



**EMPLOYEE
PERSONNEL POLICY
HANDBOOK**

**WAGONER COUNTY
2011**

Revisions from the 2010 handbook are underlined.

PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE

READ CAREFULLY BEFORE SIGNING BELOW

EMPLOYEE PERSONNEL POLICY HANDBOOK
EMPLOYMENT
ACKNOWLEDGEMENT FORM

This is to acknowledge that I have received a copy of the Employee Personnel Policy Handbook adopted by Wagoner County and understand that it outlines my privileges and obligations as an employee with Wagoner County.

I further understand that I am governed by the contents of the Employee Personnel Policy Handbook and that it is my responsibility to familiarize myself with all information in the 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 by the County at its sole and absolute discretion, and I agree to observe these changes in all respects.

I further understand this handbook is not nor is it intended to be a contract of employment. I further understand the County Elected Officer retains the right of employment-at-will to terminate his/her employees at any time for any reason not prohibited by Federal, State or Municipal law, and also employees can terminate at will.

I further understand that this handbook represents the sole policy of the county and replaces and supersedes any and all other oral or written personnel policies or procedures.

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

Employee's Name
(Printed or Typed)

Employee's Signature

Date _____

PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE
READ CAREFULLY BEFORE SIGNING BELOW

COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT

I, _____, understand that overtime for eligible employees pursuant to the Fair Labor Standards Act 29 U.S.C. Section 207 (0)(2) shall be paid as compensatory time off in lieu of cash overtime payment under the guidelines of the Fair Labor Standards Act outlined in the County's Employee Personnel Policy Handbook.

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

Employee's Signature

Employer Representative Signature

Date Signed

INTRODUCTION

An interesting and challenging experience awaits you as an employee of Wagoner County. In order to answer questions you may have concerning the County and its 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 conditions of employment Wagoner County expects you to follow. The conditions stated herein are not intended to be and do not constitute a contract of employment. This Employee Personnel Policy Handbook has been adopted by Wagoner County pursuant to Okla. Stat. Ann. tit. 19, § 339 (A)(9).

The following personnel policies are designed to inform Wagoner County Employees of the County's operating policies and practices as they apply to all County employees. County employees are defined as those deputies and employees employed by or serving at the pleasure of the elected officials. Each County employee is responsible to the elected official 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, elected officer or the County Clerk for assistance.

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

EMPLOYMENT POLICIES

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It shall be the policy of Wagoner County to provide for employment opportunity to all qualified persons, to prohibit discrimination based on religion, sex, age, national origin, political affiliation, mental or physical disability, race, color, and status as a disabled veteran and to promote full realization of equal employment opportunity.

This policy shall be followed in recruiting, hiring, determination of pay, promotions, state and county training programs, transfers and treatment of individuals.

This policy is to be implemented throughout the County and its enforcement is the responsibility of the elected officials of the County.

RECRUITMENT/JOB POSTING

To assure that all people have an equal opportunity to apply for County jobs, all job openings shall be listed publicly and/or filled from applications as filed with the Elected Officials. All applications submitted will be on file for at least (1) one year.

Posting generally includes the title, the salary range, the minimum hiring specifications and the closing date for filing applications.

Each elected official is responsible for the recruiting of all employees within their own office or department and for following equal opportunity practices in the recruitment process.

HIRING PROCEDURES

Each elected official shall be responsible for hiring and/or appointing the employees in his/her office and shall base the hiring on the budget appropriation for the fiscal year in which the hiring/appointment is made. Employers shall notify the Payroll/HR Clerk of new hires as soon as possible.

Employees serve at the pleasure of the elected official.

All new employees, upon instruction from the elected official, will report to the County Clerk's Office for enrollment as a county employee.

All new employees must demonstrate by documents their employment eligibility. The required documentation must be presented by the employee/applicant within (3) three business days of the date of hire. If the employee/applicant is unable to provide the required document or documents within the time period, the individual must present a receipt for the application of the document within (3) three days of hire and present the required documentation within 21 days of hire. The employee/applicant must also complete the portions of INS Form 1-9 as required.

MEDICAL EXAMS

It may be necessary for job applicants to pass a medical evaluation by a County selected physician after an employment offer. A newly hired employee who fails to appear for medical examinations without good cause will be automatically disqualified for further employment consideration. Medical exam expenses shall be provided by the County.

Okla. Stat. Ann. Tit. 40, § 191

NEPOTISM

An elected official or any person who has subordinates reporting directly to them, shall not hire or appoint for employment any person who is related by blood or marriage to the third degree.

“Persons related by blood or marriage to the third degree” shall include members of the immediate family plus aunts, uncles, nieces and nephews.

“Immediate family” shall be defined as a spouse, child, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents and grandchildren.

Okla. Stat. Ann. Tit. 21, §§ 481-187

PERSONNEL RECORDS

Personnel records of all County employees shall be kept by the County Clerk. Whenever there is a change in address, phone number, dependents or beneficiaries, it is the responsibility of the employee to report such change to the County Clerk.

The following information concerning employees and former employees is a matter of public record and therefore is open for public inspection: name, date of original employment, current position title, current salary, date and amount of most recent change in status of position, and office to which employee is currently assigned.

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.

The County is not required to disclose records relating to internal personnel investigations including examination and selection, material for employment, home address, hiring, appointment, promotion, demotion, discipline, or resignation. In addition the county is not required to disclose records where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, or employment applications submitted by persons not hired by the County.

However, the County must inform any person requesting the information of any final disciplinary action taken against an employee if that disciplinary action results in loss of pay, suspension, demotion of position, or termination.

Okla. Stat. Ann. Tit. 51, § 24A.7

COMPENSATION POLICIES

TIME RECORDING, NONEXEMPT EMPLOYEES

The County is required by law to keep accurate records of the actual hours worked by the nonexempt employees, including hours worked each day and total hours worked each work week. Non exempt employees must use time clocks, timecards, or other similar means of accurately recording their regular hours worked, meal periods, overtime, absences, holiday 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.

