



The City of Oklahoma City  
***PERSONNEL POLICIES***

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## TABLE OF CONTENTS

<b>ARTICLE 100</b>	<b>GENERAL POLICIES AND PROVISIONS .....</b>	<b>6</b>
Section	101 - Authority .....	6
	102 - Scope .....	6
	103 - Interpretation of Personnel Policies.....	6
	104 - Conflict .....	6
	105 - Equal Employment Opportunity.....	7
<b>ARTICLE 200</b>	<b>EMPLOYMENT .....</b>	<b>8</b>
Section	201 - Employment Process Authority .....	8
	202 - Preferences .....	8
	203 - Age Requirements.....	9
	204 - Falsification .....	9
	205 - Arrest and Conviction Records.....	9
	206 - Physical Examinations .....	11
	207 - Employment Status .....	11
	208 - Relocation Expenses.....	11
	209 - Loyalty Oath .....	12
	210 - Nepotism .....	12
	211 - Applicant Referral.....	12
	212 - Rejection of Candidates .....	13
<b>ARTICLE 300</b>	<b>CODE OF CONDUCT .....</b>	<b>14</b>
Section	300 - Solicitations .....	14
	301 - Secondary Employment .....	14
	302 - Political Activity.....	14
	303 - Acceptance of Gifts or Favors.....	15
	304 - Interest in City Contracts .....	15
	305 - Conflict of Interest.....	16
	306 - Staff Control.....	17
	307 - Personal Appearance .....	17
	308 - Fraud Intolerance .....	17
	309 - Whistleblower Policy.....	18
	310 - Social Media .....	19
<b>ARTICLE 400</b>	<b>CONDITIONS IN THE WORKPLACE.....</b>	<b>20</b>
Section	401 - Discrimination.....	20
	402 - Harassment.....	20
	403 - Sexual Harassment.....	20
	404 - Complainant Responsibility .....	21
	405 - Safety .....	21
	406 - Weapons .....	22
	407 - Violence in the Workplace .....	22
	408 - Intoxicants .....	22
	409 - Smoking .....	23
	410 - Access to Confidential Information .....	23

<b>ARTICLE 500</b>	<b>CLASSIFICATION .....</b>	<b>24</b>
Section	501 - The Classification Plan .....	24
	502 - Maintenance of the Classification Plan .....	24
	503 - Purpose of the Classification Plan .....	24
	504 - Classification and Allocation of Positions .....	24
	505 - Classification Changes .....	25
	506 - Classification Specifications .....	25
<b>ARTICLE 600</b>	<b>COMPENSATION .....</b>	<b>26</b>
Section	601 - Compensation Plans .....	26
	602 - Administration of Compensation Plans .....	26
	603 - Standards for Determination of Pay Ranges .....	26
	604 - Maintaining Compensation Plans .....	26
	605 - Application of Compensation Plans .....	26
	606 - Entrance Salary .....	27
	607 - Pay Rate Adjustments .....	27
	608 - Performance Evaluations .....	28
	609 - Merit Pay Adjustments .....	28
	610 - Denial of Merit Pay Adjustments .....	28
	611 - Appeal of Denial of Merit Pay Adjustment .....	29
	612 - Pay Review Dates .....	29
	613 - Payroll Authority .....	29
	614 - Payroll Deductions .....	29
	615 - Dual Employment .....	29
	616 - Time Records .....	30
	617 - Exempt and Non-Exempt Classifications .....	30
	618 - Compensatory Time and Overtime .....	30
	619 - Unexcused Absences .....	31
	620 - Temporary Assignments .....	32
	621 - Vehicle Mileage Reimbursements .....	32
	622 - Other Allowances .....	32
	623 - Termination Pay .....	33
	624 - Customer Service Incentives for Management Employees .....	33
	625 - Incentives for Municipal Counselor's and City Auditor's Employees .....	34
<b>ARTICLE 700</b>	<b>EMPLOYEE BENEFITS .....</b>	<b>35</b>
Section	701 - Scope .....	35
	702 - Holidays .....	35
	703 - Vacation Leave .....	35
	704 - Bonus Days .....	36
	705 - Personal Leave of Absence .....	36
	706 - Bereavement Leave .....	37
	707 - Military Leave .....	37
	708 - Jury Service/Court Leave .....	38
	709 - Voting Leave .....	38
	710 - Family and Medical Leave Act .....	38

	711 - Sick Leave .....	39
	712 - Use of Sick Leave .....	39
	713 - Sick Leave Donation .....	40
	714 - Sick Leave Payout.....	40
	715 - Injury Leave .....	40
	716 – Administrative Leave .....	41
	717 - Insurance Benefits.....	41
	718 - Pensions and Retirements .....	42
	719 - City-Provided Automobiles .....	42
	720 - Employee Organization .....	42
<b>ARTICLE 800</b>	<b>SELECTION PROCEDURES.....</b>	<b>43</b>
Section	801 - Character and Scope .....	43
	802 - Custody of Selection Material.....	43
	803 - Admission to Selection Procedures.....	43
	804 - Closing Dates .....	44
	805 - Exemption from Selection Procedures for Lower Classifications .....	44
	806 - Restrictions.....	44
	807 - Errors in Selection Procedures.....	44
<b>ARTICLE 900</b>	<b>LISTS OF QUALIFIED CANDIDATES.....</b>	<b>45</b>
Section	901 – Eligibility Lists .....	45
	902 – Referral Lists .....	46
	903 - Use of Comparable Lists .....	46
	904 - Availability of Candidates .....	46
<b>ARTICLE 1000</b>	<b>THE PROBATIONARY PERIOD.....</b>	<b>47</b>
Section	1001 - Definition .....	47
	1002 - Original Appointment or Re-Employment.....	47
	1003 - Termination During Probation Period .....	47
	1004 - Promotion - Probationary Period .....	47
	1005 - Demotion - Probationary Period .....	47
	1006 - Lateral Transfer.....	48
<b>ARTICLE 1100</b>	<b>HOURS OF WORK .....</b>	<b>49</b>
Section	1101 - Hours of Work .....	49
	1102 - Rest Periods.....	49
<b>ARTICLE 1200</b>	<b>SEPARATIONS AND DISCIPLINARY ACTIONS.....</b>	<b>50</b>
Section	1201 - Resignations.....	50
	1202 - Disciplinary Guidelines .....	50
	1203 - Cause for Disciplinary Action or Termination .....	50
	1204 - Reprimand.....	53
	1205 - Suspension.....	53
	1206 - Demotion .....	54
	1207 - Reduction in Force/Layoff .....	55
<b>ARTICLE 1300</b>	<b>GRIEVANCES AND APPEALS .....</b>	<b>56</b>

Section	1301 - Grievance .....	56
	1302 - Policy .....	56
	1303 - Procedures .....	57
	1304 - Grievance Review Board .....	58
	1305 - Final Administrative Determination .....	59
<b>ARTICLE 1400</b>	<b>RECORDS AND REPORTS .....</b>	<b>61</b>
Section	1401 - Personnel Records .....	61
	1402 - Employee Files and Records .....	61
	1403 - Restrictions on Public Inspection and Inquiry .....	61
	1404 - Reporting Address Change(s) .....	62
	1405 - Reporting Personal Contact Change(s) .....	62
	1406 - Reporting Criminal Convictions and Arrests .....	62
<b>ARTICLE 1500</b>	<b>PROHIBITED JOB ACTIONS .....</b>	<b>63</b>
Section	1501 - Employees Engaged in Prohibited Job Actions .....	63
	1502 - Employees Not Engaged in Prohibited Job Actions .....	63
	1503 - Requirements for Excused Sick Leave .....	63
	<b>GLOSSARY OF TERMS .....</b>	<b>65</b>

## **ARTICLE 100 GENERAL POLICIES AND PROVISIONS**

### ***SECTION 101 - AUTHORITY***

The City Manager serves as the Chief Administrative Officer of the City and supervises all branches of the City service, except those otherwise provided for in the City Charter. (Refer to Articles II, III, and IV of the City Charter).

Unless specifically stated otherwise, any reference to City Manager, Personnel Director or Department Director may include a designee in order to approve or carry out certain functions on their behalf.

### ***SECTION 102 - SCOPE***

These policies apply to employees within the Classified Service as defined in the City Charter. It is the expressed intent of the City Council that the City Manager shall administer and enforce all provisions of these policies with respect to employees of the Classified Service. Where applicable, these policies shall also be administered for employees in the Unclassified Service.

Changes made to these policies shall not supersede specific language in the collective bargaining agreements. These policies are not intended to change any of the existing terms and conditions of employment in effect in any of the bargaining agreements. Any reference to a position or employee in these policies does not attach any greater right to the job than that covered by State law, the City Charter, or any contractual rights in the various labor agreements. These policies are not a contract of employment, nor are they intended to be and shall not be interpreted by an employee as a contract of employment.

### ***SECTION 103 - INTERPRETATION OF PERSONNEL POLICIES***

The Personnel Director shall provide administrative interpretation of Personnel Policies to the various Department Directors and act in a staff and advisory capacity to the City Manager.

### ***SECTION 104 - CONFLICT***

**104.01** Should the interpretation, application, administration, or enforcement of any rule or regulation contained in the Personnel Policies conflict with any Charter provision or ordinance, such Charter provision or ordinance shall prevail.

**104.02** A Department Director may make department/division rules and regulations, consistent with Personnel Policies, governing the conduct and performance of employees. The Personnel Director, or designee, shall review department rules for consistency with Personnel Policies. Department/Division rules and regulations may be published, and a copy furnished to each employee to whom they apply. Disciplinary action may be based upon breach of any such rules and regulations.

Should the interpretation, application, administration, or enforcement of any rule or regulation contained in the Department/Division rules and regulations conflict with any Personnel Policies, Personnel Policies shall prevail.

Should the interpretation, application, administration, or enforcement of any Personnel Policies conflict with any of the collective bargaining agreements, the collective bargaining agreements prevail.

### ***SECTION 105 - EQUAL EMPLOYMENT OPPORTUNITY***

It is the policy of The City of Oklahoma City to represent the diversity of Oklahoma City and to provide equal employment opportunity to all persons on all matters affecting City employment. The City is committed to a policy of nondiscrimination in employment practices and reaffirms its commitment that no person shall benefit or be discriminated against in any manner inconsistent with the Constitution, federal or state statutes, the City Charter, ordinances, resolutions, policies, rules or regulations. The City recognizes and supports the policy of equal employment opportunity. Any employee or applicant for municipal employment shall be afforded equal opportunity without regard to race, creed, national origin, color, religion, disability, sex (to include sexual orientation), age, or genetic information. ([Click here for link on Policy Preventing Sexual Harassment and Discrimination.](#)) ■

## **ARTICLE 200 EMPLOYMENT**

### **SECTION 201 - EMPLOYMENT PROCESS AUTHORITY**

**201.01** The approval of the City Manager shall be required prior to filling any vacancy. Blanket approval to fill vacancies may be granted.

**201.02** Employment actions shall be made in accordance with the needs of the City based on merit and fitness. The Personnel Director shall ensure that each prospective employee meets requirements as set forth in this article. Department Directors shall notify the Personnel Department of their workforce needs.

**201.03** The Personnel Director shall have sole authority to accept employment applications and conduct selection procedures. The Personnel Director may authorize a department to accept applications and/or conduct selection procedures. Acceptance of an application does not constitute employment.

**201.04** No municipal employee outside the Personnel Department shall assume official authority in the employment process without approval of the Personnel Director or City Manager.

### **SECTION 202 - PREFERENCES**

**202.01** When all other qualifications are substantially equal, preference may be given to honorably discharged military veterans.

**202.02** For honorably discharged United States military veterans, a preference points system shall be utilized in selection processes for initial employment with the City of Oklahoma City. The preference points system for honorably discharged United States military veterans shall consist of five (5) points added to the passing score on an initial selection process (written exam, simulated work exercise, and/or interview) for non-uniformed positions.

**202.03** To receive the preference points, veterans must submit verification of honorable discharge from the United States military service (Department of Defense Form DD214) prior to the closing date of the vacancy announcement.

**202.04** When all other qualifications are substantially equal, preference may be given to City employees applying for positions that are advertised to the general public will continue to receive preference over external applicants, including veterans, pursuant to current policies, practices, and/or collective bargaining agreement provisions.

**202.05** The Personnel Department shall be responsible for the administration of the veteran's preference points system for non-uniformed positions and shall implement procedures for directing the system in the employment processes. The Police and Fire Departments will be responsible for establishing and/or administering a veteran's preference points system for police and fire recruit applicants.



### **SECTION 203 - AGE REQUIREMENTS**

**203.01** The minimum age of any applicant shall be eighteen (18) years for both regular full-time and part-time employment with the City unless a higher minimum age is required by the nature of the work performed as specified by Federal and/or State law.

**203.02** Exceptions to the minimum age requirement are strictly limited under child labor law. Seasonal and/or part time employment of individuals age 16 and 17 shall conform to Oklahoma's Child Labor Laws and must be approved by the Personnel Director.

### **SECTION 204 - FALSIFICATION**

Any false, incomplete, or incorrect statement, answer or representation, given intentionally or unintentionally by any applicant, either orally or in writing, pertaining to availability, acceptability, or eligibility for employment in any department, division, classification, or position in the municipal service; or pertaining to personal information or background which is elicited for any authorized form, record, or file, shall be cause for refusing employment or appointment in the municipal service, or may be grounds for termination from employment if discovered after placement. Refer to 1203.18

### **SECTION 205 - ARREST AND CONVICTION RECORDS**

The Personnel Department or authorized agent shall inquire into the background of applicants.

**205.01** Arrest and/or conviction records may not be disqualifying for City employment, except under the following circumstances:

- (a) Three or more moving traffic violation convictions (excluding parking tickets) within the last 36 months will be disqualifying where the approved job description for the position requires possession of commercial or noncommercial licensure.
- (b) Any unpardoned felony conviction or plea of *nolo contendere* may be disqualifying for City employment, depending on the nature of the conviction and the relation to the duties of the position sought.

(1) Consideration for employment is contingent upon successful completion of two (2) years of a deferred or suspended sentence (if the sentence exceeds two [2] years), otherwise, after successfully serving the complete sentence. Applicants must submit two (2) favorable written references, one (1) of which must be from an employer with whom the individual has worked within the last two years. Situations where the applicant is unable to provide a written reference from an employer with whom he or she has worked within the last two years (2) will be reviewed by the Personnel Director or designee on a case-by-case basis.

(2) Applicants convicted of a felony and ordered to serve time with the Department of Corrections may be eligible for employment, depending on the nature of the conviction and the position sought, two (2) years from the date of parole. Applicants

must submit two (2) favorable written references, one (1) of which must be from an employer with whom he or she has worked within the last two years will be reviewed by the Personnel Director or designee on a case-by-case basis.

