WAGONER COUNTY

PERSONNEL POLICY HANDBOOK

2023 Edition

Revisions from the 2021 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 ACKNOWLEDGEMENT FORM

I 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.

The information, policies and benefits described in The 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 The Handbook represents the sole policy of the County and replaces and supersedes any and all other oral or written personnel policies or procedures. I understand that the most updated version of the Handbook will be posted on the county website at https://www.ok.gov/wagonercounty/About_Wagoner_County/Employee_Information.

I further understand The Handbook is not, nor is it intended to be a contract of employment. I further understand the County Elected Official 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. Employees may also terminate at will.

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.

As an exception to this policy, overtime shall be paid as cash overtime payment in the event of any national or state declared emergency, whether it be weather, other natural disaster, or epidemic/pandemic in nature.

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. It 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 O.S. 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. The most updated version of the Handbook will be posted on the county website at https://www.ok.gov/wagonercounty/About_Wagoner_County/Employee_Information.

Should you have any questions regarding policies, please ask your supervisor, elected official 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, 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

Wagoner County participates in E-Verify (Federal law requires verification of all new hires)

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, but prior to the employee's first shift.

Employees serve in an at-will capacity, 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 their employment eligibility with appropriate documentation. The required documentation, including but not limited to, a valid driver's license and social security card, 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 on the first day of employment as required by law.

EMPLOYMENT STATUS

After a 90-day period of provisionary employment, employees will be classified as either Full-time, Part-time, Seasonal or Temporary.

Full-time status is defined as working a minimum of 30 hours per week or 120 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 OPERS, the Wagoner County Retirement Program is mandatory.

Part-time status is defined as working less than 30 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 OPERS, the retirement program. Part-time employees who work less than 30 hours per week are not eligible for benefits of any kind and are not eligible to receive the safety award.

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 in the Treasurer's office 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 for a specific period of time, including a start date and end date. When that job is complete the employment ends. Temporary employees are not eligible for benefits of any kind.

Provisional status is defined as any employee, regardless of status as Full-time, part-time, seasonal or temporary, during the initial 90-day period following the first date of employment. Provisional employees are enrolled into OPERS provided they are eligible, but do not accrue vacation or personal leave during the provisionary period.

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. *O.S. 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 offer of employment is made. 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 in this manual. *O.S. 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. No person who has direct subordinates shall have reporting directly to them, any person who is related by blood or marriage to the third degree. The single exception to this policy shall be, should an individual be promoted or elected to a position having direct subordinates which may include such relative, said relative may remain in their position of employment, however shall be deemed ineligible for promotion within that department until such time as the promoted or elected relative is no longer in office.

"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. *O.S. 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 promptly 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. All other employee information, including but not limited to social security number, insurance or benefit information, and record of disciplinary action, is considered confidential.

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. *O.S. 51 § 24A.7*

COMPENSATION POLICIES

TIME RECORDING, NON-EXEMPT EMPLOYEES

The County is required by law to keep accurate records of the actual hours worked by non-exempt 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.

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

1. Arrive at work allowing sufficient time to clock in (if appropriate) and start work on time.
2. Employees should clock 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. Employees may not clock in early (more than five minutes prior to the beginning of their shift) or clock out late (more than five minutes after their shift) without having received prior approval for overtime.
4. 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.
5. Employees are not permitted to punch another employee's timecard or to otherwise record another employee's time.
6. To be valid, corrections or alterations on a time record must be initialed as soon as possible by the employee's supervisor.
7. 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. *O.S. 19 § 153*

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 15th 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*
- *STATE INCOME TAX*
- *SOCIAL SECURITY TAX*
- *MEDICARE TAX*
- *LEVIES*
- *GARNISHMENTS*

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

- *GROUP HEALTH INSURANCE*
- *OPTIONAL INSURANCE PLANS*
- *CREDIT UNION or FOP*
- *LEGAL SHIELD OR 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. *O.S. 40 §§ 165.2 to 165.3*

When 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 include payout of all hours worked, as well as payout of compensatory time, holiday time, and vacation time. Final paychecks will be issued with the next scheduled payroll distribution, but 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 and insurance card) has been returned to the appropriate department. A deduction from final payroll may be made to cover the replacement cost of any county issued item that is not returned for any reason.*

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.

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. *29 F.R. § 553.211(a)*

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 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 positions 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 non-exempt employees are entitled to earn compensatory time as described above. Exempt employees are not entitled to overtime pay. For clarification on Exempt and Non-Exempt employees, see the Department of Labor website https://www.dol.gov/agencies/whd/flsa

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, overtime shall be paid as cash overtime payment in the event of any national or state declared emergency, whether it be weather, other natural disaster, or epidemic/pandemic in nature. On other occasions, and at the sole discretion of the elected official, ~~the~~ any 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. As approved by the Board of Commissioners: Election board personnel, with the exception of the Election Board Secretary, may receive cash overtime payment for only those elections in which overtime wages are reimbursed by the non-county (outside) entity for which an election has been called.

All compensatory time off will be scheduled at the discretion of the elected official or department head. 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, vacation, or personal leave.

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 employee 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. The balance of any unused compensatory time received but not taken after 180 days, shall be paid to the employee at the employee's current regular hourly rate.

SHORT TERM DISABILITY:

Wagoner County provides employees with a short-term disability policy at no expense to the employee. The benefits begin on the 15th 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 24 weeks. Employees have the option of carrying long term disability at their own expense.

It is the responsibility of the employee to notify Human Resources on the day that short-term disability begins. Employees may opt to use accrued leave such as personal or vacation leave for the first fourteen (14) days before short-term disability benefits begin. Any accrued leave used beyond the initial fourteen (14) days, will reduce the allowable short-term disability benefit. For example, if an employee uses 4 weeks (28 days) of personal leave, the maximum short-term disability benefit allowable would be reduced to 22 weeks.

Because short-term disability provides benefits for conditions protected by FMLA, health insurance benefits will continue for a term of up to 12 weeks only unless the employee elects to continue coverage through COBRA. While on short-term disability, an employee will not accrue vacation or personal leave.

