

The City of Weatherford

Employee Policy Handbook

2013



MAYOR
Mike D. Brown

COMMISSIONERS
Joe E. Johns
Rick Miller
Warren Goldman

CITY CLERK/TREASURER
Tony Davenport

ADOPTED BY ORDINANCE CITY OF WEATHERFORD 2013-11

Updated 08/30/2013

INDEX

- Section (01)Policy Statements
- Section (02)Loyalty Oath
- Section (03)Definitions
- Section (04)Working Hours
- Section (05)Attendance
- Section (06)Work Assignments
- Section (07)Call out and Standby Policy
- Section (08)Job Training and Travel Expenses
- Section (09)Outside Employment
- Section (10)Use of City Property
- Section (11)Equal Employment Opportunity/
Non-Discrimination Policy
- Section (12)Promotion and Transfer
- Section (13)Seniority
- Section (14)Layoff and Recall
- Section (15)Change of Employee Status
- Section (16)Pay Plan
- Section (17)Garnishments
- Section (18)Dress and Appearance
- Section (19)Disciplinary Action

Section (20)Grievance Procedure

Section (21)Safety and Health

Section (22)Smoking

Section (23)Armed Forces

Section (24)Jury Duty

Section (25)Voting

Section (26)Purchasing

Section (27)Group Insurance and Retirement Plan

Section (28)Holidays

Section (29)Funeral/Bereavement Leave

Section (30)Sick Leave

Section (31)Vacation

Section (32)The Americans with Disabilities Act (ADA)

Section (33)Alcohol and Controlled Substances Policy and Testing
Procedure

Section (34)Revision and Change

Appendix "A"Alcohol and Controlled Substance Testing Policy and
Procedures

Appendix "B"Family and Medical Leave Act (FMLA) Policy

Employee Policy Handbook

To City of Weatherford Employees:

The City welcomes you to the organization and encourages you to read and become familiar with the contents of this Employee Handbook. You will find that it contains helpful and valuable information about the policies, rules, regulations, benefits, procedures and opportunities available to you as an employee of the City. It is also intended to be a guide in assisting you in performing your duties and responsibilities for the City to the best of your ability and in aiding you in developing and realizing your potential as a valued employee.

The policies in this Handbook are designed to serve as guidelines. **They are not intended to and do not create any kind of contractual relationship and are subject to change at the discretion of the City Council, with or without notice. Employment with the City is deemed to be *at-will* and the policies and procedures contained herein do not create any property interest in continued employment.**

While the policies and procedures outlined in this Handbook should provide you with answers to most general questions you might have regarding your employment relationship with the City, it cannot cover every situation that might arise. If you have questions about these guidelines, or require further information, you should consult with your Department Head or the Mayor. The City welcomes your suggestions for improvement either to the policies and procedures included in this Handbook or to other job related areas and subjects.

Please read this Handbook carefully and retain it for future reference. It is important that you familiarize yourself with the contents of the Handbook as soon as possible. A well informed employee has the best potential for succeeding in his or her assigned position.

The City welcomes you and wishes you success.

Mayor and Commissioners
Department Heads
City of Weatherford

Section 1: Policy Statements

The purpose of this Handbook is to provide a working guide to the personnel policies, practices and benefits of employment with the City. **The Handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time with or without cause.** The City Commission retains the right to revoke, modify, change or amend any of the policies and procedures at any time. Any employee who has a question regarding any of the policies and procedures contained in the Handbook is encouraged to direct any inquiries to his Department Head or the Mayor.

In addition: - The policies contained in this Employee Handbook substitute and supersede any other employment policy or procedure previously issued, posted, distributed or practiced by City of Weatherford. All earlier policies and procedures related to employment with City of Weatherford are hereby retracted. - City of Weatherford, at its option, may change, delete, suspend or discontinue any part or parts of the policies in this Employee Handbook at any time without prior notice as business, employment, legislation, and economic conditions dictate. When a policy in this Employee Handbook is deleted, it is retracted, and, similarly, if a policy is amended, the previous version is withdrawn as well. - Any such action shall apply to existing as well as to future employees. Employees will not be eligible to continue to receive monetary benefits for which they had been eligible during active employment, or to accrue new benefits, unless otherwise provided by law. Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked. No statement or promise by a supervisor, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee. Should any provision in this Employee Handbook be found to be unenforceable and invalid, such finding does not invalidate the entire Employee Handbook, but only that particular provision.

This Employee Handbook replaces any and all other or previous versions of City of Weatherford Employee Handbooks and all other policies whether written or oral. As stated above, all such previous versions of the Handbook and all other policies, whether written or oral, are hereby retracted and should not be referenced or used by City of Weatherford employees.

This handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time with or without cause and with or without notice.

SCOPE

Except as set forth below, this Handbook applies to all employees of the City of Weatherford and the Weatherford Public Works Authority, collectively referred to as the “City”. The provisions of the City Charter and any City Ordinances will supersede any conflicting provisions contained herein. Any reference to the masculine form in these policies shall also be applicable to the feminine form.

EXCLUSIONS

The provisions of this Handbook will not apply to members of the City Commission, to volunteers, person appointed to Boards and Commissions, the City Attorney, Municipal Judge and independent contractors. To the extent any provision of a Collective Bargaining Agreement conflicts with a provision of this Handbook, the provision of the Collective Bargaining Agreement will prevail.

GENERAL INFORMATION

Personnel Records – An employee has the right to review his personnel file during regular business hours only, and only, in the presence of the Human Resources Director.

Financial Interest – An employee may have no financial interest in any contract, service or other work performed by or for the City. Employees may neither solicit nor accept money, free or preferred service, benefits, or consideration from any person, business or organization in return for special interest or favors. An employee having any questions concerning what is encompassed within this section should direct such questions to the Department Head or the Mayor.

News Release – Employees are to respect the confidentiality of City business. Any news releases to the press or other media concerning City business shall be given only by persons designated by the Mayor.

Endorsements and Referrals – Employees may not recommend or suggest, in any manner, except in the transaction of personal business, the employment, procurement, or patronizing of a particular product, professional service, commercial service or enterprise.

Solicitations and Collections – During working hours, employees may only solicit contributions, subscriptions, sell tickets, or collect donations for pre-approved charitable

causes, provided that Departmental operations are not unduly impeded. Prior approval by the Mayor is required.

Public Relations – Employees of the City are in a position of public trust and, as such, must be courteous and helpful, accepting their responsibilities as public servants, and be attentive to citizens who seek assistance, information, or desire to register a complaint. Employees are to keep in mind that their primary obligation is to render impartial, efficient, and effective service to the public in the discharge of their duties.

Firearms – To insure the safety of employees and the public, no employee is allowed to carry a firearm, whether concealed or not, within City buildings unless the duties of the employee's position require the carrying of a weapon.

Nepotism – Neither the Mayor, the City Commission nor any other authority of the City government may appoint or elect any person related to the Mayor or any Council member, or in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the City Government. However, this will not prohibit an officer or employee from continuing in the service of the City. This includes any spouse, child, brother, sister, parent, uncle, aunt, niece, nephew or cousin. In addition, it is the policy of the City not to employ persons related to one another within the third degree in the same department or in positions where one person might be in a supervisory position to a relative.

Section 2: Loyalty Oath

A loyalty oath must be signed by each City of Weatherford employee before starting to work. (2012 O.S., Title 51, Section 36.1)

Section 3: Definitions

Full time Regular Employee: Full time employees are employees working at least forty (40) hours per week on a continuing basis. All rules, regulations and benefits of the City's personnel policies apply to full time employees, except where specifically excluded.

Part-time Employee: Part-time employees are employees who may work less than forty (40) hours per week year round. The hours per week, and work days, may fluctuate throughout the year due to the nature, operation, and requirements of the job. They do not receive fringe benefits. All rules, regulations of the City's personnel policies apply to part-time employees, except where specifically excluded.

Temporary or Seasonal Employee: Employee whose employment is intended to be of a limited duration such as summer or seasonal work only, but works the customary number of full time hours. The hours per week, and work days, may fluctuate due the nature, operation, and requirements of the job. They do not receive fringe benefits. All rules, regulations of the City's personnel policies apply to seasonal employees, except where specifically excluded.

Section 4: Working Hours

The normal workweek is 12:00 am Saturday morning to midnight the following Friday. Department heads may allow employees a break period, not to exceed fifteen (15) minutes, during each half of the day, if it can be allowed without interruption of the workload. Break periods taken away from the job site is at the discretion of the Department head. Changes in working hours will be announced as much in advance as practical. These are the hours you are expected to work under normal conditions.

Overtime will be allowed only when necessary such as an emergency, or as approved by the Administration. Overtime shall be calculated in compliance with the Fair Labor Standards Act (FLSA). Overtime is calculated on time actually **worked** in excess of forty (40) hours for each seven day work cycle for regular non-exempt employees. Overtime will be based on time and one-half the normal hourly rate of pay.