- (c) Any unpardoned conviction(s) involving the following offenses may be disqualifying: moral turpitude; non-consensual sex acts; distribution or trafficking of controlled dangerous substances; assault and battery with a dangerous weapon, or any offense involving a minor as a victim.
- (d) Any applicant who has been convicted of a felony, is a current defendant of a Victim Protection Order (VPO) or has been convicted of a misdemeanor crime of Domestic Violence, will not be considered for employment for any classifications requiring a commission to carry a firearm. Misdemeanor convictions and traffic violations will be evaluated on an individual basis and may be disqualifying.
- (e) Any applicant with a pending felony or misdemeanor charge (other than minor traffic violations) will be ineligible for hire, until a final disposition of the charge is made.
- (f) Any applicant who has been convicted of a cardinal infraction in their current or prior employment will be ineligible for employment. See definition of cardinal infraction in the Glossary herein.

**205.02** Any conviction that has been pardoned or expunged cannot be considered in an employment decision.

**205.03** If it is determined that information obtained through the applicant's criminal records check makes the applicant unsuitable for the position being sought, the Personnel Department will notify the applicant immediately and provide a copy of any criminal record information.

- (a) The applicant will be given seven business days to provide information that negates the validity and relevance of the criminal record. If the information obtained through the criminal records check cannot be invalidated by the applicant, the applicant will be eliminated from consideration.

(b) In determining an applicant's suitability for a position sought, the Personnel Department will consider information including, but not limited to the following:

1. Relevance of the crime to the position sought;
2. Nature of the work to be performed; and
3. Recency of the conviction.

**205.04** The new-hire probationary period for individuals convicted of a felony and who, at the time of employment with the City of Oklahoma City, are on probation or parole, will be extended to conform to the ending date of the probation or parole. In the event an employee is hired while on criminal probation, the new-hire probationary employee is required to notify his/her supervisor that he/she is on criminal probation, the nature of the crime, and provide information concerning the length of the criminal probation, and any changes to the criminal probationary period, including revocation of the criminal probation.

## **SECTION 206 - PHYSICAL EXAMINATIONS**

**206.01** All applicants for employment are subject to drug testing.

**206.02** All prospective full-time employees shall be required to furnish a medical history and satisfactorily complete a physical examination after a job offer has been extended and prior to employment. The purpose of the physical examination is to determine the applicant's ability to safely perform the essential job functions of the position.

**206.03** An employee may be required to submit to a physical fitness examination to determine their ability to safely perform the essential job functions of their position.

**206.04** The physical examination will be performed and paid for by the City. Examination records shall be maintained by the Personnel Department.

**206.05** An employee returning to work following sick leave of more than three (3) days, or returning from lost-time injury, may be required to submit to a physical examination.

## **SECTION 207 - EMPLOYMENT STATUS**

**207.01** A full-time position is a budgeted position that requires working a full, regularly scheduled work period established by the department or division and includes eligibility for benefits.

**207.02** A part-time non-seasonal job is scheduled to work less than thirty (30) hours per week and does not include benefits. An employee scheduled to work a part-time job, as shown on the part-time pay plan or other plan as authorized by the Personnel Director, shall not work more than 1,508 hours per fiscal year.

**207.03** A temporary or seasonal job is scheduled for a defined season or irregular work period during the year and does not include benefits. An employee scheduled to work a temporary or seasonal job, as shown on the part-time pay plan or other plan as authorized by the Personnel Director shall not work more than 1,508 hours per fiscal year.

**207.04** A school crossing guard is scheduled at a daily rate without benefits.

**207.05** An employee changing from a part-time or temporary employment status to a full-time position will be subject to the same qualifications and/or procedures associated with full-time employment.

## **SECTION 208 - RELOCATION EXPENSES**

The City Manager may authorize reimbursement of relocation expenses prior to employment.

### **SECTION 209 - LOYALTY OATH**

A new employee shall be required to sign a statement of loyalty to the United States of America and the State of Oklahoma after a conditional job offer has been extended and prior to official start of employment. This may be completed on the first day of New Employee Orientation prior to the official start of the orientation process. Refusal to sign a loyalty oath will result in immediate withdrawal of the employment offer.

### **SECTION 210 - NEPOTISM**

An employee's immediate family member shall not be employed, transferred or promoted where:

- (a) One immediate family member would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
- (b) One immediate family member would be responsible for auditing or reviewing the work of the other;
- (c) That person is an immediate family member of the Mayor, any member of the City Council, or the City Manager. Persons who have been continuously employed by the City for a period of two years prior to the election of the related Mayor or Council Member or the appointment of the City Manager are excluded from this prohibition; or
- (d) Other circumstances exist which would place an immediate family member in a situation of actual or reasonably foreseeable conflict of interest.

Management has the right to take appropriate action to resolve situations addressed in Sections (a) through (d) that exist or are created.

For the purpose of this section, "*immediate family member*" includes: spouse, son, daughter, father, mother, grandparents, grandchildren, brother/sister, uncle/aunt, nephew/niece, and step and/or in-law relations of the employee or the employee's spouse.

If such a relationship should exist, as defined above, at application or during employment, an employee shall notify the Personnel Director, or designee, of any immediate family member employed with the City. Any employee in a position prior to the date of adoption of these policies shall be grandfathered from application of this section, but must disclose any immediate family member working for the City to the Department Director to assist in accommodating work assignments.

The Personnel Director, or designee, will establish guidelines necessary to carry out this policy.

### **SECTION 211 - APPLICANT REFERRAL**

If there is no established eligibility list, the Personnel Department shall refer qualified applicants to the appointing authority. The appointing authority shall fairly and objectively consider applicants referred and certified by the Personnel Department. The appointing authority shall notify the Personnel Department after deciding upon the selection or rejection of a candidate(s).

The selection and employment of a candidate shall be subject to the approval of the Personnel Department.

***SECTION 212 - REJECTION OF CANDIDATES***

When all candidates on an eligibility list are rejected for appointment to a position, the appointing authority shall request in writing a new list of candidates. The request must state the reason for rejecting each candidate on the original list. The Personnel Director, or designee, may require that appointment be made from the original list, if the reason for rejecting each candidate on the list is not justifiable. ■

## **ARTICLE 300 CODE OF CONDUCT**

### ***SECTION 300 - SOLICITATIONS***

City employees shall not solicit for any purpose during working hours without authorization from the Department Director. Exceptions may be made by the Department Director for solicitations within the City organization to support the activities of non-profit, philanthropic organizations and/or purposes. The solicitations shall not be for personal benefit or gain of the employee.

### ***SECTION 301 - SECONDARY EMPLOYMENT***

An employee shall not engage in any secondary employment or other activity which would compromise impartiality or independence of judgment in the performance of City job duties or create a conflict of interest. An employee is prohibited from engaging in any secondary employment that interferes with scheduled City work, or occurs when the employee is off work from City employment on administrative leave, sick leave, injury leave, FMLA leave, or is receiving temporary total disability benefits from the City under workers' compensation laws or the Management Temporary Disability Plan.

- (a) An employee must provide information regarding all secondary employment to the Department Director on a Secondary Employment Request/Notification form or similar type form proscribed by the City. (Click [here](#) for link to Secondary Employment Request Form)
- (b) An employee serving as an independent contractor with another governmental entity must have a written contract or letter from the governmental entity as his/her evidence to support the independent contractor status. An employee must submit a copy of the written contract or letter from the governmental entity along with the employee's secondary employment request form when requesting approval for the secondary employment. (Article IV, Section 8 of the City Charter)
- (c) An employee working for The City of Oklahoma City may not also be employed by a public trust.

Violations may be grounds for disciplinary action, up to and including termination.

### ***SECTION 302 - POLITICAL ACTIVITY***

Employees are encouraged to exercise their right to engage in political activities.. No employee shall participate in political activities during working hours or while in a City uniform or vehicle or while on City premises or otherwise identified as a City employee. Once off duty and not in a City uniform or vehicle, an employee is free to participate in political activities to the same extent as any citizen. An employee shall be subject to discipline up to and including immediate termination for violation of these provisions.

An employee may be a candidate for elective or public office, but shall not hold any elective or public office under the United States Government, the State of Oklahoma, or any other state or municipality (notaries public excepted). (Refer to Section 1203.34 and Article IV of the City

Charter and Oklahoma State Statute). City employment shall terminate upon taking oath of office.

No employee shall use or promise to use, directly or indirectly, an official authority or influence, whether possessed or anticipated, to secure, or attempt to secure, for any individual an appointment or advantage in appointment to a position in the classified service, or any increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any individual.

### **SECTION 303 - ACCEPTANCE OF GIFTS OR FAVORS**

An employee shall not accept or solicit any gift or favor where the receipt would either compromise impartial performance or would be viewed by the public as compromising impartial performance. An employee shall document any gifts received and immediately notify their supervisor of same. Violation shall be grounds for disciplinary action up to and including termination. (Refer to Sections 1203.22 and 1203.23; Article IV, Section 12 of the City Charter, and Ethics Policy).

In the event employees receive a gift of any kind, employees must notify their supervisor . Additionally, the employee(s) must document the type of gift received and how the gift will be disposed of, i.e., a tin of popcorn to be shared with the office staff. Department Directors and Division Managers are responsible for determining the appropriateness of the gift and its proper disposition. Examples of gifts that would be appropriate, provided the receipt would not compromise or be viewed as compromising the employees' impartial performance, are items with a nominal value (\$50 or less) that can be consumed, such as a meat/cheese or deli tray, a meal, a box of candy, a tin of popcorn, a fruit basket, etc. The proper disposition of these types of gifts would be the sharing of these items within the office. Examples of gifts that would be inappropriate to accept are gift certificates for merchandise from a City vendor or other retailer, vacation/travel packages, etc.

### **SECTION 304 - INTEREST IN CITY CONTRACTS**

An employee shall not:

- (a) directly enter into any contract with the City; or
- (b) directly sell goods to the City; or
- (c) have a "proprietary interest" in any company having a contract or subcontract for doing business with the City. Mutual funds or retirement funds invested in corporations but managed by a third party do not apply here; or
- (d) participate in any contract recommendations, decisions or administration relating to companies in which the spouse of an employee has a "proprietary interest"; or
- (e) be eligible to purchase directly, indirectly, or through public auction, any item placed on sale by the City unless the property is offered for sale to the public after notice of the sale has been published.

Violation of this section shall be grounds for disciplinary action up to and including termination. (Refer to Article IV, Section 11 of the City Charter).

### **SECTION 305 – CONFLICT OF INTEREST**

A conflict of interest is a real or perceived conflict between an employee's professional or official duties and an employee's other interests, or is a situation where one duty conflicts with another. Conflicts of interest may create an impairment of judgment or potential perception of the impairment of judgment.

All City employees are subject to conflict of interest policies establishing minimum standards for conduct of City employees who, in their official capacity, are or may become involved with contract, grants, purchase, sale, service or decisions that might affect their personal financial or otherwise private interests, whether direct or indirect, or those of their immediate family members, as defined in Section 210 of these policies.

Any employee who has, or whose immediate family member has, a direct or indirect substantial financial or otherwise private interest in any contract, grant, purchase, sale, or service to the City or in any decision of the City, must make that interest known to their Department Director, or City Manager. Employees are prohibited from disclosing or using, without appropriate authorization, information designated as confidential by statute, rule or City practice that they obtained from the City as a result of their employment with the City.

Generally, employees shall not solicit or accept money, gratuities, favors, or goods of any modest monetary value from any current or potential vendor. However, in the event employees receive a gift of any kind, the employees' supervisor must be notified, and the value and type of gift must be documented. Department Directors and Division Heads are responsible for determining the appropriateness of the gift and its proper disposition. Examples of gifts that would be appropriate, provided the receipt would not compromise or be viewed as compromising the employees' impartial performance, are items with a nominal value (\$50 or less) that can be consumed, such as a meat/cheese or deli tray, a meal, a box of candy, a tin of popcorn, or a fruit basket. The proper disposition of these types of gifts would be the sharing of these items within the office.

Employees of the City must be aware of, and identify on an ongoing basis, any circumstances in which the City's actions might affect their interests or the interests of their close relatives, and avoid situations in which a conflict of interest may arise. If an employee believes that she or he has or soon may have a conflict of interest in a specific matter that was not yet disclosed, or there could be a perception of a conflict of interest on the part of an employee, the employee must immediately withdraw from participation in all related activities and decisions related to that matter. The employee must notify the department of said conflict, explaining in detail the potential or existing conflict of interest and affirming that the employee has withdrawn from participation in the matter. Failure to appropriately disclose a conflict of interest situation may result in corrective and/or disciplinary action, up to and including termination.



### **SECTION 306 - STAFF CONTROL**

To assist in the development of staff and to ensure the necessary internal controls are in place, the Department Director may require cross training or mandatory vacation for those in operations handling money, personnel/payroll, or other associated services.

### **SECTION 307 - PERSONAL APPEARANCE**

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

### **SECTION 308 – FRAUD INTOLERANCE**

**308.01** The City has established systems and internal controls to provide reasonable assurance of the prevention and detection of fraud and to encourage reporting by City employees of improper governmental action taken by City officers or employees. The term fraud refers to, but is not limited to: intentionally entering false or erroneous information into electronic software systems; any dishonest act; forgery or alteration of any official document; misappropriation of funds, supplies, equipment, or City materials; improper handling or reporting of money or financial transactions; profiting by self or others as a result of inside knowledge; destruction or intentional disappearance of records, furniture, fixtures, supplies, or equipment; accepting or seeking anything of material value from vendors or persons providing services or materials to the City for personal benefit; or any similar or related irregularities.

Employees are required to sign a statement upon employment acknowledging they have received, read, and understand the City's fraud policy and agree to comply with it. Fraudulent acts will not be tolerated and may result in disciplinary action up to and including termination from City employment. Fraudulent acts will be pursued to the fullest extent and may result in criminal charges.

**308.02** Improper actions are actions undertaken by an employee in the performance of their official duties that:

- (a) are in violation of any federal, state, or local law; or
- (b) constitute an abuse of authority; or
- (c) create a substantial, specific danger to public health or safety; or
- (d) constitute a waste of public funds.

Improper actions do not include common personnel actions, such as the processing of grievances or alleged violations of labor (collective bargaining) agreements.

**308.03** An employee who has reason to believe that there may have been an instance of fraud, improper action, or other illegal act in connection with a City program, function or activity shall report it immediately to a supervisor or manager, the Department Director, the City Manager's Office, or the City Auditor's Office. An employee may also report such instances by

contacting the OKC 4Ethics Hotline as discussed below. Failure to report such instances may result in disciplinary action up to and including termination.

**308.04** The City Auditor shall be notified by the City Manager or department contact of all such instances reported. Reported incidences will be appropriately investigated as expeditiously as possible. When an investigation confirms that fraud or an illegal act(s) has occurred, appropriate corrective action will be taken, up to and including termination. An employee terminated under this section will not be eligible for rehire.

**308.05** Under most circumstances, an employee's supervisor should be the first point of contact. However, the Office of the City Auditor has established the OKC 4Ethics Hotline to provide employees a vehicle to anonymously (if desired) report fraudulent or inappropriate activity by City employees or those doing business with the City. City employees can call the OKC 4Ethics Hotline 24 hours a day, 7 days a week. Information gathered from the OKC 4Ethics Hotline calls, intranet reporting or email will remain confidential to the extent permitted by law. The OKC 4Ethics Hotline number is (405) 297-2227. The online reporting form may be found at InsideOKC. The email address is 4ethics@okc.gov.