LEAVE BENEFITS

Wagoner County has adopted a paid general leave program for regular employees which incorporates forms of leave such as vacation and personal leave, 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 to be submitted with payroll claims. Such records shall include type and length of leave. All vacation and other leave benefits shall be calculated from the date on which the employee began full-time employment. *For vacation and personal leave, see "Fringe Benefits".*

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. While on military leave beyond the initial 30 calendar days, health insurance benefits do not continue unless the employee elects to participate in COBRA at their own expense. O.S. 72, § 48 and Oklahoma Uniformed Services Employment and Reemployment Rights Act.

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. O.S. 19 § 130.6

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. *Gratuity may be reimbursed, however must not exceed 15% of the meal tab.* "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 for additional policies and procedures regarding travel.

INCLEMENT WEATHER AND UNSAFE WORKING CONDITIONS LEAVE -

The Chairman of the Board of Commissioners 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 or unsafe working conditions. 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 or unsafe working 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 or unsafe working 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 vacation or personal leave;
(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. *O.S. 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 vacation or personal leave, compensatory time or leave without pay**.** *O.S. 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 vacation or personal leave. While on leave without pay, health insurance benefits do not continue unless the employee elects to participate in COBRA at their own expense. 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. *O.S. 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.

Wagoner County will comply with the federal Family and Medical Leave Act of 1994, as amended in 2010 (the "FMLA"). Employees must have been employed by Wagoner County for more than 12 months over the past seven (7) years and must have worked at least 1,250 hours in the 12 months preceding any leave to be eligible for the Family and Medical Leave described in this Policy (note: this seven (7) year measurement is adjusted if the leave is due to certain military service). Employees must also work in or within 75 miles of a location at which Wagoner County employs 50 or more individuals to be eligible for the Family Medical Leave described in this Policy.

Wagoner County provides up to a total of 12 weeks (480 hours) of leave in any "forward rolling" 12-month period. The 12 month forward rolling period during which time you may take up to 12 weeks (480 hours) of unpaid FMLA Leave is a period measured forward from the date the employee first takes FMLA leave. For example, if an eligible employee first takes FMLA Leave on May 1, they are entitled to no more than 12 weeks (480 hours) of FMLA Leave through April 30. Additionally, eligible employees have the right to take up to 26 weeks (1040 hours) of unpaid leave in a single 12-month period (less any FMLA leave taken during the period for other purposes under this Policy) to care for a family service member in connection with a serious military illness or injury. See "Military Caregiver Leave" below.

Upon submission and approval of a leave of absence request, eligible employees are entitled to leaves of absence for the following purposes:

Birth/Adoption/Foster Care Leave. An employee may take leave in connection with the birth of the employee's natural child or the placement of a child with the employee for adoption or foster care. An employee's entitlement to leave for birth or placement of a child expires 12 months after the birth or placement.

Family Leave. An employee may take leave to care for his or her son or daughter, spouse or parent with a serious health condition.

Medical Leave. An employee may take leave in connection with his or her own serious health condition which renders the employee unable to perform his or her job duties.

Military Qualifying Exigency Leave. An employee with a spouse, son, daughter, or parent on "covered active duty" may use their 12-week leave entitlement to address certain qualifying exigencies.

Military Caregiver Leave. An employee is also entitled to take up to 26 weeks of leave during a single 12-month period (less any FMLA leave taken during the period for other purposes under this Policy) to care for a "covered service member" with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member. This leave is applied on a per-covered-service member, per-injury basis, provided that no more than 26 workweeks of leave may be taken during a single 12-month period.

Definitions

As used in this Policy and under the federal FMLA regulations, the following terms are defined as follows:

"**Child or Son or Daughter"**
Child, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing 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."

"**Contingency Operation"**
A military operation that is designated by the Secretary of Defense or otherwise created by operation of law as an operation in which members of the Armed Forces are or may become involved in military actions, operations or hostilities against an enemy or opposing forces of the U.S.

"**Continuing Treatment"**
A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: (i) A period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that involves an in-person visit to a health care provider with the first in-person treatment visit coming within seven (7) days of the first day of incapacity, that also involves: (a) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; (ii) Any period of incapacity due to pregnancy, or for prenatal care; (iii) Any period of incapacity or treatment for such incapacity due to chronic serious health conditions (requires at least two visits to a health care provider per year; continues for an extended period of time; and may cause episodic rather than continuing periods of incapacity); (iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continued supervision of a health care provider (e.g. Alzheimer's, severe stroke, etc.); (v) Any period of absence to receive multiple treatments (or to recover from same) conducted or ordered by a health care provider for a condition which, if untreated, would result in a serious health condition.

"Covered Active Duty"
Your spouse, son, daughter, or parent, who is either: a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country; or b) in the case of a member of a reserve component of the Armed Forces, duty during

deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a contingency operation, as defined in 10 U.S.C. § 101(a)(13)(B).

"Covered Service Member" or "Covered Military Member"
Either: a) 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 b) a veteran who is undergoing medical treatment recuperation, or therapy, for a serious injury or illness and who was discharged or released under conditions other than dishonorable as 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.

"Equivalent Position"
An equivalent position must have the same pay, benefits, and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

"Health Care Provider"
A health care provider is: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or (ii) any other person determined by the Secretary of Labor to be capable of providing health care services. These include podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors, nurse practitioners and nurse-midwives who are authorized to practice by the State. Christian Science practitioners listed with the First Church of Christ Scientists in Boston, Massachusetts are also included.

"Key Employee"
A key employee is a salaried employee who is among the highest paid 10 percent of all the employees employed by Wagoner County within 75 miles of the employee's worksite.

"Next of Kin"
The nearest blood relative of a covered service member, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statute, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member consecutively or simultaneously.

"Qualifying Exigency"

Qualifying exigencies include the following:

Short-Notice Deployment: An allotment of up to 7 days of leave to address any issue that arises from the fact that the employee's spouse, son, daughter, or parent, who is on covered active duty has been 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.

Military Events and Related Activities: Leave to attend an official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of an employee's spouse, son, daughter, or parent, who is on covered active duty or 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 an employee's spouse, son, daughter, or parent, who is on covered active duty.

Childcare and School Activities: Leave to arrange for or provide for childcare or school-related activities when the active duty or call to active duty status of an employee's spouse, son, daughter, or parent, who is on covered active duty, necessitates a change in the existing childcare arrangement for a child, as defined in number one (1) of these definitions above.