Nonexempt employees are required to accurately record their time and the following rules must be observed:

1. You should arrive at the workplace allowing sufficient time to clock or punch in (if appropriate) and start work on time.
2. Employees should clock or punch in or otherwise accurately record their time immediately prior to starting work, immediately before and after their meal periods and when leaving at the end of the work shift or when leaving the premises for approved personal reasons.
3. If appropriate, timecards must be returned to the timecard rack immediately after being punched. Employees are responsible for ensuring that their timecards are not lost, mutilated or falsified.
4. Employees are not permitted to punch another employee's timecard or to otherwise record another employee's time.
5. To be valid, corrections or alterations on a time record must be initialed as soon as possible by the employee's supervisor.
6. Employees who fail to clock or punch in or out or otherwise accurately record their time may be subject to discipline up to and including immediate discharge.

PAYMENT OF WAGES

All County officials and employees shall be paid monthly. The pay period begins at 12:00 a.m. (midnight) on the 16th day of the month and ends at 11:59pm on the 15th day of the month. The regular payday shall be on the last day of the month. Checks will normally be distributed by 4:00 p.m. on the 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. Payroll is to be notified prior to the last day of the month if changes are necessary to the payroll due to personnel changes. When a payday falls on a holiday or other non-scheduled workday, employees will normally be paid on the last preceding work day.

Any employee hired by the County on the first of the month will be told at the time of hire that he/she will receive a check for only two weeks at the end of his first month and after that, a full pay check. The employee will receive a two-week pay check at the termination of his/her employment to cover the beginning two weeks where it was not received.

PAYROLL DEDUCTIONS

Only deductions required and/or permitted by law and/or authorized by the employee will be withheld from an employee's paycheck. Those required by law are as follows:

- **FEDERAL INCOME TAX**
- **STATE INCOME TAX**
- **SOCIAL SECURITY TAX**
- **MEDICARE TAX**
- **LEVIES**
- **GARNISHMENTS**

Examples of deductions which may be authorized by the employee include:

- **GROUP HEALTH INSURANCE**
- **OPTIONAL INSURANCE PLANS**
- **CREDIT UNION**

Any questions about a paycheck should be checked first with the employee's supervisor or department head, then with the elected official under whom the employee works. The elected official will make further checks, if necessary, with the County Clerk.

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.

Okla. Stat. Ann. Tit. 19, § 153; Okla. Stat. Ann. Tit. 40, §§ 165.2 to 165.3

HOURS OF WORK:

The Wagoner County Courthouse will normally be open Monday through Friday from 8:00 a.m. to 4:30 p.m.

Most County employees will follow a normal schedule of forty (40) hours per week which include two (2) fifteen minute breaks and an unpaid thirty minute lunch period each day. Exceptions may be pre-approved on an as-needed basis. Each elected official or department head shall set the lunch periods and break periods, if any, for his/her office, but at no time shall an office be left without adequate staff to perform necessary duties.

The activities of some departments require alternative schedules to meet their work needs. In those departments, the elected official may authorize a deviation from the normal work schedule.

WORK WEEK AND WORK PERIOD:

The work week for all employees, except law enforcement and emergency medical employees,

commences at 12:01 A.M. on Monday and ends at 12:00 midnight the following Sunday. For law enforcement and emergency medical employees, the work period begins at midnight on Sunday and continues on a 28 day cycle ending at midnight on Sunday four weeks later. This latter work period for all law enforcement and emergency medical personnel is intended to qualify for the exemption permitted under Section 7(k) of the Fair Labor Standards Act, as amended.

OVERTIME:

Wagoner County's overtime policy conforms to overtime provisions of the Federal Fair Labor Standards Act and applicable Oklahoma Laws. Exemptions from these provisions will be claimed only when the necessary basis is established.

Wagoner County Employees who are not exempt shall be entitled to overtime payment at the rate of 1 ½ times their regular rate of pay for all hours worked in a work week in excess of 40 hours. Employees in management position are exempt from overtime provisions.

In the case of law enforcement personnel who are not exempt overtime will be paid for hours worked in excess of 171 hours in the 28 day period. Such overtime will be paid at the rate of 1 ½ times the employee's regular rate of pay.

SHORT TERM DISABILITY:

Wagoner County provides employees with a short term disability policy at no expense to the employee. The benefits begin on the 30th day after the employee is deemed disabled either by sickness or accident. The benefits include payment of 60% of your current salary up to \$2500 per week for up to 22 weeks. Employees have the option of carrying long term disability at their own expense.

COMPENSATORY TIME OFF FOR OVERTIME:

Wagoner County has adopted as its policy, practice and procedure, a method of compensating employees for overtime whereby employees are required to utilize compensatory time off in lieu of cash overtime payments. As an exception to this policy, and at the sole discretion of the elected official, the elected official may decide to make cash overtime payments. Compensatory time off will be granted to an employee at the rate of 1 ½ hours for each hour of overtime worked.

All compensatory time off will be scheduled at the discretion of the elected official. Except in the case of law enforcement personnel, each employee can accrue up to 240 hours of compensatory time off in lieu of overtime payment. After the accrual of 240 hours of unredeemed compensatory time, such employee will thereafter be paid cash payment for overtime.

In the case of law enforcement personnel who are not exempt, each employee can accumulate up to 480 hours of unredeemed compensatory time off. After the accrual of 480 hours of compensatory time, a law enforcement employee will thereafter be paid cash payment for overtime. In all cases where compensatory time off is authorized, once the employee has utilized compensatory time off to reduce the maximum accrual below the applicable limit, then additional overtime will be paid in the form of additional compensatory time off.

74 O.S. §840-2.15; 29 U.S.C. § 2079(o)

Note that 74 O.S. Section § 840-2.15 requires that any County employees working in “an Institutional setting “ (i.e., jailors and perhaps others) must be allowed to take their compensatory time off within 180 days of when it is accrued.

LEAVE BENEFITS

Wagoner County has adopted a paid general leave program for regular employees which incorporates forms of leave such as personal days off, funeral leave, emergency leave, military leave and education leave. It is the intent of the general leave program to allow eligible employees greater flexibility in the use and application of paid absence from work while maintaining necessary and appropriate operation levels. Each elected official shall be responsible for keeping records of the leave taken by his/her employees and shall make monthly reports to the County Clerk. Such records shall include type and length of leave. All personal days off (PDO's) and leave benefits shall be calculated from the date of employment.

