WAGONER COUNTY

PERSONNEL POLICY HANDBOOK

2013 Edition

Revisions from the 2012 handbook are underlined.

ACKNOWLEDGEMENT OF RECEIPT OF THIS DOCUMENT TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

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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 the policies and practices that apply to me 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. Any changes to the policies and practices described in the Handbook must be made in writing by the County in order to be effective, and I agree to observe these changes in all respects. I understand 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 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 _____

READ CAREFULLY BEFORE SIGNING BELOW

COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT

I, _____, have read, understand and have in my possession Wagoner County's Employee Personnel Policy Handbook. I further 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 policies and practices that apply to your employment and is not intended to be and does 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

Wagoner County offers equal employment opportunity to all qualified persons, regardless of race, color, religion, sex, age, national origin, citizenship status, political affiliation, mental or physical disability, genetic information, or status as a disabled veteran. This commitment to equal employment opportunity extends to all aspects of employment including recruiting, hiring, promotion, training, working conditions, compensation and discipline. The County complies with all applicable federal and state equal employment opportunity laws.

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. Postings generally include 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.

EMPLOYMENT STATUS

Employees will be classified as either Full-time, Part-time, Seasonal or Temporary.

Full-time status is defined as working a minimum of 40 hours per week or 160 hours per pay period and qualifies for all benefits offered to Wagoner County Employees including health, dental and vision insurance, personal days off, safety award and retirement benefits. Participation in Wagoner County Retirement Program is mandatory.

Part-time status is defined as working less than 40 hours per week. If a part-time employee is deemed permanent part time, or if more than 1000 hours are worked annually, they are required to participate in the retirement program. Part-time employees are not eligible for health, dental or vision insurance or safety award and are not given paid days off.

Seasonal status is defined as only working for a particular season or amount of time. An example is summer help at the maintenance facilities, or help during tax season. Seasonal workers are not eligible for benefits of any kind.

Temporary status is defined as having been hired for a specific job. When that job is complete the employment ends. Temporary employees are not eligible for benefits of any kind.

MEDICAL EXAMS

As a condition of employment, it may be necessary for job applicants to pass a medical evaluation by a County selected physician after a conditional offer of employment has been made. An applicant who has received a conditional offer of employment who fails to appear for medical examinations without good cause may be automatically disqualified from further employment consideration. Medical exam expenses shall be provided by the County.

Okla. Stat. Ann. Tit. 40, § 191

DRUG TESTING

Wagoner County is a drug-free workplace. As such, the use of non-prescribed or illegal drugs of any kind either during working hours or outside of the work environment is prohibited. It may therefore be necessary for job applicants to pass an FDA approved drug test administered by a County selected physician after an employment offer. A newly hired employee who fails to appear for drug testing without good cause may be disqualified for further employment consideration at the discretion of the elected official. Drug testing expenses shall be provided by the county.

The County may require additional drug testing of employees during the course of employment should reasonable belief exist that an employee is using a non-prescribed or illegal drug or alcohol, or immediately following any work-related accident. A detailed outline of Wagoner County's Drug and Alcohol Testing Policy is included on page 51 with this manual.

Okla. Stat. Ann. Tit. 40, § 551-562

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 and are the property of the county. 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.

Paychecks received on the last day of the month are payment for the work period ending on the 15th of that month. For new hires, please note the following:

- *An employee who begins work on the first day of the month, for example, July 1st, will receive a paycheck for only two weeks, for a partial pay period of July 1st-15th, at the end of the first month of employment, or July 31st.*
- *An employee who begins work on the 16th of the month, for example July 16th, would not receive a paycheck on July 31st, rather would receive a paycheck for the full pay period of July 16th-August 15th, at the end of his second (calendar) month of employment or August 31st.*

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***
- ***MEDICARE TAX***

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

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

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

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. *All "final" paychecks will be made by warrant rather than direct deposit and will not be released until verification has been received that all county owned property (i.e. keys, badges, uniforms, equipment, etc. INCLUDING the Employee Personnel Policy Handbook) has been returned to the appropriate department.*

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

HOURS OF WORK:

The 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 who meet the following requirements:

1) 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;
2) Has the power of arrest; and

3) 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.

29 .F.R. § 553.211(a)

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.

EARNING 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 compensatory time will be earned for hours worked in excess of 171 hours in the 28 day period. Such compensatory time will be earned at the rate of 1 ½ times the employee's regular rate of pay.

Note: Only nonexempt employees are entitled to earn compensatory time as described above. Exempt employees are not entitled to overtime pay

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. Unless an exception is made at the discretion of the elected official, compensatory time must be used before PDO time.

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.

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.

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/TRAVEL EXPENSE – 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, and must be determined by the County to be related to the employee's job responsibilities for the County.

Travel expenses for education leave will be paid by the county to include lodging expenses, mileage or car rental/airfare (but not both). Meals are reimbursed only when travel includes an overnight stay. Meals are limited to breakfast, lunch and dinner and must be documented by itemized receipt. "Snacks" such as chips, sodas and candy are not reimbursable by the county unless they are purchased in lieu of a meal. Alcoholic beverages are not reimbursable by the county at any time.