Financial and Legal Arrangements: Leave to make or update various financial and legal arrangements to address an employee's spouse, son, daughter, or parent, who is on covered active duty's absence while on active duty or call to active duty status.

Counseling: Leave to attend counseling provided by someone other than a health care provider for oneself, for an employee's spouse, son, daughter, or parent, who is on covered active duty, or for the child of an employee's spouse, son, daughter, or parent, who is on covered active duty, provided that the need for counseling arises from the active duty or call to active duty status of a an employee's spouse, son, daughter, or parent, who is on covered active duty.

Rest and Recuperation: An allotment of up to fifteen (15) days for each instance of rest and recuperation leave to spend time with an employee's spouse, son, daughter, or parent, who is on covered active duty who is on short-term, temporary, rest and recuperation leave during the period of deployment.

Post-Deployment Activities: Leave 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 termination of an employee's spouse, son, daughter, or parent, who is on covered active duty's active duty status and to address issues that arise from the death of a an employee's spouse, son, daughter, or parent, who is on covered active duty.

Leave to Care for Military Member's Parent: Leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such are may including arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Additional Activities: Leave to attend other activities arising out of an employee's spouse, son, daughter, or parent, who is on covered active duty's active duty status' active duty or call to active duty status provided that the employer and employee both mutually agree: a) that such leave should qualify as an exigency; and b) to the timing and duration of the leave.

"Parent"

Parent means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. The term does not include parents "in-law."

"Serious Health Condition"
A serious health condition is an illness, injury, impairment or physical or mental condition that involves: (1) inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility) and any corresponding period of incapacity or subsequent treatment in connection with the inpatient care, or (2) "continuing treatment," as defined above, by a health care provider. "Incapacity" means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, treatment therefore or recovery therefrom. "Treatment" includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical, eye, or dental examinations. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches or other migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do *not* meet the definition of a serious health condition and do not qualify for FMLA leave.

"Serious Injury or Illness"
A serious injury or illness is either: a) in the case of a current 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 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 may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or b) 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 the period 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying 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.

"Serious Injury or Illness for a Covered Veteran"
An injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

(1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR

(2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR

(3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR

(4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Spouse"

Spouse means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage in states where it is recognized.

Employee Notice or Wagoner County Election of FMLA Leave

When it is foreseeable for the birth or placement of a child or for planned medical treatment, an employee who wishes to take leave under this Policy must give reasonable, advance notice and must submit a written leave of absence request for approval prior to the commencement of the leave. In most circumstances, a "reasonable, advance notice" means 30 days. When planning medical treatment, the employee must consult with the Human Resources Department and make a reasonable effort to schedule the treatment so as not to unduly disrupt Wagoner County's operations, subject to the approval of the health care provider. Advance notice of the need to take Military Caregiver Leave is also required when such leave is foreseeable. The employee has a responsibility to provide notice sufficient to make Wagoner County aware that the employee needs FMLA qualifying leave, and the anticipated timing and duration of the leave. Failure to provide notice sufficient to make Wagoner County aware that the employee needs FMLA qualifying leave could result in a denial of the employee's leave application.

When it is not possible to give advance notice—for example, in connection with an unforeseeable medical emergency or for Military Qualifying Exigency Leave—the employee must notify the Human Resources Department as soon as practicable, ordinarily within one (1) or two (2) business days of when the employee learns of the need for leave. Employees must follow Wagoner County's customary call-in procedures, unless unusual circumstances require a deviation from them.

When an employee requests FMLA leave, the Human Resources Department will notify the employee of the employee's eligibility for and obligations and expectations of taking FMLA leave within five (5) business days, absent extenuating circumstances. After the Human Resources Department has enough information to determine whether the leave is being taken for an FMLA-qualifying reason, the Human Resources Department will notify the employee of whether the leave will be designated and will be counted as FMLA leave within five (5) business days, absent extenuating circumstances. Wagoner County also has the right to designate an absence as Family and Medical Leave on its own volition, consistent with applicable laws and regulations, even if the employee does not request it.

If an employee has credited vacation and/or sick leave, he or she must take advantage of those paid leaves in connection with any leave under this Policy. That means that the employee's paid leave will run concurrently with their FMLA leave. Accordingly, the period of unpaid leave is shortened by the period of paid leave so that the maximum leave taken is no more than 12 weeks (480 hours).

If such paid leaves do not apply or have been exhausted, leaves under this Policy will be without pay. Employees who are absent and receiving benefits under worker's compensation insurance are not required to substitute credited vacation or sick leave. Nonetheless worker's compensation or other disability absences qualifying as serious health conditions will be designated by Wagoner County as Family and Medical Leave and the leave would be counted as running concurrently for purposes of both worker's comp/long-term disability and FMLA.

Certification of FMLA Leave

Wagoner County will require a health care provider's complete and sufficient certification of either the

employee's or the family member's serious health condition, whichever is applicable, to be completed within 15 calendar days of the leave request. For Military Qualifying Exigency Leave, Wagoner County will require complete and sufficient certification for the first instance of a request for leave in accordance with 825.309 of the FMLA, to be completed within 15 calendar days of the leave request. For Military Caregiver Leave, Wagoner County will require confirmation of a covered family relationship to the covered service member pursuant to 825.122(j) of the FMLA. Also for Military Caregiver Leave, the employee must provide complete and sufficient certification to Wagoner County in accordance with 825.310 of the FMLA, to be completed within 15 calendar days of the leave request. Wagoner County will notify the employee of the requirement to provide certification and the penalties for failing to do so upon the employee's notice of a request for FMLA leave; within five (5) business days thereafter; or within five (5) business days of the leave commencing in cases of unforeseen leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single year, Wagoner County will require the employee to provide a new medical certification in each subsequent leave year.

If the certification the employee provides is incomplete (blank entries) or insufficient (vague or non-responsive answers), the Human Resources Department will advise the employee of the deficiencies in writing and the employee will be allotted seven (7) additional calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure the certification. Failure to provide complete and sufficient certification could result in a denial of the employee's FMLA leave request.

Furthermore, upon the employee's authorization pursuant to HIPAA, the Human Resources Department may contact the health care provider for purposes of clarification and authentication of any medical certification. Wagoner County will, under no circumstances, utilize the employee's direct supervisor when making such contact. Despite Wagoner County's ability to make such contact, it remains the employee's sole responsibility to provide the employer with a complete and sufficient certification, and a failure to do so could result in a denial of the employee's FMLA leave request.

