

**APPENDIX D**

**EMPLOYEE  
PERSONNEL POLICY  
HANDBOOK**

**GRANT COUNTY  
2016**

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Effective: October 11, 2016

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**PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE**

**READ CAREFULLY BEFORE SIGNING BELOW**

**EMPLOYEE PERSONNEL POLICY HANDBOOK  
ACKNOWLEDGEMENT FORM**

This is to acknowledge that I have received a copy of the Employee Personnel Policy Handbook adopted by Grant County and understand that it outlines the policies and practices that apply to me as an employee with Grant County.

I understand it is my responsibility to familiarize myself with all information in the Handbook.

Since the information, policies and benefits described in this handbook are subject to change, I understand and agree that such changes can be made by the County at its sole and absolute discretion. Any changes to the policies and practices described in the Handbook must be made in writing by the County, in order to be effective. I understand this Handbook represents the sole policy of the County and replaces and supersedes any and all other oral or written personnel policies or procedures.

I understand this Handbook is not nor is it intended to be a contract of employment. I understand I am an employee-at-will and understand the County Elected Officer retains the right to terminate his/her employees at any time for any reason not prohibited by Federal, State or Municipal law, and I also understand employees can terminate their own employment at any time.

I further understand that this signed statement will be placed in my personnel file.

Employee's Name \_\_\_\_\_ Employee's Signature \_\_\_\_\_  
(Printed or Typed) \_\_\_\_\_ Date \_\_\_\_\_

**PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE**

**READ CAREFULLY BEFORE SIGNING BELOW**

**COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT**

I, \_\_\_\_\_ of (Address) \_\_\_\_\_, have read, understand and have in my possession Grant County's Employee Personnel Policy Handbook. I agree as a condition of employment to follow the policies in this handbook, and if there is at any time something that I do not understand, I agree to ask a county representative.

I further understand that if I am an employee who is entitled to overtime pursuant to the Fair Labor Standards Act, I may be paid compensatory time off in lieu of cash overtime payment according to the Fair Labor Standards Act and as provided in the County's Employee Personnel Policy Handbook.

As an exception to this policy, and at the sole discretion of the elected official, the elected official may decide to make cash overtime payments. (See page 12 of said handbook.)

I further understand that this signed statement will be a permanent record in my personnel file.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employer Representative Signature

\_\_\_\_\_  
Date

## **INTRODUCTION**

An interesting and challenging experience awaits you as an employee of Grant County. In order to answer questions you may have concerning the County and its policies, we have written this handbook. Please read it thoroughly and retain it for future reference.

This Handbook is designed to familiarize you with the policies and practices that apply to your employment and is not intended to be and does not constitute a contract of employment. This Employee Personnel Policy Handbook has been adopted by Grant County pursuant to Okla. Stat. Ann. tit. 19, § 339 (A)(9).

The following personnel policies are designed to inform Grant County Employees of the County's operating policies and practices as they apply to all County employees. County employees are defined as those deputies and employees employed by or serving at the pleasure of the elected officials. Each County employee is responsible to the elected official who hires and/or appoints that employee.

From time to time as conditions change, it will be necessary to change or add rules and procedures governing employees. Where practical or required by law such changes will be posted in advance of their effective date, after which time they will become a part of this handbook. Should you have any questions regarding policies, please ask your supervisor, elected officer or the County Clerk for assistance.

# **EMPLOYMENT POLICIES**

## **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The County provides equal employment opportunity for all employees and applicants regardless of race, color, religion, sex, age, national origin, citizenship status, disability, genetic information or veteran status. This commitment to equal employment opportunity extends to all aspects of employment, including hiring, promotion, training, working conditions, compensation and discipline. The County complies with all applicable federal and state equal employment opportunity laws. Furthermore, the County will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship, health or safety concern.

## **RECRUITMENT/JOB POSTING**

All job openings shall be posted publicly and/or filled from applications filed with the Elected Official. Postings generally include the title, the salary range, the minimum hiring specifications and the closing date for filing applications. Applications will only be accepted when there is a job opening, and applications submitted will be maintained on file for one year.

## **HIRING PROCEDURES**

Each elected official shall be responsible for hiring and/or appointing the employees in his/her office. The number of persons hired or appointed shall be based on the budget appropriation for the fiscal year in which the hiring/appointment is made.

Employees serve at the pleasure of the elected official.

All new employees, upon instruction from the elected official, will report to the County Clerk's Office for enrollment as a county employee.

Applicants and employees will be required to demonstrate their eligibility to work in the United States as provided by federal and state laws.

## **POLICY AGAINST HARASSMENT AND DISCRIMINATION AND COMPLAINT PROCEDURE**

Discrimination, harassment, and/or retaliation in any form constitute misconduct that undermines the integrity of the employment relationship with the County. The County prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone's gender, national origin, age, disability, or any other basis protected by federal, state, or local law. Furthermore, the County will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship, health, or safety concern.

Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a harassing and/or discriminatory nature will constitute harassment and/or discrimination. Employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sex discrimination and sexual harassment are against the law. The following are some examples of conduct which may be legally actionable sexual harassment:

- Use of any offensive or demeaning terms which have sexual connotation.
- Objectionable physical proximity or physical contact.
- Unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- Any indication, express or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of sexual favors to any other employee, supervisor, or manager.
- Any action relating to an employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors.
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- The deliberate or careless expression of jokes or remarks of a sexual nature to or in the presence of employees who may find such jokes or remarks offensive.
- The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, etc.), which have a sexual content and which are not necessary for our work, to employees who may find such materials offensive.

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

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

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

employee should report that conduct to his/her immediate supervisor, another member of supervision, or Human Resources within three calendar days of the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Employees are encouraged to use the Complaint Resolution Procedure (Open Door Policy) set-out in the Handbook, as well.

## **MEDICAL EXAMS**

As a condition of employment, it may be necessary for job applicants to pass a medical evaluation by a County selected physician after a conditional offer of employment has been made. An applicant who has received a conditional offer of employment and who fails to appear for a medical examination will be disqualified from further employment consideration. Medical exam expenses shall be provided by the County. After employment, random drug and alcohol tests will be required of certain employees. (See Grant County Drug and Alcohol Testing Policy for more information.)

**Okla. Stat. Ann. tit. 40, § 191**

## **INVESTIGATIVE BACKGROUND REPORT**

As a condition of employment, it will be necessary for job applicants to release information for verification of Social Security Number, current and previous residences, employment history including all personnel files, education, character references, credit history and reports, criminal history records from any criminal justice agency in any or all federal, state, county jurisdictions, birth records, motor vehicle records to include traffic citations and registration and any other public records as needed to complete the scope of the investigative consumer background report.

## **NEPOTISM**

An elected official shall not hire, appoint or approve the employment or appointment of any person who is related by blood or marriage within the third degree.

"Any person who is related by blood or marriage within the third degree" includes, but it not limited to, spouse, child, step-child, child-in-law, step-child-in-law, grandchild, step-grandchild, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandparent-in-law, aunt, uncle, niece, and nephew.

**Okla. Stat. Ann. tit. 21, §§ 481-487**

## **PERSONNEL RECORDS**

Personnel records of all County employees shall be kept by the County Clerk and are the property of the County. Whenever there is a change in address, phone number, dependents or beneficiaries, it is the responsibility of the employee to report such change to the County Clerk.

Personnel records will be maintained and requests for personnel records or information will be handled in accordance with Federal and Oklahoma law and Oklahoma's Open Records Act.

Employees may request a copy of their own personnel file.

No employment inquiries or verifications are to be released except by the County Clerk or by persons who have received authorization from the County Clerk.