See Wagoner County Travel Policy on page 49 for additional policies and procedures regarding travel.

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. Proper documentation requiring the employee's appearance as a witness or juror must be provided. Verification of attendance from the Court Clerk is required upon return to work.
- 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), eligible employees may take up to 12 weeks of unpaid FML within any 12 month forward rolling period (described below) 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 you 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) <u>Short-Notice Deployment</u>: (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) <u>Military Events and Related Activities</u>: (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) <u>Childcare and school activities</u>: (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 are 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

A description of current health care insurance provided by the County may be obtained from the Benefits Administrator in the County Clerk's Office.

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 which holidays the County Offices will be closed in accordance with Okla. Stat. Title 19 Sec. 350.
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/or who does not work the working day immediately preceding and the working day immediately following a holiday, shall not be paid for that holiday.

Employees who work an alternative work schedule should confer with the elected official regarding holiday leave.

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/1.55 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.

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.
- 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.
- Violation of County policy or a provision of this Handbook.
- Failure to follow supervisory instruction or direction.

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. In the event of criminal conduct, criminal charges may also be filed.

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 for an acceptable excuse in the judgment of Wagoner County or otherwise excusable by law. Occurrences of absences and tardiness will be documented and considered grounds for discipline up to and including dismissal.

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.

PERSONAL APPEARANCE AND DEMEANOR

The dress code will be left up to each elected official to determine for his/her department. Employees are expected, at all times, to present a professional and business-like image for Wagoner County. Dress, grooming and personal cleanliness standards contribute to the morale of all employees. All dress should be in good taste and appropriate for your work activity environment. Some examples of dress that are considered unacceptable for office wear are torn clothing of any sort, tee-shirts, jogging suits, sweat suits, sweatshirts, knit or stretch pants, leggings, leotards, mini-skirts or mini-dresses, tube tops, tank tops, halters, articles of clothing with logos or messages, or any article of clothing made of net or see-through fabric. Skirts, shorts or skorts, must have hemlines no higher than 3 inches above the knee. Wagoner County supports the use of "casual day" in the various offices each Friday. Jeans are permitted on casual day. The casual clothing worn by employees on these days should be neat, clean, and presentable at all times. Tattoos and body piercings (other than earrings) should not be visible.

Any employee violating the standards of this policy may be sent home and directed to return in appropriate attire. Non-exempt employees will not be compensated for time away from work.

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.

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.

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.RS. 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

INTERNET, EMAIL, AND COMPUTER USE POLICY

Policy Statement

The use of Wagoner County automation systems, including computers, fax machines, and all forms of Internet/intranet access, is for County business and for authorized purposes only. Brief and occasional personal use of the e-mail system or the Internet, or personal cell phones including texts, is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense or harm to the County or otherwise violate this policy.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of County computers, networks and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial e-mail ("spam") that is unrelated to legitimate County purposes;
- Engaging in private or personal business activities, including excessive use of instant messaging and chat rooms (see below);
- Accessing networks, servers, drives, folders, or files to which the employee has not been granted access or authorization from someone with the right to make such a grant;
- Making unauthorized copies of County files or other County data;
- Destroying, deleting, erasing, or concealing County files or other County data, or otherwise making such files or data unavailable or inaccessible to the County or to other authorized users of County systems;
- Misrepresenting oneself or the County;
- Violating the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way;
- Engaging in unlawful or malicious activities;
- Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the County's networks or

systems or those of any other individual or entity;

- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Sending, receiving, or accessing pornographic materials;
- Becoming involved in partisan politics;
- Causing congestion, disruption, disablement, alteration, or impairment of County networks or systems;
- Maintaining, organizing, or participating in non-work-related Web logs ("blogs"), Web journals, "chat rooms", or private/personal/instant messaging;
- Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
- Using recreational games; and/or
- Defeating or attempting to defeat security restrictions on County systems and applications.

Using County automation systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material, defined as any visual, textual, or auditory entity, file, or data, is strictly prohibited. Such material violates the County anti-harassment policies and is subject to disciplinary action. The County's electronic mail system, Internet access, and computer systems must not be used to harm others or to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of County resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. The County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

Unless specifically granted in this policy, any non-business use of the County's automation systems is expressly forbidden.

If you violate these policies, you could be subject to disciplinary action, up to and including dismissal.

Policy Statement for Internet/Intranet Browser(s)

The Internet is to be used to further the County's mission, to provide effective service of the highest quality to the County's customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are County resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating County security policy, copyright, and licensing agreements.

All County policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively, relating to: intellectual property, confidentiality, County information dissemination, standards of conduct, misuse of County resources, anti-harassment, and information and data security.

Personal Electronic Equipment
The County prohibits the use in the workplace of any type of camera phone, cell phone camera, digital camera, video camera, or other form of image- or voice-recording device without the express permission of the County and of each person whose image and/or voice is/are recorded. Employees with such devices should leave them at home unless expressly permitted by the County to do otherwise. This provision does not apply to designated County personnel who must use such devices in connection with their positions of employment.