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

As a condition for restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, Wagoner County will require the employee to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process. The certification from the employee's health care provider must certify that the employee is

able to resume work. Additionally, the certification must specifically address whether the employee is able is perform the essential functions of the employee's job. Wagoner County will supply the employee with a list of essential job functions with its designation notice described above. The cost of certification will be borne by the employee.

Husband and Wife Leave under the FMLA
When a husband and wife are both employed by Wagoner County, they are limited to a combined total of 12 workweeks during any rolling 12-month period if leave is taken for birth of a child, care for the child after the birth, placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition. The limitation does not apply, however, to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for his or her own serious illness.

Also, an aggregate of 26 workweeks during any single 12-month period may be taken by a husband and wife who are both employed by Wagoner County for Military Caregiver Leave. The number of workweeks of leave available to each will be reduced by the number of workweeks taken by that individual (but not his or her spouse) during the 12-month period for other purposes under this Policy.

Intermittent or Reduced Leave Schedule under the FMLA
An employee taking leave after the birth or because of placement for adoption or foster care of a healthy child is permitted to take leave intermittently or by working a reduced workweek only with the approval of an officer of Wagoner County. However, intermittent or reduced work leave to care for a seriously ill family member, because of the employee's own serious health condition, or for Military Caregiver Leave, may be taken whenever medically necessary. Military Qualifying Exigency Leave may also be taken on an intermittent or reduced leave basis. Wagoner County may require a medical certification of the need for intermittent or reduced schedule leave and periodic recertification of the continued need for the leave consistent with the regulations issued by the Department of Labor. In some instances, Wagoner County may transfer an employee temporarily to an available alternative position with equivalent pay and benefits when this would better accommodate recurring periods of intermittent or reduced schedule leave based on planned medical treatment. Actual time taken should be reported as Family and Medical Leave on the employee's time sheet. Employees on intermittent leave should contact their Human Resources representative with any questions concerning actual hours worked and overtime compensation.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, Wagoner County will account for the leave using an increment no greater than the shortest period of time that Wagoner County uses to account for use of other forms of leave provided it is not greater than one hour and provided that the employee's FMLA leave entitlement will not be reduced by more than the amount of leave actually taken.

Wagoner County will require a certification of fitness to return to duty from intermittent or reduced leave schedule for each absence up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based upon the serious health condition for which the employee took such leave.

Benefits During FMLA Leave
Employees on Family or Medical Leave will continue to be covered under Wagoner County's benefits

program. If the employee has coverage through Wagoner County's health plan, the employee must continue to pay the employee's share of the premiums to keep this coverage in effect, just as if he or she was working. If the employee does not return to work at the end of the leave, Wagoner County may charge the employee for the full premium cost of the health coverage during the leave. However, the employee will not be charged if he or she does not return due to:

The continuation, recurrence or onset of a serious health condition which would entitle the employee to Family and Medical Leave; or other circumstances beyond the employee's control.

Holidays While on FMLA Leave
The fact that a holiday may occur within the week that an employee has taken as FMLA leave has no effect; the week *is* counted as a week of FMLA leave. However, if the employee is using FMLA leave in increments of less than one week, the holiday *will not* count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Furthermore, if for some reason Wagoner County's business activity has temporarily ceased and employees are generally not expected to report for work one or more weeks, the days the employer's activities have ceased *do not* count against the employee's FMLA leave entitlement.

Return to Work Following FMLA Leave
On return to work from Family and Medical Leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Ordinarily an employee will be restored to the same position the employee held prior to the leave, with the same pay and benefits, if the position remains available. However, an employee has no right to return to the same position.

If an employee is certified as able to return to work in a light duty job, the employee has the option of declining to return and remaining on Family and Medical Leave until fully released or the 12-week entitlement period is exhausted, whichever occurs earlier. The decision not to accept light duty, however, may result in the loss of worker's compensation benefits, at which point the provision for substitution of paid leave (vacation and sick leave) would apply. Voluntary acceptance of light duty does not waive an employee's right to restoration to the same or an equivalent position. Although time spent on light duty does not count against the annual 12-week FMLA allotment, an employee's right to restoration will expire at the end of the 12-month FMLA leave period.

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

Other Work Prohibited During FMLA Leave
Employees may not engage in work for another employer during employee's normal business hours, whether full or part-time, while on Family and Medical Leave from Wagoner County. Any violation of this provision may jeopardize the employee's right to return to work. Wagoner County will also require both periodic reports during the course of the leave of an employee's status and his or her projected

date of return to work and a written release from his or her physician to return to work.

Unlawful Acts under FMLA
It is unlawful for Wagoner County to: a) interfere with, restrain, or deny the exercise of any right provided for under FMLA; or b) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement of FMLA
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against Wagoner County for any violation of FMLA.

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 (*74 O.S. § 840-2.23*). A county employee may donate vacation or personal leave to another county employee only pursuant to the following conditions:

- The receiving employee is eligible for and requires family leave pursuant to the provisions of the Family and Medical Leave Act, 29 USC 2601 et seq; and
- The receiving employee has exhausted, or will exhaust, all vacation or personal leave and compensatory time (if applicable) due to illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature; and
- The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment.
- The supervising officials of both the Recipient Employee and the Donor Employee approve the leave sharing arrangement in writing.
- An employee may donate leave to an eligible employee provided the donation does not cause the leave balance of the donor employee to fall below eighty (80) hours of the specified leave donated.
- The maximum amount of shared leave an employee may receive during their lifetime tenure of employment with the county is two hundred sixty-one (261) days (2088 hours) of shared leave.
- Donated leave may only be used by the recipient for the purposes specified.
- Donated leave is transferrable on an hour-hour basis irrespective of the hourly wage of the donating or receiving employee.
- All forms of paid leave available for use by the recipient must be exhausted prior to using donated leave.
- Any donated leave not used by the recipient during each occurrence shall be returned to the donor. In the event leave is donated by multiple donors, it shall be returned on a prorated basis.

Compensatory and Holiday leave may not be shared, as these are considered "earned wages" under the Department of Labor and IRS guidelines.