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

1. Provide Wagoner County 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
3. Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

During the first thirty (30) calendar days for Wagoner County employees in any federal fiscal year, employees 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. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

Okla. Stat. Ann. Tit. 72, § 48

EMERGENCY LEAVE – Emergency leave shall be granted in the case of property-threatening situations directly affecting the employee, or life-threatening situations directly affecting the employee or the employee's immediate family. Such emergency leave will be charged against compensatory time or personal days off.

FUNERAL LEAVE – Employees shall be granted time off with pay not to exceed (3) three consecutive scheduled working days to attend the funeral in the event of the death of the employee's parent, child, spouse, brother, sister, grandparent, grandchild, great grandparent, great grandchild, uncle, aunt, nephew, or niece. Any additional time shall be charged to personal days off or comp time. At the discretion of the elected official, employees may be granted necessary time off with pay to attend the funeral of other relatives or friends.

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 prior to the leave being taken.

Okla. Stat. Ann. Tit. 19, § 130.6

INCLEMENT WEATHER AND UNSAFE WORKING

CONDITIONS LEAVE – The Chairman of the Board of Wagoner County may authorize offices to close because of an imminent peril threatening the public health, safety, or welfare of county employees or the public, or due to hazardous weather conditions in accordance with Resolution 2010-006, which authorizes the Chairman to close the Courthouse. Under these circumstances, Wagoner County will place employees who are scheduled to work in the affected work areas on paid administrative leave or, if applicable, shall assign them to work in another location. During their normal duty hours, employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. Wagoner County may call employees to return to their normal duties or respond to the demands of the situation as necessary.

Paid administrative leave means leave granted to affected employees if offices are closed because of an imminent peril threatening the public health, safety, or welfare of county employees or the public, or when county offices are temporarily closed or reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

Paid administrative leave will be allowed to all affected employees only when a county office is temporarily closed or services are temporarily reduced due to hazardous weather. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Employees who are not eligible to accrue leave, such as temporary employees, shall not be granted administrative leave when county services are temporarily closed or reduced due to hazardous weather conditions.

When the Chairman of the Board of County Commissioners authorizes offices or departments to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing minimum services shall report to work. The elected or appointed officials of each office will be responsible for determining essential department functions and ensuring that employees who staff such functions are informed. Employees who are considered responsible for basic minimum services and who are required to work when county services are temporarily reduced due to hazardous weather conditions will be entitled to accrue administrative leave on a straight-time basis up to eight hours per day for hours worked in their regularly scheduled work periods during such reduction. Administrative leave accrued under this provision must be taken within 180 days of its accrual or the employee shall be paid for the leave. An extension of the time period for taking the leave may be approved for up to an additional 180 days, providing the elected or appointed official approves. Accrued administrative leave must be used before granting of any personal days off except when the employee may lose accrued leave.

Employees who are responsible for basic minimum services who do not report to work have the following

options to account for leave:

- (1) Charge the absence to accumulated compensatory time;
- (2) Charge the absence to accumulated personal days off;
- (3) Make up lost time in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit.

An employee who leaves earlier than a designated early dismissal time, or who arrives later than a designated late arrival time, shall be charged leave for the excess time.

Okla. Stat. Ann. Tit. 74, § 840-2.20A; Okla. Admin. Code § 530:10-15-71

JURY AND COURT DUTY – Wagoner 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 regulate when an employee is called for jury duty or subpoenaed to court:

- 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 receive his/her regular compensation during the time he/she is serving on jury duty.
- The employee may retain all compensation or fees which he/she receives for serving as a juror.
- If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her worksite.
- 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 personal days off, compensatory time or leave without pay.

Okla. Stat. Ann. Tit. 38, §§ 34-35

LEAVE WITHOUT PAY – Leave without pay of specified length may be granted at the discretion of the elected official. While on leave without pay, an employee will not accrue personal days off.

An employee granted leave without pay remains a County employee and does not lose his/her work experience status. The absence without pay leave shall not extend for a period in excess of one year.

Okla. Stat. Ann. Tit. 74, § 840-2.21

FAMILY AND MEDICAL LEAVE

Family/Medical Leave (FML) is provided consistent with the Family and Medical Leave Act (FMLA). Any provisions of Wagoner 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), you are

eligible to take up to 12 weeks of unpaid FML within any 12 month period and be restored to the same or an equivalent position upon your return from leave provided that you have worked for Wagoner County for at least 12 months, AND for at least 1,250 hours in the last 12 months. The 12 month period to take the leave is a “rolling” 12 month period beginning from the first day of the new leave period. For example, if the employee’s first FML began on May 1, the leave period would end on the following April 30 with a new 12 month period beginning on the first day of the next FML. The 12 month period to accumulate the 1,250 hours is also a “rolling” 12 month period measured backwards from the first day of the new leave period. For example, if the employee’s first FML began on May 1, the period for accumulating the 1,250 hours of work would be the previous May 1 through April 30. **Note: For coordination, see the section on Military FML below.**

- **Reasons for FML.** You may take FML 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, son, daughter, or parent with a serious health condition; (4) because of your own serious health condition which renders you unable to perform the functions of your position; (5) 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 (6) 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. **Note: For coordination, see the section on Military FML below.**

- **Military FML.**
 - **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 FML within a 12 month period to care for the Covered Service member. **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 FML leave to care for a covered 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 Service member, you must supply appropriate certification completed by an authorized health care provider of the covered service member. When you request Military Caregiver Leave, Wagoner County 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 12 weeks of unpaid FML within a 12 month period because of a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a 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, Wagoner County 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.
- The term:
 - "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)(3)(B) of Title 10 of the United States Code;
 - "Covered Military Member" means your spouse, son, daughter, or parent on covered active duty or call to covered active duty status.
 - "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 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;
 - "Next of Kin" used with respect to an individual, means the nearest blood relative of that individual;
 - "Serious Injury or Illness" means –
 - in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in 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; and

- 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 paragraph (8)(B), 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; and
- the term 'veteran' has the meaning given the term in section 101 of Title 38, United States Code;

▪ "Qualifying Exigency" means the following:

- (1) Short-Notice Deployment: (i) 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 or less calendar days prior to the date of deployment; (ii) 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;
- (2) Military Events and Related Activities: (i) 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; and (ii) 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;
- (3) Childcare and school activities: (i) 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; (ii) 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; (iii) 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; and (iv) 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;
- (4) Financial and legal arrangements: (i) 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; and (ii) 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 90 days following the termination of the Covered Military Member's active duty status;
 - (5) 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;
 - (6) Rest and recuperation. (i) To spend time with a Covered Military Member who is on short-term, temporary, rest and recuperation leave during the period of deployment; (ii) Eligible employees may take up to five days of leave for each instance of rest and recuperation;
 - (7) Post-deployment activities: (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the Covered Military Member's active duty status; and (ii) 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;
 - (8) 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 FML 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 members serious health condition, or (2) a serious injury or illness of a covered service member), you must give Wagoner County 30 days prior written notice. If 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.

