  
CHILD CARE COORDINATOR  
CHILD CARE SPECIALIST  
CODE ENFORCEMENT OFFICER  
CODE ENFORCEMENT SUPERVISOR  
CONSTRUCTION INSPECTOR  
DEPUTY FIRE CHIEF  
DEPUTY POLICE CHIEF  
EMERGENCY COMM SUPERVISOR  
EMERGENCY COMM DISPATCHER I, II  
EMERGENCY COMM DISPATCHER I PT  
EMERGENCY COMM LEAD DISP  
EMERGENCY MANAGEMENT DIRECTOR  
FIRE ASST CHIEF TRAINING OFF  
FIRE CAPTAIN, CHIEF, MAJOR  
FIRE CORPORAL  
FIRE DRIVER  
FIRE INSPECTOR CAPTAIN  
FIRE INSPECTOR LIEUTENANT  
FIRE LIEUTENANT  
FIRE MARSHALL  
FIRE RECRUIT (8 HRS/DAY)  
FIRE TRAINING MAJOR  
FIREFIGHTER  
FIREFIGHTER RECRUIT (24 HOURS)  
FITNESS CENTER ATTENDANT  
FLEET MAINTENANCE MECHANIC  
FLEET MAINTENANCE SUPERVISOR  
LEAD CONSTRUCTION INSPECTOR  
LEAD CUSTODIAN  
LIFEGUARD, HEAD LIFEGUARD  
LOSS CONTROL OFFICER  
MAINTENANCE WORKER I, II  
MECHANIC HELPER  
MECHANICAL JOURNEYMAN  
P & C MAINTENANCE WORKER I, II  
P&R FACILITIES MAINTENANCE MGR  
PARK & CEMETERY MAINT WORKER I  
PARK MAINTENANCE WORKER PT  
PARKS MAINTENANCE SUPERVISOR  
POLICE CAPTAIN, CHIEF, MAJOR  
POLICE LIEUTENANT  
POLICE OFFICER I (RECRUIT), II  
POLICE SERGEANT  
POLYCARD OPERATOR  
PROPERTY CLERK  
PUBLIC WORKS DIRECTOR  
PUBLIC WORKS FIELD SUPERVISOR  
PUBLIC WORKS SUPERINTENDENT  
RECREATION CENTER SUPERVISOR  
RECREATION COORDINATOR  
RECREATION FACILITY MAINTENANC  
SANITATION EQUIPMENT OPERATOR  
SANITATION SUPERVISOR  
SENIOR BUILDING INSPECTOR  
SENIOR BUILDING MAINT TECH  
SENIOR CENTER COORDINATOR  
SENIOR MECHANIC  
SPRAYING TECHNICIAN  
SPRAYING TECHNICIAN SUPERVISOR  
SR FLT MAINTENANCE MECHANIC  
STREET MAINTENANCE WORKER I, II  
STREET SWEEPER OPERATOR  
STREETS & DRAINAGE MAINT II  
STREETS & DRAINAGE SUPERVISOR  
SUMMER DAY CAMP SPECIALIST  
SUMMER DAY CAMP SUPERVISOR  
SWEEPER OPERATOR  
SWIM INSTRUCTOR  
TERMINATOR OPERATOR  
TRAFFIC SIGNAL TECHNICIAN  
WARRANT OFFICER

### **Section 23. Federal Motor Carrier Safety Administration Rules:**

- A. The City of Moore must query the FMSCA Clearinghouse before allowing a newly-hired commercial motor driver (or current employee who transfers into such a position) to begin operating a commercial motor vehicle. Drivers must sign a consent form allowing the City to do so.
- B. The City of Moore must query the Clearinghouse at least once per year for each driver the City employs. Drivers must sign a consent form allowing the City to do so. The City must maintain records of all queries and information obtained in response to the query for a period of three years.
- C. The City of Moore must report drivers' drug and alcohol program violations to the Clearinghouse within three business days after the City learns of the information. The City must prohibit drivers who have violated FMSCA's drug and alcohol program regulations from performing safety-sensitive duties unless the driver has complied with the return-to-duty process set forth at 49 CFR Part 40, Subpart O.
- D. The following information will be reported to the Clearinghouse by the City of Moore:
  - a. A verified positive, adulterated, or substituted drug test result;
  - b. An alcohol confirmation test with a concentration of 0.04 or higher;
  - c. A refusal to submit to a drug or alcohol test;
  - d. An employer's report of actual knowledge, as defined at 49 CFR §382.107;
  - e. On duty alcohol use pursuant to 49 CFR §382.205;
  - f. Pre-duty alcohol use pursuant to 49 CFR §382.207;
  - g. Alcohol use following an accident pursuant to 49 CFR §382.209;
  - h. Drug use pursuant to 49 CFR §382.213;
  - i. A SAP's report of the successful completion of the return-to-duty process;
  - j. A negative return-to-duty test; and,
  - k. The City's report of completion of follow-up testing.