Employees should not bring personal computers or data storage devices (such as floppy disks, CDs/DVDs, external hard drives, flash drives, iPods, or other data storage media) to the workplace or connect them to County electronic systems unless expressly permitted to do so by the County. Any employee bringing a personal computing device, data storage device, or image-recording device onto County premises thereby gives permission to the County to inspect the personal computer, data storage device, or image- recording device at any time with personnel of the County's choosing and to analyze any files, other data, or data storage devices or media that may be within or connectable to the personal computer or image- recording device in question. Employees who do not wish such inspections to be done on their personal computers, data storage devices, or imaging devices should not bring such items to work at all.

Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment, depending upon the severity and repeat nature of the offense. In addition, the employee may face both civil and criminal liability from the County, from law enforcement officials, or from individuals whose rights are harmed by the violation.

POLICY REGARDING USE OF SOCIAL MEDIA BY EMPLOYEES
While County encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the office; or harming the goodwill and reputation of the County among its customers or in the community at large. In the area of social media (print, broadcast, digital, and online services such as Facebook, LinkedIn, MySpace, Plaxo, and Twitter, among others), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, County reminds its employees that the following
guidelines apply in their use of social media, both on and off duty:

1. If an employee publishes any personal information about the employee, another employee of the
   organization, the County, a client, or a customer in any public medium (print, broadcast, digital, or online) that:
   a. has the potential or effect of involving the employee, their coworkers, or the County in any kind of dispute or conflict with other employees or third parties;
   b. interferes with the work of any employee;
   c. creates a harassing, demeaning, or hostile working environment for any employee;
   d. disrupts the smooth and orderly flow of work within the office, or the delivery of services to the County's clients or customers;
   e. harms the goodwill and reputation of the County among its customers or in the community at large; or

f. tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information,

The employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the severity and repeat nature of the offense.

2. No employee may use County equipment or facilities for furtherance of non-work-related activities or relationships without the express advance permission of [designated member of management].
3. Employees who conduct themselves in such a way that their actions toward and relationships with each other interfere with or damage work relationships, disrupt the flow of work or customer relations, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a Situation, the employees involved should request guidance from [designated member of management] to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.
4. Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.
5. Social media access and use involving County equipment and resources are subject to the County's "Internet, Email and Computer Usage Policy" at all times.

How an employee uses social media is not a matter of concern as long as it is consistent with the above
guidelines. Employees may address any questions on this policy to their respective Elected Official.

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 <u>at least one</u> 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) <u>only</u> 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.

DRIVING POLICY

Overview

This policy governs the practices required by employees, contractors and volunteers of Wagoner County while driving on business for the county. The intent of this policy is to increase the safety of county employees, contractors and volunteers while driving on behalf of the county.

This policy is mandatory and applies to all employees, contractors and volunteers who are required to drive to carry out the work of county in any type of vehicle whether their own, a leased, rented or county vehicle. It also covers any period of time when driving for work associated with county, including those being reimbursed for travel time to and from work.

This policy governs the use of both county and personal cell phone and electronic devices when driving on business for county.

Code of conduct:

The Wagoner County code of conduct for driving county vehicles or personal vehicles for work purposes is as follows: employees/volunteers must comply with traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits.

The following actions in county vehicles will be viewed as serious breaches of conduct and dismissal may be a consequence:

- Drinking or being under the influence of drugs while driving
- Driving while disqualified or not correctly licensed
- Reckless or dangerous driving causing death or injury
- Failing to stop after a crash
- Any actions that warrant the suspension of a licence.

Responsibilities of drivers:

Every driver of a County vehicle will:

- Ensure they hold a current driver licence for the class of vehicle they are driving and this licence is

carried when driving a county vehicle

- Immediately notify their supervisor or elected official if their driver licence has been suspended or cancelled, or has had limitations placed upon it; report all citations and convictions with full details immediately
- Be responsible and accountable for their actions when operating a county vehicle or driving for the purposes of work, including the payment of all citations received for any type of driving infraction
- Display the highest level of professional conduct when driving a county vehicle
- Follow all "rules of the road" including driving within the legal speed limits, adjusting driving to the conditions, ensuring load/weight limits are within the law
- Wear a safety belt at all times
- Never drive under the influence of alcohol or drugs, including prescription and over the counter medication if they cause drowsiness
- Avoid distraction when driving – the driver will adjust car stereos/mirrors etc before setting off, or pull over safely in order to do so. Additionally, the driver will

    - NOT use a cell phone or other portable electronic device while under control of the vehicle, unless pulled over to a safe location and the vehicle is at a full stop
    - NOT read or send emails or text messages when under control of the vehicle
    - NOT program or adjust a GPS system while under control of the vehicle

- Report any near-hits, crashes and scrapes to their elected official, including those that do not result in injury, and follow the crash procedures outlined in this policy
- Report infringements to an elected official at the earliest opportunity
- Report vehicle defects to an elected official before the next vehicle use
- Not carry loads for which his vehicle is unsuited, nor carry more passengers than for whom there are seat belts
- Not use the vehicle in conditions for which it was not designed (such as off-road).