For calls that are matter of public safety or imminent danger, employees should dial 911. For concerns relating to sexual harassment or other forms of discrimination, employees should contact the Labor Relations Division Hotline at (405) 297-2567, 24 hours a day, 7 days a week. All other workplace issues may be addressed by contacting the Labor Relations Division at (405) 297-2410 during normal business hours.

### ***SECTION 309 - WHISTLEBLOWER POLICY***

An employee who reports a suspected incident of fraud or illegality, a safety, health or security concern, or assists in an investigation shall be protected from retaliation. However, an employee who believes that they have experienced retaliation for making a genuine report or assisting in an investigation shall report this as soon as possible to the Department Director, Personnel Director, City Manager's Office, or City Auditor.

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

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

## **SECTION 310 – SOCIAL MEDIA**

### **Speaking on Behalf of the City**

Employees shall not speak on behalf of the City through any forum (including social media) unless authorized by the Department Director or City Manager. Employees should make their supervisor or Department Director aware of social media posts that they believe need a response from the City. An employee shall not identify himself/herself on social media as a City employee in situations in which the posts may be viewed by the public as being representative of the City.

### **Use of City Time**

Employees shall not use social media during work time when it interferes with their work responsibilities, whether using City-owned equipment or their own. (Refer to 1203.28)

### **Conduct**

The City promotes a workplace free of conduct that can be considered discriminatory, abusive, disorderly, disruptive or retaliatory. Any conduct, whether intentional or not, which disrupts the workplace and/or interferes with another employee's performance or creates an intimidating, hostile, or offensive work environment, could be a violation of the City's Personnel Policies and result in discipline. This includes conduct on personal social media accounts. (Refer to 1203.09 and current PSB – Policy Prohibiting Discrimination and Sexual Harassment.)

### **Email & Passwords**

Employees shall not use their City email address as a login for personal business like banking, social media, shopping sites, etc. Employees should always protect their City password(s). For security reasons, employees should never use their City password as the login for any third-party accounts, including social media. Refer to the IT Acceptable Use Policy.

### **Confidential Information**

Employees shall never publish, post or release anything considered confidential City business when using social media. An employee should ask their supervisor if they have questions about what is considered confidential. (Refer to Section 410 and 1203.42)

Violations shall be grounds for disciplinary action, up to and including termination. ■

## **ARTICLE 400 CONDITIONS IN THE WORKPLACE**

### ***SECTION 401 - DISCRIMINATION***

As an Equal Employment Opportunity (EEO) employer, the City of Oklahoma City will not discriminate against any applicant or employee because of race, color, creed, national origin, religion, sex (to include sexual orientation), age, disability, genetic information, political affiliation, or any exercise of a legal right.

The City will ensure equal employment opportunity by conducting staffing activities such as selection, promotion, demotion, transfer, training and separation, in accordance with established federal, state, and local EEO laws, policies and regulations.

The City promotes a workplace that is free of conduct that can be considered discriminatory, abusive, disorderly, disruptive, or retaliatory. Any employee conduct, whether intentional or unintentional, that results in discrimination or harassment of other employees regarding race, color, creed, disability, age, religion, sex (to include sexual orientation), national origin, genetic information, or exercise of a legal right, is strictly prohibited. (Refer to Section 1203.31).

The Personnel Director will establish a policy prohibiting all forms of illegal discrimination and harassment; establish procedures for reporting violations; establish disciplinary consequences for policy violations; and publish same as a Personnel Services Bulletin (PSB). ([Click here for link to Policy Prohibiting Sexual Harassment and Discrimination.](#)) Violations shall be reported to either your supervisor, division head, department director or the Personnel Department.

### ***SECTION 402 - HARASSMENT***

The City promotes a work environment that is free of harassment. The standard of employee behavior is one of cooperation and respect for each other, despite any differences.

Harassment is unwarranted, unwanted verbal or non-verbal conduct, which is abusive, obscene, threatening or insulting to another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects an employee's performance. An employee who engages in such conduct while on duty or on City premises will be subject to immediate discipline. An employee who engages in such conduct which occurs outside of the workplace, or off duty, and such conduct creates an offensive, intimidating, degrading or hostile work environment, or interferes with or adversely affects an employee's performance, will be subject to disciplinary action, up to and including termination. (Refer to Section 1203)

Violations of this section shall be reported to either your supervisor, division head, department director or the Personnel Department.

### ***SECTION 403 - SEXUAL HARASSMENT***

**403.01** Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct or communication of a sexual nature which:

- (a) is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or
- (c) is used as a basis for employment decisions.

**403.02** Sexually oriented jokes, remarks, gestures or pictures may be deemed offensive to another employee and will not be tolerated.

**403.03** Sexual harassment can occur between supervisors and employees, co-workers, and employees and non-employees (e.g., citizens, contract laborers, vendors, etc.). Any employee who engages in such conduct is subject to disciplinary action, including termination. (Refer to Section 1203, PSB - *Policy Prohibiting Discrimination and Sexual Harassment*, and *Management Bulletin - Information Technology Acceptable Use Policy*). ([Click here for links to Policy Prohibiting Discrimination and Sexual Harassment and the Information Technology Acceptable Use Policy](#))

Violations shall be reported to either your supervisor, division head, department director or the Personnel Department.

## **SECTION 404 – COMPLAINANT RESPONSIBILITY**

The filing of a discrimination, harassment or sexual harassment complaint does not exempt the complaining party from abiding by established workplace rules such as time, attendance or performance standards.

## **SECTION 405 - SAFETY**

It is the policy of the City to provide a workplace free from recognized hazards that are likely to cause death or physical harm to its employees, in accordance with the State of Oklahoma's Occupational Health and Safety Standards Act and the Federal Occupational Safety and Health Act (OSHA), both of 1970.

The City will comply with all occupational safety and health standards under OSHA, as adopted and enforced by the Oklahoma Department of Labor's Public Employees Occupational Safety and Health Division (PEOSH), and will provide its employees with proper safety practices, procedures, equipment, information and training. The City Safety Manual, which applies to all employees, outlines safety programs and procedures designed to prevent workplace injuries and accidents. Departments may adopt safety policies and/or procedures specific to their operations that are consistent with the City's manual. The City Safety Manual may be accessed through the City's internal website. ([Click here for link to City Safety Manual.](#))

Employees are responsible for participating in health and safety programs as required, and for following safe work practices and procedures as specified in written programs, protocols and policies. Failure to follow safety policies, rules, or regulations, or any conduct that places the employee, fellow employees or citizens at unnecessary risk, shall be grounds for disciplinary action up to and including termination. (Refer to Section 1203.29). Violations and/or other safety

concerns shall be reported to either your supervisor, division head, department director or the Risk Management Division.

### **SECTION 406 - WEAPONS**

An employee, with the exception of a commissioned peace officer, is prohibited from possessing or concealing weapons, dangerous instruments or firearms while on duty or while in the performance of services for the City, or while in City uniform or in a City vehicle, regardless of whether the employee is on City property or not. The prohibition includes employees holding a handgun license.

Weapons, dangerous instruments and/or firearms shall include all instruments and devices named or described by municipal ordinance, state or federal law. Firearms shall include loaded or unloaded firearms, whether or not they are capable of being fired. This policy shall not include transportation of weapons that can lawfully be transported in motor vehicles in the employee's personal vehicle; however, brandishing the weapon or use of the weapon for the purpose of intimidation or threat of bodily harm shall be a violation of this policy.

The use of items not normally considered weapons or dangerous instruments, such as pocket knives or tools capable of causing physical harm, for intimidation or threat of bodily harm shall be a violation of this policy. (Refer to Firearms and Weapons Policy and/or applicable collective bargaining agreement). ([Click here for the Firearms and Weapons Policy.](#))

### **SECTION 407 - VIOLENCE IN THE WORKPLACE**

The City will not tolerate any acts of violence to persons or property. All acts of violence are considered and treated seriously. Each act of violence will be dealt with promptly and appropriately to minimize risk to employees, customers and property.

Workplace violence means any physical action, verbal or non-verbal, that is reasonably perceived as a threat, harassment, abuse, intimidation or personal contact that produces fear, causes bodily harm or damage to property. Workplace violence may involve family, friends, strangers, co-workers or customers.

An employee or knowing party shall report to a supervisor, Division Manager, Department Director or the Personnel Department any threatening or dangerous situations affecting the workplace and management will take appropriate action. For matters that are of public safety or imminent danger, employees should dial 911. (Refer to Section 1203.11). ([Click here for link to Violence and Fighting Policy.](#))

### **SECTION 408 - INTOXICANTS**

In accordance with the City's Drug-Free Workplace Policy and the Drug and Alcohol Testing Policy, the City will not tolerate substances in the workplace that interfere with or impair an employee's mental or physical capacity to perform his/her duties or cause a risk to employees, property, or the public. This includes using, possessing, selling, distributing or being under the influence of intoxicants.

An employee or knowing party shall report to a supervisor, Division Manager or Department Director any employee suspected of violating this policy and such supervisor or manager will take appropriate action. (Refer to Section 1203.15). ([Click here for link to current PSB - Drug and Alcohol Testing Policy.](#))

### **SECTION 409 - SMOKING**

It is the goal of the City to promote and provide a healthy workplace and to establish a policy to regulate the use of smoking products by City employees while on City premises. Employees are expected to comply with the City's policy regulating smoking, as well as applicable departmental policies, state laws and municipal ordinances. Smoking is prohibited in all City-owned-and-operated buildings, on City property and in City vehicles. For the purpose of this policy, vaping and e-cigarette devices are considered smoking products. Employees found in violation of this policy are subject to disciplinary consequences.

### **SECTION 410 – ACCESS TO CONFIDENTIAL INFORMATION**

Employees may be provided access to confidential information, including protected, sensitive and privileged information, during the course of their employment. Such confidential information shall only be used for the express purpose of addressing work assignments and will not be discussed or disclosed with others unrelated to those work assignments.

Employees shall hold confidential all confidential information accessible as an employee of the City of Oklahoma City and shall not use their position to access information unrelated to their work assignments.

Suspected violations of this policy shall be reported immediately to a supervisor or manager, the Department Director, the City Manager's Office, or the City Auditor's Office. Violation of this section, including failure to report suspected violations, shall be grounds for disciplinary action up to and including termination (Refer to Sections 1203.42 ,1203.47, and 1203.50).

Any inadvertent disclosure of confidential information through technological means shall be reported in the manner set forth in the Information Technology Acceptable Use Policy. Inadvertent disclosure of confidential information shall be managed as set forth by State law. ■

## **ARTICLE 500 CLASSIFICATION**

### ***SECTION 501 - THE CLASSIFICATION PLAN***

The Personnel Director shall develop and maintain a Position Classification Plan for all positions in the City. The Classification Plan shall group together positions which are basically similar in nature, have approximately the same level of difficulty and responsibility, require comparable skills, knowledge and abilities at the time of recruitment, and which may be fairly compensated by a general range of pay.

### ***SECTION 502 - MAINTENANCE OF THE CLASSIFICATION PLAN***

The Personnel Director shall have the authority to conduct classification reviews and studies of positions and shall revise the classification plan according to findings, except that all new classifications shall be subject to City Council approval.

### ***SECTION 503 - PURPOSE OF THE CLASSIFICATION PLAN***

The Position Classification Plan shall be used to determine that classifications are consistent with the jobs performed; establish required skills, knowledge and abilities for each classification; assist in analyzing work distribution, areas of responsibility, lines of authority, and other pertinent relationships between individuals and groups of positions; assist in projecting personnel, service and operational costs for annual budgets; provide a basis for developing work performance and productivity standards; establish lines of promotional opportunities, identify employee educational and training needs; ensure uniform and meaningful titles for all positions; and supply the foundation for the compensation program and other aspects of the personnel system.

### ***SECTION 504 - CLASSIFICATION AND ALLOCATION OF POSITIONS***

**504.01** The Personnel Director shall classify each position based on the nature of the primary tasks performed, level of difficulty, responsibility, skills, knowledge, abilities, worker aptitudes, physical requirements and working conditions required to perform the essential job functions of the position.

**504.02** All classes of positions involving the same character of work, but differing as to level of difficulty and responsibility, shall be grouped into a class series.

**504.03** Compensation or the pay range shall not be a factor in determining the classification of any position.

**504.04** The examples of duties set forth in classification specifications or job descriptions are not inclusive or restrictive. All components of the position will be taken into consideration when determining the classification.

**504.05** Department Directors shall report to the Personnel Director all organizational and program changes which will significantly alter or affect existing positions or proposed new positions.



## **SECTION 505 - CLASSIFICATION CHANGES**

**505.01** An employee may request a position classification review when the actual work performed does not conform to the job description. The classification review must be requested through the immediate supervisor and/or Division Head and the Department Director on the form specified by the Personnel Director.

**505.02** When the Personnel Director receives a request to reclassify a position to a different classification, the request may be denied, if the findings reveal the new duties and responsibilities can reasonably be assigned to the present classification or another position.

**505.03** A reclassification occurs when a position classification is changed to a different classification as a result of a job audit. Pay rate adjustments as a result of a reclassification to a different pay range will be applied in accordance with the latest Step Placement Policy.

## **SECTION 506 - CLASSIFICATION SPECIFICATIONS**

The Personnel Director shall maintain a master set of all approved classification specifications.

Classification position concepts or job descriptions are descriptive only and not restrictive. They reflect the primary duties and responsibilities of the positions that are assigned to the respective classifications, and shall not exclude less frequently assigned duties and responsibilities not specifically listed in the classification position concepts. ■

## **ARTICLE 600 COMPENSATION**

### ***SECTION 601 - COMPENSATION PLANS***

Compensation Plans shall govern pay rates of all positions. Compensation Plans and all supplements, revisions or amendments shall be approved by the City Council prior to implementation.

### ***SECTION 602 - ADMINISTRATION OF COMPENSATION PLANS***

The Personnel Director shall administer, interpret and apply the Compensation Plans and shall recommend to the City Manager, for City Council action, a schedule of pay ranges for all positions in the classified service. The City Manager shall have final authority to determine the appropriate salary or classification for employees in the classified service. The City Auditor and Municipal Counselor administer, interpret and apply the Compensation Plans for their personnel and present their Compensation Plans directly to the Council for approval. Also, the City Auditor and Municipal Counselor shall have final authority to determine the appropriate salary or classification for their personnel.

### ***SECTION 603 - STANDARDS FOR DETERMINATION OF PAY RANGES***

Pay ranges shall be directly related to the Classification Plan. The following factors shall be considered in determining pay ranges: pay ranges of other classes, relative difficulty and work responsibilities as indicated by the class specifications, recruiting experience, availability of applicants/employees in particular occupational categories, prevailing rates of pay in private industry and other jurisdictions in applicable recruiting areas, employee turnover, cost-of-living factors, and the City's financial policies and economic conditions.

### ***SECTION 604 - MAINTAINING COMPENSATION PLANS***

The Personnel Director shall conduct periodic analysis and review of the Compensation Plans, including conducting wage and salary surveys of various classifications, in order to maintain current, uniform, equitable, and competitive pay ranges. The Personnel Director shall recommend to the City Manager any additions or changes to the Compensation Plans based on the findings.

