



City of Broken Arrow
Employee Handbook
2026



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July 2024

Welcome to the City of Broken Arrow! You are an important addition to our team, and we look forward to a productive and mutually fulfilling time together.

Each and every employee plays a critical role in the overall success of the organization. Likewise, because of our dedication to duty and stewardship, we all contribute daily to the excellent quality of life that exists in our community. It's the large and small efforts and things we all do that makes us great!

Throughout your career, you will meet many co-workers, supervisors, managers and City leaders. We are all here to support you and to serve as a resource. It is the responsibility of the leadership team to develop, communicate and administer our organization's policies and procedures. It is your responsibility to become familiar with the policies and procedures and to comply with them. The Employee Handbook is your guide to being a successful member of our team throughout your career with the City.

It is important to note that the information contained in the Employee Handbook is subject to revision. In addition, all employees must understand that employment with the City of Broken Arrow is on an "at-will" basis. This means, that either an employee or the City may end an employee's employment at any time, with or without notice. As we continue to grow, we strive to remain as adaptable, motivated and responsive to our employees as we are to our citizens. The policies in this handbook are intended to serve as guidelines, and do not create any contract of employment or contractual rights for employees.

I'll close by saying two words: "it matters"! Yes, what we do everyday matters to nearly 115,000 citizens and several thousand businesses! We have the opportunity to serve and to be a part of the best community in Oklahoma – one that is recognized nationally as a great place to live, work and play!

Thank you for joining others who believe ***it matters!***



Michael L. Spurgeon, City Manager



Mission Statement

To lead with character and excellence; to provide exceptional services in a responsive, caring manner with a professional attitude; and to establish an environment that fosters growth and enhances the quality of life for all citizens.

Vision for the Future

The City of Broken Arrow will set the standard by providing the best municipal programs and services in our region, while promoting a positive environment for families, business, community organizations and visitors. Broken Arrow will continue to be a community that we are proud to call home.

Core Values

The City of Broken Arrow has the following Core Values: Excellence, Character and Leadership. Our core values describe what the City organization values. They define our ethical behavior and represent criteria upon which decisions can be evaluated.

Excellence refers to an attitude that is pervasive in all we do. We strive to excel in our provision of programs and services, to do the best we can. Superior quality is our goal.

Character encompasses all the many traits that make up good character and are incorporated into our everyday work habits.

Leadership relates to the value of striving to be the organization that others look to for solutions. We want to be on the cutting edge in terms of resolving problems, finding innovative and creative solutions. The City government organization will take charge and guide the community into the future.

We are Servant Leaders

Leaders serve people. At the City of Broken Arrow, anyone can serve – and lead from any position in the organization. At the City of Broken Arrow, we exemplify Servant Leadership.

We believe that everyone has value and can accomplish great things when inspired by a purpose beyond themselves. Our leaders value our employees and inspire them to be the best versions of themselves.

We believe that our words and actions encourage others' behaviors. Our leaders will set aside self-serving actions and be an example of serving others.

We believe that our employees should be an engaged participant in their career and in our organization. Our leaders will listen, accept feedback and cultivate employee involvement.



We believe in learning from our mistakes. Our leaders have high expectations for our employees and will hold them accountable for their performance while supporting them through learning opportunities.

We are Servant Leaders, serving the Citizens of Broken Arrow.

Extent of Coverage

These rules shall be construed as employment guidelines by the City, and shall not be construed as a contract with any employee or as creating any debt or obligation on the part of the City. These personnel rules apply to all City employees, including employees covered by a collective bargaining agreement entered into between the City and a legally authorized collective bargaining agent. Where a collective bargaining agreement exists, these personnel rules apply fully, unless and only to the extent expressly modified by the collective bargaining agreement. Where departmental policies and procedures exist, these personnel rules apply fully. If the departmental policies and procedures are or become inconsistent with this handbook, the handbook shall govern.

Nothing in this handbook is intended to interfere with the rights of any employees to engage in protected concerted activity, either with coworkers or others, or any other rights provided under the National Labor Relations Act. To the extent that conduct is protected under the National Labor Relations Act, this handbook does not prohibit it. If any policies contained herein are or become inconsistent with applicable law, the law shall govern.

Amendment and Implementation

The City Manager, or designee, may amend these rules when deemed desirable and necessary in the best interest of the City. The City Manager, or designee, will provide an opportunity for employees to have notice of the rule changes, but may make changes effective immediately.

Equal Opportunity Employment

Eligibility for City employment is based on merit, fitness and qualifications established for the particular position that is open. No person will be favored or discriminated against because of age, race, color, sex (including pregnancy), disability, religion, national origin, or genetic information in any manner involving employment, including recruitment, advertising, appointment, layoff, termination, promotion, demotion, transfer, compensation, training and selection for training or any other terms, conditions or privileges of employment.



Employees

City Employees include:

- Probationary employee – A newly appointed employee who has not completed the designated probationary period.
- Regular full-time employee– An employee who has completed the initial probationary period and who is regularly scheduled to work forty or more hours a week.
- Regular part-time employee – An employee who has completed the initial probationary period and who is regularly scheduled to work less than forty hours a week. Regular part-time employees are not eligible for City benefits.
- Seasonal employee – An employee who works either on a regular or part-time basis for a limited period of time. Seasonal employees are not eligible for City benefits.
- Intern/Extern employee – An Employee who works either on a regular basis or a part-time basis for a limited period of time. Intern/Extern employees are not eligible for City benefits.

Diversity and Inclusion

It is the policy of the City to embrace diversity and foster inclusion. Diversity is any dimension that can be used to differentiate us, one from another. We appreciate the perspectives, lifestyles, experiences and cultures that make us different and recognize that such differences drive innovation. We treat all individuals with whom we have contact with the utmost respect and consideration.

Inclusion is the condition of being valued, respected and supported. We focus on the needs of our employees, ensuring that we're creating an environment for them to reach their full, professional potential.

All actions preventing inclusion or inappropriate references made to race, color, ethnicity, national origin, education, age, sexual orientation, religion or other cultural differences should be eliminated. Any employee subjecting an individual to unwarranted insensitivity is subject to disciplinary action, up to and including termination.

Probationary Period

Each new employee serves a probationary period. The probationary period is a trial period considered as part of the selection process during which a new employee or a promoted employee is required to successfully demonstrate his or her ability to perform the duties required of the position. The probationary period for all new City employees for all



departments except uniformed Fire and Police personnel is six months. Uniformed Fire and Police Department probationary periods are one year, or as otherwise provided pursuant to union contract. Existing employees promoted to a new job shall serve a six-month probationary period in their new position. Uniformed employees are defined as those in sworn Police and Fire positions (non-civilian).

During the probationary period, performance reviews will be conducted on a regular basis. For six-month probationary periods, the reviews shall take place before the conclusion of six months. For the one-year probationary period, the reviews shall take place before the conclusion of twelve months of service. The department director is authorized to require additional reviews of probationary employees.

Prior to the end of the probationary period, a performance review will be conducted, and recommendation concerning the employee will be submitted by the department director to the City Manager, or designee, for final approval. The recommendation will include information for the probationary employee to become a regular, full-time employee or a recommendation to terminate the employee. The department director or City Manager, or designee, shall have the right to extend the probationary period for a maximum of ninety days if deemed necessary to adequately assess employee performance. Probationary employees may be dismissed from City service without recourse to appeal, may be dismissed without cause and may not be eligible for reemployment.

Attendance

All employees play a vital role in providing quality service to the citizens of Broken Arrow. In order to ensure that we are able to fulfill this role, the following attendance policy guidelines are to be followed. Unnecessary absenteeism and tardiness are expensive, disruptive and places an unfair burden on your fellow employees.

You are needed at work and therefore expected to report to work on time for each regularly scheduled shift as well as any supplemental work times assigned by your supervisor. If you are going to be absent, or late for work, contact your supervisor as far in advance of your regularly scheduled work time as possible, no later than fifteen (15) minutes prior to your normal start time. Explain to your supervisor why you are going to be absent/late and when you can be expected to report to work. If your supervisor is not available, contact another member of management. Contacting a non-management employee is not sufficient. The way in which the employee notifies the department supervisor of the absence will be the decision of each department director.

If your absenteeism becomes excessive, or otherwise unacceptable, you can expect to be counseled about ways to improve your attendance. If improvement is not made, disciplinary action, up to and including termination, will be considered.



The City's sick leave benefit should not be confused with the Attendance Policy. Accumulated sick leave does not entitle an employee to be absent for non-medically related incidents.

An absence of an employee from duty, including any absence for a single day, which is not authorized by the department director, shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action, up to and including termination. Any employee who is absent for three consecutive working days without notice to management will be deemed to have abandoned his or her employment and will be mailed a letter regarding the notice of a pre-determination process. Employees who are separated for job abandonment may not be eligible for reemployment for a period of at least five (5) years.

Standards of Conduct

It is the policy of the City of Broken Arrow that in all cases its employees will perform their duties for the benefit of the citizens of the City. They shall conduct the government of the City with loyalty, integrity and impartiality, without allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest. The purpose of this policy is to establish legal and ethical standards of conduct for all officials and employees of the City and to require disclosures by all officials and employees of private, financial or other interests in matters that may affect the City. All City employees shall adhere to the following Code of Ethics to build public trust and ensure equitable treatment for all.

Trustworthiness

All City employees should demonstrate the highest standards of personal integrity, truthfulness and honesty in all public activities. The protection of confidential information from inappropriate use is of utmost importance and should be handled accordingly. No employee shall use the funds, property, equipment, supplies or labor of the City for a purpose which is for the private benefit of such employee or any other individual or group of individuals unless the same benefit is available to the general public on equal terms, or the use is in accordance with municipal policies and/or ordinances.

Gift or gratuity: No employee shall directly or indirectly solicit, accept or receive any gift or consideration whether in the form of money, services, loan, travel, meal (breakfast and lunch are excluded from this exception), entertainment or thing of promise from any vendor, company, person or entity who presently does business with the City, has done business with the City in the past, or is seeking to do business with the City. No employee, acting within the scope of their employment or because of their position, shall accept any non-monetary item or items with a total value of more than twenty dollars received during one calendar day. * "Breakfast is defined as the first meal of the day eaten in the morning. "Lunch" is defined as a meal eaten in the middle of the day, typically one that is lighter or less formal than an evening meal.



The following shall not constitute gifts or consideration for purposes of this section:

- Discounts offered to all City employees.
- Discounts offered to the general public or to private groups such as professional organizations, religious or service organizations.
- Entertainment provided at a public, professional or community event in which multiple officials or employees of the City or other municipalities are invited. Examples include picnics, holiday parties and civic celebrations.
- Entertainment such as golf outings, hockey games, football games, baseball games or other sporting events available to all City employees.
- Acceptance of a professional or public award reflecting positive performance or community service.
- Campaign contributions reported in full compliance with federal, state and local ordinances as they may apply.
- Informational materials such as books, reports, pamphlets, marketing materials, calendars or periodicals not prominently displayed.
- Greeting cards and items with little intrinsic value such as plaques, certificates and trophies, which are intended solely for presentation.
- Luncheons, dinners or other events where membership dues cover the price of the meal or where food is served in conjunction with training previously authorized by a supervisor.
- Contributions and donations from businesses or others used for charitable events, such as United Way fundraisers and Sanitation Santa.
- Actual expenses for food, beverages, registration, travel and lodging which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities.
- Contributions and donations made for the purpose of employee training and travel-related expenses subject to City Manager, or designee, approval. City employees shall not solicit donations for training and travel expenses.

Drug free work force: No employee shall possess, use, manufacture, dispense, sell or distribute alcoholic beverages or illegal drugs while on duty, while in a City vehicle, while on City property, or while wearing a City uniform (on or off duty); nor shall any such employee be under the influence of such substances while in the named situations. Provided that consumption of such substances as an authorized part of police training program or while doing police work in an undercover capacity may be permitted, but only to the extent approved by appropriate supervisors.

Conflict of interest: State law requires the City to annually identify all of its employees and their spouses who possess a business or maintain a proprietary interest in a business. Proprietary interest means the ownership of more than twenty-five percent (25%) of the business or of the



stock therein or any percentage which constitutes a controlling interest, but shall not include any such interest held by a blind trust.

Respect

City employees should treat all individuals in a respectful, courteous and professional manner. City employees shall not exceed their authority or breach any laws or ask others to do so and should work in full compliance with others unless prohibited from doing so by law.

Attitude: Every employee is viewed as a representative of the City government and should display loyalty, honesty, courtesy, reliability and helpfulness whether they are receiving criticism or answering a question from private citizens or from fellow employees. An employee's attitude is a reflection upon the City's service.

Responsibility

A primary goal of the City of Broken Arrow is to uphold the public trust. Employees should perform job duties diligently and promptly and make no promises of any kind which conflict with one's public duties and responsibilities. No employee, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with the City Council, a board, commission, committee, or other public body of the City. Upon hire, and on an annual basis, each employee will be required to sign a Conflict of Interest form designating personal interest or ownership in an outside entity.

Personal appearance: Personal appearance is important. Employees will dress in a manner that creates a good impression upon the people served as our primary objective is to have employees project a professional image. When not provided with a uniform, all office employees are expected to dress in a manner appropriate in a professional office setting. Non-traditional casual wear (sweats, jeans, joggers, suits, etc.) and/or jeans day clothing must be approved in advance by supervision and/or may be approved for special work situations (moving files/desks, field duties, holidays, etc.). Friday will normally be considered "jeans day," and any days on which snow and ice exists when coming into work shall likewise be jeans day. Regardless of the item of clothing, it is essential to avoid wearing anything to the office that is offensive, excessively worn, frayed, exposes too much skin, or is wrinkled.

The City Manager, or designee, may reverse any or all of the director's decision to impose or waive a dress code.

Employees required to wear a uniform should refer to their department policy manual regarding the uniform standard.

Use of City property: Employees are expected to use and operate City property in a careful and safe manner. City property shall be used for municipal government purposes only except when a specific policy, contract or agreement provides for personal use. Responsibility for City property is a part of every employee's job. Use of City property, including uniforms, for political



campaign purposes shall result in disciplinary action. As used herein, the wearing of any shirt, jacket, hat, insignia, badge or other emblem of office which is issued to identify City employees, or which was purchased or provided by the City, is prohibited while campaigning, whether or not all or some portion of the item is masked or obscured. The uses of insignia used to identify a labor organization are not prohibited by this policy, unless the labor insignia has been altered or obscured in such a way as to make it appear to be City property or a portion of a City uniform.

Fairness

All employees should treat others with impartiality and equity. No special favors or privileges should be provided or accepted that could be perceived as influencing the performance of one's duties. Applicable laws and regulations will be applied impartially to everyone.

Outside employment: Employees of the City may be self-employed or may take occasional part time jobs if, in the opinion of the department director, there is no conflict with working hours, the employee's efficiency in the City work, or with the interest of the City. The employee must obtain approval from the department director before accepting outside employment or venturing into a business. Employees of the City may not engage in outside employment while on duty, nor may City property be used for any reason other than City functions except as authorized by a specific policy, agreement or contract.

Caring

The creation and maintenance of positive relationships is important. Employees should strive to find solutions to customer issues and problems and offer suggestions for improvement to leadership when appropriate.

Citizenship

All officials and personnel should make decisions that benefit the public interest and engage only in activities that are consistent with the performance of one's duties.

Political Activity: Any employee who files as a candidate for City Councilmember shall be considered to have resigned from City employment effective on the date that the candidacy is filed. Employees may file as candidates for other public offices without being subject to disciplinary action, provided that they are able to perform their normal duties for the City at normal hours and without interference. In the event the City employee wins the election and is subsequently sworn into an office and the elected office requires the employee's fulltime attention during all or any portion of the year, the employee shall be deemed to have resigned from City employment effective on the date that the employee is sworn into the office.

No City employee may use City equipment, including City uniforms, while campaigning for office, or while campaigning on behalf of another candidate.



No City employee may place campaign literature or signs advocating or supporting or opposing any person or issue on any real estate, buildings or equipment which is owned or leased by the City or any of its trusts. No City employee may park a privately-owned vehicle on City owned property, if such vehicle has such campaign materials in any form that are placed so as to be observable from the exterior of the vehicle. As used in this policy, the term "City owned property" includes City Hall, Police headquarters, Fire stations, Operations buildings, employee parking lots, water treatment plants, sewer treatment plants, water towers, lift stations and the grounds on which they are located. "City owned property" shall also include City parks, provided that individual participation as a private citizen by attending political rallies or similar organized events which are held in City parks shall not be considered a violation of this policy. However, "City owned property" shall not include land in which the City merely owns a right-of-way or easement. Campaign materials shall not be interpreted as including two or fewer adhesive-backed bumper stickers, which do not exceed six inches by twenty-four inches each and which are fully adhered to the bumper, tailgate, nose cone or rear window of a private vehicle in an otherwise lawful manner.