Safety Rules

1. Inspect vehicles prior to use to ensure that they are in safe operating condition (tire pressures, radiator and battery levels, etc).
2. If a vehicle does not pass inspection, take immediate steps to remedy the situation
3. Vehicles are not to be operated unless in a safe operating condition.
4. Drivers must be physically and mentally able to drive safely. Fatigue, medications and physical injuries can affect an employee's ability to safely operate a vehicle.
5. Drivers must conform to all traffic laws and make allowances for adverse weather and traffic conditions. Speeding and aggressive behavior will not be tolerated.
6. Hitchhikers and passengers other than county employees are not permitted.
7. Cargo should be secured and all doors should be locked, both when the vehicle is en route and when it is parked.
8. If an employee has a change in license status, including a renewal, he or she must give a copy of his or her new license to the supervisor for the employee's file.

9. Employees are responsible for maintaining a valid driver's license.

Personal Use

Employees who drive county vehicles shall not, at any time, use county vehicles for personal reasons. Employees are restricted from personal use of any kind, including, but not limited to, the following:

- Using county vehicles to run personal errands on or off clock.
- Transporting non-employees in county vehicles, including family members
- Allowing non-employees to use county vehicles for any reason.

Enforcement of rules and responsibilities

Employees will be subject to disciplinary action up to and including termination for violating any of the above rules and responsibilities.

Use of personal vehicles for County business:

If an employee/volunteer is driving his/her own vehicle for the purposes of work, the same policies apply. In addition:

- The employee/volunteer must seek the employer's agreement before using his personal vehicle for work
- The car must be legally registered, warranted and insured for the purposes of work – the employee/volunteer must show evidence of this on request

What employees are to do if there is a crash in a county vehicle

Immediately stop your vehicle at the scene or as close to it as possible, making sure you are not obstructing traffic. Ensure your own safety first. Help any injured people and call for assistance if needed. Notify your elected official.

Try to get the following information:

- Details of the other vehicle(s) and registration number(s)
- Name(s) and address(es) of the other vehicle owner(s) and driver(s)
- Name(s) and address(es) of any witness(es)
- Name(s) of insurer(s)

Give the following information:

- Your name and address and county details

If you damage another vehicle that is unattended, leave a note on the vehicle with your contact details.

Contact the police:

- If there are injuries
- If there is a disagreement over the cause of the crash
- If you damage property other than your own
- If damage to the vehicle looks to be worth more than $2500

In any incident involving a county vehicle, report the incident to your elected official as soon as possible.

When applying for a job at Wagoner County involving the operation of a motor vehicle, you will provide us with:

- Your permission to have your driving record obtained and reviewed.
- Your agreement that your driving record is a vital part of your employment application and that you may not be hired due to it.
- Your previous addresses for the past three years
- List of all motor vehicle accidents and violations or RMV report.
- Any driver's license suspensions or revocations.
- List of all past employers for the last three years with names and addresses & your written permission to contact previous employers.

Driving Records
The County reserves the right to investigate an employee's driving record and take whatever action necessary or appropriate based on the information gained. Every employee who drives any county vehicle must possess a valid Oklahoma driver's license and have a driving record with no "DUI" convictions within the last three (3) years and not more than two (2) moving violations within the last three (3) years.

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.

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 or openly carried 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 DISCRIMINATION AND COMPLAINT PROCEDURE

Discrimination, harassment, and/or retaliation in any form constitute misconduct that undermines the integrity of the employment relationship with the County. The County prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone's gender, national origin,

age, disability, or any other basis protected by federal, state, or local law. Furthermore, the County will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship, health, or safety concern.

Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a harassing and/or discriminatory nature will constitute harassment and/or discrimination. 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.

The County expects that everyone will act responsibly to establish a professional work environment. However, if an employee feels he/she has been subjected to any form of harassment and/or discrimination, the employee should report that conduct to his/her immediate supervisor, another member of supervision, or a member of the Board of Commissioners within three calendar days of the offense. Employees are not required to approach the person who is harassing and/or discriminating against them, and they may bypass any offending member of supervision. The person the harassment or discrimination is reported to will take the necessary steps to initiate an investigation of the discrimination and/or harassment claim. Employees who believe they have been discriminated against on the basis of a disability or who believe they have not been properly afforded a reasonable accommodation for a disability should utilize this same complaint and reporting process.

The County will conduct its investigation in as confidential a manner as possible. However, the County will not allow the goal of confidentiality to be a deterrent to an effective investigation. A timely resolution of each complaint will be reached and communicated to the employee. Appropriate corrective action, up to and including termination, will be taken promptly against any employee engaging in discrimination and/or harassment. The corrective action issued will be proportional to the severity of the conduct. The alleged harasser's employment history and any similar complaints of prior unlawful discrimination and/or harassment will be taken into consideration.

The County prohibits retaliation of any kind against employees, who, in good faith, report harassment and/or discrimination or assist in investigating such complaints. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct to his/her immediate

supervisor, another member of supervision, or Human Resources within three calendar days of the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management.

