

# Oklahoma County 2021 INTERIM Employee Handbook



**EFFECTIVE: July 1, 2021**

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## **SECTION 1: INTRODUCTION**

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

This Handbook is designed to familiarize you with the policies and practices that apply to your employment and is not intended to be and does not constitute a contract of employment. This Employee Handbook has been adopted by the Oklahoma County Elected Officials pursuant to 19 O.S. §339 (A) (10).

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

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

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

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

## 1.1. Personnel Handbook Disclaimer

It is the policy of Oklahoma County that this handbook and the items contained, referred to, or mentioned herein, are not intended to create, nor should be construed to constitute a contract of employment between Oklahoma County and any its personnel. Regardless of what the handbook says, or provides, Oklahoma County promises nothing and remains free to change wages and all other working conditions or other policies at any time, for any or no reason, without notice to, or approval from its personnel. This handbook is presented only as a matter of information and direction regarding Oklahoma County policy, benefits and other useful information. Oklahoma County continues to have absolute power to terminate anyone at any time for any reason as an **at-will** (see section 2.5 At-Will Policy) employer.

## 1.2. Changes and Additions

Oklahoma County reserves the right to change, interpret, withdraw or add to any of the policies, benefits, or terms and conditions of employment, at its sole discretion, and without prior notice or consideration to any employee. Employees are expected to regularly review this handbook. None of the policies, benefits, terms or conditions, of employment, have been, or are required to be, approved by an employee. This document does not constitute an employment contract. An employee may be terminated at any time with or without cause and with or without advanced notice, at the option of their Elected Official(s) or the employee. No representative other than an Elected County Official has any authority to enter into any agreement for employment for any specified period of time or to make any arrangement contrary to the employment **at-will** (see section 2.5 At-Will Policy) doctrine and only then, it must be in writing. The contents of the Employee Handbook may not reflect the full contents of a specific employment policy. If you have a question about a specific policy, you may request a copy of the policy from your supervisor or your Elected Official's Human Resource representative. This edition of the Oklahoma County Employee Handbook supersedes any others previously distributed. Please check the date of each policy when reviewing a situation, as policies are subject to routine changes. This handbook is posted on Oklahoma County's Intranet. Employees are encouraged to check with their Supervisor, Elected Official's Human Resource representative, or the Intranet for changes and updates to this handbook.

## **SECTION 2: POLICIES**

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

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

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

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

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

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

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

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

### **2.3. Hiring Procedures**

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

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

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

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

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

### **Harassment Policy**

It is the policy of Oklahoma County to maintain an environment free from harassment or bullying in the workplace. Oklahoma County will not tolerate any action by any employee, including through the use of the mail, a telephone, e-mail, text or social media, either during or after work hours, which illegally harasses, disrupts, or interferes with another's work performance; or which creates an adverse and/or antagonistic work environment or interferes substantially with an individual's ability to work.

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

Oklahoma County states their commitment to ensuring that no employee, applicant, or independent contractor, shall be discriminated against based on gender, pregnancy, childbirth, or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, gender



identity, use of family medical leave, political affiliation, or any other basis protected by federal or state law.

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

Harassment is a systematic persecution through persistent and conscious behavior, including through the use of the mail, a telephone, e-mail, text or social media, either during or after work hours, that intimidates, threatens, degrades, torments, or places demands upon another, to the extent that it creates a pervasively adverse and/or antagonistic work environment or interferes substantially with an individual's ability to work.

Harassing behavior includes, but it not limited to:

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

Bullying is defined as the repeated, deliberate mistreatment of one person by another, including through the use of the mail, a telephone, e-mail, text or social media, either during or after work hours, whose intent is to intimidate, control, or have power over the other person.

Examples of bullying include, but are not limited to:

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

## **Sexual Harassment Policy**

Oklahoma County abides by Federal and State laws, which prohibit sexual harassment and will maintain an employment atmosphere free of sexual harassment, intimidation, and coercion. Sexual harassment of any employee by any other employee will not be tolerated. If an investigation of a complaint of sexual harassment confirms that it has occurred, appropriate disciplinary actions will be taken. Sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors, and other verbal, physical or body language of a sexual nature, including through the use of the mail, a telephone, e-mail, text or social media, either during or after work hours.

The actions above will be considered sexual harassment when:

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

## **Definitions and Examples**

### **Sexual Harassment:**

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

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

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

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

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

## **Procedures:**

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

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

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

### **Retaliation Policy**

Retaliation is defined as punishment of an employee because that employee reported discrimination and/or sexual harassment, discriminatory conduct, or participated in an investigation of discrimination. The most obvious types of retaliation are denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of

adverse action include, but are not limited to, threats, reprimands, reprimand or negative evaluations without cause, or harassment. The source of retaliation may be from a manager or supervisor toward an employee or it may be from an employee or group of employees toward another employee.

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

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

### **Whistleblower Policy**

An employee who reports a suspected incident of fraud or illegality, a safety, health or security concern, or assists in an investigation shall be protected from retaliation. However, an employee who believes that they have experienced retaliation for making a genuine report or assisting in an investigation shall report this as soon as possible to their Human Resource representative or their Elected Official. In the event the Elected Official is the source of or responsible for the retaliation, the employee should report it to any other Elected Official.

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

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

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

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

Oklahoma County offers no employment contracts, nor does it guarantee any minimum length of employment. Just as any employee may terminate employment at any time, so may the employee's Elected Official or their representative terminate an employee at any time, "**at-will**," with or without cause, with or without advance notice. If you have any questions about the meaning of this **at-will** relationship, please contact your Elected Official's Human Resource representative. Provided, no such alterations or additions to these policies may be implemented without first being reduced to writing, and being approved in accordance with the provisions of Section 2.22. 'Departmental Personnel Procedures', then distributed to the affected employees within that Elected Official's office or County Department(s).

Note: With the exception of Sheriff's Chief Deputies and Undersheriff(s), all deputy sheriffs and detention officer(s) shall serve a five-year probation period during which the deputy or detention officer shall be considered an at-will employee. After the five-year probationary period, such deputy sheriff or detention officer shall not be discharged except for just cause. 19 O.S. §547

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

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

Relatives include:

Spouse, parents, step-parents, children, step-children, brothers, step-brothers, sisters, stepsisters, parents-in-law, step-parents-in-law, brothers-in-law, step-brothers-in-law, sisters-in-law, step-sisters-in law, grandparents, step-grandparents, grand-children, step-grand-children, uncles, step-uncles, aunts, step-aunts, nephews, step-nephews, nieces, step-nieces, first cousins, step-first cousins and legal guardians. A supervisor is responsible for continually updating their Human Resource representative of status changes and conflicting hiring. Any employee or supervisor who fails to follow this policy or advise their Human Resource representative of a change in a relationship will be subject to discipline up to and including termination.

## **2.7. Oklahoma County Medical Marijuana Policy**

Effective, January 1, 2019 Oklahoma County fully complies with the terms and conditions of the Oklahoma Medical Marijuana Act. In this regard, Oklahoma County will not discharge, threaten, and/or refuse to hire or otherwise discriminate or retaliate against an employee or applicant based upon 1) their certification as a medical marijuana license holder or 2) the results of a drug test showing positive for marijuana or its components, except as provided below.

Additionally, Oklahoma County prohibits all employees, including those with a medical marijuana license, from using, being under the influence of, or possessing marijuana while on the County's premises, off site locations, or in the parking areas of the Oklahoma County Sheriff's Office and the Oklahoma County Juvenile Bureau during the employee's hours of employment. This prohibition also applies to customer, client, or other third party locations or premises where an employee is performing work or providing a service on behalf of the County. (Note – premises or work sites does not include parking areas, other than those previously listed.)

However, this protection shall not pertain to any County position or department, which is subject to federally mandated, drug testing including positive tests for marijuana. This includes, but is not limited to, Sheriff Deputies, Probation Officers, Corrections Officers and staff in safety sensitive positions, Detectives, and CDL/CMV holders. Additionally, Oklahoma County may refuse to hire a prospective employee or terminate an existing employee who is certified to use medical marijuana if their job duties are considered safety sensitive.

Safety-sensitive job duties are defined as “any job that includes tasks or duties that the employer reasonably believes could affect the safety and health of the employee performing the task.” Safety-sensitive tasks include, but are not limited to:

- the handling, packaging, processing, storage, disposal, or transport of hazardous materials;
- the operation of a motor vehicle, other vehicle, equipment, machinery or power tools;
- 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;
- performing firefighting duties;
- the operation, maintenance, or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities, power generation, or distribution;
- 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;
- dispensing pharmaceuticals;

- carrying a firearm; or
- direct patient care or direct child care.

The Oklahoma Medical Marijuana Act shall in no way limit Oklahoma County's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position. An employee shall be considered under the influence when fifteen (15) or more Nano grams of active THC are present in the employee's test result.

Violations of this Policy may result in refusal to hire, or discipline up to and including termination. Additionally, all Oklahoma County employees are encouraged to review Oklahoma County's Drug and Alcohol testing policy for both Non-CDL/CMV Employees and CDL/CMV employees.

For questions related to this Policy, or the Oklahoma County Drug Testing Policy, please contact the Oklahoma County Health and Safety Department.

## **2.8. Oklahoma County Drug and Alcohol Testing Policy**

**PURPOSE:** To enforce the policy against drugs and alcohol in the workplace and the policy against employees reporting to work under the influence of illegal or abused drugs or alcohol.

**SCOPE:** Paragraphs "1" through "15" below apply to all employees of Oklahoma County except those covered by federal law or regulation through the Department of Transportation because they drive Commercial Motor Vehicles (CMV) requiring a Commercial Driver's License (CDL).

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV), which require a Commercial Driver's License (CDL), is required by and conducted pursuant to federal law or regulation through the Department of Transportation. This testing is exempt from the provisions of paragraphs "1" through "15" below and is covered by paragraphs "16" through "30" below.

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

1. Alcohol: ethyl alcohol or ethanol.
2. Dilute: to make thinner or more liquid by admixture.
3. Employee: any person who works full-time, part-time, or on a temporary basis for Oklahoma County.

4. **Illegal Drugs:** means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

5. **Applicant:** any person who has applied to be an employee of Oklahoma County and has received a conditional offer of employment.

6. **OSDH:** Oklahoma State Department of Health.

7. **Elected Official:** Assessor; County Commissioners; County Clerk; Court Clerk; Sheriff; Treasurer.

8. **Medical Review Officer:** A person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by an employer's drug or alcohol testing program, and who has the knowledge and training to interpret and evaluate test results together with the individual's medical history and other relevant information.

9. **Random selection basis:** a mechanism for selecting employees which:

A. Results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and

B. Permits neither Oklahoma County Elected Officials, its Boards, Directors, Deputy Directors nor any employee to waive selection when an employee is selected under the mechanism.

## **TESTING POLICY FOR NON-CDL/CMV EMPLOYEES**

### **1. Individuals Subject to Drug or Alcohol Testing**

All employees, applicants who have received a conditional offer of employment, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to drug or alcohol testing and the provisions of this Policy.

2. **Applicant Testing:** Applicants who have received a conditional offer of employment will be required to submit to drug testing, and may require alcohol testing. A positive test or a refusal to undergo testing shall result in a refusal to hire.

3. **For-Cause Testing:** Any time the County reasonably believes an individual is under the influence of drugs or alcohol during work hours, while on County business or on County property, the County may require a drug or alcohol test. Circumstances causing the County to require testing of an individual may include, but are not limited to:

A. Drugs or alcohol on or about the individual's person or an individual's vicinity;



- B. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
- C. A report of drug or alcohol use while at work or on duty;
- D. Information that an individual has tampered with drug or alcohol testing at any time;
- E. Negative performance patterns; or
- F. Excessive or unexplained absenteeism or tardiness.

4. **Post-Accident Testing:** If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and alcohol testing.

5. **Random Testing:** The County may require the following individuals to undergo drug or alcohol testing at random and may limit its random testing to particular employment classifications or groups:

- A. Are police or peace officers;
- B. Have drug interdiction responsibilities;
- C. Are authorized to carry firearms;
- D. Are engaged in activities that directly affect the safety of others;
- E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
- F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.

6. **Scheduled Periodic Testing:** The County may require the following individuals to undergo scheduled, periodic drug or alcohol testing scheduled routinely as part of the County's written policy:

- A. Are police or peace officers;
- B. Have drug interdiction responsibilities;
- C. Are authorized to carry firearms;
- D. Are engaged in activities that directly affect the safety of others;
- E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
- F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.

7. **Post-Rehabilitation Testing:** In those instances in which the County offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program, in lieu of dismissal or following a positive test that did not result in dismissal, the employee may be required to undergo drug or alcohol testing for a period of up to one year

commencing with the employee's return to work.

8. **Positive Marijuana Test Results and Medical Marijuana Licenses:** Employees and applicants who test positive for marijuana or its components under this Policy will be required to establish they hold a valid Oklahoma medical marijuana license.

9. **Substances Which May Be Tested**

Under this Policy, the County shall test for drugs, including marijuana, and alcohol.

10. **Testing Methods and Collection Procedures**

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

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

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

11. **Records**

Records of all drug and alcohol test results and related information are the property of the County and shall be maintained in a secure, limited access area within the Oklahoma County Health and Safety Department. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. Testing records may be provided to County employees, agents or representatives who need access to such records in the administration of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act (Drug Testing Act). The employee grants permission to the County to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related legal actions. Additionally, testing records are admissible as evidence in a case or proceeding before a court of record or administrative agency if either the County or the individual tested are named parties in the case or proceeding. Further, testing records shall be released in order to comply with a valid judicial or administrative order.

The testing facility, or any agent, representative or designee of the facility, or any review officer, will not disclose to the County, based on the analysis of a sample collected from an individual under this Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual. The testing facility will release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual testing upon

request.

## **12. Consequences for Violating the Testing Policy**

A. **Refusal to be Tested:** Any individual who refuses to submit to the County's request for drug and/or alcohol testing, or refuses to complete the required forms will be subject to termination from employment, or will not be eligible for employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.

B. **Adulteration, Tampering or Manipulation of Samples:** The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment, as the case may be.

### **C. Personnel Action Which May Be Taken as a Result of Policy Violation or a Positive Test Result:**

1. Any individual who violates this Policy will be subject to disciplinary action, up to and including termination of employment.

2. Any employee who tests positive will be subject to discipline up to and including termination. However, the County may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who refuses such an opportunity or who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be terminated from employment.

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

(a) Employee will be immediately suspended without pay, from his/her duties, (work) for a minimum of five (5) working days.

(b) Within the five days of suspension, at his/her expense, the employee shall:

1. Select and participate in a substance abuse program under the direction of a Substance Abuse Counselor (SAC). Employees may contact the Oklahoma County Employee Assistance Program (EAP) provider to assist in the selection of a SAC;

2. Submit the SAC report of employee's initial evaluation and the schedule of counseling sessions and/or treatment recommended by the SAC to the Oklahoma County Health and Safety Department, and;

3. Provide the results of a return to work drug or alcohol test, negative or positive, to the Oklahoma County Health and Safety Department.

(c) Employee shall be required to submit to a minimum of six (6) unannounced follow-up drug and/or alcohol tests, at his/her expense, within twelve (12) months of employee's return to work. The Oklahoma County Health and Safety Department will select the time and date of each test.