Police officers and Firefighters will work different schedules and hours due to circumstances and 24-hour coverage requirements. FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. Full time Firefighters shall be paid time-and-a-half for all hours worked over 212 hours_during a 28 day work period. In addition, for purposes of calculating overtime for bargaining unit employees, vacation and holidays shall be considered as hours worked. All employees shall be paid on an hourly basis, for each hour worked during the work period.

Full time commissioned Police officers work on a 7 day, 43 hour cycle before overtime may accrue.

Time off for vacation, holiday, personal day, sickness, accident, leave of absence, or layoff is **not** considered as hours worked.

Except in a true emergency, all overtime work, i.e. hours worked in excess of forty hours during a seven day pay cycle, must be preapproved by the Department Head. At the end of each seven day work cycle, the Department Head will elect whether to provide overtime compensation or compensatory time off. Whenever possible, compensatory time off is to be taken in the same pay period in which it was earned. An employee may not accrue more than forty hours of compensatory time off. An employee who has accrued compensatory time may request to take that time off. The request will be granted, whenever reasonable and when the time off will not unduly disrupt the operations of the City. Furthermore, the City specifically reserves the right to schedule the use of accrued compensatory time off of any employee at the City's discretion.

Section 5: Attendance

A. ATTENDANCE AND TARDINESS: The employee's regular attendance on the job is important to our operation. Frequent or unexplained absence from work or tardiness in reporting for work will seriously impair the value of services to the City and will be considered sufficient cause for disciplinary action. If an employee is to be absent due to illness, injury, accident or any other unavoidable cause, the employee is responsible for notifying his or her Department Head at least two (2) hours in advance of the scheduled report time and is to provide a reasonable estimate of when he will be able to report back to work. Police and firefighters may be required up to four (4) hours advance notification due to the nature of their work. Any employee who fails to comply with the rule may be subject to disciplinary action. This notification is required for each day absent unless it is understood that the employee will be absent for a certain number of days.

The City reserves the right to request a doctor's statement to substantiate absence because of illness.

LUNCH PERIODS

Whenever possible, employees, other than police and fire employees will be granted a non- paid one (1) hour lunch period each work day. The lunch period for police and firefighters will be included as paid time. Lunch periods may vary from department to department depending on daily work schedules. The Department Head will schedule lunch periods so that normal service to the public will not be interrupted during the work day.

SCHEDULES

Department Heads will schedule shifts and working hours necessary for the efficient operations of their Departments.

RECORDING OF TIME WORKED

Department Heads are required to keep an accurate record of hours worked by each employee. The time sheets are to reflect only authorized hours of work unless an exception is made by the Mayor. Both the employee and their immediate supervisor must sign time sheets. Falsifying of information on the time sheet will be considered a reason for dismissal.

Time Sheets – Time sheets will be maintained for each employee where a time clock is not used. An employee's wages are computed directly from this record which must be signed by the employee. The Department Heads must validate the hours worked and sign the time sheets before submitting them to the Payroll Clerk. The Department Head must make all notations or alterations to the employee's timecard or time sheet. If the employee disagrees with any notation or alteration, the employee is required to sign a statement detailing the reason for refusing to certify the notation or alteration.

Section 6: Work Assignments

Every employee will be assigned to a regular job. However, illness, absence, vacation, or other circumstances may make it necessary, at times, to transfer an employee to a different job other than his regular one.

Section 7: Emergency Call Out and Standby Policy

When an employee is called out for duty before or after the employee's normally scheduled work hours, the following rule(s) will apply:

- A. If an employee is called out he will be compensated only for the time actually worked.

Certain employees may be designated as being on standby status to be available should an emergency arise after regular work hours. Employees who are specifically designated to be on standby status by their Department Head or the Mayor will be governed by the following provisions:

- A. Employees designated as being on standby status may be compensated at the rate established by the Mayor. In addition, if called in to work, the employee will be compensated as set forth above for the actual time worked.
- B. Employees on standby status must be able to be contacted during the time on such status and must be able to report to work within thirty (30) minutes of being called in.

Section 8: Job Training and Travel Expense

Your job may require a time for training, school, or meetings. In the event this is necessary, the City will pay the expenses for enrollment fees, travel, room, and meals. You are expected to be reasonable with such expenses and treat them as you would if you were to pay such expenses out of your own funds. Receipts of expenses must be signed, dated, and the purpose of the expense stated in writing on the receipt before reimbursement will be made.

Allowable Expenses:

1. **Enrollment fees.** Enrollment/registration fees may be reimbursed provided budgeted funds are available and approval has been made by your immediate supervisor.
2. **Lodging.** Hotel lodging costs will be reimbursed if the meeting is for more than one day or for a one-day meeting if time constraints require you to go the night before. (Example: A meeting in Tulsa, which begins at 8:00 a.m.) Lodging expenses will not be allowed for any trips with less than one (1) hour driving time of

Weatherford Employees should stay in hotels that offer a government or corporate rate whenever possible. Prior approval by your immediate supervisor is required for lodging reimbursement. Expenses such as movies, alcoholic beverages, valet service, laundry, and personal telephone calls are not allowable expenses.

3. **Car Travel.** Employees should use city owned vehicles whenever possible for travel. If a personal car must be used, the city will reimburse the employee on a per mile basis at the current allowable mileage rate used by the Internal Revenue Service for tax purposes. Employees may also be reimbursed for parking and toll fees.
4. **Air Travel.** Employees will fly coach class and should secure the most competitive price for airfare by booking early and taking advantage of advance reservation discounts, Saturday stay over, etc. If an employee chooses to drive his personal vehicle instead of flying, the city will reimburse the employee in an amount equal to the lowest quoted round trip coach class airfare price available to that destination with advance purchase and must be verified by the Finance Officer.
5. **Ground Transportation.** The most economical means of travel should be utilized. Cab, limo, and bus transportation to and from work related events will be reimbursed at 100%. Rental car fees will be considered a special expense and may be reimbursed by the City when prior approval is received from your immediate supervisor. Rental car expense will be authorized only when it is more practical and/or less expensive than the use of taxicabs or public transportation.
6. **Meals.** Employees should exercise good judgment and fairness when eating meals while on City business. Specific allowable amounts per meal or per day per diem will not be set provided this privilege is not abused. The city recognizes that, depending on the location of your meeting, costs of meals can vary significantly. Enjoy your meals and fellowship with your peers but remember that you are representing the City of Weatherford. Detailed receipts must be provided for any reimbursement of meals.
7. **Tipping.** Tipping is an accepted as well as expected part of providing services. Employees may be reimbursed for tips not to exceed 18% of the charges incurred.

No reimbursement of any kind will be made for anyone other than City employees or persons contracted by the City of Weatherford to do business.

Exceptions.

Special consideration and unusual circumstances may merit exceptions to the stated policy on travel. Each request for variances to this stated policy would be considered in light of existing conditions, needs, and circumstances. In no event will exceptions be made without prior concurrence of the administration.

Section 9: Outside Employment

Secondary Employment – Employment with the City is the primary employment for each person. Secondary employment is permissible provided it does not interfere, in any manner, with an employee's ability to perform assigned duties as a City employee or to timely respond when called back to assist with unexpected circumstances and/or emergencies. City employees may not be engaged in secondary employment at any time while scheduled to work for the City and may not use any City property in the performance of such employment. An employee must obtain the prior approval of the Department Head for secondary employment, which approval will not be unreasonably withheld. Employees absent from work due to illness, FMLA leave due to the employee's own illness or injury, or workers' compensation leave may not engage in any outside, secondary employment without the expressed written consent of the Mayor.

Section 10: Use of City Property

All employees are expected to exercise care in the use of City property. Personal use of City property or equipment is prohibited. Negligence in the care and use of City property, personal use of such property, or unauthorized removal of City property, may result in discipline. City equipment and property may not be removed without prior authorization from the Mayor. Employees are prohibited from working on personal projects or outside businesses or activities during regular work hours. Employees violating these policies will be subject to discipline up to and including termination.

All employees are expected to exercise proper care in the use of all City property, tools and equipment. Any employee who loses City property or equipment, or who negligently damages the same, shall be responsible for the reasonable cost in replacing the items.

The City provides property and equipment to employees to assist them in carrying out their duties such as office equipment, computers, computer accounts, radios, voice mail, e-mail, fax machines, furniture, lockers, vehicles and the like. All items remain the property of the City. These items are not for the exclusive use of any one employee. As these items are the property of the City, it reserves the right to inspect, review, audit, intercept, access, disclose and monitor such property, equipment and information systems at any time, with or without notice, and during or after regular work hours. All such items must be returned upon the request of the Supervisor/Department Head or the Mayor.

No employee is authorized to modify any such items without the prior written permission of the employee's supervisor. This includes, without limitation, a prohibition against loading floppy disks, software programs or CD-ROM operations onto the City's computers without prior permission. Employees are prohibited from removing City computers and software for use elsewhere. Computer games are prohibited on City equipment. No employee is authorized to change the lock on or use a personal lock on City owned equipment without specific written permission from the Department Head. An employee may only install and use a password on a City computer with the consent of the Mayor. All passwords, except those on

law enforcement computers, must be provided to the Mayor or his designee. All passwords on law enforcement computers must be provided to the Chief of Police or his designee.