**Okla. Stat. Ann. tit. 51, § 24A.7**

## **COMPENSATION POLICIES**

### **TIME RECORDING (NON-EXEMPT EMPLOYEES)**

The County is required by law to keep accurate records of the actual hours worked by the nonexempt employees, including hours worked each day and total hours worked each work week. Non-exempt employees must use time clocks, timecards, or other similar means of accurately recording their regular hours worked, meal periods, overtime, absences, holiday and vacations. Time records should be carefully checked for accuracy as paychecks will be calculated according to the information shown on them unless the information is determined to be erroneous.

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

1. You should arrive at the workplace allowing sufficient time to clock or check in (if appropriate) and start work on time.
2. Employees should clock or check in or otherwise accurately record their time immediately prior to starting work, immediately before and after their meal periods and when leaving at the end of the work shift or when leaving the premises for approved personal reasons.
3. If appropriate, timecards must be returned to the timecard rack immediately after being checked. Employees are responsible for ensuring that their timecards are not lost, mutilated or falsified.
4. Employees are not permitted to clock or check in for another employee or to otherwise record another employee's time.
5. To be valid, corrections or alterations on a time record must be initialed as soon as possible by the employee's supervisor. Employees who fail to clock or check in or out or otherwise accurately record their time may be subject to discipline up to and including immediate discharge.
6. Employees are prohibited from working overtime that is not approved and authorized by a supervisor.

### **PAYMENT OF WAGES**

All County officials and employees shall be paid monthly. The pay period begins at 12:01 a.m. on the first of the month and ends at 12:00 midnight on the last day of the month. The regular payday shall be on the tenth day of said month. When the payday (10<sup>th</sup>) falls on a Saturday, or a preceding holiday or other non-scheduled workday, employees will normally be paid on the

preceding scheduled workday. Then the payday (10<sup>th</sup>) falls on a Sunday, or a following holiday or other non-scheduled workday, employees will normally be paid on the next scheduled workday.

Employees have a choice to have their payroll made by electronic deposit or may receive a paper check. Paper checks should be picked up by an authorized person by 4:00 p.m. on the regular payday or if not it will be mailed.

In the event that an employee's job is terminated following the scheduled payday and prior to the end of the paid monthly wages, the employee will be fully responsible to repay any wages and/or benefits that have been already paid by the county. Furthermore, the employee is also responsible to return any county property or repay for the items unaccounted for. If the employee does not follow said policy, the county has right for full recovery within the Grant County Court system, including all costs for said recovery.

## **PAYROLL DEDUCTIONS**

Only deductions required and/or permitted by law and/or authorized by the employee will be withheld from an employee's paycheck. Those required by law are as follows:

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

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

- **GROUP HEALTH INSURANCE**
- **OPTIONAL INSURANCE PLANS**
- **DEFERRED COMPENSATION RETIREMENT PLAN**
- **CREDIT UNION**

Any questions about a paycheck should be addressed first to the employee's supervisor or department head, then to the elected official under whom the employee works. The elected official will make further checks, if necessary, with the County Clerk.

Whenever an employee's employment terminates, the employer shall pay the employee's wages in full, less offsets, at the next regular designated payday established for the pay period in which the work was performed either through the regular pay channels or by certified mail postmarked within the deadlines herein specified if requested by the employee.

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

## **HOURS OF WORK:**

The Grant County Courthouse will normally be open Monday through Friday from 8:00 a.m. to 4:30 p.m. Employees may not work overtime or in excess of their normal schedule without prior approval by a supervisor or manager.

Most County employees will follow a normal schedule of forty (40) hours per week plus an unpaid half-hour lunch period each day. Each elected official shall set the lunch periods and break periods, if any, for his/her office, but at no time shall an office be left without adequate staff to perform necessary duties.

The activities of some departments require alternative schedules to meet their work needs. In those departments, the elected official may authorize a deviation from the normal work schedule.

## **WORK WEEK AND WORK PERIOD:**

The work week for all employees, except law enforcement commences at 12:01 A.M. on Monday and ends at 12:00 midnight the following Sunday. For law enforcement employees who meet the following requirements:

- 1) A uniformed or plainclothed member or a body of officers who are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes;
- 2) Has the power of arrest; and
- 3) Presently undergoing, has undergone, or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigation and law enforcement techniques, community relations, medical aid, and ethics.

### **29 C.F.R. § 553.211(a)**

The work period begins at midnight on Sunday and continues on a 28 day cycle ending at midnight on Sunday four weeks later. This latter work period for all law enforcement is intended to qualify for the exemption permitted under Section 7(k) of the Fair Labor Standards Act, as amended.

## **EARNING OVERTIME:**

Grant County's overtime policy conforms to overtime provisions of the Federal Fair Labor Standards Act and applicable Oklahoma Laws. Exemptions from these provisions will be claimed only when the necessary basis is established.

Grant County Employees who are not exempt and who are not law enforcement personnel shall be entitled to earn compensatory time off to overtime payment at the rate of 1 ½ times their regular rate of pay for all hours worked in a work week in excess of 40 hours.

In the case of law enforcement personnel who are not exempt compensatory time will be earned for hours worked in excess of 171 hours in the 28 day period. Such compensatory time will be earned at the rate of 1 ½ times the employee's regular rate of pay.

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

#### **COMPENSATORY TIME OFF FOR OVERTIME:**

Grant County has adopted as its policy, practice and procedure, a method of compensating employees for overtime whereby employees are required to utilize compensatory time off in lieu of cash overtime payments. As an exception to this policy, and at the sole discretion of the elected official, the elected official may decide to make cash overtime payments. Compensatory time off will be granted to an employee at the rate of 1 ½ hours for each hour of overtime worked.

All compensatory time off will be scheduled within a reasonable period after requested, if it does not unduly disrupt operations. Except in the case of law enforcement personnel, each employee can accrue up to 240 hours of compensatory time off in lieu of overtime payment. After the accrual of 240 hours of compensatory time, such employee will thereafter be paid cash payment for overtime. Employees will be paid cash for any compensatory time accrued in excess of 240 hours.

In the case of law enforcement personnel who are not exempt, each employee can accumulate up to 480 hours of compensatory time off. After the accrual of 480 hours of compensatory time, a law enforcement employee will thereafter be paid cash payment for overtime. In all cases where compensatory time off is authorized, once the employee has utilized compensatory time off to reduce the maximum accrual below the applicable limit, then additional overtime will be paid in the form of additional compensatory time off.

74 O.S. § 840-2.15; 29 U.S.C. § 207(o).

**Note: 74 O.S. § 840-2.15 requires that any County employees working in "an institutional setting" ( i.e., jailors and perhaps others) must be allowed to take their compensatory time off within 180 days of when it is accrued.**

## **LEAVE BENEFITS**

Grant County has adopted a paid general leave program for regular employees which incorporates forms of leave such as annual, sick leave, military leave, emergency leave, funeral leave, and education leave. It is the intent of the general leave program to allow eligible employees greater flexibility in the use and application of paid absence from work while maintaining necessary and appropriate operation levels. Each elected official shall be responsible for keeping records of the leaves taken by his/hers employees and shall make monthly reports to the County Clerk. Such records shall include type and length of leave. All vacation and leave benefits shall be calculated from the date of permanent employment (not counting probation time).

**MILITARY LEAVE:** Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed an accumulation of five (5) years while working for Grant County. In order to be eligible for such leave, the employee must:

1. Provide Grant County with advance written or verbal notice of the leave;
2. Return to work or apply for reemployment in a timely manner after conclusion of service; and
3. Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

During the first thirty (30) calendar days for Grant County full-time employees in any federal fiscal year, full-time employees shall continue to receive their full regular rate of pay for such military leave of absence. The federal fiscal year is October 1st to September 30th. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

**Okla. Stat. Ann. tit. 72, § 48**

**EMERGENCY LEAVE:** Emergency leave shall be granted in the case of property-threatening situations directly affecting the employee, or life-threatening situations directly affecting the employee or the employee's immediate family. Such emergency leave will be charged against compensatory time or annual leave.