4. Employees and applicants who test positive for marijuana or its components may be subject to disciplinary action up to and including termination under the County's Medical Marijuana Policy.

**13. Confidential Explanation by Individual**

Any individual who receives a positive drug and/or alcohol test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to the Medical Review Officer (MRO).

**14. Job Applicant and Employee Rights**

1. Explanation of test results. Any job applicant who has a confirmed positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Medical Review Officer (MRO). Any employee who has a confirmed positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Medical Review Officer (MRO).

2. Confidentiality. All information relating to employee drug and/or alcohol testing will be treated with strict confidence. All records relating to drug and/or alcohol testing will be kept in the Oklahoma County Health and Safety Department separate from personnel files, and records shall be maintained in a secure location with controlled access.

3. Information. Test records shall be the property of Oklahoma County and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. Oklahoma County will not release such records to any person other than the applicant, employee, or the Medical Review Officer. Drug testing records may be released by Oklahoma County, if either the employee or Oklahoma County are named parties to a court case or agency proceeding, or to comply with a valid judicial or administrative order or to provide to agents of Oklahoma County who need the information to comply with the Drug Testing Act, or if the applicant or employee, in writing and following receipt of the test results, has expressly granted permission for Oklahoma County to release such records in order to comply with a valid judicial or administrative order.

4. Appeal Procedures. Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the

subsequent confirmation test, unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the County will reimburse the individual for the cost of the subsequent confirmation test. An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.

15. **Changes to this Policy**

It is the County's intention to comply fully with the Oklahoma Statute on drug and alcohol testing, and the regulations of the U.S. Department of Transportation (49 CFR, Parts 40 and 382). In the event the State laws, State regulations or the DOT regulations are changed, this policy will be amended to reflect those changes and to remain consistent with State laws and regulations and DOT regulations. In such event, the County will notify all employees of these changes.

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

1. Hand delivery of a paper copy of the policy or changes to the policy;
2. Mailing a paper copy of the policy or the changes to the policy to the last known address of the employee or applicant;
3. Electronically transmitting copy of the policy through an email or by posting on the Oklahoma County website or Infozone; or,
4. Posting a copy in a prominent employee access area.

**CDL/CMV EMPLOYEES**

16. **EMPLOYEES SUBJECT TO TESTING.** All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substance and alcohol testing. This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations found in 49 CFR Parts 40 and 382. If there are any conflicts or omissions between this policy and the federal regulations, the federal regulations shall control.

a. **Testing of Applicants or Transfers:** All applicants for employment with Oklahoma County and all current employees who are requesting transfer to a position covered by this paragraph "16" shall be subject to this policy. This includes applicants for, or requests for

transfer to, full-time or part-time employment and applicants for regular or temporary employment.

b. All employees covered by this paragraph “16” shall be subject under this policy to the following listed testing. This includes full-time or part-time employees and regular or temporary employees.

- i. Post-Accident Testing
- ii. Random Testing
- iii. For Cause Testing
- iv. Return-To-Duty Testing
- v. Scheduled, Periodic Testing
- vi. Follow-up Testing

17. **TESTING OF APPLICANTS OR TRANSFERS.** Prior to the first time that a driver performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. This testing shall be in accordance with 49 CFR §382.301. The employee shall not be allowed to perform any safety-sensitive functions unless the County has received:

- a. a controlled substances test result indicating a verified negative test result for that driver;
- b. an alcohol test result indicating an alcohol concentration of less than 0.04; and
- c. an authorization and release signed by the employee for each employer during the previous three years authorizing the County to obtain the information required by 49 CFR §391.23.

A positive test or a refusal to undergo testing shall result in a refusal to hire.

18. **POST-ACCIDENT TESTING.** This testing shall be in accordance with 49 CFR §382.303. As soon as practical following an occurrence involving a CMV operating on a public road, the driver shall be tested for alcohol and controlled substances if any of the following circumstances apply:

- d. the occurrence involved the loss of human life;
- e. the driver employed by the County receives a citation under State or local law for a moving traffic violation arising from the occurrence and either:
  - i. the occurrence involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the occurrence; or

ii. one or more motor vehicles incurred disabling damage as a result of the occurrence, requiring the motor vehicle to be transported away from the scene by tow truck or other motor vehicle.

19. **RANDOM TESTING.** The County shall randomly select a sufficient number of drivers for testing each calendar year to equal an annual rate not less than the minimum annual percentage rate for random alcohol and controlled substances testing determined by the Administrator of the Federal Motor Carrier Safety Administration. Each driver selected for random testing shall have an equal chance of being tested each time selections are made. This means that some drivers may be tested more than once during a year while others drivers are not tested. This testing shall be in accordance with 49 CFR §382.305.

20. **FOR-CAUSE TESTING.** If Oklahoma County has suspicion that a driver has violated DOT Regulations in regards to alcohol or controlled substances, the County shall require a driver to submit to an alcohol and/or controlled substance test. In the case of alcohol, the testing will occur only if the suspicion arises during, just preceding, or just after the period of the workday that the driver is required to be in compliance with DOT Regulations. This testing shall be in accordance with 49 CFR §382.307.

21. **RETURN-TO-DUTY TESTING.** If a driver has violated DOT Regulations in regards to alcohol and controlled substances, the County has the sole discretion as to whether to return the driver to a safety sensitive function. However, if the appropriate authority determines that the driver has successfully completed a prescribed education and/or treatment program, and if the County decides to return the driver to a safety sensitive function, the driver shall be required to first submit to an alcohol and/or controlled substance test. The driver must have a negative controlled substance test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming safety sensitive functions. This testing shall be in accordance with 49 CFR §382.309 and 40 CFR §§40.305, 40.307 and 40.311.

22. **SCHEDULED PERIODIC TESTING.** Oklahoma County may request or require a driver to undergo drug or alcohol testing when scheduled routinely for all drivers subject to scheduled, periodic tests. A refusal to take the test or a confirmed positive test may result in discipline up to and including termination of employment. This testing shall be in accordance with 49 CFR §382.111.

23. **FOLLOW-UP TESTING.** If Oklahoma County decides to return a driver to safety-sensitive functions under paragraph “21” above, the driver will be subject to follow-up testing. Such testing shall be in accordance with the plan established by a Substance Abuse Counselor, but shall not be less than six unannounced follow-up tests in the first 12 months of safety sensitive duty following the driver’s return to safety sensitive functions. Such testing shall be in accordance with 49 CFR §382.311 and 40 CFR Subpart O, §§40.281-313.

24. **DEFINITIONS.** For the purposes of this policy, the definitions found in 49 CFR §382.107 shall apply and are incorporated herein. The following definitions are repeated for convenience only:

f. **ALCOHOL.** Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

g. **ALCOHOL CONCENTRATION (or CONTENT).** Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

h. **ALCOHOL USE.** Means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

i. **CONFIRMATION (or CONFIRMATORY) DRUG TEST.** Means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

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j. **CONTROLLED SUBSTANCES.** Means only the following six drugs or classes of drugs:

- i. marijuana metabolites;
- ii. cocaine metabolites;
- iii. amphetamines;
- iv. opiate metabolites;
- v. phencyclidine (PCP).
- vi. Opioids, including hydrocodone, hydromorphone, oxymorphone and oxycodone;

k. **DESIGNATED EMPLOYER REPRESENTATIVE:** As defined in 49 CFR Part 40, the Designated Employer Representative (DER) is an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. The Director of HR/Safety, or their designee, serves as the DER for Oklahoma County.

l. **DISABLING DAMAGE.** Means damage which precludes departure of a motor vehicle from the scene of an occurrence in its usual manner in daylight after simple repairs.



- i. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven
- ii. Excludes:
  - (1) damage which can be remedied temporarily at the scene of the occurrence without special tools or parts;
  - (2) tire disablement without other damage even if no spare tire is available;
  - (3) headlight or taillight damage;
  - (4) damage to turn signals, horn, or windshield wipers which makes them inoperative.
- m. PERFORMING (a Safety Sensitive Function). Means a driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- n. REFUSE TO SUBMIT (to an alcohol or controlled substance test). Means that a driver either:
  - i. fails to appear for any test (except a pre-employment test) within a reasonable time after being directed to do so;
  - ii. fails to remain at the testing site until the testing process is complete;
  - iii. fails to provide a urine specimen for any required drug test;
  - iv. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
  - v. fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - vi. fails or declines to take a second test the driver has been directed to take;
  - vii. fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer or by the Designated Employer Representative;

- viii. fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- ix. is reported by the Medical Review Officer as having a verified adulterated or substituted test result.
- o. SAFETY SENSITIVE FUNCTION. Shall include:
  - i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
  - ii. All time inspecting equipment as required by 49 CFR, Subchapter B, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  - iii. All time spent at the driving controls of a commercial motor vehicle in operation;
  - iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (as defined in 49 CFR, Subchapter B);
  - v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
  - vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- p. STAND DOWN. Means the practice of temporarily removing an employee from the performance of safety sensitive functions based only on a report of a laboratory to the Medical Review Officer of a confirmed positive drug test or drug metabolite, an adulterated test, or a substituted test, before the Medical Review Officer has completed verification of the test results.
- q. PROHIBITED CONDUCT. Means that no driver shall:
  - i. report for duty or remain on duty requiring the performance of safety sensitive functions with an alcohol concentration of 0.04 or greater;

- ii. use alcohol while performing safety sensitive functions;
- iii. perform a safety sensitive function within 4 hours after using alcohol;
- iv. if required to take a post-accident alcohol test (under paragraph “18” above), use alcohol for 8 hours following the occurrence, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- v. refuse to submit to any required alcohol or controlled substances test;
- vi. report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 40 CFR, Subchapter B, who has advised the driver that the substance will not adversely affect the driver’s ability to safely operate a CMV. (Any driver using any therapeutic drug pursuant to the instructions of a licensed medical practitioner must inform his/her supervisor of such use prior to performing any safety sensitive functions.);
- vii. report for duty, remain on duty, or perform any safety sensitive function if the driver has tested positive or has adulterated or substituted a test specimen for controlled substances.

25. **TEST PROCEDURES.** All regulations and procedures used to test for controlled substances and alcohol in order to protect the integrity of the testing process, safeguard the test validity, and insure results are attributed to the correct driver are found in 49 CFR §§40 and 382. They are incorporated into this policy by reference.

26. **CONSEQUENCES OF VIOLATIONS OF THIS POLICY.** Drivers who violate this policy or who commit any of the prohibited conduct in paragraph “24(1)” above will experience the following consequences in accordance with Federal Regulations:

- r. Immediate removal from any and all safety sensitive functions;
- s. Will not be able to again perform safety sensitive functions for any employer until he/she has completed the evaluation, referral and education/training set forth in 49 CFR, Part 40, Subpart O;
- t. In addition, will not be able to again perform safety sensitive functions for any employer until he/she has successfully completed a Return-To-Duty Test as described in paragraph “21” above;
- u. Shall be subject to civil and/or criminal penalties as recommended by the Secretary of Transportation under the provisions of 49 U.S.C. §521(b).

Also, any driver tested for alcohol under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall immediately be removed from any safety sensitive functions and shall not be allowed to resume safety sensitive functions until the start of the driver's next regularly scheduled duty period, or 24 hours from the administration of the test, whichever is longer.

27. **DISCIPLINARY ACTION.** In addition to the consequences in paragraph "26" above, and under authority separate from the Federal Regulations, drivers who violate this policy or who commit any of the prohibited conduct in paragraph "24(1)" above;

v. Will immediately be placed on unpaid, disciplinary suspension for any period when they are not eligible to perform safety sensitive functions. Such disciplinary action will not be imposed based solely on a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, until the Medical Review Officer has verified the test results; and

w. If the violation is based upon a positive test result, and if the positive test result is confirmed by a second test and the results are verified by the Medical Review Officer, will be subject to discipline up to and including discharge.

x. If the violation is based on some action other than a positive test result (e.g. refusing to submit to a test, using alcohol within 4 hours prior to performing safety sensitive functions), will be subject to discipline up to and including discharge.

28. **EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCE USE.** Information will be made available concerning:

a. the effects of alcohol and controlled substance use on an individual's health, work, and personal life;

b. symptoms of an alcohol or a controlled substance problem (either the driver or a co-worker); and

c. available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

29. **APPEALS.** As in all cases of job-related problems, concerns or questions regarding the County's drug and alcohol testing policy should be referred initially to the employee's supervisor and, if necessary, to the elected official. Within Oklahoma County, the Health and Safety Department has been designated to answer questions about this policy.

**30. TREATMENT PROGRAM FOR RETURN TO DUTIES.**

For an employee who drives a CMV requiring a CDL, the employee will be permitted to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a Substance Abuse Counselor. Also, prior to the employee returning to safety sensitive duties, the employee shall undergo:

- a. a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02; and/or
- b. a return to duty controlled substance test with a verified negative test result for controlled substances use.

All employees undergoing an educational or treatment program will be subject to follow-up testing in accordance with Paragraph "23" above.

**ACKNOWLEDGMENT OF RECEIPT OF  
OKLAHOMA COUNTY’S DRUG AND ALCOHOL TESTING POLICY**

(Not for use with applicants and employees covered by DOT Regulations.)

This is to certify that I have received a copy of the Oklahoma County Drug and Alcohol Testing Policy and understand that paragraphs 1 through 15 apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Oklahoma County or as a condition of my continued employment with Oklahoma County.

\_\_\_\_\_  
Employee Name

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

\_\_\_\_\_  
Witness Name

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

**ACKNOWLEDGMENT OF RECEIPT OF  
OKLAHOMA COUNTY’S DRUG AND ALCOHOL TESTING POLICY**

(Only for use with applicants and employees covered by DOT Regulations.)

This is to certify that I have received a copy of:

1. The Oklahoma County Drug and Alcohol Testing Policy; and
2. The Federal Motor Carrier Safety Regulations Pocketbook, which contains the complete text of 49 CFR Parts 40, 382, 383, 387, 390-397, and 399.
3. A Driver Handbook entitled *Drug & Alcohol Testing: Training and Awareness* which contains significant information about:
  - a. 49 CFR Part 40;
  - b. 49 CFR Part 382; and
  - c. Material on the effects of alcohol and controlled substance use.

I understand that paragraphs 16 through 30 of the Oklahoma County Drug and Alcohol Testing Policy apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Oklahoma County or as a condition of my continued employment with Oklahoma County.

\_\_\_\_\_  
Employee Name

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

\_\_\_\_\_  
Witness Name

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

## **2.9. Method of Resignation**

To resign in good standing, an employee must give a written resignation to their Elected Official or their Human Resources representative within fourteen (14) calendar days prior to their departure. **The last day the employee is actively at work will be considered the date of termination.** At the discretion of the Elected Official or their representative the employee may be released prior to the resignation date, since all employment is **at-will** (see section 2.5 At-Will Policy).

## **2.10. Resignation/Voluntary Quit**

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

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

Upon an employee's termination of employment, any and all Oklahoma County equipment and uniforms issued to that employee must be returned prior to departure from employment.

The employee's supervisor must verify the return of such equipment prior to the issuance of that employee's final paycheck. Any deduction, from the employee's final paycheck, cannot make the employee's final wage lower than minimum wage. See Wage Withholding Authorization for Oklahoma County form listed on page 105.

