

# Employee Handbook



## City of Broken Bow

**Effective: July 1<sup>st</sup>, 2008**

City Council Approved May 13<sup>th</sup>, 2008

Amended December 9<sup>th</sup>, 2008

Amended April 20<sup>th</sup>, 2010

Amended September 18<sup>th</sup>, 2012

Amended September 16<sup>th</sup> 2014

# TABLE OF CONTENTS

(Section Number)

## Section Title

- 100.0 Introduction
- 101.0 Statement of Policy by City Manager
- 102.0 Mission Statement
- 103.0 Definitions
  
- 200.0 Conditions of Employment
  - 200.1 Acknowledgement & Receipt (HR copy)
  - 200.2 Acknowledgement & Receipt (employee copy)
  - 200.3 Collective Bargaining Agreement
- 201.0 Employment Procedures
- 202.0 Probation
- 203.0 Promotions and Transfers
- 204.0 Lay-Off / Recall
- 205.0 Safety
- 206.0 Employee Change of Status
- 207.0 Outside Employment
- 208.0 Internet Use Policy
- 209.0 Medical Examinations
- 210.0 Attendance / Tardiness
- 211.0 Confidentiality
- 212.0 Personnel Files
- 213.0 Bulletin Boards
- 214.0 Demeanor
- 215.0 Dress Standards
- 216.0 Hiring of Relatives
- 217.0 Chain of Command
- 218.0 Uniforms
  
- 300.0 Compensation
  - 301.0 Pay Administration
  - 302.0 Garnishment
  - 303.0 Mileage Allowances
  
- 400.0 Benefits
  - 401.0 Equal Employment Opportunity (EEO)
  - 402.0 Americans with Disability Act (ADA)
  - 403.0 Sick Leave
  - 404.0 Vacation
  - 405.0 Holidays
  - 406.0 Health Insurance
  - 407.0 Workers Compensation
  - 408.0 Jury Duty
  - 409.0 Leaves of Absences
  - 410.0 Military Leave
  - 411.0 Retirement
  - 412.0 Family and Medical Leave (FMLA)

413.0 Funeral Leave  
414.0 Age Discrimination in Employment Act (ADEA)  
415.0 Educational Assistance Program  
416.0 Employee Assistance Program  
417.0 COBRA Summary Plan Description

500.0 Conduct  
501.0 Drug-Free Workplace  
502.0 Discipline  
503.0 Employee Review Board  
504.0 Grievance Procedure  
505.0 Sexual Harassment  
506.0 Use of City Equipment  
507.0 Smoking  
508.0 Political Activity  
509.0 Use of Telephone  
510.0 Violence in the workplace  
511.0 Employee Ethics, Standards of Conduct & Conflict of interest  
512.0 Confidential & Proprietary Information  
513.0 Open Records & Open Records Requests  
514.0 Media Relations  
515.0 Taping/Eavesdropping on Conversations  
516.0 Social Networking Employee Policy

## **Section 100.0**

### **Introduction**

The Personnel Manual is designed as a guide to detail employee responsibilities, benefits, and privileges that are enjoyed during employment with the City of Broken Bow, Broken Bow Public Works Authority, or Kulli Chito Environmental Authority. Furthermore, it is the intent and purpose of the City to initiate and maintain a system of personnel policies and practices consistent with the requirements of the United States Federal Government, State of Oklahoma, and the Ordinances of the City of Broken Bow.

**Section 101.0**  
**CITY OF BROKEN BOW PERSONNEL MANUAL**

**STATEMENT OF POLICY**

This Personnel Manual is a unique document because it serves a variety of personnel functions. First, it is intended to promote a fair and equitable personnel system for all City employees. Second, it is intended to answer many personnel questions that might arise during the course of employment. Third, it is intended to set a minimum standard by which all employees are to adhere and to be judged.

This Personnel Manual, first and foremost, is intended to promote a fair and equitable personnel system for all City Employees. Personnel rules and regulations that are fair and equitable create a good working environment. In turn, the success of the City is determined by how each employee views his/her working environment and exhibits that feeling to the citizens of Broken Bow.

This Personnel Manual is a reference guide for a variety of personnel issues that may arise in the day-to-day operations of the City. As a reference guide, this manual answers a wide range of personnel questions including such topics as hiring procedures, the employee benefit package, and the grievance policy, just to name a few.

This Personnel Manual, finally, is intended to set a minimum standard by which all employees are to adhere and to be judged. It establishes certain rules and regulations to be followed in everyday work. Employees failing to adhere to the established personnel policies can be subject to disciplinary action. Policies can be changed by the City Council at anytime. This handbook is not a contract of employment, express or implied, between employees and the City and should not be viewed as such, or as a guarantee of employment for any specific duration.

Employees may use the open door policy to bring issues to the attention of the City Manager. This policy only requires that the employee inform his or her immediate supervisor and Department Head that he or she wishes to meet with the City Manager.

Vickie Pieratt  
City Manager

## **Section 102.0**

### **Mission Statement of the City of Broken Bow:**

#### **THE CITY OF BROKEN BOW STAFF WILL PROVIDE EFFICIENT AND EFFECTIVE MUNICIPAL SERVICES TO THE CITIZENS OF THE CITY OF BROKEN BOW.**

A growing and diversified community, Broken Bow promotes orderly growth and citizen involvement while maintaining an emphasis on preserving family values and developing a tradition of fiscal responsibility and community cooperation.

Broken Bow is a community that places strong cooperative spirit between public and private sectors. Broken Bow's rich history fosters community pride while consistently reminding us of the need for flexibility in matters of social and economic growth and change. Broken Bow is dedicated to accepting challenges by encouraging growth through innovative incentives and solutions and continued accessibility to services for all of its residents.

## **Section 103.0**

### **Definitions**

**Continuous Service** - Full-time employment in the City's service without break or interruption. Leaves of absence with pay and leaves of absence without pay of less than thirty (30) calendar days shall not be considered interruptions in continuous service. Leaves of absence without pay in excess of thirty (30) calendar days shall be deducted in computing total service but shall not be considered interruption in continuous service, as determined by the City Manager. Extended military service during a declared national emergency shall not be deemed an interruption in service.

**Demotion** - The change of an employee to a position with reduced responsibility.

**Promotion** - The change of an employee to a position of increased responsibility.

**Immediate Family** - Spouse, mother, mother-in-law, father, father-in-law, son, daughter, step-son, step-daughter, step-mother, step-father, brother, sister, grandparents, or other blood relative or relative by marriage living under the same roof.

**Probation Period** - A period of time, established by the City Manager, used to determine the qualifications of an employee for appointment or promotion to a position. No appointments shall become final until the appointee has satisfactorily completed the designated probation period. The probation period may be extended when circumstances warrant upon the written recommendation of the Department Head and/or approval of the City Manager.

**Full-Time Employee** – A person who has successfully completed the requisite probation period and has been appointed to a position where the normal year-round work load is at least 1560 hours and is entitled to the current benefit schedule.

**Part-time Employee** – A person whose regular work schedule is less than the normal work schedule and is not entitled to the current benefit schedule.

**Temporary Employee** – A person employed to work during a particular season of the year or to accomplish a non-recurring task or project. Temporary employment is generally for a period of six (6) months or less and is not entitled to the current benefit schedule.

**Employee** - In general, a person who works for the City of Broken Bow and receives wages, salaries, or other compensation for their efforts, including full time, part-time or by contract as defined by statutory law. (Individuals who are classified by the City as independent contractors are not considered employees)

**Honorarium** - An honorary or free gift, or a gratuitous payment, as distinguished from hire or compensation for service. It is considered a voluntary reward for that for which no remuneration could be collected by law.

**Section 200.0**  
**Conditions of Employment**



**Section 200.1 (copy of HR receipt)  
Acknowledgment of Personnel Manual**

I acknowledge that I have received a copy of the Employee Personnel Manual dated \_\_\_\_\_ . I understand that I am responsible for knowing and adhering to the provisions set forth in the Personnel Manual. I understand that if I have questions about these policies or application of these policies I should ask the following for assistance:

- Fire Department – Fire Chief
- Police Department – Police Chief
- Kulli Chito Environmental Trust – Kulli Chito Manager
- Public Works Authority – Public Works Director
- City Hall – City Clerk
- Street Department – Street Commissioner
- Sanitation Department – Street Commissioner
- Parks Department – Street Commissioner
- Nutrition/Senior Center – Nutrition Director

I understand that the Personnel Manual is provided to explain the City's policies and to assist me in understanding what is expected of me as an employee. I understand that the policies stated in this Personnel Manual are guidelines only and are subject to change, in the sole discretion of the City Manager, as are all policies, procedures, practices or benefits of the City of Broken Bow.

I understand that this Personnel Manual is not a contract, express or implied, guaranteeing employment for any specific duration or guaranteeing any specific terms or conditions of employment. I understand that my employment is at-will, meaning that I or the City of Broken Bow can terminate the employment relationship at any time, for any reason, with or without cause or notice. I understand that no person (other than the City Manager) has the authority to enter into any agreement which deviates from this Personnel Manual. I further understand that for the City Manager to make such an agreement, it must be in writing and signed by the City Manager.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Representative

\_\_\_\_\_  
Date

(This receipt is to be maintained by the City of Broken Bow and is to be placed in the personnel file of the employee)

**Section 200.2**  
**Copy of Acknowledgment of Personnel Manual**

I acknowledge that I have received a copy of the Employee Personnel manual dated \_\_\_\_\_ . I understand that I am responsible for knowing and adhering to the provisions set forth in the Personnel manual. I understand that if I have questions about these policies or application of these policies I should ask the following for assistance:

- Fire Department – Fire Chief
- Police Department – Police Chief
- Kulli Chito Environmental Trust – Kulli Chito Manager
- Public Works Authority – Public Works Director
- City Hall – City Clerk
- Street Department – Street Commissioner
- Sanitation Department – Street Commissioner
- Parks Department – Street Commissioner
- Nutrition/Senior Center – Nutrition Director

I understand that the Personnel Manual is provided to explain the City's policies and to assist me in understanding what is expected of me as an employee. I understand that the policies stated in this Personnel Manual are guidelines only and are subject to change, in the sole discretion of the City Manager, as are all policies, procedures, practices or benefits of the City of Broken Bow.

I understand that this Personnel Manual is not a contract, express or implied, guaranteeing employment for any specific duration or guaranteeing any specific terms or conditions of employment. I understand that my employment is at-will, meaning that I or the City of Broken Bow can terminate the employment relationship at any time, for any reason, with or without cause or notice. I understand that no person (other than the City Manager) has the authority to enter into any agreement which deviates from this Personnel Manual. I further understand that for the City Manager to make such an agreement, it must be in writing and signed by the City Manager.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Representative

\_\_\_\_\_  
Date

### **Section 200.3 Collective Bargaining Agreements**

Wherever a group or organization has entered into a collective bargaining agreement with the City of Broken Bow that agreement may supercede this manual when a conflict may arise between the two parties.

### **Section 201.0 Employment Procedures**

#### **Announcements**

Job vacancies shall be publicly announced in a newspaper of general circulation or by such other means deemed desirable by the City Manager. The announcement will include the type, time, and place of examination, if any. It may also supply information regarding method and deadline for filing applications, minimum qualifications, if any and other information deemed pertinent.