EMERGENCY LEAVE POOL

Effective July 1, 2023, employees may donate unused vacation or personal time into the Emergency Leave

Pool. This pool of time may be utilized by Wagoner County Employees who have experienced a medical emergency, defined as a "medical condition of the employee or a family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available, apart from the leave-sharing plan." *See* Private Ruling Letter, Rev. Rul. 90-29, 1990-1 C.B. 11, or a major disaster as defined under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act) or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies.

- This plan is separate from the Leave Sharing Policy.
- Leave donated to this plan may not be specified to benefit any specific recipient.
- The leave donated may not exceed the maximum amount of leave accrued in one calendar year.

Emergency Medical Leave

- Recipients will be eligible to receive leave only after the request has been approved by their supervisor and all other available paid leave has been exhausted.
- Leave must be used only for medical emergencies, such as major illness which requires extended absence, or the loss of a spouse, parent or child.
- Documentation will be required to comply with IRS rules.

Major Disaster Leave

- Under Major Disaster Leave, an employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.
- Employees may donate leave into the leave bank within 60 days of any declared major disaster.
- Recipients of Major Disaster Leave must use the leave received from the leave bank must be used within 120 days of any declared major disaster.
- A leave recipient may not convert leave received under the plan into cash in lieu of using the leave.
- In the event that multiple requests for Major Disaster Leave are received which exceed the balance available, the Board of Commissioners will make the determination, based on need, as to how much leave each approved leave recipient may receive under the leave-sharing plan.
- Leave deposited on account of one major disaster may be used only for employees affected by that major disaster.
- Any leave deposited under this plan that is not used by leave recipients by the end of the period specified above, must be returned to the leave pool.

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 and any overage from employee purchase of an upgraded health plan.

Employees are eligible for insurance benefits beginning the first day following 90-days of employment. For example: An employee who begins employment on the 15th of March will be eligible for insurance benefits on June 14th.

All new employees will be required to attend a mandatory initial enrollment meeting within the first 60 days of employment to complete benefits enrollment forms. Any employee who does not attend this meeting or who does not complete benefit enrollment forms in a timely manner, must wait until the next open enrollment period (typically held in November/December) to enroll in applicable insurance plans.

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, health insurance benefits do not continue unless the employee elects to participate in COBRA at their own expense.

OPTIONAL PROGRAMS

Wagoner County also offers several other programs that are optional and not paid for by the county. Services provided by Colonial Life for Accident, Cancer and Critical Illness/Hospitalization, Legal Shield and others are all optional plans which may be purchased by the employee and premiums deducted from payroll. These services may be purchased or changes made during Open Enrollment or when the employee becomes eligible for benefits only.

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. Participation in OPERS is mandatory for all eligible employees.

Effective November 1, 2020, all law enforcement employees who have not previously participated in OPERS will participate in the OPERS Hazardous Duty System.

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 *O.S. 19 § 350 and O.S. 25, § 82.1, and 1984 OK AG 56*

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. *O.S. 19 § 350 ; O.S. 25, § 82.1 ; 1984 OK AG 56*

VACATION AND PAID PERSONAL LEAVE AND USAGE

Effective October 16, 2013, all employees will accrue personal leave and vacation leave rather than personal days off (PDO). Time already accrued as Personal days off (PDO's) will not be converted, split, or forfeited. PDO's may still be used for any reason, including vacation or sick leave and may have accumulated up to 130 days or 1040 hours. Upon separation for any reason, employees are not entitled to payment of accumulated personal days off earned under the previous program and such accumulated leave shall be reported to OPERS and may be used to apply toward time in service for the purposes of determination of retirement benefits. (See OPERS manual for detailed explanation). Upon approval of the elected official, if a separated employee is later re-employed by Wagoner County, the employee will be eligible to have the previous PDO leave balance reinstated provided that the re-employment occurs on or before two years after separation from employment.

VACATION

Each month, full-time, non-provisional County employees are eligible to earn vacation leave in prorated (fractional) amounts for each regular hour they work. Employees also earn vacation while using most types of paid leave, but not while in an overtime or unpaid absence status. Vacation is not earned when no hours are worked during the pay period (for example, medical leave, or workers compensation leave). Vacation is also not earned any time it would cause the employee's total unused vacation balance to exceed permitted limits. Vacation time is awarded on the 16th of the month and is not prorated for partial months of employment upon separation.

When monthly payroll is processed, leave balances are updated with amounts newly earned or used, based on departments' reports sent to payroll with timesheets. These updates are current as of the date sent to payroll.

Vacation cannot be used until *after* it is earned and credited to the leave balance and must be scheduled and approved in advance by the supervisor. Final approval is at the discretion of the Elected Official. Approval of vacation may be based on seniority and workloads, and may be denied at a particular time by Wagoner County for business reasons. Any employee who is denied vacation but later fails to report for work during the requested vacation period may be deemed to have abandoned their position.

Employees are encouraged to use vacation in the same year when it is earned and to take at least 40 hours consecutively per year. However, vacation may optionally be accumulated for later use *up to the*

employee's maximum permitted limit.

Both the *hourly rate* for earning vacation and the *maximum limit* the employee may accumulate are based on completed years of continuous regular employment. After completing the provisionary employment period, vacation leave is accrued as follows:

Completed period of Continuous Regular Service	Monthly Accrual Hours	Annual Accrual Hours	Maximum Accrual Hours Limit
90 days to 5 years	10	120	240
5 years, 1 day to 10 years	12	144	288
10 years, 1 day to 20 years	13.33	160	320
20 years, 1 day +	16.67	200	400

As shown above, there is a maximum limit to the amount of unused vacation that can be accumulated at one time. The maximum is two times the number of hours that the employee is currently eligible to earn per year and is strictly enforced. Any exception to the maximum accrual will require prior approval of the Elected Official.

Any time an employee accumulates the maximum limit, the employee will stop earning additional vacation, to the extent that earning more would cause them to go over the limit. Any over-limit vacation that the employee could otherwise have earned will be lost. At their sole discretion, the elected official may elect to "buy back" vacation hours at the employee's current hourly rate of pay to bring any employee's accrued time to below the maximum limitation.

New employees and rehired employees may not use vacation leave until they have completed six months of being classified as a "regular" full-time employee. Employees do not accumulate vacation time during the three (3) month provisionary employment period.

Upon voluntary resignation, discharge or layoff, the employee will receive pay for all unused accumulated vacation leave.