## **2.11. Discharge**

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

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

Furthermore, each Elected Official reserves the right to evaluate each instance of misconduct to determine the severity of the corrective action the Elected Official will take, up to and including discharge.

Since employment is "employment **at-will** (see section 2.5 At-Will Policy)," circumstances may also arise where an employee's employment is terminated by an Elected Official(s) or their representative for reasons unrelated to misconduct.



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

## **2.12. County Vehicles**

1. You must be at least 18 years of age to drive an Oklahoma County vehicle. You must be able to present proof of current motor vehicle insurance. We will keep a copy for our files. You must routinely keep Oklahoma County informed should you have a change in your insurance status.
2. You must have a valid Oklahoma driver's license. You must have all required Oklahoma driver's license endorsements that are required for your position. Oklahoma County may run a motor vehicle records check on driving employees.
3. Oklahoma County vehicles may only be used for Oklahoma County business. Non-county employees are expressly prohibited from traveling in Oklahoma County vehicles or in personal vehicles on Oklahoma County business without prior authorization from management.
4. Drivers are responsible for obeying all traffic and safety laws.
5. The driver and all passengers must wear seatbelts at all times.
6. While driving Oklahoma County vehicles drivers may not eat, smoke or use cell phones (law enforcement exempted). Tobacco, or the use of vaping or similar devices is not allowed in Oklahoma County vehicles.
7. Drivers involved in an accident must call the police and file a police report as well as the required Oklahoma County incident report.
8. Drivers are responsible for checking the condition of the vehicle before driving. Always check the mirrors, tires and lights. Always be sure that all material on the vehicle is properly tied down. Items which extend beyond the vehicle must be flagged.
9. Always make sure a copy of the Oklahoma County self-insurance paperwork is in the glove compartment of Oklahoma County owned vehicles.
10. Never drive a vehicle that is not in proper working condition. Immediately report all vehicle problems to your supervisor.
11. You must report any citations that you receive in an Oklahoma County vehicle with the exception of parking tickets. Any citations or tickets received by an employee driving an Oklahoma County vehicle are solely the responsibility of the person receiving the citation or ticket. Failure to follow this rule may result in losing your ability to drive for Oklahoma County and in your being disciplined, up to and including termination. Passengers who are ticketed are also responsible for paying any fines they receive. The Elected Official(s) or their representative may revoke the driving privileges of ticketed drivers.

12. Take home vehicles are subject to the appropriate IRS taxation.

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

### **Driving Policy and Procedures**

It is the policy of Oklahoma County to ensure all operators of a motor vehicle, while used on official County business, are qualified to drive and drive safely. This policy includes both County-owned and privately-owned motor vehicles. The purpose is to determine operators have sufficient knowledge about vehicle handling, portrayed through a safe driving record, so as to protect employees, volunteers, the County, clients and the public from an unsafe driver.

This policy is not intended to apply to Law Enforcement Officers operating a vehicle in their official capacity.

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

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

### **Procedures**

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

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

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

County driver authority will be given to operators who are required to regularly operate a vehicle on County business. Operators shall immediately report to their supervisor any suspensions, restrictions, limitations, revocation or restriction of driver's license or any other change in their

driving status which violates the standards. Failure to do so by the next work day following knowledge of any change may result in disciplinary action.

## **Standards**

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

## **Safe Operations**

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

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

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

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

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

Possession, use or being under the influence of any narcotic, hallucinogen, stimulant, sedative or other controlled dangerous substance while operating a County vehicle, or a private vehicle while on County business, is prohibited. If use of controlled dangerous substances or withdrawal symptoms adversely affect a driver's physical or mental faculties to any perceptible degree, or the driver tests positive for any such substances by screening and confirmation tests, the driver will be deemed 'under the influence' for purpose of this policy (see Section 2.8. Oklahoma County Drug and Alcohol Testing Policy). Violation of this policy is subject to disciplinary action up to and including termination for the first offense.

#### Operation

Operation of a county vehicle, or a private vehicle while on County business, within four (4) hours of having consumed alcoholic beverage, while in possession of an open container of alcoholic beverage or an alcohol hangover adversely impairing a driver's physical or mental faculties to any perceptible degree or the driver's blood alcohol content exceeds .02 percent, the driver will be deemed 'under the influence' for purposes of this policy. County vehicles are not to be used to transport alcoholic beverages under any circumstances. Violation of this policy is subject to disciplinary action up to and including termination.

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

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

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

## **Traffic Violations or Incidents**

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

## **2.13. Gifts or Gratuities**

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

## **2.14. Political Activity**

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

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

## **2.15. Courtesy**

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

## **2.16. Limit Personal Visitors**

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

## **2.17. Restrictions on Personal Communications**

Personal phone calls, texting, web browsing on appropriate sites, and private e-mail and social media use are each permitted; however they should be limited, and preferably made during lunch periods and breaks. Personal long distance calls charged to Oklahoma County are the responsibility of the employee.

Excessive personal calls, texting, web browsing on appropriate sites, and private e-mail and social media use/or any other violation of this policy will lead to disciplinary action up to and including termination.

## **2.18. Professional Development**

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

## 2.19. Continuing Education Tuition Reimbursement Program

### I. Policy:

Oklahoma County (hereinafter, “the County”) supports employee development by, effective January 1, 2021, offering tuition reimbursement to eligible employees who complete relevant education, pursuant to 19 O.S. §339 A 5, and BOCC Resolution 2020-708.

#### Procedures:

- A. The BOCC Human Resources Office will administer the program subject to available funding and approval by the Board of County Commissioners.
- B. To be eligible for tuition reimbursement an employee must:
  - 1. Be a full-time employee who has completed five (5) consecutive years of employment with the County;
  - 2. Be enrolled in an educational institution within the Oklahoma State System of Higher Education;
  - 3. Pursue a degree, course or certification in a field relevant to employment with the County;
  - 4. Take for-credit course work related to a field in which the County recruits;
  - 5. Submit a Tuition Reimbursement Application to the BOCC’s Human Resources Office no sooner than thirty (30) calendar days prior and no later than thirty (30) calendar days after the beginning of the quarter, semester or another time period for which tuition reimbursement is requested;
  - 6. Submit a Tuition Reimbursement Application for each quarter, semester or another time period for which tuition reimbursement is requested; and
  - 7. Commit to one year of employment with the County from the date of last tuition reimbursement.
- C. All courses must be taken outside of work hours unless the employee’s Elected Official or their representative gives written approval of an irregular work schedule. Employees with approved irregular work schedules will attend classes on their own time and will not receive pay for time spent in class.
- D. Reimbursement for educational assistance to any employee shall be limited to a maximum of \$1,500 per semester, \$2,500 per calendar year, and a lifetime maximum of \$10,000.
- E. Exclusions
  - 1. Employees are not eligible for tuition reimbursement if they are on leave-without-pay status.
  - 2. Employees who have been formally disciplined within one year prior to submitting

- their application are not eligible for tuition reimbursement.
3. Training or courses required and paid for by an employee's office or department are not covered under the Continuing Education Tuition Reimbursement Program.

#### F. Acceptance or Denial

1. The BOCC Human Resources Office will notify the applicant in writing of approval or denial within three weeks of receiving the application.

#### G. Payment Guidelines

1. Employees will be eligible to receive no more than the IRS tax-exempt limit for tuition reimbursement per calendar year.
2. Eligible employees will receive tuition reimbursement as follows:
  - a. Employees with an A or B average: 100% reimbursement up to the tuition reimbursement limit,
  - b. Employees with a C average or receiving a passing grade (if a pass/fail course): 75% reimbursement of the tuition reimbursement limit,
  - c. Employees with a D or below average will receive no reimbursement.
3. College Level Examination Program (CLEP) will be treated the same as tuition.
4. Other educational costs, including tests, books, transportation, and room and board are the responsibility of the employee.
5. Applicants are encouraged to seek out other sources of financial assistance. Receipt of other sources of financial assistance will be considered to determine final reimbursement amount.

#### H. Receiving Payment

1. To receive payment an employee, within thirty (30) days of course completion, must submit to the BOCC Human Resources Office:
    - a. a report indicating a passing grade (if a pass/fail course) of "C" or higher for each course, or other evidence of satisfactory completion;
    - b. proof of payment through detailed itemized financial statement; and
    - c. documentation of having received any additional educational financial assistance.
  2. The BOCC Director of Health and Safety or designee may grant extensions for the completion of course work for medical and military reasons.
  3. Employees working on a thesis or dissertation may submit a letter from their professor stating that satisfactory progress is being made towards completion. An incomplete must be made-up within one year.
- i. Employees accepted under this program will be required to sign an agreement that will include repayment terms and conditions.

19 O.S. §339 A 5, and BOCC Resolution 2020-708



## 2.20. Conduct

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

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

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

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

1. Insubordination, including , but not limited to refusal or failure to perform work as assigned, failure to follow a lawful written or verbal instruction from a supervisor, or failure to comply with safety and health regulations that could threaten or endanger the life or health of others.
2. Threatened or actual physical violence, verbal or physical assault on members of the public, employees, or supervisors of the County including whether conducted in person or via mail, telephone, e-mail, text or social media, either in or outside of the workplace, during or after work hours.
3. Theft or attempted removal of the property or materials of Oklahoma County or any employee or business. The employee will be subject to civil and criminal prosecution.
4. Violation of the Oklahoma County concealed Weapons Policy (Section 2.30.) including, but not limited to possession of unauthorized firearms, or other lethal weapons, or explosives in the workplace.
5. Loafing or sleeping on the job.
6. Carelessness, neglect of duty, lack of effort, incompetence or disruption of the workplace and operations.
7. Solicitation or acceptance of any gifts, money, or special privileges given or accepted with

the intent of influencing the employee's job performance (Section 2.13.).

8. Spreading rumors and/or gossip.
9. Harassment or ridicule of other employees, vendors, members of the public, or customers in violation of the Oklahoma County Policy against Harassment and Discrimination (Section 2.4.).
10. Use of abusive language to a member of the public, employee, or supervisor and/or any other rude or offensive conduct in the workplace.
11. Possession, consumption, or being under the influence of alcohol or non-prescription drugs or substances in the workplace or anywhere during the working or duty hours.
12. Violation of the Oklahoma County Medical Marijuana Policy (Section 2.7.) or the Oklahoma County Drug and Alcohol Testing Policy (Section 2.8.).
13. Making false or malicious statements about a customer, employee, vendor, member of the public, or supervisor of the County.
14. Horseplay, unsafe conduct or unsafe acts and interference with others.
15. Violation of the Oklahoma County Attendance Policy (Section 2.24.).
16. Recording another employee's time, causing another employee to record time for you, or failure to record your own time.
17. Negligence, carelessness or willful acts resulting in danger, damage or loss of County property, or that of fellow employees, or members of the public.
18. Falsification of records, reports, or other documents.
19. Abandoning your job by walking off shift without the permission of your supervisor.
20. Engaging in immoral, indecent, or illegal acts on County property or during your work shift.
21. Misuse, disclosure or removal of original, duplicates, or electronic copies of confidential County, employee or other such confidential information, without the permission of your supervisor or Elected Official.
22. Failure to report loss or theft of County property.
23. Failure to report accidents/incidents involving the public, County property and/or County personnel.
24. Removal of County property from a County facility or job-site without specific approval from your supervisor. Use of County property or equipment for personal use is prohibited.
25. Excessive personal phone calls, e-mails, texts, web browsing and social media (Section 2.17.) or outside visitors (Section 2.16.).
26. Violation of the Information System Security Policy (Section 2.21.), inappropriate internet

usage, or violation of United States or international copyright laws.

27. Conviction of a felonious act(s) while a County employee. Suspension without pay may occur during formal investigation of charges.
28. Disqualification, loss of license or certification required for the performance of the job or duties.
29. The use of County vehicles, County money, County property or County time for political activities. Political activity among employees, while not on duty, is strictly optional and voluntary, and is never a condition of employment.
30. Abuse of the Oklahoma County Sick Leave Policy (Section 4.2.).
31. Distribution or posting of written or printed matter that is not authorized by the Elected Official.
32. Deliberate or willful misrepresentation of Oklahoma County Policy.
33. Violation of the Oklahoma County Driving Policy (Section 2.12.).
34. Violation of the Oklahoma County Tobacco Free Policy (Section 2.32.).
35. Violation of the Oklahoma County Electrical Appliance Policy (Section 5.6.).
36. Other instances of improper conduct not specifically listed.

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

## **2.21. Computer Security**

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

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

Effective security is a team effort involving the participation and support of every employee and affiliate who deals with information and/or information systems. **It is the responsibility of every**

**computer user to know these guidelines, and to conduct their activities accordingly.**

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

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

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

1. While the Elected Official's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the County systems remains the property of Oklahoma County. Because of the need to protect Oklahoma County's network, management cannot guarantee the confidentiality of information stored on any network device belonging to Oklahoma County.
2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Each Elected Official is responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.
3. For security and network maintenance purposes, authorized employees within Oklahoma County may monitor equipment, systems and network traffic at any time, per IT's Audit Policy.
4. The Elected Official's reserve the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

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

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by the county confidentiality guidelines. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts, User level passwords should be changed every three (3) months.
3. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.
4. Use encryption of information in compliance with IT's Acceptable Encryption Use policy.
5. Because information contained on portable computers is especially vulnerable, special care

should be exercised. Protect laptops in accordance with the “Laptop Security Tips” available on the Oklahoma County Elected Official’s Intranet.

6. Postings by employees from a Oklahoma County email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Oklahoma County, unless posting is in the course of business duties.
7. All hosts used by the employee that are connected to the Oklahoma County Internet/Intranet/Extranet, whether owned by the employee or Oklahoma County, shall be continually executing approved virus-scanning software with a current virus database. Unless written approval by the Elected Official’s IT.
8. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

### **Unacceptable Use:**

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

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

### **System and Network Activities:**

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Oklahoma County.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Oklahoma County or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using an Oklahoma County Government computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
7. Making fraudulent offers of products, items, or services originating from any Oklahoma County account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
10. Port scanning or security scanning is expressly prohibited unless prior notification to IT is made.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing information about, or lists of, Elected Official's employees, to anyone without the written consent of the Elected Official.

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

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header or footer information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Oklahoma County networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Oklahoma County or connected via Oklahoma County network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

**Other applicable policies include:**

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

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

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

## **2.22. Departmental Personnel Policies**

Each Oklahoma County Elected Official or their representative may make departmental personnel policies consistent with the Oklahoma County Employee Handbook governing the conduct and performance of employees. Provided, before such departmental personnel policies may

take effect, they must first be reduced to writing, reviewed and approved by the Oklahoma County Budget Board for consistency with the Oklahoma County Employee Handbook, then adopted by the Oklahoma Board of County Commissioners. All such approved Departmental personnel policies shall be published and a copy furnished to each employee to whom they apply, at which time they shall have the force and effect of personnel policies of the Oklahoma County Employee Handbook.

### **2.23. Job Responsibility**

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

### **2.24. Attendance**

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

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

Employees are expected to personally notify their supervisor at least one (1) hour prior to their assigned shift if they are going to be absent from or late to work. Notification requires direct contact with their supervisor or designee and not leaving a message with other personnel. Notification must be made by the employee, not another person. This notification is required for each day absent unless it is understood by your supervisor that you will be absent for a certain number of days. Employees are responsible for knowing their appropriate call-in numbers for both regular hours and off-hours.