The announcement, if advertised in a newspaper of general circulation or other form of media, shall appear (14) days prior to the deadline for submission of the application. All ads shall include a statement announcing that the City of Broken Bow is an Equal Opportunity Employer. There shall be no requirement of advertisement if the City has already received, within the last six months, the names of previous applicants for the same type or generally similar position unless deemed necessary by the Department Head and/or the City Manager.

#### **Applications**

Applications and background checks shall be made on forms prescribed by the City Manager. Such forms shall comply with the City of Broken Bow, the State of Oklahoma, and Federal guidelines for employment applications and shall state the City of Broken Bow is an Equal Opportunity Employer. Accepted applications shall be kept on file, in the Human Resource Office, for a period of two years from the date of submission. Unsolicited applications for positions that are not open will not be considered. Upon receipt, the Human Resources Manager shall review applications for completeness and compliance with any minimum qualifications as may be predetermined.

The hiring Manager may make suitable inquiry of previous employers, educational institutions, and character references to verify statements made on the application. The Human Resources Manager may dismiss an applicant for submitting misleading or false information. The City Manager may terminate an employee, if later it is discovered that his or her application and/or resume contained false information.

#### **Employment Requirements**

All employees may be required to successfully complete a post-offer, pre-employment medical examination prior to appointment. Such examination shall comply with all City of Broken Bow, State, and Federal laws regarding pre-employment applications and shall recognize those laws in regard to the specific job classification.

In the best interest of safety, protection of the employees, and equipment, and the citizens, the City of Broken Bow may require staff, transferees, and all applicants to consent and submit to a test for illegal or incapacitating drugs (except where prohibited by City of Broken Bow, State,

and Federal laws regarding drug testing) and shall recognize those laws in regard to the specific job.

Drug testing may also be required in accordance with the City of Broken Bow Alcohol and Drug Abuse Policy.

Paid Career and Relief Fireman must live within 10 minutes driving distance from the fire station.

### **General Examinations**

All examinations shall be open and competitive.

Examinations for positions may include a test or a series of tests as selected by the City Manager. Such tests shall be designed to fairly test the relative capacity of all applicants to discharge duties of the classification for which the examination is given. The City Manager shall be responsible for evaluation of the test results and determination of the capabilities of any applicant. He/she shall determine the nature of the examination and the weight to be attributed to each part. The City Manager shall take special care to preserve the anonymity of the competitors until grading is complete.

### **Promotional Examinations**

Whenever, in the judgment of the City Manager, vacancies in positions above the original level should be filled by promotion, a promotional examination may be given. A deadline for filing an application shall be announced by the Department Head. Such examination shall either be written, oral, psychological, physiological, or a combination of all of these.

### **Appointment**

The City Manager shall either appoint or approve the appointment of individuals to all vacancies. Upon appointment, the City Manager shall inform the Finance Department, Human Resources Department, the Department Head in question, and the appointee of such appointments.

### **Temporary Employees**

The City Manager may appoint qualified persons temporarily to meet emergencies, to accomplish non-recurring tasks, or to meet seasonal needs. However, no such appointment shall be for a period longer than six (6) months. Temporary employees shall be paid at an hourly rate and are not eligible for benefits as outlined in the benefits schedule.

### **Part-Time Employees**

Part-time employees shall be paid at an hourly rate and are not eligible for benefits as outlined in the benefits schedule.

### **Full-Time Employees**

Full-time employees may be paid on an hourly rate or an annual rate. Full-time employees are entitled to all benefits as outlined in the benefits schedule.

## **Section 202.0**

### **Probationary Period**

All employees hired by the City of Broken Bow will serve a minimum probationary period of ( ) sixty (60) days. At the completion of the probationary period, the employee may attain regular or temporary status. Such appointment shall be automatic unless the Department Head, upon approval of the City Manager, extends the probationary period. The probationary period may be

extended and/or created, as deemed necessary by the City Manager, for any reason necessary to protect the interests of the City of Broken Bow.

Persons on probation may be removed, demoted, terminated, transferred, or disciplined at any time during the probation period, by written notice to the employee by the appointing authority, indicating that his/her services are unsatisfactory. Such removal or demotion shall not be subject to a pre-determination hearing and/or appeal.

## **Section 203.0 Promotions and Transfers**

### **Promotion**

It shall be the policy to promote on the basis of merit, which may consist of, examinations, the evaluation of qualifications and employment records. When two or more employees are equally qualified, seniority may be used as the determining factor. Nothing in this statement shall be interpreted to preclude employment from outside the City organization when not inconsistent with Local, State, and Federal laws.

City employees become eligible to compete for promotions for which they meet the minimum requirements upon completion of the probationary period in their current position.

### **Transfers**

Employees may be transferred between departments to positions upon request of the employee and subsequent approval of the Department Head involved and the City Manager. Employees may also be transferred between departments for the convenience of the City, as determined by the City Manager.

## **Section 204.0 Lay-Off / Recall**

Should a reduction in the work force be necessary, that reduction shall occur in the following manner:

1. The City Manager shall determine those positions which shall be reduced in number. Such reduction will take place solely in those positions as determined by the City Manager. Employees shall be laid off at the time and in the number specified by the City Manager. All temporary employees shall be laid off before part-time employees and all part-time employees before full-time employees.
2. The names of individuals laid off in accordance with this section shall be placed on a recall eligibility list. The order of that list shall be in inverse of the order in which the lay off occurred.
3. When situations warrant, those employees who have been laid off shall be called back to work in the order as indicated on the recall eligibility list. Should an employee be unavailable to return to work in a period of time deemed reasonable by the City Manager, or refuses to return to work, that employee's name shall be removed from the re-employment list. Any such employee so removed shall be eligible to re-apply for an original appointment.

## **Section 205.0 Safety**

Employees are required by the State of Oklahoma and Department of Labor to receive four (4) hours of job related safety instruction each quarter of a calendar year. Department Heads will insure that each full-time, part-time and temporary employee receive quarterly training.

It is incumbent upon employees to work safely, wear proper safety equipment, and to heed posted safety rules and regulations at all times. Failure of employees to follow proper safety rules as set forth by OSHA Regulations and Department of Labor guidelines may lead to disciplinary action to include termination.

All on-the-job injuries shall be reported to the supervisor immediately, even if the injury is considered minor. Failure to report an on-the-job injury will result in disciplinary action up to termination.

The City Manager shall convene a Safety Review Board to review incidents involving on-the-job accidents to determine the root cause, to identify unsafe practices, and to perform such other functions as may be appropriate.

## **Section 206.0 Employee Change of Status**

It is important to keep personnel data about employees current. Therefore, employees shall notify the Human Resources and their Department Head concerning any changes in the following:

Legal Name

Address

Marital Status

Number of Dependents

Insurance Beneficiary

Person to Notify in Case of Emergencies

## **Section 207.0 Outside Employment**

Employees shall not work any outside employment (i.e. moonlighting) which adversely impacts the operations of the City or impedes an employee from performing their duties as a City employee.

## **Section 208.0 Internet Use Policy**

### **Purpose**

This policy is intended to encourage responsible and acceptable use of the internet services provided by the City of Broken Bow, Oklahoma, while continuing to support the needs of citizens and city employees. The policy reflects a realization that efficient utilization of the internet for communications and research can:

- a. Enhance partnerships, community involvement and the exchange of information and ideas between citizens, businesses and local government.
- b. Provide information, both internally and to the public, about the activities and services of the city.
- c. Improve the quality, productivity and general cost-effectiveness of the City's work force.

This policy applies to all full-time, part-time, contract City employees, volunteers and other affiliates who use City-provided Internet services.

### **Who Will Receive Access**

The City's Internet account is a resource granted to increase productivity and provide opportunities for professional growth. It must be used with these goals in mind. Improper use could result in the cancellation of a user's City internet account and/or disciplinary action including termination of employment.

Individuals desiring internet access must first obtain approval of their Department Head and the City Manager before access will be granted. In general, it is advised that Department Heads only approve access for employees who would make frequent use of the internet as a routine part of their jobs.

A condition of authorization is that all City internet users must read and sign a copy of this policy and return it to their Department Head who will forward a copy to Human Resources for filing. Departments must keep a register of all internet users and, when a City employee with an internet account leaves City employment, the Department Head must notify the Human Resources Director immediately.

### **Responsibilities**

Each user of a City-provided internet account is responsible and accountable at all times for the proper use of that account.

All internet users are expected to know the tools, rules and etiquette of the internet, and behave accordingly.

### **Acceptable Use**

All persons using a City-provided internet account:

- (1) Are prohibited from using the City's internet connections for gaming, personal use, private gain or profit.
- (2) Are prohibited from causing disruptions including but not limited to propagation of computer worms, viruses or other debilitating programs, and using the City network to make unauthorized entry to any other machine accessible via the network or internet.
- (3) May not interfere with or disrupt any City network or internet users, services, programs or equipment.

## **Legalities**

Employees must use the internet in accordance with all applicable laws and regulations. This includes compliance with copyright and license laws covering programs, data and written material accessed, obtained or provided to others via the internet.

Users may not access, transmit and/or download pornographic, threatening, obscene or harassing materials, nor engage in any form of sexual harassment.

Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

## **Security, Viruses and Downloading**

City employees will not share with others their assigned internet passwords, access codes or other authentication devices.

Staff members whose computers are enabled to accept files via the internet (e.g., via FTP, e-mail attachments or newsgroups) are individually and directly responsible for checking them for viruses, using the latest version of a reliable virus-checking program.

All employees shall immediately report all virus outbreaks to the City Manager.

## **Internet Electronic Mail**

Electronic mail (both internal and via the internet) is considered to be a public record and may be subject to public disclosure in accordance with applicable law.

## **Web Pages**

City Departments interested in developing content for the internet/World Wide Web must coordinate and receive approval from the City Manager before information will be made available on the internet. No City department may create or contract for its own physical web site without the approval of the City Manager. Information published on the internet should be written in a clear and concise manner and presented in a graphically appealing format. Useful links that make it easy for an individual to access information also contribute to the success of a web page. Strategic use of audio, video, forms, databases and interactive segments can enhance the overall presentation and usefulness of material. Since the internet is not always the most appropriate channel of communication for everyone, the City Manager is available to assist in determining the benefits and resources required to publish information on the internet. Once information is published, it is the ongoing responsibility of the corresponding Department to ensure the timeliness and accuracy of the content of its web pages. Significant changes to the content of web pages must receive approval from the City Manager before the information is published on the internet. The City Manager may review all City-related web pages on a periodic basis and alert Departments when updates are needed.

## **Disclaimers**

A wide variety of information exists on the internet. Some persons may find part of that information to be offensive or otherwise objectionable. Employees should be aware that the City has no control over and cannot, therefore, be responsible for the content of information on the internet other than what we as an organization place there.

The City's internet host computers are traceable to the City of Broken Bow. Persons using City-provided internet accounts should not assume they are provided any degree of anonymity. Outside users, who want to identify machines associated with the City, can do so easily.



Employees also must understand that electronic mail messages and other transfer of information via the internet are currently not secure. Persons desiring to send someone confidential or sensitive communications should not use the internet for transmission of the information.

**Enforcement**

Violations of this policy will be immediately reviewed by the appropriate Department Head and/or City Manager. All Department Heads will be responsible for the enforcement of the City's internet policy and will take appropriate action(s) when their staff members do not adhere to the internet policy.

Violations that are not promptly remedied may result in disciplinary action, including termination or any other action deemed necessary under this policy or any other policy governing misuse of city equipment.