The City strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers, e-mail systems, voice mail and all other communications and information systems in any manner which is disruptive, offensive, disrespectful or harmful to the morale of the employees. Fraudulent, harassing, obscene or unlawful messages and/or materials are not to be sent, printed or stored on City equipment.

All City provided property and equipment are to be used only in the furtherance of legitimate City business. The City's information system is not to be used to solicit or proselytize for personal, political, commercial or religious causes, outside organizations or other non-job related personal matters. This policy does not prevent brief personal communications between employees or between employees and family members so long as it does not become time consuming and does not detract from day-to-day operations.

Section 11: Equal Employment Opportunity/Non-Discrimination Policy

The City is committed to providing equal employment opportunities to all employees and applicants for employment. There shall be no discrimination against any employee or applicant on the basis of race, color, creed, religion, national origin, age, sex, disability or veteran's status. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and disciplinary action. The responsibility for administering this policy is delegated to Department Heads and Supervisors.

PROFESSIONAL CONDUCT AND ANTI-HARASSMENT POLICY

The City is committed to establishing a professional and congenial work environment and will take reasonable steps to insure that the work environment is pleasant for all who work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City will not tolerate the harassment of any employee or any member of the public by any other employee, supervisor or customer. Employees may not use epithets, slurs or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people. In addition, harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or veteran status is prohibited not only by State and Federal laws but also by the policies of the City. The City prohibits not only unlawful harassment but other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes," written material or actions will not be tolerated in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment which is intimidating, hostile or offensive to the employee.

Each employee must avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to, the following:

1. Verbal: Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-Verbal: Derogatory posters, cartoons, telefaxes, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. Physical: Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. Other: Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he or she has been subjected to harassment or otherwise has been discriminated against due to his or her race, color, religion, national origin, gender, sexual orientation, age, disability or veteran status or who witnesses such harassment or discrimination against another employee, should promptly report the incident. A complaint form is available in the Human Resources Office. Although employees are encouraged to discuss issues of alleged harassment or discrimination with their immediate supervisor, they may by-pass their immediate supervisor and report the incident directly to the Human Resources Director. In the event the employee believes the Human Resources Director is involved in the harassment or discrimination, the employee may bring the complaint to the attention of the Mayor. Further, any supervisors who gains information concerning allegations of harassment or discrimination is to immediately report the same to the Human Resources Department.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy violations, management

will keep any complaint and the information revealed in the investigation as confidential as possible.

All employees are strongly encouraged to use the complaint procedures set forth herein if they believe they have been subjected to discrimination or harassment. Before it becomes a serious problem and the conduct interferes with an individual's work performance or creates a hostile environment, employees are encouraged to notify management of conduct that may violate this policy. That will allow management time to address the situation.

The initiation of a complaint, in good faith, will not be grounds for discipline. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure. However, deliberately reporting false allegations may be considered as a form of harassment and may subject an employee to appropriate discipline.

If a person is determined to have violated this policy, the City will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment or discrimination, regardless of whether the victim has filed a formal complaint.

Section 12: Promotion and Transfer

PROMOTIONS

The City will attempt to promote from within the workforce when it is determined that it would be in the best interest of the City and the public. However, the City always reserves the right to hire from outside sources for any position. In considering a promotion from within the workplace, the City will consider the person's merit (the employee's qualifications, skills, aptitude, attitude, performance evaluations and attendance) and fitness for the position. An employee may apply for a promotion after he has been in his current position for at least six (6) months. Police and fire departments may require longer periods of time.

If an employee is selected for promotion, he will receive a higher level of pay than what he is currently receiving, as determined by the Mayor. If the employee fails to meet the standards set for the position within a six (6) month period, the employee may be returned to his previous job classification, if available, at the discretion of the Mayor and his pay decreased to that level.

No employee may be promoted or transferred to a position which will result in that person being in a supervisory role in relationship to a spouse or family member. For the purpose of this policy, a supervisory role is defined as one where the person has direct or indirect input over the subordinate employee's pay, job evaluations, disciplinary recommendations, promotions, demotions or day-to-day supervision. Further, no employee may transfer into a position which will result in the person being supervised by a spouse or family member. Family member is defined to include parent, child, brother, sister, aunt, uncle, cousin, niece, nephew, parent-in-law, brother-in-law or sister-in-law (all

to include step, half and foster relationships).

In the event a situation arises in conflict with this provision, the impacted persons will be given three (3) months to resolve the conflict by one of the parties transferring to another department, resigning, accepting a demotion to a non-supervisory position or the like. However, the Mayor has the option to waive this provision, to the extent not inconsistent with the City Charter and state law, when deemed in the best interest of the City.

TRANSFERS

An employee may request a transfer after he has been in his position for at least six (6) months, or may be asked to transfer to a different Department if it is in the best interest of both Departments and if the employee meets the qualifications for that position. The employee shall be placed in the pay step deemed appropriate by the Supervisor/Department Head and approved by the Mayor.

DEMOTION/REASSIGNMENT

An employee may be reassigned to another available open position for which he is qualified if his position has been abolished or if he is unable to perform the duties of his current position. An employee may be demoted for disciplinary purposes. The employee will receive the rate of pay deemed appropriate by the Department Head and approved by the Mayor.

Section 13: Seniority

Seniority is an employee's length of continuous service since the last date he started to work for the city. If more than one person started to work on the same day, they will be placed on the seniority list as determined by the City.

This handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable *at-will* at any time with or without cause and with or without notice.

Section 14: Layoff and Recall

Regular work will be provided so far as practical. If a layoff should become necessary, employees will be laid off on the basis of his or her:

1. Productivity
2. Skill, ability, and physical fitness
3. Attendance and tardiness record
4. Length of service (when other factors are equal, length of service will be the controlling factor.)

When recalling employees to work following a layoff, the senior employees on layoff status who can satisfactorily perform the available work, without training will be the first recalled to work. If there are no laid off employees who qualify for recall, the Mayor shall be free to hire a new employee to perform such work. Employees laid off will remain on recall status for a period not to exceed six (6) months. An employee notified of a recall to his/her former position or a comparable position must notify the City within three (3) days whether he/she accepts the offer. Any employee who declines recall to either his previous position or to a comparable position will be considered to have waived the right to recall and will no longer be on the recall list.

Section 15: Change of Employee Status

It is important to keep information about employees up to date. Therefore, employees shall promptly notify the Payroll Clerk about changes in:

- | | |
|--|--------------------------|
| Physical and Mailing Address | Marital Status |
| Telephone Number | Dependents |
| Who to Notify in case of accident | Military Status |
| Legal name - if changed by marriage or otherwise | Insurance and retirement |
| Beneficiary | |

Section 16: Pay Plan

Periodically, (usually at the time of budget preparation), each employee will be considered for an increase in pay for his or her job classification. You will receive an increase provided you are doing satisfactory work and provided budgeting will allow such increases. You are required to sign the "Attendance and Payroll Record" which is your claim for each pay period.

PAY CHECK DEDUCTIONS: The City is required, by law, to make certain deductions from every employee's pay check for Federal Income Tax, Oklahoma Income Tax, Social Security, Medicare and retirement. The employee may authorize deductions for other City sponsored programs.

PAY PERIODS: The payroll period is bi-weekly resulting in twenty-six (26) pay periods over the

course of a year. Payroll shall be distributed by direct deposit on Thursday every other week. Your supervisor will distribute pay stubs during the week following the end of the pay period. Any questions about your paycheck may be discussed with your supervisor. If a payday falls on a holiday, check stubs will be distributed on the day before, if possible. Pay advances will not be made or allowed.

Section 17: Garnishments

Garnishments are usually an indication of financial mismanagement and are therefore, a reflection on the employee. The City shall not discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the City for the purpose of paying a judgment arising from a consumer credit sale, consumer lease, or consumer loan, unless the City shall be served with garnishment or like process issued to collect one or more judgments against the City on more than two occasions within one (1) year.

Section 18: Dress and Appearance

All employees are considered to be representatives of the City of Weatherford. Therefore, employees shall dress appropriately for their positions and shall maintain appropriate standards of neatness, cleanliness and safety. Proper clothing shall be worn according to the particular job being performed. Shorts or skorts shall NOT be worn to work, unless required for essential job functions and have supervisor approval. Shorts, skorts, dresses, and skirts whose length is shorter than three (3) inches above the top of the knee when standing are prohibited. Cut offs will not be allowed at any time.

Females: Ladies will keep their hair neat and clean. Because of possible hazard to health and safety, all ladies, when working around machinery other than general office type, shall wear their hair in a fashion or with a covering to protect it from possible danger of becoming entangled in the machine on which they are working.