### **2.25. Employee Records**

Employee records are the property of Oklahoma County, and access is restricted subject to the Oklahoma Open Records Act. Only supervisors and management with a legitimate reason have access to these files. With reasonable advanced written notice, employees may review their own records in the presence of a manager during business hours. It is the responsibility of each



employee to promptly notify their Human Resource representative of any changes in personal data, such as contact information, address, phone number, and other relevant information, including an emergency contact and any changes in their dependents status. The employee's Human Resource representative will notify the County Clerk's Payroll division of any changes. The employee must process any changes in insurance or benefits through the County's Benefits and Retirement Department. Copies of employee records will not be provided unless required by law. Personnel records will be maintained and requests for personnel records or information will be handled in accordance with Federal and Oklahoma law and Oklahoma's Open Records Act.

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

O.S. 51, § 24A.7

## **2.26. Personnel File**

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

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

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

If an employee transfers positions to another Oklahoma County office or department, the prior office or department will provide a copy of the employee's personnel file to the new office or department.

## **2.27. Savings Clause**

If any section, sentence, clause or phrase of these rules and regulations shall be held, for any reason, to be inoperative or unconstitutional, void or invalid, the validity of the remaining portion

of these rules and regulations shall not be affected. Thereby, it being the intention of Oklahoma County in adopting these personnel policies that no portion thereof, or provisions herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any portion or provision, and Oklahoma County does hereby declare they would have severally passed and adopted the provisions contained herein, separately and apart from the other.

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

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

## **2.29. Travel Reimbursement Policy**

### Introduction

Employees of Oklahoma County may on occasion be asked by their Elected Official or their representative to travel from their home or duty station to another location to perform public services or receive training in furtherance of the mission of that Elected Official's particular office. During such periods of travel, employees are expected to conduct themselves in the same professional manner and observe the same code of conduct and procedures they would as if they were performing work at their regular or temporary duty station.

This section provides in summary fashion the County's policy for reimbursing authorized expenses incurred by Elected Officials and their employees whom are approved to travel. Like their elected officials, employees who have been authorized in advance by their Elected Official or their representative to travel on official public business are eligible to receive travel reimbursement in accordance with state statutes and this policy.

The key to any successful travel event is planning ahead.

It is each employee's responsibility to obtain prior approval to travel from either their Elected Official or their representative, before the employee or their office's requisition officer incurs any sort of travel expenses related to the proposed travel event.

Prior to granting approval for an employee to travel on official business and be reimbursed for eligible expenses, the county office or department may first need to estimate the full cost of the travel event and then determine whether it has sufficient budget authority to cover those expenses.

For that reason, the employee may be asked to help identify the various expenses to be incurred during the travel event.

Employees traveling on official business for the County are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. There are limits of various sorts on the type and amount of expenses for which an employee may be reimbursed. For example, under no circumstances will the County reimburse an employee for the purchase of alcohol. Therefore, it is the responsibility of each employee approved to travel on behalf of Oklahoma County to, prior to undertaking their approved travel, consult with their office or department requisition officer in order to learn the type and amount of travel expenses for which they will be eligible to receive reimbursement, including any expenses which might be reportable as income in accordance with IRS regulations.

Travel reimbursement must be sought using official claims which require approval by the Board of County Commissioners and are subject to open records requests for public inspection.

Certain expenses will require presentation of a detailed receipt in order to receive reimbursement. As a general rule, it is advisable to request and retain receipts for all expenses incurred during travel status for which an employee plans to seek reimbursement from the County.

Different reimbursement rates may apply to different travel destinations and may vary according to the time of the year.

The reimbursement rates for specific cities and the percentage of reimbursement allowed for each day of travel are as provided for in this policy including rates established by Continental United States, (CONUS), domestic per diem rates.

## **Travel:**

1. Each county officer or his/her deputy shall be entitled to reimbursement for all eligible traveling expenses incurred in performance of official duties with expenses being paid upon sworn itemized claims. 19 O.S. §163
2. Reimbursement for travel on County business for Elected Officials is at the discretion of the Elected Official and their respective travel budget.
3. Travel for deputies and staff of an Elected Official requires the prior approval of their Elected Official or their representative and there being available funds within the respective travel budget to pay for all eligible expenses associated with said travel event.
4. Unless your travel both originates and concludes at your official work station, (in which case you should compute mileage from your official work station to/from your destination), when claiming mileage, you must use the shortest distance from either your

home or official workstation to/from your destination, when completing your travel claim. Whichever is closer will be used as the point of origin on your travel reimbursement claims. To calculate miles traveled you should use the GPS or odometer readings, provided sufficient information is to be provided with the claim so that it may be audited against GPS systems for reasonableness.

5. For travel events exceeding one day of travel, the first day of travel per diem expense and the final day of travel per diem expense are reimbursed at the rate of 75% of a full day's per diem.
6. When authorized to use a privately owned motor vehicle or vehicle from a motor vehicle rental agency for out of state travel on official county business, rather than using commercial air travel, a cost comparison between air travel, including associated local ground transportation expenses, per diem and lodging expenses which would have been incurred, versus the reimbursable mileage, per diem and lodging expenses incurred as a result of driving, shall be provided on the travel claim, and the total amount of travel reimbursement provided shall not exceed the comparable total reimbursement which would have been paid had commercial air travel been used. When extraordinary circumstances make air travel impractical or unfeasible, a cost comparison which includes air travel is not required; however, an explanation for the travel by vehicle and authorization by the Elected Official or their representative shall be included on the travel claim. 74 O.S. §500.11 C
7. When an employee for his/her own convenience travels by an indirect route or otherwise interrupts travel by direct route, the extra expense shall be borne by the employee. Reimbursement of authorized expenses shall be based only on such charges as would have been incurred had the direct travel route been used. However, travel by other than a direct travel route may be allowed when necessitated by circumstances beyond the employee's control such as weather, involuntary flight changes, etc... An explanation for such exception shall be noted on the travel claim, signed by the Elected Official or their representative.
8. Persons who are not county employees, but who are performing substantial and necessary services to the county on a voluntary basis without compensation which have been directed and approved by an Elected Official or their representative, shall enjoy the protection of sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during official travel pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, or for training expenses, provided it is indicated on the claim the person is not a county employee, a description of services is entered, and the officer, by his approval of the claim, certifies

such services were substantial, necessary and germane to the duties and functions of the county office. 19 O.S. §168

9. Claims for reimbursement for expenses incurred in official travel shall not cover periods in excess of thirty-one (31) days, provided, claims may be filed for subsequent periods of not to exceed thirty-one (31) days. 74 O.S. §500.3

### **Transportation Expenses:**

1. Travel claims should show the air fare class involved. Air travel is reimbursable at the most economical fare available, but not including “first class” fare, provided, reimbursement for “first class” air fare is permissible in the limited event that no coach space is available during the time period in which flights are required to accomplish the travel objective and minimize overall travel costs to the County, upon certification on the travel claim by the Elected Official or their representative to this being the case. Airline penalties charged from schedule changes not the fault of the employee are reimbursable. A statement must be attached to the travel claim explaining these conditions, signed by the Elected Official, or their representative.
2. Elected officials or their representatives may approve the use by their employees of privately-owned motor vehicles for official travel within or outside the State of Oklahoma. Transportation by private vehicle from residence to destination and return shall be reimbursed at the rate provided in 19 O.S. §164, which allows a rate per mile equal to the current deductible rate permitted by the Internal Revenue Service for business use of a private vehicle. This rate is updated annually by the IRS and can be found at <https://www.irs.gov/tax-professionals/standard-mileage-rates>. When claiming mileage, unless your travel both originates and concludes at your official work station, (in which case you should compute mileage from your work station to/from your destination), you must use the shortest distance from either your home or official workstation to your destination, when completing your claim.
3. Mileage claimed must be based on GPS or odometer readings, provided sufficient information is to be provided with the claim so that it may be audited against GPS systems for reasonableness.
4. Reimbursement for automobiles leased or rented within this state from so-called car rental agencies, to be used in lieu of a privately-owned vehicle on official business for the County, shall not exceed the rate provided for the use of a privately-owned automobile. 74 O.S. §500.5 B

5. The actual cost of leasing or renting an automobile outside of this state to be used on official business for the County shall be reimbursed subject to the prior approval of the Elected Official or their representative. 74 O.S. §500.5 B
6. Travel by any Elected Official or employee on official County business on any privately-owned or chartered airplane may be reimbursed in an amount which, when added to per diem and reimbursement for lodging for that trip, does not exceed the equivalent of automobile mileage plus per diem and reimbursement for lodging had a privately-owned automobile been used for the trip. 74 O.S. §500.6 A
7. Tolls incurred during approved motor vehicle travel to/from your point of origin and destination are reimbursable at actual cost, upon including with the travel claim documentation of such payments.
8. Ground transportation at destination is reimbursable, to include either, at actual cost, any taxi or bus fare incurred, or at the allowable mileage rate if using private motor vehicle or rental vehicle, between points of business at destination, plus any parking and necessary tolls.
9. Reimbursement of transportation for personal use such as travel to obtain meals is not allowable under normal circumstances. However, when the nature and location of travel are such that suitable meals cannot be obtained without traveling, the expense may be approved as necessary transportation. The necessity for such travel and the nature of the expense incurred must be explained on the travel claim.
10. When renting a vehicle outside the state upon having first obtained prior approval from your Elected Official or their representative, reimbursement will be for actual cost. If the vehicle is used for both business and personal use, the total cost will be pro-rated with the County office or department responsible only for the portion of the cost directly associated with the purpose of the travel, and the employee responsible for the balance.

### **Registration Fees:**

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

## **Hotel or Other Lodging:**

1. Hotel or other lodging expense will be reimbursable at the lower of actual cost or the per diem rate. Itemized hotel room receipts (showing a “zero balance” due, as evidence of having been paid) are required to establish whether the actual room rate or per diem rate is lower. Exceptions are allowed as provided for in specific sections below.
2. When official travel is outside of the county and over sixty (60) miles from the employee’s residence, the employee may, prior to securing overnight lodging, request authorization for reimbursement for said overnight lodging, in accordance with this policy. It is at the discretion of the Elected Official or their representative to authorize such lodging reimbursement.
3. Reimbursement for overnight lodging while in official travel status may be made at not to exceed an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation or the actual cost, if lower, per night, except as provided in specific sections below. 74 O.S. §500.9(A)
4. CONUS rates for a given location may vary at different times of the year (e.g., “off-season” rates are lower). A complete listing of the CONUS domestic per diem rates can be obtained from the GSA’s per diem web site <https://www.gsa.gov/travel.plan-book/per-diem-rates-lookup> or from the County Clerk’s Accounts Payable division.
5. The IRS per diem rates include one standard rate for all unlisted cities within each state and specific rates for key larger cities. For example, Oklahoma City is the only city in Oklahoma with a specific per diem rate. The specific rates also apply to locations surrounding the key city. For instance, if you were staying in a suburb of Dallas that was unlisted, you would use the Dallas rate. In such cases, the traveler or approving officer must sign a certification statement on the travel claim which reads as follows: “I certify the public lodging place named on the lodging receipt is located in the corporate limits or county of the CONUS city of travel.”
6. Charges in excess of the per diem rates are not reimbursable and are therefore the responsibility of the employee. The following exception applies:
  - A. Officers or employees attending meetings, workshops, conferences or other objectives of trips which are conducted at a designated hotel, motel or other public lodging place or where lodging has been arranged for by the blocking of rooms or by rate reductions for the participants by the sponsor as evidenced by the announcement or notice of the meeting, workshop, conference or other objective shall be reimbursed the actual lodging expense, not to exceed the single occupancy room rate charged by the designated hotel, motel, or other public lodging place, provided that said officials or employees are in official travel status approved by their Elected Official or their representative . 74 O.S.

§500.9 C.

- B. Provided further, those Elected Officials or county employees attending meetings workshops, conferences or other objectives of trips, which are conducted at a designated hotel, motel or other public lodging place as provided by this subsection, who choose to acquire less expensive lodging at another hotel, motel or other public lodging place shall be reimbursed for local transportation costs incurred traveling between such optional lodging and the designated hotel, motel or other public lodging place not to exceed the difference between the cost of the designated lodging and the cost of the optional lodging. 74 O.S. §500.9 C
7. A per diem allowance in lieu of subsistence may be authorized by the Elected Official or their representative by a travel claim which shall include all charges for meals and lodging, not to exceed an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation. More specifically, when a traveler has lodging provided at no cost to the County (e.g., as in the case of staying with a friend or relative who lives near the travel destination), a ten-dollar lodging per diem allowance may be claimed in addition to the regular meals and incidentals per diem allowance claimed. Such occurrence must be documented on the travel claim. 74 O.S. §500.9 B
8. Employees are encouraged to utilize purchase orders to pay for hotel accommodations to minimize out-of-pocket expenses. Further, when hotel accommodations are paid through a purchase order, meals and other optional services shall not be charged to the hotel bill.
9. When employees share a room, both occupants need to provide a copy of the shared hotel bill with their travel claim for proof of a share room. Note: One of the two bills should have the notation, “zero reimbursement-double occupancy”.
10. Elected officials and County employees who have been required to attend hearings or meetings of any congressional committee or subcommittee or any federal agency, board or commission shall be reimbursed for their actual and necessary travel and lodging expenses; however, the Elected Official must approve any claims in connection with such expenses. 74 O.S. §500.9 D
11. An Elected Official may authorize reimbursement for overnight lodging while in official travel status within the State of Oklahoma at a rate of up to 150% of the amount authorized under the above subsection entitled, “Hotel and other Lodging (3.)” if it is determined that no lodging was available at the maximum rate set out in said subsection. Prior to authorizing such payment, the Elected Official or employee shall certify the efforts made to obtain lodging at the rate set out in said subsection and the reasons why such lodging was not available within a reasonable distance from the Elected Official’s or employee’s work station. 74 O.S. §500.9 H



## **Meals and Incidental Expenses:**

### **Overnight travel**

1. At the discretion of the Elected Official or their representative,, meals expense, including server tips, incurred while traveling overnight are reimbursable either at the actual receipted expense, not to exceed the IRS per diem rates, or at the IRS per diem rates where no receipts are required. Proof of overnight stay must be provided to receive the per diem meal reimbursement (i.e. hotel receipt, conference attendance record, airfare tickets etc.).
2. Reimbursement in lieu of meals expense is authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation is authorized. Per Diem rates and policy shall be as established by GSA's Federal Travel Regulation. The per diem rate chart is updated annually and provided as a part of Appendix A of the Federal Travel Regulation.
3. The County does not provide reimbursement for alcoholic beverages.
4. Authorized reimbursement rates will vary depending on the location of travel as identified in CONUS rates. Rates of key cities apply to locations surrounding the key cities (i.e. located in the corporate limits or same county). With the exception of Oklahoma City, all Oklahoma per diem rates are at the standard rate. A complete listing of the CONUS can be obtained from the GSA per diem web site: [https://www.gsa.gov/travel.plan-book/per-diem-rates-lookup\\_or](https://www.gsa.gov/travel.plan-book/per-diem-rates-lookup_or) or from the County Clerk's Accounts Payable division.
5. Internet charges for business use only, will be reimbursed up to \$25.00 a day with receipts.
6. Airline fees for checked bags will be reimbursed up to two bags per employee with receipts. If additional bags, boxes or items are needed to be checked for business purposes, reimbursement must be approved by the Elected official or their representative.
7. When meals are provided through the cost of registration for the conference, seminar or other travel event, the daily per diem allowance will be reduced by one-fourth for each meal provided. Exceptions are:
  - a. Continental breakfast, snacks, and refreshments such as coffee, tea or soft drinks are not considered a meal.
  - b. Meals provided by a third party that are not covered in the registration fee, package plan or direct pay contract will not reduce the per diem.
  - c. Meals not participated in due to special dress requirements, diet restrictions, lack of transportation, conflicting appointments will not reduce the per diem and such occurrences will be documented on the travel claim.