### ***SECTION 605 - APPLICATION OF COMPENSATION PLANS***

Each employee shall be paid at one of the established steps in the pay range for the applicable class, unless an exception is specifically authorized by another section of these Policies or the employee has been assigned by the City Manager to the Executive Pay Plan. Upon the approval of the Personnel Director and the City Manager, an employee may be placed at a rate of compensation that falls between steps in a pay range or at a rate above the top step of the pay range. This rate shall be known as a "Z" rate, and shall be used only in limited circumstances.

## **SECTION 606 - ENTRANCE SALARY**

**606.01** Step 1 of the pay range shall be the normal beginning salary step for new employees. However, new employees may be appointed at a salary up to the mid range upon recommendation of the Department Director to the Personnel Director. To justify appointments above the mid range, the Department Director through the Personnel Director must submit for approval to the City Manager documentation of all the following:

- (a) Qualified individuals cannot be hired at Step 1 of the salary range.
- (b) The applicant possesses exceptional qualifications for the position.
- (c) There are no other applicants with comparable qualifications.

**606.02** When an individual is re-employed in a previously held classification and the previous service was satisfactory, the Personnel Director may authorize a salary rate corresponding to the salary at the time of previous termination.

## **SECTION 607 - PAY RATE ADJUSTMENTS**

**607.01** The Personnel Director shall develop and recommend to the City Manager a Step Placement Policy to establish appropriate and equitable step placement within the City's pay plans for employee pay adjustments. The Personnel Director shall administer the Step Placement Policy and update it as needed. Pay rate adjustments will be determined by the latest Step Placement Policy and/or other policies issued by the City Manager or Personnel Director. ([Click here for link to Step Placement Policy.](#))

**607.01.01** *Lateral* - An employee is transferred between departments, divisions, or classifications to a different position having the same pay range as the previous position.

**607.01.02** *Promotion* - An employee successfully participates in a competitive selection process or passes a valid selection process and is moved to a classification with a higher pay range.

**607.01.03** *Voluntary Demotion* - An employee elects to move to a lower classification for non-disciplinary reasons.

**607.01.04** *Disciplinary Demotion* - An employee is moved to a lower classification for disciplinary reasons.

**607.01.05** *Involuntary Demotion* - An employee is moved to a lower classification for non-disciplinary reasons.

**607.02** *Reduction of Salary Rate* - A Department Director, with the approval of the City Manager, may reduce an employee's salary for cause. The effective date of such reduction may establish a new pay review date.

**607.03** The City Manager may cause an employee's salary to remain constant.

## **SECTION 608 - PERFORMANCE EVALUATIONS**

**608.01** The Personnel Director, with approval of the City Manager, shall establish performance evaluation systems, rating standards, policies and procedures. Department Directors shall be responsible for implementing the systems within their respective departments. ([Click here for link to current PSB - Performance Evaluations.](#))

**608.02** The performance of full-time employees shall be evaluated at least annually regardless of whether or not the employee is at top step of the pay range. The annual performance evaluation forms shall be submitted to the Personnel Department for inclusion in the employee's personnel history folder. The performance evaluation shall cover a minimum of six months of job performance prior to the performance review date.

**608.03** When an employee transfers or demotes from one department/division to another, and the performance review date is less than six months from the date of transfer, the original supervisor shall provide a performance evaluation which may be used by the new supervisor at the time of the annual performance evaluation. The annual performance evaluation shall be submitted to the Personnel Department for inclusion in the employee's personnel history folder.

**608.04** The Municipal Counselor and the City Auditor have control and administration over classifications and positions within their respective departments, as authorized by the 1988 Guidelines and Criteria adopted by Council Resolution on August 23, 1988. The Municipal Counselor and the City Auditor shall develop an annual performance program for employees within their respective departments. The performance evaluations shall be submitted to the Personnel Department for inclusion in the employee's personnel history folder.

## **SECTION 609 - MERIT PAY ADJUSTMENTS**

**609.01** Merit pay adjustments are intended as rewards and incentives for employees fulfilling job requirements and having supporting records of performance. Department and Division Directors shall be responsible for making recommendations to grant or deny employee merit pay adjustments.

**609.02** A performance evaluation must be submitted with any request for merit pay adjustment. Merit pay adjustments will be determined by the latest Step Placement Policy and/or other policies issued by the City Manager or Personnel Director.

**609.03** The Personnel Director shall have authority to approve or deny recommendations for merit pay adjustments and shall provide written notification of such decision to the department.

## **SECTION 610 - DENIAL OF MERIT PAY ADJUSTMENTS**

**610.01** If an employee does not meet established standards of performance, or is not eligible for a merit pay adjustment for other just cause, the Department Director upon recommendation of the supervisor shall submit a written recommendation with a performance evaluation to the Personnel Director to deny the merit pay adjustment and forward a copy to the employee. Any denial of merit pay for performance issues requires a developmental plan.

**610.02** The Personnel Director shall have authority to approve or deny the recommendation and shall provide written notification of such decision to the department.

### **SECTION 611 - APPEAL OF DENIAL OF MERIT PAY ADJUSTMENT**

The policies and provisions contained herein shall not adversely affect, restrict, or deny the rights of any employee to appeal a decision denying a pay adjustment. Such appeal must follow established grievance procedures.

### **SECTION 612 - PAY REVIEW DATES**

The normal pay review date is established as one year from the date of hire. A new pay review date may be established with the effective date of a merit pay adjustment, promotion, involuntary demotion, City Manager and City Council approved pay action, or similar changes in pay policy.

The Personnel Director may establish a new pay review date as a result of a court order, legal settlement, arbitration award, or other circumstances.

### **SECTION 613 - PAYROLL AUTHORITY**

**613.01** The Department Director, the Personnel Director and the City Manager or their authorized representatives shall be the only authorities for adding a new employee to the City payroll, making any temporary or permanent change in the pay or compensation status of a City employee, or adding, deleting, or changing any information on the official payroll records of an employee.

**613.02** The payroll procedures shall be formulated by the Finance Director and approved by the City Manager.

**613.03** The Finance Director, with the approval of the City Manager, shall establish appropriate payroll periods for the municipal service.

### **SECTION 614 - PAYROLL DEDUCTIONS**

The deductions which may be withheld from an employee's pay check are those:

- (a) required by law;
- (b) authorized in writing and signed by the employee;
- (c) for reason of leave without pay, unexcused absences, suspension, or other disciplinary reason as authorized by the Personnel Policies;
- (d) corrections of error in overpayment to an employee can be made by written agreement with the employee or against the final pay of the employee upon separation from service;
- (e) monies for which the employee is legally obligated to the City and which may be legally withheld;
- (f) deductions authorized by City Council action.

### **SECTION 615 - DUAL EMPLOYMENT**

No employee shall be compensated for serving in more than one position in the City.

## **SECTION 616 - TIME RECORDS**

Each Department or Division Director shall maintain an accurate record of working time, absences, and leaves for each employee in the department or division during each payroll period, and such record shall be reported to the Payroll Section of the Accounting Division at such intervals and in such form and manner as may be prescribed by the Personnel Director and/or Finance Director and approved by the City Manager. Refer to current Personnel Services Bulletin, General Time and Attendance Policy and Procedures. ([Click here for link to General Time and Attendance Policy.](#))

Failure of supervisors to review, correct, and approve official employee time records shall be cause for disciplinary action up to and including termination.

Management FLSA exempt employees may record time worked over and above their regularly scheduled time in the official time records with the authorization of their supervisor. This time is recorded for workload management and tracking purposes.

## **SECTION 617 - EXEMPT AND NON-EXEMPT CLASSIFICATIONS**

**617.01** The Personnel Director shall determine those classifications or positions which are exempt and non-exempt, in compliance with the Fair Labor Standards Act, applicable State legislation, or collective bargaining agreements. The Personnel Director shall provide each Department and Division Director with a list of exempt classifications and shall notify them of any changes.

**617.02** Classifications or positions not specifically determined to be exempt shall be considered non-exempt. Non-exempt positions are those which shall be eligible for receiving overtime earnings at a minimum of one and one-half (1½) times the regular hourly wage or accruing compensatory leave at a minimum of one and one-half (1½) times the overtime hours worked, as required by the Fair Labor Standards Act.

**617.03** Exempt classifications are not eligible for overtime wages or compensatory leave, but may be eligible for consideration of customer service incentive pay or customer service leave time.

## **SECTION 618 - COMPENSATORY TIME AND OVERTIME**

**618.01** Compensatory leave shall mean paid leave accrued as a result of overtime hours worked by non-exempt personnel.

**618.02** Pursuant to the Fair Labor Standards Act (FLSA), non-exempt employees shall receive time and one-half (1½) for all hours worked over their regularly scheduled work period (compensatory time). The maximum compensatory time accrual shall be 240 hours (based on 160 overtime hours x 1½ rate) except for those employees engaged in law enforcement, fire-fighting, emergency snow/ice removal, or other emergency activities as approved by the Personnel Department. Employees engaged in these activities shall have a maximum compensatory time threshold of 480 hours (based on 320 overtime hours x 1½ rate). Refer to Personnel Services Bulletin, General Time and Attendance Policy and Procedures. ([Click here for link to Time and Attendance Policy.](#))

**618.03** Any employee who has accrued the maximum number of compensatory leave hours (240 or 480) shall be paid overtime compensation for any additional overtime worked.

**618.04** *Usage* - Compensatory leave should be used in lieu of leave-without-pay (LWOP) for scheduled absences. It may not be used for absences-without-leave (AWOL), unscheduled sick leave, nor to offset suspensions-without-pay. Employees must use compensatory leave before vacation leave; except where the employee is at, or close to, the maximum vacation accrual amount, in which case the employee may use vacation leave first.

**618.05** Employees going on extended leaves of absence may use their compensatory leave balances.

**618.06** Non-exempt employees shall be paid their compensatory leave balances prior to being placed in an exempt position.

**618.07** Non-exempt employees moving from one department to another shall be paid their compensatory leave balances prior to being placed in the new department. The compensatory leave balance shall not be transferred to the new department.

**618.08** Employees terminating their services with the City will be paid for their compensatory leave balances, subject to all withholding and other deductions applicable to final pay.

**618.09** Overtime shall mean all time worked in excess of forty (40) hours or the full, regularly scheduled work period established for the employee's department or division.

**618.10** Compensatory leave and overtime shall be recorded and processed on appropriate payroll records for payment to eligible employees. Compensatory leave and overtime shall be paid at a time and one-half (1½) rate of pay and shall include regular rate, longevity, educational incentive pay, etc.

**618.11** All compensatory leave and overtime records will be subject to audit by representatives of the City Manager, Finance Director, City Auditor, and Personnel Director.

## **SECTION 619 - UNEXCUSED ABSENCES**

**619.01** An unexcused absence is defined as an absence from work for which no leave time has been approved. (Refer to Section 1203.05).

In addition, an unexcused absence could be designated in accordance with the following:

- a. Department/Division policies
- b. Insufficient leave balance

**619.02** Fair Labor Standard Act (FLSA) non-exempt employees shall not be compensated for unexcused absences from duty. During each payroll period, a deduction from the employee's pay check shall be made for the accumulated time of all such unexcused absences, and shall be calculated according to the employee's established rate of pay.

**619.03** FLSA exempt employees' pay may be subject to deduction for unexcused absences under certain circumstances pursuant to local, state or federal laws. FLSA exempt employees

with an unexcused absence will be compensated in accordance with the City's General Time and Attendance Policy and Procedures and FLSA. ([Click here for link to General Time and Attendance Policy](#))

### **SECTION 620 - TEMPORARY ASSIGNMENTS**

**620.01** Temporary acting pay is calculated in accordance with the current Step Placement Policy as it applies to promotions, unless special circumstances warrant a different acting pay rate within the salary range of the acting position. This flat rate is an additional hourly rate that is separate from the employee's base hourly rate. When the temporary assignment ends, the employee's additional pay rate is terminated. The employee's base hourly rate remains unchanged except for those changes related to annual pay reviews and pay plan adjustments. ([Click here for link to Step Placement Policy.](#))

**620.02** Acting pay may be assigned when a General Pay Plan employee not covered by a collective bargaining agreement works in a position with a higher salary range for more than three consecutive regularly scheduled working days because of a vacancy, extended sick leave or vacation of another employee, or other circumstances authorized by the Department Director. The temporary pay increase will be made in accordance with the current Step Placement Policy as it applies to promotions. When the temporary assignment ends, the employee will return to their previous rate of pay, including changes related to annual pay review and pay plan adjustments.

**620.03** A Bargaining Unit employee in a non-exempt position, who is temporarily assigned to do the work of a higher classification, shall be paid in accordance with the appropriate collective bargaining agreement at an appropriate rate within the salary range of the higher position for the period of the temporary assignment. The temporary pay increase will be made in accordance with the current Step Placement Policy as it applies to promotions. When the temporary assignment ends, the employee will return to their previous rate of pay, including changes related to annual pay review and pay plan adjustments.

**620.04** Management level employees not covered by a collective bargaining agreement shall not earn a higher rate of pay when temporarily assigned to a higher level of classification unless specifically approved by the City Manager. If approved, the temporary pay increase will be made in accordance with the current Step Placement Policy as it applies to promotions. When the temporary assignment ends, the employee will return to their previous rate of pay, including changes related to annual pay review and pay plan adjustments.

### **SECTION 621 - VEHICLE MILEAGE REIMBURSEMENTS**

Vehicle Mileage Reimbursement and Vehicle/Car Allowance shall be made in accordance with the current Business Expense Policy. ([Click here for link to Purchasing Policies and Procedures Manual.](#))

### **SECTION 622 - OTHER ALLOWANCES**

The City Manager may authorize other allowances in addition to salary for an employee.



## **SECTION 623 - TERMINATION PAY**

**623.01** For all employees who leave the municipal service for any reason, and those employees who die while in the municipal service, final compensation shall be computed to the effective hour and date of termination according to the employee's established rate of pay and the provisions herein.

**623.02** After six months of service, all full-time employees who leave the municipal service or who die while in the municipal service shall be compensated for all earned, but unused vacation leave. Earned but unused vacation leave shall be computed according to the vacation leave accrual rates established herein, and compensation for such time shall be computed on the basis of the employee's established rate of pay. Payout of vacation leave can and shall be made by the City only as supported by appropriations and available revenues for the then current fiscal year when the payout falls due. (See Okla. Const. Art. 10, Sec. 26).

**623.03** Payment for the sick leave balance shall be made as follows: Employees not covered under bargaining unit agreements approved by Council: a maximum of fifty percent (50%) of the sick leave balance shall be paid at the time of retirement (disability or regular), death, or voluntary resignation; provided that the fifty percent (50%) maximum payable hours will be reduced two and one-half percent (2.5%) for each year less than twenty (20) years of creditable service.

All members of the Executive Pay Plan and Council appointees who voluntarily resign may be paid the balance of their sick leave upon their resignation, not to exceed 1,000 hours.

An employee who has been involuntarily terminated shall not receive any portion of their sick leave under this section under any circumstances.