Males: Male employees will keep their hair neat and clean. Head hair will be no longer than to the top of the collar or past mid ear on the sides. Neatly trimmed mustaches, beards, goatees, and Fu-Man-Chu styled mustaches are permitted. Side burns shall be no longer than the bottom of the ear lobe. Male employees shall be clean-shaven each day unless they project a definite intent to grow a beard or mustache. Off again, on again, habits will not be tolerated as an excuse for not shaving.

It may be necessary in some departments to be more restrictive as set out by the department supervisor. We cite the following examples: Prohibited are visible tattoos and body piercing. Department supervisors shall be responsible for the dress code compliance of their respective departments.

Section 19: Disciplinary Action

The regulation of acceptable conduct is necessary for the orderly and efficient operation of the City and for the benefit and protection of the rights and safety of all employees and citizens. The following guidelines and procedures are designed to promote understanding of what is considered “unacceptable conduct”. These are ***guidelines only*** and other forms of unacceptable conduct may result in disciplinary action being imposed on the employee.

A. Progressive Discipline: The City will attempt to follow a system of progressive discipline for those offenses that are not serious. Progressive discipline might include counseling, oral reprimand/warding, written reprimand, suspension without pay, demotion or reassignment, disciplinary probation and/or discharge. However, progressive discipline is ***only a guideline*** and the City retains the right to impose whatever level of discipline it deems appropriate, up through and including termination of employment, for any unacceptable conduct when deemed in the best interest of the City.

B. Disciplinary Procedures: While the express purpose of discipline is to correct inappropriate performance or behavior, discipline may be punitive in nature and will be based on an employee’s status or classification, past performance and behavior, the severity of the circumstances and the evidence warranting any action. When reviewing the degree of discipline to be imposed, the areas to review may include, but are not limited to, the following:

1. Severity of the action;
2. Policy or procedure violated and the employee’s knowledge thereof;
3. Past work history;
4. Degree of damage/injury to equipment, property or persons;
5. Length of service;
6. Degree of insubordination, if any;
7. Cover-up or false statements or records;
8. Prior safety record, if applicable;
9. Violation of a disciplinary probation agreement;
10. Cooperation during any investigation.

Employment is *at-will* and may be terminated at any time when such action is deemed for the good of the service. To assist employees and supervisors in understanding the disciplinary philosophy of the City, the following factors may be considered in determining the appropriate level of discipline. These factors are designed to serve ***merely as guidelines*** only and the City reserves the right to impose discipline for any reason deemed necessary for the good of the service and to select the level of discipline it deems appropriate for any single offense up to and including termination.

C. Disciplinary Reasons: The following are examples of the type of infractions which normally would warrant severe discipline including termination. This list is not intended to be all inclusive.

1. Insubordination: Gross neglect of duty, refusal to comply with management’s lawful instructions or violation of or refusal or inciting others not to comply with departmental or City rules and regulations.
2. Negligent misuse, willful or malicious damage to, or destruction of, City property or

- property of others.
3. Theft, misappropriation, misuse or sabotage of City property.
 4. Conviction of a plea of guilty to any felony, or any criminal misconduct or off duty involving moral turpitude or conduct that shocks the conscience of the community or brings the City's good name into disrepute because of the conduct is public. A plea of "nolo contendere" will be considered tantamount to a conviction.
 5. Disorderly or offensive conduct while on duty; disgraceful or offensive conduct while on or off duty, when such behavior threatens public respect for the City service or the public order, safety, or health.
 6. Deliberate discourtesy to the public.
 7. Habitual tardiness, unauthorized or excessive absences or abuse of sick leave, falsification of leave usage, sleeping on duty except when accepted as a normal portion of the job assignment.
 8. Acceptance of a gift or fee or other valuable thing in the course of or in connection with work, other than items of nominal value.
 9. Improper use of Authority: Use of official position or authority for personal profit or advantage; inducing or attempting to induce any employee to commit and unlawful act or to act in violation of any lawful departmental regulations or professional ethics; discussing with unauthorized persons any confidential information gained through employment with the City.
 10. Falsification of records, including application records or papers, time records, claims against the City, or falsification of any City record.
 11. Being under the influence of intoxicants or drugs while on duty, or while in any City vehicle or possession, use or distribution of alcohol or illegal substances while at work or on City property or any violation of the City's Alcohol and Controlled Substance Testing Policy.
 12. Unreasonable failure to follow any safety policy, rule or regulation; gross negligence in the performance of duties; or any conduct that would place the employee, citizens or fellow employees or City property at risk.
 13. Smoking in unauthorized areas.
 14. Vending, soliciting, or collecting contributions on City time or City premises without prior authorization.
 15. Violation of the City's Professional Conduct/Anti-Harassment Policy.
 16. Excessive garnishments, tax liens or wage assignments as regulated by State law.
 17. Loss of appropriate licenses or certificates necessary to the function of the job or requirements for original appointment to the job.
 18. Job abandonment.
 19. Fighting or gambling on duty or while on City property.
 20. Failure to maintain "conditions of employment" as outlined in any disciplinary probation agreement.
 21. Consistent inability to perform assigned duties in an acceptable manner.
 22. Any behavior that impedes, interrupts, contradicts or jeopardizes the effective functions of the City.

D. The following are examples of infractions which, if not repeated, would generally warrant less

severe discipline. This list is not intended to be all inclusive. Repeated violations or cumulative violations would result in more severe discipline.

1. Violations of policies or procedures when proof exists that the employee had no knowledge or reason to have knowledge of the infraction.
2. Minor first violations of a policy or procedure, not considered a safety violation and not involving damage to or loss of City equipment, property, material or supplies, or any injury to any person.
3. Initial substandard performance before the employee is placed on notice.
4. Minor attendance problems.
5. Initial non-conformance with acceptable dress codes or hygiene standards.
6. Failure to report known violations of policy or procedure.
7. Failure to become knowledgeable of policies, procedures or work routines/processes.
8. Conviction of a misdemeanor, including minor traffic offenses on the job. A plea of “nolo contendere” in tantamount to a conviction. A plea bargain from a felony may or may not fall within this category based on the seriousness of the offense and whether it fits the definition of conduct unbecoming an officer.
9. Violation of traffic laws, parking ordinance, or noncompliance with accepted traffic safety practices.

Authority to suspend and Length of Suspension Summary suspension: when it is deemed for the good of the service to immediately remove an employee from active service because he is a danger to the public, fellow employees, or to the City, a summary suspension with pay may be issued by the Mayor prior to finalizing the investigation.

Section 20: Grievance Procedure

The City’s policy is to encourage employees to make grievances known in an appropriate manner without fear of reprisal. Employees are encouraged to discuss with their Department Heads any problems or issues which have the potential to create a negative or adverse atmosphere and/or to impede an employee’s performance. The intent of the City’s grievance procedure is to fairly and expeditiously resolve problems through open, direct, honest two-way communication and to ensure, to the extent possible, that such problems/issues do not continue.

An employee who feels aggrieved is to verbally discuss the situation with the Department Head in an effort to informally address potential problem areas. If the grievance is not resolved informally, the employee may submit the grievance in writing to the Department Head.

The Department Head is to investigate the matter and take appropriate action to resolve the problem. The Department head is to submit a written response within five (5) days of receipt of the written grievance whenever possible. If the grievant is not satisfied with the results obtained, the employee may submit a written account of the problem/issue and any action taken to the Mayor within five (5) days of receipt of the response from the Department Head. Such statement is to include:

1. A statement of the problem;
2. Names of the parties involved;
3. The employee's perception of the Supervisor's/Department Head's response to the problem;
4. Identification of the areas satisfied by the Supervisor's/Department Head's response and identification of the areas that remain unresolved.

The Mayor may then consult with the parties in an effort to bring about a fair, expedient, equitable solution, and may further investigate the situation, if necessary. A written conclusion by the Mayor will be submitted to the employee and the Department Head. The decision of the Mayor will be final.

SEPARATIONS

Upon separation from employment, the employee will be required to return all City property before his or her final pay check is issued. The separation date is the employee's last day to work except when an employee becomes disabled in which case the last day paid is the separation date. Upon separation the employee should report to the Human Resources Department to receive any benefit forms, and to have any questions answered.

- A. Resignation – All employees, except temporary employees, are expected to give at least ten (10) working days' notice prior to their last day of work. Failure to do so may be cause for denying future employment with the City. An employee resigning in good standing may be considered for re-employment by complying with all requirements for a new employee.
- B. Layoff – When there is a shortage of work or funds, or when the abolishment of a position becomes necessary, an employee(s) may be laid off. Recall of laid-off employee(s) may be considered at the desecration of the City when clearly in the best interest of the City if the position is re-established or if a vacancy becomes available for which the employee is qualified.
- C. Retirement – Retirement as outlined in this handbook and the official applicable plan documents.
- D. Disability – An employee who is unable to perform the essential functions of the position and where an accommodation would impose an undue hardship on the City may be separated as permitted by State and Federal Law.
- E. Death of Employee – In the event of the death of a City employee, termination shall be effective as of the date of death. Compensation due will either be paid to the beneficiary as designated by the employee or to the estate of the employee.
- F. Termination – Termination will be for the good of the service.