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

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

1. Meal expense may be reimbursed if the meal expense is not included in the meeting cost and the Elected Official, or employee, is required to attend the meeting as a function of their job/office and the meeting has been pre-authorized by the appropriate Elected Official or their representative, upon their having determined sufficient funds are available within their respective travel budget.
2. Meals expense incurred in the course of official county business when an overnight stay is not necessary is reimbursable at the actual cost not to exceed the standard CONUS rate. Itemized receipts must be provided to receive reimbursement for actual meal expense.
3. The County does not provide reimbursement for alcoholic beverages.
4. Reimbursement of meals expense without an overnight stay is reported as a taxable fringe benefit, for which the employee receiving same will at the end of the calendar year be issued an IRS form 1099, a copy of which is provided directly to the IRS by the County Clerk's Payroll division.

## **Personal Service:**

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

Charges which are personal in nature are not reimbursable. These may include, but are not limited to, personal phone calls, reading materials, over-the-counter medications, or non-business use transportation.

## **Claim of Travel Reimbursement:**

### **Claim forms and receipts**

1. Claim forms submitted for official travel reimbursement should be sworn to as required by 19 O.S. §163, using a form adopted by the Oklahoma County Budget Board and approved by the State Auditor and Inspector.
2. Itemized expense receipts showing payment for air travel tickets, hotel, food, taxi and

registration fees should be attached, unless per diem for meals or subsistence is being claimed.

3. Receipts for hotel or other lodging should display a “zero balance” due, as evidence of having been paid in full.
4. The individual submitting the claim must legibly sign the claim form. The signed affidavit holds the employee liable under penalty of law for any falsified expense or misstatement on the claim.
5. Credit card receipts that do not provide purchase detail do not constitute an expense receipt.
6. Claims for reimbursement should be submitted by each individual for their own expenses, except in the case of law enforcement when transporting officers may seek reimbursement for a prisoner’s traveling expenses paid by the officer. Notation should be made on the claim form or receipt if reimbursement is for prisoner expenses.
7. When mileage is claimed, the tag number of the motor vehicle driven is required on the claim.
8. Each major point of travel, including en-route stops for lodging, must be indicated on the travel voucher with the time and date of each stop. The most direct route possible must be used while in travel status.
9. If personal leave time is used in conjunction with official travel, a notation should be made on the travel claim identifying the personal leave period. Each segment of time spent in travel status must be indicated with a start date and time and an end date and time.
10. Travel claims for reimbursement must be filed within forty-five (45) days from final date of travel.

## **Approval**

Approval by the approving officer certifies:

1. That the employee claiming reimbursement was performing official County business.
2. The reimbursement rate is in an amount authorized by the provisions of the Internal Revenue Code of 1986, as amended, for deductibility of expenses for travel while away from home without additional documentation, or actual cost. 74 O.S. §500.9 A.22

## **Miscellaneous Travel Reimbursement Issues**

Travel issues not specifically addressed by this policy may, as directed by the Elected Official, be handled in accordance with the State Travel Reimbursement Act, 74 O.S. §§500.1 – 500.55

## **Statutory Authorization**

County Commissioners shall have the power to establish by resolution the use of per diem for specific purposes in accordance with the limitations provided by Section 500.8 and 500.9 of Title 74 of the Oklahoma Statutes. 19 O.S. §339 A.22

### **2.30. Weapons Policy**

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

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

Nothing in this policy is meant to violate state or federal laws that supersede this policy. Other objects carried for the purpose of injuring or intimidating other people may be considered dangerous items. This prohibition includes all handguns, even if the individual has a valid license to carry a handgun. If any employee observes any dangerous item on Oklahoma County property, the employee is under a duty to report such item to their Elected Official or their representative. Violations of this policy will result in discipline, up to and including termination.

### **2.31. County Property For Employee Use**

Desks, other storage devices and vehicles may be provided for the convenience of employees, but remain the sole property of Oklahoma County. These items can be inspected at any time, with or without prior notice, and whether or not they are locked.

### **2.32. Tobacco Free Policy**

It is the goal of Oklahoma County to promote and provide a healthy workplace and to establish a policy to regulate the use of tobacco materials includes electronic cigarettes and similar devices, by designating Oklahoma County as a Tobacco free campus. No tobacco use or vaping, is allowed in any Oklahoma County Building, property, or facility, including Oklahoma County vehicles (BOCC Resolution No. 194-17).

## **Employee Assistance for Smoking Cessation**

Oklahoma County is committed to encouraging and providing helpful support to any employee who wishes to quit using tobacco products by facilitating access to recommended smoking cessation programs and materials.

The Oklahoma Tobacco Helpline can be accessed, toll free, @ 1-866-748-2436 or

[https://www.ok.gov/health/Disease\\_Prevention\\_Preparedness/Tobacco\\_Use\\_Prevention\\_Service/Program/index.html](https://www.ok.gov/health/Disease_Prevention_Preparedness/Tobacco_Use_Prevention_Service/Program/index.html)

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

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

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

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

## **SECTION 3: COMPENSATION POLICIES**

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

All employees with the exception of qualifying law enforcement personnel, as determined by State or Federal Law, work at the pleasure of their Elected Official or their representative, have no vested property interest in retaining employment, and may be terminated at any time regardless of the length of employment.

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

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

An individual who works forty (40) hours per week or is allowed to work up to one hundred seventy-one (171) hours during a 28 day cycle is considered a full time employee.

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

An individual who works fewer than forty (40) hours per work week.

#### **Temporary Employee**

An individual who works for a season or short term, for a period of time not exceeding ninety (90) calendar days per year. The period of time may be extended one time only, not to exceed ninety (90) calendar days, with the approval of the Elected Official or their representative.

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

#### **Exempt Employees**

An individual whose job classification is NOT subject to the federal minimum wage or overtime pay requirements of the Fair Labor Standards Act. This category of employee includes Elected Officials, Department Directors, First (1st) and Second (2nd) deputies of record filed in the County Clerk's office, as well as other administrative personnel as designated by their Elected Official, and all other employees deemed "Exempt" by the Fair Labor Standards Act, 29 U.S.C. Exempt employees do not earn or accrue compensatory time. (Budget Board – July 12, 1999)

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

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

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

An individual whose job classification qualifies under the Fair Labor Standards Act in law enforcement or in corrections or jail detention and is allowed to work up to 171 hours during a 28 day cycle before being eligible for overtime hours, compensated as compensatory time. 29 C.F.R. § 553.211 (a) & (f). This classification of employee typically works in positions such as jailers, detention officers and deputy sheriffs. Law enforcement and detention officers are subject to different overtime rules under the Fair Labor Standards Act than regular non-exempt employees. [https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2008\\_05\\_30\\_09NA\\_FLSA.pdf](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2008_05_30_09NA_FLSA.pdf)

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

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

- a) A uniformed or plain clothed member or a body of officers who are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes;
- b) has the power of arrest; and
- c) Presently undergoing, has undergone, or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigation and law enforcement techniques, community relations, medical aid, and ethics.

#### **Detention officers are:**

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

### **3.3. Work Week and Work Period**

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

29 C.F.R. § 553.230 provides

that the work period for law enforcement and/or detention officers begins at midnight on Sunday and continues on a twenty eight (28) day cycle ending at midnight on Saturday four (4) weeks later. The latter work period for all law enforcement and detention personnel is intended to qualify for the exemption permitted under Section 7(K) of the Fair Labor Standards Act, as amended.

### **3.4. Work Hours**

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

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

All employees are expected to devote full time, attention, and effort to the County’s business during the employee’s work hours. Unless otherwise approved by their Elected Official or their representative, employees shall not use County property, equipment or supplies for private gain. Therefore, outside activities that an employee elects to participate in, such as community volunteer work, secondary employment, school, or other personal activities are expected to be kept separate from the County employee’s work hours.

#### **Secondary Employment:**

It is the policy of Oklahoma County that employees who wish to work a second job outside of their County employment, be able to do so as long as the type and kind of secondary employment does not conflict, compromise, or interfere with the employee’s ability to perform his or her job duties. Violation of this policy may result in disciplinary action, up to and including termination.

### **3.5. Scheduling**

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

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

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

For employees that may be working full-time for an Oklahoma County office or department and



working part-time for another Oklahoma County office or department:

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

### **3.7. Time Recording**

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

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

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

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

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

Employees who are not exempt from the FLSA requirements for minimum wage and overtime compensation are referred to as non-exempt employees. Non-exempt employees are subject to the minimum wage and overtime requirements of the FLSA and must record their time accordingly. The non-exempt employment classification governs the work week or work period cycle required for recording hours worked.

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

1. Employees should arrive at the workplace allowing sufficient time to clock or check in (if appropriate) and start work on time.
2. Employees should clock or check in or otherwise accurately record their time immediately

prior to starting work, immediately before and after their meal periods (if required) and when leaving at the end of the work shift or when leaving the premises for approved personal reasons.

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

### **3.8. Employee Attendance Recordkeeping**

All Oklahoma County employees, classified as both Non-Exempt and Exempt, as defined by the Fair Labor Standards Act (FLSA), 29 U.S.C., are required to accurately report their time. All employee time records shall be maintained in the County's systems of record. Time records will be used by the County Clerk's Payroll division for payroll calculations and to maintain leave accrual balances.

### **3.9. Compensation of Overtime as Compensatory Time in Lieu of Payment of Wages**

The recording of overtime earned will depend on the classification of the employee. In Oklahoma County, employees are classified as either (1) Exempt, (2) Regular Non-Exempt or (3) Law Enforcement and/or Detention Non-Exempt. Overtime will be earned in accordance with the Fair Labor Standards Act. Hours actually worked by regular non-exempt employees in excess of forty (40) hours per work week or in excess of one hundred seventy one (171) hours per a consecutive twenty-eight (28) day work period for law enforcement and/or detention non-exempt employees, will be compensated with compensatory time off rather than the payment of wages. Any non-worked scheduled time for which leave is taken during that same workweek by regular non-exempt employees or during that same work period by law enforcement and/or detention non-exempt employees, respectively, does not count towards the number of hours which must actually be worked in order to earn overtime. 29 §207 (o) (1); 29 C.F.R. §553.201; §553.211; §553.230

The employee must have prior approval from their Supervisor and/or Elected Official or their representative to work excess hours. Failure of the employee to seek prior approval from their supervisor prior to working overtime may subject the employee to discipline, up to and including termination. However, if worked, it must be compensated, whether it was approved or not, if the work was known or should have been known by the Supervisor.

As an exception to the standard policy of compensating overtime with compensatory time, and at

the sole discretion of the Elected Official or their representative, payment of wages may be made to their regular non-exempt or law enforcement and/or detention non-exempt employees only, for overtime worked, as defined by the Fair Labor Standards Act.

Compensatory time is accumulated as follows:

- 1) Per Section 3.2, **Exempt employees** are NOT entitled to earn or accrue compensatory time because they are exempt from the overtime pay requirements of the federal Fair Labor Standards Act. (Budget Board - July 12, 1999)
- 2) **Regular non-exempt employees** accumulate compensatory time at the rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of forty (40) hours per work week. 29 §207 (o) (1)

Regular non-exempt employee formula for accumulating compensatory time:

The following example demonstrates the methodology by which compensatory time is to be computed.

Regular non-exempt employee works 45 hours within a 7 day work week; e.g., Sunday 12:01 a.m. to Saturday 12:00 midnight

5 hours x 1.5 = 7.5 hours of compensatory time accumulated

- a) Any additional hours worked by a regular non-exempt employee on a given day within a work week in excess of the employee's scheduled work day, which for any purpose are taken off during that same workweek, shall be earned hour-for-hour; e.g., if an employee normally works 8:00 a.m. to 5:00 p.m., Monday through Friday and has worked 40 hours by 1:00 p.m. Friday, he/she may be given time off from 1:00 p.m. to 5:00 p.m. on the Friday of that workweek, bringing the total number of hours actually worked during that work week to 40 hours, with no overtime earned. This is referred to as workweek adjustment.
- b) Regular non-exempt employees shall accumulate no more than 240 hours of compensatory time at any point in time (represents 160 actual overtime hours worked). 29 §207 (o) (3) (A)
- c) However, for those regular non-exempt employees that from time to time are engaged in public safety, emergency response, or seasonal activity with regular and recurring work periods of significantly increased demand, the maximum limit of compensatory time hours which may be accumulated at any point in time shall be 480 hours (represents 320 actual overtime hours worked). 29 §207 (o) (3) (A)
- d) Regular non-exempt employees' overtime hours worked in excess of the compensatory time hourly accumulation limits shall accumulate compensatory time at 1 ½ times the overtime hours worked and then be PAID at the current regular hourly rate received by the employee, on the next regular payday. 29 §207 (o) (3) (B)
- e) All regular non-exempt employees' requests to take compensatory time off shall be approved,

provided the taking of compensatory time does not unduly impact agency operations or the health, safety, or welfare of the public or endanger public property. 29 §207 (o) (5) (B)

- f) In all cases where compensatory time off is authorized, once a regular non-exempt employee has utilized accumulated compensatory time off so as to reduce their accumulated compensatory time hours below applicable accumulation limits, any additional overtime hours subsequently worked will be compensated with additional compensatory time off, up to applicable accumulation limits. 74 O.S. §840-2.15; 29 U.S.C. §207(o).
- g) All regular non-exempt employees have one hundred eighty (180) days from the pay period in which any compensatory time was accumulated, to take off that compensatory time. The balance of any such accumulated compensatory time not taken shall be paid as wages at the employee's current base hourly rate of pay, on the next regular payday. 74 O.S. §840-2.15 D.
- h) All regular non-exempt employees' compensatory time must be used before vacation leave, except where the employee is subject to losing such vacation leave due to the application of accumulation limits for vacation leave. 74 O.S. §840-2.15 C.
- i) When a regular non-exempt employee moves from non-exempt to exempt status, the employee's accrued compensatory time earned during their non-exempt status shall be paid as wages at the employee's final base hourly rate of pay earned as a non-exempt employee, on the next regular payday.
- j) No regular non-exempt employee's compensatory time may be transferred from one Oklahoma County office or department to another Oklahoma County office or department; rather, it shall be paid as wages to the employee, calculated at the average regular rate of pay for the final three (3) years of employment with that office, or the final regular rate received by the employee, whichever is higher. 29 U.S.C. §207 (4)
- k) Payment for regular non-exempt employees' accumulated compensatory time upon separation from the County shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher. 29 U.S.C. §207 (4)

3) **Law enforcement and/or detention non-exempt employees** accumulate compensatory time at a rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of 171 in a 28 day pay period. 29 C.F.R. §553.201; §553.211; §553.230

Law enforcement and/or detention non-exempt employee formula for accumulating compensatory time:

The following example demonstrates the methodology by which compensatory time is to be computed.