NOTE: Full-time employees who work less than 40 hours per week will be awarded vacation leave at a pro-rated rate in a percentage equal to the hours worked. For example, an individual working only 32 hours per week with tenure of less than 5 years, would earn vacation at a rate of 75%, or 7.5 hours per month rather than 10 hours.

PAID PERSONAL LEAVE

The first day of the calendar month following 90 days of full-time provisionary employment, county employees begin to accrue personal leave. Personal leave is provided at the rate of eight (8) hours per month on a pro-rata basis calculated in accordance with the number of hours in a non-overtime paid status in any given payroll period. Personal leave is not earned when no hours are worked during the pay period (for example, medical leave, or workers compensation leave).

Personal leave may be taken for any reason such as illness, emergencies, doctor's appointments, etc.

Rules for the use of personal leave are:

- Personal leave must be used and recorded in half hour increments.
- For absence due to illness or emergency, the employee must notify the supervisor within one hour of the beginning of their shift, or if during the work shift, prior to leaving the workplace.
- For all other uses of personal leave, the employee must have permission from the elected official or department head at least one day in advance.

Failure to provide timely notice and obtain advance permission in accordance with the above may disqualify the employee from being paid for the relevant absences and may result in appropriate disciplinary action.

A supervisor may require the employee to present a doctor's note bearing the date of the absence if the absence is for a medical or dental appointment. A signed doctor's statement may also be required if an employee is absent from work for three or more consecutive working days for medical reasons.

Employees may not use personal leave until it is accrued and registered in the leave reporting program.

The abuse of personal leave, including but not limited to habitual tardiness, excessive absence (defined as more than 3 unexplained absences within a three-month period), interference with quality or quantity of work or other abuses by lead to disciplinary action, up to and including discharge.

Personal leave may be accumulated to a maximum of one thousand and forty (1,040) hours. The county is prohibited from paying employees for accumulated personal leave upon separation from employment, however accumulated personal leave is reported to OPERS upon separation and may be used to apply toward time in service for the purpose of determination of retirement benefits.

NOTE: Full-time employees who work less than 40 hours per week will be awarded personal leave at a pro-rated rate in a percentage equal to the hours worked. For example, an individual working only 32 hours per week with tenure of less than 5 years, would earn personal leave at a rate of 75%, or 6 hours per month rather than 8 hours.

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.

USAGE

Unless departmental policy established by an elected official or department head indicates otherwise, leave shall be used in the following order: Compensatory, Holiday, Vacation, Paid Personal Leave and/or PDO.

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 or department head.

- Insubordination or willful refusal to follow an order or supervisory instruction or direction.
- Fighting or using obscene, abusive, or threatening language or gestures and failure to maintain satisfactory and/or harmonious relationships with the public or fellow employees.
- Theft of property from co-workers or the County. Employee will be subject to criminal prosecution.
- Falsifying employment or other County records, or misrepresentation of material information including, but not limited to improper recording of time worked or falsifying time keeping records with intent to defraud.
- Failing to maintain the confidentiality of protected County information.
- Deliberate or willful misrepresentation of County policy.
- Neglect of duty or incompetence. Inefficiency, lack of effort, or work performance which is below the standards of performance required by the department.
- Loafing, loitering or sleeping during work time.
- Violating the County's non-discrimination and/or sexual harassment policy, or any County policy or a provision of this Handbook.
- Soliciting or accepting gratuities.
- Excessive absenteeism or tardiness (defined as more than three unexplained absences or three times tardy within a three-month period).
- 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.
- Disregarding safety or security regulations including but not limited to conduct which results in injury to others or in more than minor property damage.
- Willful damage or destruction of County property or property of fellow employees.
- Careless, negligent or improper use of County property or equipment.
- Excessive, unnecessary, or unauthorized use of County supplies, particularly for personal purposes.
- Conviction of a crime.
- Distribution or posting of written or printed matter that is not authorized by the Elected Officer.
- 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 Vacation or Personal Leave policy.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of Wagoner County, based on violations either of the above or of other County policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal. 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 (defined as more than three unexplained absences or three times tardy within a three-month period) 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 or department head 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 ensure 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 such as Facebook, Twitter or LinkedIn media sharing networks such as Instagram, Snapchat, TikTok or YouTube, discussion forums such as Reddit and Quora, or blogging networks such as Tumblr, 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; or
    g. discloses the personal information of others which is otherwise protected by privacy laws, including, but not limited to personal contact information such as address, telephone or email (sometimes referred to as doxing), or personal medical information otherwise protected by HIPPA laws,

    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 their supervisor or elected official.
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 or department head 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 or department head. Under the I.R.S. Code, commuting is personal use even if the county requires the employee to take the vehicle home for a bona fide business reason such as being "on call."
- "Qualified Non-Personal Use Vehicles" include the following (see U.S. Treasury Regulation 1.274-5T):

    - Clearly marked police and fire trucks driven by police and fire officers;
    - Unmarked vehicles used by law enforcement officers, if the use is officially recognized;
    - Ambulances or hearses;
    - Vehicles designed to carry cargo with a loaded gross weight over 14,000 pounds;
    - Delivery trucks with seating for the driver only;
    - School buses;
    - Tractors and other special purpose farm vehicles;
    - A pick-up truck with a loaded gross vehicles weight of less than 14,000 pounds if it has been specially modified so that it is not likely to be used more than minimally for personal reasons. Modifications must include being marked with permanently affixed decals, painting or other indications of county ownership and either (see IRS Revenue Ruling 86-97):

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

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

OR

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

- County-owned vehicles (other than Qualified Non-Personal Use Vehicles) will be utilized for personal use (such as commuting to /from work) only in situations where the use is considered by the elected official or department head 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 or department head 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 three 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 ensure 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 or department head, 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 or department head 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 in 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 or department head, the Chairman of the Board of Commissioners and the County Safety Officer, currently Heath Underwood. Incidences which involve damage to county vehicles, the County Safety Director is to be dispatched to the scene for the purpose of investigation and taking photographs.

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 or department head 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.

TAKE-HOME VEHICLE POLICY

To increase the efficiency of county operations, some Wagoner County employees may be permitted to take a county vehicle home during non-working hours. This includes, but is not limited to employees of the Sheriff, E-911, Planning and Zoning or the District Maintenance Facilities. In each case, the elected official or department head will determine which employees are eligible to take a county vehicle home.