AMERICAN WITH DISABILITIES GRIEVANCE PROCEDURES

This grievance procedure is established to meet requirements of the American with Disabilities Act. It may 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 complaint, 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 complaint, 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.

SOLICITATION/ DISTRIBUTION POLICY

Any solicitation and/or distribution of materials not work related shall be at the discretion of the elected officials. Security policies shall be followed. Guests shall enter the Courthouse through security at the main doors.

TOBACCO FREE POLICY

All buildings owned or operated by Wagoner County are designated as tobacco free. 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

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.

Okla. Stat. Ann. Tit, 26 O.S. § 7-101

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WAGONER COUNTY USE OF COUNTY-OWNED VEHICLE AGREEMENT

Employee Name:_____Date:_____
Department:_____
Regularly assigned vehicle:_____

I have read and understand Wagoner County policy on the use of county-owned vehicles. I have been instructed by (Elected Official)_____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: (mark one)

The Cents Per Mile Rule _____

The Commuting Rule _____

The Annual Lease Value Rule _____

** (All employees may not qualify for all three of these valuation methods – see IRS Publication 15B).

AND, I agree to provide the information and documentation necessary to make this calculation.

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.

_____ _____
Employee's Signature Date Witness Date

WAGONER COUNTY DRIVING POLICY ACKNOWLEDGEMENT/AGREEMENT

Employee Name:_____Date:_____
Department:_____
Regularly assigned vehicle:_____

I have read and understand Wagoner County Driving Policy and agree to abide by its rules. I further recognize that driving is a very serious business and that my personal driving record will affect my value to Wagoner County and its ability to employ me.

Additionally, I agree and understand that my driving record may be obtained and reviewed periodically.

_____ _____
Employee's Signature Date Witness Date

WAGONER COUNTY EMPLOYEE SAFETY PLAN AND AWARD POLICY

Revised 2013

Safety in the workplace is one of the highest priorities for Wagoner County. It is important to your elected county officials and your supervisor, but most importantly, to your fellow workers.

To highlight Wagoner County's commitment to workplace safety, elected county officials have implemented this following safety award and recognition program for their most important resource – YOU!

REQUIREMENTS:

1. Only Full-Time employees of Wagoner County Employee are eligible to participate in the Safety Plan and Award program. Each employee must complete at least 8 hours of safety training from October 15th to October 14th. Every office/department will have an employee assigned to maintain documentation of attended safety courses and training for that department/office. At the end of the training cycle this information will be provided to the Safety Director for verification and processing.

2. Oklahoma law requires that a safety meeting is to be held each quarter. While there is no time frame on the meeting length; it is recommended that a minimum of two hours of safety training per quarter of the training cycle occur. This allows a systematic approach to completing the eight hours of required safety training for the training cycle. If an employee misses a session due to unforeseen circumstances or a conflict in schedule, it does not preclude him/her from making up the training with supervisory approval.

3. If the safety training is not completed by October 14th of each training cycle, the award for that person/group will be null and void for that training cycle. If an office can show adequate justification to lack or lateness of training, an extension may be granted by the Board of County Commissioners.

4. The County shall have incurred NO LOST TIME from any Workers Compensation claim that is filed by the employee during the training cycle. Supervisors shall ensure the prompt (same day) reporting of ALL injuries to the responsible elected official/department dead, County Safety Director, and to the Personnel office.

5. The employee shall not have caused an accident in which another employee or member of the public was injured.

6. When an employee fails to qualify for the Safety Incentive Award, the employee shall not receive the award for that training cycle. The employee will be eligible to begin the qualification process at the beginning of the next training cycle.

7. The safety award training shall be distinct from any safety training required as a function of the position held; however, the training must be related to the position (i.e. training in heavy equipment operation is not suitable for office personnel).

8. The Safety Director or Safety Designee giving the course will each keep the forms the employees sign verifying their participation in the classes given. The Safety Director and the Safety Designee of each office will keep files of these courses and the attendees.

9. Wagoner County has adopted a safety award of $250 per employee or a non-monetary award of time off of two Personal Days Off (PDO) at the discretion of the Board of Commissioners after consideration of availability of revenues.

10. To be eligible for the full safety award, an employee must have completed twelve months of continuous employment with the County prior to the October 15th start date of the training cycle. Employees who have completed six months of continuous employment with the County prior to October 15th and who have completed the 8 hours of safety training shall be eligible for 50% of the safety award ($125 or 1 PDO Day).

WAGONER COUNTY TRAVEL POLICY

Effective January 2013

The following travel policies and guidelines will apply to all county employees including elected officials in accordance with Okla. Stat. Ann. Tit. 19, § 130.6**.**

Full-time employees may occasionally travel for county related business for example, to attend conferences, seminars, or instruction designed to advance the technical or professional skills of the person attending.

- Travel must be authorized by the elected official prior to the leave being taken or travel arrangements being made.

- Travel for training purposes must be determined by the County to be related to the employee's job responsibilities for the County.

- Travel expenses for approved travel will be paid by the county to include lodging expenses, and mileage or car rental/airfare (but not both).