Law enforcement and/or detention non-exempt employee works 175 hours within a 28 day work period; e.g., Sunday 12:01 a.m. to Saturday 12:00 midnight 4 weeks later

4 hours x 1.5 = 6.0 hours of compensatory time accumulated

a) Any additional number of hours worked by a law enforcement and/or detention non-exempt employee on a given day within a work schedule in excess of the employee's scheduled work day, which for any purpose are taken off during that same work schedule, shall be earned hour-for-hour; e. g., if an employee normally works 8:00 a.m. to 5:00 p.m., Monday through Friday and has worked 40 hours by 1:00 p.m. Friday, he/she may be given time off from 1:00 p.m. to 5:00 p.m. on the Friday of that work week, bringing the total number of hours actually worked to 40 hours, with no overtime earned. This is referred to as work period adjustment. The same applies if the employee is given the same number of hours off on any future scheduled work day, falling within that employee's same 28 day work period.

b) Law enforcement and/or detention non-exempt employees shall accumulate no more than 480 hours of compensatory time at any point in time (represents 320 actual overtime hours worked).

c) Law enforcement and/or detention non-exempt employees' overtime hours worked in excess of the compensatory time hourly accumulation limits shall accumulate compensatory time at 1 ½ times the overtime hours worked and then be PAID at the current regular hourly rate received by the employee, on the next regular payday.

d) All law enforcement and/or detention non-exempt employees' requests to take compensatory time off shall be approved, provided the taking of compensatory time does not unduly impact agency operations or the health, safety, or welfare of the public or endanger public property.

e) In all cases where compensatory time off is authorized, once a law enforcement and/or detention non-exempt employee has utilized accumulated compensatory time off so as to reduce their accumulated compensatory time hours below applicable accumulation limits, any additional overtime hours subsequently worked will be compensated with additional compensatory time off, up to applicable accumulation limits. 74 O.S. §840-2.15; 29 U.S.C. §207(o).

f) All law enforcement and/or detention non-exempt employees have one hundred eighty (180) days from the pay period in which any compensatory time was accumulated, to take off that compensatory time. The balance of any such accumulated compensatory time not taken shall be paid at the employee's current base hourly rate of pay, on the next regular payday.

g) All law enforcement and/or detention non-exempt employees' compensatory time must be used before vacation leave, except where the employee is subject to losing such vacation leave due to the application of applicable accumulation limits for vacation leave.

h) When a law enforcement and/or detention non-exempt employee's status changes from non-exempt to exempt status, the employee's accrued compensatory time earned during their non-exempt status shall be paid as wages at the employee's final base hourly rate of pay earned as a non-exempt employee, on the next regular payday.

i) No law enforcement and/or detention non-exempt employee's compensatory time may be transferred from one Oklahoma County office or department to another Oklahoma County office

or department; rather, it shall be paid as wages to the employee, calculated at the average regular rate of pay for the final three (3) years of employment with that office, or the final regular rate received by the employee, whichever is higher.

j) Payment for law enforcement and/or detention non-exempt employees' accumulated compensatory time upon separation from the County shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher.

### 3.10. Holiday Leave Time

Oklahoma County shall observe a total of twelve (12) holidays per calendar year, doing so by providing a total of ninety-six (96) **granted** holiday leave time hours to all active full-time exempt and non-exempt employees, regardless of work schedule, accrued at eight (8) hours per holiday on the date of each holiday as posted in accordance with the provisions of 19 O.S. § 350.

In order to account for the granting and routine use of these holiday leave time hours, employee time sheets will be centrally updated. More specifically, the County Clerk's Payroll division shall automatically add eight (8) hours of earned holiday leave time and eight (8) hours of holiday leave time hours used to the time sheets for all active full-time exempt and non-exempt employees on each observed holiday. On occasion, the number of holiday leave time hours used, only, for certain employees will be edited by their respective department supervisors to reflect exceptions.

The Fair Labor Standards Act (FLSA) requires hours worked to be counted towards overtime eligibility. Hours worked on a posted holiday will qualify towards eligibility for the overtime premium ratio of 1.5. **Holiday leave time hours granted but not used on the date of the posted holiday will not meet this requirement for overtime eligibility, and will be banked for future use or payout at the standard ratio of 1.0.**

- a. An active full-time exempt or non-exempt employee who would otherwise be scheduled to work on a State-recognized holiday may use up to eight (8) holiday leave time hours to account for the time not worked to meet his/her work schedule.

Jane has a work schedule of 8 a.m. – 5 p.m., 1 hour unpaid lunch, Monday to Friday. The holiday is Monday and she does not come to work. Her time sheet is automatically updated (by the County Clerk's Payroll division to reflect both a grant of, and a use of, eight (8) hours of holiday leave time) for the holiday. No additional action to her time sheet is required. Jane receives full pay.

- b. An active full-time **non-exempt** employee's regularly scheduled work day is greater than eight (8) hours. For each State recognized holiday falling on the employee's regular work day, the Elected Official or their representative shall permit the employee to account for the difference between the number of hours in the

employee's scheduled work day and the eight (8) hours of holiday leave time which the employee is granted for that day, by exercising one or more of the following options:

1. Authorize the employee to work additional hours during the same work week;
2. Charge the difference to an accumulated discretionary leave type, or;
3. Record the difference as docked pay.

Julie is an active full-time **non-exempt** employee and has a work schedule of 9 a.m. -7 p.m., no lunch break, Monday to Thursday, 10 hour days. The State-recognized holiday is Monday and she does not come to work. Her time sheet is automatically updated (by the County Clerk's Payroll division to reflect both a grant of, and a use of, eight (8) hours of holiday leave time) for the holiday. She will need to either work two (2) additional hours within the workweek of the holiday with the approval of her supervisor, OR, she will request use of two (2) hours of discretionary leave, either of which option will result in full pay, OR; Julie's pay will be docked for two (2) hours.

- c. A full-time exempt or non-exempt employee is required by the employer to work on the State-recognized holiday. The Elected Official or their representative at their discretion, shall either:
  1. Permit the employee to use within 360 days, up to eight (8) hours of holiday leave time, not to exceed actual time worked on the holiday, or;
  2. Pay the employee for up to eight (8) hours of holiday leave time, not to exceed actual time worked on the holiday, times the employee's current regular hourly rate of pay on the next payday.

Sam has a work schedule of 8 a.m. – 5 p.m., one hour unpaid lunch, Monday to Friday. The State-recognized holiday is Monday and Sam is required to work. His time sheet is automatically updated (by the County Clerk's Payroll division to reflect both a grant of, and a use of, eight (8) hours of holiday leave time) for the holiday. Sam's department supervisor will edit Sam's time sheet by reducing his number of holiday leave time hours used by the number of hours he is at work, up to eight (8) hours. Sam will be permitted to use his unused hours of granted holiday leave time within 360 days, OR, at the Elected Official's or their representative's discretion, he will be paid for each of those hours, times his current regular hourly rate of pay, to be added to his pay on the next payday.

- d. A full-time exempt or non-exempt employee **not** scheduled to work on the State-recognized holiday shall accrue eight (8) hours of holiday leave time. The Elected Official or their representative shall at their discretion, either:
  1. Permit the employee to use up to eight (8) hours of holiday leave time within 360 days, or;
  2. Pay the employee for up to eight (8) hours of holiday leave time, times the employee's current regular hourly rate of pay, on the next payday.

Gary has a work schedule of 8 a.m. – 5 p.m., one hour unpaid lunch, Tuesday to Saturday. The State-recognized holiday falls on Monday, Gary's normal day off for that week. Gary does not come to work. His time sheet is automatically updated (by the County Clerk's Payroll division to reflect both a grant of, and a use of, eight (8) hours of holiday leave time) for the holiday. Gary's department supervisor will edit his time sheet by deleting the entry for holiday leave time used. Gary will be permitted to use up to his eight (8) hours of granted but unused holiday leave time within 360 days, OR, at the Elected Official's or their representative's discretion, Gary may be paid for up to eight (8) hours of holiday leave time, times his current regular hourly rate of pay, to be added to his pay on the next payday.

- e. A full-time **non-exempt** employee is off work on a posted holiday, but works additional hours beyond their normal work schedule in order to meet an employer-required deadline during that same work week. The additional hours worked which fall below the threshold established for eligibility of overtime will accrue as holiday leave time. The Elected Official or their representative shall at their discretion, either:
  - i. Permit the employee to use these up to eight (8) hours of unused holiday leave time within 360 days, or;
  - ii. Pay the employee for up to eight (8) hours of holiday leave time, times the employee's current regular hourly rate of pay, on the next payday.

Sue is a full-time **non-exempt** employee and has a work schedule of 8 a.m. - 5 p.m., 1 hour unpaid lunch, Monday to Friday. The holiday is Monday, she does not come to work. Her time sheet is automatically updated (by the County Clerk's Payroll division to reflect both a grant of, and a use of, eight (8) hours of holiday leave time) for the holiday. Sue's supervisor assigns her a project with a deadline that must be met by Friday of that same week. With supervisor approval, Sue works until 7 p.m. on Tuesday and Wednesday. Sue's supervisor edits Sue's time sheet to reduce her number of holiday leave time hours used earlier that week by four (4) hours. Sue will



be permitted to use up to these four (4) hours of holiday leave time within 360 days, OR, at the Elected Official's or their representative's discretion, Sue may be paid for up to four (4) hours of holiday leave time, times her current regular hourly rate of pay, to be added to her pay on the next payday.

When a full-time exempt or non-exempt employee with an accrued holiday leave time balance transfers to another Oklahoma County office or department, the employee will NOT be paid for the balance of accrued holiday leave time hours; the holiday leave time balance will instead be transferred with the employee to the employee's new Oklahoma County office or department.

Holiday leave time, when taken, must be requested and granted in accordance with departmental leave request policies.

Holiday leave time shall NOT accrue or be used at any time prior to the posted date of the holiday.

Upon separation from Oklahoma County, a full-time exempt or non-exempt employee will be paid for the balance of their accrued holiday leave time hours, times the employee's current regular hourly rate of pay, on the next regular payday.

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

All Oklahoma County Elected Officials and employees shall be paid monthly. The pay period shall start the 21<sup>st</sup> of the previous month on which the pay day is scheduled and end on the 20<sup>th</sup> of the month in which the pay day is scheduled. The regular payday shall be on the last working day of each month worked. Oklahoma County allows direct deposit or pay card for the payment of wages. Employees can expect confirmation of the regular payroll deposit in their financial institution by midnight of the regular payday. Deposit advices will normally be distributed by 9:00 a.m. on the day before regular payday. When a payday falls on a holiday or other non-scheduled workday, employees will normally be paid on the last preceding work day.

Each employee's hourly rate of pay will be compensated based upon the methodology presented in Addendum: Time and Leave.

[19 O.S. §153 , 40 O.S. §165.2](#)

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### 3.12. Payroll Deductions

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

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

19 O.S. §153; 40 O.S. §§165.2 to 165.3  
<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=67364>  
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## SECTION 4: LEAVE BENEFITS

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

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

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

## 4.1. Vacation Leave

Vacation leave is intended to be used for vacations, personal business and other time off work not covered by other paid leave or holiday provisions.

Vacation leave is earned. Vacation leave is posted as 1/12 of the annual total allowed at the employee's service level, and is available to use 2 business days prior to pay day each month.

Eligible full-time employees shall accrue vacation leave, as noted above, provided hours reported on their time sheet each pay cycle do **not** include any of the following:

1. Any unpaid leave category:
  - a. Absent without leave – should be used when an employee has no eligible paid leave to use during an unavoidable instance where they are not at work.
  - b. FMLA leave unpaid –is used to record eligible FMLA hours the employee is not at work and has exhausted the concurrent use of all eligible paid leave categories.
  - c. Military leave unpaid –is used when an employee has been deployed for military service.
  - d. Administrative leave unpaid – is used only with Elected Official or their representative's discretion.
  - e. Leave of absence without pay – should only be used when an employee has a need for an extended absence without paid leave not to exceed 6 months.
2. Paid shared leave
3. Paid workers' comp leave
4. Suspension or
5. Layoff.

Vacation leave earned shall be **reduced** for the pay cycle that an employee's time sheet reports any of the above listed unpaid or paid leave types.

Vacation rules are as follows:

1. Temporary or part-time employees do not accrue Vacation leave.
2. Vacation leave accrual rates, based on years of service, change on the first day of the employee's anniversary month of hire, or re-hire.
3. Vacation leave must be earned before it is used.
4. Vacation leave may be used for sick leave.
5. No vacation will be longer than 10 consecutive work days, (80 hours), without permission of the appropriate Elected Official or their representative.
6. Vacation leave balance will not be reduced for any County-approved Holiday that falls within the scheduled absence.

7. Vacation leave balance accrued in excess of established limits will be lost each year if not used by June 30th, Oklahoma County's fiscal year end.
8. If a full-time exempt or non-exempt employee is off work using Vacation leave when an emergency shutdown of the buildings is declared, the employee shall receive no Emergency Shutdown Leave, and must continue to use Vacation leave as originally scheduled.
9. Vacation leave balance will transfer with an employee to another Oklahoma County office or department.
10. Vacation leave will not be used in case of absence due to illness or injury for which Workers' Compensation benefits are received, other than during the mandatory three day waiting period before which the employee's Workers' Compensation benefit payments commence.
11. Vacation schedules are subject to the employee's Elected Official or their representative's prior approval.
12. Upon separation, an employee will be paid for the balance of accrued Vacation leave up to the accumulation limit at their current hourly rate of pay.

19 O.S. §1301; 74 O.S. §840-2.20

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## 4.2. Sick Leave

An employee may utilize sick leave for the following reasons:

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

Sick leave is earned. Sick leave is posted as 1/12 of the annual total allowed at the employee's service level, and is available to use 2 business days prior to pay day each month.

Eligible full-time employees shall accrue sick leave, as noted above, provided hours reported each pay cycle do **not** include any of the following:

1. Any unpaid leave category:
  - a. Absent without leave – should be used when an employee has no eligible paid leave to use during an unavoidable instance where they are not at work.
  - b. FMLA leave unpaid – is used to record eligible FMLA hours the employee is not at work and has exhausted the concurrent use of all eligible paid leave categories.
  - c. Military leave unpaid – is used when an employee has been deployed for military service.
  - d. Administrative leave unpaid – is used only with Elected Official or their representative's approval.

- e. Leave of absence without pay – should only be used when an employee has a need for an extended absence without paid leave not to exceed 6 months.
2. Paid shared leave
3. Paid workers' comp leave
4. Suspension or
5. Layoff

Sick leave earned shall be **reduced** for the pay cycle that an employee's time sheet reports any of the above listed unpaid or paid leave types.