Except that, employees who are laid off as a result of a reduction in force shall be paid out their sick leave balance as set forth for employees who retire or voluntarily resign. Payout of sick leave balances can and shall be made by the City only as supported by appropriations and available revenues for the then current fiscal year when the payout falls due. (See Okla. Const. Art. 10, Sec. 26).

## **SECTION 624 - CUSTOMER SERVICE INCENTIVES FOR MANAGEMENT EMPLOYEES**

**624.01** Customer service incentives reward management employees for extraordinary customer service, exceptional leadership, role modeling and consistent performance deserving commendation and shall be made in accordance with the current Customer Service Incentive Program Management Bulletin. ([Click here for link to Customer Service Incentive Program.](#))

**624.02** A Department Director may recommend full-time, regular employees for customer service incentives. The Personnel Director, or designee, will review the recommendation to ensure it meets the requirements and shall forward it to the City Manager. The City Manager shall have authority to approve or deny recommendations.

**624.03** New-hire probationary employees are ineligible for the customer service incentive program unless an exception is authorized by the City Manager.

**624.04** Customer Service leave time has no cash value and will not be paid out upon termination of employment.

**624.05** Customer Service leave time does not expire. However, employees must use customer service leave before vacation leave; except where the employee is at, or close to, the maximum vacation accrual amount, in which case the employee may use vacation leave first.

***SECTION 625 - INCENTIVES FOR MUNICIPAL COUNSELOR'S AND CITY AUDITOR'S EMPLOYEES***

**625.01** The City Auditor and the Municipal Counselor are authorized to establish incentive programs for their employees in order to recognize outstanding performance.

**625.02** New-hire probationary employees are ineligible for incentive programs under this section unless an exception is authorized by the City Auditor or Municipal Counselor. ■

## **ARTICLE 700 EMPLOYEE BENEFITS**

### **SECTION 701 - SCOPE**

This article applies only to full-time employees unless otherwise specifically provided.

Leave usage must be scheduled and approved in advance by the supervisor unless otherwise provided, and is subject to departmental and divisional policies. (Refer to Section 104.02).

### **SECTION 702 - HOLIDAYS**

**702.01** The following public holidays shall be observed:

New Year's Day	Veteran's Day or Armistice Day
Martin L. King, Jr.'s Birthday	Thanksgiving Day
Memorial Day	Day following Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

**702.02** Any public holiday which occurs on Sunday shall be observed on the following Monday, and any occurring on Saturday shall be observed on the preceding Friday, or as directed by the City Manager upon approval by the City Council.

**702.03** A non-exempt employee required to work on a holiday shall be compensated at two times the regular hourly rate of pay except as covered by collective bargaining agreements. An exempt employee required to work on a holiday may have another day off in lieu of the observed holiday.

**702.04** An employee must be in a fully paid status for the entire shift of the last regularly scheduled work day before and the first regularly scheduled work day after the holiday to receive compensation for the holiday.

### **SECTION 703 - VACATION LEAVE**

**703.01** *Eligibility* - A full-time employee shall be eligible for vacation leave. Temporary, new-hire probationary, part-time, and/or seasonal employees, including school crossing guards, are not eligible for vacation leave.

**703.02** *Re-employment* - Termination shall constitute an interruption of continuous service, and upon re-employment, prior service shall not count toward eligibility for vacation leave accrual, unless required by court order, settlement or arbitration ruling.

**703.03** *Rate of Accrual* - Vacation leave shall accrue as follows:

- (a) An employee with zero (0) through six (6) months of service will not accrue vacation leave. However, upon successful completion of six (6) months of creditable service, an employee shall be credited with 48 hours and 6 minutes of vacation leave.

- (b) An employee with six (6) months to five (5) years of creditable service: 3 hours 42 minutes per pay period; maximum accrual of 250 hours.
- (c) An employee with five (5) to ten (10) years of creditable service: 4 hours 18 minutes per pay period; maximum accrual of 250 hours.
- (d) An employee with ten (10) to fifteen (15) years of creditable service: 5 hours 18 minutes per pay period; maximum accrual of 400 hours.
- (e) An employee with more than fifteen (15) years of creditable service: 6 hours 12 minutes per pay period; maximum accrual of 400 hours.

The date for computing vacation leave accruals shall be the date of full-time employment (anniversary date). New hire probationary employees are not allowed to use vacation leave until successful completion of 6 months of creditable service with the City.

**703.04** *Accrual During Absence* - Vacation leave shall not accrue during any leave exceeding two consecutive bi-weekly payroll periods including, but not limited to family and/or medical leave (FMLA), personal leave of absence, sick leave, injury leave, bereavement leave, special leave, administrative leave, vacation leave, or except as covered by collective bargaining agreement.

**703.05** Vacation leave must be scheduled in advance and approved by the employee's supervisor. No employee shall be entitled to use more vacation leave than accrued.

#### **SECTION 704 - BONUS DAYS**

**704.01** If an employee does not use more than twenty-four (24) hours of sick leave during the anniversary year as established by date of hire, the employee will be awarded an additional sixteen (16) hours of vacation leave on the anniversary date or as specified in the appropriate collective bargaining agreement.

**704.02** An employee shall receive an additional four (4) days (32 hours) bonus vacation leave on their tenth (10) anniversary date and each tenth (10) anniversary of consecutive service thereafter.

**704.03** Vacation accrual under the provisions of this section shall not exceed the maximum leave balance established by length of service.

#### **SECTION 705 - PERSONAL LEAVE OF ABSENCE**

**705.01** A personal leave of absence is considered a privilege. In granting a leave of absence, the employee's service record and circumstances requiring the leave will be considered. A leave of absence is granted with the expectation that the employee will return to regular employment. A Department Director may authorize a maximum of thirty (30) days personal leave of absence. Leaves of absence of more than thirty (30) days, up to a maximum of six (6) months, must be recommended in advance by the Department Director and the Personnel Director and approved by the City Manager. A personal leave of absence is unpaid leave; however, an employee may request use of his/her accrued leave time, excluding sick leave, while on an approved personal

leave of absence. A copy of an approved request for a personal leave of absence will be placed in the employee's file in the Personnel Department.

**705.02** An employee who is medically unable to return to full-time work after the 12-week FMLA period has expired, may apply for an unpaid leave of absence for up to an additional three (3) months through his/her department director and the Personnel Director. The additional three (3) months of personal leave under this section shall not extend beyond three calendar months, regardless of whether the personal leave is continuous or intermittent. The employee does not have the right to restoration to his/her position after the twelve (12) weeks FMLA entitlement has expired, except where the employee's job injury leave exceeds the FMLA period. In that instance, the employee will be restored according to applicable injury leave policies. An employee whose medical leave exceeds 12 weeks will be returned to the same or similar position, only if available. If the same or similar position is not available, the employee may be terminated. Medical documentation may be required to support the need for leave of absence.

**705.03** Unpaid personal leaves of absence will result in an adjustment in the employee's retirement eligibility. Such dates will be adjusted one day for each day of absence. Salary review dates will change for unpaid leaves over 30 days and will be adjusted one day for each day of absence.

**705.04** Once all leave, including FMLA, has been exhausted and the employee has been in an unpaid status for two (2) consecutive payroll periods, insurance benefits will be terminated and the employee will be offered continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Should the employee elect COBRA continuation coverage, he/she will be responsible for all required premiums to continue health insurance coverage.

## **SECTION 706 - BEREAVEMENT LEAVE**

**706.01** A Department Director may authorize a maximum of three (3) work days off with pay in the event of a death in the family of the employee or employee's spouse. Family, for the purposes of this section, is defined as spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, and grandchildren of the employee or the employee's spouse.

**706.02** The Department Director or Personnel Director may investigate the use of bereavement leave, and may require the employee to provide proof of the death. Abuse or misuse of bereavement leave shall be cause for appropriate disciplinary action up to and including termination. (Refer to Section 1203.08).

## **SECTION 707 - MILITARY LEAVE**

**707.01** All actions with regard to employee's military service or training shall conform to applicable federal and state statutes. Approved military leave shall be counted toward continuous service. Employees called to active military duty may also be entitled to pay for the difference between the military pay and regular rate of pay. (Refer to the current PSB for guidelines on pay for employees on active military duty.) ([Click here for link to Military Leave Policy.](#))

**707.02** An employee of the City who is a member of the military is entitled to thirty (30) working days of military leave per federal fiscal year (October 1 through the following September 30).

**707.03** Employees who are ordered to active military service shall provide a copy of such orders to the employee's supervisor as soon as practicable.

### **SECTION 708 - JURY SERVICE/COURT LEAVE**

**708.01** An employee required by due process of law to render jury service in any court of law or called to be present on behalf of the City in court service or called pursuant to a subpoena to be present as a non-party in interest in court service during normal working hours shall receive their regular pay for such period, and the time spent in such service shall be reported as Jury Service or Court Leave. Time off for such service shall be granted only for the actual period of required service and the supervisor may require proof of the actual hours of service.

**708.02** An employee compensated for jury duty or other court service cannot receive both compensation and their regular pay from the City. The employee must remit the court service payment or jury fee to the City Treasurer, or at their option, not be entitled to their regular pay for those hours absent from regular duty. The employee is not required to remit to the City Treasurer that portion of the compensation from the court that was properly documented for expenses.

### **SECTION 709 - VOTING LEAVE**

An eligible full-time employee who is a registered voter shall be granted up to two (2) hours of paid time off to vote during the period when the polls are open. If the voting place is at such a distance that more than two (2) hours are required to vote, then sufficient time will be allowed. No employee shall be entitled to voting leave unless the voting time is scheduled with the supervisor before election day. Supervisors shall select the hours which an employee is granted to vote. The department/division may change the work hours to allow voting leave before the beginning of work or after work hours. May be required to provide proof of voter registration.

Voting leave shall not apply to an employee whose shift begins three (3) hours or more subsequent to poll opening or ends three (3) hours or more prior to poll closing. **Part-time employees' schedules may be adjusted to meet this requirement.** (Refer to Title 26, Oklahoma Statutes, Section 7-101).

### **SECTION 710 - FAMILY AND MEDICAL LEAVE ACT**

**710.01** FMLA – Employee/Family: The Family and Medical Leave Act allows eligible employees to take up to twelve (12) weeks leave in a twelve (12) month period for reasons authorized by the Act. The Personnel Director shall administer the program. (Refer to the current FMLA PSB, as may be amended). ([Click here for link to FMLA Policy.](#))

**710.02** FMLA – Military: The Family and Medical Leave Act allows eligible employees to take up to twelve (12) weeks of FMLA leave in a twelve (12) month period for a qualifying exigency. The Act further allows up to 26 weeks of leave in a twelve (12) month period to an eligible employee who is the primary caregiver of a service member in the Armed Forces with a serious injury or illness incurred in the line of active duty. The Personnel Director shall administer the program. (Refer to the current FMLA PSB, as may be amended).

**710.03** An employee on FMLA leave will have health and welfare benefits maintained while on leave as if the employee had continued to work. The employee will continue to pay his/her share of the premiums during the leave period. Failure to pay the required premiums will result in cancellation of the employee's health and welfare benefits coverage.

Once all leave, including FMLA, has been exhausted and the employee has been in an unpaid status for two (2) consecutive payroll periods, insurance benefits will be terminated and the employee will be offered continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Should the employee elect COBRA continuation coverage, he/she will be responsible for all required premiums to continue health insurance coverage.

### **SECTION 711 - SICK LEAVE**

**711.01** *Eligibility* - Only a full-time employee shall receive sick leave benefits. A temporary, part-time and/or seasonal employee is not eligible for sick leave benefits.

**711.02** *Accrual* - Sick leave accrual shall begin with the initial date of the most recent employment, and shall end with an interruption of service or a change in the employee's status of eligibility for sick leave benefits. Sick leave shall accrue at the rate of five (5) hours per pay period. Maximum accrued sick leave shall be 2,000 hours.

**711.03** *Accrual During Absence* - Sick leave shall not accrue during any leave exceeding two consecutive bi-weekly payroll periods including, but not limited to family and/or medical leave (FMLA), personal leave of absence, sick leave, injury leave, bereavement leave, special leave, administrative leave, vacation leave, or except as covered by collective bargaining agreement.

### **SECTION 712 - USE OF SICK LEAVE**

**712.01** An employee may use sick leave for a medical appointment, treatment or recovery from a non-job related illness or injury. Injuries connected with work in the City service shall not be charged against sick leave. No paid sick leave shall be allowed for an injury incurred while working in a compensated status for another employer.

In the event of sickness or injury to a member of an employee's immediate family (as defined under the Family and Medical Leave Act), which is serious enough to warrant the employee's presence, as certified by the attending physician, the employee shall be allowed to use his/her personal sick leave for the time period established by the physician up to a maximum of five (5) working days, unless such leave is FMLA approved.

**712.02** An employee who uses three (3) or more consecutive days of sick leave may be required to provide the supervisor a physician's statement supporting the condition of illness upon return to work. Failure to present such a statement shall be cause for disciplinary action up to and including termination. (Refer to Section 1203.08).

**712.03** *Fitness for Duty* - Following any period of illness of three (3) or more consecutive days, the supervisor may require the employee to provide a physician's statement approving the employee's return to work and resumption of normal duties.

**712.04** The Department Director may require a physician's statement or investigate any sick leave use. Abuse of sick leave shall be grounds for disciplinary action, up to and including termination. (Refer to Section 1203.08).

### **SECTION 713 - SICK LEAVE DONATION**

An employee absent from work due to an approved FMLA qualifying condition may receive donated sick leave from other employees within the City of Oklahoma City, provided the employee has exhausted all accrued leave and compensatory time. Donated sick leave can only be used for a FMLA qualifying condition during the (12) week FMLA entitlement period.

To donate sick leave, an employee must have a minimum sick leave balance of 130 hours (Refer to respective collective bargaining agreements for minimum leave balance). Donated sick leave will be on an hour for hour basis. The maximum amount of sick leave that can be donated to a single employee by any one employee shall be twenty-four (24) hours per FMLA twelve (12) month period.

The donated leave shall be used in the order it is donated. Should the injured or ill employee exhaust the twelve (12) week FMLA entitlement period, return to work, retire, or die with a balance of donated sick leave, the unused donated leave shall revert to the donating employee, in reverse order. However, an employee who returns to work on a reduced schedule basis may continue to access any donated sick leave until the employee returns to full duty work.

Sick leave donation requests will be posted in accordance with established procedures. Personal solicitations for sick leave donations are prohibited. Refer to 1203.23.

Sick leave donations are intended to be used for occurrences of extended leave (more than three days). However, sick leave donations may be used for intermittent use after an employee returns to work from extended leave. Sick leave donations shall be applied only to FMLA absences that occur within the current pay period, and cannot be applied retroactively to dates outside of the current pay period.

Sick leave donations will remain anonymous/confidential outside of the payroll officer processing the donated leave.

### **SECTION 714 - SICK LEAVE PAYOUT**

Payment for the sick leave balance is governed by the provisions set forth in Section 623.03 herein.

### **SECTION 715 - INJURY LEAVE**

**715.01** An employee injured on the job shall be provided medical treatment in accordance with the State of Oklahoma workers' compensation laws and workers' compensation procedures approved by the City Council. A full-time employee injured on the job shall continue to receive regular salary, or rate of pay during absence from work, in lieu of total temporary disability (TTD) not to exceed a period of one thousand forty-four hours (1,044). Court-ordered disability compensation shall not duplicate City earnings.