Section 21: Safety and Health

The City will attempt to provide a clean, safe, and healthy place to work. Employees are expected to do their part - to work safely, wear required safety equipment, observe all posted safety rules and regulations, and keep their work place neat and clean. Special safety equipment required for the job will be provided by the City.

Any accident, no matter how slight, is to be reported to your supervisor at once for proper treatment and record. No exceptions!

All injuries from accidents on the job must be reported to the immediate supervisor, who in turn will fill out an accident report form to be sent to the Human Resources Department. Work-related injury or illness that involves days away from work shall go before an Accident Review Board.

ACCIDENT REVIEW BOARD

The Accident Review Board will review accidents if there is reasonable estimated damage to property exceeding \$500.00, or other work-related injury or illness that involves days away from work. The Accident Review Board's duty will be that of determining the cause of the accident, any unlawful acts committed by any party involved, any unsafe acts, or other observations that the board deems necessary. Employees involved in accidents shall be subject to alcohol and controlled substance testing as outlined in Appendix "A".

The board may also make recommendations to the Mayor on ways to prevent future occurrences of same or similar incidents. The accident review board meeting will be held within 48 hours, excluding weekends and holidays of the accident. (The Mayor may grant additional time.) All members of the Accident Review Board must be present at the time of this meeting. The involved employee may be called to aid in the review of information, but shall not be present at the time of the board's deliberations and decisions. The findings of the Accident Review Board shall be submitted to the Mayor in writing within 48 hours of this meeting, signed by all members of the board. The supervisor shall provide a follow up letter detailing any action taken and or recommendations of the review board.

The accident review board shall consist of the following:

1. The Chief of Police or his designee will act as the Chairman of the Accident Review Board.
2. Two personnel appointed by the Mayor annually.
3. The employee's department head and the involved employee(s).

CITY DRIVING PERMITS

Driver's license checks will be performed on all applicants after a conditional offer of employment has been made and annually thereafter for all employees where driving is an essential job function.

The police chief, or his designee, will check and confirm the motor vehicle records for all current employees on an annual basis. Any employee without a valid driver's license will not be allowed to operate a City vehicle or drive on City business.

Policy

The safety and wellbeing of our employees is of critical importance to the City. Employees that are required to drive on City business at any time will be expected to consistently apply follow all the procedures below.

Driver Criteria and Administration

Employees, where driving is an essential job function, must have a valid and current Driver's license to operate a City vehicle, or a personal vehicle with current auto insurance while on City business.

Employees are expected to drive in a safe and responsible manner and to maintain a good driving record. If an employee's driving record indicates a pattern of unsafe or irresponsible driving, it could result in suspension or revocation of driving privileges.

Criteria that may indicate an unacceptable record includes, but is not limited to:

- Three or more moving violations* in a year
- Three or more chargeable accidents within a year. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.
- Any combination of accidents and/or moving violations.

** Violations include any ticket, charge, or other law enforcement proceeding relating to these, as well as independent evidence of violations deemed satisfactory by the Security department.*

The department head will provide training and instruction to the employee on the safe and proper operation of the vehicles and equipment.

The fleet maintenance supervisor will provide training and instruction in the safety features, safe operation, and maintenance of the piece of equipment.

FLEET SAFETY & USAGE PROCEDURES

1. All employees are expected to wear seat belts in accordance with State law at all times while in a moving vehicle being used for City business, whether they are the driver or a passenger.
2. Use of alcohol, drugs or other substances is prohibited. No driver shall operate a City vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, prescription medication, including certain over-the-counter cold or allergy medications that in any way impair driving ability.
3. Cell phone use while driving should be kept to a minimum. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to continue/finish the conversation if needed. Whenever possible, Drivers should complete calls while the vehicle is parked and/or use the phone in a "hands free" mode via a headset or speaker. While driving, attention to the road and safety should always take precedence over conducting business over the phone. Text messaging while driving is prohibited.
4. All employees are expected to follow all state and local laws and safety rules such as adherence to posted speed limits and directional signs, use of turn signals and avoidance of confrontational or offensive behavior while driving.
5. Any employee whose position requires the ability to drive a vehicle, personal or City owned, and whose driver's license is revoked, suspended or restricted, must immediately notify his/her supervisor.
6. Employees should never allow anyone to ride in any part of the vehicle not specifically intended for passenger use and/or any seat that does not include a working seat belt.
7. Employees who drive commercial vehicles or who are otherwise subject to separate rules and regulations such as those dictated by state or federal law are also expected to adhere to all policies and regulations associated with the appropriate law or regulation that applies.
8. Accidents are to be reported to local law enforcement immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents in personal vehicles while on City business* **must** follow these same accident procedures. Accidents with or without the employee's personal injury must be reported to Human Resources for Worker's Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment. * *City business is defined as driving at the direction, or for the benefit, of employer. It does not include normal commuting to and from work.*
9. Employees are also expected to report any moving or parking violations received while driving on City business and/or in City vehicles.
10. Only authorized personnel are allowed to ride in City vehicles in accordance with each departmental policy as approved by the Mayor.
11. Drivers are responsible for the security of City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

12. Failure to adhere to these procedures may result in disciplinary action, up to and including termination.

Section 22: Smoking

Smoking is not permitted, in city buildings, or in city vehicles and within 25 feet of city owned buildings.

Section 23: Armed Forces

The City will afford employees who are members of the Oklahoma National Guard, Army Reserves, Navy Reserves, Marine Corp Reserves and Coast Guard Reserves their rights under applicable federal and state laws, as amended from time to time. Employees are to provide their department head with their drill schedules, and any amendments, to facilitate scheduling of time off and staffing needs. Any employee, who is called up for active service, must give prompt notice to his/her department head and provide a copy of the employee's orders.

Section 24: Jury Duty

Employees who are required to serve "Jury Duty" by reason of a summons to do so will be paid their regular salary for the first thirty (30) days. All daily allowance received for court duty (excluding mileage, meals, and parking allowance) shall be reimbursed back to the City. Upon release by the court, the employee must report back for work.

Section 25: Voting

Employees shall be entitled to such time to vote if the employee notifies orally or in writing of the employee's intention to be absent, on the day preceding the election day. The City shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote.

Section 26: Purchasing

Prior to acquiring goods or services for the City, a purchase order must be obtained from the purchasing officer and purchases must approved by the Department Head. Public funds shall be used only for purposes for the good of the public.

Section 27: Group Insurance and Retirement Plan

The City provides certain benefits for eligible employees. The City reserves the right to amend, suspend or terminate any of these benefits at its sole discretion. All statements contained herein are mere summaries of the plans. Details of certain plans are contained in individual plan summary booklets or documents. If any statement herein is in conflict with the official plan

document, the official plan document will control. All benefits are subject to the availability of funds and to the appropriation of the necessary funds by the City Commission.

Group Insurance

Group health, dental, vision and life insurance is provided to you as a part of the city's benefit program for full time employees at no expense to the employee. The same coverage is allowed for family dependents at the employee's expense. Group insurance will go into effect on the first day of the month following the month of the hire date. Group insurance coverage will automatically terminate on the last day of the month employment is terminated. Upon termination each full-time employee will be given or mailed a COBRA continuation coverage election form, which explains your rights. We reserve the right to alter, amend or remove any of the City's benefits.

Retirement

Full time employees, other than uniformed Fire and Police personnel, who work at least 40 hours per week, shall participate in the Oklahoma Municipal Retirement Fund Program. Qualifying uniformed Fire and Police personnel shall participate in the Oklahoma Fire and Police Pension and Retirements Systems respectively.

Section 28: Holidays

A. HOLIDAYS: Full time city employees, except for part-time and seasonal temporary employees, shall be entitled to a day off work without loss of pay on holidays specified. The City will observe the holiday closing policy as set by the State of Oklahoma holiday schedule, **25 OS Sec. 82.1**. The hours allowed would be based on the normal hours they are scheduled to work. When an authorized holiday falls within an employee's vacation, the day will be considered a holiday rather than a vacation day. The holidays to be observed are as follows: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, Christmas Day. Any deviation from the above will be allowed by Executive Order of the Mayor.

When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. When the holiday falls on a Sunday, the subsequent Monday shall be observed as the holiday in that year.

Those full time city employees, except for part-time and seasonal temporary employees, who are required to work or are regularly assigned to be off on a holiday specified, shall be entitled to a day off work, without loss of pay, on an alternative date or payment in lieu thereof is at the discretion of the Mayor.

Personal Day

Full time employees may take off one Personal Day per calendar year. The time off is limited to a maximum of eight (8) hours. The Personal Day must be approved by the employee's supervisor prior to being used. The Personal Day cannot be accumulated. Failure to meet this requirement will result in the forfeiture of the day off.