I have read this Internet Policy and agree to its terms as a condition of my use of a City-provided Internet account.

Name (print) \_\_\_\_\_ Department \_\_\_\_\_

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

## **Section 209.0 MEDICAL EXAMINATIONS**

A. The City Manager may require a current or prospective employee to submit to an examination to determine if he/she can perform the essential job duties of the position (with or without reasonable accommodation). This examination will be conducted by a licensed practitioner approved by the City of Broken Bow. If a post-offer medical examination is required of one candidate for a position then the post-offer medical examination will be required of all candidates for the position.

B. If the employee is incapable of performing the duties of the job, he/she may be placed on sick leave, family/medical leave or an unpaid medical leave of absence, as approved by the City Manager.

C. A classified employee who is being placed on an involuntary disability separation will be required to submit to a medical or psychological examination to be conducted by a licensed practitioner approved by the City of Broken Bow.

D. An employee requesting leave for a serious medical condition under the Family or Medical Leave Policy will be required to provide certification from a health care provider to verify that the employee has a qualifying condition. The employer may request a second evaluation by a health care provider of our choice. If the second opinion differs from the first, the employee and the employer will choose a third health care provider to examine the employee. The third opinion will be binding on both the employee and the employer.

E. The cost of any examination required by the employer will be paid by the City, except as specified in another policy. Both the City of Broken Bow and the employee will receive the results of any examination conducted under this policy.

F. Medical records are not public records.

## **Section 210.0 ATTENDANCE / TARDINESS POLICY**

Attendance at work is essential to an efficiently run organization. Regular attendance during all scheduled work hours is expected of all employees. Excessive absenteeism and tardiness may have an adverse effect on future pay increases, promotional opportunities, transfers, and may result in disciplinary action including termination.

Employees must be at their work sites at designated starting times unless prior permission has been approved. Failure to comply is considered tardiness, as is leaving early for or returning late from lunch or break periods, and departure from the work station prior to the designated quitting time.

Employees are not permitted to work through part of a lunch hour or work through “coffee breaks” in order to “make-up for” tardiness at the beginning of a work day or after a break or lunch period without approval of their Department Head.

Employees may, with Departmental Head approval, work past the end of their normally scheduled work day to “make-up” for tardiness only if proper notification was given.

1. Employees who are unable to report for work at the beginning of their scheduled shift are to communicate such information directly to their supervisor. Employees must, if possible, call in at least 15 minutes before the beginning of their work day.

2. The City of Broken Bow may, at its discretion, require a medical release to return to work at any time an employee returns from an unscheduled absence due to illness or injury.
3. An employee who fails to report for work and to properly notify their supervisor will be considered to have voluntarily resigned their employment.
4. Excessive absenteeism and tardiness will be addressed through the disciplinary process.
5. If an employee must schedule a medical, dental or chiropractic appointment during work hours, it should be made at the convenience of the Department. The employee may, at the discretion of the Department Head, either make up the time away from work, or, if workload permits, charge the time to his/her accrued sick pay.

## **Section 211.0 CONFIDENTIALITY**

The City is a public entity, however, the policy of the City is to ensure that its dealings, operations, and activities with its citizens are kept confidential to the greatest possible extent.

When employees acquire confidential or proprietary information about the City or its citizens, other employees, to include conversations, memo's, e-mails by employees or citizens, such information is to be handled in strict confidence and is not to be discussed with unauthorized individuals. Employees are responsible for the internal security of such information. Employees found to be violating this policy are subject to disciplinary action, including termination.

## **Section 212.0 PERSONNEL FILES**

The City of Broken Bow is required to keep accurate, up-to-date employment records on all employees to ensure compliance with State and Federal regulations, to keep benefits information up-to-date, and to make certain that important mailings reach all employees.

Employees must inform Human Resources of any necessary updates to their personnel file such as a change of address, changed telephone numbers, emergency contact, marital status, number of dependents, or military status. Employees should also inform their supervisor and Human Resources of any outside training, professional certifications, education, or any other change in status. In addition to a general personnel file, Human Resources will maintain a separate medical file for each employee. Access to an employee's medical file is extremely limited and based on a need-to-know-only basis.

The City of Broken Bow will only verify dates of employment, eligibility for rehire and job titles to outside agencies inquiring by telephone. No other information will be given out about an employee without written authorization from the employee, except what is required to comply with the law.

All current employees will be permitted to review their personnel files at reasonable times, with reasonable notice, by request through the City Manager's Office.

## **Section 213.0 BULLETIN BOARDS**

City Hall and Departments will maintain bulletin boards at various locations. The bulletin boards are for the posting of Federal, City and Department notices. All personnel should periodically check these areas for updated information which may be of interest.

Certain designated bulletin boards will be used by employees for posting of information for other employees. These items must be approved by the Department Head or City Manager before posting. Notices on employee bulletin boards may be removed by the City at any time.

## **Section 214.0 DEMEANOR**

Employees are an integral part of the City of Broken Bow. You are expected to accept certain responsibilities and adhere to acceptable business principles in matters of personal conduct. You should exhibit a high degree of personal integrity at all times. Your demeanor not only involves sincere respect for the rights and feeling of others but also demands that, in both your job and personal life, you refrain from any behavior that might be harmful or bring discredit to you, your co-workers, the City of Broken Bow or the citizens of Broken Bow.

Whether you are on or off duty, employees are reminded that your conduct reflects on the City of Broken Bow. You are, consequently, encouraged to observe the highest standards of professionalism at all times. Behavior and conduct that could bring discredit to you or the City of Broken Bow could result in disciplinary action.

## **Section 215.0 DRESS STANDARDS**

Employees are expected to dress in an acceptable and professional manner. Clothing must be clean, neat, in good repair and appropriate for the assigned duties.

Each Department Head will determine the proper dress standards for his/her department. Certain employees may be required to meet special dress, grooming, and/or hygiene standards, such as wearing uniform or special equipment, depending on the nature of the job.

Employees may not display or wear offensive stickers, buttons, clothing, or advertisement of any type on their person while at work, at their workstation or on City vehicles or equipment.

### **Purpose**

To establish a dress standard for City employees, while on the job, which will balance the desire to create a comfortable work environment with the need to convey a professional image to all our customers and colleagues.

### **Policy**

City employees will dress appropriately for their specific employment duties. This policy does not supersede other departmental dress standards but establishes guidelines for employees to determine what is appropriate attire for the workplace.

**Appropriate workplace attire includes:**

- Clean and neat attire.
- Uniform and safety clothing where is provided or required.
- Generally accepted casual business attire.
- Clothing that favorably reflects the city's dedicated service to the citizens of Broken Bow and ensuring a positive image with the public.

**Inappropriate workplace attire includes:**

- Recreational or abbreviated clothing such as shirts which bare shoulders (tank tops, halter-tops, etc.), bare midriffs, sweat pants, spandex, scrubs, short hemlines (shorts, skirts, dresses, etc.) or clothing that is disruptive and/or offensive to others.
- Clothing with designs or messages that may be offensive to others because of race, color, creed, nation origin, sex, age, or disability.
- Clothing that does not reflect favorably on the City's service to the public.

Employees are expected to dress appropriately and professionally for their assigned work. Leaders are responsible for ensuring appropriate standards are met.

Employees who do not meet the standards of this policy will be required to take corrective action, which may include leaving the premises to change clothes. Work time missed by non-exempt employee will not be compensated as a result of this.

**Section 216.0  
Hiring of Relatives**

The City of Broken Bow discourages the hiring of relatives of current employees. However, in the event an exception is made, relatives may be hired by the City if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety or morale.

For the purposes of this policy, relatives are defined as spouses, children, sisters, brothers, mothers or fathers. Current employees who marry will be permitted to continue employment with the City provided they don't work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety or morale.

If employees, who marry or live together, do work in a supervisory relationship with one another, the City will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees may be required to leave employment with the City.

**Section 217.0  
Chain of Command**

The City of Broken Bow uses the vertical chain of command management structure unless dealing with harassment or discrimination issues. This simply means that an employee has one immediate supervisor. If an employee is not satisfied with a response from his/her immediate supervisor, he/she is to talk to the next higher supervisor. The employee must request permission from his/her immediate supervisor to talk to the next higher supervisor in the chain of command.

Employees shall not initiate communication with the Mayor and/or City Council member(s), concerning work related business, unless it is through the designated city chain of command.

**Section 218.0**  
**Uniforms**

All City employees, that are required to wear a City uniform, will wear the uniform in compliance with Departmental policies and procedures, established by the Department Head and/or City Manager.

## **Section 300.0 COMPENSATION**

### **Section 301.0 Pay Administration**

#### **Merit**

The pay plan shall be administered on a merit basis with the initial wage being the normal entry level. Progression shall be based on satisfactory performance in accordance with a performance evaluation plan established by the City Manager and implemented by the department heads.

1. Normal progression shall be on an annual basis.
2. Persons possessing special qualifications may be hired above the normal entry pay range.
3. Upon completion of the probationary period an employee may receive a pay increase.
4. Once annually an increase may be granted for exceptional performance.
5. Actions outlined in two (2) and four (4) above may be taken only when specifically authorized by the City Manager.
6. Action outlined in three (3) above may be taken only when specifically requested by the Department Head and authorized by the City Manager.

#### **Work Week**

The normal work week for all employees (except fire department and other salaried staff) shall consist of five (5) days of eight (8) hours per day and forty (40) hours per week, except where there is a continuous twenty-four (24) hour a day or seven (7) day a week operation made necessary because of the nature of the work or when it is necessary to alter the work week to accommodate shift changes. Such exception to the normal schedule shall not be cause for premium pay. The work week will begin at 00:00 on Sunday and end at 23:59 on Saturday.

#### **Pay Period**

##### **Pay periods shall normally be two (2) weeks.**

1. Employees beginning employment on a day other than the beginning of a pay period shall be paid at the appropriate hourly rate for the hours worked during the initial partial pay period.
2. Employees terminating employment on a day other than the end of a pay period shall be paid at the appropriate hourly rate for the hours worked during the final pay period.

#### **Pay Day**

Pay day will be on the Thursday following the end of the pay period. If Pay Day falls on a scheduled City holiday Pay Day will occur on the Wednesday following the end of the pay period.

#### **Payroll Deductions**

The number and type of payroll deductions to be made shall be determined by the City Manager in consultation with the Finance Department. The cost of administering deductions, which may be made for the convenience of a given employee or group of employees, may be assessed to the affected employees.

**Premium Pay**

Employees required to work more than forty (40) hours during a scheduled work week may be compensated at the rate of one and one-half (1 ½ ) times the employee's base rate of pay for all work over forty (40) hours, when such work is authorized by the City Manager.

Employees, who are covered by a collective bargaining agreement, should review their appropriate agreement for information related to premium pay.

Employees paid at an annual rate are considered to be in executive, administrative, or professional positions and are presumed to be employed to work the required number of hours to accomplish the requirements of the position and are, therefore, not subject to the overtime provisions detailed herein. Department Heads shall maintain such records relating to overtime as shall be required by the City Manager.

**Call Back**

Employees required to return to work from off duty shall receive compensation, at an hourly rate, for a minimum of two (2) hours of performed work.

To be eligible for the full 2 hours of call back pay the employee must work two (2) hours at the direction of the Department head or the supervisor. If the employee chooses not to perform the work directed by the department head or supervisor upon completion of the call back task the employee will only be paid for the time period actually worked by the employee.