- **Medical Certification.** If you are requesting FML 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 FML, Wagoner 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. The county, at its expense, may require an examination by a second health care provider designated by Wagoner 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, Wagoner County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Wagoner County may require subsequent medical certification on a reasonable basis. **Note: For coordination, see the specific certification requirements in the section on Military FML above.**
- **Reporting While on FML.** If you take FML, you must contact Wagoner County on the first and third Monday of each month regarding your status and your intention to return to work.
- **FML is Unpaid.** However, Wagoner County will require you to use your accumulated paid leave or compensatory time simultaneously in certain circumstances. You will be required to substitute accumulated and available paid vacation leave and/or compensatory time for any unpaid FML for the birth and care of an employee's child after birth, placement for adoption or foster care, or for the care of a seriously ill family member. Paid vacation, compensatory time and/or sick leave will be substituted as FML for the employee's own serious health condition.
- The required substitution of accumulated paid leave and/or compensatory time as described above will not apply if you are receiving workers' compensation benefits or if you are receiving payments under a short term disability policy.
- The substitution 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).
- **Workers' Compensation.** If you sustain an on-the-job injury that qualifies as a serious health condition under this policy, Wagoner County will run your FML concurrently with your workers' compensation leave. Wagoner County will provide timely notice as required by the Family and Medical Leave Act.
- **Medical and Other Benefits.** During an approved FML, Wagoner County will maintain your health benefits, as if you continued to be actively employed. If paid leave and/or compensatory time is substituted for unpaid family/medical leave, Wagoner 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 Wagoner County by the first day of

each month. Your health care coverage will cease if your premium payment is more than 30 days late. If you elect not to return to work at the end of the leave period, you will be required to reimburse Wagoner County for the cost of the premiums paid by Wagoner County for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition, a serious injury or illness of a Covered Service member, or other circumstances beyond your control. If the FMLA absence lasts longer, or is estimated to last longer, than your period of FMLA leave entitlement, it may be necessary to fill the position with another employee.

- **Intermittent and Reduced Schedule Leave.** Family Medical 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. If leave is unpaid, Wagoner County will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, Wagoner County may temporarily transfer you to an alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.
- **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. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

LEAVE SHARING POLICY

Wagoner County has adopted a Leave Sharing Policy which is similar to, but is not totally consistent with, the Leave Sharing Act for State employees. A county employee may donate personal days off or compensatory time to another county employee only pursuant to the following conditions:

- The receiving employee has exhausted, or will exhaust, all personal days off and compensatory time (if applicable) due to illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature;
- The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment; and
- The supervising officials of both the Recipient Employee and the Donor Employee approve the leave sharing arrangement in writing.

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

FRINGE BENEFITS

The County pays for unemployment insurance, social security (with the employee paying an equal

percentage), and worker's compensation insurance. The County also pays the employee's portion of the premium for health care, dental, and vision insurance of the designated provider.

HEALTH CARE INSURANCE

Wagoner County will pay for a portion of the health care insurance premium for all (active) full-time employees according to the following schedule: The County pays for the employee's premium for the designated provider, but the employee pays for any dependent coverage or overage.

If an employee is on medical leave, including workers' compensation leave, the County will continue to pay the County's portion of health insurance premiums for the first 12 weeks of the absence (if the absence qualifies under the County's FMLA policy). For employees on workers' compensation leave exceeding 12 weeks, the County may elect to voluntarily continue paying the County's portion of health insurance premiums for up to a total of one year of the leave – which is the limit of such benefit afforded to the State employees under the Oklahoma Personnel Act.

RETIREMENT

Wagoner County is a member of the Oklahoma Public Employees Retirement System. Please refer to your OPERS Handbook for details. An employee who works more than 1000 hours per year is not a seasonal, temporary or emergency worker, and whose salary meets or exceeds the minimum wage is eligible for membership.

HOLIDAYS

All full-time Wagoner County employees shall be entitled to holiday leave. The Wagoner County Commissioners and members of the Wagoner County Excise Board shall designate and publish between the 1st and 20th of January each year which holidays the County Offices will be closed.

When a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. Any County employee, who is on leave without pay status, and who does not work the working day immediately preceding and the working day immediately following a holiday, shall not be paid for that holiday.

Okla. Stat. Ann. Tit. 19, § 350 ; Okla. Stat. Ann. Tit. 25, § 82.1

PERSONAL DAYS OFF

Effective April 1, 2011, all employees will accrue personal days off rather than sick leave or vacation leave. Personal days off (PDO's) may be used for any reason, including vacation or sick leave. Employees may accumulate up to 130 personal days off. However, upon separation for any reason, employees are not entitled to payment of accumulated personal days off and such accumulated leave shall be forfeited. If a separated employee is later re-employed by Wagoner County, the employee will be eligible to have the forfeited leave reinstated provided that the re-employment occurs on or before two years after separation from employment.

Employees may elect to leave their current sick leave/vacation leave on the books; however, they will be required to utilize their sick leave/vacation leave as specified in previous manuals before they begin using their personal days off. Employees may also elect to have their current sick and vacation leave converted to personal days off on a one for one basis.

Personal Days Off will be accrued as follows:

First year of employment:	17 days/1.41 days per month
Thirteen month to Ten (10) years:	22 days/1/83 days per month
Eleven (11) to Nineteen (19) years:	27 days/2.25 days per month
Twenty (20) + years	32 days/2.66 days per month

Personal days off begin accruing at the end of the first full month of employment with the County (from the first day of the month to the last day of the month) and are accrued at the end of each full month of service. Personal days off must be earned **before** they are taken. Personal days off may be taken in half day increments at the discretion of the elected official.