- Meals are reimbursed only when travel includes an overnight stay. Meals are limited to breakfast, lunch and dinner and must be documented by <u>itemized</u> receipt. Requests for reimbursement which do not include itemized documentation will not be reimbursed. "Snacks" such as chips, sodas and candy are not reimbursable by the county unless they are purchased in lieu of a meal. Alcoholic beverages are not reimbursable by the county at any time.

- If travel site is 125 miles or more from the work site (i.e. courthouse, district barn), the employee should stay overnight. The employee will receive mileage reimbursement, if applicable, for the commute there and back once. If the employee chooses to commute, it must be authorized in advance by the department head.

- Overnight accommodations will not be approved for lodging any earlier than the night before the beginning of any school or conference or any later than the night before the last day of any school or conference. For example, for a school on Wednesday and Thursday, lodging will be approved for Tuesday and Wednesday only. Any additional lodging will be at the employee's expense.

- If travel is over 70 miles from the official work site, the employee may request overnight lodging. The county will not pay for overnight lodging for any destination closer than 70 miles from the official work site.

- All Out-of-state travel must receive prior approval from the Board of County Commissioners either through a travel authorization form or via blanket purchase order to encumber registration, hotel, air-fare, etc. Exceptions to this requirement may be made for emergency travel (for example for the Sheriff's or EMS personnel).

- Per Wagoner County Resolution 2012-035, reimbursement for travel for Wagoner County employees will be governed by the Per Diem rates established by the Federal Government (http://www.gsa.gov/portal/category/100120) and listed on the U.S. General Services Administration website for all county travel for the applicable travel dates.

  Combined travel expenses per day for hotel and meal reimbursements will be limited to the combined total for hotel and meal per diem by city as listed on the U.S. General Services Administration website for the applicable travel dates. As an example: On August 1, 2012, the Federal Per Diem in Oklahoma City is $81 for hotel and $66 for meals for a total of $147 per day. Combined spending for this day for county employees for hotel and meals must not exceed $147 for that day. (Therefore, if the hotel stay is $92 for a conference, then total allowance for meals would be only $55 per day.)

  Expenditures which exceed the daily maximum amount will not be reimbursed. If hotel rates exceed this daily combined maximum, a purchase order will not be issued. Travel will be reimbursed for actual travel expenses only with the required supporting documentation; and, shall not paid as a true per diem. (i.e. payment made to the employee whether or not it is actually expended.)

WAGONER COUNTY
DRUG AND ALCOHOL TESTING POLICY

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, Wagoner County will/may require an individual to undergo a test for drugs and/or alcohol under the following circumstances.

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.

Paragraphs "1" through "16" below apply to all employees of Wagoner County except those covered by federal law or regulation through the Department of Transportation because they drive Commercial Motor Vehicles (CMV) requiring a Commercial Drivers License (CDL).

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV) which require a Commercial Drivers 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 "16" below and is covered by paragraphs "17" through "31" below.

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~~ may be required to submit to drug and/or alcohol testing. A positive test or a refusal to undergo testing may result in a refusal to hire.

3. For-Cause Testing: Any time the elected official reasonably believes an individual is under the influence of drugs or alcohol, the elected official may require a drug or alcohol test. Circumstances causing the elected official 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 or another person has sustained any injury while at work, or in cases in which the County's property has been damaged while at work, including damage to equipment, the County may require drug and/or alcohol testing.

5. Random Testing: The ~~County~~ elected official 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 which 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~~ elected official may require the following individuals to undergo drug or alcohol testing if the testing is conducted as a part of a routinely scheduled fitness for duty medical examination or is 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 which 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~~ elected official 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 two years commencing with the employee's return to work.

8. Transfer/Reassignment: If an employee transfers to a new position or job, or if an employee is reassigned to a different position or job.

9. Return From Leave: If an employee returns to duty from a leave of absence.

10. Substances Which May Be Tested

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

11. Testing Methods and Collection Procedures

A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer;

B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;

C. The collection of samples shall be performed under reasonable and sanitary conditions;

D. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;

E. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;

F. Sample collection shall be documented, and the documentation procedures shall include:

1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and

2. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information;

G. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;

H. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff

levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to 40 O.S. § 562 of this act;

I. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required; and

J. The County will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

12. Records

Records of all drug and alcohol test results and related information are the property of the County and will be maintained in the Human Resources Office. 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 Standards for Workplace Drug and Alcohol Testing Act. The County may share drug and alcohol test results and related information regarding employees of independent contractor or subcontractors with the respective independent contractor or subcontractor, as provided by the County's contractual agreement.

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.

13. Consequences for Violating the Testing Policy

A. Refusal to be Tested: Any individual who refuses to submit to the ~~County~~ elected official'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 regarding consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.

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 subject to termination from employment.

14. Confidential Explanation by Individual

Any individual who receives a positive drug test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the County.

15. 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.

16. Changes to this Policy

Any part of this Policy can be changed by the County with ten (10) days written notice.