**BEREAVEMENT LEAVE:** Employees shall be granted time off with pay not to exceed (3) three consecutive scheduled working days to attend the funeral in the event of the death of the employee's parent, child, spouse, brother, sister, grandparent, grandchild, great grandparent, great grandchild, uncle, aunt, nephew, or niece. Any additional time shall be charged to annual leave.

At the discretion of the elected official, employees may be granted necessary time off with pay to attend the funeral of other relatives or friends.

**EDUCATION LEAVE:** Full-time employees may be granted leave with pay for attendance at conferences, seminars, or short-courses of instruction designed to advance the technical or professional skills of the person attending. Such education or training leave must be authorized by the elected official prior to the leave being taken, and the education or training must be determined by the County to be related to the employee's job responsibilities for the County.

**Okla. Stat. Ann. tit. 19, § 130.6**

**INCLEMENT WEATHER AND UNSAFE WORKING CONDITIONS LEAVE:** If Grant County offices are closed because of an imminent peril threatening the public health, safety, or welfare of county employees or the public, or when county offices are temporarily closed or reduced due to hazardous weather conditions, the person designated by the Board of County Commissioners for Grant County will place employees who are scheduled to work in the affected work areas on paid administrative leave or, if applicable, shall assign them to work in another location. During their normal duty hours, employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. The person designated by the Board of County Commissioners for Grant County may call employees to return to their normal duties or respond to the demands of the situation as necessary. Designated person is Chair of the Board.

CodeRed will be utilized to contact employees in emergency situations and inclement weather. The Grant County Emergency Notification System utilizing the CodeRed system is a notification tool designed to enhance emergency preparedness. This system is supported by the Grant County Commissioners and is used to notify employees, citizens, businesses and social media by telephone, cell phone, email and social media regarding time-sensitive emergency notifications.

Paid administrative leave means leave granted to affected employees if offices are closed because of an imminent peril threatening the public health, safety, or welfare of county employees or the public, or when county offices are temporarily closed or reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

Paid administrative leave will be allowed to all affected employees only when a county office is temporarily closed or services are temporarily reduced due to hazardous weather. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Employees who are not eligible to accrue leave, such as temporary employees, shall not be granted administrative leave when county services are temporarily closed or reduced due to hazardous weather conditions.

When the Chair of the Board of County Commissioners authorizes offices or departments to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing minimum services shall report to work. The elected or appointed officials of each office will be responsible

for determining essential department functions and ensuring that employees who staff such functions are informed. Employees who are considered responsible for basic minimum services and who are required to work when county services are temporarily reduced due to hazardous weather conditions will be entitled to accrue administrative leave on a straight-time basis up to eight hours per day for hours worked in their regularly scheduled work periods during such reduction. Administrative leave accrued under this provision must be taken within 180 days of its accrual or the employee shall be paid for the leave. An extension of the time period for taking the leave may be approved for up to an additional 180 days, providing the elected or appointed official approves. Accrued administrative leave must be used before granting of any annual leave except when the employee may lose accrued leave.

Employees who are responsible for basic minimum services who do not report to work have the following options to account for leave:

- (1) Charge the absence to accumulated compensatory time;
- (2) Charge the absence to accumulated annual leave;
- (3) Make up lost time in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit.

An employee who leaves earlier than a designated early dismissal time, or who arrives later than a designated late arrival time, shall be charged leave for the excess time.

**Okla. Stat. Ann. tit. 74, § 840-2.20A; Okla. Admin. Code § 530:10-15-71**

**JURY AND COURT DUTY:** Grant County desires that all employees fulfill their duty to serve as members of juries or to testify when called in Federal, State or municipal courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court:

- The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal, State or municipal court as a witness or juror. The employee will be required to provide satisfactory documentation requiring their appearance as a witness or juror.
- The employee will receive his/her regular compensation during the time he/she is serving on jury duty and, the employee may retain all compensation or fees which he/she receives for serving as a juror.
- If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her worksite.
- The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions, the employee must take annual leave, compensatory time or leave without pay.

**Okla. Stat. Ann. tit. 38, §§ 34-35**

**LEAVE WITHOUT PAY:** Leave without pay of specified length may be granted at the sole discretion of the elected official. While on leave without pay, an employee will not accrue vacation time or sick leave. (See Health Care Insurance for health care premiums)

An employee granted leave without pay remains a County employee and does not lose his/her work experience status. Said employee should contact their Grant County supervisor once every month regarding the status of his or her intention to return to work. The absence without pay leave shall not extend for a period in excess of one year.

**Okla. Stat. Ann. tit. 74, § 840-2.21**

### **FAMILY AND MEDICAL LEAVE (FMLA)**

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

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

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

1. Birth/Adoption/Foster Care Leave. An employee may take leave in connection with the birth of the employee’s natural child or the placement of a child with the employee for adoption or foster care. An employee’s entitlement to leave for birth or placement of a child expires 12 months after the birth or placement.
2. Family Leave. An employee may take leave to care for his or her son or daughter, spouse or parent with a serious health condition.
3. Medical Leave. An employee may take leave in connection with his or her own serious health condition which renders the employee unable to perform his or her job duties.

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

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

## **Definitions**

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

1. “Child or Son or Daughter”

Child, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

2. “Contingency Operation”

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

3. “Continuing Treatment”

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: (i) A period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that involves an in-person visit to a health care provider with the first in-person treatment visit coming within seven (7) days of the first day of incapacity, that also involves: (a) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the

health care provider; (ii) Any period of incapacity due to pregnancy, or for prenatal care; (iii) Any period of incapacity or treatment for such incapacity due to chronic serious health conditions (requires at least two visits to a health care provider per year; continues for an extended period of time; and may cause episodic rather than continuing periods of incapacity); (iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continued supervision of a health care provider (e.g. Alzheimer's, severe stroke, etc.); (v) Any period of absence to receive multiple treatments (or to recover from same) conducted or ordered by a health care provider for a condition which, if untreated, would result in a serious health condition.

#### 4. "Covered Active Duty"

Your spouse, son, daughter, or parent, who is either: a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country; or b) in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a contingency operation, as defined in 10 U.S.C. § 101(a)(13)(B).

#### 5. "Covered Service Member" or "Covered Military Member"

Either: a) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or b) a veteran who is undergoing medical treatment recuperation, or therapy, for a serious injury or illness and who was discharged or released under conditions other than dishonorable as a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

#### 6. "Equivalent Position"

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

#### 7. "Health Care Provider"

A health care provider is: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or (ii) any other person determined by the Secretary of Labor to be capable of providing health care services. These include podiatrists, dentists, clinical psychologists, clinical

social workers, optometrists, chiropractors, nurse practitioners and nurse-midwives who are authorized to practice by the State. Christian Science practitioners listed with the First Church of Christ Scientists in Boston, Massachusetts are also included.

#### 8. “Key Employee”

A key employee is a salaried employee who is among the highest paid 10 percent of all the employees employed by Grant County within 75 miles of the employee’s worksite.

#### 9. “Next of Kin”

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

#### 10. “Qualifying Exigency”

Qualifying exigencies include the following:

##### a. Short-Notice Deployment:

An allotment of up to 7 days of leave to address any issue that arises from the fact that the employee’s spouse, son, daughter, or parent, who is on covered active duty has been notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment.

##### b. Military Events and Related Activities:

Leave to attend an official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of an employee’s spouse, son, daughter, or parent, who is on covered active duty or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the

American Red Cross that are related to the active duty or call to active duty status of an employee's spouse, son, daughter, or parent, who is on covered active duty.

c. Childcare and School Activities:

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

d. Financial and Legal Arrangements:

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

e. Counseling:

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

f. Rest and Recuperation:

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

g. Post-Deployment Activities:

Leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following termination of an employee's spouse, son, daughter, or parent, who is on covered active duty's active duty status and to address issues that arise from the death of a an employee's spouse, son, daughter, or parent, who is on covered active duty.

h. Leave to Care for Military Member's Parent:

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

i. Additional Activities:

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

11. "Parent"

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

12. "Serious Health Condition"

A serious health condition is an illness, injury, impairment or physical or mental condition that involves: (1) inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility) and any corresponding period of incapacity or subsequent treatment in connection with the inpatient care, or (2) "continuing

treatment,” as defined above, by a health care provider. “Incapacity” means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, treatment therefore, or recovery therefrom. “Treatment” includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical, eye, or dental examinations. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches or other migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do *not* meet the definition of a serious health condition and do not qualify for FMLA leave.