Work Rules and Disciplinary Action

It is the policy of the City of Broken Arrow to provide a high quality of service by the safe, efficient and orderly operation of all City departments. Behavior indicative of a violation of work rules may result in disciplinary action including a warning, reprimand, suspension, demotion and/or termination. The violations list provided below is not intended to be all-inclusive, but to serve as guidelines for personal conduct. Employee shall refrain from:

- reporting late to work;
- Failure to report absence from duty within a reasonable period of time (normally as soon as it is apparent that it will be impossible to report for work, but at least fifteen (15) minutes prior to the start of the shift whenever possible).
- habitual tardiness or absence;
- absence without notification;
- absence from duty without reasonable cause
- not immediately returning to work after being released from doctor's care;
- abuse of any leaves or other City benefits;
- abuse of any policies regarding employee leaves or other City benefits;
- failure to punch timecard or accurately complete other time sheet record;
- knowingly punching the timecard of another employee, having one's timecard punched by another employee or unauthorized alteration of a timecard or time report;
- falsification of record, report (written or oral) or document arising from employment or work;
- loss of required license or certification;
- gambling or engaging in lottery on City premises;
- discourteous, abusive, disrespectful or insubordinate language to supervisor(s),



manager(s), other employee(s), citizen(s) or other customer(s);

- immoral, indecent or obscene conduct;
- conviction of or pleas of guilty to a traffic violation in a City-owned vehicle while on City time;
- failure to meet standards for personal appearance;
- acceptance of a fee or gift given with the intent of influencing the employee in the performance of his or her official duties;
- violation of a safety rule or the performance of unsafe work practices;
- violation of any City policy or procedure or interdepartmental regulation;
- use or possession of alcohol or drugs on the job or reporting to work under the influence of alcohol or drugs;
- taking more than specified time for meals or breaks;
- stopping work or making preparations to leave work before specified time authorized by the appropriate supervisor;
- leaving the worksite without permission;
- insubordination;
- destruction, theft or misappropriation of City property;
- repeated failure, refusal or neglect in performance of duties;
- fighting with, intimidating or coercing other employees on the job or engaging in horseplay, scuffling or other disruptive actions;
- concealment or failure to report a significant error, mistake or unsafe working condition or injury;
- improper use of authority by using official position for personal profit or advantage;
- wasting time, loafing or sleeping on the job;
- commitment of acts which lead to arrest where it can be found the employee has committed unlawful activities based on reasonable review of the available evidence;
- commitment of acts, on or off the job, which would bring embarrassment, distrust or discredit to the City of Broken Arrow;
- committing acts, in person, over the phone or over social media, that involve illegal and/or unethical behaviors either on or off the job, when such activities would constitute a violation of reasonable expectations of employee behavior;
- removal of any City property, equipment or materials from the work premises without proper authorization from supervision;
- violations of the City Code and/or state law regarding political activity;
- negligence, inefficiency, or incompetence in the performance of job duties;
- excessive garnishments levied against an employee's wages;
- the destruction, theft or misappropriation of the personal property of another, through the unauthorized use of City authority;
- negligent misuse, damage, destruction, willful or malicious damage or destruction of City property or the property of others;
- use of City personnel, equipment or materials for personal or other purposes which are not specifically authorized in writing by the department head;



- Divulging and/or attempting to inappropriately access confidential material or reports;
- bringing firearms or weapons of any sort, concealed or not, onto City property, except that firearms that are otherwise legal may be kept inside a locked vehicle on City designated parking areas. Police officers authorized by the Chief of Police and Fire Marshals authorized by the Fire Chief are exempt from this policy;
- making a threat of violence or actually displaying violent behavior within the workplace. For law enforcement personnel, following the use-of-force modes, shall be exempt to the extent that the officers in good faith perform the duties of the office;
- failure to cooperate with an investigation where an employee is the alleged offender;
- any other reason which the City Manager, or designee, believes, in good faith, to be for the good of the service.

The severity and type of discipline is dependent on the specific incident or violation of the City's work rules and the employee's work history with the City. When appropriate, the City believes that a progressive system of discipline may be helpful to correcting employee performance or behavior issues. The City, however, reserves the right to determine the level and severity of discipline that is appropriate in each circumstance. By providing examples of types of discipline, the City is not indicating that it must follow a progressive system of discipline for all disciplinary situations.

Warning or Reprimand: Whenever an employee's performance or conduct falls below the City's standard of service or whenever an employee violates any of the rules that are City policy, disciplinary action will normally be initiated in the form of a verbal warning or written reprimand by the immediate supervisor. In situations where a verbal warning has not resulted in the correction of the condition or where more severe action is warranted, a written reprimand shall be given to the employee and a copy placed in the personnel file.

Suspension: In those cases where one or more written reprimands have not proved to be effective, or in those cases where the seriousness of the elements or conditions warrant it, the Department Director may recommend suspension without pay of an employee as defined under the Fair Labor Standards Act (FLSA) for up to thirty calendar days in any twelve-month period. When suspension of an employee is being considered, the department director should document the reasons for the suspension and deliver a detailed summary of the evidence to the employee. The department director is to inform the non-probationary employee of his or her right to submit evidence or witnesses in the employee's defense at a hearing to be held before a hearing board, consisting of the department director, or designee, and the Human Resources Director. The employee's evidence should be submitted verbally or in writing, including affidavits signed by relevant witnesses. The hearing board for suspensions within the Human Resources Department will be the Human Resources Director and the City Manager's designee. All documentation from the hearing board, together with the board's recommendation shall be submitted to the City Manager, or designee, who will make a final determination on the basis of the written records. A department director may request a longer



suspension period from the City Manager, or designee, pending the investigation or trial of any criminal charge against the employee.

Demotion: In cases where warranted, the City Manager, or designee, may demote an employee to a lower-class position and pay grade that he or she deems suitable as disciplinary action subject to the provisions outlined in Demotions.

Termination: When other forms of disciplinary action have proved ineffective or where the seriousness of the offense or condition warrants it, the department director may recommend termination of an employee for any violation of the rules or any other reason for the good of the service. In the event the department director believes that immediate action is required to protect City interests, he or she has the authority to suspend an employee with pay pending a hearing. When termination of a non-probationary employee is being considered, the department director should document the reasons for the termination and deliver a detailed summary of the evidence to the employee in writing. The department director is to inform the employee of his or her right to submit evidence or witnesses in the employee's defense at a hearing to be held before a hearing board, consisting of the department director, or designee, and the Human Resources Director. The employee's evidence should be submitted verbally or in writing, including affidavits signed by relevant witnesses. The hearing board for terminations within the Human Resources Department will be the Human Resources Director and the City Manager's designee. All documentation from the hearing board, together with the board's recommendation shall be submitted to the City Manager, or designee, who will make a final determination on the basis of the written records.

Terminations are considered forced separations and are categorized into unsatisfactory service separations and dismissals. Regardless of employment status (probationary or non-probationary), an employee may be separated from employment with an unsatisfactory service separation based on just cause whenever the work habits, attitudes, performance/production or personal conduct of the employee fall below the desirable standards for continued employment. Reasons for an unsatisfactory service separation shall include, but not be limited to, unsatisfactory performance or production in the duties of the position, undesirable behavior or other similar reasons not of a degree requiring dismissal. If an employee separated for unsatisfactory service applies for reemployment, the facts surrounding the previous separation shall be reviewed. The employee may be considered for re-employment and considered for any position for which they are qualified, including their former classification, but shall be considered only when it appears highly probable that the reason for the unsatisfactory service separation will not reoccur. The former manager or department supervisors will be contacted to provide clarification related to the past issue (as applicable) and the prospective appointing authority shall be informed prior to their interview with the employee of the facts surrounding the unsatisfactory forced separation.

A dismissal is when an employee has been determined to be unsuited for further City employment based on just cause for repeated and/or deliberate and/or serious violation(s) of work rules or other standards of conduct. An employee who is dismissed from employment



shall not be eligible for reemployment with the City for a period of at least five years, unless such violations rise to the level of fraud, embezzlement, harassment, workplace violence or other extreme workplace violations. It is intended that a dismissal shall be given to an employee definitely unsuited for City employment, whereas unsatisfactory service separation shall be given where there are less serious reasons for separation. However, both are considered forced separations.

Workplace Violence

The following examples and definitions present intolerable, workplace behaviors. As these behaviors violate our Work Rules and Standards of Conduct policies, any employee found to be behaving in these manners will be subject to discipline, up to and including termination. In some instances, law enforcement may be involved.

Workplace violence: Workplace violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting.

It is everyone's responsibility to prevent workplace violence. The following behaviors may indicate an employee could become violent, and should be reported to management, immediately.

Report an employee who is observed to be:

- Making threats;
- Exhibiting paranoid behavior;
- Showing signs of depression;
- Showing signs of substance abuse;
- Acting unreasonably or irresponsibly;
- Intimidating or controlling other employees;
- Exhibiting anger and aggression;
- Exhibiting bizarre behavior;
- Showing a fascination with violence

Workplace bullying: Workplace bullying is defined as any repeated behavior meant to intimidate, humiliate or degrade another individual. Some examples of bullying include alienating or isolating an employee, harassing or intimidating an employee, assigning an employee an unreasonable amount of work, as well as verbal abuse such as name calling.

Acts of this nature, being violent or bullying, are contrary to the City's behavior expectations and will not be tolerated.



Nondiscrimination/Anti-Harassment Policy

The City of Broken Arrow is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City of Broken Arrow expects that all relationships among persons in the office will be business-like and free of bias, prejudice, discrimination, and harassment.

The City of Broken Arrow has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment and discrimination. The City of Broken Arrow will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the Human Resources Director.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of excluding individuals to avoid allegation of harassment. The law and the policies of the City of Broken Arrow prohibit disparate treatment on the basis of gender or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment and discrimination are intended to complement and further those policies, not to form the basis of an exception to them.

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include, but is not limited to, a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to, unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of



sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment

Harassment on the basis of any legally protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her age, race, color, sex (including pregnancy), disability, religion, national origin, genetic information, or any other characteristic protected by law that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's employment opportunities.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on city premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Hostile Work Environment

Hostile work environment may result when pervasive discriminatory behaviors are shown toward an employee(s) who falls under legal protection of Title VII of the Civil Rights Act and its amendments, and is based upon their association with a protected trait/class such as: age, race, color, gender (including pregnancy), disability, religion, national origin or genetic information.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to the City of Broken Arrow (e.g., an outside vendor, consultant, contractor).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment or Discrimination

The City of Broken Arrow encourages reporting of all perceived incidents of harassment or discrimination, regardless of the offender's identity or position. Individuals who believe that they have been victim of such conduct should discuss their concerns with their immediate supervisor, a supervisor in their chain of command, their department director or the Human Resources Director. In the event any member of management is made aware of a complaint of harassment, that shall immediately be reported to the Human Resources Director.



In addition, the City of Broken Arrow encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City of Broken Arrow recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure and Policy against Retaliation

Individuals who believe they have been victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, a supervisor in their chain of command, their department director, or the Human Resources Director. In the event any member of management is made aware of a complaint of harassment, that shall immediately be reported to the Human Resources Director.

The City of Broken Arrow encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment or discrimination will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

The City of Broken Arrow will maintain confidentiality throughout the investigatory process to the extent possible consistent with adequate investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, but not limited to, training, referral to counseling or disciplinary action such as a warning, reprimand, suspension without pay, or termination, as the City of Broken Arrow believes appropriate under the circumstances.

False and malicious complaints of harassment or discrimination (as opposed to complaints that, even if erroneous, are made in good faith) may result in disciplinary action, up to and including termination.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Retaliation occurs if/when an employee engages in a protected activity, files a good-faith complaint, brings an issue to attention, is involved in an investigation, etc., and the employer or employer representative responds unfavorably to the employee because of this action. Responding



unfavorably is defined as employment action that serves to deter an employee from bringing an issue that needs to be addressed to the attention of management.

Grievance Procedure

Other than complaints involving harassment, all complaints and grievances which an employee may have because of any action affecting his or her status or conditions of employment must be filed within fourteen calendar days after the date of the occurrence and shall be handled as follows:

- An employee shall first discuss a grievance with his or her immediate supervisor in an attempt to reach a satisfactory solution within five working days of the filing of the grievance;
- Any grievance not satisfactorily resolved at the supervisory level may be presented in written form to the employee's department director within two working days. The department director will review the grievance and render a written decision to the employee within five working days of the presentation of all information needed for a decision;
- Any grievance not satisfactorily resolved by the department director may be presented in written form to the City Manager, or a designee, within two working days. The City Manager, or the designee, shall conduct an investigation within ten days of notification of the grievance and will schedule a meeting, which will include the employee, the supervisor, the department director and any other persons who may be helpful in resolving the issues involved. The City Manager, or designee, shall render a written decision within a reasonable time following the conclusion of the investigation.

Employee Confidentiality

Due to the increase in identity theft in this country, the Federal Trade Commission has amended the Fair and Accurate Credit Transactions Act and established a requirement for an Identity Theft Program as it relates to City activities. Also, an Identity Theft Prevention committee has been formed to oversee and update this program as needed. A copy of the program is available from a member of this committee. The committee consists of the Finance Director, Planning & Community Development Director, Finance Controller, Senior Accountant, Utility Service Manager, Assistant City Attorney, Permitting & Licensing Manager and Permit & License Supervisor.

If an employee suspects a customer is attempting identity theft, it should be reported to their supervisor immediately. Additional identification should be requested from the customer. If the customer is unable to confirm his identity, consult with your supervisor before completing the transaction. If an identity theft incident is confirmed, make an official report to the Broken Arrow Police Department and complete an Identity Theft Incident Report and forward to a member of the committee.



As City employees, it is necessary to handle personal and confidential information in our day-to-day business. The protection of this information is of utmost importance and inappropriate use of this information is prohibited. If an employee willfully mishandles personal or private information, they will be subject to disciplinary action. It is the duty of City employees to safeguard this information from others.

Yearly training is conducted in all departments that deal directly with citizens' personal information. Any ideas on how to better protect the City from identity theft should be presented to the Finance Department for consideration in the next committee meeting.

Internet, Intranet and E-mail

The purpose of this policy is to formally establish and define appropriate use of the Internet, Intranet and other forms of electronic media, including electronic mail (email). City employees with access to these electronic communication tools are required to review and abide by this Policy and Procedure to ensure privacy and security, as well as for the protection of the City and the individual employee.

The Internet access system, Intranet access system and email system are owned and provided by the City to assist employees and other users in conducting City business. Violation of the provisions of this policy may result in disciplinary action up to and including termination and/or other appropriate legal action as concerns both employees and other users.

Information accessed and transmitted over the Internet, Intranet and email may be subject to disclosure under various provisions of the Open Records Act. There is no guarantee of privacy, nor is there any expectation of privacy with regard to any Internet, Intranet, or email transaction. Any Internet, Intranet, or email information accessed or transmitted may be considered a business record of the City and accordingly may be used in administrative, judicial or other proceedings to the extent allowed by law. Communications which constitute attorney-client privilege and work product are exempt from these provisions.

The Internet, Intranet and email systems may not be used to solicit, communicate, promote, endorse, support or advertise commercial ventures, religious causes, and political causes; organizations not connected to City business or other non-job-related solicitations.

The Internet, Intranet, and email systems are not to be used to access, view or transmit any offensive or disruptive messages, or contents that violate City or internal department policies. The email system shall not be used to harass, threaten, slander or defame employees or other users. Offensive messages include, but are not limited to, messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses age, sexual orientation, religious belief, political belief, national origin or disability.

The Internet, Intranet, and email access systems shall not be used to send (upload) or retrieve (download) copyrighted materials, trade secrets, proprietary financial information, chain



letters, or similar materials or free products or services that are not directly related to your work (i.e. weather bugs, music, etc.). Employees shall not attempt to access any system they have no authority to access.

The City has the right to review, audit, intercept, access, disclose, delete, and purge all messages or contents created, received or sent over the Internet, Intranet and email systems for any purpose. An employee's use of the Internet, Intranet or email system grants management permission to review any and all transactions or sites. As a result, the confidentiality of any message, other than those from the Legal Department, should not be assumed due to possible audit or Open Records process. Employees should be aware that the City has an Internet tracking system in place. Department Directors will be provided monthly reports detailing the amount of time an employee spends on the Internet and all activities conducted. Employees should further be aware that every email sent or received within the City's email system is archived. The deleting, double deleting or blind copying does not prevent the email or any attachments from being archived.

The Internet access systems may be used for personal communications or transactions only before or after regularly scheduled work periods. Employees shall not access the Internet systems for personal use during lunch hours or during breaks from work. After 5:00 p.m. and on weekends and holidays firefighters may access the Internet system. Such use shall not interfere with the conduct of City business, impose system cost increases, unreasonably interfere with the employee's duties or work time, or violate any provision of the City's workplace rules.