**Section 302.0  
Garnishments**

Employees are expected to manage their finances and maintain a good credit standing while working for the City. Employees subject to a garnishment action may be required to reimburse the City for administrative costs associated with their garnishment.

Excessive or repeated garnishment action may be cause for disciplinary action or dismissal.

**Section 303.0  
Mileage Allowances**

Whenever a City employee uses his/her private automobile, in the conduct of official City business, he/she shall be compensated at the current rate set forth by the Internal Revenue Service (IRS). The personal use must be authorized in advance by the Department Head and approved by the City Manager.



## **Section 400.0 BENEFITS**

## **Section 401.0 EQUAL EMPLOYMENT OPPORTUNITY**

The City of Broken Bow provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, national origin, age, disability/handicap, or status as a Vietnam-era or special disabled veteran in accordance with applicable Federal and State laws to include Title VII, Civil Rights Act of 1964. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

### **Harassment**

The City of Broken Bow has adopted a policy of zero tolerance with respect to unlawful employee harassment. In this connection, the City of Broken Bow expressly prohibits any form of unlawful employee harassment based upon race, color, religion, gender, national origin, age, disability/handicap, status as a Vietnam-era or special disabled veteran, or status in any group protected by applicable law.

With respect to unlawful sexual harassment, the City of Broken Bow prohibits the following:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - a. Submission to such conduct is made either expressly or implicitly a term or condition of employment,
  - b. Submission to or rejection of such conduct is used as the basis for decision affecting an individual's employment, or
  - c. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment. A hostile work environment is created by conduct which unreasonably interferes with work performance that can alter a condition of employment and create an abusive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements or conduct.

There is no way to create an exhaustive list of all forms of conduct which are prohibited by this policy. However, examples of the type of conduct expressly prohibited by this policy include, but are not limited to, the following:

- a. Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- b. Sexually suggestive touching.
- c. Grabbing, groping, kissing, fondling.
- d. Violating someone's personal space.
- e. Whistling inappropriately.
- f. Lewd, off-color, or sexually oriented comments or jokes.
- g. Leering, staring, stalking.
- h. Foul or obscene language.
- i. Suggestive, sexually explicit, derogatory, or offensive posters, calendars, photographs, graffiti, cartoons.
- j. Unwanted or offensive letters or poems.
- k. Inappropriate, offensive, or sexual gesturing.

- l. Offensive e-mail or voice-mail messages.
- m. Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip, regarding one's sex life, body, sexual activities, deficiencies, or prowess.
- n. Questions about one's sex life or experiences.
- o. Repeated requests for dates.
- p. Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- q. Sexual assault, battery, or rape.
- r. Any other conduct (written, verbal, etc.) which is offensive or deemed inappropriate by the City of Broken Bow.

### **Complaint Procedure**

The City of Broken Bow is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related discrimination or harassment based on your gender, race, national origin, disability/ handicap, or another factor, promptly report the incident to you supervisor, Human Resources, or any Department Head of the City of Broken Bow. This policy applies to all incidents of alleged discrimination or harassment where the alleged offender is a supervisor, coworkers, or even a non-employee who has a business or potential business relationship with the City of Broken Bow.

Should the alleged discrimination or harassment occur at a time other than normal working hours, your complaint should be reported as early as practicable on the first working day following the alleged incident.

The City of Broken Bow takes complaints of discrimination and harassment very seriously. Thus, there is no need to follow any formal chain-of-command when making a report and you may bypass anyone in your direct chain-of-command and report your complaint with Human Resources at any time. All complaints of harassment and discrimination will be investigated. All complaints will be kept confidential to the extent possible while still allowing the City to investigate and take action, if necessary.

If the City of Broken Bow determines that an employee has violated this policy, appropriate disciplinary action will be taken against the offending employee up to and including termination of employment.

### **Retaliation**

The City of Broken Bow prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating a complaint under this policy, the City of Broken Bow determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action up to and including termination may be taken against the individual who filed the complaint or who gave the false information.

## **Section 402.0**

### **The Americans With Disabilities Act (ADA) Policy**

The City of Broken Bow is committed to ensuring equal opportunity and access to all employees in accordance with Section 503/504 of the Rehabilitation Act of 1973 and the Americans with

Disabilities Act of 1990 (ADA). The City of Broken Bow prohibits discrimination against any employee or applicant on the basis of physical or mental disability, or perceived disability. The City of Broken Bow prohibits discrimination against qualified persons with disabilities in the employment, public services, public transportation, public accommodations and telecommunications. The City will provide reasonable and appropriate accommodations if possible to enable employees to participate in job functions.

Individuals with disabilities are responsible for reporting and supplying documentation verifying their disability. Requests for accommodations must be initiated through the Human Resources office.

### **ADA Definition of Disabled**

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets any one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities.
2. He or she has a record of such an impairment.
3. He or she is regarded as having such an impairment.

### **Notification Requirements and Service Criteria**

Self-Disclosure - All employees seeking accommodation under section 504 of the Rehabilitation Act of 1973 et seq. or the Americans with Disabilities Act must self-identify with Human Resources

Any person who believes that he or she is a victim of discrimination, which is prohibited by the American with Disabilities Act, or wishes to file a complaint on behalf of classes of individuals, may file a complaint through the City Clerk's office located at City Hall.

### **Section 403 Sick Leave**

All full-time employees shall accrue sick leave at the rate of 6.66 hours monthly and on the anniversary month 6.74 hours.

Accumulated sick leave shall not be purchased from employees.

Sick leave shall be deducted from the cumulative total in actual time used by the employee. Sick leave taken in excess of an employee's regular work schedule will be returned to the employee's sick leave bank and not carried forward as comp time.

Employees may use sick leave for absences due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and for illness in the employee's immediate family.

Employees are required to furnish proof of illness, by furnishing a doctor's statement or other satisfactory written statement, when sick leave exceeds three (3) consecutive days or when a Department Head and/or the City Manager request such proof. Department Heads will insure that employees will not be allowed to return to work without a release from the attending physician.

Unused sick leave will be banked at the end of the calendar year as sick leave for future need up to 120 hours for fulltime employees.

Excessive, abusive, fraudulent, or repeated use of sick leave may be cause for disciplinary action, effect performance evaluations, promotions, pay raises, or dismissal.

Employees unable to report to work due to illness or emergency must report their absence to their supervisor as soon as possible on the first day of absence and each succeeding day of absence unless other arrangements are authorized.

Employees are expected to use sick leave time for recuperation from illness and to remain at their homes or other appropriate place of care. While on paid sick leave, employees are not authorized to work at any other jobs, or conduct activities that are not consistent with your reported illness without written permission of the City Manager.

Failure to comply with any of the above provisions may result in denial of sick leave pay and/or disciplinary action.

**Sick leave may be transferred from one employee to another under the following conditions:**

1. Recipient of sick leave transfer must exhaust all vacation, sick leave, etc. before utilizing co-worker transfers.
2. Transfer is limited to the number of days actually needed. Recipients of transferred days will not be allowed to accept more than ninety (90) calendar days in any calendar year.
3. Transfer must be without compensation to the giving party or parties.
4. Request must be in writing, signed by donating employee, and attested to by the Department Head and approved by the City Manager.
5. All transfers must be submitted and approved prior to the end of the pay period to be covered.
6. Transfers from employees whose rate of pay is equal to or greater than that of the recipient shall be on a one for one basis. Transfers from employees whose rate of pay is less than that of the recipient will be adjusted to compensate for the difference to the nearest one hour increment.
7. Employees leaving employment with the City of Broken Bow may not donate or transfer sick leave to any person unless that person meets the qualifications set forth in this policy.
8. No employee may transfer or donate more than seven days of sick leave in a calendar year.

**Section 404.0  
Vacation**

All full-time employees shall accrue vacation based on the following schedule:

1. Upon completion of one (1) year of service as a full-time employee – seven (7) days of vacation shall be awarded.
2. Upon completion of two (2) years of service as a full-time employee – eight (8) days of vacation shall be awarded.
3. Upon completion of three (3) years of service as a full-time employee – ten (10) days of vacation shall be awarded.
4. Upon completion of five (5) years of service as a full-time employee– twelve (12) days of vacation shall be awarded.
5. Upon completion of ten (10) years of service as a full-time employee – fifteen (15) days of vacation shall be awarded. (Fire Department Personnel will cap at 15 days of vacation)

6. After ten (10) years of service and upon completion of each additional two (2) years of service one (1) additional day of vacation shall be awarded up to a total of twenty (20) days of vacation annually.

Vacations must be taken in the year following accrual except for the inability to schedule because of illness, injury, or for the City of Broken Bow's convenience.

All employees completing their probationary period before the effective date of this policy will continue to receive the higher number of vacation days until the new schedule of vacation days equals or exceeds the number of vacation days ten (10) received under the old policy.

Vacation must be taken in minimum of half day increments.

Vacations shall be scheduled subject to the manning requirements of the City as determined by the City Manager.

Requests for vacation shall be assigned on the basis of seniority if a conflict occurs.

Holidays falling during a scheduled vacation will not be charged as vacation days.

After an employee has used ten (10) vacation days in a anniversary year, all days in excess of ten (10) days may, at the employee's discretion, be returned to the City in exchange for payment at the employee's regular rate of pay minus any days traded from sick leave.

**Section 405.0** (Amended 12/9/2008 by Broken Bow City Council)

### **Holidays**

Full-time employees are granted the following holidays with pay:

New Year's Day  
Martin Luther King Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

If a holiday falls on a Saturday, the Friday before it is taken off. If the holiday falls on a Sunday, the Monday after is taken as the day off. Other holidays may be approved by the City Council from time to time.

If an hourly employee is not required to work on the approved paid Holiday he or she will be compensated for 8 hours of pay at the normal hourly rate. This will not be considered time worked.

If an hourly employee is required to work on the approved paid Holiday he or she will be compensated at the normal rate of pay for the hours worked plus an additional 8 hours of pay at the normal hourly rate. The additional hours compensated for the Holiday will not be considered hours worked.

An employee will only be eligible for Holiday pay once he or she has completed the probationary period.

## **Holiday Pay**

In order to be eligible for holiday pay an employee must not have been on sick status or workers comp on either the work day before or the work day following a city holiday. Additionally, in order to be eligible for holiday pay an employee must have worked the full shift of the last scheduled work day prior to the holiday and all scheduled hours of the next scheduled work day following the holiday. (Due to the Fire Departments rotating shifts, this provision does not apply to firemen.)

## **Section 406.0 Health Insurance**

Full-time employees and their dependants may be provided health insurance at the percentage rate set by City Council. The City reserves the right to change health care providers, percentages of benefits to full-time employees, and percentage of benefits to full-time employee dependants, at any time, for any reason deemed necessary for the well being of the City of Broken Bow.

These insurance benefits are effective for full-time employees the first day of the month following ) sixty (60) days of full-time employment. These benefits cease when employment is terminated. Other arrangements, through COBRA, may be made to continue these benefits, at the ex-employee's own expense.

Employees who desire further information about benefits, claims, forms, or their provider can contact Human Resources.

## **Section 407.0 Workers Compensation**

All employees of the City of Broken Bow are covered by Workers' Compensation as required by Oklahoma State Law. These benefits are regulated by State Statutes. Employees may use accrued vacation and/or sick leave time to supplement Workers' Compensation benefits.