### 13. “Serious Injury or Illness”

A serious injury or illness is either: a) in the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran).

### 14. “Serious Injury or Illness for a Covered Veteran”

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

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

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

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

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

15. "Spouse"

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

**Employee Notice or Grant County Election of FMLA Leave**

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

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

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

If an employee has credited vacation and/or sick leave, he or she must take advantage of those paid leaves in connection with any leave under this Policy. That means that the employee's paid leave will run concurrently with their FMLA leave. Accordingly, the period of unpaid leave is shortened by the period of paid leave so that the maximum leave taken is no more than 12 weeks. If such paid leaves do not apply or have been exhausted, leaves under this Policy will be without pay.

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

### **Certification of FMLA Leave**

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

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

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

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

As a condition for restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, Grant County will require the employee to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, the certification must specifically address whether the employee is able to perform the essential functions of the employee's job. Grant County will supply the employee with a list of essential job functions with its designation notice described above. The cost of certification will be borne by the employee.

### **Husband and Wife Leave under the FMLA**

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

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

### **Intermittent or Reduced Leave Schedule under the FMLA**

An employee taking leave after the birth or because of placement for adoption or foster care of a healthy child is permitted to take leave intermittently or by working a reduced workweek only with the approval of an officer of Grant County. However, intermittent or reduced work leave to care for a seriously ill family member, because of the employee's own serious health condition, or for Military Caregiver Leave, may be taken whenever medically necessary. Military Qualifying Exigency Leave may also be taken on an intermittent or reduced leave basis. Grant County may require a medical certification of the need for intermittent or reduced schedule leave and periodic

recertification of the continued need for the leave consistent with the regulations issued by the Department of Labor. In some instances, Grant County may transfer an employee temporarily to an available alternative position with equivalent pay and benefits when this would better accommodate recurring periods of intermittent or reduced schedule leave based on planned medical treatment. Actual time taken should be reported as Family and Medical Leave on the employee's time sheet. Employees on intermittent leave should contact their Human Resources representative with any questions concerning actual hours worked and overtime compensation.

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

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

### **Benefits During FMLA Leave**

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

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

### **Holidays While on FMLA Leave**

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

### **Return to Work Following FMLA Leave**

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

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

### **Key Employees under FMLA**

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

### **Other Work Prohibited During FMLA Leave**

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

### **Unlawful Acts under FMLA**

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

### **Enforcement of FMLA**

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

## **LEAVE SHARING POLICY**

Grant County has adopted a Leave Sharing Policy which is similar to, but is not totally consistent with, the Leave Sharing Program for State employees. A county employee may donate annual or sick leave or compensatory time to another county employee only pursuant to the following conditions:

- The receiving employee has exhausted, or will exhaust, all annual leave, sick leave and compensatory time (if applicable) due to illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature;
- The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment; and
- The supervising officials of both the Recipient Employee and the Donor Employee approve the leave sharing arrangement.

The maximum amount of shared leave an employee may receive during their employment with the county is two thousand eighty-eight (2088) hours of shared leave.

## **FRINGE BENEFITS**

The County pays for unemployment insurance, social security (with the employee paying an equal percentage), and worker's compensation insurance. The County also pays a portion of the premium for health care insurance.

### **HEALTH CARE INSURANCE**

Grant County participates in the Oklahoma Public Employee Health & Welfare (OPEH&W) Health Plan. Information may be obtained from the Grant County Clerk located in the Grant County Courthouse, 112 E Guthrie, Room 102, Medford, Oklahoma.

#### **County's Payment of Employer Share of Health Insurance Premiums (including eye and dental) during Leave of Absence**

If an employee is on medical leave, including workers' compensation leave, the County will continue to pay the County's portion of health insurance premiums for the first 12 weeks of the absence if the absence qualifies under the County's FMLA policy. For employees on workers' compensation leave exceeding 12 weeks, the County *may* elect to voluntarily continue paying the County's portion of health insurance premiums for up to a total of one year of the leave - -which is the limit of such benefit afforded to State employees under the Oklahoma Personnel Act.

If an employee is on **Leave Without Pay** Grant County will continue to pay the County's portion of health insurance premiums for the first seven (7) days of leave. After seven (7) days of leave, the employee will be responsible for all health care premiums.

When the employee is responsible for all health care premiums, the employee must pay the premiums to Grant County by the first day of each month. Health care benefits will cease if the premium payment is more than 20 days late.

Temporary employees are not eligible to participate in the health care insurance benefits.

### **TERM LIFE INSURANCE**

Term Life Insurance will be provided for full-time employees and for their spouse and dependent children in an amount determined by the Board of County Commissioners. Details' regarding the life insurance program is available at the County Clerk's Office located in the Grant County Courthouse, 112 E Guthrie, Room 102, Medford, Ok.

If an employee is on **Family Medical Leave**, including workers' compensation leave, the County will continue to pay the County's portion of life insurance premiums for the first 12 weeks of the absence if the absence qualifies under the County's FMLA policy. For employees on workers' compensation leave exceeding 12 weeks, the County *may* elect to voluntarily continue paying the County's portion of life insurance premiums for up to a total of one year of

the leave - -which is the limit of such benefit afforded to State employees under the Oklahoma Personnel Act.

If an employee is on **Leave Without Pay** Grant County will continue to pay the County's portion of life insurance premiums for the first seven (7) days of leave. After seven (7) days of leave, the employee will be responsible for all life insurance premiums.

When the employee is responsible for all life insurance premiums, the employee must pay the premiums to Grant County by the first day of each month. Life insurance benefits will cease if the premium payment is more than 20 days late.

Temporary employees are not eligible to participate in the life insurance benefits.

## **RETIREMENT - OPERS**

Grant County is a member of the Oklahoma Public Employees Retirement System(OPERS). Please refer to your OPERS Handbook for details and/or see the Grant County Clerk located in the Grant County Courthouse, 112 E Guthrie, Room 102, Medford, Oklahoma.

## **DEFERRED COMPENSATION RETIRMENT – 401(a) MATCH PLAN**

The Grant County 401(a) Match Plan is offered in conjunction with the Nationwide 457 Plan, which is a governmental plan with a 200 percent matching plan with a fifty dollar (\$50.00) monthly maximum match. The 401(a) Plan is graded over a seven-year time frame with years 1-5 vesting at 10 percent each year, year 6 vesting at 75 percent and year 7 at 100 percent vestment. Current employees' time frame for vesting begins on the employee's first day of employment with Grant County. For complete details see the Grant County Clerk located in the Grant County Courthouse, 112 E Guthrie, Room 102, Medford, Oklahoma.

## **HOLIDAYS**

The Grant County Commissioners and members of the Grant County Excise Board shall designate and publish by December 15 each year which holidays the County Offices will be closed.

Full-time employees are eligible to receive paid holidays commencing with the first day of full-time employment. Temporary and part-time employees are not eligible for paid holiday benefits.

When a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. Any County employee, who is on leave without pay status, and who does not work the working day immediately preceding and the working day immediately following a holiday, shall not be paid for that holiday.

**Okla. Stat. Ann. tit. 19, § 350; Okla. Stat. Ann. tit. 25, § 82.1**

## VACATION LEAVE

All full-time Grant County employees shall be entitled to vacation leave. New full-time employees will receive 96 hours of vacation on their 1-year anniversary date, then the following January 1<sup>st</sup> the employee will receive 8 hours per month from their 1-year anniversary date to December 31<sup>st</sup>. From this point forward, all employees will receive their vacation leave (based on the following vacation rates) each January 1<sup>st</sup>. The 1-year anniversary date is the date that an employee achieves full-time status; this does NOT include the required 90-day temporary period.