**715.02** An employee shall report a work-related injury to their supervisor within twenty-four (24) hours of the injury. Failure to report or to follow workers' compensation procedures may be grounds for denying any resulting claim against the City. No job injury benefits will be granted without the filing of an official job injury report.

**715.03** No injury leave shall be allowed for any injury incurred while working for another employer, nor shall an employee so injured receive treatment under the City's approved workers' compensation procedures.

**715.04** The Risk Manager shall make denial determinations under the City's approved workers' compensation procedures.

### **SECTION 716 – ADMINISTRATIVE LEAVE**

An employee may be placed on administrative leave, with or without pay, upon approval by the City Manager, Department Director or Personnel Director under the following circumstances:

- (a) During an investigation of an alleged improper act by an employee;
- (b) When retention of an employee in the workplace may be detrimental to the interests of the City or injurious to the employee, his/her fellow workers or the general public;
- (c) During a breakdown of essential facility services, such as heating, air conditioning, water or other problems wherein facilities must be closed and an employee is released early from work or not required to report to work;
- (d) During a period of equipment breakdown such that it is impossible for the employee to complete assigned tasks;
- (e) Absence authorized by law;
- (f) Any other instance authorized by the City Manager.

### **SECTION 717 - INSURANCE BENEFITS**

**717.01** The City shall maintain a health care plan, group life insurance, and dental plan for full-time employees. Full-time employees may participate in flexible benefit plans.

**717.02** An employee is responsible for notifying the Employee Benefits Division of the Personnel Department, in writing, of any change in name, address, telephone number, marital status or status of any enrolled dependent within 31 days of the occurrence of the change.

**717.03** Failure to notify the Employee Benefits Division of the Personnel Department, in writing, of any change in marital status and/or change in dependent status, that results in the improper extension of health or welfare benefits, may result in disciplinary action and/or further legal action against the employee.

***SECTION 718 - PENSIONS AND RETIREMENTS***

Full-time employees will contribute to the retirement programs authorized by City ordinance, and state and federal law. Refer to applicable pension plan for terms and conditions.

***SECTION 719 - CITY-PROVIDED AUTOMOBILES***

The City may provide the employee with a vehicle, reimbursement for the use of a personal vehicle, or reimbursement of public transportation expense when an employee travels on approved official business. (Refer to Article IV of the City Charter, Business Expense Policy, Fleet Management Policies, and related Management Bulletins.

***SECTION 720 - EMPLOYEE ORGANIZATION***

An employee may join labor or employee organizations of their choosing. Joining organizations or declining to join will not jeopardize employment. ■

## **ARTICLE 800 SELECTION PROCEDURES**

### ***SECTION 801 - CHARACTER AND SCOPE***

**801.01** The Personnel Director, or designee, shall authorize selection processes which may include any combination of written tests, job simulation tests, assessment centers, interviews, background investigations or other reasonable procedures to fairly evaluate the skills, knowledge and abilities of persons examined. Application and employment forms, reference checks, employment records, demonstrated ability, or other appropriate means may also be used to evaluate applicants.

**801.02** The Personnel Director shall authorize the development and implementation of all selection procedures, including those used to establish eligibility lists. The Personnel Director shall ensure that reasonable accommodations are made in testing procedures to provide equal employment opportunities to qualified applicants with disabilities.

**801.03** The Personnel Department shall supervise the administration and scoring of all selection procedures. Selection procedures shall be announced and held in such time, place, and manner as prescribed by the Personnel Director that best meets the needs of the municipal service. Department and Division Directors shall meet any reasonable request of the Personnel Director for assistance in conducting and scoring selection procedures for positions in their respective departments or divisions.

**801.04** The Personnel Director shall establish sound techniques and procedures for evaluating, rating, or grading results of all selection procedures. The Personnel Director shall also establish the rating criteria required to advance in the selection process.

**801.05** The Personnel Director may authorize a department to develop and conduct selection procedures.

### ***SECTION 802 - CUSTODY OF SELECTION MATERIAL***

The Personnel Department shall have custody of tests and materials and shall take necessary measures to protect the confidential nature of tests and materials to maintain the integrity of the selection process. The Personnel Director, or designee, may delegate custodial authority to a Department Director, who must ensure the confidentiality of selection instruments is maintained. Any unauthorized disclosure of any selection procedure materials, information, or content will be grounds for disciplinary action, up to and including termination, or removal from a selection process. (Refer to Section 1203.30).

### ***SECTION 803 - ADMISSION TO SELECTION PROCEDURES***

**803.01** Applicants and employees shall apply for admission to selection procedures in such form and manner as prescribed by the Personnel Director.

**803.02** The only candidates who may be admitted to selection procedures are those who are permitted by law and by Personnel Policies to occupy the position sought, have properly applied

for the position prior to the filing deadline or closing date, and who meet all minimum job requirements for the position unless otherwise authorized by the Personnel Director.

**803.03** Prior to conducting concluding any selection procedure, the Personnel Department may determine that an applicant meets the minimum job requirements by review of applications, interviews, investigations, or by other appropriate methods. An employee may be excluded from participating in a selection procedure where the employee's file contains active disciplinary action.

**SECTION 804 - CLOSING DATES**

**804.01** The Personnel Department will specify a final filing date or closing date for submitting applications for admission to selection procedures, and may deny any application received after such date.

**804.02** The Personnel Director may postpone filing dates, closing dates, selection procedure dates, or may cancel scheduled selection procedures, and shall give reasonable notice of such postponement or cancellation.

**SECTION 805 - EXEMPTION FROM ADDITIONAL SELECTION PROCEDURES FOR LOWER CLASSIFICATIONS**

An applicant competing in a selection process for a given classification or position may be deemed certified by the Personnel Department as qualified for a lower classification or position.

**SECTION 806 - RESTRICTIONS**

**806.01** With respect to City administered tests required for application, such as typing tests, an applicant shall be required to wait five days between the first and second test and thirty days between each subsequent test. Exceptions must be approved by the Personnel Director.

**806.02** An applicant who fails a selection process twice within a six-month period will not be eligible for further testing for the same classification for a twelve-month period without verification of additional related training or education. Exceptions must be approved by the Personnel Director.

**SECTION 807 - ERRORS IN SELECTION PROCEDURES**

If an error occurred during the selection process, appropriate action will be taken. A previous appointment shall not be invalidated, but an eligibility list and a referral list shall be revised accordingly. ■

## **ARTICLE 900 LISTS OF QUALIFIED CANDIDATES**

### ***SECTION 901 - ELIGIBILITY LISTS***

**901.01** An eligibility list consists of qualified candidates for a given position or classification, in ranked order by major division first, then department, then other full-time City employees, and then other candidates including part-time employees..

**901.02** The Personnel Director shall establish the grading or rating criteria by which applicants and employees achieve eligibility, and shall determine the duration of eligibility lists subject to the appropriate collective bargaining agreement. The Personnel Department may refer a list of qualified candidates to appointing authorities for promotion or appointment.

**901.03** The Personnel Director may remove the name of a candidate from an eligibility list for any of the following reasons:

- (a) expiration of the terms of eligibility;
- (b) change of minimum qualifications for the classification;
- (c) termination from municipal service;
- (d) any false, incomplete or incorrect statement, answer, information or representation given intentionally or unintentionally by the candidate, either orally or in writing;
- (e) failure to be appointed after being considered for appointment three separate times from one list;
- (f) failure to accept appointment;
- (g) failure to appear for any scheduled interview or examination;
- (h) failure to report for duty at the prescribed time;
- (i) any disciplinary action within the last two (2) years;
- (j) unfavorable information which has been properly documented;
- (k) receiving or disclosing confidential selection material;
- (l) any other condition or circumstance which would disqualify the candidate.

**SECTION 902 – REFERRAL LISTS**

**902.01** A referral list consists of qualified candidates for a given management or general non-bargaining position.

**902.02** Candidates shall be ranked according to their qualifications as determined by application and employment forms, interviews, demonstrated abilities, examinations, investigations, reference checks, employment records, or other appropriate means.

**SECTION 903 - USE OF COMPARABLE LISTS**

If a vacancy exists in a position or classification for which there is no eligibility or referral list, the Personnel Director may prepare an appropriate list from one or more existing eligibility or referral lists for similar positions or classifications.

**SECTION 904 - AVAILABILITY OF CANDIDATES**

A candidate is responsible for notifying the Personnel Department, in writing, of any change in address, contact information, or other change affecting availability for employment including required licensure. ■

## **ARTICLE 1000 THE PROBATIONARY PERIOD**

### ***SECTION 1001 - DEFINITION***

The standard probationary period is a minimum six (6) month period from the date of appointment to allow the supervisor sufficient time to determine that the employee can successfully perform the essential functions of the job. Certain uniformed employees and specific classifications may require a probationary period of one (1) year.

**1001.01** If there is an interruption of service during the probationary period, the time lapse during the interruption shall not be included as part of the probationary period.

**1001.02** The probationary period may be extended upon the agreement of the Personnel Director and the Department Director or designee.

### ***SECTION 1002 - ORIGINAL APPOINTMENT OR RE-EMPLOYMENT***

Upon original or re-employment appointments, the employee shall be placed in a probationary status (see Section 1001 above) and will not have access to the Grievance Procedure until they have successfully completed their probationary period, unless there is a re-employment or reinstatement action as a result of a grievance settlement, court order, legal settlement, arbitration award or other legal instrument that does not allow for a probationary period.

### ***SECTION 1003 - TERMINATION DURING PROBATIONARY PERIOD***

All original and re-employment appointments shall be tentative until the successful completion of the probationary period. An employee may be terminated without cause at any time during the original or re-employment probationary period without right of appeal or hearing. The employee shall be informed in writing of the termination.

### ***SECTION 1004 - PROMOTION - PROBATIONARY PERIOD***

Upon promotion to a new classification, an employee shall be placed in a new six (6) month promotional probationary period to allow the supervisor sufficient time to determine that the employee can successfully perform the essential functions of the job. Upon agreement of the Personnel Director and the Department Director or designee, the probationary period may be extended for an employee not successfully performing the essential functions of the job, or the employee may be demoted to the former or equivalent position, if available. If a position is not available, the employee may be terminated.

### ***SECTION 1005 - DEMOTION - PROBATIONARY PERIOD***

Upon demotion to a classification not previously held, an employee shall be placed in a six (6) month probationary period to allow the supervisor sufficient time to determine that the employee can successfully perform the essential functions of the job. If the employee fails to successfully complete the probationary period, the employee may be terminated.

**1005.01** *Voluntary Demotion During Probationary Period* - When an employee voluntarily demotes during the probationary period, all probationary time in the higher classification may be credited to the employee's probationary period, if applicable.

**1005.02** *Involuntary Demotion During Probationary Period* - If an employee is involuntarily demoted during the probationary period, the employee shall be placed in a probationary status in the lower classification for six (6) months. This provision shall apply even if it results in a total probationary time of more than six months.

**1005.03** A demotion (voluntary or involuntary) within the probationary period will result in a reduction in pay unless an exception is recommended by the Personnel Director and approved by the City Manager.

**1005.04** An employee who demotes may not return to the previously held classification without a competitive selection process unless otherwise authorized by the Personnel Director.

## **SECTION 1006 - LATERAL TRANSFER**

**1006.01** A lateral transfer within the same classification shall not require a new probationary period. If a transfer occurs while on probation, probationary time served shall be credited to the reassignment.

**1006.02** A lateral transfer which changes a job classification shall require a new probationary period effective when the employee begins work in the new classification. If an employee transfers to a classification previously held, any probationary time served in that classification shall be credited. ■



## **ARTICLE 1100 HOURS OF WORK**

### ***SECTION 1101 - HOURS OF WORK***

**1101.01** The regular work day for municipal employees shall normally be 8:00 a.m. until 5:00 p.m., Monday through Friday, exclusive of time off for lunch and designated holidays.

**1101.02** The regular work period for departments and employees shall be forty (40) hours in a seven (7) day period. All work periods shall conform with the requirements of the Fair Labor Standards Act.

**1101.03** The work day and/or work period within departments may vary and shall be established or approved by the Department Director depending upon the needs and requirements of the department.

**1101.04** Any permanent increase or decrease in the regular work day or work period requires review of the Personnel Director and written approval of the City Manager prior to implementation.

**1101.05** Prior approval by the supervisor is necessary for non-exempt employees to work overtime. If prior approval cannot be obtained due to an emergency, the supervisor shall be informed as soon as possible after the emergency. Non-exempt employees shall be compensated for all hours worked. See Article 1203.48.

**1101.06** The Personnel Director will establish a general time and attendance policy and procedure and publish same as a PSB, which may be amended. [\(Click here for Time and Attendance Policy\)](#)

### ***SECTION 1102 - REST PERIODS***

Upon authorization of a Department Director, an employee may take up to two (2) fifteen (15) minute rest periods each work day. Such rest periods shall be considered a privilege and not a right, and shall not interfere with the operations of the department. Unused rest periods cannot be accumulated for future use or combined as one 30 minute rest period. ■

## **ARTICLE 1200 SEPARATIONS AND DISCIPLINARY ACTIONS**

### ***SECTION 1201 - RESIGNATIONS***

An employee who resigns from municipal service must provide the supervisor with two (2) weeks written notice prior to the resignation effective date. The resignation shall be signed and dated by the employee and the department shall promptly forward the notice to the Personnel Department. Failure to provide the required two (2) weeks' notice shall impact the employee's eligibility for rehire. The resignation may only be withdrawn prior to termination with the approval of the Department Director and the Personnel Director. ([Click here for link to Rehire Coding Policy.](#))

### ***SECTION 1202 - DISCIPLINARY GUIDELINES***

The Personnel Director with the approval of the City Manager may establish disciplinary guidelines by outlining appropriate practices and techniques of employee discipline and suggesting types of actions for disciplinary situations. A Department Director may make department/division rules and regulations, consistent with Personnel Policies, governing the discipline of employees.

### ***SECTION 1203 - CAUSE FOR DISCIPLINARY ACTION OR TERMINATION***

Any action which reflects discredit upon the City of Oklahoma City is a direct hindrance to the effective performance of the municipal government function and shall be cause for discipline or termination.

Any discipline, including termination, given to employees covered by a collective bargaining agreement will be for cause. A department recommending termination of an employee must inform the employee of the reason(s) for termination and provide an opportunity to rebut any charges prior to taking final action, except as provided in Section 1003 - Termination During Probationary Period, herein.

Actions which may result in discipline or termination include, but are not limited to, those listed below:

**1203.01** Violation of the Charter, Ordinances, administrative policy, rule, or regulation of the City, department, division, or work section.

**1203.02** Failure to satisfactorily perform assigned work.

**1203.03** Any conduct which is offensive, violates the common decency or morality of the community, or is unbecoming of a City employee.

**1203.04** Insubordination or failure to follow the orders of one's supervisor(s).

**1203.05** Unexcused absence, absence from work without permission, or failure to timely report any absence to the designated authority in accordance with department/division/section attendance policies. (Refer to Section 619.01).