Employees covered under Worker's Compensation will receive compensation from the City for the first three (3) consecutive days missed due to a job related injury. For the remainder of the time an employee is off work and covered by Workers' Compensation the employee will be compensated at the Workers' Compensation rate of 70%. Worker's Compensation or the City of Broken Bow does not pay for time off for doctor or physical therapy appointments.

Light duty for employees who have suffered a workplace injury is evaluated on a case-by-case bases. Department Heads must request to the City Manager that light duty is available and the employee is physically able to perform light duty without further risk of injury to the employee. Light duty may be terminated at the discretion of the City Manager at any time without cause.

Employees must report an on-the-job injury to their supervisor immediately. For a full explanation of reporting procedures, forms, and conditions, employees need to contact their Department Head.

Employees who desire further information about benefits, claims, forms, or their provider can contact Human Resources.

## **Section 408.0**

### **Jury Duty**

Employees who are called upon to serve on juries will be paid the difference between their normal salary and the amount received while on jury duty. A copy of the payment from serving on jury duty must be provided to the Finance Department to receive payment from the city.

## **Section 409.0**

### **Leaves of Absence**

Leaves of absences, without pay, for personal reasons or for further education may be granted by the City Manager for periods not to exceed one (1) year. Employees on leave may continue insurance coverage through COBRA during such leave by pre-paying 102% of the premium for the period of absence.

## **Section 410.0**

### **Military Leave**

#### **Active Duty**

Employees entering U. S. military service are paid for all vacation time accrued up to the time of leaving to perform military service. Employees will not earn additional vacation time while on an approved leave of absence for active military duty.

After receiving an honorable discharge or rejection for enlistment, employees are entitled to reemployment under the following circumstances. After military service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. If an employee is hospitalized or otherwise incapacitated by a service-related illness or injury, these reemployment application periods may be extended up to 2 years. At that time that the employee returns to his former job or an equivalent position, the employee will resume participation in employee benefit plans.

#### **Reserve or National Guard**

All full-time and part-time employees, who are members of a reserve component of the Armed Forces or the National Guard, shall, when ordered by the proper authorities to active service, for the purpose of attending annual military training, will be entitled to a leave of absence. A request, by a temporary employee, for military leave for training may be granted at the option of the City Manager and will be without pay.

In the event that military leave for training is optional for the employee, the leave time shall be scheduled at the discretion of the Department Head and/or the City Manager.

The employee shall present to the Department Head a copy of the orders to report for reserve or National Guard training prior to departure on leave, and the copy of the orders shall be forwarded to the Human Resources Department for proper filing.

## **Section 411.0 Retirement**

All full-time City employees are covered by a retirement plan and participation is compulsory, unless prohibited by age. All employees, except firefighters, are covered by the Oklahoma Municipal Retirement Fund.

The retirement fund is designed to provide continuing income to the employee upon retirement. Refunds will be governed by the Oklahoma Municipal Retirement Fund regulations and/or other appropriate pension regulation or requirement. Retirement participation starts three months following full time employment with the City of Broken Bow.

Employees who desire information about benefits, forms, or changes in status need to contact the Human Resources Department.

## **Section 412.0 FAMILY AND MEDICAL LEAVE POLICY**

### **PURPOSE**

The purpose of this policy is to define the policy and procedure of the City of Broken Bow (“the City”) with regard to family and medical leave under the Family and Medical Leave Act (“FMLA”).

### **FAMILY AND MEDICAL LEAVE ACT POLICY**

**I. Eligibility Requirements/Leave Year.** You are eligible for up to 12 work weeks of unpaid leave under the Family and medical Leave Act (FMLA) during a rolling 12-month period under this policy if you have been employed by the City for at least 12 months, you have worked at least 1,250 hours during the 12-month period prior to the commencement of the leave. The City uses a rolling 12-month period measured backward from the date you use any FMLA leave. If you meet the eligibility requirements, you are eligible for up to 26 weeks of leave to care for an Injured Service member, as set forth in **Section II E** below.

**II. Reasons For Leave.** An FMLA leave may be requested for any of the following reasons:

- A. Birth/Placement-to care for a child born to or placed for adoption or foster care with you;
- B. Family Medical-to care for your parent, child or spouse with a serious health condition;
- C. Employee Medical-because of your own serious health condition, which renders you unable to perform the functions of your position;
- D. Qualifying Exigency-because of any qualifying exigency arising out of the fact that your parent, child or spouse is on covered active duty (or has been notified of an impending call or order to active duty) in the Armed Forces; or



- E. Injured Servicemember (Military Caregiver)-to care for a servicemember with a serious illness or injury (incurred in the line of active duty in the Armed Forces) who is a current member of the Armed Forces (including a member of the National Guard or Reserves) and who is your parent, child, spouse, or for whom you are next of kin, who was a member of the Armed Forces at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy for a serious illness or injury. Such leave may be taken for up to 26 weeks in a single 12-month period, which period begins on the first day you take leave for this purpose and ends 12 months after that date.

### **III. Leave Rules.**

- A. Leave for Birth/Placement must be completed within the 12-month period beginning on the date of the birth or placement.
- B. Spouses employed by the City may share certain types of FMLA leave. Consult Human Resources for details.
- C. Leave under **Sections II B, C, and E** may be taken on an intermittent or reduced work schedule basis if medically necessary. Leave under **Section II D** may also be taken on an intermittent or reduced work schedule basis.
- D. Employees will not be granted leaves to gain employment or work elsewhere, including self-employment.
- E. Employees who misrepresent facts in order to be granted an FMLA leave will be subject to discipline up to and including termination.
- F. An employee who intends to work at a second job the employee already had before the leave commenced, must have the written permission of his/her department manager.

**IV. Leave Is Unpaid/Substitution of Accrued Paid Leave.** FMLA leave is unpaid leave. If you request leave for other than Employee Medical reasons, any accrued paid vacation must be substituted and used for otherwise unpaid FMLA leave, provided that comply with the City's vacation policy requirements. If you request Employee Medical leave, any accrued sick pay must be used first, followed by any accrued vacation pay for otherwise unpaid FMLA leave. In addition, the City's short-term and/or long term disability policy and any leave for workers' compensation may apply as part of the 12-week leave period when taking Employee Medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12 week (or where applicable, the 26 week) leave period.

**V. Notice of Leave.** If your need for FMLA leave under **Sections II A, B, or C** is foreseeable, you must give the City at least 30 days prior notice. Failure to provide such notice may be grounds for delay or denial of leave. Where the need for leave is not foreseeable, you are expected to notify the City as soon as practicable, generally the same day or the next business day you learned of your need for leave. If you are taking leave under **Sections II D or E**, you

should provide such notice as is reasonable and practicable. The City has Request for FMLA leave forms available in Human Resources. You should use these forms when requesting leave.

**VI. Medical Certifications/Second Third Opinions.** If you are requesting leave under **Sections II B, C, and E**, you must provide a medical certification from a health care provider. You may obtain medical certification forms from Human Resources. If leave is foreseeable, the medical certification should be provided when the leave is requested. If the leave is not foreseeable, the certification must be provided within 15 days after the leave is requested. Failure to provide requested medical certification in a timely manner may result in delay or denial of leave. In its discretion and at its own expense, the City may require a second medical opinion, and if the first and second opinions differ, may request a third medical opinion. If a third opinion is requested, it will be provided by a health care provider approved jointly by the employee and the City and will be binding. The City may also require recertification periodically during a leave. The City may also ask for authentication and/or clarification of any medical certification submitted. All forms must be filled out completely and legibly.

**VII. Medical and Other Benefits.** During the leave, the City will maintain your group health benefits on the same conditions as if you had continued working your regular schedule. If paid leave is substituted for unpaid FMLA leave, the City will deduct your portion of the health plan premium as a regular payroll deduction. If you leave is unpaid, you must make arrangements with Human Resources to pay your portion of the premium. Your group health care coverage will cease if your premium payment is more than 30 days late, but you will be notified at least 15 days before your coverage lapses. Additionally, if you fail to return from leave, the City may require repayment of any premium that was paid for maintaining the health coverage for you, unless you do not return because of your continuing or recurring serious health condition or that of a covered family member, or because of other circumstances beyond your control. Employees are not entitled to other benefits or seniority accrual during the leave.

**VIII. Returning From Leave.** If you take an FMLA leave, you are generally entitled to return to your position or to an equivalent position with equal benefits, pay and other terms and conditions of employment, subject to any applicable exceptions. In addition, you have no greater rights to reinstatement or to other benefits and conditions of employment than if you had not taken FMLA leave. If you take Employee Medical leave, you will be required to provide medical certification that you are first to resume work and are able to perform all essential job functions. Employees failing to provide a fitness for duty certification will not be permitted to resume work until it is provided.

**IX. Intermittent or Reduced Work Schedule Leave.** Leave taken under **Sections II B, C, Or E** may be taken intermittently (in separate blocks of time due to a single covered health condition) or on a reduced work schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. Leave under **Section II D** may also be taken intermittently or on a reduced work schedule basis. If leave is unpaid, the City will reduce your salary based on the amount of time actually worked. In addition while you are on an intermittent or reduced schedule leave for planned medical treatment, the City may temporarily transfer you to an available alternative position that better accommodates your recurring leave and which as equivalent pay and benefits. **If you are certified to take FLA leave on an intermittent or**

**reduced leave schedule basis, you must advise Human Resources at the time of your absence from work if you intend for any such absence to be FMLA qualifying.**

**X. Modifications and Collective Bargaining Agreements.** The application of this policy, and the procedures and definitions set forth herein, may be modified in accordance with changes in applicable law and regulations. In the event a collective bargaining agreement addresses any issues covered by this policy, the collective bargaining agreement provision will apply.

See Human Resources for FMLA forms.

## **Section 413.0 Funeral Leave**

In the event of a death in the immediate family, an employee may be granted a leave of absence, with pay, up to a maximum of three (3) consecutive working days. The City Manager shall determine the amount and type of leave to be granted as circumstances warrant.

## **Section 414.0 Age Discrimination in Employment (ADEA)**

The City of Broken Bow is supportive of the Age Discrimination in Employment Act of 1967 (ADEA). This act protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment – including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under ADEA.

If you feel you have been discriminated against under the ADEA or desire more information about ADEA you may contact Human Resources.

## **Section 415.0 Employee Assistance Program**

### **Introduction**

The City of Broken Bow has established an Employee Assistance Program (EAP) to provide professional, confidential assistance for personal problems. The program encourages early employee awareness of such problems so that they may be addressed before having a potentially devastating impact on the employee and the employee's family.

Employees are responsible for their performance and for taking constructive action to resolve any personal problem that affects or threatens to affect their on-the-job behavior.

The Employee Assistance Program provides a resource for assistance in resolving problems, and employees are encouraged to seek assistance through the EAP before performance has been negatively affected.

Supervisors and employees may obtain additional information about the Employee Assistance Program by contacting Human Resources.

### **Eligibility**

The program services are available to all employees, family members and dependents, as defined in the Health Care Benefits Program.

### **Procedures**

All records pertaining to the operation of the Employee Assistance Program will be maintained by the program vendor and will remain the property of the vendor. For individuals who refer themselves to the program, the vendor will not reveal any information that the individual discloses to those outside the vendor except in the following circumstances:

- (1) The individual consents in writing.
- (2) The law requires disclosure.
- (3) It is believed that either life or safety is threatened by failure to disclose.