It is understood that occasional and limited use of the email system for personal messages to other individuals will occur. Employees' personal use of email shall be subject to review for inappropriate or excessive use. The email system may not be used to solicit, communicate, promote, endorse, support, or advertise for outside commercial ventures, religious or political causes or organizations not connected to City business, or other non-job-related solicitations without the advance approval of the City Manager, or designee. All messages composed, sent, or received on the email system are and remain the property of the City. Messages are not the private property of any employee or user and may be monitored.

While management reserves the right to retrieve and read email messages, such messages should be treated as confidential by other employees/users and accessed only by the intended recipient or other authorized individual. Employees are not authorized to retrieve or read any email messages that are not sent to them. Any exception to this provision must receive prior approval from the City Manager, or designee.

Employees shall not use the Internet, Intranet or email systems for any illegal activity or purpose. Employees shall not transfer, transmit, receive, view or store any type of obscene, sexually explicit or pornographic materials.



Employees shall not intentionally use invasive software such as viruses or worms, nor shall they transmit or participate in sending chain letters or spamming.

Accessing the Internet, Intranet or other software programs shall be done on city computers only. Accessing these services and programs through the city with a personal computer is prohibited. Employees are prohibited from attaching non-city equipment to the networks, unless advance written approval is provided by the Information Services Manager (laptops, gaming consoles, etc.).

Any employee who discovers a violation of this policy shall notify his or her immediate supervisor as soon as reasonably possible.

To prevent potential liability to the City, employees should not represent their opinions as those of the City, thereby compromising the integrity of the City in any way. The City's Internet host computers are traceable to the City, so persons using the City-provided Internet should not assume they are provided any degree of anonymity. All outgoing messages which do not reflect the official position of the City should include a disclaimer such as "The opinions expressed here are my own and do not represent those of the City of Broken Arrow." In general, City employees have an obligation to use their access to the Internet, Intranet and email in a responsible, ethical, and informed way, and in accordance with relevant laws. City employees should represent the City in a positive manner and conform to network etiquette, protocols, practices and courtesies. Use of the Internet by City employees constitutes acknowledgment and agreement to abide by this policy.

There is a wide variety of information on the Internet. Some individuals may find some of the information found on the Internet offensive or otherwise objectionable. Individual users should be aware the City has no control over information found and therefore cannot be responsible for the content of information available on the Internet.

All electronic systems, hardware, software, temporary or permanent files and any related systems or devices are the property of the City of Broken Arrow. These include, but are not limited to, computers, network equipment, software, documents, spreadsheets, calendar entries, appointments, tasks, notes and email which reside in part or in whole on any City electronic system or equipment.

The use of the Internet, Intranet and email is a privilege, not a right, which may be revoked at any time for unacceptable use. Anyone found to have engaged in illegal, unauthorized, or unethical practices in email or on the Internet is in violation of the City's policies and procedures and workplace rules and will be subject to disciplinary action which could include termination of system access, possible termination of employment, and/or criminal prosecution, if appropriate.



Social Media

The City of Broken Arrow utilizes social media tools to expand audience reach and address the ways citizens communicate and obtain information online. The City of Broken Arrow requires that all employees using social media as a means to communicate on behalf of the City understand the risk and responsibility it presents. As such, only authorized individuals may publish and manage City-related content on social media sites.

For more information, see the [Social Media Policy](#) in the Administrative Regulations Appendix of this handbook.

Distracted Driving

Driving requires your full attention. Employees driving City-owned vehicles and equipment, or privately owned vehicles on official City business shall not engage in distracting behaviors. Examples of distracting behaviors include, but are not limited to, talking on a cell phone, sending and/or receiving (reading) text messages “texting,” reading, watching or entering information into a handheld electronic device, adjusting the radio or other controls, and eating or drinking.

“Driving” means operating a motor vehicle or equipment on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary. City employees found to be engaging in distracting behaviors that compromise their focus while driving will be subject to disciplinary action, up to and including termination.

Tobacco Free, Smoke Free and Vape Free

To protect and enhance indoor air quality and to contribute to the health and wellbeing of all employees, citizens and visitors, the City of Broken Arrow shall be tobacco free, smoke free and vape free as noted below. This policy includes the use of electronic nicotine delivery systems known as e-cigarettes, e-cigars, e-hookahs and e-pipes.

The City prohibits tobacco use and vaping of any substance, including medical marijuana, on and in all City property, buildings, facilities, vehicles and equipment.

Employees may use smokeless tobacco on City property except in the following areas of the workplace: any City building, within 25 feet of any exterior entrance or exit of a City building (excluding fire station bays) and City vehicles or equipment.

The City provides tobacco cessation assistance to its employees and their spouses. Contact the Human Resources Department for additional information.



Alcohol and Drug Free

The City of Broken Arrow has a longstanding commitment to provide a safe, quality-oriented and productive work environment for our employees; our most valued resources. Alcohol and drug use and abuse poses a threat to the health and safety of our employees and to the security of the City's equipment and facilities. For these reasons, the City of Broken Arrow is committed to elimination of alcohol and drug use and abuse in the workplace.

For more information, see the [Alcohol and Drug Free Workplace Policies](#) in the Administrative Regulations Appendix of this handbook.

Firearms/Weapons

The City prohibits an individual from bringing firearms, ammunition or weapons of any sort, concealed or not, onto City property, except that firearms and ammunition that are otherwise legal may be kept inside a locked vehicle on City designated parking areas. Police Officers authorized by the Chief of Police and Fire Marshals authorized by the Fire Chief are exempt from this policy. Violation of this policy shall result in discipline up to and including termination.

Separations

Resignation

To resign in good standing, an employee must give his or her department director at least two-week notice in writing, unless the department director agrees to permit a shorter period of notice. Failure to provide this notice is considered "unsatisfactory service," and may be cause for denying future employment with the City. The City may, at any time after notice is given by the employee, decide to accept the resignation effective immediately for the good of the service. The employee's separation date will then be the effective date of the resignation date accepted by management.

Unsatisfactory Service

An employee may be separated for unsatisfactory service whenever the work habits, attitude, performance of duties or personal conduct of the employee falls below the desirable standards for continued employment. An employee terminated for unsatisfactory service may only be eligible for reemployment following review by the City Manager, or designee, of any extenuating circumstances surrounding the termination of employment.



Termination

An employee may be terminated from City employment for repeated, deliberate or serious violations of work rules and standards of conduct, or for the good of the service. An employee that is terminated is considered unsuited for future City employment and is not eligible for reemployment.

When termination of an employee is being considered, the department director should document the reasons for the termination and deliver a detailed summary of the evidence to the employee. The department director is to inform the employee of his or her right to submit evidence or witnesses in the employee's defense at a hearing to be held before a hearing board, consisting of the department director, or designee, and the Human Resources Director. The employee's evidence should be submitted verbally or in writing, including affidavits signed by relevant witnesses. The hearing board for terminations within the Human Resources Department will be the Human Resources Director and the City Manager's designee. All documentation from the hearing board, together with the board's recommendation shall be submitted to the City Manager, or designee, who will make a final determination on the basis of the written records.

Any person wishing to grieve a termination under this procedure must file a written grievance with the City Manager's office within ten days after termination and the City Manager, or the City Manager's designee, shall provide a reasonable opportunity for the grieving party to be heard on the merits of the grievance. The decision of this post-termination hearing is final.

Disability

The City is committed to full compliance with all requirements of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA).

If an employee does not meet the requirements of the Act(s) or if having met the requirements of the Act(s), the City has determined through an interactive process that the employee cannot perform the essential functions of the position (with or without reasonable accommodation) because of physical, mental or emotional impairment, an employee may be separated for a disability. The Human Resources Department is responsible for engaging in the interactive accommodation process with an employee and will collaborate with appropriate internal parties on granting/denying all accommodation requests.

When a disability separation is being considered, the department director should document the reasons for the disability separation and deliver a detailed summary of the evidence to the employee. The department director is to inform the employee of his or her right to submit evidence or witnesses in the employee's defense at a hearing to be held before a hearing board, consisting of the department director, or designee, and the Human Resources Director. The employee's evidence should be submitted verbally or in writing, including affidavits signed by relevant witnesses. All documentation from the hearing board, together with the board's



recommendation shall be submitted to the City Manager, or designee, who will make a final determination on the basis of the written records.

If an employee separated for disability reasons applies for reemployment, the facts surrounding the previous separation shall be reviewed with the applicable department director. An employee may be eligible for reemployment in a position when it appears highly probable that the reasons for the disability separation will not reoccur or that a reasonable accommodation will allow the performance of the essential functions of a position for which the employee can qualify. The City retains the right to require a previously disabled employee to take and to pass all applicable medical and physical agility tests which are normally given.

Retirement

The date upon which employees of the Fire and Police Departments are eligible under the state pension is governed by state statute. Retirement for non-union employees means a fulltime employee who has worked for the City for seven years and has obtained full vesting under the City's retirement plan. All non-union employees should give his or her department director at least a two-week written notice upon desire to retire.

Death

Upon the death of an employee, the department director will provide the last day worked to the Human Resources Department. All final compensation from the City for employment will be paid to the estate or beneficiaries of the deceased employee.

Layoff

The City Manager, or designee, may layoff an employee in the City service when the City Manager, or designee, deems it necessary by reason of shortage of work or funds. Such layoff will not reflect discredit upon the performance of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classes. No regular employee will be laid off while another person in a comparable position is employed on a temporary basis in the same class in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.

- *Accrual of Benefits:* An employee on layoff status retains all accrued sick leave and seniority rights while on layoff, but all other benefits shall cease, and no benefits accrue to that employee while the layoff continues. Accrued vacation will be paid to the employee at the time of the layoff.
- *Order of Layoff:* Layoff of employees shall be made in the order of the current ratings determined on the basis of performance reviews. The length of service shall be a factor to be considered.



- *Notice of Layoff:* The City Manager, or designee, shall give written notice to the employee of any proposed layoff and regular employees shall be entitled to a statement of the reasons for layoff within a reasonable time frame before the effective date.
- *Order of Recall:* An employee on layoff status who desires reemployment with the City has priority for reemployment in the same classification from which the layoff occurred, for a period of one year from the effective date of the layoff. The City will attempt to notify an employee on layoff status by registered mail at least ten days prior to the effective date of reemployment being offered. If the employee fails to respond within ten days following the letter being posted, the employee will cease to be entitled to priority for reemployment.

Salary Administration

The policy of the City of Broken Arrow is to be a fiscally responsible and competitive employer in establishing compensation benefits for its employees. The entire pay plan, including all leaves and benefits applicable thereto is interpreted as a pay plan subject to the principles of public accountability, so that public funds are spent for public purposes.

It is also the City's policy to comply with the Fair Labor Standards Act, union labor agreements, federal and state laws and City ordinances relating to the payment of wages and benefits to its employees.

Classification and Pay Plan

The classification plan consists of class titles and class specifications which are approved by the City Manager, or designee, and from time to time amended. Whenever a department director proposes the establishment of a new position, or makes a significant change in the duties and responsibilities of the existing position, this shall be reported to the Human Resources Director, and adjustments in class or grade may be made with City Manager, or designee, approval. If approved, a job description shall be created and/or rewritten incorporating these changes.

The evaluation system used to classify jobs in the City of Broken Arrow is a comprehensive study that includes, but is not limited to, consideration of the following position attributes: the knowledge required by the position, the supervisory controls and responsibilities of the position, the complexity, scope and impact the position may have on City operations, and the physical demands of the position and its associated work environment. The compensable factors are weighted, and used to collectively determine the position's assignment to a grade in the classification plan.

The City Manager, or designee, shall recommend to the City Council a pay plan and amend the plan from time to time in keeping with the following efforts:



- To maintain competitive wages
- To reflect internal equity and external value
- To consider the City's financial position and resources

Part-time, Seasonal and Intern/Extern Compensation

Part-time, seasonal and intern/extern positions are assigned to appropriate grades by the Human Resources Director. The same principles that apply to the Compensation Plan for regular, full-time employees determine salary procedures for part-time, seasonal and intern/extern employees.

Regular, part-time employees may qualify to earn a performance increase after completing one year of part-time service. See the section entitled *Performance Evaluations* for more information on base-salary increases. Regular, part-time employees are also eligible for market adjustments in accordance with City policies.

Seasonal and intern/extern (where compensable) employees are hired for a specified time frame to perform duties assisting various departments as deemed necessary. Seasonal and intern/extern employees are not eligible for performance increases or market adjustments.

Director Compensation

Salary ranges with minimum and maximum salaries for individual department director positions will be included in the pay plan recommended by the City Manager, or designee, and approved by the City Council. Department directors who significantly exceed the expectations of the City Manager, or designee, or achieve a non-routine accomplishment may be entitled to a merit bonus.

Department directors are not entitled to uniform allowance, education pay, certification pay or attendance incentives.

Stand-By and Call-Back Assignment (Non-Union Employees Only)

From time to time, the services of some employees are needed after regular work hours. These employees will be placed on a stand-by assignment and will generally be provided a cellphone. When a cell phone is not provided by the City, the employee shall provide a telephone number where he or she can be reached. An employee assigned to remain on stand-by shall be required to answer calls and be available immediately by telephone to begin work within a reasonable response time set by the department head and approved by the City Manager or designee. Normally such timeframe shall be thirty (30) minutes. A stand-by assignment is usually for a minimum of seven calendar days; however, this shall not preclude management



from assigning a shorter duration stand-by related assignment. If an employee assigned stand-by determines they cannot complete the full seven-day period, the employee shall be responsible for obtaining an appropriate replacement employee for the stand-by assignment. The employee shall be responsible to gaining approval from his/her supervisor for both the substitution and the replacement employee in advance. Employees on stand-by assignment will be paid eight hours at their base rate for each week of stand by assignment. If an employee must be scheduled on a daily basis for stand-by, an employee will be paid 1.15 hours at their base rate for each day of the stand-by assignment. Non-exempt employees who are called back to work outside of his or her regularly scheduled shift and have left the premises of his or her work location shall be paid for a minimum of two (2) hours when the work performed is not continuous with the employee's regular work schedule. If the callback is within two (2) hours of the regular starting schedule, then hours will be paid only for the time worked prior to the start of the regular shift. Callouts shall not be considered cumulative for each call received, nor shall they be considered in two-hour blocks. When time worked is continuous, the employee must be compensated for actual time, with the minimum two (2) hour consideration. An employee who is called back more than once during the same two (2) hour period is not entitled to call-back pay for each time called back; time worked is considered continuous until leaving the worksite and returning home within the same 2-hour period. Employees who are able to take calls from home and who are not required to respond to the worksite (such as IT support) will be compensated for actual time worked. Example 1: regular work schedule 8am-5pm Monday-Friday. Employee is called back at 1am and works until 1:45am. Employee receives a minimum of two (2) hours callback pay. Example 2: regular work schedule 8am-5pm Monday-Friday. Employee is called back at 11pm and works until 2am. Employee returns home and is called back again at 3:15am and works until 3:45. Employee receives a total of 5 hours callback pay (3 hours, 2 hours minimum). Example 3: Employee receives a call at 5:05 and the employee is still at work. Callback pay is not received; time is continuous from 5:00 since the employee has not left the work site. Employee is paid until the call is complete. Example 4: Employee receives a call at 8pm and numerous others subsequently after. Employee completes all callouts at 2am. Employee is paid 6 hours callback pay.

Employees called in for emergency duty, or call back situations, but not on a stand-by assignment, are not eligible for the eight-hour assignment pay, but will be paid for all hours worked. Call back situations shall be considered voluntary.

Acting Position

An employee may be assigned to work at a higher classification on a temporary, incidental or emergency basis. If the employee is assigned to perform the duties for three days or more, the employee may be given a provisional appointment to the higher position and be paid an additional 5% above his or her base pay, retroactive to the first day of assignment. If the out of class assignment is for a supervisory position, then in his or her sole discretion the City Manager, or designee, may appoint an acting supervisor for the period of the vacancy. Upon acceptance of the assignment to the acting position, the City Manager, or designee, will determine the extent of additional compensation if any. When the vacancy is filled, or the



absent supervisor returns, the employee in the acting capacity will return to their previous job classification and previous rate of pay. Adjustments in compensation will begin and end in accordance with the actual dates of assignment.

Assignment of Special Duties

Employees may be assigned to special duties. Special duties include additional and increased responsibilities in a position which does not qualify for Acting Pay. For the period of time the employee is assigned to such duties, the City Manager, or designee, may approve a “premium pay” in addition to the employee’s base pay. The amount of this premium pay is determined by the City Manager, or designee, and is based upon the scope and other factors involved in the additional duties. When the employee is no longer responsible for these additional, special duties, the premium pay will be discontinued.

Performance Evaluations

Performance evaluations will occur once per year, on or shortly before each anniversary date. All performance evaluations will be based upon a review of the employee’s performance for the entire year. Base salary increases are designed to reward job performance, and may be awarded to employees whose performance is evaluated as consistently competent and/or above standard. The performance evaluation is essential to the effective utilization of this incentive.