CDL/CMV EMPLOYEES

17. EMPLOYEES SUBJECT TO TESTING. All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Drivers 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 (attached). 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 Wagoner County and all current employees who are requesting transfer to a position covered by this paragraph "17" 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 "17" shall be subject under this policy to the following listed testing. This includes full-time or part-time employees and regular or temporary employees.

1. Post-Accident Testing
2. Random Testing
3. Reasonable Suspicion Testing
4. Return-To-Duty Testing
5. Scheduled, Periodic Testing
6. Follow-Up Testing

18. 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.

Under very limited circumstances, a driver may be exempted from this requirement if the driver meets the requirements of 49 CFR §382.301(b).

19. POST-ACCIDENT TESTING. 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:

A. the occurrence involved the loss of human life;

B. 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:

1. 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

2. 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.

This testing shall be in accordance with 49 CFR §382.303.

20. RANDOM TESTING. The ~~County~~ elected official 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.

21. REASONABLE SUSPICION TESTING. If ~~(blank) County~~ an elected official has reasonable 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 reasonable suspicion arises during, just preceding, or just after the period of the work day that the driver is required to be in compliance with DOT Regulations. This testing shall be in accordance with 49 CFR §382.307.

22. 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 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.

23. SCHEDULED PERIODIC TESTING. Wagoner 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.

24. FOLLOW-UP TESTING. If Wagoner County decides to return a driver to safety-sensitive functions under paragraph "22" above, the driver will be subject to follow-up testing. Such testing shall be in accordance with the plan established by a Substance Abuse Professional, 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.

25. 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:

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

B. 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.

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

D. 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.

E. CONTROLLED SUBSTANCES. Means only the following five drugs or classes of drugs:

1. marijuana metabolites;
2. cocaine metabolites;
3. amphetamines;
4. opiate metabolites;
5. phencyclidine (PCP).

F. 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.

1. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

2. Excludes:
   a. damage which can be remedied temporarily at the scene of the occurrence without special tools or parts;
   b. tire disablement without other damage even if no spare tire is available;
   c. headlight or taillight damage;
   d. damage to turn signals, horn, or windshield wipers which makes them inoperative.

F. 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.

G. REFUSE TO SUBMIT (to an alcohol or controlled substance test). Means that a driver:

1. fails to appear for any test (except a pre-employment test) within a reasonable time after being directed to do so;
2. fails to remain at the testing site until the testing process is complete;
3. fails to provide a urine specimen for any required drug test;
4. 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;
5. 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;
6. fails or declines to take a second test the driver has been directed to take;
7. fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer or by the Designated Employer Representative;
8. 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
9. is reported by the Medical Review Officer as having a verified adulterated or substituted test result.

H. SAFETY SENSITIVE FUNCTION. Shall include:

1. 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;
2. All time inspecting equipment as required by 49 CFR, Subchapter B, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. 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);
5. 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
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

I. 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.

J. PROHIBITED CONDUCT. Means that no driver shall:

1. report for duty or remain on duty requiring the performance of safety sensitive

functions with an alcohol concentration of 0.04 or greater;

2. use alcohol while performing safety sensitive functions;
3. perform a safety sensitive function within 4 hours after using alcohol;
4. if required to take a post-accident alcohol test (under paragraph "P" above), use alcohol for 8 hours following the occurrence, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
5. refuse to submit to any required alcohol or controlled substances test;
6. 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.);
7. 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.

26. 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 herein and copies are attached hereto.

27. CONSEQUENCES OF VIOLATIONS OF THIS POLICY. Drivers who violate this policy or who commit any of the prohibited conduct in paragraph "25(k)" above will experience the following consequences in accordance with Federal Regulations:

A. Immediate removal from any and all safety sensitive functions;
B. 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;
C. 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 "20" above;
D. 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.

28. DISCIPLINARY ACTION. In addition to the consequences in paragraph "27" above, and under authority separate from the Federal Regulations, drivers who violate this policy or who commit any of the prohibited conduct in paragraph "25(k)" above;

A. 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

B. 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.

C. 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.

29. EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCE USE. Attached is information 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.

30. APPEALS. As in all cases of job-related problems, concerns or questions regarding the County's drug and alcohol policy should be referred initially to the employee's supervisor and, if necessary, to the elected official. Within Wagoner County, _____ has been designated to answer questions about this policy or any of the attached materials.

31. 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 drug and alcohol abuse evaluation expert. 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 "24" above.

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ACKNOWLEDGMENT OF RECEIPT OF
WAGONER 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 Wagoner County Drug and Alcohol Testing Policy and understand that paragraphs 1 through 16 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 Wagoner County or as a condition of my continued employment with Wagoner County.

_____ _____

Witness Employee/Applicant

Date Signed: _____

ACKNOWLEDGMENT OF RECEIPT OF
WAGONER 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 Wagoner 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 17 through 31 of the Wagoner 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 Wagoner County or as a condition of my continued employment with Wagoner County.

_____ _____

Witness Employee/Applicant

Date Signed: _____

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WAGONER COUNTY, OKLAHOMA
DRUG AND ALCOHOL TESTING CONSENT FORM
(Not for use with applicants and employees covered by DOT regulations.)