Employees who are authorized to take a county vehicle home must maintain a safe driving record and sign a *Vehicle Use Agreement* outlining the responsibilities for the operation and maintenance of the assigned county vehicle.

At the discretion of the elected official, employees who reside outside of Wagoner County may be permitted to drive the assigned vehicle between their residence and the county boundary provided they live within 40 miles of the nearest point where the county boundary intersects with a public roadway. Employees living outside of the county boundaries shall reimburse the county through payroll deduction for mileage from the residence to the county boundary. Mileage rate shall be adjusted annually based upon the IRS milage rate for medical or moving purposes. The 2022 rate is twenty-two cents (.22) per mile. Mileage deduction is calculated using the number of miles between the residence and the county boundary, round-trip and multiplied by the average number of shifts per month.

Example: 10 miles x 2 x $0.22 per mile x 21 shifts = $96.05 per month

When on extended leave, county vehicles will be parked at the place of employment until the employee returns from leave.

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.

In accordance with O.S. 21 § 1277, effective November 1, 2017, Elected officials of the county, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of their duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom.

O.S. 21, § 1277; *O.S. 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 actual or perceived sexual orientation or 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.

Harassment prohibited because of protected status includes but is not limited to verbal conduct such as epithets, derogatory comments, slurs or unwelcome sexual advances, requests for sexual favors, or use of offensive or demeaning terms, including those which have a sexual connotation.

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

- Use of any offensive or demeaning terms which have sexual connotation.
- Any verbal, visual, or physical conduct of a harassing and/or discriminatory nature including 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 promptly 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. Employees are encouraged to use the Complaint Resolution Procedure (Open Door Policy) set out in this handbook as well.

WHISTLEBLOWER PROTECTION POLICY

Wagoner County has an open-door policy which includes Whistleblower protections in accordance with Federal Law. In no instance with there be retaliation against a whistleblower whether that individual be an employee or person acting on behalf of an employee or member of the public. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as

termination or threat of termination, compensation decreases, or poor work assignments, relocation and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must report it immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated, unless such conduct is required by the employer.

Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. The provisions of this policy do not authorize the disclosure of information that is legally required to be kept confidential; or diminish or impair the rights of an employee.

"Matter of public concern" means a violation of a state, federal or municipal law, regulation or ordinance; a danger to public health or safety; and/or gross mismanagement, substantial waste of funds or a clear abuse of authority.

Procedures:

A. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor, their Elected Official or Human Resources and shall submit a written report concerning the matter.
B. The employee is not required to submit a written report if he or she believes with reasonable certainty that the activity, policy, or practice is already known to the official, that the activity involves the official; or that an emergency is involved. In this instance, a report should be made immediately to Human Resources.
C. Any concerns involving Human Resources should be reported to the County Clerk and/or the Board of County Commissioners.
D. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.
E. Reports of illegal activity shall be forwarded to the District Attorney for further investigation.

WORKER'S COMPENSATION AND REPORTING OF ACCIDENTS AND/OR INJURIES PROCEDURES

It is the policy of Wagoner County to prevent the occurrence of accidents by maintaining safe working conditions and promoting safety at all times.

Employees must report any injury received while on the job as soon as practical to their supervisor, regardless of the extent of the injury. The Supervisor will determine if the employee should have medical attention and where medical services will be given. If doubt exists, the employee should be sent to a clinic or hospital emergency room where the employee should be examined by medical personnel. The employee must complete a written report as soon as practical. If the employee is unable to complete a report, the supervisor will complete it.

Failure of an employee to properly report any injury on duty will nullify any claim the employee may have against the County for payment of medical expenses. Wagoner County will not accept responsibility or make medical payment for any on-the-job injury, which is not properly reported to a supervisor and the appropriate forms completed. *85A O.S. § 68*

In accordance with Resolution 2017-058 all incidences which result in property or equipment damage and/or workplace injury must be reported to the County Safety Director (currently Heath Underwood) and the Board of Commissioners as soon as possible. Incidences which involve damage to county vehicles, the County Safety Director is to be dispatched to the scene for the purpose of investigation and taking photographs.

In an effort to avoid payroll issues (double payment of wages, missed wages, etc.), when an employee is placed on temporary total disability worker's compensation leave, the supervisor is to notify Human Resources immediately. When an employee returns to work from worker's compensation leave, again, the supervisor is to notify Human Resources immediately.

In accordance with 85A O.S. § 45, if an injured employee is temporarily unable to perform his duties, they shall be entitled to receive compensation equal to seventy percent (70%) of their weekly wage not to exceed one hundred fifty-six (156) weeks. Provided there shall be no payment for the first three (3) days of the initial period of temporary total disability. Wages while under worker's compensation are paid by worker's compensation, and not by the county.

While on worker's compensation leave, an employee will not accrue vacation or personal leave.

For employees on workers' compensation leave exceeding 12 weeks, health insurance benefits do not continue unless the employee elects to participate in COBRA at their own expense.

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:

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

Within 15 calendar days after receipt of the complaint, Chris Potter, A.D.A. Coordinator, will meet with complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting, Chris Potter, 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 Chris Potter, 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 Chris Potter, 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, illegal drugs, or substances /drugs which are not medically authorized for use by that individual; 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.

Individuals holding a license for the use of Medical Marijuana are not authorized for the use or possession of medical marijuana on County time or on/in County property/equipment. The use of medical marijuana is not exempted from the county's policy regarding working while under the influence of any intoxicating substance.

Individuals who are employed in a designated "safety sensitive" position, including those which hold a CDL license, may not hold a permit for the use of Medical Marijuana.

The following shall definitions apply:

"Safety Sensitive" shall mean any position which is at least partially responsible for the operation, inspection, servicing, repair, loading, unloading or dispatch of any commercial motor vehicle, or; which is at least partially responsible for the administration of medical attention or drug testing, or; which is at least partially responsible for law enforcement and/or the care of inmates which are in county custody, or; which is at least partially responsible for the maintenance and repair of county buildings and facilities.

"Commercial Motor Vehicle" shall include, but is not limited to any car, truck, command vehicle, or equipment used for the maintenance, repair or construction of roads.

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 weeks' 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 weeks' notice of the layoff.