An employee wishing to use one or more personal days off must obtain pre-approval of the elected official/department head. If an emergency requires the use of personal days off without prior approval, the employee is to notify his/her supervisor as soon as the need for leave is realized but no later than the beginning of the employee's duty time or as specified by the department head. Nothing in this policy precludes the use of leave as described in the Family Medical Leave Act (FMLA). For FMLA to apply, the employee must notify his supervisor and follow the guidelines as specified in this policy under FMLA.

EMPLOYEE CONDUCT

PERSONAL APPEARANCE AND DEMEANOR

The dress code will be left up to each elected official to determine for his/her department.

POLITICAL ACTIVITY

No regular county employee (not including elected officers) shall participate in partisan politics during normal county working hours. This means the devoting of time or labor during usual office hours toward the campaign of any candidate for office or for the nomination to any office.

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

USE OF COUNTY PROPERTY

No County official or employee may use County property for his or her own personal use or for any other use not required by their duties with Wagoner County.

CELL PHONE POLICY

The Oklahoma State Constitution places significant restrictions on the use of county-paid cell phones. In addition, the federal Internal Revenue Service Code has significant provisions to determine whether the

use of county-paid cell phones (or any other “listed property” under the I.R.S. Code) will be considered as a taxable fringe benefit for individual employees. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, and in order not to have all cell phones inappropriately viewed as a taxable fringe benefit by the I.R.S., the following policies and procedures must be closely followed by all employees:

- County-paid cell phones will be utilized only for county business. County-paid cell phones will not be used for **any** personal calls (either incoming or outgoing).
- The County will periodically audit the usage of county-paid cell phones to insure that these phones are not being used for personal calls.
- Employees who use a county-paid cell phone for personal calls (either incoming or outgoing) may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.
- If an employee wishes to use a cell phone for personal calls, there are two acceptable options available:
 1. The employee may carry two cell phones; a county-paid cell phone exclusively for county business; and an employee-paid cell phone for personal calls; or
 2. The employee may obtain and pay for a personal cell phone which is used for both county business and personal calls.

ELECTRONIC COMMUNICATIONS

The purpose of this policy is to set forth Wagoner County’s policy regarding access to, use of and disclosure and retrieval of messages sent and/or received by employees who have access to the County’s communications systems.

DEFINITIONS

“Communications Systems” refers to systems owned and/or leased by the county to send and receive messages, images, data or content, which include but may not be limited to facsimile systems, telephone systems, computer systems, internet systems, websites, electronic mail, voice mail and pagers.

“Messages” refers to information sent and/or received via Communications Systems including but not limited to electronic messages, text messages, voice messages, written messages, typed messages, documents, drawings, images, photographs, charts, graphs and numbers.

USE OF COMMUNICATIONS SYSTEMS

Wagoner County’s Communications Systems should be used for company business purposes only. The Communications Systems shall not be used for personal messages, solicitation or distribution of material that does not further County business purposes. Use of the system to make solicitations other than for County approved purposes, to communicate confidential or privileged information to unauthorized recipients, or for communications of a personal, political, or religious nature is prohibited.

Employees are strictly prohibited from sending, or knowingly receiving, electronic communications of a harassing, intimidating, offensive or discriminatory nature. The guidelines set forth in the Policy Against Harassment are fully applicable to electronic communications. Such conduct, or any other conduct in violation of this policy, may result in immediate dismissal or other disciplinary measures.

Messages received through the Communications Systems should not be disclosed except to authorized persons. Except as set forth below, employees are prohibited from accessing each other's E-mail without the express consent of the employee. Each employee has a password which allows access to the E-mail system. Your password is personal and should not be shared with other persons.

The elected official reserves the right in his/her discretion to monitor the Communications Systems and access electronic communications, at any time and for any reason without notice to the employees, to assure its property is being used for business or training purposes only and to prevent or detect harassment or other improper use. The elected official further reserves the right to disclose the County employee's electronic communications to others, if the official in his/her sole discretion determines that such action is warranted.

Employees do not have a personal privacy right in any message created, received, stored in or sent via the County's Communications Systems, and employees should not expect that the Communications Systems, and the electronic communications thereon, are confidential or private.

Employees are not permitted to maintain personal information on any of the County's Communications Systems.

Deleting an E-mail message does not guarantee that it has been erased from the system. Wagoner County retains backup copies of certain media, including E-mail correspondence, in the normal course of management of the Communications Systems.

Employees should be aware that Messages received by outside callers or senders are subject to monitoring.

You should consider E-mail as any other written means of communication. Please do not transmit anything in an E-mail message that you would not be comfortable writing in a letter or memorandum. Remember to exercise good judgment and common sense when creating and distributing messages.

Employees found violating this policy will be subject to the disciplinary process of the company which may include verbal or written warning, probation, suspension or termination

VEHICLE USAGE

The Oklahoma State Constitution places significant restrictions on the use of county-owned vehicles. In addition, the federal Internal Revenue Service Code has significant provisions to determine whether the use of county-owned vehicles (or any other "listed property" under the I.R.S. Code) will be considered as a taxable fringe benefit for individual employees. Wagoner County also has policies for the purpose of limiting liability of the County. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, in order not to have the use of county-owned vehicles inappropriately classified as a taxable fringe benefit by the I.R.S., and in order not to expose the County to unwarranted liability, the

following policies and procedures must be closely followed by all employees.