I, _____ on this date _____

_____ DO consent to provide a sample specimen for drug and/or alcohol testing.
(Initial)

_____ DO NOT consent to provide a sample specimen for drug and/or alcohol testing.
(Initial)

I acknowledge that the testing personnel will determine which test to use (i.e. urine, blood, breath, etc.)

I am currently using the following medication (indicate "none" if applicable):

Type of drug/brand name/dosage Last taken Prescribing physician or over-the-counter

_____

I have been in contact with or exposed to the following substance which may have an affect on a drug and/or alcohol test (indicate "none" if applicable):

_____

I understand that my refusal to provide a sample specimen will result in the rejection of my application for employment or grounds for disciplinary action up to and including termination from my current employment with Wagoner County. I further understand that a confirmed positive test without satisfactory explanation will be grounds for the rejection of my application for employment and will be grounds for disciplinary action up to and including termination from my current employment with Wagoner County.

_____ _____
Signature Date

_____ _____
Witness

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EMPLOYEE AUTHORIZATION AND RELEASE

Designated County Representative _____

Phone: _____ Fax: _____

Driver's Name:	
I hereby authorize and request: Prior Employer: _____ Address: _____ City, State, Zip _____ Phone:_____Fax:_____	
to release any and all information pertaining to my employment records as required by 49 CFR §391.23 to the above named Oklahoma county. You are released from any and all liability which may result from releasing such information.	
Signed:	SSN:
Witnessed By:	Date:

1.	§391.(d)(1). Please provide dates that the above applicant worked for you. Employment dates from: to:

2.	§391.23(d)(2). Did the applicant have any accidents? [ ] Yes [ ] No

Date	Location City/St	# Injuries	# Fatalities	HM Spill?

3.	§391.23(e)(1). Did the driver violate any section of 49 CFR Subpart B? Yes No		
§382.201 Alcohol concentration above .04.			
§382.205 Alcohol use on duty.			
§382.207 Alcohol use within 4 hours before coming on duty.			
§382.209 Alcohol use prior to 8 hours after an accident.			
§382.211 Refusing to submit to testing (Post accident, Random, Reasonable Suspicion, or Follow Up test)			
§382.213 Controlled substances use on duty.			
§382.215 Tested positive for controlled substances.			

4.	§391.23(e)(2). If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? 49 CFR §382.605/Part 40 Subpart O	Yes	No

5.	§391.23(e)(3). After completing return-to-duty process, 49 CFR §382.605/Part 40 Subpart O, did the driver:		
		Yes	No
1. Test above .04 for alcohol			
2. Receive a verified positive controlled substances result			
3. Refuse to be tested			

Previous employer: If you answered "yes" to any item in section 3, you must also transmit a copy copies of the appropriate documentation (e.g., CCFs, MRO results reports, BATFs, SAP reports, follow-up testing record) to the new employer. (49 CFR Section 40.25)

Per 49 CFR §391.23(g): After October 29, 2004 previous employers must respond to the above request within 30 days after the request is received.

Type of equipment driven:

	Straight truck		Tractor semi-trailer		Bus

TRAILER USED		Van		Flatbed		Refrigerated
	Cargo Tank			Triples		Doubles

Was the applicant safe and efficient? [ ] Yes [ ] No

Remarks:

Reason for leaving your employ. [ ] Discharged [ ] Laid off [ ] Resigned [ ] Other:

Mailed On:	Faxed On:
Signature:	Date:
Title or position:	

For the use of Wagoner County only

Received by mail on:	Received by fax on:
Received by phone on:	Person talked to:

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WAGONER COUNTY RECORD OF INVESTIGATION

Prior employer check in accordance with 49 CFR 391.23 Good Faith Effort

1. Call the prior employer and record who was contacted. Fax the required release. Go to step 2.
2. Call the prior employer and record who was contacted. Ask if they received the fax. If they say YES the fax was received, ask for the information that is required.
3. If the prior employer refuses to release the information, record the refusal below and file with the driver's original authorization for release of information.

PRIOR EMPLOYER	
Address:	Phone:
City, State, Zip:	Fax:
Dates of employment: From:	To:

DRIVER NAME:	Social Security Number:

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
NOTES		

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
NOTES		

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
NOTES		

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
NOTES		

Conducted By:

RESOLUTION #2013-009

"Employee Personnel Policy Handbook – Wagoner County"

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 Statues Annotated Title 19, Section 339, Wagoner County, by the majority vote of the elected officials, does hereby adopt the **"Employee Personnel Policy Handbook – Wagoner County"**.

Dated this 11 **Day of** March **. 2013.**

Board of County Commissioners and other Elected Officials of Wagoner County:

3/11/13
Chris Edwards, Chairman BOCC

Bob Colbert, Sheriff

3/11/13
Tim Kelley, Vice Chairman BOCC

Sandy Hodges, Assessor

3-11-13
James Hanning, Member BOCC

3/11/13
Dana Patten, Treasurer

Lori Hendricks, County Clerk

COUNTY CLERK OFFICIAL SEAL WAGONER COUNTY OKLAHOMA

Jim Hight, Court Clerk