In the event an employee receives an evaluation which makes the employee ineligible for a base-salary increase, the employee shall receive a subsequent evaluation three months later to determine whether or not satisfactory improvement has been shown in the interim. A pay raise will be reconsidered at that time on the basis of all performance since the last base-salary increase was granted.

Department directors and Assistant City Managers are evaluated annually, on or before June 30th, regardless of their anniversary date. Department director evaluations are an appraisal of the director’s management plan for the entire department and a personal/professional development plan for his or herself.

Employee Variable Pay Program

Non-union employees who make significant, performance-based contributions to the organization may be recognized with the employee variable pay program. Each Department Director will be provided a specific amount of funds for this program based upon a formula adopted by the City Manager, or designee, and amended from time to time.

For more information, see the [Employee Variable Pay Program](#) in the Administrative Regulations appendix of this handbook.



Education/Licensure Compensation

At the City of Broken Arrow, we believe that well-rounded, formal education and license opportunities can enhance an employee’s skillset and increase their value and contribution to their position, their department and the City as a whole. Because of this positive impact, the City offers educational reimbursement and, in some cases, a monthly pay increase to employees desiring to advance their learning in areas related to their job duties.

For more information on eligibility criteria and approval processes, see the [Education/License Compensation Policy](#) in the Administrative Regulations appendix of this handbook.

Bilingual Compensation

The City recognizes the importance of employees who are able to communicate with citizens in languages other than English, and in certain cases, may offer additional pay to eligible employees for such skills. Bilingual compensation may be available when an employee uses their bilingual skills in the workplace.

For more information on eligibility criteria and approval processes, see the [Bilingual Compensation Policy](#) in the Administrative Regulations appendix of this handbook.

Longevity Pay

Longevity pay is one way in which the City recognizes and rewards employees for their years of service. Long-tenured employees support organizational success through their invaluable historical perspective, their strong knowledge base and their ability to pass their skills onto a more junior employee. Regular, full-time, non-union employees are entitled to longevity pay on or before December 1st of each year. Longevity benefits are paid on a calendar year basis, January 1 through December 31. The amount of their award is based upon their total years of service, and follows the schedule as shown.

Years of Service	Amount
25 or more	\$2,500.00
24	\$2,400.00
23	\$2,300.00
22	\$2,200.00
21	\$2,100.00
20	\$2,000.00



Years of Service	Amount
19	\$1,900.00
18	\$1,800.00
17	\$1,700.00
16	\$1,600.00
15	\$1,500.00
14	\$1,400.00
13	\$1,300.00
12	\$1,200.00
11	\$1,100.00
10	\$1,000.00
9	\$900.00
8	\$800.00
7	\$700.00
6	\$600.00
5	\$500.00
Less than 5	\$0.00

Employees who terminate their employment before December 1st, or employees who have taken an extended leave without pay for one or more months during any portion of that calendar year, will receive a prorated benefit. The prorated benefit will be calculated by dividing the amount of the annual benefit by twelve and then multiplying by the number of months worked during the twelve-month calendar period. Employees who are on an extended leave of absence without pay, or who are on a military deployment, will receive their longevity upon return. Longevity service pay is subject to all applicable deductions at the time of the payment.



Mileage Reimbursement

Employee assignments requiring the use of a vehicle should be conducted through the use of a City-provided vehicle. If an employee uses a City-provided vehicle, the employee is not eligible for mileage reimbursement.

In the event circumstances of an assignment require the use of a personal vehicle, use must be authorized by the department director in advance. If an employee has been approved to use his or her own vehicle for City business, the employee will be reimbursed at the rate established and accepted by the Internal Revenue Service.

Employee Transfers and Grade Changes

An employee may be transferred to another department in a similar position at the same grade and such transfer shall not change the employee's rate of pay, pay grade or the eligibility date for a performance increase.

An employee may move to a higher or lower grade as a result of reclassification, promotion or demotion.

Reclassification

A reclassification may occur as the result of a substantial change occurring in the duties and responsibilities associated with a position. When an employee is reclassified to a position of a higher grade, the employee will receive a minimum of ten percent increase in pay.

Promotions

When an employee is promoted to a position in a higher grade, the employee will receive a minimum of five percent increase in pay. Any promotional increase above five percent will require approval from the Human Resources Director, after a review of all relevant information.

All vacancies that occur within the City that are considered promotional opportunities will be posted online for a minimum of five working days.

All City employees that meet the qualifications of the specific job opening are eligible to apply. Internal candidates must submit a completed application for employment to the Human Resources Department within the time frame established to be considered for the promotion. Selection methods will be at the discretion of the department director in accordance with written policy and procedure manuals generally adopted by the City or by that department, provided that the department director may not adopt methods in violation of law.

Promotions will normally occur on the first day of a pay period; promotions shall not occur on holidays, vacations, or when utilizing other types of leave.



All employees that are promoted will serve a six-month probationary period. Terms of this period follow the guidelines of a newly hired, probationary employee, which includes probationary increases. See the section entitled *Probationary Period* for more information.

Demotions

A demotion occurs when an employee moves to a position or classification having a lower base salary range and lesser job responsibility.

An employee may be demoted:

- Voluntarily, at the employee's request
- As a result of a reduction in workforce
- As a result of disciplinary action
- As a result of unsatisfactory performance
- For any other reason serving the best interests of the City

An employee requesting a voluntary demotion shall submit their request to their department director, documenting the reasons for the request. The employee's request and the department director's recommendation shall be submitted to the City Manager, or designee. The City Manager, or designee, will make a final determination on the basis of the employee's request and the department director's recommendation.

When an involuntary demotion is being considered, the department director should document the reasons for the demotion and deliver a detailed summary of the evidence to the employee. The department director is to inform the employee of his or her right to submit evidence or witnesses in the employee's defense at a hearing to be held before a hearing board, consisting of the department director and the Human Resources Director. The employee's evidence should be submitted verbally or in writing, including affidavits signed by relevant witnesses. All documentation from the hearing board, together with the board's recommendation shall be submitted to the City Manager, or designee, who will make a final determination on the basis of the written records.

When an employee is demoted to a lower position, the employee is paid at a rate, which is within the approved range for the lower position. The Human Resources Director makes a determination of the rate of pay, taking into consideration the circumstances surrounding the reasons for the demotion.

Payroll Procedures

Employees are paid on a biweekly schedule with payday being on Friday.



To be effective on the next scheduled payroll, all changes (i.e. address changes, benefit changes, direct deposit changes, W-4 changes, etc.) must be submitted to the Human Resources Department by 12:00p.m. on the Monday prior to the last day of the pay period (not pay date).

The City of Broken Arrow requires its employees to utilize direct deposit. Employees must submit the appropriate form with a voided check or deposit slip to the Human Resources Department.

Work Period and Hours Worked

The City is committed to full compliance with all requirements of the Fair Labor Standards Act.

The work period for union employees is established in the appropriate collective bargaining agreement. The work period is designated to begin on Monday at 12:00am and end on Sunday at 11:59pm.

Non-exempt employees are paid for all hours actually worked and any appropriate paid leaves. If a non-exempt employee's actual hours worked exceeds forty (40) in a work period the employee receives overtime wages, except where provided otherwise by Section 207 (K) of FLSA and 29 C.F.R., Part 553. Overtime shall be paid in cash or compensatory time off. Compensatory time, if offered by the supervisor and elected by the employee, shall be earned at time and one-half rate. Department Heads or their designee, may allow the employee to choose either cash payment or compensatory time off accruals; however, if no such election is allowed, payment shall be made in cash (overtime). If compensatory time has been accrued, the employee may request compensatory time off in the same manner as a vacation request and time off will be granted by mutual agreement. Paid compensatory time shall not count towards hours worked for overtime purposes. Compensatory time may be accrued to a maximum of one hundred sixty (160) hours, if such accrual is approved by the Department Head or designee. All compensatory time shall be paid upon voluntary or involuntary separation from city service. Holiday leave is counted as actual hours worked for overtime computation. No other paid leave is counted towards overtime.

Except in emergency situations, overtime must be preapproved by the employee's department director.

In the event a need exist which may require an adjustment to an employee's work schedule, or required overtime, employees should be provided with at least one-week advanced notice of the schedule adjustment, or overtime requirement.

If a non-exempt employee works their regular number of hours in a workday, no paid leave will be recorded. However, if the employee works less than the regular number of hours, the amount of leave time recorded should bring the employee's hours worked to his or her regular amount.



Solid Waste & Recycling workers shall be available for work a minimum of forty (40) hours per week. When the actual work and paid leave hours do not reach forty (40) hours, and the employee works the full schedule, a salary adjustment will be applied to bring the employee to the regular, weekly salary.

Part-time, seasonal and intern/extern employees are paid straight time for all time worked under a threshold of forty (40) hours in a work period. For all hours worked in excess of forty (40) hours in a work period, a part-time seasonal and/or intern/extern employee will be paid at time and one half his or her regular rate of pay.

Employees exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis (i.e. a predetermined, set amount). Reductions in salary may occur as provided by the FLSA. Exempt employees shall only record leave time.

Time Clock Procedures

In compliance with the Fair Labor Standards Act (FLSA), the following rules apply to recording time worked:

- Non-exempt employees are required to clock in when they begin work, and must clock out when they go off duty.
- Non-exempt employees are required to clock out any time they leave the work site for any reason other than assigned duties, except during designated 15-minute break times.
- Falsifying time records is a violation of the law. Employees found to be falsifying time; clocking in or out for other employees or submitting time or time adjustments contrary to hours actually worked, will be subject to disciplinary action, up to and including termination.
- At the end of each work period, employees must approve their recorded time. Once approved by the employee, recorded time must be approved by the direct supervisor, manager and/or director prior to payroll processing.
- Any adjustment made to an employee's recorded time by the direct supervisor, manager and/or director must be accompanied by a detailed explanation and re-approved by the employee prior to payroll processing.
- Employees are responsible for reviewing their paycheck each payday. Any errors or issues must be reported to payroll personnel immediately.

The City's goal is to ensure that each employee is paid properly according to the law.



Benefits Administration

If your position is covered by a collective bargaining agreement, please refer to the appropriate document to determine whether or not you are eligible for any of the following benefits.

The City reserves the right to amend or terminate any of its benefit programs or to require or increase employee premium contributions toward any benefit with or without advance notice at its discretion. This reserved right may be exercised in the absence of financial necessity. Whenever an amendment is made to any of the City's benefit programs, the respective plan administrator will draft and submit the amendment to the appropriate entity(ies) for review and approval. The respective plan administrator or Human Resources will notify plan participants of all approved amendments or plan terminations, in accordance with the requirements of applicable federal law. For more complete information regarding any of our benefit programs, please contact Human Resources.

Be Well, Work Well

At the core of the City's wellness program is behavior change. With support, education, resources and motivation, employees can adopt and maintain healthy behaviors. Healthy behaviors lead to lower health risks, less chronic disease, more manageable health costs, and ultimately, healthier employees. The City of Broken Arrow is committed to this initiative and views wellness programming as an essential component of the employee benefit package.

The Wellness Program emphasizes three fundamental areas:

- Health – physical activity, exercise, maintaining a healthy weight and tobacco cessation.
- Early Intervention – periodic medical exams, immunizations/flu shots, diet and nutrition, health risk assessment and disease or pregnancy management under doctor supervision.
- Education – CPR or first aid certification, blood donation, health seminars, publications and wellness related behavior change/management classes.

Employees are provided the opportunity to *be well, work well* through City-sponsored programs throughout the year. To encourage participation in the Wellness Program, the City provides incentives to employees for their efforts in attempting to improve their overall health. For more information, contact the Human Resources Department.

Health Insurance

Regular, full-time employees are eligible for health, dental, vision and term life insurance coverage on the first of the month following thirty (30) days of employment. Both the employee and City share in paying the premium. Details concerning deductibles, restrictions,



continuation, termination, and scope of coverage are explained in the plan documents for each type of coverage.

Any employee ordered to active-duty military service who fails to advise the City of Broken Arrow that they intend to maintain healthcare benefits during their active-duty military service will be dropped from coverage at the end of the calendar month from which active-duty military service was ordered. Upon reemployment, the employee must initiate reenrollment into all applicable healthcare plan(s) within 30 days unless it is unreasonable or impossible to do so, then the employee must initiate reenrollment as soon as possible.

Flexible Benefits Plan

A Section 125 Flexible Benefit Plan has been established for all employees who have completed thirty days of employment. The Flexible Benefit Plan allows an employee to set aside money, on a pretax basis, to spend on certain qualified expenses which include:

- Insurance premiums
- Medical care reimbursement/expenses
- Dependent care assistance

Insurance premiums: the dollar amount of the employee contribution is deducted from the employee's paycheck prior to federal, state and FICA tax withholdings.

Medical care reimbursements/expenses: this benefit allows employees to set aside pre-tax dollars to pay for medical expenses that are not covered by health insurance, such as deductibles and copayments. The amount elected by the employee will be divided among their paychecks and deducted twice a month. Employees can choose their choice of reimbursement by using the FSA Debit Card, receiving a check in the mail or by direct deposit to their financial institution.

Employees are encouraged to keep any and all receipts. For compliance, employees may be asked to submit them as verification that funds are being used per federal regulations.

Dependent care expenses: any expenses for the care of dependents, such as childcare provider expenses, that are incurred to allow the employee and/or his or her spouse to work or look for work may be deducted from an employee's paycheck prior to federal, state and FICA tax withholdings. The amount elected by the employee will be divided among their paychecks and deducted twice a month. The employee must submit a receipt or canceled check from his or her dependent-care provider indicating the dollar amount and dates of the services. Once received and processed, the employee will be reimbursed for the expenses incurred.

IRS guidelines state that any money contributed to the plan but not reimbursed to the plan participant will be forfeited. In other words, "if you don't use it, you lose it". Employees are



encouraged to be precise and get exact quotes, especially from your dependent-care provider, in order to make informed decisions about their elections.

Long-term Disability

An employee's income is one of their most essential financial assets. In some instances, employees are not prepared for an injury or illness that prevents them from working and results in a loss of income. The City's Long Term Disability Plan provides financial protection for all eligible employees who meet the plan's disability classification. To be eligible, an employee must:

- Be an active employee
- Be a regular, full-time employee
- Not work in a position covered by a union contract
- Have completed one month of continuous service

The City pays the entire premium for this benefit. The amount of benefit an employee receives, once classified as disabled, is based on the amount an employee earned before their disability began. In some cases, an employee can receive disability payments even if he/she works while disabled. For more information, contact Human Resources or refer to the Long-term Disability benefit documents.

Optional Benefit Programs

The City provides payroll deductions for a variety of optional benefit programs. The employee is responsible for the entire premium and enrollment is voluntary. These programs currently include deferred compensation, credit union privileges, prepaid legal services and various other supplemental insurance plans. More detailed information may be obtained from the Human Resources Department.

Employee Assistance Program

The Employee Assistance Program (EAP) is designed to help City employees maintain their emotional health. The City offers this benefit to all employees and their immediate family at no cost because we believe in a healthy workforce and view our employees as our most important resource. The EAP counselors help employees cope with a variety of problems that may interfere with work and everyday life. Support is available to address many concerns including, but not limited to marital, financial, emotional, alcohol-drug related, work-related, and legal or parent-child conflicts. The EAP's professional counselors offer employees an assessment of the problem, short-term counseling, information and referral to community resources. All self-referral participation is confidential. For additional information contact the Human Resources Department or visit [Community Care EAP](http://www.ccok.com), www.ccok.com.



Retirement

The City is a member of the Oklahoma Municipal Retirement Fund. The plan is a defined contribution plan. As a condition of employment, all non-union, full-time employees are required to become a member of the plan. The City contributes ten (10) percent of the employee's annual salary to the plan on the employee's behalf, with no contribution requirement imposed on the employee. For detailed information about the plan; investment options, vesting schedules and benefits at retirement, contact Human Resources or visit [OkMRF, https://okmrforg.voya.com/eportal/welcome.do](https://okmrforg.voya.com/eportal/welcome.do).

Qualifying Police officers and Firefighters are members of the Oklahoma Fire and Police Pension and Retirement System. For more detailed information concerning eligibility, benefits, transfer of service or other such information, consult your local pension board or the Oklahoma State Pension and Retirement System. *For additional plan information, visit, [OPPRS](#) or [OFPRS](#).*

Leaves of Absences

No paid leave, except holidays, shall be considered hours worked for purposes of the Fair Labor Standards Act.

Certain paid leaves for employees covered by collective bargaining agreements are described in the applicable labor agreement.

Unpaid Leave of Absence

A leave of absence without pay that does not otherwise qualify as leave under the Family Medical Leave Act may be granted by the City Manager, or designee. A leave of absence without pay is a limited period of time that an employee may be absent from work. An employee must submit the request in writing at least thirty days in advance of the initial date of absence. The request must provide the reasons for the absence and an estimate of the duration of the absence along with proper documentation. Leave without pay may be authorized by Department Directors for individual days, or if approved prior to an employee being hired, if accruals are not available. The City Manager must approve a leave of absence without pay for a period of more than one consecutive week in duration, if the leave request is not made prior to employment.