Section 29: Funeral/Bereavement Leave

Paid funeral leave may be granted by the City provided it does not seriously disrupt the operations of the City. A request for funeral leave must be presented to your supervisor in advance. Regular full time employees may be granted five (5) scheduled working days, if needed, to attend a funeral. Firefighters may be granted up to three (3) shifts off to attend a funeral. Paid funeral leave will be given per calendar year. This type of leave is not accumulative. It cannot be regarded in the same manner as "vacation" or "sick leave".

Section 30: Sick Leave

Sick leave must be taken in increments of as least one (1) hour. Sick leave may be used: 1) when employees are incapacitated by illness or injury; 2) for medical, dental, or optical diagnosis or treatment; 3) after exposure to a contagious disease when attendance at duty, in the opinion of the Department Head would jeopardize the health of other employees; 4) illness of a member of the employee's immediate family; or 5) in compliance with the City's Family Medical Leave Act policy.

In cases of absences of more than three (3) consecutive days, a physician's report and a release for full duty must be received before the employee is allowed to return to work. The City reserves the right to require the returning employee to submit to a fitness for duty examination by a physician selected by the City, which examination will be paid for by the City. If all accrued sick leave, annual leave or compensatory time is exhausted, and the employee is unable to return to work, the employee may be granted "leave without pay" in accordance with the City's FMLA policy if the employee is eligible for FMLA leave and if the employee still has time remaining on the maximum of twelve weeks of job protected leave under the City's FMLA policy. If the employee is still unable to return to work, he may be separated from employment. Such separation shall be considered a resignation in good standing. Employees may take only the amount of sick leave earned. Sick leave may not be used for annual leave.

1. Excessive sick leave usage or continued illness may be cause for an employee to be placed on "Physical Report Status". Further the City may require a physician's statement and/or release at any time should an illness be in question or if the employee's performance is hindered because of illness. Any employee discovered abusing sick leave privileges will be subject to disciplinary action.
2. An employee who uses sick leave the day before or after a vacation day or holiday will be required to provide a written statement from a licensed physician establishing the basis for the need for sick leave. Failure to provide a physician's statement will result in the time

being charged as leave without pay and may also result in disciplinary action.

3. An employee out on sick leave will not be authorized to engage in any other secondary employment without the expressed written permission of the Mayor.

An employee must report to the Department Head if the employee will be out on sick leave. Whenever possible, the report must be made at least two (2) hours before the employee is scheduled to report to work. Emergency personnel departments may require up to four (4) hours.

ELIGIBILITY

Each regular full time employee working at least 40 hours per week, (firefighters will be computed on 56 hours shift week) will be allowed time for sick leave not to exceed their accumulated sick leave hours.

Sick leave will begin accruing from the date of employment at the rate of 3.06 hours biweekly and may be taken as it is accumulated not to exceed the accumulated hours. Holidays will not be charged against sick leave.

Sick leave should not be regarded in the same manner as a "vacation" or "leave time" even though the provisions may sound similar. Temporary, seasonal and part time employees will not be allowed "sick leave" time.

The city reserves the right to request a doctor's statement or second doctor opinion to substantiate absence because of illness or injury.

ACCUMULATION

Full time regular employees may accumulate, but shall not exceed a total of 1,040 hours sick leave. Firefighters may accumulate, but shall not exceed a total of 1,456 hours sick leave. All sick leave used each year will count against the working days that have been accumulated. Absence because of dependent illness will be charged against the employee's sick leave.

Sick Leave By-Back upon termination:

Regular full time employee with a full time employment date effective March 1, 2009 will not be paid for accrued but unused sick leave. Each regular, full time employee with a full time employment before March 1, 2009, who leaves City employment in good standing will be paid for accrued but unused sick leave at a rate not to exceed the following maximum rate:

<u>Date of Initial Full Time Employment</u>	<u>Maximum Sick Leave By-Back</u>
Before March 1, 2009	1,040
Effective March 1, 2009	0

DONATION

Sick leave donations, to other employees, are permitted up to a maximum of 30 working days leave time. Any employee using donated sick leave must first exhaust all other leave time (vacation, holiday, compensatory time, etc.).

An employee may donate sick leave to another employee for the following reasons:

- A. The recipient has exhausted all available leave due to an extraordinary or severe injury, illness, impairment, or physical or mental condition of the recipient; or
- B. The recipient has exhausted all available leave due to an extraordinary or severe injury, illness, impairment, or physical or mental condition of a relative or household member of the recipient.

The donor must maintain a minimum of 240 hours sick leave at all times, i.e. if you have 248 hours of accumulated sick leave, you may donate 8 hours to another city employee. All donations must be made in 8 hour increments. The maximum donation per donor may not exceed 40 hours per year. The maximum amount of sick leave that can be extended to the recipient under this donation program is not to exceed 240 hours. The donation policy will be reviewed annually.

Section 31: Vacation

Each regular full time employee working at least 40 hours per week, firefighters will be computed on 56 hour shift weeks (a shift week is calculated to be 2912 hours annually divided by 52 weeks) will be allowed vacation time as follows:

Two weeks per year through the first 10 years of consecutive service – Maximum accrual 160 hours
Three weeks per year for 11-20 years of consecutive service - Maximum accrual 240 hours
Four weeks per year for 21 years or more of consecutive service - Maximum accrual 320 hours

Vacation time will be computed and accrued bi-weekly with each pay period. Maximum vacation accrual allowed will be 216 hours for firefighters. Employees shall be entitled to take vacation leave at the completion of six (6) months of continuous employment. When the initial six (6) month period of employment is completed, employees shall be granted leave based on the hours accrued.

Employees shall record and report on the time sheets when the earned vacation time is used. Sick leave and funeral leave are not to be construed as vacation time. Vacation leaves shall be requested in advance in accordance with departmental policy and shall be scheduled by Department heads. Department heads shall limit the number of employees on vacation at one time so that the departmental work assignments can be completed with additional temporary employees. In case of conflict in dates, the employee with the greater length of service will be given preference.

Employees who are eligible to accrue and actually do accrue more than two weeks' vacation each year may exercise the option of receiving pay for up to two full weeks of vacation time over and above the base two weeks of accrued vacation while continuing to work and receive compensation for the hours worked. This option may only be exercised once the vacation leave has actually been accrued over the base two weeks of vacation. Pay for less than one full week and over two full weeks will not be allowed.

Section 32: The Americans with Disabilities Act (ADA)

The City will take reasonable steps to insure that interview, hiring and employment practices do not conflict with the provisions of the Americans with Disabilities Act. The City will provide reasonable accommodation to a person with a disclosed disability in terms of application, hiring and job retention so long as such accommodation does not result in an undue hardship. It is the responsibility of every employee to comply with the provisions of the ADA and to create a positive work environment.

Section 33: Alcohol and Controlled Substances Policy and Testing Procedures

The City requires a commitment from all employees to keep an alcohol and drug-free workplace. As a condition of employment, employees must abide by the terms of this policy. The unlawful manufacture, distribution, possession or use of an illegal substance or the use or possession of alcohol is prohibited anywhere in the workplace or on City property.

Use of a controlled substance is not prohibited when prescribed by an authorized medical practitioner for treatment and when used as directed. In these circumstances, employees are to inform their supervisors that they are taking medicines which may result in side-effects.

As a condition of employment, an employee must notify the Mayor of any criminal drug statute conviction no later than five (5) days after such conviction. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of a controlled substance. Upon conviction of any such violation, the City will take appropriate disciplinary action against the employee, up to and including termination, and/or requiring the employee to satisfactorily participate in an abuse rehabilitation program.

A copy of the City's complete Alcohol and Controlled Substances Policy and testing Procedures applicable to employees and applicants covered by this Handbook is attached as Appendix "A" to the Handbook.

Section 34: Revision and Change

THIS HANDBOOK AND ITS CONTENTS MAY BE REVISED OR ADDED TO FROM TIME TO TIME BY THE GOVERNING BODY OF THE CITY OF WEATHERFORD.

APPENDIX "A"

ALCOHOL & CONTROLLED SUBSTANCE TESTING POLICY AND PROCEDURES

Section 1. Policy Statement: The City recognizes the importance of having a drug and alcohol free workplace. The abuse of drugs, alcohol or other chemical substances endangers the safety of the public, the employee, and other City employees. The City recognizes that it is in its best interest, as well as the best interest of its employees and the public, to prevent and eliminate drug, alcohol and/or substance abuse in the work place. Any employee found using, possessing, selling, distributing or being under the influence of an illegal chemical substance; possessing drug paraphernalia and/or alcohol during working hours, while on breaks, including lunch breaks, or while on City property or while using City equipment will be subject to discipline up to and including termination of employment.

Section 2. Effective Date: This policy will be effective ten (10) days after official posting in a prominent place at all City facilities where employees routinely report for duty and following distribution of the policy to all employees. In addition, a copy will be given to each applicant for employment upon receipt of a conditional offer of employment.