Sick Leave rules are as follows:

1. Temporary or part-time employees do not accrue Sick leave.
2. Sick leave must be earned before it is used.
3. Sick leave will not be used for vacation leave.
4. Sick leave balance will not be reduced for any County-approved Holiday that falls within the scheduled absence.
5. Upon separation, an employee will NOT be paid for the balance of accrued Sick leave.
6. A physician's statement and release is required when an employee has been absent for two or more days upon the employee's return to work. However, the Elected Official or their representative may require a physician's statement and/or release when an employee has been absent due to illness for two days, or less.
7. If an employee becomes ill while on Vacation leave, proof of illness will be required in order for the employee to substitute Sick leave for Vacation leave taken.
8. Sick leave will not be used in case of absence due to illness or injury for which Workers' Compensation benefits are received, other than during the mandatory three day waiting period before which the employee's Workers' Compensation benefit payments commence.
9. Sick leave balance will transfer with an employee to another Oklahoma County office or department.
10. If a full-time exempt or non-exempt employee is off work using Sick leave when an emergency shutdown of the buildings is declared, the employee shall receive no Emergency Shutdown Leave, and must continue to use Sick leave as originally scheduled.
11. A total of up to one hundred and thirty (130) days may be added to the employee's service time for retirement credit, based on the number of unused sick leave days which the employee has accumulated at the time of their retirement. Twenty (20) days of unused sick leave shall equal one (1) month for purposed of determining service credit. In determining the number of years of service credit counted toward retirement eligibility, a fractional year of less than six (6) months shall equal zero (0) years and six months or more shall equal one (1) year. Accrued but unused sick leave at employment termination may be used to achieve retirement eligibility but in no way used to extend the date of termination or be considered for vesting purposes. 19O.S. §1301; 74 O.S. §840-2.20.

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### **4.3. Leave Sharing**

An employee may donate Vacation or Sick leave time to another employee only pursuant to the following conditions: The receiving employee has exhausted, or will exhaust, all forms of paid leave due to illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature and which is considered by the Elected Official or their representative as an eligible FMLA event with medical certification required.

The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment.

The supervising officials of both the Recipient Employee and the Donor Employee approve the leave sharing arrangement.

The receiving employee has been a full-time employee and has at least twelve (12) months of service.

The receiving employee has abided by County policies regarding the use of leave.

All donated leave must be given voluntarily. No employee shall pressure or coerce or financially induce another employee to donate vacation or sick leave for purposes of the leave sharing program.

The donating employee may donate any amount of vacation leave and sick leave, provided the donation does not cause the vacation leave balance of the employee to fall below eighty (80) hours or ten (10) days and provided the donation does not cause the sick leave balance of the employee to fall below eighty (80) hours or ten (10) days.

Employees may not donate excess vacation or sick leave that the donor would not be able to otherwise take.

Donated annual or sick leave is transferable between employees on an hour to hour basis irrespective of the hourly wage of the donating or receiving employee.

Any donated leave may only be used by the recipient for the purposes specified in this section.

Any donated leave not used by the recipient during each occurrence as determined by the recipient's Elected Official or their representative shall be returned to the donor. The donated leave remaining will be divided among the donors on a prorated basis and reinstated to the original leave balance of each donor.

The maximum amount of shared leave an employee may receive during their employment with the county is two hundred sixty-one (261) days (2,088 hours) of shared leave.

#### 4.4. Emergency Shutdown Leave (formerly Paid Personal Leave)

Oklahoma County shall **grant** emergency shutdown leave to its full-time exempt and non-exempt employees only, regardless of work schedule, in instances involving an emergency shutdown of the County buildings or sites where those employees are assigned to work. An emergency shutdown occurs when the Chair or Vice Chair of the Board of County Commissioners, or in their absence, the Emergency Management Director, has declared formal closing, the late-opening, or the early closing of the building or site due to:

1. Emergency evacuation (bomb threat, fire, chemical spills, etc...)
2. Severe weather conditions (snow, ice, tornadoes, hurricanes, etc...)
3. Unsafe conditions of County buildings or sites where employees are assigned to work (structural damage, incapacitated water supply, power outage, etc...)

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

Those departments that must stay open during the above conditions should require chief and first deputies, and supervisors, or department directors to remain in the office to carry out those duties, if at all possible.

Emergency shutdown leave hours shall only accrue based on the work schedule of the employee at an hour for hour basis for the time that the buildings or job sites remain shut down to those employees assigned to work there.

Hours granted for any emergency shutdown shall be loaded by the County Clerk's Payroll division, on behalf of the affected employees.

The Fair Labor Standards Act (FLSA) requires that only hours actually worked be counted as hours worked in accordance with FLSA. Hours worked in excess of regular hours, as defined in FLSA, will qualify for overtime at a premium factor of 1.5 per hour worked. **Emergency shutdown leave will NOT meet this requirement for overtime and therefore will only accrue hour for hour.**

- A. If a full-time exempt or non-exempt employee is regularly scheduled to work on a day on which the building or site at which the employee is assigned is closed due to an emergency, as outlined above, and does not remain at or come into work during those hours for which the building or site is closed to them due to an emergency shutdown, emergency shutdown leave hours shall be used to account for the time not worked.

Jane has a work schedule of 8 a.m. – 5 p.m., 1 hour unpaid lunch, Monday to Friday. The building is closed on Monday due to inclement weather, she does not come to work on Monday and records the use of 8 hours of emergency shutdown leave on her time sheet for Monday. She receives full pay.

- B. If a full-time exempt or non-exempt employee is required to work during a declared

emergency shutdown which falls on a day they are regularly scheduled to work, the Elected Official or their representative at their discretion, shall either:

1. Permit the employee future time off work not to exceed actual hours worked during the period of the emergency shutdown falling within the employee's regular work schedule, to be taken within 360 days, or;
2. Pay the employee for emergency shutdown leave hours, not to exceed actual hours worked during the period of the emergency shutdown falling within the employee's regular work schedule, times the employee's current regular hourly rate of pay, on the next payday.
3. In the event the employee actually works fewer than their regularly scheduled hours due to an emergency shutdown, emergency shutdown leave hours must be used to account for the difference between the number of hours worked and the number of hours that the shutdown falls within the employee's regular work schedule.

Sam has a work schedule of 9 a.m. -7 p.m., no lunch break, Monday to Thursday. The building is closed on Monday due to inclement weather and Sam is required to work for his full shift that day. Sam will either bank 10 hours of emergency shutdown leave to use in the future, OR, at the Elected Official's or their representative's discretion, Sam will be paid 10 hours times his current regular hourly rate of pay, to be added to his pay on the next payday.

**IF** Sam comes to work for 4 hours during the time which an emergency shutdown falls within his regular work schedule, and then goes home, the above will apply for the 4 hours that he was at work, however, he will also record use of 6 hours of emergency shutdown leave on his time sheet.

George has a work schedule of 8 a.m. – 5 p.m., one hour unpaid lunch break, Monday to Friday. The building is closed on Monday due to inclement weather and George is required to work for his full shift for that day. George will either bank 8 hours of emergency shutdown leave to use in the future, OR, at the Elected Official's or their representative's discretion, George will be paid 8 hours times his current regular hourly rate of pay, to be added to his pay on the next payday.

**IF** George comes to work for 4 hours during the time which an emergency shutdown falls within his regular work schedule, and then goes home, the above will apply for the 4 hours that he was at work, however, he will also record use of 4 hours emergency shutdown leave on his time sheet.

George has a work schedule of 8 a.m. - 5 p.m., one hour unpaid lunch break, Monday to Friday. Sam has a work schedule of 9 a.m. - 7 p.m., no lunch break, Monday to Thursday. The building closes Monday at noon due to inclement weather. George and Sam are required to work for the rest of their full shift for that day.

George will either bank 4 hours of emergency shutdown leave to use in the future, OR, at the Elected Official's or their representative's discretion, George will be paid 4 hours times



his current regular hourly rate of pay, to be added to his pay on the next payday. Sam will either bank 7 hours of emergency shutdown leave to use in the future, OR, at the Elected Official's or their representative's discretion, Sam will be paid 7 hours times his current regular hourly rate of pay, to be added to his pay on the next payday.

- C. If a full-time exempt or non-exempt employee is not scheduled to work, per their regular work schedule, during a declared emergency shutdown, and they are not required to come into work, the employee will receive no emergency shutdown leave.

Gary has a work schedule 8 a.m. - 5 p.m., one hour unpaid lunch, Tuesday to Saturday. The building is closed on Monday, Gary's normal day off for that week, due to inclement weather. Gary does not come to work on Monday. Gary will receive no Emergency Shutdown Leave, as he is not entitled to any.

- D. If a full-time **non-exempt employee** is off work due to a declared emergency shutdown of the building or site to which they are assigned to work, but works additional hours beyond their normal workweek schedule in order to meet an Employer-required deadline during that same workweek, those additional hours worked which fall below the threshold established for eligibility of overtime will accrue as emergency shutdown leave and will be banked for the employee by the County Clerk's Payroll division;

Sue is a full-time non-exempt employee and has a work schedule of 8 a.m. - 5 p.m., 1 hour unpaid lunch, Monday to Friday. The building is closed on Monday due to inclement weather, she does not come to work on Monday and records 8 hours of emergency shutdown leave on her time sheet for Monday. She receives full pay for that day. The next day, Sue's supervisor assigns her a project with a deadline that must be met by Friday of that same week. With her supervisor's approval, Sue works until 7 p.m. on Tuesday and Wednesday. Sue will receive 4 hours of emergency shutdown leave to take off in the future, OR, at the Elected Official's or their representative's discretion, Sue will be paid for 4 hours times her current regular hourly rate of pay, to be added to her pay on the next payday.

- E. If a full-time exempt or non-exempt employee is off work using a paid leave category when an emergency shutdown of the buildings is declared, the employee shall receive no Emergency Shutdown Leave, and must continue to use paid leave as originally scheduled.

Karen has a work schedule of 8 a.m. – 5 p.m., 1 hour unpaid lunch, Monday to Friday. Karen has properly requested to use paid leave for Monday to Wednesday of that week. The building is closed on Monday of that week due to inclement weather and she does not come to work on Monday. Karen will receive no emergency shutdown leave as she is not entitled to any, and will record the use of the properly requested paid leave for Monday to Wednesday on her time sheet. She receives full pay.

- F. If an employee is off work in an unpaid status without leave, no Emergency Shutdown Leave will be granted.

When a full-time exempt or non-exempt employee with an accrued emergency shutdown leave balance transfers to the office of another Oklahoma County office or department, the employee will

NOT be paid for the balance of accrued emergency shutdown leave hours; the emergency shutdown leave balance will instead be transferred with the employee to the employee's new Oklahoma County office or department.

Emergency shutdown leave, when taken, must be requested and granted in accordance with departmental leave request policies.

Emergency shutdown leave shall NOT be accrued or used at any time prior to the date and time for which the emergency shutdown is declared.

Upon separation from the County, a full-time exempt or non-exempt employee will be paid for the balance of their accrued emergency shutdown leave hours times the employee's current regular hourly rate of pay, on the next regular payday.

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

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

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

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

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

1. The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal, State or municipal court as a witness or juror. The employee will be required to provide satisfactory documentation requiring their appearance as a witness or juror that details their dates of service.
2. The employee will receive his/her regular compensation during the time he/she is serving on

jury duty and, the employee may retain all compensation or fees which he/she receives for serving as a juror.

3. If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her worksite and provide a release form from the courts.
4. The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions, the employee must take vacation leave, compensatory time or leave without pay.

38 O.S. §§ 34-35

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

Employees shall be granted time off with pay not to exceed three (3) scheduled working days to attend the funeral in the event of the death of the employee's parent, child, spouse, brother, sister, in-laws, grandparent, grandchild, great grandparent, great grandchild, uncle, aunt, nephew, or niece. Any additional time shall be charged to accrued compensatory time, emergency shutdown leave, holiday leave, vacation leave, or absent without leave available.

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

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

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

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

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

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

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

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

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

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

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

During the first thirty (30) calendar days in which an employee is on an approved military leave of absence in any federal fiscal year, the employee shall continue to receive their full regular rate of pay for such military leave of absence. The federal fiscal year is October 1st to September 30th. Such requested leave shall be supported with copies of the armed forces orders. 44 O.S. §209; 72 O.S. § 48; Title 38 U.S. Code, Chapter 43, Sections 4301-4335

<https://webapps.dol.gov/elaws/vets/userra/>.

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

When an employee is off work and has no available accrued paid leave, this is an unexcused absence for which the employee shall not be compensated. Excessive use of Absent Without Leave Available may result in disciplinary action. Absent Without Leave Available is not an approved Leave of Absence Without Pay or FMLA event. Absent Without Leave Available is short term in nature.

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

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

The employee may continue to carry Oklahoma County health insurance coverage during Leave of Absence Without Pay. The monthly premium, as determined by the Oklahoma County Budget Board, must be paid by the employee by the 1<sup>st</sup> of each month during such leave. Failure to make premium payments will result in the termination of health insurance coverage. If an employee terminates coverage and then later returns from leave, they may re-enroll for health insurance coverage. Health insurance coverage would be effective the first day of the month following the re-enrollment.

If an employee desires to continue retirement benefits during Leave of Absence Without Pay, they must pay a certain percentage of their gross salary (12 percent) or an amount as established by the Oklahoma County Retirement Board. This amount must be paid by an employee by the 10th of each month during such leave. While on Leave of Absence Without Pay, service credit time does not accrue. See the Oklahoma County Retirement Plan Document for further information.

Employees desiring to retain County-parking privileges during leave must pay their monthly fee to the Board of County Commissioners. If an employee does not choose to retain parking, they must turn in their transponder prior to taking a Leave of Absence Without Pay.

If termination of employment occurs upon the completion of a Leave of Absence Without Pay, the employee may elect to continue insurance coverage under the Consolidated Omnibus Budget Act (COBRA) program, if eligible.

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

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

In all accepted claims, Oklahoma County employees will be provided their regular monthly salary for up to one month, plus the balance of the month they were injured, if an employee is required to miss work because of a compensable injury or illness, as determined by the County's authorized physician. This benefit will be paid after a three (3) day waiting period, as mandated by the Oklahoma Statutes (85A.O.S. §45A.(1)).

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

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

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

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

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

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

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

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

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

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

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

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

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

#### WORKERS' COMPENSATION FRAUD: (21 O.S. §1663)

A person is guilty of Workers' Compensation Fraud who:

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

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

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

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

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

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

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

##### **FMLA Policy**

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

##### **Eligibility**

In order to be eligible for FMLA, you must (1) have worked for Oklahoma County for at least 12 months, and (2) have worked at least 1,250 hours during the 12 months preceding the beginning of your leave. The 12 months worked in (1) above, do not have to be consecutive, but employment

breaks of seven years or more do not have to be counted unless the employee was on active duty with the National Guard or Reserve.

## **Reasons for FMLA**

You may take FMLA for any of the following reasons:

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

Leave because of reasons “1” or “2” must be completed within the 12 month period beginning on the date of birth or placement. If both the husband and wife work for Oklahoma County, the combined total of leave taken may not exceed twelve (12) weeks for reasons “1” and “2” or twenty-six (26) weeks if leave is to care for a covered service member with a serious injury or illness.