An extended leave of absence(s) is granted when it is in the best interest of the City to do so and is not to exceed six months. At the expiration of the leave, an employee shall be reinstated in the position vacated or a comparable position. Persons on leave without pay do not accrue any paid leaves, including holiday leave and/or paid holidays. An employee's eligibility to continue benefit coverages during a leave of absence without pay is dependent upon the provisions of each benefit plan.



Notwithstanding the provisions of FMLA, when an employee is placed on a leave without pay status, the employee will be responsible for payment of any insurance premium contributions, including those normally paid for by the City. If premiums are not paid as required, including any monies normally paid by the City, benefits will be cancelled effective of the date the employee entered into the leave without pay status.

Vacation Leave

Accrual and Accumulation: Regular, full-time, non-union employees shall accrue vacation after six months of service. At six months of service, employees receive forty (40) hours of vacation. Thereafter, additional vacation time will accrue each month. The monthly accrual and maximums increase at five (5), ten (10), fifteen (15) and twenty (20) years of service. Employees may bank vacation leave to the specific maximums described in the chart below. The City Manager, or designee, has the authority to adjust accrual of additional vacation for years of service and accumulation of vacation leave as deemed appropriate for the good of the service. Non-uniformed employees who leave the city and return to fulltime employment will have all previous fulltime service counted towards accruals for vacation leave. Example- Employee works April 1, 2015-June 1, 2018 and is rehired July 1, 2024. The employee’s previous 3 years and 2 months of service will be added to their total years of service and their monthly accrual will increase in May of 2026.

The accrual and accumulation schedule are as follows:

Years of Employment	Monthly Accrual Rate	Annual Accrual Rate	Maximum Accumulation
6 months	6.667 hours		40 hours
1 year (cumulative)	6.667 hours	80 hours	80 hours
more than 1 but less than 5 years	6.667 hours	80 hours	120 hours
five years but less than 10 years	10.000 hours	120 hours	180 hours



Years of Employment	Monthly Accrual Rate	Annual Accrual Rate	Maximum Accumulation
10 years but less than 15 years	13.333 hours	160 hours	240 hours
15 years but less than 20 years	14.667 hours	176 hours	264 hours
20 or more	16.667 hours	200 hours	300 hours

Procedure: Vacation leave cannot exceed the actual accrued number of hours earned by the employee. Holidays and other non-scheduled workdays shall not be computed in vacation leave expenditure. Each department establishes its own vacation scheduling procedures. Vacation cannot be used as the last day of employment.

Separation: If an employee has completed six (6) months of continuous employment, he or she will be compensated for any unused vacation leave upon separation of employment. An employee dismissed for embezzlement of City funds, theft or deliberate destruction of City property, shall not be compensated for any unused vacation leave. All property owned by the City but furnished to the employee for use, must be returned in usable condition, normal wear and tear excepted, in order to qualify for compensation for unused vacation leave upon separation.

Sick Leave

Accrual and accumulation: Regular, full-time, non-union employees shall accrue sick leave in units of eight (8) hours per month worked, upon completion of the first full month of employment. Sick leave may be accumulated to a maximum of 1,040 hours. Sick leave cannot exceed the actual accrued number of hours earned by the employee.

Eligibility: An employee is eligible to take sick leave for one of the following reasons:

- Personal illness or physical incapacity other than incurred on the job, including medical, dental or optical diagnosis or treatment.



- Serious illness of a member of the employee's immediate family requiring the employee's personal care or attention. The definition of immediate family in regard to sick leave is spouse, father or mother of employee, sister or brother of employee, children or legally adopted children of husband, wife or both or any person whose relationship could justify the employee's absence, providing special approval by the Department Director is first obtained.
- Exposure to a contagious disease that in the opinion of the attending physician could jeopardize the health of others.

Procedure: An employee who is unable to report for work due to one of the above, eligible reasons must report the absence to his or her supervisor before the time the employee is expected to report to work. Sick leave with pay will not be allowed unless such a report is made. Any reports of absence after the employee's reporting time will be granted with or without pay, at the discretion of the department director. Any sick leave extending over portions of two (2) consecutive days may require a physician's written statement certifying the employee's condition or his or her immediate family's condition that prevented the employee from reporting to work. If sick leave abuse is suspected, a Department Head may require a physician's note prior to two (2) consecutive days of sick leave use. An example may include, but is not limited to, routine sick leave use before/after a weekend and/or holiday.

If/when an employee becomes eligible for the City's long-term disability benefits, use of sick leave will be discontinued. The provisions of the Oklahoma Police Pension & Retirement System or the Oklahoma Firefighter Pension & Retirement System determine union employees' disability benefits. If/when an employee becomes eligible under the voluntary short-term disability program, sick leave shall be compensable as noted in the applicable certificate of coverage.

Unauthorized use of sick leave: As the use of sick leave reduces productivity even when the expenditure is justified, excessive use of sick leave benefits may affect an employee's eligibility for raises and promotions, and may expose the employee to disciplinary proceedings. Further, sick leave may not be used as vacation leave. Any abuse of sick leave is justification for disciplinary action, up to and including termination. If, upon investigation, the City Manager, or designee, or the department director does not consider the absence to be eligible for sick leave use, the employee's absence will be charged to vacation or leave without pay.

Separation: Upon separation, an employee will not be compensated for any unused sick leave. Sick leave shall not be used as a last day worked.

Leave under Family and Medical Leave Act (FMLA)

When you or your loved one experience a serious health condition that requires you to take time off work, the stress from worrying about keeping your job may add to an already difficult situation. The Family Medical Leave Act (FMLA) may be able to help. Whether you are unable to



work because of your own serious health condition, or because you need to care for your parent, spouse or child with a serious health condition, the FMLA provides unpaid, job-protected leave.

The City is committed to full compliance with all requirements of the Family and Medical Leave Act.

For more information, see Leave under the [Family and Medical Leave Act](#) in the Administrative Regulations appendix of this handbook.

Occupational Injury Leave

The City of Broken Arrow provides an occupational injury leave benefit to all full-time, non-probationary employees in the event they are injured while in the course and scope of their employment.

For more information, see [Occupational Injury Leave](#) in the Administrative Regulations appendix of this handbook.

Funeral Leave

In the event of a death of a member of an employee's immediate family, an employee may be granted a leave of absence with pay by the department director for up to a maximum of three consecutive working days, provided one day is that of the funeral. The definition of immediate family in regard to funeral leave is spouse, employee's parent, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents of the employee or spouse, son, daughter and grandchildren, or "foster" or "step" situations within these categories, or any person whose relationship could justify the employee's absence, providing special approval by the department director is first obtained.

Court and Jury Leave

Employees who are legally summoned to serve as court witnesses or jurors shall be granted time off with pay during their normal work schedule to serve in that capacity, subject to the following rules:

- An employee serving such duty shall present to his or her supervisor the original summons or subpoena from the court and, at the conclusion of the duty, a signed statement from the clerk of the court showing the actual dates of attendance in court. Employees who receive court or jury duty pay will not be required to submit such earnings to the City;
- An employee subpoenaed to testify in a case in which the employee is a party to the case such as either the plaintiff or defendant shall not be compensated as provided in



the section above. He or she may take accrued leave or seek City Manager, or designee, approval to be granted leave without pay for the length of such service.

Military Leave

The City is committed to full compliance with all requirements for military leave in conformity with state and federal law, as it exists at this time, or as it may be amended hereafter.

Official Representation Leave

An employee may be granted leave with or without pay by the City Manager, or designee, for participation in official meetings, activities, school examinations, and institutes directly related to the employee's work assignment or considered as being beneficial to the City's interest. Tuition, registration fees and other expenses may be reimbursed to the employee if approved by the City Manager, or designee.

Paid Leave Donation Bank

The Paid Leave Donation Bank is a program designed to provide a short-term measure of income protection to qualified employees.

For more information on participation and eligibility, see [Paid Leave Donation Bank](#) in the Administrative Regulations appendix of this handbook.

Holidays

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

Unless otherwise determined by the City Manager, or designee, if a holiday should fall on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday. City paid holidays cannot be used as the last day worked.

The floating holiday is a holiday an employee receives on January 1st of each year and must be used in the year in which it was credited, or it is forfeited. Employees hired on or after January 2nd will not receive a floating holiday until the following year. The scheduling of this holiday is subject to the guidelines established by the employee's department. Floating holiday(s) can be used within the probationary period. The floating holiday cannot be used as a last day worked.

Employees who are scheduled to work on New Year's Day, Independence Day, Thanksgiving and Christmas Day (including seasonal employees) will be paid time and one-half their base hourly rate if they work on those holidays. If an employee is called out on an emergency, he or



she will receive holiday pay and will be paid for a minimum of two hours at time and one-half their base hourly rate if they work on those holidays..

When an employee is absent on a holiday for which he or she is scheduled to work, the holiday is forfeited and time shall be deducted from his or her Sick Leave, or charged to Leave without Pay, whichever is available and/or applicable. Vacation Leave shall only be allowed based on a verified emergency and with a department head's approval. When a holiday falls within a period of Leave Without Pay or Sick Leave not verified by a Doctor's slip immediately preceding or immediately after holiday leave, the employee shall receive no pay for the holiday.

Certain employees in the 911 Communications and Animal Control Divisions of the Police Department may be required to work on City-recognized holidays. Employees in these divisions will accrue eight (8) hours of holiday in lieu of holidays provided by the City and may schedule that holiday leave at a later date. For these employees, holiday hours are subject to a maximum accrual of 160 hours. Accrued holiday leave shall not be used as a last day of work.

Certain employees in Solid Waste & Recycling may be required to work on City-recognized holidays. Employees in this division that are scheduled to work on those holidays will accrue eight (8) hours of holiday in lieu of those holidays provided by the City and may schedule that holiday leave at a later date. For those employees holiday hours are subject to a maximum accrual of 160 hours.

Due to facility requirements, non-bargaining employees in the Jail Division of the Police Department may be required to work on City-recognized holidays. As such, these employees receive an allowance of 104 holiday hours in a "bank" at the beginning of each fiscal year. The holiday hours "bank" is limited to a maximum of 160 hours. Holiday banked hours shall not be used as a last day of work.

For additional information, please refer to your department's administrative operating procedures.

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Administrative Regulations

Alcohol and Drug Free Workplace Policy

This policy applies to all employees of the City of Broken Arrow.

The City of Broken Arrow considers its employees to be its most valuable resource and is concerned about the health, safety, wellbeing and satisfactory work performance of all employees. The use, abuse and dependence on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and that of others, as well as impair job performance.

Policy: The possession, use, manufacture, dispensation, sale or distribution of alcohol and/or illegal drugs (this includes illegally obtained prescription medication) while on duty or while in or on City property is prohibited and may result in a suspension with pay pending further personnel action which may include a suspension without pay, transfer, demotion or termination.

No employee, including one who is a holder of a lawful medical marijuana license in the State of Oklahoma, may use or possess marijuana, including medical marijuana, while in the employee's place of employment or during the employee's hours of employment.

The City will not discriminate against any person solely upon his or her status as a lawful holder of a medical marijuana license. However, the City will enforce this policy to the fullest extent of the law.

Being under the influence of alcohol and illegal drugs (this also includes illegally obtained prescription medications) while on duty or while in or on City property is prohibited and may result in discipline, up to and including termination.

Adherence to the Drug-Free Workplace Act and Other Grants: Employees convicted of a criminal drug statute violation (including pleas of nolo contendere, i.e., no contest) occurring in the workplace must inform the City within five working days of such conviction or plea. Failure to advise the City within the prescribed number of days may result in disciplinary action including suspension with pay pending further personnel action which may include a suspension without pay, transfer, demotion or termination.

The City, as a recipient of a grant for the Community Development Block Grant Program from the United States Department of Housing and Urban Development (HUD), must notify HUD within ten days after receiving notice of any employee convicted of a criminal drug statute.

Drug and Alcohol Testing: The City has two drug and alcohol testing policies. The first, [Drug and Alcohol Testing Policy \(Non-DOT\)](#), complies with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act covering Oklahoma employees. The second, [Drug and Alcohol Testing Policy \(DOT\)](#), complies with the Department of Transportation regulations and covers only



employees subject to those regulations; i.e., CMV drivers. Refer to those policies for more details.

Bilingual Compensation Policy

I. PURPOSE

The City recognizes the value of employees who can communicate with residents and customers in languages other than English and in certain cases may offer additional pay to eligible employees for such skills. Upon approval by the department director, bilingual pay may be available when an employee uses their bilingual skills an average of 5% or more of their total work time (time should be an average of the time spent on bilingual activities during a given fiscal year.) Employees are eligible for this pay whether they are using such skills in a conversational, interpretational, or translational setting. Their position must be in a work setting where bilingual skills are utilized to meet the needs of the public in either:

- A direct public contact position; and/or
- A position utilized to perform interpretation, translation or specialized bilingual activities for the department and its customers.

II. POLICY

Employees may receive additional compensation in accordance with the Bilingual Pay Policy.

III. EMPLOYEES ELIGIBLE TO RECEIVE BILINGUAL PAY

- A.** Eligibility for bilingual pay. An employee may be eligible for bilingual pay only when:
1. The employee is a full-time, non-union employee, or pursuant to applicable labor agreement; and
 2. The use of a second language other than English is not less than five percent of the employee's work time (5%) as determined by the department director; and
 3. The position has been justified, documented and designated by a department director and approved by the Human Resources Director as a position where the use of a second language is advantageous in interacting with the public, permitting effective and efficient provision of services to the public. In the event the department director and the Human Resources



Director do not agree on the position designation, the City Manager will make the final determination; and

- B. The following considerations must be addressed by department directors when justifying a position as a language skill compensation position:
 - 1. The reason or need for the department to have the ability to communicate with the public in languages other than English 5% or more of the time.
 - 2. Whether any interactions with the public in performance of the duties of the positions are significant to assigned duties or only ancillary.
 - 3. Whether the use of another language is essential to the effective and efficient provision of services to the public.

IV. ADMINISTRATION OF BILINGUAL PAY PROGRAM

Administration of this program is the responsibility of the Human Resources Department, and involves the following:

- A. Processing of a written requests from department directors (hard copy or electronic) to add or delete participants from bilingual pay, as required, based on changes in work assignments that cause employees to meet or not to meet the criteria of five percent (5%) usage of a second language.
- B. Human Resources is responsible for the examination content and testing criteria to evaluate an employee's ability to speak and/or write in a non-English language. The examination is administered by Human Resources utilizing a language proficiency assessment created by an outside vendor specializing in language testing. The costs of the examination will be provided from the requesting department.
- C. The employee will request the bilingual examination from their department director. Human Resources will schedule an examination/s based on the written request from the department director and approval by the Human Resources Director. The employee must demonstrate oral proficiency and comprehension to be eligible to receive bilingual pay. If the employee meets the minimum proficiency requirement, bilingual pay is implemented. If an employee fails to meet the minimum proficiency requirement, the employee will be eligible to retest in 6 months.
- D. Employees who transfer, promote or demote to different work assignments will not continue to receive the additional compensation unless the department



director designates that the new position/assignment is eligible because the second language is used in the new position/assignment for a minimum of five (5%) of the work week, or the position has been designated by a department director and approved by the Human Resources Director as a bilingual pay eligible position.

If the new position/assignment is eligible for bilingual pay and the employee has been certified as proficient for purposes of this policy, the employee will not have to be re-tested, unless the competency level for the new position is different than the test for the employee's previous position.

- E. Employees on leave without pay for greater than 10 (ten) working days, will not receive bilingual pay. Bilingual pay may be reinstated upon return to work, with compensation to resume during the first full pay period after the employee has returned to work, provided that all other program requirements are met.
- F. Employees receiving bilingual pay are compensated for languages services provided throughout the City's departments. The department director and the employee must be willing to provide non-English language services to other departments when applicable.

V. COMPENSATION

Compensation for bilingual pay	\$50.00/month
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Education/License Compensation Policy

An employee may be reimbursed up to a maximum of fifty percent of the Oklahoma tuition rate for state supported colleges and universities for the employee's actual expenditure for tuition, mandatory school fees and book expenses, upon the satisfactory completion (minimum of a grade of "C") of a course or school that is directly related to the employee's job duties and performance with the City. Employees must submit a list of the course(s) on which reimbursement will be requested in advance of enrolling for the course(s). The Department Director will review and determine whether the course(s) meets the requirements for educational compensation. Prior to reimbursement, the employee must present the final grade earned in the course(s) and all actual tuition, mandatory school fees and book expense receipts to the Department Director, together with a certification that no other person or entity has paid for any of the expenses for which reimbursement is sought. Reimbursement will be made on the balance due after any other payments have been applied (i.e. tuition waiver, grants, scholarships). To receive reimbursement, an employee must be employed at the time the check is distributed, otherwise all reimbursement will be forfeited.