The City encourages employees with personal problems to take early advantage of the professional services provided through the Employee Assistance Program. Human Resources is available to answer any questions about the Employee Assistance Program and the scope of available services.

The decision to seek or accept assistance through the Employee Assistance Program will not adversely affect an employee's job security or advancement opportunities. However, participation in the Employee Assistance Program in no way relieves the employee of the responsibility to meet acceptable work performance and attendance standards.

### **Referral Guidelines**

Employees may obtain professional assistance through the Employee Assistance Program in one of the following ways:

#### **Self and Family/Household Member Referral**

An employee or eligible family or household member who desires confidential assistance for a personal problem should contact the Employee Assistance Program and speak to an Employee Assistance Representative. The City will make available to all employees brochures and contact numbers.

The Employee Assistance Representative will either provide the necessary assistance on the telephone or will arrange for further confidential consultation in the office of a counselor.

Any communication between the employee and the vendor's Employee Assistance Representative will be held in confidence as specified in this policy.

#### **Supervisor Referral or Recommendation**

When an employee brings a personal problem to the attention of the supervisor, the supervisor can encourage the employee to utilize the Employee Assistance Program, and should refer the employee to Human Resources if the employee has questions about how the program works.

The following are examples of circumstances in which a supervisor should consider recommending referral to the EAP:

1. A request by an employee for assistance with a personal problem.
2. A decline in work performance on the part of the employee or a pattern of problem of attendance.
3. A particular on-the-job incident or observation by the supervisor that indicates the possible presence of a non-medical personal problem, excluding incidents of flagrant misconduct which require other immediate disciplinary action. Supervisors should, however, be careful to not make medical or health-related diagnosis.

#### **Supervisor Referral**

When a supervisor identifies an employee whose work performance or attendance is not within acceptable standards, the supervisor should contact a Human Resources Representative.

Human Resources will review the situation with the supervisor and may recommend an employee seek assistance through the Employee Assistance Program. A Human Resources Representative may make the telephone referral to the Employee Assistance Program after discussing the problem with the employee.

Employees who consult the Employee Assistance Program, following a referral from Human Resources, may authorize the City to provide information relevant to the employee's performance problem to the Employee Assistance Program Representative. The EAP Representative may request a conference with the supervisor to further discuss the situation. The EAP Representative will not disclose information about the employee's problem, if any, or plan of action without the prior written approval of the employee. The vendor may, however, inform the Human Resources Representative whether the employee has kept the appointment and whether the employee has accepted the EAP recommendation for addressing the problem.

## **Section 416.0 COBRA Summary Plan Description**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) was signed into law on April 7, 1986. COBRA requires that your group plan allow qualified person (defined below) to continue group health coverage after it would normally end. The term "group health coverage" includes any medical, dental, vision care, and prescription drugs coverage's that are included in the group health plan.

**A. Qualified Person/Qualifying Events** – Continuation of group health coverage must be offered when coverage ends for:

1. A member (and any covered dependents) following: (a) termination of employment for a reason other than gross misconduct or (b) a reduction in work hours; and
2. A member's former spouse (and any children), following a divorce or legal separation from the member; and
3. A member's surviving spouse (and any children), following the member's death; and,
4. A member's child following loss of status as a dependent under the terms of the plan (e.g. attaining the maximum age, marriage, joining the armed forces, etc.); and,
5. A member's spouse (and any children) following the member's decision to drop out of the group health plan upon enrollment in Medicare; and,

**B. Qualifying Events/Continuation Period.** Following a qualifying event, health coverage can continue up to the maximum continuation period. The maximum continuation period for a member (and any dependents) following a termination of employment or reduction in work hours is 18 months. Qualified persons who are determined to have been disabled by the Social Security Administration on the date of termination of employment or a reduction in work hours may request an 11-month extension for a total of up to 29 months.

The maximum continuation period for qualified dependents following any qualifying event other than the member's termination of employment or a reduction in work hours is 36 months.

**C. Second Qualifying Events/Continuation Period.** If during an 18 month continuation period (or, 29 months for qualified person on the disabled extension) a second qualifying event described in A(2) through A(4) occurs, the maximum continuation period can be extended for

the qualified dependents up to 36 months. That is, following a second qualifying event, qualified dependents may continue for up to a maximum of 36 months dating from the member's termination of employment date or reduction in work hours date. Also, if during an 18-month (or 29 months for qualified persons on the disabled extension) continuation period a qualified member enrolls in Medicare, continuation for the qualified dependents can be extended an additional 36 months. This additional 36 months begins from the date of the member's enrollment in Medicare regardless of the months of continuation already completed.

**D. Disabled Extension.** A qualified person (employee or dependent) who is determined by the Social Security Administration to have been disabled at the time of the qualifying event (i.e. termination or a reduction in work hours) can request an extension of the continuation coverage from 18 months to 29 months. The disabled person must submit a written request for the extension to the Employer (Plan Administrator) within 60 days after receiving the Social Security determination. If a request for the extension is not made (a) within 60 days after the Social Security disability determination is received; and (b) before the 18-month continuation ends, the right to the 11-month extension expires. The 11-month disabled extension will end the earlier of (a) 30 days following the date the person is no longer determined by Social Security to be disabled, or (b) the date continuation would normally end as outlined in Termination of Continued Coverage, (see Section E).

**E. Termination of Continued Coverage.** Continued coverage ends the earliest of the following:

1. The date the maximum continuation period ends; or
2. The date the qualified person enrolls in Medicare; or
3. The end of the last coverage period for which timely payment was not received. (See Grace Period, Section H); or
4. The date the employer's group health plan is terminated (and not replaced by another group health plan) or,
5. The date the qualified person becomes covered by another group health plan which does not contain any provision which limits or excludes coverage for preexisting conditions during a specified period of time. When a person is covered or becomes covered by a group health plan which contains a provision that specifies a period during which coverage for a preexisting condition is limited to excluded, continued coverage will terminate on the date that the specified preexisting period ends.

**F. Employer Notification Requirement.** Qualified persons must be notified of the right to elect continuation of group health coverage within 14 days after a qualifying event. Qualified persons must make written election within 60 days after the later of (1) the date coverage would normally end, or (2) the date of the election notice. The election notice must be returned to the employer within this 60 day period, otherwise the right to elect continuation ends. Persons electing continued coverage have 45 days after the election date to remit the first payment. All remaining payments must be received (a) no later than 30 days after the first day of each month or (b) within the group plan's grace period.

**G. Qualified Person Notification Requirement.** Qualified persons must notify the employer within 60 days after (a) a divorce or legal separation from the member, and (b) the date a child ceases to be a dependent child under the terms of the plan. Within 14 days following notice by the qualified person of these qualifying events, the employer must provide the qualified persons with an election notice. Qualified persons must elect continued coverage within this 60 day period after receipt of the election notice, otherwise the right to elect ends. Payment must be made within the time limits explained above.

**H. Monthly Cost.** Persons electing continued coverage can be required to pay 102% of the cost for the applicable coverage (COBRA permits the inclusion of a 2% billing fee). Persons who qualify for the 11-month extension due to disability can be required to pay 148% of the applicable cost (plus a 2% billing fee) for the 19th through the 29th month of coverage.

**I. Grace Period.** All payments, except the first payment (See Employer Notification Requirement, Section F) must be made within the grace period of the plan. Continued coverage will remain in effect during the grace period provided payment is made prior to the end of the grace period.

**J. Plan changes.** Continued coverage will be subject to the same benefit and rate changes as the group plan.

**K. Newly Acquired Dependents.** Any qualified person may elect coverage for a dependent (spouse, newborn child, adopted child, etc.) acquired during the continuation period. The newly acquired dependent must be a person who would have been an eligible dependent had he or she been acquired by an active employee under the normal terms of the plan. All enrollment requirements that apply to dependents acquired by active employees apply to dependents acquired by qualified persons during continued coverage. Please refer to your Booklet Certificate for provisions regarding dependent eligibility and effective dates. Coverage for a newly acquired dependent will end on the same dates as described for qualified persons in Section B above. Exception: Coverage for newly acquired dependents will not be extended as a result of a second qualifying event.

**L. Individual Purchase (Conversion).** When the maximum continued coverage period ends qualified persons may be able to apply for Individual Purchase (if a conversion policy is available). Persons who are eligible for similar benefits which would result in over-insurance may not purchase conversion coverage. Application for Individual Purchase, and payment of the required premium, must be made within 31 days after the continued coverage ends. Dental, Vision Care, and Prescription Drug coverage are not included within the Individual Purchase Option.

#### **M. Qualifying Event Examples**

The following qualifying events apply to covered employees and their covered dependents:

- Voluntary or involuntary termination of employment (except for reasons of gross misconduct)
- Reduction in hours of employment

Qualifying events that apply only to covered spouses and dependents of an employee are:

- Death of an employee
- Divorce or legal separation
- Loss of dependent child status as defined under the plan
- Employee entitlement to Medicare benefits



## **Section 500.0 CONDUCT**

### **Section 501.0 Drug Free Workplace & Testing Procedures**

The City of Broken Bow, the Broken Bow Public Works Authority, and all Trusts of the City are committed to establishing a drug-free workplace. Employees will be subject to substance abuse testing on a “reasonable suspicion” basis and/or random basis. Additional information concerning the requirements, procedures, and selection process can be obtained by reviewing Alcohol and Drug Abuse Policy of the City of Broken Bow.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in any workplace of the City of Broken Bow. Failure to adhere to this policy can be grounds for termination.

It is the City’s policy to provide an awareness program for its employees concerning the dangers of drug abuse and provide employees assistance programs covering drug counseling and rehabilitation.

It is the responsibility of each employee to notify the City of Broken Bow, in writing, of his or her conviction for a violation of a criminal drug statute. This notification shall be submitted to the City no later than five (5) calendar days after such conviction.

Employees who desire further information or feel they have a need for drug awareness information or counseling may contact their Department Head or Human Resources.

### **Section 502 Discipline**

The tenure of employees shall be during good behavior and efficient service. Employees may be reduced in pay or position, suspended or removed for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of rules of the City of Broken Bow, or any other failure of good behavior, or any other egregious acts of misfeasance, malfeasance, or non-feasance in office.

#### **Progressive Discipline**

The City of Broken Bow may follow the principle of progressive disciplinary action with respect to offenses. The progressive disciplinary procedures are as follows:

1. **Oral Reprimand.** The discussion a supervisor and/or Department Head has with an employee in which the supervisor or Department Head verbally reprimands the employee for an offense. A record will be maintained in the employee’s personnel file in order to document the discussion.
2. **Written Reprimand.** A written record of a reprimand is usually subsequent to a previous oral reprimand (but not always). This record does become a part of the employee’s personnel file.
3. **Suspension without pay.** An ordered absence from duty, without pay, for a prescribed period of time that is stipulated by the City Manager. This action does become a part of the employee’s personnel file.

**4. Termination.** Removal from City of Broken Bow's employment.

Employees receiving a disciplinary action (reprimand, suspension, termination, etc.) shall sign and receive a copy of the action. The original copy shall be retained in the employee's personnel file. The disciplined employee's signature on the disciplinary action does not constitute an admission of guilt, but indicates only that the employee has been officially notified of the action taken.

The following actions will result in termination:

Insubordination.

Refusal to perform an assigned task.

Theft.

Failing a drug test.