**1203.06** Three (3) consecutive work days of unexcused absence is considered job abandonment and shall result in termination.

**1203.07** Tardiness.

**1203.08** Excessive use, abuse, misuse, or unauthorized use of vacation leave, sick leave, military leave, bereavement leave, medical leave, injury leave, leave of absence, or other leave. (Refer to Sections 706.2, 712.02, and 712.04).

**1203.09** Interference with the work of others, or inability to interact with others to the extent that work performance is impaired.

**1203.10** The use of hostile or abusive language towards a fellow employee, the general public, while performing official duties, or while in uniform. ([Click here for Comprehensive Code of Conduct Policy](#))

**1203.11** Fighting, physical violence, or threats of violence may be grounds for immediate termination. (Refer to Section 402).

**1203.12** Any form of intimidation, bullying, or interference with the rights or performance of any employee. (Refer to Section 406)

**1203.13** Any violation of the Firearms and Weapons Policy.

**1203.14** Any violation of the Violence and Fighting Policy.

**1203.15** Reporting to work under the influence of intoxicants or illegal drugs, using such substances and/or being in possession of such substances while on duty, or while operating any City equipment. (Refer to Section 408).

**1203.16** Violation of the Drug and Alcohol Policy.

**1203.17** Lying to supervisors in connection with the job or job-related issues.

**1203.18** Dishonesty, including but not limited to, intentionally giving false information, falsifying records, or making false statements, including applying for employment. (Refer to Section 204)

**1203.19** Removal of City money, merchandise, or property, including property in custody of the City, without permission. This includes removal of City property from any recycle or disposal bin(s)/container(s)/area(s).

**1203.20** Unauthorized use of City staff, property, tools and equipment, material, resources (including personnel) for non-City related purpose.

**1203.21** Inducing or attempting to induce an employee to commit an illegal act, violate any official regulation or order, or participate therein.

**1203.22** Offering and/or Accepting bribe(s). (Refer to Section 303).

**1203.23** Soliciting or accepting fees, gifts, or other valuable items in the performance of official duties for the City without proper authorization. (Refer to Section 303).

**1203.24** Conviction of a felony or misdemeanor other than a minor traffic violation. (Refer to Section 1205.03).

**1203.25** Failure to immediately notify the supervisor of any felony or misdemeanor arrest, other than minor traffic violations.

**1203.26** Failure to hold the proper license while driving a city or personal vehicle while conducting city business.

**1203.27** Failure to report suspension, revocation, cancellation of any required license, including driver license.

**1203.28** Negligent or willful damage to, interference with, or waste of material, tools and equipment, property, or work time.

**1203.29** Failure to follow any safety policy, rule or regulation, or any conduct that would place the employee, fellow employee, or citizen at unnecessary risk. (Refer to Section 405).

**1203.30** Any action which would result in an unfair advantage in an examination or promotion procedure. (Refer to Section 802)

**1203.31** Harrassment or discrimination against an employee due to a protected class (religion, age, sex [to include sexual orientation], race, color, creed, national origin, genetic information, disability, or the exercise of a legal right), or retaliation against an employee for filing a discrimination complaint, participating in an investigation, or testifying before an administrative hearing. (Refer to Section 401) ([Click here for link to Policy Prohibiting Discrimination and Sexual Harassment](#))

**1203.32** Participating in, advocating, inducing, coercing, or encouraging others to participate in any strike, walkout, resignation, unauthorized absence, work stoppage, or any picket, boycott of, or interference with municipal services, facilities, or operations. (Refer to Section 1501.02)

**1203.33** Failure to pay fines or post bonds on Oklahoma City Municipal citations by due date.

**1203.34** Serving as an officer of the State or any political subdivision. (Refer to Section 302)

**1203.35** Any fraudulent act. (Refer to Section 308)

**1203.36** Any act of retaliation against employees reporting suspected fraud, a safety, health or security concern, improper action or other illegal act. (Refer to Section 309)

**1203.37** Any other activity which is not compatible with good public service.

**1203.38** Any behavior, action, or inaction the City Manager determines is not in the best interest of the City.

**1203.39** Failure to follow the City's Purchasing Policies and Procedures including misuse of the City's Purchasing Card Program. ([Click here for link to Purchasing Policies and Procedures](#))

**1203.40** Failure to follow the City's Policies and Procedures for the Disposal of Surplus Property. ([Click here for link to Purchasing Policies and Procedures](#))

**1203.41** Any act of retaliation against employees filing a complaint and/or participating in an authorized personnel, finance, legal, audit and/or police investigation.

**1203.42** Any breach of confidentiality.

**1203.43** Intentionally altering any system or software with erroneous or false information.

**1203.44** Improper use of the City's computer networks and internet access. Click [here](#) for link to the IT Acceptable Use Policy.

**1203.45** Failure to notify and engaging in secondary employment that interferes with scheduled City work, or occurs when the employee is off work from City employment on sick leave, injury leave, FMLA leave, paid administrative leave, or is receiving temporary total disability benefits from the City under workers' compensation laws. (Refer to Section 301)

**1203.46** Improper or unauthorized access or use of confidential information obtained, viewed, copied, and/or downloaded from or through a City computer system, network, and/or database, hard copies, etc. This also includes external databases accessed by or through any city computer, system or network. Confidential information is identified by the Department, Division or agency holding the information or as defined by State/Federal/Municipal statutes and/or regulations.

**1203.47** Violation of security access or allowing unauthorized access to secured facilities and/or areas.

**1203.48** Working beyond regularly scheduled work hours without prior approval by the supervisor (non-exempt employees).

**1203.49** Any unauthorized release or disclosure of photos, maps, drawings, or other sensitive information related to municipal facilities covered under the Homeland Security Act.

## **SECTION 1204 - REPRIMAND**

A Department Director may reprimand an employee for cause. A formal reprimand shall be in writing using the designated Specific Occurrence Performance Report. The completed form must be submitted to Personnel Labor Relations for policy compliance review. Once approved it may be issued to the employee. A signed copy shall be delivered to the Personnel Department for inclusion in the employee's official personnel file. The employee may file a letter of response which shall be attached to the reprimand in the personnel file. An employee may request the removal of a reprimand two (2) years from the date of issue, except as determined by collective bargaining agreement or established department or division policy.

## **SECTION 1205 - SUSPENSION**

**1205.01** *Suspension* - An employee may be suspended without pay for cause. Such suspension shall be in writing using the designated Specific Occurrence Performance Report with a copy given to the employee. As a general rule, a suspension for disciplinary purposes shall not exceed two biweekly pay periods or the equivalent of twenty working days unless the employee is suspended pending investigation, trial or if a termination case is reduced to a long suspension.

A suspension for non-disciplinary purposes may be classified as administrative leave when deemed for the good of the City.

**1205.02** *Summary Suspension* - An employee may be immediately suspended when necessary for the good of the service. A hearing will be scheduled within three (3) work days to determine if the suspension is to be with or without pay.

**1205.03** *Administrative Suspension Pending Trial* - If an employee is formally charged with a felony or misdemeanor other than a minor traffic violation, the employee must immediately inform their supervisor. The employee may be suspended without pay pending final disposition.

- (a) If an employee is found guilty of or pleads guilty to a felony, the employee must be terminated from the municipal service and if suspended without pay, shall not be paid for the period of suspension.
- (b) If an employee is found guilty of or pleads guilty to a misdemeanor, the employee may be terminated. If the employee was suspended without pay and is reinstated, the employee shall not be paid for the period of suspension.
- (c) If an employee pleads no contest to a felony or misdemeanor, the employee may be terminated. If the employee was suspended without pay and is reinstated, the employee shall not be paid for the period of suspension.
- (d) If an employee is found not guilty, or the charges are dismissed, the employee may be reinstated without loss of pay or benefits in the former position, or an equivalent classification.

Prior to the final disposition of charges, the City Manager may authorize any action of reinstatement, transfer, demotion, or termination of the employee which is determined to be for the good of the service. (Refer to Article IV, Sections 3 and 4 of the City Charter).

## **SECTION 1206 - DEMOTION**

**1206.01** *Involuntary Demotion* - A Department Director may demote an employee for cause. A demotion may be made as a disciplinary action if the employee is qualified for a lower classification and a position is available. An involuntary demotion will require a reduction in pay and a new pay review date. An involuntary demotion requires a pre-determination meeting to be held. The reason(s) for an involuntary demotion shall be in writing using the designated Specific Occurrence Performance Report. The completed form must be submitted to Personnel Labor Relations for policy compliance review. Once approved it may be issued to the employee. A signed copy shall be delivered to the Personnel Department for inclusion in the employee's official personnel file.

**1206.02** *Voluntary Demotion* - A voluntary demotion may be granted on a case-by-case basis with approval of the Department Director and Personnel Director or designee if the employee is performing satisfactorily, qualified for a lower classification and a position is available. (Refer to Step Placement Policy)

When the voluntary demotion is requested during the first year of a promotion, the employee may be returned to his/her previous classification and paid at the previous rate of pay. Any merit increases the employee would have been eligible for had he/she not accepted the promotion must be taken into consideration. The pay review date will revert to the original pay review date as if the employee had not demoted.

When an employee has taken a voluntary demotion and then successfully promotes to the previously held classification, the employee, if promoted during the first 180 days of the voluntary demotion, will be returned to the pay rate in effect at the time of demotion. Any merit increases the employee would have been eligible for must be taken into consideration. The pay review date will revert to the original pay review date as if the employee had not demoted.

### ***SECTION 1207 - REDUCTION IN FORCE/LAYOFF***

**1207.01** The Personnel Director will establish guidelines for reduction in force, including a detailed order of layoffs and appropriate criteria for determining such order. Procedures for employees covered by a collective bargaining agreement shall be in accordance with the applicable bargaining unit agreements. Procedures for employees of the Municipal Counselor's Office and the City Auditor's Office are addressed in Section 1207.02

**1207.02** The Municipal Counselor and the City Auditor will be responsible for determining the necessity for and establishing guidelines for reduction in force in their respective departments, including a detailed order of layoffs and appropriate criteria for determining such order. ■

## **ARTICLE 1300 GRIEVANCES AND APPEALS**

### ***SECTION 1301 - GRIEVANCE***

Grievance is defined as an employee's expressed dissatisfaction with some phase of the job which is outside the employee's control. An employee must address a complaint(s) according to the properly established procedure.

Grievances shall be restricted to matters in which the City Manager or the Municipal Counselor or the City Auditor has authority and shall not include matters specifically regulated by City Charter, ordinances, Personnel Policies, or general wage levels established by the Classification-Compensation Plan. The grievance procedure may be used to grieve unfair or unreasonable application(s) of such policies.

City time may be used to discuss grievances only with supervisors or an employee representative (as defined in Section 1302 (c) below), provided there is no undue interruption of work. Discussion of grievance matters with other employees on city time is prohibited.

Employees shall act in a professional and respectful manner at all times during grievance proceedings.

### ***SECTION 1302 - POLICY***

In order for a grievance to be recognized, it must be raised with the department within thirty (30) calendar days after the occurrence of the grievable event.

- (a) This grievance policy and procedure shall apply to full-time employees who have successfully completed the probationary period.
- (b) An eligible employee who elects to use a grievance procedure provided by one of the recognized collective bargaining agreements shall not be allowed access to this grievance procedure.
- (c) This grievance procedure is established solely for the benefit and consideration of reasonable, good faith complaint(s) entered by an employee. The employee may seek assistance and advice of an employee representative of the employee's choice. The employee shall identify their representative to the Personnel Director and Department Director. The employee representative shall hereafter mean the person selected to assist the grievant and may act on the grievant's behalf once the grievance has been filed.
- (d) Time limits must be followed unless extended by the Personnel Director.
- (e) A grievance shall be considered settled at any step when all parties are satisfied or if the employee fails to make a timely request for the next level of review. If management fails to respond, the grievance shall advance to the next step.



## **SECTION 1303 - PROCEDURES**

### **General Grievance Procedure**

The following procedural steps shall be used to resolve grievances:

- Step 1** An employee shall first discuss a potential grievance with the immediate supervisor in an attempt to reach a satisfactory solution. It is not mandatory that the potential grievance be written at this step. The supervisor may discuss issues of the potential grievance with upper management prior to making a decision. The supervisor's decision shall be made orally to the employee within two (2) working days. Grievances regarding formal discipline (discharge, suspension, reprimand, demotion) shall be initiated at Step 2.
- Step 2** If the potential grievance is not settled in Step 1, the employee may submit a grievance to the Department Director. The grievance shall be submitted in writing, on the Employee Grievance Form, within ten (10) working days following the receipt of the supervisor's decision. The Department Director shall submit the answer in writing to the employee and Personnel Department within five (5) working days of the receipt of the grievance. A copy of the Employee Grievance Form is at the end of this Article (see page 60).
- Step 3** If the grievance has not been settled in Step 2, the employee must forward the Employee Grievance Form to the Personnel Director within five (5) working days of the issuance of the Department Director's answer. The Personnel Director or designee shall conduct an investigation and/or grievance hearing, and submit the answer to the Department Director and the employee within fifteen (15) working days of the conclusion of the final grievance investigatory interview.
- Step 4** If the grievance has not been settled in Step 3, the employee may request a hearing with the Grievance Review Board by submitting the Employee Grievance Form to the Assistant Personnel Director within five (5) working days of the issuance of the Personnel Director's answer. The Assistant Personnel Director shall schedule a Grievance Review Board hearing. Every attempt shall be made to schedule the hearing within fifteen (15) working days of receipt of the Employee Grievance Form.

The Board shall review the grievance, and shall receive testimony and evidence from the parties. The Personnel Director or designee shall designate an advisor to the Board. If the grievant does not have representation, the grievant may request advice of the Labor Relations Division as to procedure and protocol only. The Chairperson shall provide a non-binding written advisory report of the Board's findings and recommendations to the City Manager and the parties involved within ten (10) working days of the conclusion of the Board review.

The City Manager may affirm, deny, or modify the recommendations of the Review Board. The City Manager's decision shall be final.

## **Grievance Procedure for Employees of the Municipal Counselor and City Auditor Offices**

The following procedural steps shall be used to resolve grievances:

**Step 1** An employee shall first discuss a potential grievance with the immediate supervisor in an attempt to reach a satisfactory solution. It is not mandatory that the potential grievance be written at this step. The supervisor may discuss issues of the potential grievance with upper management prior to making a decision. The supervisor's decision shall be made orally to the employee within two (2) working days. Grievances regarding formal discipline (discharge, suspension, reprimand, demotion) shall be initiated at Step 2.

**Step 2** If the grievance has not been settled in Step 1, the employee may request a hearing with the Grievance Review Board by submitting the Employee Grievance Form to the Assistant Personnel Director within five (5) working days of the issuance of the immediate supervisor's answer. The Assistant Personnel Director shall schedule a Grievance Review Board hearing. Every attempt shall be made to schedule the hearing within fifteen (15) working days of receipt of the Employee Grievance Form.

The Board shall review the grievance, and may receive testimony and evidence from the parties. The Personnel Director or designee shall designate an advisor to the Board. If the grievant does not have representation, the grievant may request advice of the Labor Relations Division as to procedure and protocol only. The Chairperson shall provide a non-binding written advisory report of the Board's findings and recommendations to the Municipal Counselor or the City Auditor, as appropriate, and the parties involved within ten (10) working days of the conclusion of the Board review.