## **Appendix F**

### **WORKPLACE ANTI-VIOLENCE POLICY**

#### **POLICY**

The City of Moore is committed to providing, in so far as it reasonably can, and within available resources, a safe environment for working and conducting business. The City will not tolerate acts of violence committed by or against City employees, or members of the public, while on City of Moore property or while performing City of Moore business at other locations.

#### **GOALS & OBJECTIVES**

1. To ensure a safe workplace and to reduce the risk of violence;
2. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution;
3. Mitigate the negative consequences for employees who experience or encounter violence in their work lives.

#### **PROHIBITED CONDUCT**

Employees are prohibited from making threats or engaging in violent activities.

All employees are responsible for:

1. Refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
2. Reporting to managers and supervisors any dangerous or threatening situations that occur in the workplace.

Examples of conduct that is prohibited:

1. Causing physical injury to another person;
2. Committing any act prohibited by City policy or criminal law;
3. Making threatening remarks;
4. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
5. Intentionally damaging City property or property of another employee;
6. Possession of a weapon while on City property or while on City business unless it is required by the job; or meets the requirements of the concealed carry law as provided by 21 OS 1271-1288 ET.SEQ. Concealed weapons cannot be carried in any City owned building. Concealed weapons may be stored in a vehicle on City property such as a parking lot, park or recreational area.
7. Committing acts motivated by, or related to, sexual harassment or work related domestic violence; and
8. Outside incidents which originate at another location and are brought to work place.

#### **POSSESSION AND USE OF DANGEROUS WEAPONS BY EMPLOYEES**

In the interest of maintaining a workplace that is safe and free of violence, except as herein after provided, possession or use of dangerous weapons is prohibited on City property, in City vehicles, or in any personal vehicle which is used for City business. A dangerous weapon

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

Exceptions to this are Police Personnel, Warrant Officers, Fire Marshalls, and any other occupation, which carries a weapon in the line of duty.

### **RISK REDUCTION MEASURES**

**Hiring:** The Human Resources Department takes reasonable measures to conduct background investigations to review candidates backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

**Safety:** The City Risk Management Division will conduct periodic inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards.

Any necessary corrective action will be taken to reduce all risks.

**Individual Situation:** While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor or the Risk Management Division if any employee exhibits behavior which could be a sign of potentially dangerous situations. Such behavior may include:

1. Discussing weapons in the context of bringing harm to other or bringing them to the workplace;
2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
3. Making threatening remarks;
4. Sudden or significant deterioration of performance;
5. Displaying irrational or inappropriate behavior.

**Employees in high risk departments:** The Moore Police Department or the Risk Management Division offers assistance for departments in identifying and reducing risk for those employees that are subjected to harassment, violence or threats from a non-employee. This is designed to create a plan with at-risk employees to prepare for any possible emergency.

### **ACHIEVING GOALS AND EVALUATING PROGRESS**

To achieve the goals and objectives of this policy, the City will do the following:

1. Provide training to managers, supervisors and other employees;
2. Evaluate the physical environment for safety hazards and consider modifications; and
3. Evaluate progress in achieving the goals and objectives of this policy.

### **PROCEDURES FOR DEALING WITH ACTS OF VIOLENCE IN THE WORKPLACE**

When a violent act occurs:

If the act or altercation constitutes an emergency, **CALL 911**. In situations that are not emergency situations, contact your immediate supervisor.



Incidents involving emergency situations involving criminal activity will be referred to the Police Department. They will investigate and provide any further action if necessary.

Employees who confront or encounter an armed and/or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make eye contact and talk to the individual. If an employee of the city has the proper training, such as a police officer, this policy will not supersede regular procedures in acts of any violence that occur.