Vacation Rates		
Years of Service	Vacation Leave	Accumulation
0-5 years	96.0 hours per year	136 hours
5-20 years	120.0 hours per year	160 hours
OVER 21 years	144.0 hours per year	184 hours

Vacation leave must be earned before it is taken. No vacation will be longer than 10 consecutive working days without permission of the appropriate elected official. Vacation schedules are subject to elected official approval. No vacation leave shall be accumulated beyond the accumulation limits noted above.

### **Okla. Stat. Ann. tit. 19, § 1301; Okla. Stat. Ann. tit. 74, § 840-2.20**

Upon separation (except for retirement), employees are not entitled to payment of accumulated vacation leave and such accumulated leave shall be forfeited.

**Note: For coordination, see the section on Employment Separation below.**

#### EXAMPLES:

Employee A is hired December 15, 2012 and completes a 90-day temporary period; on March 15, 2013, Employee A achieves full-time status.

- March 15, 2014 – receives 96 hours vacation
- January 1, 2015 – receives 76 hours vacation
  - (9 ½ months from March 15, 2014 to January 1, 2015 at 8 hours per month)
- January 1, 2016 – receives 96 hours vacation (1 full year)
- Each January 1 – vacation awarded

Employee B achieves full-time status on July 3, 2012

- July 3, 2013 – receives 96 hours vacation

- January 1, 2014 – receives 48 hours vacation
  - (6 months from July 3, 2013 to January 1, 2014)
- Each January 1 – vacation awarded

Employee C achieves full-time status on November 28, 2012

- November 28, 2013 – receives 96 hours vacation
- January 1, 2014 – receives 8 hours vacation
  - (1 month from November 28, 2013 to January 1, 2014)
- Each January 1 – vacation awarded

## **SICK LEAVE**

All full-time Grant County employees shall be entitled to sick leave with pay that is accrued on a monthly basis in accordance with the schedule as follows:

<b>Accrual Rates</b>	
Sick Leave	Accumulation Limits
4.00 hours per month	480 hours

An employee may utilize sick leave for the following reasons:

- Personal illness.
- Illness of a spouse, child, parent, or legal dependent.

In the event the leave is due to your own serious health condition, or for the seriously ill condition of a family member, the sick leave will also constitute family/medical leave where appropriate. During an approved FML, Grant County will maintain your health benefits, as if you continue to be actively employed. (See previous section on Family and Medical Leave). If your need for sick leave is foreseeable, you must give Grant County 30 days prior written notice. Where the need for sick leave is not foreseeable, you are expected to notify Grant County within 1 or 2 business days of learning of your need for sick leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for denial of the leave as sick leave.

If you are requesting sick leave, you and the relevant health care provider may be asked to supply appropriate medical certification. Failure to provide requested medical certification in a timely manner may result in disciplinary action up to and including termination and/or denial of leave until is provided. Grant County, at its expense, may require an examination by a second health care provider designated by Grant County, if it reasonably doubts the medical certification you initially provide. Grant County may require subsequent medical certification on a reasonable basis.

Temporary employees are not eligible for sick leave benefits.

When terminating employment with the County, an employee may not collect pay for accrued sick leave. Abuse of sick leave is grounds for termination.

**Okla. Stat. Ann. tit. 19, § 1301; Okla. Stat. Ann. tit. 74, § 840-2.20.**

## **GUIDELINES FOR APPROPRIATE CONDUCT**

As an integral member of the Grant County team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in your business and personal life you refrain from any behavior that might be harmful to you, your co-workers, and/or Grant County, or that might be viewed unfavorably by the public at large.

Whether you are on duty or off, your conduct reflects on Grant County. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that Grant County considers inappropriate include, but are not limited to the following. This is **NOT** a complete list and the County reserves the right to investigate, make judgments and take appropriate disciplinary action in each individual incident, up to and including discharge. The level of severity of any infraction is solely at the discretion of the Elected Official.

- Falsifying employment or other County records.
- Violating the County's non-discrimination and/or sexual harassment policy.
- Soliciting or accepting gratuities.
- Excessive absenteeism or tardiness.
- Excessive, unnecessary, or unauthorized use of County supplies, particularly for personal purposes.
- Reporting to work intoxicated or under the influence of non-prescribed drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs.
- Bringing or using alcoholic beverages on County property or using alcoholic beverages while engaged in County business off County premises, except where authorized.
- Fighting or using obscene, abusive, or threatening language or gestures.
- Theft of property from co-workers or the County.
- Disregarding safety or security regulations.
- Insubordination or willful refusal to follow an order.
- Failing to maintain the confidentiality of protected County information.
- Conviction of a crime.
- Falsifying time keeping records with intent to defraud.
- Deliberate or willful misrepresentation of County policy.
- Willful damage or destruction of County property.
- Loafing, loitering or sleeping during work time.
- Neglect of duty or incompetence.
- Unsatisfactory job performance.
- Violation of County policy or a provision of this Handbook.
- Failure to follow supervisory instructions or directions.
- Improper recording of time worked.
- Work performance which is below the standards of performance required by the department.

- Distribution or posting of written or printed matter that is not authorized by the Elected Officer.
- Inefficiency or lack of effort in the performance of duties.
- Careless, negligent or improper use of County property or equipment.
- Thoughtless conduct which results in injury to others or in more than minor property damage.
- Willfully causing damage or destruction of equipment or property belonging to the County or to fellow employees.
- Falsification of records or misrepresentation of material information.
- Thievery.
- Failure to maintain satisfactory and/or harmonious relationships with the public or with fellow employees.
- Refusing to sign a consent form permitting the County to inspect and/or search an employee's personal property on County premises for intoxicants, controlled or illegal substances or any other substance which impairs job performance.
- Abusing the sick leave policy.
- County employees shall be current on all county taxes.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of Grant County, based on violations either of the above or of other County policies, rules, or regulations, you will be subject to disciplinary action including but not limited to verbal, written, and/or leave without pay and up to and including dismissal.

### **ABSENTEEISM/TARDINESS**

Every employee is expected to attend work regularly. Attendance on a regular basis is an absolute essential part of every position at Grant County. Excessive absenteeism or tardiness shall subject the employee to discipline, up to and including discharge.

One absence or one tardiness occurrence will be recorded for each day absent or tardy for any reason which is not for an acceptable excuse in the judgment of Grant County or otherwise excusable by law. Occurrences of absences and tardiness will be documented and considered as grounds for discipline.

Punctuality is essential to the proper functioning of this organization. "Tardy" is defined as not being in the department at the scheduled time ready to begin work or leaving work before the scheduled ending time for any reason which is not an acceptable excuse in the judgment of Grant County or otherwise excusable by law. Failure to clock in or to clock out will be considered a tardy. Occurrence of tardiness will be documented and considered as grounds for discipline.

Continued, unexplained absenteeism for a period of two working days will be considered voluntary termination and the vacant position will be filled.

# **EMPLOYEE CONDUCT**

## **PERSONAL APPEARANCE AND DEMEANOR**

Employees are expected, at all times, to present a professional and business-like image for Grant County. Dress, grooming and personal cleanliness standards contribute to the morale of all employees. All dress should be in good taste and appropriate for your work activity environment.

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

## **POLITICAL ACTIVITY**

No regular county employee (not including elected officers) shall participate in partisan politics during normal county working hours. This means the devoting of time or labor during usual office hours toward the campaign of any candidate for office or for the nomination to any office.

Use of County property, funds or facilities for campaigning is prohibited.

## **USE OF COUNTY PROPERTY**

No County official or employee may use County property for his or her own personal use or for any other use not required by their duties with Grant County.