Mitigating or aggravating circumstances will be considered for each and every offense.

Supervisors and/or Department Heads may suspend an employee immediately if the employee's actions are serious enough to warrant it. The City Manager shall be notified immediately regarding any suspensions.

**Section 503.0  
Employee Review Board**

An Employee Review Board shall be called by the City Manager on an ad hoc basis to review employee appeals from suspensions, demotions, or termination. *An employee appeal shall be submitted in writing to Human Resources/City Clerk within 5 days of receiving the action to which the employee wishes to appeal. (Amended 4/20/2010)*

The Review Board shall consist of five (5) members. The City Manager shall appoint a Department Head to be Chairman of the Board. The Chairman shall select one (1) other Department Head and one (1) co-worker, of the employee requesting review, to serve on the board. The person requesting review shall nominate two (2) co-workers to the Chairman who shall randomly select one (1) of the two (2). The remaining Board Member shall be selected from nominations from the remaining Department Heads to the Chairman who shall randomly select one (1) to complete the Board.

The Board shall promptly conduct a fair and impartial hearing and render a written report of its findings to the employee and the City Manager.

The City Manager may accept the report in whole or in part or reject it. The City Manager shall notify the employee of his/her decision of the appeal within three (3) working days of receipt of the Review Board's recommendations. The City Manager's decision is final and binding and not subject to review.

**Section 504.0  
Grievance Procedure**

The following procedure shall be used by employees wishing to file a grievance:

1. Step One – The employee shall discuss the matter with the immediate supervisor who shall provide an oral response within three (3) calendar days.

2. Step Two – If the grievant is not satisfied with the response in step 1, the grievance shall be produced in writing and submitted to the appropriate Department Head, within five (5) calendar days, of receipt of the response in step 1.

3. If the grievant is not satisfied with the response in step 2, the grievant shall submit the grievance to the City Manager, within five (5) calendar days of receipt of the response in step 2. The City Manager shall review the grievance along with the responses received in step 1 and 2. The City Manager may conduct a hearing on the matter if he/she deems it appropriate. The City Manager shall respond in writing within five (5) calendar days of receipt of the grievance. The City Manager's decision is final and binding and not subject to review.

## **Section 505.0 Sexual Harassment**

Employees should be aware that sexual harassment is strictly prohibited. For the purpose of this policy, sexual harassment includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is a term or condition of employment or is used as a basis for an employment decision, or (b) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Individuals who engage in or intentionally make false accusations regarding sexual harassment will be subject to serious disciplinary measures. Employees are encouraged to report any violations of this policy to their supervisor, Human Resources, or the City Manager. Rigorous enforcement of this policy at all levels of management will ensure a workplace free from sexual harassment. Employees should refer to Section 401.0 of this manual for further information on Sexual Harassment.

## **Section 506.0 Use of City Equipment**

The use of City equipment, including vehicles, for personal reasons is strictly prohibited. Only authorized, licensed drivers may operate City vehicles. Vehicles must be operated lawfully and in accordance with the specific operator's manual for that particular vehicle.

Unauthorized personnel may not ride in or on City vehicles.

In cases of accidents involving City-owned vehicles, the employee driver must notify immediately the Police Department with jurisdiction to investigate, their supervisor, and remain at the scene until the police arrive. Employees should attend to the needs of those injured in the accident.

No admission of guilt shall be made by employees on the scene or by employees involved in the accident.

City-owned vehicles may not be driven home by employees without authorization from the City Manager. The use of all city-owned vehicles shall be according to the rules for the Department as approved by the City Manager.

## **Section 507.0 Smoking**

All work areas of the City are to be considered as non-smoking areas. All such areas (i.e., smoking areas) shall be identified by "Smoking Permitted" signs.

Smokers will promptly comply with a request from a citizen or fellow employee to refrain from smoking even in areas designated for smoking.

The City of Broken Bow has a responsibility to its employees and citizens to provide a safe and healthful environment. Research findings show that smoking and the breathing of secondhand smoke constitute a significant health hazard. In addition to direct health hazards, smoking contributes to institutional costs in other ways including cleaning and maintenance costs and costs associated with employee absenteeism, health care, and medical insurance.

It is, therefore, the policy of the City of Broken Bow to prohibit smoking in City buildings and in areas outside city buildings where non-smokers cannot avoid exposure to smoke. Specifically, smoking is prohibited in all City buildings, including classrooms, lecture halls, laboratories, offices, work areas, reception areas, meeting rooms, lobbies, hallways, stairwells, elevators, eating areas, lounges, and restrooms. Smoking is also prohibited in all City vehicles.

Smoking is permitted generally on outside ground areas, 25 feet from employee entrances and ventilation conduits. However, smoking is not permitted in such areas if it unavoidably exposes people entering and leaving adjacent buildings to smoke, or when it is explicitly prohibited during a particular event or activity scheduled in the area.

The sale of tobacco products on City-owned property is prohibited.

Effective implementation of the Smoking Policy depends upon the courtesy, sensitivity, and cooperation of all members of the City of Broken Bow. Complaints or disputes should be brought to the attention of the Department Head, who has immediate responsibility for the workplace, event, or activity, or to his or her supervisor. If satisfactory resolution is not reached, the City Manager should be consulted.

## **Section 508.0 Political Activity**

City employees have the right of any citizen to express their political views; however, no employee shall use his/her office or position, City equipment, uniforms, or City work time to express those views.

## **Section 509.0 Use of Telephone and Cellular Phones**

City telephones and City provided cellular phones are for use in conducting City business. Personal calls must be short, kept to a minimum, and are not to interfere with City business. Personal long distance calls are prohibited.

Personal cell phones are to be used for emergencies only and should either be set to silent or vibrate or left off during working hours.

Employees will either use a hands free device while using a cell phone in city vehicles or stop and pull off the road at a safe location to use a cell phone in a city vehicle. All CDL drivers are prohibited from using cell phone while operating a City Truck requiring CDL's.

## **Section 510.0 Violence in the Workplace**

Workplace violence is behavior that threatens the safety of The City of Broken Bow employees and/or customers; affects the health, life or well-being of City of Broken Bow employees and/or customers; or results in damage to property belonging to the City of Broken Bow or City of Broken Bow employees/customers. Such acts include, but are not limited to:

1. Threatening, coercing, or assaulting an employee or customer.
2. Carrying weapons on a City of Broken Bow work site or concealing a weapon on a City of Broken Bow work site when not authorized.
4. Allowing unauthorized persons access to City work sites without management approval.
5. Using, duplicating, or possessing keys to City work sites without proper authorization.
6. Stealing/damaging or attempting to steal/damage property belonging to the City or another employee.

Situations that cause an immediate threat to the health or safety of an individual at the City of Broken Bow work sites are to be reported immediately to the police department.

### **Employees:**

Are encouraged to be aware of their surroundings and are required to report threatening or potentially violent behaviors or situations to their supervisor (or, if unavailable or if the supervisor is allegedly the threatening party, to the appropriate available manager)

Employees are encouraged to notify their immediate supervisor if there is a personal situation that may lead to a threatening or violent situation at the work site (e.g., if the employee has a protective order or restraining order against someone; if the employee has reason to fear another employee).

Supervisors who are aware of a threatening or violent situation must:

Contact the Broken Bow Police Department and/or law enforcement authorities of situations that cause an immediate threat to the health or safety of an individual at any City work site.

Contact the Broken Bow Police Department if the situation involves a visitor/customer.

Contact the City Manager for emergency leave, if it is necessary, to remove an employee from the workplace.

Contact the Human Resources Office for assistance in determining the appropriate disciplinary action if the situation involves an employee.

Maintain confidentiality and only discuss information on a "need to know" basis so a fair and thorough investigation can be conducted.

Maintain an objective, non-retaliatory atmosphere so employees will voice legitimate concerns.

Contact the appropriate emergency medical personnel to treat any person who has been injured by workplace violence.

For quick reference, supervisors are advised to post notices in their work area that provide reporting instructions and list local emergency telephone numbers.

## **Section 511.0 Employee Ethics, Standards of Conduct, and Conflict of Interest**

### **Purpose**

To express the City of Broken Bow's position on standards of conduct, conflict of interest and employee ethics.

### **General**

It is the City of Broken Bow's intent that the highest level of ethics be maintained by employees in accomplishing their duties while serving our customers and the citizens of Broken Bow.

### **Ethics Opinions**

Department Heads will provide written opinions on questions and concerns raised by employees and supervisors regarding this policy and issues related to possible conflicts of interest and standards of conduct.

Department Heads will respond to the requestor and provide a copy of the response to the appropriate supervisor. If necessary, a copy of a Department Head opinion will also be sent to the City Manager for inclusion in an employee's personnel folder. If the Department Head determines that a ruling is needed by the City Manager, the employee will be notified and the Department Head will send a request for an opinion to the City Manager. The City Manager's response will be promptly shared as stated above.

## **Employee Responsibility**

City employees have the personal responsibility of reviewing the information provided in the City Personnel Manual, becoming familiar with its provisions and restrictions, requesting clarification of provisions and restrictions when necessary, and adhering to the policies set forth. Employees are required to become familiar with specific policies related to employee conduct and performance.

Violation of City of Broken Bow personnel policy may result in disciplinary action up to and including termination and/or, in some instances, a referral to State or Federal law enforcement agencies.

## **General Conduct**

**City of Broken Bow employees must avoid any action that might result in or give the appearance of:**

- Using their public positions for private gain;
- Giving unlawful preferential treatment to anyone;
- Losing objectivity or impartiality;
- Making a governmental decision outside of official channels; or
- Adversely affecting the public's confidence in government.

## **City of Broken Bow employees must not:**

- Intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that you know is unlawful.
- Make a terrorist threat, or threat of retaliation, against another employee, supervisor, or supervisor.
- Intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing their conduct is unlawful.
- Acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by information to which they have access in their official capacities and which has not been made public.
- Speculate or aid another to speculate on the basis of information to which they have access in their official capacities and which has not been made public.
- Coerce another public servant in the performance of his/her official duty or to violate a known legal duty.
- Privately address a communication to any public servant who exercises or will exercise official discretion in an adjudicatory proceeding (court or administrative) in order to influence the outcome on a basis other than as allowed by law.
- Influence a witness or prospective witness in an official proceeding to lie, withhold evidence, or fail to appear at the proceeding.
- Harm or threaten to harm another person by any unlawful act in retaliation for the person being a public servant, witness, or informant.
- Use City property for political activity.

## **Personal Interests, Employment, and Business Activity**

### **City of Broken Bow employees must not:**

- Have any interest or engage in any business activity or employment that conflicts with the performance of their duties for the City of Broken Bow.
- Have, either directly or indirectly, any financial or other personal interest in any contract or subcontract in connection with a City project if authorized in their official capacity to take part in

negotiating, making, accepting, or approving such contract or subcontract or performing any duty for the City in connection with such contract or subcontract.

- Accept other employment or engage in business or professional activities that could require or cause them to reveal confidential information acquired through their official position.
- Accept other employment or compensation that could hinder their independence of judgment in the performance of their official duties.
- Make personal investments that create or could reasonably be expected to create a substantial conflict between their personal interests and the public interest.
- Use official information that is not available to the public for the purpose of furthering their own private interests. Take part in any personal or business financial transaction that relies on information obtained through their official position.
- Misapply anything of value belonging to the City that has come into their custody or possession by virtue of their employment.