- County-owned vehicles may only be used for purposes which are solely for the benefit of the county. Employees who use county-owned vehicles for purposes which are not specifically for the benefit of the county shall be subject to disciplinary action up to and including discharge.
- Only County employees on official County business, and official guests of the County, may operate or be a passenger in County-owned vehicles. County employees shall not allow family members or other non-authorized, non-employees to operate or be a passenger in County-owned vehicles.
- Under certain circumstances, employees may be instructed by the appropriate elected official to drive a county-owned vehicle to and from the employee's home to the employee's regular place of work. Although, such use may be proper under the Oklahoma State Constitution (under appropriate circumstances), such use may still be considered as a taxable fringe benefit by the I.R.S. Code.
- Except for "Qualified Non-Personal Use Vehicles", all personal use of county-owned vehicles is considered as a taxable fringe benefit by the I.R.S. Code. This includes normal commuting to and from the employee's regular place of work, even where at the direction of the appropriate elected official. Under the I.R.S. Code, commuting is personal use even if the county requires the employee to take the vehicle home for a bona fide business reason such as being "on call."
- "Qualified Non-Personal Use Vehicles" include the following (see U.S. Treasury Regulation 1.274-5T):
 - Clearly marked police and fire trucks driven by police and fire officers;
 - Unmarked vehicles used by law enforcement officers, if the use is officially recognized;
 - Ambulances or hearses;
 - Vehicles designed to carry cargo with a loaded gross weight over 14,000 pounds;
 - Delivery trucks with seating for the driver only;
 - School buses;
 - Tractors and other special purpose farm vehicles;
 - A pick-up truck with a loaded gross vehicles weight of less than 14,000 pounds if it has been specially modified so that it is not likely to be used more than minimally for personal reasons. Modifications must include being marked with permanently affixed decals, painting or other indications of county ownership and either (see IRS Revenue Ruling 86-97):

It is equipped with at least one of the following items:

- a) A hydraulic lift gate;

- b) Permanent tank or drums (filling up the bed size);
- c) Permanent side boards or panels that materially raise the level of the sides of the truck bed;
- d) Other heavy equipment (such as electric generator, welder, boom, or crane used to tow automobiles and other vehicles);

OR

It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation for which it was specifically designed or significantly modified.

- County-owned vehicles (other than Qualified Non-Personal Use Vehicles) will be utilized for personal use (such as commuting to and from work) only in situations where the use is considered by the elected official to be solely for the benefit of the county. If the personal use of a county-owned vehicle has not specifically been determined by the elected official as solely for the benefit of the county, the employee will not utilize a county-owned vehicle for personal use.
- For those employees in positions where the elected official has determined that the personal use of a county-owned vehicle is solely for the benefit of the county, (such as to commute to and from work), each employee will be required to complete a Personal Use of County-Owned Vehicle Agreement. In this Agreement, each employee will select, from among the valuation methods for which they qualify, the valuation method to be used in determining the amount of the taxable fringe benefit (All employees will not qualify for all there of these valuation methods – see IRS Publication 15B):
 - The Cents Per Mile Rule;
 - The Commuting Rule; or
 - The Annual Lease Value Rule
- The County will periodically audit the usage of county-owned vehicles to insure that the valuation of the amount of the taxable fringe benefit is appropriate. Adjustments to the amount included on the employee’s wages as a taxable fringe benefit will be made at least annually and on the Form W-2 at the end of the year.
- Employees who repeatedly under-report the personal usage of a county-owned vehicle, or who knowingly use a county-owned vehicle in excess of the reported usage, may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.

UNIFORMS AND SAFETY EQUIPMENT

The Oklahoma State Constitution places significant restrictions on the use of county-provided property.

In addition, the federal Internal Revenue Service Code has significant provisions to determine whether the use of county-provided property will be considered as a taxable fringe benefit for individual employees. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, and in order to not have the use of county-provided uniforms and safety equipment inappropriately viewed as a taxable fringe benefit by the IRS, the following policies and procedures must be closely followed by all employees:

- Uniforms and safety equipment will be provided only to employees in a position where the written, formal job description for that position includes the issuance of county-provided uniforms and/or safety equipment as part of the compensation package. If the issuance of county-provided uniforms and/or safety equipment is not included in the written, formal job description as part of the compensation package, the employee will not be provided with uniforms and (except in emergency situations) will not be provided with safety equipment.
- All clothing and uniforms provided by the county are a taxable fringe benefit except where all of the following conditions are present:
 - a) Clothing or uniforms must be specifically required as a condition of employment; and
 - b) Clothing or uniforms are not adaptable to general use as ordinary clothing; and
 - c) Clothing or uniforms are, in fact, not worn for general use
- All safety equipment provided by the county (except in emergency situation) is a taxable fringe benefit except where the equipment is specifically determined to help an employee perform his/her job in a safer environment.
- Clothing, uniforms and safety equipment provided by the county shall not be worn or used by employees except in the performance of their county duties and in direct travel to and from their place of employment. Further use of clothing, uniforms and safety equipment may constitute a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall subject an employee to disciplinary action up to and including discharge.

ABSENTEEISM/TARDINESS

Every employee is expected to attend work regularly. Attendance on a regular basis is an absolute essential part of every position at Wagoner County. Excessive absenteeism or tardiness shall subject the employee to progressive discipline, up to and including discharge.

One absence or one tardiness occurrence will be recorded for each day absent or tardy for any reason which is not an acceptable excuse in the judgment of Wagoner County or otherwise excusable by law.

Punctuality is essential to the proper functioning of this organization. "Tardy" is defined as not being in the department at the scheduled time ready to begin work or leaving work before the scheduled ending time for any reason which is not an acceptable excuse in the judgment of Wagoner County or otherwise excusable by law. Failure to clock in or to clock out will be considered a tardy.

Continued, unexplained absenteeism for a period of two working days will be considered voluntary termination and the vacant position will be filled.

GUIDELINES FOR APPROPRIATE CONDUCT

As an integral member of the Wagoner County team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in your business and personal life you refrain from any behavior that might be harmful to you, your co-workers, and/or Wagoner County, or that might be viewed unfavorably by the public at large.

Whether you are on duty or off, your conduct reflects on Wagoner County. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that Wagoner County considers inappropriate include, but are not limited to the following. This is **NOT** a complete list and the 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.

- Falsifying employment or other County records.
- Violating the County's non-discrimination and/or sexual harassment policy.
- Soliciting or accepting gratuities.
- Excessive absenteeism or tardiness.
- Excessive, unnecessary, or unauthorized use of County supplies, particularly for personal purposes.
- Reporting to work intoxicated or under the influence of non-prescribed drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs.
- Bringing or using alcoholic beverages on County property or using alcoholic beverages while engaged in County business off County premises, except where authorized.
- Fighting or using obscene, abusive, or threatening language or gestures.
- Theft of property from co-workers or the County.
- Disregarding safety or security regulations.
- Insubordination or willful refusal to follow an order.
- Failing to maintain the confidentiality of protected County information.
- Conviction of a crime.
- Falsifying time keeping records with intent to defraud.
- Deliberate or willful misrepresentation of County policy.
- Willful damage or destruction of County property.
- Loafing, loitering or sleeping during work time.
- Neglect of duty or incompetence.
- Improper recording of time worked.
- Work performance which is below the standards of performance required by the department.
- Distribution or posting of written or printed matter that is not authorized by the Elected Officer.
- Inefficiency or lack of effort in the performance of duties.
- Careless, negligent or improper use of County property or equipment.
- Thoughtless conduct which results in injury to others or in more than minor property damage.
- Willfully causing damage or destruction of equipment or property belonging to the County or to fellow employees.
- Falsification of records or misrepresentation of material information.
- Thievery.
- Failure to maintain satisfactory and/or harmonious relationships with the public or with fellow employees.