As it pertains to employees of the Municipal Counselor's Office, the Municipal Counselor may affirm, deny, or modify the recommendations of the Review Board. The Municipal Counselor's decision shall be final.

As it pertains to employees of the City Auditor's Office, the City Auditor may affirm, deny, or modify the recommendations of the Review Board. The City Auditor's decision shall be final.

### **SECTION 1304 - GRIEVANCE REVIEW BOARD**

The Grievance Review Board shall consist of three (3) voting members:

*Non-management employee hearing* - the Board shall consist of two (2) elected employee members, and one (1) appointed employee member.

*Management employee hearing* - the Board shall consist of three (3) appointed employee members.

The grievance review board shall be selected from a pool comprised of six (6) elected employee members, including two (2) alternate elected employee members, and four (4) appointed employee members, including two (2) alternate appointed employee members.

*Elected employee members* - The four (4) nominated employees receiving the most votes from general pay plan employees, police sergeants and below, and fire corporals and below shall be the elected employee members. The term shall be for a period of four (4) years. The election will be administered and conducted by the Personnel Department. Elections shall occur every other year, with half of the elected employee members being elected each election.

*Alternate Board Members* - The two (2) nominated employees receiving the next most votes from general pay plan employees, police sergeants and below, and fire corporals and below shall be the alternate employee members. Alternate employee members shall serve in the event an elected employee member cannot. The term shall be for a period of two (2) years. The election will be administered and conducted by the Personnel Department.

*Appointed employee members* - The four (4) appointed employee members shall be selected by the City Manager. There shall be two (2) additional appointed employee members to serve as alternates.

The Personnel Department shall designate one of the appointed members to serve as Chairperson for hearings.

In the event the grievant is related to a Board member, works in the same division as a Board member, or otherwise raises a question of impartiality, the Chairperson or the City Manager shall appoint a replacement for that hearing.

### **SECTION 1305 - FINAL ADMINISTRATIVE DETERMINATION**

The City Manager has final authority in all general employee personnel matters. There is no administrative appeal of the City Manager's final determination.

The Municipal Counselor has final authority in all Municipal Counselor Office's employee personnel matters. There is no administrative appeal of the Municipal Counselor's final determination.

The City Auditor has final authority in all City Auditor's Office employee personnel matters. There is no administrative appeal of the City Auditor's final determination. ■



## Employee Grievance

Employee Name \_\_\_\_\_ Job Title \_\_\_\_\_

Employee ID No. \_\_\_\_\_ Department/Division \_\_\_\_\_

Date of Occurrence \_\_\_\_\_

Statement of Grievant \_\_\_\_\_

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Action Requested \_\_\_\_\_

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Designated Employee Representative: \_\_\_\_\_

Representative's department if City employee:  
\_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

## **ARTICLE 1400 RECORDS AND REPORTS**

### ***SECTION 1401 - PERSONNEL RECORDS***

The Personnel Director is responsible for official employee records. The Department Director shall provide necessary records of actions affecting the salary, classification, employment status, commendations, discipline, performance evaluations of each employee, or changes in personal information to the Personnel Director.

### ***SECTION 1402 - EMPLOYEE FILES AND RECORDS***

**1402.01** All individual records, computer generated employee reports, personnel files, and information therein, except those specified by ordinance or statute as public records, shall be restricted as confidential, and shall be available only with the approval of the Personnel Director. Alteration or unauthorized revision to, or removal of any personnel record(s) is prohibited.

**1402.02** The Personnel Director may authorize an employee to inspect records or files for any purpose necessary to his/her official administrative duties.

**1402.03** Employees may inspect their own personnel records under Personnel Department procedures. Upon request, the Personnel Director may authorize an employee to receive copies of material in the employee's personnel file. Employees may submit information to be considered for inclusion in their official records.

Information contained in personnel records and files may be revealed to municipal employees:

- (a) for the use of any report or record, when pertinent and necessary to an official function of the municipal service;
- (b) for the purpose of an official audit or investigation, when made under proper authority;
- (c) for any other purpose authorized by the Personnel Director.

**1402.04** Removal of employee files or documents from such files from the Personnel Department offices is prohibited unless authorized by the Personnel Policies, ordinance provisions regarding public records, or approved by the City Manager or Personnel Director.

### ***SECTION 1403 - RESTRICTIONS ON PUBLIC INSPECTION AND INQUIRY***

All employee records, files and information therein, except those specified as public records by ordinance or Oklahoma State Statutes, shall be considered confidential and restricted from those outside the municipal service. Such confidential records and files shall not be available for public scrutiny and inspection. Confidential information shall be revealed only under the following circumstances, when approved by the Personnel Director:

- (a) for the purpose of an official investigation by any local, state, or federal law enforcement or investigative officer;

- (b) The Personnel Department may verify information for an employment reference or credit reference inquiries provided the requestor has a signed release by the employee; or
- (c) pursuant to a valid subpoena or court order.
- (d) for any other purpose authorized by the Personnel Director.

The Personnel Director may require proper identification of any individual requesting confidential information and may refuse to reveal or verify such information to those who fail to display proper identification.

Nothing herein shall conflict with, amend, or modify City ordinances or Oklahoma State Statutes relating to the inspection of public records.

***SECTION 1404 - REPORTING ADDRESS CHANGE (S)***

As a condition of continuing employment, an employee shall immediately provide any change of address to their supervisor which shall be forwarded in written or electronic form to the Personnel Department.

***SECTION 1405 - REPORTING PERSONAL CONTACT CHANGE(S)***

Employees shall be required to provide personal contact information and any changes to personal contact information to their supervisor in order to ensure timely notification to the employee(s) for operational needs. The personal contact information may also be used to notify the employee's family in the event of an emergency. Such changes shall be forwarded in written or electronic form to the Personnel Department. (See also, Section 717, for reporting requirements related to employee benefits).

***SECTION 1406 - REPORTING CRIMINAL CONVICTIONS AND ARRESTS***

Employees shall be required to immediately notify his/her supervisor of any felony or misdemeanor arrest or charge filed against him/her. (See Section 1203.25).

Employees shall be required to report to their supervisor any misdemeanor or felony conviction, deferred sentence, or dismissal as soon as the criminal charge has been adjudicated/resolved. (See Section 1203.24).

In the event an employee is placed on criminal probation during their employment, the employee is required to notify his/her supervisor that he/she is on criminal probation, the nature of the crime, and provide information concerning the length of the criminal probation, and any changes to the criminal probationary period, including revocation of the criminal probation. ■

## **ARTICLE 1500 PROHIBITED JOB ACTIONS**

### **SECTION 1501 - EMPLOYEES ENGAGED IN PROHIBITED JOB ACTIONS**

**1501.01** An employee who is absent from a work assignment without permission from the Department Director on the date or dates when a prohibited job action such as a strike, slowdown, mass resignation, mass absenteeism, or any type of concerted work stoppage occurs will be presumed to have engaged in a prohibited job action.

**1501.02** A prohibited job action, regardless of the form it takes, constitutes sufficient grounds for discipline or termination. The only grievance issue subject to review is whether or not the employee actually engaged in a prohibited job action. (Refer to Section 1203.32)

**1501.03** An employee engaged in a prohibited job action shall not receive any form of compensation during the prohibited job action.

**1501.04** There shall be no service credit for benefit purposes during a period of prohibited job action for any employee participating in such action.

**1501.05** The City will discontinue contributions for insurance benefits for any employee engaged in a prohibited job action. Notice may be provided to an employee regarding continuation of insurance benefits at the employee's own expense.

**1501.06** An employee engaged in a prohibited job action may not attend conferences or conventions and will not be compensated for any costs related to attendance at a conference, seminar, convention, or similar session during the period of a prohibited job action.

**1501.07** Any employee who engages in a prohibited job action and who is on an eligibility list when such action occurs, shall be removed from the list and must reapply and re-qualify for promotion or other eligibility-list actions should the employee be permitted to return to work.

### **SECTION 1502 - EMPLOYEES NOT ENGAGED IN PROHIBITED JOB ACTIONS**

**1502.01** Any non-exempt employee who, as a result of a prohibited job action, is required to work in excess of the normal work week shall be compensated at a rate of one and one-half (1½) times the employee's normal rate of pay for such excess time.

**1502.02** Any approved leave of absence, vacation leave, or compensatory time for an employee not engaged in a prohibited job action is canceled unless re-authorized by the Department Director. A request for any leave of absence, vacation leave, or use of compensatory time during the period of a prohibited job action may be granted only with the approval of the Department Director.

### **SECTION 1503 - REQUIREMENT FOR EXCUSED SICK LEAVE**

No employee shall be paid for sick leave, for personal illness or the care of FMLA defined family members, taken during a period of prohibited job action unless a written statement from a licensed physician is provided indicating that the physician:

- (a) made a personal examination of the patient during the period of illness;
- (b) states objectively observable or measurable symptoms (not patient history);
- (c) specifically states the date of examination and dates the employee is unable to work. ■



## GLOSSARY OF TERMS

**Absence Without Leave - (AWL or AWOL)** – for non-exempt employees, an absence from work for which no leave time has been approved. Absences Without Leave are unpaid and are unexcused absences. Absence without leave is a disciplinable offense. See **Unexcused Absence** definition.

**Administrative Leave** – any leave not otherwise classified under the City of Oklahoma City Personnel Policies that is authorized by the City Manager, employee’s Department Director, and/or the Personnel Director. Administrative leave may either be paid or unpaid.

**Hiring Authority** - the person designated to represent a department in making decisions concerning hiring for the department once the Personnel Department has made a referral of a qualified applicant.

**Anniversary Date** – date of full-time employment

**Cardinal Infractions** - acts that are immediately and substantially destructive of the employment relationship. Cardinal infractions are defined to include but not be limited to stealing; misappropriation of City property; reckless disregard for City equipment and property; gross insubordination; falsification of records; obtaining City benefits by means of fraud or deceit, conduct unbecoming an employee, on or off duty, where the nature and notoriety are so serious that current employees and/or citizens are exposed to great potential risk or refuse to work with the employee. Examples of such conduct include, but are not limited to, crimes of moral turpitude such as sexual abuse, crimes involving children, arson, drug trafficking/distribution, armed robbery, murder or mayhem, or as defined by specific Department/Division policy. Commission of these acts will be grounds for immediate discharge. Employees terminated for cardinal infractions will not be eligible for rehire.

**Classification Plan** - a grouping of similar positions to establish pay levels, selection processes, and performance measures.

**Classified Service** - any position under the direction of the City Manager.

**Commissioned Position** - sworn positions usually in the police or fire departments.

**Confidential** – entrusted with private or secret matters.

**Conflict of Interest** - a conflict of interest arises when a government employee’s personal or financial interest conflicts or appears to conflict with his/her official responsibility.

**Designee** - the individual delegated to exercise the authority of another.

**Disciplinary Demotion** - the placement of an employee in a lower classification for disciplinary reasons.

**Excused Absence** – an absence from work in which the supervisor has approved the employee’s request to use their accrued leave (vacation leave, sick leave, or compensatory time) to cover the

time absent, or absences for which management has granted leave without pay (LWP or LWOP). Other excused absences include those for which management has granted leave in accordance with the provisions of Article 700, including personal leave of absence, bereavement leave, military leave, jury service / court leave, voting leave, FMLA leave, injury (OJI) leave, or administrative leave. Excused absences may be paid or unpaid under the provisions of each type of leave. Employees shall not be disciplined for occurrences of excused absences.

**Exempt Position** - a position not eligible for overtime provisions of the Fair Labor Standards Act (FLSA).

**Fraud** - an act characterized by an intent to deceive, conceal or misrepresent. Fraud can take the form of outright theft and/or falsification of records.

**Full-time Position (budgeted)** - a position which is budgeted for a full work week including salary and benefits.

**Intoxicant** - alcohol, drugs, paint, glue, or any substance that impairs an employee's mental or physical capacity to perform his/her duties.

**Involuntary Demotion** - the placement of an employee in a lower classification without the consent of the employee.

**Lateral Transfer** - the placement of an employee in the same classification or a different classification within the same pay range.

**Leave Without Pay - (LWP or LWOP)** - an absence from work in which management has granted the employee the use of unpaid leave to cover their absence. Leave Without Pay should normally not be granted for periods of extended absence occurring more than three consecutive days unless otherwise approved. Leave Without Pay absences are excused absences. See **Excused Absence** definition.

**Management Bulletin** –Memorandum issued by the City Manager for the purpose of establishing, interpreting, or clarifying, City or department policies or procedures, or to comply with federal, state and local laws, or other actions of the City Council or City Manager directive.

**Minor Traffic Violation** – traffic violations other than the following types of violations: Driving While Intoxicated (DWI), Driving Under the Influence (DUI), Driving While License is Suspended (DWLS), Failure to Appear (FTA), Reckless Driving, Open Container, and Assault with a Motor Vehicle.

**Non-Exempt Position** - a position eligible for overtime provisions of the Fair Labor Standards Act (FLSA).

**Official Personnel File** – the employee personnel file that is held and maintained by the HRIS section of the Personnel Department for non-police officer and non-firefighter personnel. The Police and Fire Departments maintain the official personnel files for the aforementioned personnel.

**Overage Position** - a full-time position created outside of the adopted budget requiring annual authorization by the City Manager.

**Part-time Non-seasonal Employee** - an employee scheduled to work less than 30 hours per work week and not eligible to receive benefits.

**Personnel Services Bulletin (PSB)** – Memorandum issued by the Personnel Director for the purpose of establishing, interpreting, or clarifying, City policies, and/or procedures or to comply with federal, state and local laws, or other actions of the City Council or City Manager

**Promotion** - the placement of an employee in a higher classification as a result of a valid selection process.

**Proprietary Interest** – ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust.

**Seasonal Employee** – an employee scheduled to work during a pre-designated season pursuant to the FLSA exemption for seasonal amusement or recreational establishments. Seasonal employees are not eligible to receive benefits.

**Secondary Employment** - employment outside an employee’s City position.

**Solicitation** – to approach with a request or plea.

**Unclassified Service** - any position under the direction of the City Auditor, Municipal Counselor, or Municipal Judges.

**Unexcused Absence** - an absence from work for which no leave time has been approved. This includes absences in which the employee has not obtained approval to use accrued leave, or the employee had insufficient leave accruals to cover the time absent. An absence in which the employee failed to follow their department, division, or work section absence reporting procedures may be considered an unexcused absence. Unexcused absences for non-exempt employees will normally be recorded in the timekeeping/payroll system as absent without leave (AWL or AWOL) and is unpaid. Employees may be disciplined for occurrences of unexcused absences. (Refer to 1203.05).

**Voluntary Demotion** - the placement of an employee in a lower classification at the request and consent of the employee and approval by the Department Director and the Personnel Director, or designee. Refer to Step Placement Policy

**Workplace** - the physical location of an employee, as may be assigned by the employee’s supervisor, during an assigned work period.

**Z Step or Z’d** - when an employee is paid at a rate other than an established pay step. ■