RETIREMENT – Employees planning to retire are required to give written two weeks' 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. A verification/release form must be signed by the department head or elected official and submitted to the County Clerk/Human Resources 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. *O.S. 21 § 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. *26 O.S. § 7-101*

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

EMPLOYEE SAFETY PLAN AND AWARD POLICY

Revised 2023

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, the following safety award and recognition program has been implemented for their most important resource – YOU!

REQUIREMENTS:

1. Only Full-Time employees of Wagoner County 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. *Documentation must be submitted no later than November 1st. Submissions will include a cover sheet listing all qualifying employees and documentation of which classes have been completed. Late submissions will not be accepted without approval of the Board of Commissioners.*

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. The employee will be given 10 safety meetings for the year. If the employee fails to attend at least 8 of the meetings that are provided, *or participate in approved online training options for a total of 8 hours of training annually* , there will be no makeup of safety hours and employee will be disqualified.

3. If a department must use online safety training due to scheduling conflict or other restraints of the department **(Ex. Sheriff's Dept., 911 dispatchers, etc.)** the employee must complete online hours during each quarter in order to meet the quarterly safety meeting requirement. **Employee must take two online courses to equal 1 hour of safety training.** Classes must be selected from the approved list of online courses provided by the Safety Director annually.

4. 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.

5. 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.

6. The employee shall not have caused an accident in which another employee or member of the public was injured, or which causes damage to county vehicles or equipment.

7. 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.

8. 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).

9. *Each class conducted will have a sign in/sign out sheet. Partial credit will not be given for those who do not attend the entire training session (arrive late or depart early).* The Safety Director and the Safety Officer/Designee of each office will keep files of these courses and the attendees.

10. Wagoner County has adopted a safety award of $250 per employee or a non-monetary award of time off of two vacation days at the discretion of the Board of Commissioners after consideration of availability of revenues.

11. 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).

Award for employees who are no longer employed by the County on the date incentives are paid, but have qualified for the award, will be made at the discretion of the elected official.

WAGONER COUNTY TRAVEL POLICY

Revised August 2014

The following travel policies and guidelines will apply to all county employees including elected officials in accordance with O.S. 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 itemized receipt. Requests for reimbursement which do not include itemized documentation will not be reimbursed. *Gratuity may be reimbursed, however must not to exceed 15% of the meal tab.* "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.

- 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.

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 "17" below apply to all employees of Wagoner County <u>except</u> those covered by federal law or regulation through the Department of Transportation because they drive Commercial Motor Vehicles (CMV) requiring a Commercial Driver's License (CDL).

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) is required by and conducted pursuant to federal law or regulation through the Department of Transportation. This testing is exempt from the provisions of paragraphs "1" through "17" below and is covered by paragraphs "17" through "32" below.

OKLAHOMA MARIJUANA USE, POSSESSION OR IMPAIRMENT POLICY FOR NON-CDL/CMV EMPLOYEES

Employees and applicants with valid Oklahoma medical marijuana licenses will not be discriminated against or penalized solely based upon their status as a medical marijuana license holder. Nor will Wagoner County ("County") take action solely based upon the results of a drug test showing positive for marijuana or its components. Please refer to Drug and Alcohol Testing Policy for Non-CDL/CMV Employees.

However, County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from using or possessing marijuana while on County's premises or during the hours of an employee's employment. This prohibition against marijuana use or possession applies to any of County's properties or work sites, including exterior areas, parking locations, personal vehicles or County vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third-party locations or premises where an employee is performing work or providing services. If an employee's hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.

County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from being under the influence or impaired by marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact your supervisor or elected official or Human Resources.

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 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 (defined as more than three unexplained absences or three times tardy within a three-month period).

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. If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and or alcohol testing. If the County conducts a post-accident test, the County will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.

5. Random Testing: The 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 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. Fitness for Duty or Return From Leave: If an employee returns to duty from a leave of absence.

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

11. Substances Which May Be Tested

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

12. 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.

13. 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.

14. 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.

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

15. 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, including verification of prescription or license for use of medical marijuana, to a representative of the County.

16. 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.

17. Changes to this Policy

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

CDL/CMV EMPLOYEES

18. EMPLOYEES SUBJECT TO TESTING. All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substance and alcohol testing. This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations found in 49 CFR Parts 40 and 382 (attached). If there are any conflicts or omissions between this policy and the federal regulations, the federal regulations shall control. Protections provided to individuals holding a valid medical marijuana license do not apply to those who are subject to testing under CDL/CMV regulations.

    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

19. 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).

20. 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.

21. RANDOM TESTING. The 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.

22. REASONABLE SUSPICION TESTING. If 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.

23. 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.

24. 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.

25. 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.

26. 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);
   6. Opioids, including hydrocodone, hydromorphone, oxymorphone and oxycodone.

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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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, Human Resources has been designated to answer questions about this policy or any of the attached materials.

32. 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.

DRUG AND ALCOHOL TESTING POLICY ACKNOWLEDGEMENT AND AGREEMENT

NOT FOR USE WITH 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 17 apply to me.

I understand the contents of the Policy and the reason 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 employment with Wagoner County.

_____ _____

EMPLOYEE SIGNATURE DATE WITNESS DATE

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, 390-39, and 399.
3. A Driver Handbook entitled *Drug & Alcohol Testing: Training Awareness* which contains significant information about:
   A. 49 CFR Part 40;
   B. 49 CFR Part 382; and
   C. Material of the effects of alcohol and controlled substance use.

I understand that paragraphs 17 through 32 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.

_____ _____

EMPLOYEE SIGNATURE DATE WITNESS DATE

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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 effect 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 co copies of the appropriate documentation (e.g., CCFs, MRO results reports, BATFs, SAP repor 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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DRUG AND ALCOHOL 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 TO ADOPT HANDBOOK

RESOLUTION #2023- 065

"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 Statutes 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 19 DAY OF June, 2023.

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

6-19-23
James Hanning, District One Commissioner

Chris Edwards, District Two Commissioner

6/19/23
Tim Kelley, District Three Commissioner

Lori Hendricks, County Clerk

COUNTY CLERK OFFICIAL SEAL WAGONER COUNTY OKLAHOMA

Chasity Levi, Treasurer

Jim Hight, Court Clerk

Sandy Hodges, Assessor

Chris Elliott, Sheriff