## **Military FMLA**

### **Military Caregiver Leave**

If you are the spouse, son, daughter, parent, or next of kin of a Covered Service member, you may take a total of 26 weeks of unpaid FMLA leave within a twelve (12) month period to care for the covered military service member. Military Caregiver Leave, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single (twelve (12) month period. **Note: You are entitled to a total of 26 weeks of Military Caregiver Leave during a 12 month period. The 12 month period mentioned in this subsection on Military Caregiver Leave begins on the first day you take FMLA leave to care for a covered military service member and ends 12 months after that date.**

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

If you are requesting Military Caregiver Leave to care for a covered military service member, you must supply appropriate certification completed by an authorized health care provider of the covered



military service member. When you request Military Caregiver Leave, the Elected Official or their representative will notify you of the requirement for certification and when it is due (15 days after you request leave). Failure to provide the requested certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided.

### **Military Qualifying Exigency Leave**

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

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

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

### **Covered Active Duty**

Covered Active Duty means - in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10 of the United States Code.

### **Covered Military Member**

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

### **Covered Service Member**

Covered Service Member means - a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Or, a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the

National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

### **Next of Kin**

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

### **Serious Injury or Illness**

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

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

### **Veteran**

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

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

### **Qualifying Exigency**

### **Short-Notice Deployment**

To address any issue that arises from the fact that a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation seven (7) or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation.

### **Military Events and Related Activities**

To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of a Covered Military Member. Also, to attend family support

or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a Covered Military Member.

### **Childcare and School Activities**

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

### **Financial and Legal Arrangements**

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

## **Counseling**

To attend counseling provided by someone other than a health care provider for yourself, for the Covered Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a Covered Military Member.

## **Rest and Recuperation**

To spend time with a Covered Military Member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to five (5) days of leave for each instance of rest and recuperation.

## **Post-deployment Activities**

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

## **Additional Activities**

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

## **Notice of Leave**

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

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

leave as qualifying for FMLA.

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

### **Eligibility Notice**

When an employee requests FMLA leave or the employer finds out that an employee may need leave for an FMLA-qualifying reason, it must notify the employee within five (5) business days of his or her eligibility to take the leave and any additional requirements for qualifying, absent extenuating circumstances. This eligibility notice must provide information about the employee's eligibility for leave, detail the employee's specific responsibilities and explain any consequences for failing to meet those responsibilities. The notice must tell the employee whether he or she is eligible and if the employee is not eligible for leave, must tell the employee the reason for ineligibility.

### **Medical Certification**

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

### **Recertification While on FMLA Leave**

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

### **FMLA Leave is Unpaid**

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

### **Medical and Other Benefits**

During an approved FMLA leave, Oklahoma County will maintain your health benefits, as if you

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

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

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

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

### **Key Employee**

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

### **Return from Leave**

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

An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, unless you were designated a "key employee" when you received your certification for FMLA leave. The taking of

FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

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

## **Forms**

The following forms are approved by the Department of Labor and should be used for FMLA documentation. The most current version of the forms may be obtained from the Department of Labor website <https://www.dol.gov/agencies/whd/fmla/forms>.

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

## **Additional Information**

Additional information regarding FMLA may be accessed using the Department of Labor website at <https://www.dol.gov/agencies/whd/fmla/employee-guide>

### **4.17. Transfer of Oklahoma County Functions to an Outside Entity – Compensable Leave Balances**

Upon the transfer of a function in Oklahoma County government to an entity outside of Oklahoma County government, employees may, with the agreement of the outside entity, waive payment for leave accumulations to which the employee is entitled and authorize the transfer of the leave accumulations or a portion thereof to the outside entity.

## **SECTION 5: EMPLOYEE SAFETY**

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

Our Goal: “An Injury Free Workplace”

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

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

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

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

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

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

### **5.2. Employee Safety Rules**

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



## **Definitions**

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

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

## **General Rules**

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

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

Specific rules and responsibilities are outlined in the applicable Safety policies and procedures. A complete copy of all Safety policies and procedures can be found on the Oklahoma County Intranet site "Infozone" on the Safety page or in the Health and Safety Department.

## **Disciplinary Program**

1. The main objective of our disciplinary program is to ensure that Oklahoma County rules and safe work practices are taken seriously by all employees and are followed.
2. Where disciplinary action is deemed to be appropriate, it shall be conducted in timely manner.
3. Trying to correct unsafe behavior by waiting only allows the behavior or habit to become more ingrained.
4. The goal is to correct the problem, action, or behavior of the person. The type of discipline shall fit the severity of the misconduct and shall be conducted in private.

## **Enforcement Policy**

This policy is applicable to all employees. All employees are required to comply with the Occupational Safety and Health Act, Oklahoma Department of Labor Regulations, Oklahoma County

Employee Handbook and all other applicable regulations. Failure to comply with these regulations, policies and procedures may result in disciplinary action up to and including termination.

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

### **5.3. Safety Training**

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

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

This training will include, but not be limited to:

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

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

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

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

1. An incident involving injury arising solely out of and in the course of employment shall be reported by the employee to their supervisor as soon as possible, but before the end of the work shift of the injury. Failure to do so, or to follow Workers' Compensation procedures, may be reason for denying the claim.
2. No employee who is off work as a result of any injury shall be engaged in any off-duty employment, gainful or otherwise, or any physical activity that would in any way prolong the employee's chance of a speedy recovery.
3. An eligible employee of Oklahoma County who is injured on the job shall be provided medical services and treatment in accordance with the Workers' Compensation Leave of Absence (WCLOA) policies and procedures in the Employee Handbook.

4. Each Elected Official or their representative may identify a position or assignment that may be available to accommodate light duty work to assist injured employees. Employees on WCLOA may return to duty at the earliest possible date. Employees on WCLOA may be assigned to light or limited duty by their Oklahoma County Elected Official or their representative when the employee's physical condition permits such assignment. If a light/modified duty assignment can be identified and if Oklahoma County's physician or any physician recognized by Oklahoma County determines that the injured employee can do the assignment, the employee may be offered the assignment. Such assignment is only for a temporary period of time. No employee can expect a permanent modification to essential job functions or to make temporary assignments permanent. If the employee does not return to work after receiving a Return to Work Authorization by the treating physician, or if the employee does not provide a medical report that would vary from that of the releasing physician, he/she will be deemed to have voluntarily resigned after any unexcused absence of two (2) working days.
5. All medical treatments will be provided by an authorized and approved medical provider. If an employee seeks medical treatment from a physician without authorization, the claim may be denied.

## **Injury Reporting**

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

- By completing the "Worker Injury Form" found on the county intranet site "Infozone" on the Safety page within twenty four (24) hours or one working day, or,
- By telephone to a Safety Coordinator, or to the Director of Health and Safety, immediately after the accident happens.
- Signing the printed form and submitting the completed form to the Oklahoma County Health and Safety Department within five (5) business days.
- The injured employee will need to maintain contact with their supervisor or department head daily unless instructed otherwise by the supervisor or department head. In addition injured employees will need to maintain at least weekly contact with the Oklahoma County Health and Safety Department until released to a full duty status.

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

When an Oklahoma County employee is working off-duty for a private employer, the private employer is responsible for providing workers' compensation coverage for injuries resulting while working for the private employer. 85A O.S. §3A

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

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

## **5.6. Electrical Appliance Policy**

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

Heaters MUST:

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

Coffee makers MUST:

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

Hot plates:

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

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

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

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

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

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

## **SECTION 6: BENEFITS**

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

Detailed benefit information is available on the Oklahoma County website.

### **6.1. Eligible Employee**

For the purposes of health care benefits, the term "Eligible Employee" shall mean a full-time employee of Oklahoma County. An employee is considered to be full-time if he or she normally is scheduled to work an average of thirty (30) or more hours per week. For the purposes of this provision, the term week shall mean any period of seven consecutive days, which need not be the same as a calendar week, during which the employee works forty (40) hours, except law enforcement and/or detention hours which are based on a twenty-eight (28) consecutive day period of up to one hundred seventy one (171) total hours. Temporary, part-time, and seasonal employees are not eligible for benefits.

### **6.2. Waiting Period**

Qualification begins on the 1<sup>st</sup> of the month following 60 days of employment.

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

Each participant shall become effective on the first day of the month after he or she completes the employment waiting period of sixty (60) days and as employee and completes an application for coverage on or before that date. A "waiting period" is the time between the first day of employment

and the first day of coverage. An exception to the sixty day waiting period is made for a full-time employee coming directly to the employment of Oklahoma County from other full-time governmental service within the State of Oklahoma, without a break in employment and for elected officials. For purposes of this exception, “without a break in employment” shall be defined as employment, which begins with Oklahoma County within six (6) months of said employee’s departure from the previous full-time governmental service.

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

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

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

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

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

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

1. New employee
2. Divorce
3. Marriage
4. Birth or adoption of a child
5. Death of a spouse or child
6. Loss of coverage due to a loss of a spouse’s employment

If you experience a change of family status, please contact the Oklahoma County Benefits and Retirement Department within 31 days to complete the necessary forms.

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

## **6.7. Annual Enrollment**

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

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

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

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

Participants have thirty (30) calendar days from their termination date to submit a retirement application to be eligible for retiree health and/or life insurance coverage at retiree rates. Further information can be obtained from the Benefits and Retirement Department and is available on the County website.

## **6.9. 457 Retirement Plans**

In addition to the Oklahoma County Defined Retirement Plan, Oklahoma County offers eligible employees the opportunity to contribute their own money into a 457 retirement plan.

## **6.10. Life Insurance**

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

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

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

1. Childcare and eldercare resources with referrals
2. Financial and legal issues
3. Child and parenting support services
4. Retiree assistance
5. College resources/checklist
6. Unlimited health coaching

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



## **EAP Wellness Coach**

Oklahoma County encourages participation in the EAP Wellness service to assist you and your household members in achieving your health and wellness goals. This service includes unlimited access to a professional wellness coach via telephone and instant messaging. Working with a wellness coach is the perfect opportunity to set and achieve your goals. A wellness coach can help with:

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

Detailed information is available on the County website.

### **6.12. Credit Union**

All full and part-time employees are eligible to join Oklahoma Credit Union immediately upon employment.

### **6.13. Optional Benefits**

Oklahoma County provides their employees with the opportunity to enroll in additional Optional Benefits. These benefits are 100% employee paid:

1. Flexible Spending Accounts
2. Dependent Child Care Accounts
3. 457 Retirement Accounts
4. Term Life & AD&D Insurance
5. Whole Life Insurance
6. Short-Term Disability Insurance
7. Long-Term Disability Insurance
8. Accident Insurance

9. Cancer Insurance
10. Critical Illness Insurance
11. Medical Bridge
12. Discounted Gym Membership
13. Legal Shield
14. Credit Monitoring & Protection
15. Auto and Home Insurance

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

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

## **Employee Acknowledgement Form**

This is to acknowledge that I have received a copy of the Oklahoma County Employee Handbook approved by the Oklahoma County Budget Board and adopted by the Oklahoma County Board of County Commissioners, and I understand that it outlines the policies and practices that apply to me as an employee.

I understand it is my responsibility to familiarize myself with all information in the Employee Handbook. Since the information, policies and benefits, described in this handbook are subject to change, I understand and agree that such changes can be made either by the Oklahoma County Budget Board upon adoption of the Oklahoma County Board of County Commissioners, or, by each Oklahoma County Elected Official in the case of individual departmental policies (as described in Section 2.22.) which may apply to their respective employees. Provided, any changes made by an Oklahoma County Elected Official to the policies and practices described in the Employee Handbook, which are intended to apply to said Elected Official's employee's only, must first be reduced to writing, approved by the Oklahoma County Budget Board and adopted by the Oklahoma County Board of County Commissioners, then copies provided to the affected employees in order to be effective. I understand this Employee Handbook and any aforementioned properly-adopted supplemental departmental policies represent the sole policy of each Oklahoma County Elected Official and replaces and supersedes any and all other oral or written personnel policies or procedures.

I understand this Employee Handbook is not, nor is it intended to be, a contract of employment. I understand I am an **employee-at-will** and understand that Oklahoma County retains the right to terminate employees at any time for any reason not prohibited by Federal, State or Municipal law, and I also understand employees can terminate their own employment at any time.

Furthermore, I acknowledge that the Oklahoma County Employee Handbook is neither a contract of employment nor a legal document. I have received a copy of the Employee Handbook and I understand that it is my responsibility to read and comply with the policies contained in the Employee Handbook and any revisions made to it. I understand that it is my responsibility to routinely check with my Supervisor, Human Resources representative and/or the Information for any updates or changes to this Handbook. I understand that this signed Employee Acknowledgement Form will be placed in my personnel file.

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

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

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

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

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

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

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

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

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

## Wage Withholding Authorization

### For Oklahoma County

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

I understand that once my employment is terminated or ends for whatever reason, it is my responsibility to ensure all of the property listed below is returned to my Elected Official's Human Resources Representative, within 72 hours of my leaving employment.

I hereby expressly agree, as shown by my signature below, that in the event that I fail to return any of the property itemized herein below within 72 hours of leaving employment, that Oklahoma County is given my permission to withhold from my final paycheck an amount equal to the value as listed below of any property not returned by me, except to the extent such is prohibited by federal or state minimum wage law.

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

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

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

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

**COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT**

I, \_\_\_\_\_, have read, understand and have in my possession the Oklahoma County Employee Handbook. I agree as a condition of employment to follow the policies in this handbook, and if there is at any time something that I do not understand, I agree to ask a county representative.

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

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

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

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

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

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

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

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

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

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

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

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

**ADDENDUM: TIME AND LEAVE**

**Oklahoma County full time employees are paid on an exception pay business model.**

An annual salary is set for each full time employee by the Elected Official or their designated representative. The **position** that employee holds determines the classification of Exempt or Non-Exempt as defined in the Fair Labor Standards Act.

One twelfth (1/12) of the salary is paid on the last working day of each month. Provides for consistent pay each month regardless of the number of available work hours in the pay period.

Oklahoma County has two employee classifications for purposes of determining hourly rate of pay **AND** eligibility to earn compensatory time for Non-Exempt positions:

Regular (Civilian) – 40 hours per work week

12:01a.m. Sunday to 12:00 midnight Saturday

$$\begin{aligned} 40 \text{ hours} \times 52 \text{ weeks} &= 2,080 \text{ annual hours} \\ \text{Annual Salary} / 2,080 &= \text{Hourly Rate of Pay} \end{aligned}$$

Employee must work in excess of 40 hours each work week to be eligible to earn compensatory time that is accrued at the factor of 1.5 x hours over 40 for that work week. Each work week must be reviewed independently for this calculation eligibility and regardless of when the payday falls in the month. If the payday falls outside of the work week review for eligibility, COMP will not be accrued for that payday.

Law Enforcement and/or Detention – 171 hours per 28 day work period

29 C.F.R. § 553.211(a) the work period begins at 12:01a.m. on Sunday and continues on a twenty eight (28) day cycle ending at midnight on Saturday four (4) weeks later. The latter work period for all law enforcement personnel is intended to qualify for the exemption permitted under Section 7(K) of the Fair Labor Standards Act, as amended.

$$\begin{aligned} 171 \text{ hours} \times 13 \text{ 28 day work periods} &= 2,223 \text{ annual hours} \\ \text{Annual Salary} / 2,223 &= \text{Hourly Rate of Pay} \end{aligned}$$

Employee must work in excess of 171 hours each 28 day work period to be eligible to earn compensatory time that is accrued at the factor of 1.5 x hours over 171 for that work period. Each work period must be reviewed independently for this calculation eligibility and regardless of when the payday falls in the month. If the payday falls outside of the work period review for eligibility, compensatory time will not be accrued for that payday.