### **REPORTING OF AN INCIDENT**

When reporting incidents, two particular instances should be considered for reporting purposes. In instances when it is not appropriate to refer an incident to the Police Department, the Risk Management Division will evaluate the situation and make a recommendation regarding the need for an investigation. In the case where the reporting individual is not a City employee, a report should be made to the City of Moore Police Department.

### **POST INCIDENT RESPONSE**

Injured staff should receive prompt medical treatment and psychological evaluation (as necessary) whenever an assault and/or battery with or without a weapon takes place, regardless of severity. Any non-employees who become victims while on City property should be evaluated to determine if medical treatment is necessary. An employee assistance program will be provided to employees to offer counseling and assist victims. Appropriate and promptly rendered post-incident debriefings and counseling reduce acute psychological trauma and general stress levels among victims and witnesses. To the extent possible, any crime scene should be preserved for criminal investigation.

### **ENFORCEMENT**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will **not** be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination and prosecution. Employees, strangers, or clients engaged in violent and/or other unlawful acts on City property will be reported to the proper authorities and fully prosecuted and held criminally liable.

### **TRAINING**

The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

## **Attachment One**

### **Employee Assistance Program**

#### Overview

The City of Moore and Moore Public Works Authority (collectively known as the City) believes that the physical and emotional health of its employees and their families are essential to the employees' happiness and job satisfaction, as well as the productivity of the organization. Any employee may at some time experience problems in his/her personal life that are difficult to solve alone, and may affect home life, other relationships, and his/her ability to function effectively on the job. The most common categories of such personal problems are financial, marital, family, alcohol, drug abuse, emotional/mental, and legal. In most cases, these and other personal problems can be solved, especially if identified early enough and appropriate assistance is available.

The City has an Employee Assistance Program (E.A.P.) available to help employees who are experiencing problems. Provided below is some basic information about how the E.A.P. functions, to-wit:

1. All full time and part-time employees will be covered by the E.A.P. Immediate family members shall be defined as those individuals meeting the definition of dependent under the City's Health Benefit Plan.
2. The City will enter into an agreement with a professional counseling agency to provide comprehensive E.A.P. services for covered employees. A counselor will meet with covered employees, who contact them or who are referred to them by the City, to help define the problem(s) involved and refer employees to appropriate individuals and/or agencies to provide necessary treatment or assistance needed.
3. Employee's use of the E.A.P. and subsequent referral services will be strictly confidential. Reports on the use of the E.A.P. will be in statistical form only; individual names will not be provided nor will any information about the nature of any individual employees' problems. In case of a City referral, the only information to be reported is whether the employee contacted the E.A.P. and is following the recommended course of action.
4. The use of the E.A.P. itself is free, by the selected provider only, to the covered employee or dependent. This may include all counseling sessions to identify the problem(s) and determine an appropriate course of action. A referred service that an employee may use could result in a direct cost to the employee and/or such cost may be paid in whole or part by the Employee Health Benefit Plan. Any possible costs will be clearly stated to the employee and every effort will be made to develop the most economical plan for the employee that will still be effective in dealing with the problem(s).
5. Using the E.A.P. will not threaten an employee's job, reputation or chances for advancement. Any decisions made regarding an employee's job status or terms of employment will be made only on the basis of job performance and/or behavior in the work place.
6. Two types of referrals to the E.A.P. may occur. One, covered employees may contact the selected counselor on their own to seek assistance for themselves or dependents. Two, an employee may be referred to the selected counselor by an authorized city official. Referral to the selected counselor is not a disciplinary

action. Participation by the employee will be voluntary. However, disciplinary action that would normally be taken based on work performance will proceed if the performance problem continues, even if the employee does seek help from the E.A.P.

7. For either type of referral described in sub-paragraph six (6), contacts with the selected counselor should be made on the employee's off duty hours whenever possible. However, sick leave, vacation leave or compensatory time may be used, subject to leave notice requirements of the employee's department. The employee need not state that the purpose of the leave is to contact the E.A.P. In case of a City referral, every effort will be made to arrange for the employee to see a counselor as soon as possible.
8. The City's Insurance Coordinator shall maintain liaison with the professional counseling agency to facilitate and monitor the E.A.P. internally. Any questions regarding the E.A.P. should be directed to the Insurance Coordinator.

The City believes the Employee Assistance Program will be a valuable asset to covered City employees and the organization. Covered employees are encouraged to make use of this benefit whenever the need arises.