### **Acceptance of Honoraria**

City of Broken Bow employees must not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. This does not prohibit an employee from accepting transportation, meals, and lodging expenses in connection with a conference or similar event when allowed by law.

### **Acceptance of Gifts, Benefits and Favors**

**City of Broken Bow employees must not:**

- Solicit, accept, or agree to accept any benefit, gift, favor, or service that might influence them in the performance of their duties.
- Solicit, accept, or agree to accept any benefit, gift, favor, or service that they know is being offered for the purpose of influencing their official conduct or for having performed official duties in favor of another.
- Solicit, accept, or agree to accept any benefit, gift, or favor from a person who is regulated by the City of Broken Bow.
- Offer, confer, or agree to confer on another person or solicit, accept, or agree to accept from another person any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion or for a violation of a duty imposed by law on an employee.
- Solicit, accept, or agree to accept any benefit from a person against whom the City of Broken Bow has litigation pending or contemplated.
- Solicit, accept, or agree to accept any benefit from a person interested in any contract, purchase, payment, claim, or transaction involving the exercise of the employee's discretion.
- Solicit, accept, or agree to accept any benefit from a person interested in any City matter before the employee.
- Small gifts (valued at \$35.00 or less, such as cards, cookies, chocolates, calendars, scratch pads, pens, t-shirts, and caps) may be accepted with the express written approval of the City Manager.
- Gifts in recognition of services for city employees may be received but must be deposited through the City Clerk's office under state guidelines.
- Lunch by a vendor may be received if the vendor is not currently involved in a vendor selection process on behalf of the City where the vendor is competing for City services. If a vendor selection process is not underway, lunches should be limited to a reasonable number and value to avoid possible perception of bias toward the vendor.



City of Broken Bow employees who are or will be witnesses in an official proceeding must not solicit, accept, or agree to accept any benefit on the understanding that the employee will lie, withhold evidence, or fail to appear at the hearing.

### **Use of City Vehicles**

**When using City vehicles, City of Broken Bow employees will:**

- Only use the vehicle for City business.
- NOT drive the vehicle under the influence of alcohol or illegal drugs.
- NOT drive the vehicle when taking medication that impairs their ability to drive safely.
- NOT use the vehicle to transport intoxicating alcohol or other dangerous or illegal drugs unless in their official capacity as a police officer for the City of Broken Bow.

### **Section 512.0**

#### **Confidential and Proprietary Information**

Employees of the City of Broken Bow will receive and have access to information that is confidential in nature to the organization, its customers and vendors. Employees are not to disclose any such confidential information to (a) any other person in the organization unless there is a legitimate business reason for doing so; or (b) any person outside the organization unless management has expressly stated that the information can be disclosed to that person. This obligation exists even after the employee leaves the organization.

### **Section 513.0**

#### **Open Records & Open Records Requests**

Records are open for inspection, copying or mechanical reproduction unless specifically exempt by law. The record custodian will review all requests for records prior to release. A request for record inspection and/or copy(s) should be completed in writing by the person requesting records and submitted for review. Acceptable requests for copies of items will be made available at the rate of \$0.25 per page. Employees should be aware that memorandums, emails created by them may fall under this section.

### **Section 514.0**

#### **Media Relations**

As any public institution, the City of Broken Bow and its programs, activities, and plans are of special interest to the public. It is important to present the City of Broken Bow both accurately and in the best possible light. When information is released, every effort must be made to avoid misunderstandings, misinterpretations, or confusion. Once a misconception takes root, it is always difficult and often impossible to make full correction.

In the interest of orderly, consistent management of the information released to the media, the following policy and procedures are in effect:

The City of Broken Bow spokesperson is the City Manager (580) 584-2885. When the City Manager is unavailable the City Clerk (580) 584-2282, will serve as the City of Broken Bow spokesperson.

**The City of Broken Bow Spokesperson will:**

1. Provide information to and respond to inquiries from the news media regarding official City of Broken Bow policies, positions, announcements, personnel issues, crisis management, emergency situations, City fiscal operations, and other matters which reflect on the standing of the City.
2. Be informed promptly when any employee of the city receives inquiries from the news media.
3. Keep the City Clerk informed of all relevant media situations and inquiries.
4. Department Heads, in consultation with the City Manager, may prepare statements for the City Manager to release to the media.
5. Inform the City Clerk of all situations which the media may make inquiries.

**City Manager or Designee will:**

1. Coordinate, edit and distribute all City of Broken Bow news releases, including those prepared by other employees of the City of Broken Bow, checking them for accuracy and appropriateness with the City Manager, ensuring that they are phrased in the appropriate style and manner.
2. Retain and file copies of all news releases emanating from the City of Broken Bow, including those released by the City Clerk, establishing a central locale for all City of Broken Bow communications with the media.

**Responses to Inquiries from the Media**

1. Department Heads, Employees, and contract labor should not respond to inquiries from the media concerning matters such as personnel issues, crisis management, emergency situation, City policies and fiscal operations; instead, they should immediately refer such inquiries to the City of Broken Bow spokesperson. This may be accomplished by calling the spokesperson and relaying the inquiries, or by asking the media person to call the spokesperson directly.
2. Department Heads, Employees, and contract labor who do respond to media inquiries must promptly submit copies of their responses to the City Manager in hardcopy or as email attachment.

**Section 515.0**

***Taping/Eavesdropping on Conversations***

*It is the policy of City of Broken Bow to encourage open communications among our employees and between employees and management. To facilitate such open communications, and to prevent the chilling effect that may occur if employees are permitted to tape or secretly record or surreptitiously listen in on any conversation or communication, and to ensure compliance with applicable federal, state, and local wiretapping, eavesdropping, and privacy laws, the City of Broken Bow has instituted the following policy:*

*Without the prior written authorization of the City of Broken Bow's City Manager, no employee may openly or secretly tape or otherwise surreptitiously record, or videotape, any conversation, communication, activity, or event unless all parties involved agree in writing at the time of the taping, recording, or videotaping. This prohibition applies to any conversation, communication, activity, or event which in any way involves the City of Broken Bow or employees of the City of Broken Bow or any of the trust authorities associated with the City of Broken Bow, or any*

customers or clients, or any other individual or entity with whom the City of Broken Bow is doing business or intending to do business in any capacity (for example, vendors, suppliers, consultants, attorneys, independent contractors). This policy also applies to conversations and communications with any other third parties unrelated to the City of Broken Bow including, but not limited to, outside legal counsel, auditors and regulatory officials.

“Taping” and “Recording” under this policy includes the taping or recording of any conversation or communication, regardless of whether the conversation or communication is taking place in person, over the telephone, or via any other communications device or equipment, and regardless of the method used to tape or record (e.g., as with a tape recorder, video recorder, mechanical recording, or wiretapping equipment), and regardless of where the conversation or communication takes place, i.e. whether on or off the City of Broken Bow’s premises.

“Taping” and “Recording” as used in this policy does not include any lawful taping and recording engaged in by an employee on the employee’s own time, with the employee’s own equipment, away from the City of Broken Bow’s place of business, and which does not involve in any manner whatsoever, directly or indirectly, the business or activities of the City of Broken Bow, or any of its employees.

No employee may eavesdrop on the conversations or communications of other employees or non-employees in accordance with the same standards set forth above.

From time to time, the City of Broken Bow may tape, record, videotape, or otherwise monitor conversations or other communications between employees and/or between employees and non-employees for legitimate business purposes, including but not limited customer service training, sales orders taken over the telephone, but only after obtaining the prior written authorization of the City of Broken Bow’s City Manager. Generally, employees will be notified when such taping or recording occurs, in accordance with applicable laws. Under certain circumstances, however, notice may not be given, such as where City of Broken Bow is conducting an investigation into allegedly unlawful or unethical activities or those which may involve a violation of the City of Broken Bow’s policies and procedures.

Violations of this policy may result in disciplinary action against the offending employee(s), up to and including termination of employment. Where the conduct engaged in is illegal, violators may also be subject to prosecution under applicable federal, state, or local laws.

If any employee has any questions regarding this policy or whether any contemplated taping or recording would violate this policy, he or she should discuss the matter with the City Manager, before engaging in any such activities. (Amended 4/20/2010)

**Section 516.0**  
**Social Networking Employee Policy**

**BLOGGING, ELECTRONIC SOCIAL NETWORKING, OR OTHER ONLINE**  
**DISCUSSION GROUP PARTICIPATION:**

The City provides employees with access to the Internet for work-related purposes. The Internet represents a useful tool for the City in conducting its business, but like any other tool, employees must use it for the purposes intended and not for their own private or personal

purposes while in the workplace. The City recognizes that participating in online discussion is a personal activity, but seeks to regulate such activity when it impacts the City, City employees or third parties who deal with the City.

*During an employee's working time, or while using any City-provided equipment or systems at any time*, employees are prohibited from writing, posting or otherwise contributing to: blogs, personal websites or webpages, listservs or mailing lists; social or other networking sites (such as Facebook, MySpace, Xanga, or Friendster); audio or video-sharing websites (such as YouTube, Google Video or Metacafe); or other user-generated electronic media, *unless* such activity is directly related to and is necessary for an employee's performance of his or her job responsibilities.

*With regard to their activities outside of work*, employees should remember that information placed on any electronic medium, and data sent via other electronic methods (e.g., email and text messages) may become public. Specifically, other employees, potential employees, and vendors of the City and third parties may use electronic media to obtain information about the City and its activities. As such, all employees must consider the impression they create about themselves and the City when they place information relating to or identifying the City or its employees on any electronic medium. The City expects that its employees will act responsibly and exercise good judgment and the highest degree of professionalism and confidentiality, as outlined below, when communicating any information that concerns or identifies the City, recipients of its services, the general public or City's employees. If an employee fails to act responsibly in that regard, the information that he or she communicates may have a detrimental effect on the City, its employees, or others.

Accordingly, if you choose to blog or participate in other electronic media when you are not working, on your own time and equipment, the City asks that you observe the following guidelines:

- First, should you discuss the City or your position at the City online, you must take care to follow the City's policies, including, but not limited to, its policies regarding confidentiality of information, and its policies against workplace harassment, discrimination and retaliation. You should not discuss the City, its management, or your supervisors or co-workers in a manner that is false, or defames any individual or their reputations.
- Second, you may not disseminate any information about the City or its personnel that could be considered proprietary, confidential, or intellectual property, and you may not use the City' logo, graphics, trademarks or slogans. Remember that blogs and other media may be public and accessible to third parties. Thus, it is critical that you maintain the confidentiality of non-public City information.
- Third, you should respect all copyright laws. As a general rule, you should not distribute or incorporate material that you have retrieved or copied from another web site or publication, unless your usage of such material meets the legal definition of "fair use." Any employee who wishes to reproduce the contents of another web site or publication for job-related purposes should contact the City Manager to determine whether such use is permissible.
- Fourth, you should not disseminate any information (such as photos or descriptions of accident and crime scenes or of victims of accidents or crimes) obtained by you while performing your duties for the City that is likely to cause emotional distress or humiliation to a victim (or his/her family) or which might jeopardize a criminal investigation.

- Fifth, while online, you should follow all applicable laws and regulations.

Please remember that the City may monitor blogs or other electronic media. If you fail to abide by the above guidelines or other policies while online, you may be subject to legal or disciplinary action by the City up to and including an unpaid suspension or termination. If you have any questions or concerns about any aspect of this Policy, please contact the City Manager.