Section 3. Application: This policy applies to all employees as well as all applicants for employment once they have received a conditional offer of employment. This policy will comply with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, 40 O.S. §551 *et seq.* (the "Act") as amended.

Section 4. Applicant Pre-Employment Testing: All applicants will undergo drug and/or alcohol testing following a conditional offer of employment but prior to final hiring and assignment. Refusal to undergo a test, or a positive test, will result in the City withdrawing its conditional offer of employment. In addition, adulteration of a specimen for a drug or alcohol test will be considered as a refusal to undergo a test.

Section 5. For Cause Testing: Drug and/or alcohol testing may be conducted on any employee at any time the City has reasonable suspicion that there is cause to believe that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

5.1 Observation of drugs or alcohol on or about the employee's person or in the employee's vicinity;

5.2 Observation of conduct on the part of the employee that suggests that the employee is impaired or is under the influence of drugs or alcohol;

5.3 Receipt of a report of drug or alcohol use by an employee while at work;

5.4 Information that an employee has tampered with drug or alcohol testing at any

time;

5.5 Negative job performance patterns by the employee; or

5.6 Excessive or unexplained absenteeism or tardiness.

The supervisor will verbally inform the employee of the reason for the test. Additionally, a written record of the situation leading to the drug or alcohol test will be created and signed by the supervisor(s) within 24 hours of the event. A copy of the report will be forwarded to the Human Resources Department.

The employee involved must stop work immediately and will be transported as soon as possible to the designated testing facility by a management/supervisory employee. The employee will not be allowed back to work until the results of the test are known.

Section 6. Post-Accident Testing: Post-Accident drug and/or alcohol testing may be conducted on an employee where there has been damage to City property or equipment while the employee was at work or the employee or another person has sustained an injury while at work. The post-accident test will be administered while the employee is still on duty or as close to as possible. No employee required to take a post-accident alcohol or drug test may use any alcohol or drugs, of any kind, following the accident until he/she undergoes the post-accident testing. (Unless administered by medical personnel)

Section 7. Random Testing: The City may, at various times, randomly select members of the following employment groups, at its discretion, for unannounced random testing for drugs or alcohol:

- a. police officers;
- b. firefighters;
- c. persons engaged in activities which directly affect the safety of the public; or
- d. employees whose work involves direct contact with inmates in the custody of the Department of Correction;
- c. employees for whom testing is mandated or authorized by the Omnibus Transportation Employee Testing Act, as amended from time to time, and the U.S. Department of Transportation regulations applicable thereto.

Section 8. Periodic Scheduled Testing: The City may require an employee in any of the employment groups identified in Section 7 above to undergo drug or alcohol testing as part of a routinely scheduled employee fitness for duty examination or in connection with the employee's return to duty from a leave of absence.

Section 9. Post Rehabilitation Testing: The City may require an employee to undergo drug and/or alcohol testing, without prior notice, for a period of up to two (2) years after the employee's return to work following a confirmed positive test result or following participation in a drug or alcohol dependency program. Post-rehabilitation testing will be conducted in addition to any other testing the employee is subject to under this policy.

Section 10. Substance for Which Tests May Be Given: The City reserves the right to test for all drugs and for the presence of alcohol. The test for drugs may include, but not be limited to: amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, illegal steroid or a metabolite of any of the above.

Threshold reporting levels will be those established and maintained by the Federal Department of Transportation and as utilized by the National Institute for Drug Abuse (NIDA). Any positive levels below those established reporting levels will not be reported to the City's Review Officer by the testing laboratory.

Section 11. Methods and Documentation: Collection, storage, transportation, testing facilities and testing procedures will be conducted in accordance with rules established by the State Board of Health. Samples may be collected on the premises of the City at its election. Body component samples will be collected with due regard to the privacy of the individual being tested. In no case may any City employee directly observe collection of a urine sample. A written record of the chain of custody of the sample will be maintained until the sample is no longer required.

All sample testing will conform to scientifically accepted analytical methods and procedures. Testing will include confirmation testing of any positive test results by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by the State Board of Health at the cut off levels as determined by the State Board of Health. In the case of the use of Breathalyzer testing method, no discipline may be imposed unless there is a confirmation test performed on a second sample that confirms the prior results.

An applicant or employee will be given the opportunity to provide notification of any information which he/she considers relevant to the test, including currently or recently used drugs or other relevant information. In the event that an employee wishes to challenge the results of the City's test, he/she may do so as provided in this policy. The employee must have had the sample collected within one hour of the City's sample and such retest must be in accordance with the standards set forth by the State Board of Health and in this policy.

Section 12. Costs: The City is responsible for all costs associated with drug or alcohol testing. However, if an employee or applicant requests a confirmation test of a sample within twenty-four (24) hours of receiving notice of a positive test result in order to challenge the results of the positive test, the employee or applicant is responsible for the cost of the confirmation test unless the

confirmation test reverses the findings of the challenged positive test. In such case, the City will reimburse the person for the cost of the confirmation test.

Section 13. Refusing to Undergo Testing or Tampering with Sample: Employees refusing to undergo testing according to the terms of this policy will be subject to disciplinary action up to and including termination. Adulteration of a specimen or of a drug or alcohol test will be considered as a refusal to undergo a test and will result in disciplinary action up through and including termination of employment.

Section 14. Review Officer: The City will contract with a Review Officer who will receive confirmed positive test results from the testing facility and evaluate those results in conjunction with the subject employee and/or applicant. The Review Officer will be qualified by the Board of Health to receive, interpret and evaluate the test results. Upon receiving a confirmed positive test result, the Review Officer will contact the applicant or employee prior to notification of City officials. The applicant or employee will be given the opportunity to explain the test results.

Section 15. Confidentiality: The City will treat all test and all information related to such test, as confidential materials. All records relating to drug testing will be kept separated from personnel records. The records are the property of the City but will be made available to the affected applicant or employee for inspection and copying upon request and will also be available for review by the City's Review Officer. Except as set forth below, the records will not be released to any person other than the applicant or the employee without that person's express written permission. However, the City may release the records to:

- a. to comply with a valid judicial or administrative order;
- b. as admissible evidence in a case or proceeding before a court of record or administrative agency if the employee or the City is named as a party in the case or proceeding; or
- c. to employees or agents of the City who need access to the records in connection with the administration of this Policy and the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.

Section 16. Disciplinary Action: The City may elect to take disciplinary action, up to and including termination of employment, against an employee who: 1) tests positive for drugs and/or alcohol; 2) refused to test under this policy; or 3) adulterates a specimen for a drug or alcohol test.

16.1 Voluntary Disclosure: The City will permit an employee who voluntarily comes forward at least eight (8) hours prior to receipt of a notice of any testing under any provision set forth above admitted a substance abuse problem to initiate rehabilitation through the City's Employee Assistance Program. However, those employees in the categories covered by Section 7- Random Testing- may be assigned to non-safety sensitive positions, if such a position is available,

until a verified negative drug and/or alcohol test can be obtained from an appropriate facility. The affected employee may only be assigned to an alternative position for a maximum of sixty (60) days. If a non-safety sensitive position is not available, the employee will be placed on administrative leave without pay but may use accumulated vacation and sick leave during this period of time. At the end of sixty (60) days, if the employee cannot be reassigned to his/her normal position, the individual may be separated from employment based on a review of all relevant circumstances.

16.2 Positive Test Results: The City will evaluate the employment history of any employee who tests positive for drugs and/or alcohol. The appropriate course of action will be determined based on the employee's total work record. Where deemed appropriate by management, an employee may be offered the opportunity to enter into a rehabilitation program. Continued employment will be contingent upon the successful completion of a rehabilitation program and an agreement to undergo periodic drug and/or alcohol post-rehabilitation testing for up to two (2) years. However, the City reserves the right to initiate disciplinary action, up to an including termination of employment, for the first positive test result. Any decision regarding disciplinary action under this policy by management will be final and binding.

16.3 Employees who have tested positive, and who have been offered the opportunity to participate in a rehabilitation program in lieu of termination of employment, will not be allowed to return to work until they can provide a verified negative "return to work" test from a City approved facility. An employee may be allowed a maximum of 12 weeks to provide a verified negative "return to work" drug or alcohol test. If a negative test is not provided within 12 weeks, the employee will be terminated from employment. Until a negative "return to work" test is supplied, the employee will be on leave without pay. However, an employee may request permission to use accrued sick leave and vacation leave. employee may request a "return to work" test no sooner than two weeks from a positive test result, and subsequently every other week thereafter, until a negative "return to work" test is obtained. Employees refusing to seek help or submit to testing in accordance with this policy will be subject to disciplinary action.

16.4 In the event the City does not terminate the employment of an employee who has a positive test result, the employees who enters a rehabilitation program after the positive test results will be permitted to do so only once. Any future recurrence for abuse with the same or any other substance will result in termination of employment.

16.5 An employee who is discharged from employment on the basis of refusal to undergo drug or alcohol testing or based on a positive drug or alcohol test will be considered as having been discharged for misconduct for the purpose of unemployment compensation and the City will protest any application for unemployment benefits.