- Refusing to sign a consent form permitting the County to inspect and/or search an employee's personal property on County premises for intoxicants, controlled or illegal substances or any other substance which impairs job performance.
- Abusing the personal days off (PDO) policy.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of Wagoner County, based on violations either of the above or of other County policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal.

FIREARMS/CONCEALED WEAPONS

Wagoner County wishes to maintain a work environment that is free of unauthorized firearms, weapons, explosives, and other dangerous materials. To achieve this goal, the County prohibits (except by authorized Sheriff's office employees or by other specific authorization) the possession, transfer, sale, or use of the following items on County premises: switchblade knives and knives with a blade longer than four inches, dangerous chemical, explosives and ammunition. Other objects carried for the purpose of injuring or intimidating other people may be considered dangerous items. This prohibition includes all concealed handguns even if the individual has a valid license to carry a concealed handgun. Unloaded firearms may be present in an employee's vehicle on County property only if the vehicle is locked at all times and if no ammunition is on County premises. Employees violating this policy will be subject to disciplinary action, up to and including separation. If any employee observes any dangerous items in violation of this policy on County property, the employee is under a duty to report such item to the appropriate elected official.

Okla. Stat. Ann. Tit. 21, § 1277(A) (1); Okla. Stat. Ann. Tit. 21 § 1290.7(2)

COMPLAINT RESOLUTION PROCEDURE-OPEN DOOR POLICY

Wagoner County believes it is in the best interest of both the County and its employees to promote free and open communication between employees and all levels of management. Wagoner County encourages employees to discuss work-related concerns with their supervisor, other management personnel, and elected officials. However, even in such discussions, misunderstandings occur. In order to resolve such instances as quickly and easily as possible, we suggest the following to ensure a policy of free and open communication:

Step 1: Should you have a concern, bring it to your supervisor's attention (if appropriate) verbally or in writing. After reviewing the facts, your supervisor will meet with you to discuss your concerns and to respond.

Step 2: If you are not satisfied with your supervisor's response (or if meeting with him or her is not appropriate) then you may present your concern to the next immediate supervisor or to the appropriate elected official who will follow the same evaluation process.

Step 3: If you wish to pursue this matter further, then you may present your concern to the Board of County Commissioners who will investigate the matter.

After considering your position and the available facts, the Board of county Commissioners will make a final determination on how Wagoner County will respond to your concern.

POLICY AGAINST HARASSMENT AND COMPLAINT PROCEDURE

Harassment on the basis of sex, religion, race, color, age, national origin, physical or mental disability, or any other protected status is a form of employee misconduct which undermines the integrity of the employment relationship and which will not be tolerated at Wagoner County. It undermines morale and interferes with the productivity of its victims and their co-workers. All employees must be allowed to work in an environment free from such harassment. It is the policy of Wagoner County to abide by the federal and state laws which prohibit sexual harassment, intimidation or coercion. The supervisory and management personnel of this County are responsible for implementing this policy and their success in their jobs depends, in part, on its successful implementation.

Sexual harassment of any employee or member of the County by any other employee or member of the County will not be tolerated. If investigation of a complaint of sexual harassment produces evidence that such harassment has occurred, appropriate disciplinary action will be taken.

As part of this policy, employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sex discrimination and sexual harassment are against the law. The following are some examples of conduct which may be legally actionable sexual harassment:

- Use of any offensive or demeaning terms which have sexual connotation.
- Objectionable physical proximity or physical contact.
- Unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- Any indication, express 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 manager.
- 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.
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- 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.
- The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, etc.), which have a sexual content and which are not necessary for our work, to employees who may find such materials offensive.

Any employee who feels that he/she is or has been the victim of harassment, including but not limited to the conduct listed above, by any elected official, management official, employee, the public, client or by any other person in connection with his/her employment at Wagoner County should make a written or oral report of the matter to the immediate attention of their supervisor, or anyone in their supervisory chain of command, or any member of the Board of County Commissioners of Wagoner County, or a member of the District Attorney's office. Any questions about this policy or potential harassment should also be brought to the attention of the same persons. Normally, employees who make an oral report will be asked to document the report in writing or to approve and sign written documentation prepared by Wagoner County. Wagoner County will promptly investigate all allegations of harassment in as confidential a manner as possible under the circumstances and take appropriate corrective action if

warranted. There will be no retaliation by Wagoner County or any of its officials or employees against any employee who makes a good faith report pursuant to this policy, even if it turns out after investigation that there has not been a violation of this policy.

AMERICAN WITH DISABILITIES GRIEVANCE PROCEDURES

This grievance procedure is established to meet requirements of the American with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies of the provision of services, activities, programs, or benefits by Wagoner County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number or complainant and location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but not later than 60 calendar days after the alleged violations to:

David French, 307 E. Cherokee Street, Wagoner County Courthouse, Wagoner, Ok 74467
Telephone: 918-485 7780

Within 15 calendar days after receipt of the complaint, David French, A.D.A. Coordinator, will meet with complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting, David French, A.D.A. Coordinator will respond in writing, and where appropriate, in the format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Wagoner County and offer options for substantive resolution of the complaint.

If the response by David French, A.D.A. Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the A.D.A. Coordinator within 15 calendar days after receipt of the response to the Board of the County Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the Board of County Commissioners of Wagoner County or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Board of County Commissioners of Wagoner County or their designee will respond in writing, and where appropriate, in format accessible to the complainant, with final resolution of the complaint.

All written complaints received by David French, A.D.A. Coordinator, appeals to the Board of County Commissioners or their designee and responses from the A.D.A. Coordinator and Board of County Commissioners or their designee will be kept by Wagoner County for at least 3 years.