Violation of this policy will be grounds for discipline, up to and including discharge.

## **CELL PHONE POLICY**

The Oklahoma State Constitution places significant restrictions on the use of county-paid cell phones. In addition, the federal Internal Revenue Service Code has significant provisions to determine whether the use of county-paid cell phones (or any other “listed property” under the I.R.S. Code) will be considered as a taxable fringe benefit for individual employees. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, and in order not to have all cell phones inappropriately viewed as a taxable fringe benefit by the I.R.S., the following policies and procedures must be closely followed by all employees:

- County-paid cell phones will be utilized only for county business. County-paid cell phones will not be used for **any** personal calls (either incoming or outgoing).
- The County will periodically audit the usage of county-paid cell phones to insure that these phones are not being used for personal calls.
- Employees who use a county-paid cell phone for personal calls (either incoming or outgoing) may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.

- If an employee wishes to use a cell phone for personal calls, there are two acceptable options available:
  1. The employee may carry two cell phones; a county-paid cell phone exclusively for county business; and an employee-paid cell phone for personal calls; or
  2. The employee may obtain and pay for a personal cell phone which is used for both county business and personal calls.

In the interest of safety, Grant County instills the following regulations:

- Hands Free while driving county owned vehicles
- Do Not Drive Distracted while using a hands free cell phone
- Use of personal phones is prohibited except during breaks and lunch OR at the discretion of the department head
- All personal phones will be turned off during working hours unless it is used for county business (See 2 in above paragraph)

## **ELECTRONIC COMMUNICATIONS**

The purpose of this policy is to set forth Grant County's policy regarding access to, use of and disclosure and retrieval of messages sent and/or received by employees who have access to the County's communications systems.

### **DEFINITIONS**

"Communications Systems" refers to systems owned and/or used by the county to send and receive messages, images, data or content, which include but may not be limited to facsimile systems, telephone systems, computer systems, internet systems, websites, electronic mail, voice mail and pagers.

"Messages" refers to information sent and/or received via Communications Systems including but not limited to electronic messages, text messages, voice messages, written messages, typed messages, documents, drawings, images, photographs, charts, graphs and numbers.

### **USE OF COMMUNICATIONS SYSTEMS.**

Grant County's Communications Systems should be used for County business purposes only. The Communications Systems shall not be used for personal messages, solicitation or distribution of material that does not further County business purposes. Use of the system to make solicitations other than for County approved purposes, to communicate confidential or privileged information to unauthorized recipients, or for communications of a personal, political, or religious nature is prohibited.

Employees are strictly prohibited from sending, or knowingly receiving, electronic communications of a harassing, intimidating, offensive or discriminatory nature. The guidelines set forth in the Policy Against Harassment are fully applicable to electronic

communications. Such conduct, or any other conduct in violation of this policy, may result in immediate dismissal or other disciplinary measures.

Messages received through the Communications Systems should not be disclosed except to authorized persons. Except as set forth below, employees are prohibited from accessing each other's E-mail without the express consent of the employee. Each employee has a password which allows access to the E-mail system. Your password is personal and should not be shared with other persons.

Grant County reserves the right in its discretion to monitor the Communications Systems and access electronic communications, at any time and for any reason without notice to the employees, to assure its property is being used for business or training purposes only and to prevent or detect harassment or other improper use. Grant County further reserves the right to disclose the County employee's electronic communications to others, if the County in its sole discretion determines that such action is warranted.

Employees do not have a personal privacy right in any message created, received, stored in or sent via the County's Communications Systems, and employees should not expect that the Communications Systems and the electronic communications thereon, are confidential or private.

Employees are not permitted to maintain personal information on any of the County's Communications Systems.

Deleting an E-mail message does not guarantee that it has been erased from the system. Grant County retains backup copies of certain media, including E-mail correspondence, in the normal course of management of the Communications Systems.

Employees should be aware that Messages received by outside callers or senders are subject to monitoring.

You should consider E-mail as any other written means of communication. Please do not transmit anything in an E-mail message that you would not be comfortable writing in a letter or memorandum. Remember to exercise good judgment and common sense when creating and distributing messages.

Employees found violating this policy will be subject to the disciplinary process of the company which may include verbal or written warning, probation, suspension or termination.

Employees will be required to sign an acknowledgment and authorization confirming familiarity with this policy permitting the County to monitor all electronic communications.

## **VEHICLE USAGE**

The Oklahoma State Constitution places significant restrictions on the use of county-owned vehicles. In addition, the federal Internal Revenue Service Code has significant provisions to

determine whether the use of county-owned vehicles (or any other “listed property” under the I.R.S. Code) will be considered as a taxable fringe benefit for individual employees. Grant County also has policies for the purpose of limiting liability of the County. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, in order not to have the use of county-owned vehicles inappropriately classified as a taxable fringe benefit by the I.R.S., and in order not to expose the County to unwarranted liability, the following policies and procedures must be closely followed by all employees.

- County-owned vehicles may only be used for purposes which are solely for the benefit of the county. Employees who use county-owned vehicles for purposes which are not specifically for the benefit of the county shall be subject to disciplinary action up to and including discharge.
- Only County employees on official County business, and official guests of the County, may operate or be a passenger in County-owned vehicles. County employees shall not allow family members or other non-authorized, non-employees to operate or be a passenger in County-owned vehicles.
- Under certain circumstances, employees may be instructed by the appropriate elected official to drive a county-owned vehicle to and from the employee’s home to the employee’s regular place of work. Although, such use may be proper under the Oklahoma State Constitution (under appropriate circumstances), such use may still be considered as a taxable fringe benefit by the I.R.S. Code.
- Except for “Qualified Non-Personal Use Vehicles”, all personal use of county-owned vehicles is considered as a taxable fringe benefit by the I.R.S. Code. This includes normal commuting to and from the employee’s regular place of work, even where at the direction of the appropriate elected official. Under the I.R.S. Code, commuting is personal use even if the county requires the employee to take the vehicle home for a bona fide business reason such as being “on call.”
- “Qualified Non-Personal Use Vehicles” include the following (see U.S. Treasury Regulation 1.274-5T):
  - Clearly marked police and fire trucks driven by police and fire officers;
  - Unmarked vehicles used by law enforcement officers, if the use is officially recognized;
  - Ambulances or hearses;
  - Vehicles designed to carry cargo with a loaded gross weight over 14,000 pounds;
  - Delivery trucks with seating for the driver only;
  - School buses;
  - Tractors and other special purpose farm vehicles;
  - A pick-up truck with a loaded gross vehicles weight of less than 14,000 pounds if it has been specially modified so that it is not likely to be used more than minimally for personal reasons. Modifications must include being marked with permanently affixed decals, painting or other indications of county ownership and either (see IRS Revenue Ruling 86-97):
    - It is equipped with at least one of the following items:
    - a) A hydraulic lift gate;
    - b) Permanent tank or drums (filling up the bed size);

- c) Permanent side boards or panels that materially raise the level of the sides of the truck bed;
- d) Other heavy equipment (such as electric generator, welder, boom, or crane used to tow automobiles and other vehicles);

OR

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

- County-owned vehicles (other than Qualified Non-Personal Use Vehicles) will be utilized for personal use (such as commuting to and from work) only in situations where the use is considered by the elected official to be solely for the benefit of the county. If the personal use of a county-owned vehicle has not specifically been determined by the elected official as solely for the benefit of the county, the employee will not utilize a county-owned vehicle for personal use.
- For those employees in positions where the elected official has determined that the personal use of a county-owned vehicle is solely for the benefit of the county, (such as to commute to and from work), each employee will be required to complete a Personal Use of County-Owned Vehicle Agreement. In this Agreement, each employee will select, from among the valuation methods for which they qualify, the valuation method to be used in determining the amount of the taxable fringe benefit (All employees will not qualify for all three of these valuation methods – see IRS Publication 15B):
  - The Cents Per Mile Rule;
  - The Commuting Rule; or
  - The Annual Lease Value Rule

**Note: Some employees may not qualify for all three of these valuation methods – see IRS Publication 15B).**
- The County will periodically audit the usage of county-owned vehicles to insure that the valuation of the amount of the taxable fringe benefit is appropriate. Adjustments to the amount included on the employee's wages as a taxable fringe benefit will be made at least annually and on the Form W-2 at the end of the year.
- Employees who repeatedly under-report the personal usage of a county-owned vehicle, or who knowingly use a county-owned vehicle in excess of the reported usage, may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.