Section 17. Employee Assistance Program: The City will maintain a contractual "Employee Assistance Program which will, at a minimum, provide drug and/or alcohol dependency evaluation and referral services for substance abuse counseling, treatment or rehabilitation.

Section 18. Prohibitions: No employee may report for duty within four hours after using alcohol or remain on duty while having an alcohol concentration of 0.04 or greater, and no supervisor will permit any employee to perform any work duties if the supervisor is aware the employee has an alcohol concentration of 0.04 or greater. No employee will be on duty or operate a City vehicle/equipment or perform job duties while in possession of alcohol nor use alcohol during duty time. Further, no employee may report for duty, drive a City-owned vehicle, operate City equipment or remain on duty when the employee has used any controlled substance, except when the use is pursuant to the instructions of a physician and where the physician has advised an employee the substance will not adversely affect an employee's ability to drive a vehicle or operate equipment. No supervisor having knowledge that an employee has used a controlled substance may permit an employee to be on duty or drive/operate any City vehicle or equipment.

Section 19. Responsibilities of Individuals: In order to comply with the provisions of this policy, each employee assumes the following responsibilities:

19.1 Working Under the Influence of Performance Impairing Medication: Employees who have been prescribed legal medications that might affect the safe performance of their duties are required to notify their supervisors prior to performing any hazardous or dangerous tasks.

19.2 Reporting to Work or Working While Impaired: Employees may not report to work and may not continue to work while impaired by any restricted substance identified in this policy.

19.3 Reporting Violations: The services provided by certain employees are performed, at times, under hazardous and dangerous conditions. Thus, employees are encouraged to come forward and report any violation of this policy to management. This information may be instrumental in the prevention of serious accidents and injuries on the job.

APPENDIX "B"

FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

A. **APPLICATION.** This policy applies to individuals who have been employed by the City for at least a total of twelve (12) months and who have worked at least 1,250 hours during the immediate preceding twelve (12) month period.

B. **DEFINITIONS.**

1. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in the place of a parent under 18 years old or if 18 years old or older is incapable of self-care because of a mental or physical disability.
2. "Parent" is the biological parent of the employee or an individual who stood in place of the biological parent when the employee was a son or daughter.
3. "Qualifying Exigency" means one or more of the following: a) up to seven (7) calendar days for short term notice deployment; b) military events and related activities; c) childcare and school activities; d) financial and legal arrangements; e) counseling; f) short term rest and recreation; g) post deployment activities; and h) additional duties arising out of active service.
4. "Spouse" is a husband or wife.
5. "Serious illness" means an illness, injury, impairment or physical or mental condition that involves: (1) in-patient care in a hospital, hospice or residential medical care facility; (2) chronic conditions requiring continuing treatment by a health care provider; 3) permanent, long term conditions requiring medical supervision; 4) conditions requiring multiple treatments; 5) specialized pregnancy related conditions and 6) substance abuse treatment of the employee or a family member.

C. **REASONS FOR LEAVE.** An employee who meets the requirements set forth in Sections A and B above, may be granted a total of twelve (12) weeks of family medical leave during a twelve (12) month period, [the twelve (12) month period is based on a rolling year], for the following reasons:

1.
 - A. The birth of the employee's child and in order to care for the child;
 - B. The placement of a child with the employee by adoption or foster care;
 - C. To care for the employee's spouse, child or parent who has a serious health condition;
 - D. A serious health condition that renders the employee incapable of performing the functions of his or her job; or
 - E. Due to a qualifying exigency that arises because a service member of the Reserves, National Guard or certain retired members of the regular armed forces or retired reserves has been called to federal active duty or ordered to federal active duty in the armed forces for a contingency operation.

2. BOTH SPOUSES WORKING FOR THE CITY. The total family leave that may be taken by spouses who are both employees of the City shall not exceed a total of twelve (12) weeks if the leave is taken for birth or adoption of a child or the serious illness of a parent. This section does not apply to the employee's own illness or the serious illness of a child. In those situations, both employees are entitled to a total of twelve (12) weeks leave.

3. BIRTH/PLACEMENT OF A CHILD. The entitlement to leave for the birth or placement of a child by adoption or foster care will expire twelve (12) months from the date of the birth or placement. The City is not required to grant intermittent leave in these circumstances although it may do so on a case by case basis

D. NOTICE OF LEAVE. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment for the employee or family member, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to the City Clerk as soon as the necessity for the leave arises. When it is not practicable to provide advance notice, or when the need for the leave is not foreseeable, the employee must give notice as soon as practicable (absent an emergency situation, the same or next business day) and in compliance with the City's notice and procedural requirements for seeking leave as set forth in the City's Handbook. Further, the employee is required to follow the City's call-in policy set forth in the Handbook when the employee will be absent from work.

An employee requesting leave must complete an "Application for Family and Medical Leave" form. The completed application must state the reason for the leave, the duration of the leave, and the estimated starting and ending dates of the leave. The completed application must be submitted to the Mayor via the City Clerk for approval.

- E. **MEDICAL CERTIFICATION OF LEAVE.** An application for leave, based on the seriousness of the health condition of the employee or the employee's spouse, child or parent, must also be accompanied by a "Medical Certification Statement" completed by the health care provider stating the date on which the health condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition. The completed form is to be returned to the City within fifteen (15) days of receipt, unless the time is extended for good cause shown. Failure to provide the required information may result in denial of job protected leave unless the employee is able to provide adequate reason for the failure to provide the required information.

If the leave is needed to care for a spouse, child, or parent of the employee, the certification must so state an estimate of the amount of time the employee will need to be off work. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job. The City may request a second opinion, at the City's expense. If the original opinion and the second opinion conflict, the City may require a third opinion by a physician jointly selected by the City and the employee. The City will bear the cost of the third opinion, which is final and binding on the employee and the City, as to the necessity of the medical leave. The City may require subsequent re-certification on a reasonable basis.

- F. **PAID/UNPAID LEAVE.** The employee must first use accrued, but unused, leave as part of the twelve weeks. The order of usage, i.e. accrued vacation leave, accrued holiday leave (if any), accrued sick leave and accrued compensatory time off, will depend on the reason for the leave and will be in accordance with the leave policies in the City's Handbook. Leave must be used in the same increments outlined in the Handbook for the applicable leave if that leave was taken for reason other than FMLA leave. After all vacation, holiday leave, sick leave and compensatory time off has expired, the remaining part of the twelve weeks will be without pay.

- G. **BENEFITS COVERAGE DURING LEAVE.** During a period of family or medical leave, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he was making to the plan before taking leave. If the employee fails to return to work after the expiration of the leave, the employee may be required to reimburse the City for payment of all health insurance premiums made by the City during the family or medical leave as provided by the Family and Medical Leave Act.

An employee is not entitled to the accrual of any seniority or any other employment benefits that would otherwise have accrued during the period of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

- H. **RETURN FROM LEAVE.** An employee must complete and submit to the Mayor via the City Clerk a “Notice of Intention to Return From Family or Medical Leave” form, before he/she can be returned to active duty status. If an employee wishes to return to work prior to the expiration of an approved family or medical leave of absence, notification must be given to the Mayor at least five (5) working days prior to the employee’s planned return. An employee must also submit a fitness for duty certificate from the employee’s health care provider indicating that the employee is able to resume work and is able to perform the essential functions of his/her position where the leave is due to the employee’s serious health condition.

Upon return to work, an employee will be restored to his old position or to a position with equivalent pay, benefits and other terms and conditions of employment. The City cannot guarantee that an employee will be returned to his or her original job.

- I. **FAILURE TO RETURN FROM LEAVE.** The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to termination of employment unless an extension of leave is granted by the Mayor. An employee requesting an extension of leave must submit a request for an extension, in writing, to the Mayor via the City Clerk. The request must be accompanied by a physician’s statement as to the necessity for the continued leave. The written request is to be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period. The extension must be approved by the Mayor at his sole discretion.

- J. **MILITARY CARE GIVER LEAVE:** Up to twenty-six (26) weeks of leave may be granted in a single twelve (12) month period to an employee, including next of kin, who meets the requirements set forth in Subparagraph A above, to care for a covered service member for a serious injury incurred by the covered service member in the line of active duty. For the purpose of this section of the Policy, the following definitions apply:

1. “Covered service member” means a member of the Armed Forces, National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is on temporary disability retired list for a serious injury or illness. Former members of the Armed

Forces, National Guard or Reserves are not covered by this provision.

2. "Serious injury or illness" is one incurred in the line of active duty that may render the member unfit to perform his/her duties. It includes both physical as well as psychological injuries.

The City may require certification that the employee is needed to care for a seriously ill or injured service member. The certification may be completed by the Department of Defense health care provider, a Veterans Affairs health care provider, or a Department of Defense non-network TRICARE authorized private health care provider. The burden is on the employee to provide the Certification, upon request, and failure to do so may result in a denial of the leave.