A City employee who completes an additional degree beyond the requirements for the job, in a field related to his or her employment with the City is eligible for a monthly pay increase. An employee is entitled to an increase only for a single degree, which is beyond the requirements of the job, but an employee having multiple degrees that qualify for this bonus may select the degree giving the most advantage. The monthly increase for an associate degree is \$50.00, for a bachelor's degree is \$100.00 and for a master's degree is \$125.00.

A non-union City employee who possesses or obtains a licensure achievement, directly related to their position, beyond the requirements listed in their job description, shall receive a monthly license incentive. The following stipend amounts are set forth as incentives to further licensure requirements:

(a) Class A water/wastewater/lab	\$60
(b) Class B water/wastewater/lab	\$45
(c) Class C water/wastewater/lab	\$35
(d) CDL-A	\$35
(e) CDL-B	\$25
(f) Other type license/certification	\$25

Copies of each license must be on file in the Human Resources Office before any of the above payments shall commence. An employee is entitled to a licensure incentive only for a single license, which is beyond the requirements of the job, or as otherwise noted in department progression plan(s).

The costs to train and certify our employees can be costly and is intended to benefit the city, and the employee while working for the City of Broken Arrow. License(s) and certification(s) attempts which are required or related for an employee's current position will be paid by the city a total of three times. If an employee is unsuccessful after the third attempt, the employee will be responsible to obtain the license/certification at their own expense. If an employee obtains a license/certification which was paid for by the city and if the employee leaves employment prior to completion of three-years of service after the license/certification was received, the employee agrees to repay the City the full amount prior to employment separation.

Employee Variable Pay Program

Non-union employees who make significant, performance-based contributions to the organization may be recognized with the employee variable pay program. Each Department Director will be provided a specific amount of funds for this program based upon a formula adopted by the City Manager, or designee, and amended from time to time. Additionally, nominations can be submitted by Directors for employees outside of their director, to be selected by the Assistant City Managers.



Pursuant to budgetary appropriations, department directors, on a semi-annual basis, will determine which, if any, employees made a performance-based contribution to their departments. To nominate an employee, the Employee Variable Pay Nomination Form must be completed and signed by the Department Director. This report will be forwarded to the Human Resources Department for processing and will become part of the employee's personnel record.

Payments will be made as a supplemental check after the first normal pay period in the respective distribution month.

An employee who has experienced any of the following will not be eligible for an incentive:

- Has been in an at-fault City vehicle accident;
- Has suffered a work-related injury that could have been prevented by the employee;
- Has been disciplined in the prior 12 months;
- Has received an unsatisfactory performance evaluation in the 12 months preceding the variable pay program incentive

To ensure equitable distribution, measurable performance across the City, and to ensure our employees are meeting the overall objectives of the City, the nomination and supporting evidence for the incident should include information referencing at least one of the following categories with substantial explanation on the nomination form:

- Employee demonstrates proficiency of assigned duties;
- Employee demonstrates proactiveness instead of reactivity;
- Employee shows exceptional customer service (internal and/or external) skills;
- Employee promotes a pleasant working environment;
- Employee displays a positive work attitude;
- Employee goes above and beyond normal job expectations;
- Employee has received positive peer comments, internal customer comments and/or external customer comments;
- Employee has demonstrated selfless or courageous acts.

It is the Department Director's responsibility to appropriate funding each year to the Variable Pay Program. The following is the number of employees, per department, eligible to receive variable pay program incentive pay in each 6-month period (during each 6-month period, department directors will not grant variable pay programs to more than 10 percent of their non-union workforce. Beginning in fall of 2026, directors may submit a nomination for employees who are employed in other departments that meet the nomination criteria. These selections will be made by the Assistant City Managers.

- City Manager: 1 General Fund
- Finance: 2 General Fund; 1 BAMA
- Legal: 1 General Fund



- Economic Development: 1 BAMA
- Human Resources: 1 General Fund
- Information Technology: 1 General Fund
- City Clerk: 1 General Fund
- Community Development: 4 General Fund
- Police/Emergency Management: 6 General Fund
- Fire: 1 General Fund
- Solid Waste & Recycling: 5 BAMA
- Fleet & Facilities Maintenance: 1 General Fund; 2 BAMA
- Street & Stormwater: 3 General Fund; 4 BAMA
- Parks & Recreation: 6 General Fund
- Engineering & Construction: 3 BAMA
- Utilities: 9 BAMA
- General Government: 4 (GF/BAMA as applicable)

Additional Criteria:

- Department directors may grant variable pay program incentives equal to, but not more than one (1) percent of the awarded employee’s annual regular, non-union payroll.
- Participation in the program is not mandatory.
- Department directors should carefully consider any proposed variable pay program incentives.
- Approval of department variable pay program incentives rests with the department director.
- Approval of the general government variable pay program incentives rests with the Assistant City Managers.
- Department directors are not eligible for this program.

Leave under the Family Medical Leave Act (FMLA)

A. Eligibility and Amount of Leave.

Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave during a calendar period for certain reasons described herein. In the case of Military Caregiver Leave, an eligible employee may be entitled to an even greater amount of leave. To be an eligible employee for FMLA leave, an employee must:

1. have worked for the City for at least twelve months;
2. have worked for the City for at least 1,250 hours during the previous twelve months; and
3. be assigned to a worksite that has fifty or more employees within seventy-five miles.



All employees who are entitled to FMLA may use up to 12 workweeks of FMLA leave from January 1 through December 31. Note: There are special rules associated with Military Caregiver Leave, addressed below.

B. Circumstances under which FMLA leave may be taken.

1. FMLA leave because of the birth of your child and in order to care for your child within the first year following his/her birth.
 - a. This leave is available to fathers and mothers.
 - b. This leave expires twelve months after the birth.
 - c. A husband and wife who are both employed by the City and eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during the 12-month calendar period if the leave is taken for the birth of the employee's child or to care for the child after the birth.
2. FMLA leave because of the placement of a child for adoption or foster care.
 - a. This leave is available to fathers and mothers.
 - b. This leave expires twelve months after the placement.
 - c. A husband and wife who are both employed by the City and eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during the 12-month calendar period if the leave is taken for placement of a child with the employee for adoption or foster care or to care for the child after placement.
3. FMLA leave to care for your spouse, parent, or child who has a serious health condition.
 - a. Applicable definitions:
 - (i) Spouse includes same-sex and common law marriage if validly entered into in a State that recognizes such a marriage or, if entered into outside the U.S. legally.
 - (ii) Parent includes the biological, adoptive, step, foster, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter; does not include in-laws.
 - (iii) Child includes your son or daughter (biological, adopted, foster, step, legal ward, child of a person standing in loco parentis) who is
 - under age 18, or



- age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

- b. A husband and wife who are both employed by the City and eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during the 12-month calendar period if the leave is taken to care for the employee's parent with a serious health condition.
- 4. For a serious health condition that makes you unable to perform your job.
 - 5. For a "Qualifying Exigency Leave" arising out of the fact that the spouse, child, or parent of the employee is on covered active duty, or has been notified of an impending call to covered active-duty status. For purposes of Qualifying Exigency Leave, the "child" does not have to be any particular age. This leave applies only to a Federal call to covered active duty, not State calls.

Qualifying Exigency Leave includes the following (these are brief descriptions, see Human Resources if you have questions):

- a. Short-notice deployment. The qualifying exigency is due to a covered military member being notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment. The leave can be used for seven calendar days beginning on the date the covered military member is so notified.
- b. Military events and related activities. This leave is to allow the employee to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active-duty status. This leave is also to allow the employee 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 covered active duty or call to covered active-duty status of a covered military member.
- c. Childcare and school activities. This paragraph relates only to a child who is under 18 or, if over 18, incapable of self-care because of a mental or physical disability. When necessitated by the covered active duty or call to covered active-duty status, this is to arrange for alternative childcare, to provide childcare on an urgent, immediate need basis, to enroll in or transfer to a new school or day care, or to attend meetings with the school or daycare.
- d. Financial and legal arrangements. This is to make or update financial or legal arrangements to address the covered military member's absence, such as preparing and executing financial and healthcare powers of



attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust. This leave may also be used to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on covered active duty or call to covered active-duty status and for a period of 90 days following the termination of the covered active-duty status.

- e. Counseling. This is to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the child of the covered military member provided that the need for counseling arises from the covered active duty or call to covered active-duty status of a covered military member.
- f. Rest and recuperation. This is to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment, and eligible employees may take up to five days of leave for each instance of rest and recuperation.
- g. Post-deployment activities. This is 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 the termination of the covered military member's active-duty status. This is also to address issues that arise from the death of a covered military member while on covered active-duty status such as meeting and recovering the body of the covered military member and making funeral arrangements.
- h. Parental care. This leave is to arrange for care of a parent of a military member when the parent is incapable of self-care and must be the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.



- i. Additional activities. This is to address other events that arise out of the covered military member's covered active duty or call to covered active-duty status; provided that the City agrees that the leave shall qualify as an exigency and that the City agrees to both the timing and duration of the leave.
- 6. Military Caregiver Leave. This leave is to permit a spouse, child, parent, or next of kin to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness as defined by law.
 - a. This military caregiver leave is not in addition to the 12 weeks of traditional Family and Medical leave but is to be combined with the 12 weeks for a total of no more than 26 weeks per 12 months.
 - b. The "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 workweeks of leave entitlement for the other FMLA-qualifying reasons. If an eligible employee does not use all of the 26 workweeks permitted under the Military Caregiver Leave, it is forfeited.
 - c. The Military Caregiver Leave is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to multiple Military Caregiver Leaves, provided that no more than 26 workweeks of leave are taken within any "single 12-month period."
 - d. If a leave qualifies both as leave to care for a parent, spouse, or child with a serious health condition or Military Caregiver Leave, the designation in the first instance must be Military Caregiver Leave.
 - e. A husband and wife who work for the same employer and who are both eligible may be limited to a combined 26 workweeks during the single 12-month period. Consult Human Resources if you have any questions.
 - f. Next of kin of a covered servicemember "means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decrees or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA." The age of the son, daughter, or next of kin is irrelevant for purposes of this provision.



C. Serious Health Condition

For purposes of the FMLA and this policy, a “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

1. “Inpatient care” means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.
2. “Continuing treatment” includes the following incapacity and treatment; pregnancy or prenatal care; chronic conditions; permanent or long-term conditions; or conditions requiring multiple treatments. If you have questions about whether your situation qualifies under this paragraph, consult Human Resources.

D. Intermittent Leave or Reduced Leave Schedule.

1. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason.
2. Reduced leave schedule is a leave schedule that reduces the employee’s usual number of working hours per workweek or hours per workday. A reduced leave schedule is a change in the employee’s schedule for a period of time, normally from full-time to part-time.

To take intermittent leave or be placed on a reduced leave schedule, it must be medically necessary as certified by the patient’s health care provider. An employee must make a reasonable effort to schedule planned treatments or events requiring his/her absence when using intermittent leave and reduced leave schedule. Leave of this type may result in transfer or reassignment under certain circumstances.

For FMLA leave after the birth or placement of a child, intermittent leave and reduced leave schedule is permitted only if the employer agrees.

E. FMLA Leave is Unpaid, but will run Concurrently with Paid Leave under other Policies as permitted by Law

Leave taken under the FMLA and this policy is unpaid, regardless of whether you are an exempt or nonexempt employee. However, if the reason for your FMLA leave also qualifies for a paid leave under another policy of the employer, the paid leave will run at the same time as the unpaid FMLA leave.

If the leave is paid by a source other than the City but that payment does not fully compensate you for your time off work, you and the City may substitute applicable paid leave, if available, to make the employee whole.



F. Procedure for Obtaining and Using FMLA Leave

1. In all cases, the employer retains the right to designate leave as qualifying under the FMLA.
2. **Employee Initial Requests.** An employee must provide the employer at least 30 days advance notice before FMLA leave is to begin if the leave is foreseeable based upon the birth or placement of a child or planned medical treatment. If 30 days' notice is not practicable due to lack of knowledge or change in circumstances, for example, notice must be given as soon as practicable. An employee must provide reasons for the needed leave so as to allow the employer to determine whether the leave qualifies under the FMLA. Failure to provide notice or to respond to proper inquiries allowing the employer to determine if the leave is FMLA-qualifying may result in the delay of FMLA leave.

The employer may waive the employee notice requirement. However, a waiver in one situation does not mean that the employer has waived the requirement in every situation.

3. **Employer Designation.** When an employee requests FMLA leave or the employer acquires knowledge that an employee's absence may be FMLA-qualifying, the employer shall give notice to the employee of his or her rights under the FMLA within five (5) business days absent extenuating circumstances. If at any time the employer learns of information that changes the information in the designation, the employer will provide a new designation to the employee within five business days.
4. **Required Certifications - General.** The employer may require a certification in cases such as: leave to care for a family member with a serious health condition; leave due to the employee's own serious health condition; leave due to a qualifying exigency; or military caregiver leave. The employee shall provide the requested certification within 15 calendar days unless it is not practicable to do under the circumstances despite the employee's diligent, good faith efforts. Failure to return an adequate certification may result in delay or denial of FMLA leave.
5. **Annual Certification.** 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 last beyond a single leave year, the employer may require the employee to provide a new medical certification in each subsequent leave year.
6. **Recertification for leave taken for the serious health condition of the employee or the employee's family member.** An employer may request recertification no



more often than every 30 days and only in connection with an absence by the employee unless:

- a. the health care provider states in the original certification that the minimum duration of the condition will be more than 30 days in which case the employer must wait until the expiration of the minimum duration, unless the minimum duration is more than six months in which the employer may always request a recertification every six months in connection with an absence; or
 - b. the employee requests an extension of the leave;
 - c. circumstances described by the previous certification have changed significantly;
 - d. the employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
7. **Certification regarding Qualifying Exigency.** An employer may require the employee to provide documentation supporting the request such as the covered military member's covered active-duty orders. The employer will not request the information again with respect to the same covered active duty call of the same covered military member. Further, with regard to each leave, the employee must provide a certification describing the need for the leave and use the form supplied by the employer.
8. **Certification for Military Caregiver Leave.** The employee will be required to provide a certification from an authorized health care provider regarding the need. The employee may also be required to provide additional information to allow the employer to determine if the leave is qualifying Military Caregiver Leave. In lieu of the form provided by the employer, the employer will also accept invitational travel orders (ITO), or invitational travel authorizations (ITA) issued to any family member to join an injured or ill servicemember for the duration listed therein. The employee is responsible for providing the employer with complete and sufficient information needed for the employer to designate the leave as Military Caregiver Leave. Failure to do so may result in the delay or denial of FMLA leave.
9. **Intent to Return to Work.** You may be required to report periodically on your status and your intent to return to work.
10. **Fitness for Duty Certification.** If you took FMLA due to your own serious health condition, you will be required to provide a fitness for duty certification prior to returning to work. This certification will apply only to the condition for which the FMLA leave was taken. An employer may require that the certification specifically



address whether the employee may perform the essential functions of the job, but only if the employer provided a list of the essential function with the original employer notice that the leave was designated as FMLA qualifying.

If the FMLA leave is intermittent or on a reduced leave schedule, the employee is not required to provide a fitness for duty certification after each absence. However, if reasonable safety concerns exist regarding the employee's ability to perform his or her duties based on the serious health condition, an employer is entitled to a fitness for duty certification up to once each 30 days or as permitted by law.

11. Failure to comply with these procedures may result in the delay or denial of FMLA leave or, as applicable, in the denial of your restoration to employment.

G. Health Insurance during FMLA Leave

An employee on FMLA leave will be provided group health insurance on the same conditions as if the employee was continuously working. If you are required to pay an employee share of the premium, you will be required to pay that share during your FMLA leave. Arrangements should be made through Human Resources to avoid any lapse in coverage.

If your required payment is more than 30 days late, your coverage may be cancelled.

Regardless of your status during your FMLA leave, if you properly return from FMLA, your coverage will be reinstated with no waiting period, preexisting exclusions, or other medical examination.

If the employer pays any share of your premium during that FMLA leave, the employer may recover that share.

An employer may recover its share of insurance premiums during *unpaid* FMLA leave if the employee fails to return from FMLA leave, unless the failure to return is due to the continuation, recurrence, or onset of a serious health condition of the employee or employee's family, a serious injury or illness of a covered servicemember under the FMLA, or other circumstances beyond the employee's control.

H. Treatment of Other Benefits during FMLA Leave

An employee's entitlement to other benefits is to be determined by the policy regarding other forms of leave (paid or unpaid). An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date leave began.

I. Right to Reinstatement

The general rule is that on proper return from FMLA leave, an employee is entitled to the same position or to an equivalent position with equivalent benefits, pay, and other terms and



conditions of employment. However, the employee has no greater rights to reinstatement or other benefits than if the employee had been continuously employed during the FMLA leave period.

J. Key Employee

A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the same employer within 75 miles of the employee's worksite. If you are such a key employee, special rules may apply to your FMLA, including your right to reinstatement. See Human Resources.