#### **EDUCATIONAL BUSINESS MEAL EXPENSE REIMBURSEMENT:**

The Federal Internal Revenue Service Code has significant provisions to determine whether the reimbursements to employees for business meal expenses will be considered taxable and reportable as wages. Therefore, in order to comply with the legal requirements and in order to

not have business meal expense reimbursements viewed as taxable by the IRS, all Grant County employees must closely follow an accountable plan defined as follows:

- Considered de minimis meals (infrequent professional development programs). 26 USC 132 § (a)(4)
- Must have paid expenses while performing services for Grant County during any portion of any paid workday.
- Must adequately account to Grant County for these expenses within a reasonable period of time.

The following policies and procedures shall be followed:

- All expenses shall be paid upon sworn itemized claims with receipts attached.
- Reimbursements will be provided for professional development programs for education and training Grant County county commissioners, county clerk, county treasurer, county assessor, county sheriff, and court clerk, their deputies and employees.
- Professional development programs shall be provided by the Center for Local Government Technology (CLGT), Local Technical Assistance Program (LTAP), or other acknowledged professional organizations.
- For more information, please refer to the Grant County Travel Policy Handbook.

Violation of the policy will be grounds for discipline, up to and including discharge.

## **UNIFORMS AND SAFETY EQUIPMENT**

The Oklahoma State Constitution places significant restrictions on the use of county-provided property. In addition, the federal Internal Revenue Service Code has significant provisions to determine whether the use of county-provided property will be considered as a taxable fringe benefit for individual employees. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, and in order to not have the use of county-provided uniforms and safety equipment inappropriately viewed as a taxable fringe benefit by the IRS, the following policies and procedures must be closely followed by all employees:

- Uniforms and safety equipment will be provided only to employees in a position where the written, formal job description for that position includes the issuance of county-provided uniforms and/or safety equipment as part of the compensation package. If the issuance of county-provided uniforms and/or safety equipment is not included in the written, formal job description as part of the compensation package, the employee will not be provided with uniforms and (except in emergency situations) will not be provided with safety equipment.
- All clothing and uniforms provided by the county are a taxable fringe benefit except where all of the following conditions are present:
  - a) Clothing or uniforms must be specifically required as a condition of employment; and
  - b) Clothing or uniforms are not adaptable to general use as ordinary clothing; and
  - c) Clothing or uniforms are, in fact, not worn for general use

- All safety equipment provided by the county (except in emergency situation) is a taxable fringe benefit except where the equipment is specifically determined to help an employee perform his/her job in a safer environment.
  - Clothing, uniforms and safety equipment provided by the county shall not be worn or used by employees except in the performance of their county duties and in direct travel to and from their place of employment. Further use of clothing, uniforms and safety equipment may constitute a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall subject an employee to disciplinary action up to and including discharge.

## **FIREARMS/WEAPONS**

Grant County wishes to maintain a work environment that is free of unauthorized firearms, weapons, explosives, and other dangerous materials. To achieve this goal, the County prohibits (except by authorized Sheriff's office employees or by other specific authorization including a current and valid concealed carry license) the possession, transfer, sale, or use of the following items on County premises: switchblade knives and knives with a blade longer than four inches, dangerous chemical, explosives and ammunition. Other objects carried for the purpose of injuring or intimidating other people may be considered dangerous items. Employees violating this policy will be subject to disciplinary action, up to and including separation. If any employee observes any dangerous items in violation of this policy on County property, the employee is under a duty to report such item to the appropriate elected official.

**"Okla. Stat. Ann. tit. 21 sec. 1290.22"**

## **COMPLAINT RESOLUTION PROCEDURE** **(OPEN DOOR POLICY)**

Grant County believes it is in the best interest of both the County and its employees to promote free and open communication between employees and all levels of management. Grant County encourages employees to discuss work-related concerns with their supervisor, other management personnel, and elected officials. However, even in such discussions, misunderstandings occur. In order to resolve such instances as quickly and easily as possible, we suggest the following to ensure a policy of free and open communication:

Step 1: Should you have a concern, bring it to your supervisor's attention (if appropriate) verbally or in writing. After reviewing the facts, your supervisor will meet with you to discuss your concerns and to respond.

Step 2: If you are not satisfied with your supervisor's response (or if meeting with him or her is not appropriate) then you may present your concern to the next immediate supervisor or to the appropriate elected official who will follow the same evaluation process.

Step 3: If you wish to pursue this matter further, then you may present your concern to the Chair of the Board of County Commissioners, who will investigate the matter.

After considering your position and the available facts, the Chair of the Board of County Commissioners will make a final determination on how Grant County will respond to your concern.

## **STATEMENT OF POLICY REGARDING DRUG AND/OR ALCOHOL USE BY EMPLOYEES**

The County is committed to providing its employees with a safe workplace and an atmosphere which allows them to protect property and other assets placed in their care. Employees are expected to be in a suitable mental and physical condition while at work, allowing them to perform their jobs effectively and safely.

Whenever use or abuse of any mood altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken. The County has no desire to intrude into its employees' personal lives. However, both on-the-job and off-the-job involvement with any mood altering substances can have an impact on our workplace, the County's interests and reputation, and on the County's ability to achieve its objectives of safety and security. Employees are expected to report to the County's premises, work sites, vehicles, client locations or customer work sites with no mood altering substances in their body. Further, the possession, sale or use of mood altering substances at work, or coming to work under the influence of such substances will be a violation of safe work practices and may result in disciplinary action, including possible dismissal.

All employees are prohibited from the unlawful use, sale, dispensing, distribution, possession, or manufacture of illegal drugs or alcoholic beverages on the County's premises, work sites, vehicles, client locations or customer work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the County's reputation. All employees will be subject to disciplinary action, up to and including dismissal, for violations of this Policy.

Any employee who is charged and/or convicted under any federal or state criminal drug and/or alcohol statute must notify their supervisor or the personnel department within five (5) days of the charge and/or conviction and may receive some form of disciplinary action, including dismissal.

The proper use of controlled medications or over-the-counter drugs as part of a prescribed medical treatment program of the individual does not constitute, by that fact alone, a violation of this Policy, but it may be important for an employee's supervisor to be aware such use is occurring in order to determine job assignments. Such use may provide a basis for reassignment, a leave of absence or dismissal because of medical reasons. An employee undergoing prescribed medical treatment with a controlled medication that could impair his/her physical, mental or emotional faculties must immediately report this treatment to his/her supervisor. Failure to do so will constitute a violation of this Policy.

The County may also search Employer owned property or premises used by the employees, as well as the personal effects of employees (to include clothing, vehicles, containers, tool boxes, lunch pails, lockers and the like) brought onto the County's property. The County may take into custody any illegal, unauthorized or prohibited items and may turn them

over to the proper law enforcement agencies. Refusal to allow a search or interference with a search may result in disciplinary action, including possible dismissal.

## **EMPLOYMENT SEPARATION**

Grant County offers no employment contracts nor does it guarantee any minimum length of employment. Just as any employee may terminate employment at any time, so may Grant County terminate an employee at any time “at-will,” with or without cause, with or without notice.

There are several types of separation:

**RESIGNATION:** Employees who find it necessary to terminate their employment with Grant County are expected to give two weeks’ notice to their supervisor. Employees who give such notice will be eligible to receive the value of their accrued and unused annual/vacation leave.