SUBSTANCE ABUSE POLICY

Wagoner County has an obligation to its employees and the public at large to reasonably ensure safety in our workplace, as well as safety and quality in the services we provide. Consequently, the following are strictly prohibited and will result in immediate disciplinary action, up to and including discharge:

- An employee reporting to work under the influence of intoxicating liquor or illegal drugs; or
- An employee's use, possession, purchase or transfer on County premises or property (including storage in a desk, locker, car, etc.), or during work time of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized, or any other substances which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees; or
- The sale of an intoxicating liquor while on County premises or on County time; or
- The sale at any time of a controlled or illegal substance, a drug not medically authorized or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees; or
- Failure to notify the County (through their immediate supervisor or the elected official) of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.

Where reasonable suspicion exists that an employee is in violation of this policy, the County has the right to search any property including desks, file cabinets, lockers, etc. including an employee's personal property brought onto County premises at any time with or without notice. An employee will be asked to sign a consent form authorizing the search. Refusal to sign the consent form will result in disciplinary action up to and including discharge.

As an alternative to, or in addition to disciplinary action, an employee violating this policy may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a Federal, state, or local law enforcement or other appropriate agency. The imposition of such disciplinary action or requirement to satisfactorily participate in a drug abuse assistance/rehabilitation program is premised solely upon a violation of this policy and does not require a criminal conviction.

As part of this policy, the County has established a drug-free awareness program for the purpose of informing employees about the dangers of drug abuse in the workplace. Information about the drug-free awareness program may be obtained from the Safety Director in Wagoner County.

EMPLOYMENT SEPARATION

Wagoner 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 Wagoner County terminate an employee at any time "at-will," with or without cause, with or without notice. The HR/Payroll Clerk is to be notified immediately upon an employee's termination.

There are several types of separation:

RESIGNATION – Employees who find it necessary to terminate their employment with Wagoner County are expected to give two week's notice to their supervisor.

REDUCTION IN FORCE (LAYOFF) – An employee may be subject to a non-disciplinary, involuntary termination through layoff in connection with a shortage of funds, abolition of a position, or lack of need for the work performed by an employee or group of employees. The elected official should make every effort to give at least two week’s notice of the layoff.

RETIREMENT – Employees planning to retire are required to give written two week’s notice of retirement. Employees should note that OPERS requires two months notice of intent to retire in order for benefits to take effect upon retirement.

DISCHARGE – In order for Wagoner County to carry out its obligations and priorities in the most efficient manner possible, the County adheres to the principles of at-will employment whereby the County and employees alike can terminate the employment relationship at any time and for any reason or for no reason, not prohibited by Federal, State or Municipal law. Payroll/HR shall be informed of terminations as soon as possible.

Upon separation the employee must report to the Clerk’s office for an exit interview and to make arrangements for the final paycheck. All county property issued (i.e. keys, badges, uniforms, equipment, etc. INCLUDING the Employee Personnel Policy Handbook) MUST be returned either to the department head, supervisor, or Payroll deputy before the final paycheck is released.

AUTHORITY TO SEARCH

Desks, lockers, and other storage devices within the workplace may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any containers or articles found within them, can be inspected by any member of management, at any time, with or without prior notice. Containers may include, but are not limited to, any packet, package, purse, briefcase, or lunch container. Containers are subject to search whether or not they are locked. Wagoner County has the right to search containers whether they are locked by a device provided by the County or by the employee.

Wagoner County provides a computer network system, including voice-mail, e-mail and Internet access, to employees for business use only. Employees should not expect privacy with respect to any of their activities using County-provided computer equipment, telephone equipment, computer services, or Internet access. Wagoner County reserves the right to review any files, messages, or communications sent, received, or stored on the County’s computer or telephone systems.

SMOKE FREE POLICY

All buildings owned or operated by Wagoner County are designated as nonsmoking. In addition, smoking will not be allowed within twenty-five (25) feet of any building owned or operated by Wagoner County. Smoking will be allowed only in designated areas. Employees who smoke should properly dispose of all smoking products and debris in the receptacles provided. Failure to do so may result in the loss of smoking privileges. Smoking areas are only available during regularly scheduled breaks and lunch hours. Smoking in vehicles is to be determined and designated by each elected official for their individual department.

Okla. Stat. Ann. Tit, 21 O.S. § 1247

TELEPHONE USE

Employees may use County telephones to make or receive personal telephone calls during a scheduled break or lunch hour as long as such calls and telephone usage do not interfere with County business. In the case of an emergency, employees may make or receive personal telephone calls during regular business hours. Employees are prohibited from making long distance phone calls on County phones for personal or non-business matters.

Violation of the policy will be grounds for discipline, up to and including discharge.

VOTING

If an employee's 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, the employee will be expected to vote either before or after work. If an employee's work hours are not within the above schedule, then the employee will be granted two hours of time during the period when the election polls are open in which to vote and will not be subject to loss of compensation or any other penalty for absence, as long as they notify their department head either orally or in writing of the intent to be absent at least one day prior to the election and provide to their department head proof of voting. This provision does not apply to elections where the sole issue is school board elections or bond issues.

Okla. Stat. Ann. Tit, 26 O.S. § 7-101

RESOLUTION # 2011-025

Wagoner County has determined there exists a need for an Employee Personnel Policy Handbook which is uniformly applied to all employees of Wagoner County, and

WHEREAS the elected officials of Wagoner County have determined that an Employee Personnel Policy Handbook will significantly improve communications between the County and its employees, and

WHEREAS the elected officials of Wagoner County have determined that a written Employee Personnel Policy Handbook promotes fairness in employment and assists in the prevention of discrimination in employment of any nature.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Oklahoma Statute Annotated Title 19, Section 339, Wagoner County, by a majority vote of the elected officials, does hereby adopt the “Employee Personnel Policy Handbook – Wagoner County”.

Dated this _____ Day of _____, 2011.

Board of County Commissioners of Wagoner County

James Hanning, Chairman

Tim Kelley, Vice-Chair

Chris Edwards, Member

ATTEST: _____
Carolyn M. Kusler, County Clerk

Sandy Hodges, County Assessor

Gloria Marshall, Treasurer

Bob Colbert, Sheriff

Rhonda Vincent, Court Clerk