K. Other Issues/Questions

The City abides by the Family and Medical Leave Act and any regulations promulgated thereunder. If you have questions not addressed by this policy, please contact Human Resources.

Litigation Hold Policy

- **Introduction and Policy Statement:** In certain circumstances, the City of Broken Arrow has a legal obligation to preserve records that may be relevant to potential or current legal or regulatory proceedings involving the City of Broken Arrow. In such circumstances, the routine destruction of records, both paper and electronic, is suspended, and the records must be preserved. The purpose of this policy is to set forth the procedures that the City of Broken Arrow will follow when records must be preserved and the obligations of the City of Broken Arrow employees to preserve such records in such circumstances.
- **Applicability:** This policy applies to all City of Broken Arrow employees and covers all Records (defined below) used, created, and received in conducting the City of Broken Arrow's operations and administration.
- **Definitions:** These terms shall have the following meanings.
- **Electronically Stored Information (ESI)** includes, but is not limited to: Electronic files, including emails, instant messages, text messages, and voicemails; Data produced by calendar software and information management software. In addition to specific data that are electronically stored and readily accessible and retrievable, ESI includes data that may not be visible that is generated by computer hard drive, email and instant or text messaging, information management, calendar software, portable electronic devices such as tablets, telecommunication devices (e.g., cellular phones), and smart watches, and backup storage devices. ESI may be stored on different electronic devices and may also be found at different locations (e.g., on home or work systems, owned by the City of Broken Arrow or owned personally by the employee).
- **Litigation Hold** is the process by which the City of Broken Arrow preserves Records related to a potential or current legal or regulatory proceeding.



- **Notice to Preserve Records** is a written notice issued by the Litigation Hold Officer to cease destruction of Records and to preserve Records related to a potential or current legal or regulatory proceeding.
- **Litigation Hold Officer** is the individual designated to serve as the official City of Broken Arrow representative with the authority and responsibility to oversee litigation hold procedures, coordinate with City of Broken Arrow personnel, and determine appropriate actions related to the disposal and preservation of Records. This individual will be the Senior Civil Litigator at the City Attorney's Office.
- **Records** are all documents, papers, letters, books, drawings, maps, plats, photographs, magnetic or optical media, microfilm, microphotograph, motion picture film, or other document or any other material regardless of physical form or characteristic, generated or received in connection with the transaction of official business of the City of Broken Arrow. Records include Electronically Stored Information.
- **Procedures:** An employee who becomes aware of a potential legal or regulatory proceeding involving the City of Broken Arrow must notify the Litigation Hold Officer, who will determine whether to initiate a Litigation Hold and will notify the relevant employees who should be subject to the Litigation Hold. Circumstances in which an employee should notify the Litigation Hold Officer of a potential legal or regulatory proceeding include, but are not limited to, the following:
 - Complaints of employee mistreatment;
 - Threats of litigation;
 - Accident or injury resulting in personal or property damages to third parties;
 - Notice of a claim under the Governmental Tort Claims Act.
- When the Litigation Hold Officer determines a Litigation Hold is necessary, the following will occur:
 - The Litigation Hold Officer will issue a Notice to Preserve Records in writing to relevant employees. The Notice will inform the employees of their obligation to identify and preserve all Records that related to the legal/administrative proceeding that is the basis for the Litigation Hold.
- When employees receive a Notice to Preserve Records, they must immediately do the following:
 1. Confirm receipt and understanding of the Notice and provide a statement in writing that they will comply with the Notice. If an employee is uncertain as to any aspect of the



Notice, the employee must contact the Litigation Hold Officer immediately to clarify the scope and nature of the Notice and the obligations required thereof.

2. Preserve all Records under their control that are the subject of the Litigation Hold, which includes Records on home or personal computers, cell phones and/or devices that are used for any City-related business.
 - i. *Records should be saved and maintained in their native format. Cellular phone usage for City-related business, including text messages, are to be preserved. Upon request by the Litigation Hold Officer, the employee will in good faith review the ESI on their personal device(s) to determine if the information contains relevant public records. After determining that the personal device(s) contain public records, the employee will produce the ESI to the Litigation Hold Officer. The employee producing the records will submit an affidavit to the Litigation Hold Officer attesting 1) that the ESI has been reviewed in good faith to determine if it contains public records and 2) any ESI not produced is personal in nature. The Litigation Hold Officer will review the ESI and determine any applicable exemptions or privilege(s), and redact the information as necessary. In the event production is required, the Litigation Hold Officer will produce those relevant public records and privilege log with the affidavit that a good faith review has been conducted by the employee.
3. Suspend any automatic deletion, overwriting, or any other destruction of Records that the subject of the Litigation Hold. If the employee has any doubt as to whether a specific Record, or category of Records, is covered by the Litigation Hold, the employee must ensure the Record is not destroyed and must contact the Litigation Hold Officer immediately to determine whether the Record(s) should be preserved.
 - i. *A Litigation Hold supersedes any document retention policy which might otherwise require or permit the destruction of Records after a certain date or event. This includes any Records that might otherwise be deleted automatically by automated computer programs.
4. Preserve any Records that are generated or obtained after receipt of the Notice to Preserve Records that are the subject of the Litigation Hold.
 - If an employee who receives a Notice to Preserve Records separates from employment during the course of the Litigation Hold, the employee's department supervisor must take possession of Records under the control of the departing employee that are subject to the Litigation Hold and promptly notify the Litigation Hold Officer.



- Notices to Preserve Records are privileged and confidential attorney-client communications. Recipients of Notices are expected not to speak to others about the Litigation Hold or the facts and circumstances giving rise to the Litigation Hold, unless directed or permitted to do so by the Litigation Hold Officer. Otherwise, the privilege may be inadvertently waived.
- Once a Notice has been issued, the Litigation Hold Officer may issue periodic reminders to employees of their obligations under the Litigation Hold.
- Employees who violate this policy may be subject to disciplinary action up to, and including, termination.
 - *In addition to potential disciplinary measures undertaken by the City of Broken, employees who violate this policy may also subject themselves to potential personal liability and sanctions by a reviewing court. Employees who violate this policy also expose the City of Broken Arrow to potential liability and sanctions by a reviewing court.
- The Litigation Hold Officer will determine and communicate in writing to employees who have received a Notice to Preserve Records when the Litigation Hold may be lifted, and Records no longer need to be preserved.

Occupational Injury Leave Policy

The City of Broken Arrow provides an occupational injury leave benefit to all full-time, non-probationary employees in the event they are injured while in the course and scope of their employment, unless otherwise provided by law.

Employees on probation shall not be eligible for occupational injury leave benefits for injuries incurred during such probationary period. Such employees shall be entitled to all benefits provided by the Oklahoma State Worker's Compensation Act.

If you are injured due to an accident that occurs during the course of performance of duty with the City and the injury is not a result of negligence or misconduct on the part of the employee, you shall be granted injury leave and compensation to maintain full salary level, not to exceed six months. The City may require the employee to submit to a medical examination by a medical doctor designated by the City for the purposes of determining whether the claim of injury is proper. The City may require periodic physician's statements describing the employee's condition. If an employee refuses to submit to the examination by a physician designated by the City, the refusal shall result in terminating all benefits provided by this section. After exhausting the six-month injury leave, with permission from the City Manager, or designee, an employee may use his or her sick leave benefits, not to exceed six months. After exhausting injury leave and sick leave, (with permission) an employee may be placed on "inactive status" and be eligible to return to work when released by his or her physician and a



vacancy occurs at a comparable rate of pay, or the employee may be terminated for disability reasons.

No injury leave will be paid for any injuries that occur as a result of the following: 1) willful intention to bring about injury to yourself or another, 2) where the injury results directly from the willful failure to use a guard or protection against accident furnished for the employee's use, 3) where the injury results directly from intoxication while on duty, 4) where the injury results directly from horseplay, playing or pranks engaged in by the injured employee, alone or with others, and/or 5) if the employee fails to follow prescribed reporting procedures. All benefits provided by this section, except total amount of compensation paid hereunder, shall be in addition to and separate from any sick leave benefits.

Any employee on occupational injury leave with pay shall be returned to duty at the earliest date and may be assigned to light or limited duty by the City as determined by the City physician and/or the City Manager, or designee, when the employee's physical condition permits such assignment. Duty assignment of this type may be made without reference to the employee's job classification or departmental assignment.

In you are injured at work, no matter how minor it may appear, report the injury to your supervisor. Failure to immediately report the injury may result in disciplinary action and/or loss of injury leave benefits. Employees needing medical treatment will be provided a Treatment Authorization Form from their supervisor or designee. This authorization is to be presented by the employee to the attending physician or medical facility at the time of the treatment. Unauthorized medical treatment may result in nonpayment of the employee's medical expenses and/or injury leave benefits. (Unauthorized treatment is medical treatment not approved by your supervisor, his designee, or management, prior to receiving the treatment or the failure to provide the proper forms.) The Treatment Authorization Form will be completed by the physician and returned to the employee upon completion of the initial treatment. The form is then immediately returned to the supervisor. Injured employees requiring immediate emergency medical treatment (i.e. profuse bleeding, broken bones, unconsciousness, shock, etc.) will not need a Treatment Authorization Form. For all emergencies of this nature, contact a City ambulance for transportation to the nearest emergency medical facility.

The injured employee is expected to follow prescribed medical treatment and keep all appointments with the physician. Failure to do so may result in nonpayment of injury leave benefits and/or disciplinary action. The employee must keep their supervisor notified of their temporary disability status, after each medical appointment, by providing a new Return-to-Work form.

It will be the responsibility of the person directly in charge of such employee to prepare an incident report concerning such injury, containing how, where and when the injury occurred, together with all pertinent information available. The report will also contain the names and



addresses of all witnesses and fellow employees that were at the scene of the incident and a general outline of the extent of injury sustained. All written incident reports shall be transmitted not later than twenty-four hours after the occurrence thereof utilizing the Supervisor Accident/Injury Investigation Report form. The supervisor shall submit this form to the Human Resources Department within twenty-four hours of the injury.

An employee shall not be allowed to return to work prior to receiving a written medical release from the treating physician. Rules governing accidents and injuries will be strictly enforced for your own protection. Even the slightest of injuries may cause serious infection. Safeguard your own health by following the rules. An employee on occupational injury leave benefit cannot work for another employer during the time he or she is drawing this benefit from the City.

Leave Sharing Policy

The purpose of leave sharing policy is to permit non-uniformed City employees to donate accrued vacation leave and/or compensatory leave to a fellow non-uniformed City employee who is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment. In addition, shared leave may be donated to an employee who encounters a personal crisis, which does not include a severe illness or injury.

As used in this policy:

1. Immediate family member shall be limited to the spouse, child, and parent(s) of the employee
2. "Severe" or "Extraordinary" means serious, extreme, or life threatening,
3. Personal Crisis shall mean a crisis of a severe nature that directly impacts the employee. A personal crisis shall be limited to a natural disaster impacting the employee's primary residence or the death of an immediate family member, and
4. "City employee" means a regular, non-probationary fulltime employee who is not covered by a collective bargaining agreement. It does not include employees in a probationary or part-time status.

An employee may be eligible to received shared leave pursuant to the following conditions:

1. A request by the Department Head has been made to the Human Resources Director who will make a review of necessary documentation by the employee and will certify the need for leave based on a review of provided documentation.
2. The Human Resources Director determines that the employee meets the criteria described in this policy, and
3. The City Manager authorizes such leave for the number of hours recommended by



- the HR Director, and
4. The employee has abided by City policies regarding the use of sick leave and other available leave benefits

An employee may donate vacation and/or compensatory leave to another employee only, pursuant to the following conditions:

1. If the City employee is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment, the receiving employee must have exhausted or will exhaust all forms of applicable paid leave including vacation, sick, and compensatory leave due to an illness, injury, impairment, or physical or mental condition, which is extraordinary or severe in nature and involves the employee or immediate family member of the employee.
2. If the City employee has encountered a personal crisis, the receiving employee must have exhausted or will exhaust all forms of available vacation leave and compensatory leave.
3. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.
4. The City Manager authorizes such leave to be shared with an eligible receiving employee, and
5. The donating employee may donate any amount of vacation leave provided the donation does not cause the vacation leave balance of the donating employee to fall below eighty (80) hours.
6. The receiving employee has not been disciplined for any type of excessive leave use or abuse in the previous five (5) years.

The Human Resources Director shall recommend to the City Manager the amount of donated leave an employee may receive and only authorize a receiving employee to use up to a maximum of one thousand and forty hours (1040) during total City employment.

The Human Resources Director shall require the receiving employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition, if the need for leave is due to an extraordinary or severe illness, injury, impairment, or physical or mental condition. If the employee suffers from a personal crisis, appropriate documentation will be required verifying the nature of the crisis.



The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the salary of the recipient. The calculation of leave value of the recipient shall be in accordance with policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be designated as shared leave and be maintained separately from other leave balances.

Any donated leave may only be used by the recipient for the purposes specified in this Policy.

All forms of paid leave available for use by the recipient shall be used prior to using shared leave, as outlined above.

Employees who begin receiving short-term disability (STD) and/or long-term disability (LTD) will become ineligible for receipt of leave donation once STD or LTD begin.

If STD or LTD cease and the employee still has a need for leave, benefits will again be made available.

Any shared leave not used by the recipient during each occurrence shall be returned to the donor. The shared leave remaining over one-quarter (1/4) hour will be divided among the donors on a prorated basis based on the original donated value and returned at its original donated value and reinstated to the vacation leave balance of each donor.

The receiving employee will be under no obligation to repay donated leave.

All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating vacation leave for the purposes of the Leave Sharing Policy. The decision of an employee to donate or not donate leave shall not be considered for employment purposes such as promotions, salary increases, or disciplinary proceedings.

Once the employee has made a request for donated leave, the Human Resources Department will send all employees a memorandum notifying the employee has requested leave donation.

The donating employees shall submit a "Request to Donate Leave" form to the Human Resources Department which shall state the amount of time donated and to whom the leave is donated. Such forms will be available in the Human Resources Department.

Donating employees can transfer on an hour for hour basis accrued compensatory time leave into vacation leave to replace donated vacation leave. The compensatory time transferred shall not exceed the number of vacation hours donated. The donating employee shall submit a "Request to Transfer Leave" form to the Human Resources Department at the same time



he/she submits the “Request to Donate Leave” form mentioned above. Such forms will be available in the Human Resources Department.

The receiving employee will not accrue vacation or sick leave while on donated vacation leave.

Donating sick time, injury leave, or workers’ compensation leave benefits from one employee to another will not be permitted. Employees on injury leave or workers' compensation are ineligible to request shared leave.

This policy does not create additional rights that may exist within any other policy, or collective bargaining agreement, but is merely intended to provide a mechanism to utilize shared vacation leave in instances where an employee would otherwise be granted leave without pay.

This policy replaces the previous Paid Leave Donation Bank Policy. Remaining hours from that program will be set aside in two separate banks; half will be designated for the previous participants of the program and will only be available for those who last donated under the conditions noted below. The other half of the leave available from the paid leave donation bank will be made available for those that meet the requirements of this new policy and request donated leave. Once the hours from the paid leave donation bank are depleted, employees who request donated leave must be granted leave from other employees under the terms of this policy.

The previous participants of the Paid Leave Donation Bank Policy who donated to the paid leave donation bank in 2023 will be eligible to utilize leave from the balance of the paid leave donation bank. Those employees are eligible to apply for a draw from that bank if the employee or a family member, as defined in the sick leave policy, suffers from a serious health condition as defined in the Family Medical Leave Act. A participating employee must have exhausted all available paid leaves (vacation, holiday, sick leave, etc.) before becoming eligible for a draw from the bank. An application to draw from the bank must be submitted in writing and include a detailed physician statement which includes the date the health condition commenced, probable duration of the condition, appropriate medical facts regarding the condition and a statement that the employee is unable to perform the functions of his or her position. If the serious condition is for a family member the statement must include the same information described above but also include an estimate of the employee’s time needed to care for the family member. After exhausting all paid leaves, a participating employee must use five working days of leave without pay before “bank” benefits begin. Benefits may be granted for a maximum of thirty working days per application with the participant having the opportunity to apply for new benefits a maximum of three times in a twelve-month period, regardless of the number of serious health conditions experienced.



The Review Committee, consisting of one appointee of the City Manager, or designee, one appointee of the Employee Advisory Committee and the Human Resources Director, will review each application to ensure it meets all of the requirements. Any rejected application may be appealed to the City Manager, or designee, for final determination.

Drug and Alcohol Testing Policy (Non-DOT)

1.0 PURPOSE

The City of Broken Arrow considers its employees to be its most valuable resource and is concerned about the health, safety, wellbeing, and satisfactory work performance of all employees. The use, abuse, and dependence on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and that of others, as well as impair job performance.

2.0 ORGANIZATIONS AFFECTED

This Policy shall apply to all employees of the City of Broken Arrow ("City") with the exception of employees governed by the Department of Transportation drug and alcohol testing regulations for commercial drivers. Those persons should refer to the City's [Drug and Alcohol Testing Policy \(DOT\)](#).