**QUITTING:** Employees who leave their employment without giving the required two-week’s notice are considered to have quit. Employees who quit are not eligible to receive the value of their accrued and unused annual/vacation leave.

**VOLUNTARY TERMINATION:** Continued, unexplained absenteeism for a period of two working days will be considered voluntary termination and the vacant position will be filled. Employees who voluntarily terminate their positions are not eligible to receive the value of their accrued and unused annual/vacation leave.

**REDUCTION IN FORCE (LAYOFF):** An employee may be subject to a non-disciplinary, involuntary termination through layoff in connection with a shortage of funds, abolition of a position, or lack of need for the work performed by an employee or group of employees. The elected official should make every effort to give at least two week’s notice of the layoff. In such case, the employee is eligible to receive the value of their accrued and unused vacation leave.

**RETIREMENT:** Employees planning to retire are required to give proper two week’s notice of retirement. In such case, the employee is eligible to receive the value of their accrued and unused vacation leave.

**DISCHARGE:** In order for Grant County to carry out its obligations and priorities in the most efficient manner possible, the County adheres to the principles of at-will employment whereby the County and employees alike can terminate the employment relationship at any time and for any reason or for no reason, not prohibited by Federal, State or Municipal law. If an employee is separated for cause (i.e. for misconduct, or for violations of County policy, or for continued misconduct after repeated warnings), the employee is not eligible to receive the value of their accrued and unused vacation leave.

Upon separation the employee must report to the Clerk's office for an exit interview and to make arrangements for the final paycheck.

## **AUTHORITY TO SEARCH**

Desks, lockers, and other storage devices within the workplace may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any containers or articles found within them, can be inspected by any member of management, at any time, with or without prior notice. Containers may include, but are not limited to, any packet, package, purse, briefcase, or lunch container. Containers are subject to search whether or not they are locked. Grant County has the right to search containers whether they are locked by a device provided by the County or by the employee. Additionally, Grant County has the right to search work areas, clothing and vehicles.

Grant County provides a computer network system, including voice-mail, e-mail and Internet access, to employees for business use only. Employees should not expect privacy with respect to any of their activities using County-provided computer equipment, telephone equipment, computer services, or Internet access. Grant County reserves the right to review, duplicate and disclose any files, messages, or communications sent, received, or stored on the County's computer or telephone systems.

## **NO SOLICITATION/NO DISTRIBUTION POLICY**

Grant County employees are prohibited from engaging in solicitation to other County employees or the public during the work time and in working areas of either the employee doing the solicitation or the employee being solicited. Solicitation includes, but is not limited to, contacting other employees or the public for the purpose of encouraging their participation or support for functions or activities which are not related to the official business of the County. Examples include encouraging participation in or support for political campaigns, fundraisers, raffles, organization membership drives, sales of any product, etc. Solicitation is restricted to non-working hours such as lunch breaks, before work, and after work. Grant County employees are prohibited from distributing materials that are not work related in working areas during working time. Material of this nature may only be distributed in non-working areas such as lunch rooms or break rooms during non-working times.

## **TOBACCO FREE POLICY**

In consideration of the health and well-being of county employees and the public, Grant County will maintain a tobacco-free environment in all County buildings and vehicles. To accommodate those employees who do smoke or chew tobacco, designated areas are established out-of-doors at County facilities. Employees who smoke or chew tobacco should properly dispose of all products and debris in the receptacles provided. Failure to do so may result in the loss of tobacco privileges. Tobacco areas are available during regularly scheduled breaks and lunch hours.

All buildings owned or operated by the Grant County are designated as nonsmoking. In addition, smoking will not be allowed within twenty five (25) feet of any entrance or exit of any building owned or operated by Grant County.

**Okla. Stat. Ann. Tit, 21 O.S. § 1247**

### **TELEPHONE USE**

Employees may use telephones/cell phones to make or receive personal telephone calls during a scheduled break or lunch hour as long as such calls and telephone usage do not interfere with County business. In the case of an emergency, employees may make or receive personal telephone calls during regular business hours. Employees are prohibited from making long distance phone calls on County phones for personal or non-business matters. Violation of the policy will be grounds for discipline, up to and including discharge.

### **VOTING**

If an employee's work day begins three hours or more after the time that the polls are opened, or ends three hours or more before the time the polls are closed, the employee will be expected to vote either before or after work. If an employee's work hours are not within the above schedule, then the employee will be granted two hours of time during the period when the election polls are open in which to vote and will not be subject to loss of compensation or any other penalty for absence, as long as they notify their department head either orally or in writing of the intent to be absent at least one day prior to the election and provide to their department head proof of voting. This provision does not apply to elections where the sole issue is school board elections or bond issues. This provision does not apply to elections where the sole issue is school board elections or bond issues.

**Okla. Stat. tit. 26, § 7-101.**

**PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE**

**READ CAREFULLY BEFORE SIGNING BELOW**

**GRANT COUNTY PERSONAL USE OF COUNTY-OWNED  
VEHICLE AGREEMENT**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_

Regularly assigned vehicle: \_\_\_\_\_

I have read and understand Grant County's policy on the use of county-owned vehicles. I have been instructed by (Elected Official) \_\_\_\_\_ to use a county-owned vehicle for limited personal use solely for the benefit of the county. Based on my regular use of a county-owned vehicle for personal use (such as in commuting), I understand the valuation of the amount of taxable fringe benefits attributed to me will be calculated by: (mark one)

- The Cents Per Mile Rule \_\_\_\_\_
- The Commuting Rule \_\_\_\_\_
- The Annual Lease Value Rule \_\_\_\_\_

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

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

The amount so calculated in each calendar year will be included in my taxable wages as a fringe benefit. Falsification of statements concerning vehicle usage, use of the county-owned vehicle beyond the specific instructions of the elected official, or failure to provide required documentation may result in discipline up to and including discharge.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**Telephone, E-mail, Internet, and  
Voice-mail Employee Acknowledgement Form.**

I read and understand the County's Electronic Communication Policy included in the Employee Personnel Policy Handbook. I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of Grant County. I also understand that these systems, including facsimile, telecopier, telephone, voice-mail, copy machine, computer, Internet, E-mail, and telephone systems, are to be used primarily for job-related purposes and not for personal purposes, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to Grant County monitoring my use of this equipment at any time, at its discretion. Such monitoring may include monitoring telephone communication, printing up and reading all E-mail entering, leaving, or stored in these systems as well as listening to my voice-mail messages. Grant County reserves and may exercise the right to review, audit, intercept, access, disclose, delete, and purge all messages or content created, received or sent over the Internet or E-mail access systems for any purpose. An employee's use of the Internet and E-mail systems grants management permission to review any and all transactions or sites.

I understand that unauthorized, excessive or inappropriate use of any of the electronic communication systems may be grounds for discipline, up to and including discharge.

\_\_\_\_\_  
Name of Employee (Please print)

\_\_\_\_\_  
Employee's Signature & Date

\_\_\_\_\_  
Name of Management Witness  
(Please print)

\_\_\_\_\_  
Signature of Witness & Date

**RESOLUTION NO.**

Grant County has determined there exists a need for an Employee Personnel Policy Handbook which is uniformly applied to all employees of Grant County, and

WHEREAS the elected officials of Grant County have determined that an Employee Personnel Policy Handbook will significantly improve communications between the County and its employees, and

WHEREAS the elected officials of Grant County have determined that a written Employee Personnel Policy Handbook promotes fairness in employment and assists in the prevention of discrimination in employment of any nature.

NOW, THEREFORE, BE IT RESOLVED that pursuant to **Okla. Stat. Ann. tit. 19, Section 339**, Grant County, by a majority vote of the elected officials, does hereby adopt the revised "Appendix D – Employee Personnel Policy Handbook - Grant County 2016."

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 2016.

Board of County Commissioners of Grant County

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
County Clerk