3.0 POLICY

The possession, use, manufacture, dispensation, sale, or distribution of alcohol and/or illegal drugs, synthetic drugs, and/or kratom, (this includes illegally obtained prescription medication) while on duty or while in or on City property is prohibited.

Being under the influence of alcohol and illegal drugs (this also includes illegally obtained prescription medications), synthetic drugs, and/or kratom, while on duty or while in or on City property is prohibited.

Employees who violate any aspect of this policy (including receiving a confirmed positive test result or refusing to submit to testing) may be subject to disciplinary action, up to and including termination. Employees may also be subject to suspension with pay pending further investigation. In addition, the City may, at its' discretion, require employees who violate this policy to successfully complete a substance abuse assistance or rehabilitation program as a condition of continued employment.

Medical Marijuana Notice: The City prohibits the use, possession, or consumption of marijuana, including medical marijuana, on its property or premises as well as during an employee's hours of employment or fulfillment of employment obligations regardless of



whether an employee holds a medical marijuana license (MML). The City prohibits all employees from being under the influence of marijuana, including medical marijuana or medical marijuana product, while at work or during the fulfillment of any employment obligations, regardless of whether an employee has an MML. The City will discipline, up to and including termination, any employee in a Safety-Sensitive Position or performing safety-sensitive job duties, as defined in this policy, who tests positive for marijuana, its components, or metabolites, regardless of whether that employee holds an MML. No employee needs to disclose that he or she holds an MML except if an employee tests positive for marijuana, in which case that employee may be asked to produce a valid Oklahoma MML for inspection and consideration.

4.0 DEFINITIONS

"Alcohol" means ethyl alcohol or ethanol.

"City property" includes, but is not limited to, any City facility, employee or contractor parking lots, and City or contractor owned or leased vehicles, vessels, aircraft, and other equipment.

"Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test. Where a breathalyzer test is utilized, a confirmation test means a second sample test that confirms the prior result. Where a single-use test is utilized, a confirmation test means a second test confirmed by a testing facility. A breath or blood specimen may be used for the confirmation test for alcohol. A urine, saliva, or blood specimen may be used for the confirmation test for drugs.

"Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids, or products.

"Drugs" include, but are not limited to, amphetamines, cannabinoids (for example marijuana, hashish), cocaine, phencyclidine (PCP), hallucinogens (for example LSD), methaqualone, opiates / synthetic narcotics (for example codeine, heroin, morphine), barbiturates, benzodiazepines, designer drugs, or a metabolite of any of the substances listed herein. The substances tested shall be for drugs and alcohol as defined in the Standards for Workplace Drug and Alcohol Testing Act, including controlled substances approved for testing by rule by the State Commissioner of Health. In addition, employees can be tested for Kratom and synthetic drugs. Synthetic drugs are man-made substances that are designed to mimic the effects of naturally occurring drugs such as marijuana, cocaine, or ecstasy. Synthetic drugs are often referred to as designed drugs or novel psychoactive substances.



“Employees” means all City employees except those subject to the drug and alcohol testing policy for Commercial Drivers. If you have questions, see your department director or Human Resources.

"Medical Review Officer" means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by the City's drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual's test result together with the individual's medical history and any other relevant information.

“On duty” means any time an employee is acting on behalf of the City, any time during which the employee is being compensated by the City, and non-paid breaks of one hour or less.

A "positive" test result means that the drug or alcohol test indicated the presence of a drug, its metabolite, or alcohol at or above the cutoff level, established by the State Board of Health.

“Safety-Sensitive Position” or “performing safety-sensitive job duties” is defined in Section 14.

"Sample" means tissue, fluid, or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body.

“Testing facility” means any person, including any laboratory, hospital, clinic or facility, either off or on the premises of the employer, which provides laboratory services to test for the presence of drugs or alcohol in the human body.

5.0 RESPONSIBILITY

5.1 Employee: It is the responsibility of each employee when reporting to work to be free from the influence and use of any illegal drug or alcohol and to comply with the City's [Alcohol and Drug Free Workplace Policy](#).

5.2 Supervisor, Manager, Department Director: It is the responsibility of supervisors, managers, department directors and other administrative employees to administer this policy and identify and report possible violations of this policy to the Human Resources Department.

5.3 Human Resources Department: It is the responsibility of the Human Resources Department to periodically schedule substance abuse education and awareness training for employees, drug and alcohol detection training to supervisory and management personnel, schedule when necessary drug and alcohol testing and to maintain confidential records of such results (see also section 12.).



5.4 Employee Assistance Program: The City currently maintains an Employee Assistance Program which means an in-house or contracted program which at a minimum provides drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment or rehabilitation.

6.0 TYPES OF TESTING

6.1 Applicant Testing: Upon a conditional offer of employment, all applicants for employment will be required to undergo drug testing. Refusing to submit to testing or a confirmed positive test result is grounds to refuse to hire.

6.2 For Cause Testing: The City may require an employee to undergo drug or alcohol testing if it reasonably believes that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- a. drugs or alcohol on or about the employee's person or in the employee's vicinity,
- b. conduct on the employee's part that suggests impairment or influence of drugs or alcohol,
- c. a report of drug or alcohol use while at work or on duty, or
- d. information that an employee has tampered with drug or alcohol testing at any time.

6.3 Post-accident Testing: The City may require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work or property has been damaged while at work, including damage to equipment.

6.4 Random Testing: The City may require the following employees to undergo drug or alcohol testing on a random selection basis: 1) police or peace officers including all bargaining unit members of the Fraternal Order of Police; 2) those with drug interdiction responsibilities; 3) those authorized to carry firearms; 4) those engaged in activities which directly affect the safety of others such as firefighters, EMS personnel including all bargaining unit members of the International Association of Firefighters, employees who operate any City construction equipment or any City vehicles, dispatchers or any employee assigned to operate communication equipment or jailers; 5) those who work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.

"Random Selection Basis" means a mechanism for selecting employees for drug or alcohol testing that results in an equal probability that any employee from the group of employees subject to the selection mechanism will be selected which,



does not give the City discretion to waive the selection of any employee selected under the mechanism.

Every employee who is selected for random drug or alcohol testing shall proceed to the test site immediately upon notification, unless the employee is actively performing a safety-sensitive function at the time of notification which will not reasonably allow his or her replacement. In such cases, the employee's supervisor shall ensure that the employee proceeds to the testing site as soon as possible.

Generally, employees will be informed that they have been selected to submit samples after they have arrived at work on the day of collection. Specimen collection shall occur as soon as possible after the beginning of the work shift.

6.5 Post-rehabilitation Testing: If an employee is allowed to return to work after a confirmed positive test result or following participation in a drug/alcohol dependency treatment plan, the employee will be subject to drug and alcohol tests without notice for a period of up to two years from the date of the employee's return to work.

6.6 Results and confirmation testing: Positive results will receive a confirmation test. If the confirmation test yields a positive result, the test result will be a "confirmed positive."

The employee or applicant may have the same sample retested if the employee/applicant requests, in writing, such a retest within twenty-four (24) hours of receipt of notification of the positive result in order to challenge the results. See also Section 9.0, titled Cost of Testing. In addition, the employee or applicant shall, at all times, have the right to explain the test results in confidence.

7.0 TESTING METHODS AND COLLECTION PROCEDURES

All collection and testing shall be done in accordance with the rules promulgated by the State Board of Health.

All sample collection and testing for drugs and alcohol pursuant to the provisions of this act shall be conducted in accordance with the following conditions:

- 7.1. Samples shall be collected and tested only by individuals deemed qualified by the State Board of Health and may be collected on the premises of the employer;
- 7.2. Only samples deemed appropriate by the State Board of Health for drug and alcohol testing shall be collected;
- 7.3. The collection of samples shall be performed under reasonable and sanitary conditions;



- 7.4. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results on the main specimen;
- 7.5. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
- 7.6. Sample collection shall be documented, and the documentation procedures shall include:
- a. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
 - b. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information;
 - c. Sample collection, storage, and transportation to the testing facility shall be performed so as to reasonably preclude the probability of sample contamination or adulteration;
 - d. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to Section 10 herein; and
- 7.7. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.

8.0 Time of Testing

All testing of current employees required by the City shall occur during or immediately after the regular work period of such employee and shall be deemed work time for purposes of compensation and benefits to an employee.



9.0 Cost of Testing

The City shall pay all costs of testing for drugs or alcohol required under this policy, including confirmation tests required. The City will pay the cost of transportation if the testing of a current employee is conducted at a place other than the workplace. Provided, however, an individual who requests a retest under Section 6.6 shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test in which case, the City shall reimburse the individual for the costs of the retest.

10.0 Potential Adverse Personnel Actions

If an employee reports to Human Resources that he or she has a drug or alcohol abuse problem prior to being requested to test under this policy and prior to being charged with violating any provision of this policy, that employee will be given the option to complete a City approved rehabilitation program and agree to the post rehabilitation testing as described in Section 6.5. If the employee accepts that option and completes all requirements listed herein, the employee will not receive any discipline for self-reporting. However, at all times, the employee remains subject to this policy. Merely selecting the option described herein does not relieve the employee of discipline which may be imposed due to a positive result as described in this Section or which may be imposed for any other violation of this or any other regulation, policy, practice, law or the like.

The City may take disciplinary action, up to and including termination, against an employee who refuses to undergo drug or alcohol testing or who tests positive for the presence of drugs or alcohol. Such discipline will follow a pre-determination hearing, if applicable. In addition to the alleged offense, the appropriate course of action shall be determined based on the employee's total work record including but not limited to any prior drug or alcohol problems.

The City, in its sole discretion, may offer continued employment after discovering a violation of this regulation which shall be contingent upon the employee agreeing in writing to undergo Post-Rehabilitation Testing as provided in Section 6.5 and to satisfactorily participate in the Employee Assistance Program or another program recommended by the EAP as directed by the City.

Grievances arising from implementation and operation of this drug testing policy will be handled through the [Grievance Policy](#) or applicable collective bargaining procedures.

Medical Marijuana Notice: The consequences described in this section will apply to a person who tests positive for marijuana if that person (i) does not possess a valid Oklahoma medical marijuana license (MML); or (ii) possesses, consumes, or is under the influence of medical marijuana or medical marijuana product while at the place of employment or during the fulfillment of employment obligations; or (iii) is or would be



assigned to a Safety-Sensitive Position or is performing safety-sensitive job duties, as defined in this policy.

11.0 Rights of an Applicant or Employee to Explain Test Results

An applicant or employee may have a reasonable opportunity to explain, in confidence, any reasons that the test result, in the applicant's or employee's opinion, may have been positive, including the opportunity to explain in confidence to the City's Medical Review Officer the presence of any drug in the applicant or employee's system, or any other relevant information, and to substantiate such explanation with medical evidence.

12.0 Confidential Records

Records of all drug and alcohol test results and related information maintained by the City shall be the property of the City and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee tested. The City will not release such records to any person other than the applicant or employee tested, except that the City may release the records for any of the following purposes:

- a. As admissible evidence by the City or the individual tested in a case or proceeding before a court of record or administrative agency if either the City or the individual tested are names parties in the case or proceeding;
- b. In order to comply with a valid judicial or administrative order; or
- c. To the City's employees, agents and representatives who need access to such records in the administration of the Standards For Workplace Drug and Alcohol Testing Act.

Notwithstanding the foregoing, the City may enter into a contract with another employer allowing the entities to share the results of drug or alcohol testing of any tested person who works pursuant to such contractual agreement.

13.0 Available Appeal Procedures

Any employee who disagrees with a personnel action taken as a result of his or her refusal to undergo drug or alcohol testing, or because of a test result, will upon request, be given an opportunity to discuss such matter with the Human Resources Director, or his or her designated representative. Such discussion shall constitute the employee's or applicant's appeal to any personnel action taken, except to the extent that the employee has other grievance rights via City personnel policies and procedures or a collective bargaining agreement.



14.0 Safety-Sensitive Position or performing safety-sensitive job duties

Being in a Safety-Sensitive Position or performing safety-sensitive job duties includes tasks or duties that the City reasonably believes could affect the safety and health of the employee performing the task or others.

Safety-Sensitive Positions: The City's designated Safety-Sensitive Positions are maintained, reviewed and updated as needed, on the City's Safety-Sensitive Position List.

Generally, the City designates any employee engaged in the following duties as an employee in a Safety-Sensitive Position and/or performing safety-sensitive job duties:

- a. Duties may risk injury to themselves or others; or
- b. Employees whose job responsibilities involve public safety or the safety of others; or
- c. Must use dangerous tools/equipment in the performance of their job duties; or
- d. Must perform job duties at heights; or
- e. Must perform job duties and use dangerous chemicals or hazardous materials, including potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component;
- f. Operate, repair, monitor equipment or motor vehicles, machinery or power tools;
- g. Perform duties in residential or commercial premises of a customer, supplier or vendor;
- h. Perform the operation, maintenance or oversight of critical services and infrastructure (water);
- i. Prepare or handle food; or
- j. Must carry a firearm in the performance of job duties.

The City designates any employee regularly driving a vehicle in the course and scope of employment as performing safety-sensitive job duties. Regularly driving a vehicle (personal or City vehicle) means two or more times a week in the course and scope of employment.

The City reserves the right to modify the Safety-Sensitive Positions List in keeping with the law as positions or duties may change from time to time. If you have a question as to whether your job has been designated a Safety-Sensitive Position or whether you are performing safety-sensitive job duties, as your manager or Human Resources.



15.0 Questions about this policy

This Policy is governed by and subject to the laws of the State of Oklahoma, Okla. Stat. title 40 § 551 et seq. Should you have any questions about this Policy, please contact the Human Resources Department.

Drug and Alcohol Testing Policy (DOT)

1.0 PURPOSE

The purpose of this Policy is to ensure compliance with the Department of Transportation regulations requiring drug and alcohol testing of employees who operate commercial motor vehicles (CMVs) or who are required to have a commercial driver's license (CDL).

2.0 ORGANIZATIONS/EMPLOYEES AFFECTED

This Policy shall apply to all employees of the City of Broken Arrow ("City") who operate a CMV and are required to have a CDL as described by the Department of Transportation Regulations.

3.0 POLICY

The City's general Policy is described in [Alcohol and Drug Free Workplace Policy](#). However, it should be noted that the DOT has issued guidance on medical marijuana. Regardless of any state law, marijuana (medical or otherwise) is illegal under federal law. If you are tested as part of the DOT regulations, the Medical Review Officer is prohibited from considering any information, including a medical marijuana license, which might excuse a positive test for marijuana. In other words, if you test positive for marijuana, you will be subject to the consequences described herein, even if you have a lawfully issued medical marijuana license. Being under the influence of any marijuana while performing DOT covered functions is strictly prohibited.

4.0 DEFINITIONS

"Actual Knowledge" means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in [§382.121](#). Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.



“Alcohol” refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

“Alcohol concentration” (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (EBT).

“Breath Alcohol Technician” (BAT) refers to an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

“Commercial Driver’s License Drug and Alcohol Clearinghouse” (Clearinghouse) means a database, administered by the Federal Motor Carrier Safety Administration, containing records of commercial motor vehicle drivers’ violations of controlled substances and alcohol testing program requirements, as set forth in [part 382 of this title](#), as well as their return-to-duty status.

“Commercial Motor Vehicle” (CMV) is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. has a gross vehicle weight rating of 26,001 or more pounds; or
- c. is designed to transport 16 or more passengers, including the driver; or
- d. is of any size and is used in the transportation of hazardous materials requiring placards.

“Confirmatory drug test” means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify a specific drug or drug metabolite.

“Confirmatory validity test” means a second test performed on a different aliquot of the original urine specimen to further support a validity test result.

“Confirmed drug test” means a confirmation test result received by an MRO from a laboratory.

“Consortium/Third party administrator (C/TPA)” means a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers’ drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not “employers” for purposes of this part. “Designated Employer Representative” (DER) is an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in



the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.

“DOT” refers to the Federal Motor Carrier Safety Administration (FMCSA).

“Driver” refers to any person who operates a commercial motor vehicle (CMV) in the course and scope of their position. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors.

“Drug” or “Controlled Substances” covered by this policy include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. It shall mean any substance as covered by the DOT regulations.

“EBT” refers to an evidential breath testing device.

“Medical Review Officer” (MRO) refers to a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

“Oral Fluid Specimen” is a specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of this part.

“Performing a safety sensitive function” means a driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

“Positive rate for random drug testing” means the number of verified positive results for random drug tests conducted plus the number of refusals of random drug tests required, divided by the total number of random drug tests results (*i.e.*, positives, negatives, and refusals).

“Refuse to submit” to an alcohol or controlled substances test means that a driver:

- a. fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT regulations, after being directed to do so by the employer. This includes the failure of an employee to appear for a test when called by a Consortium/TPA;
- b. fails to remain at the testing site until the testing process is complete; provided that, an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused the test;
- c. fails to provide a specimen for any drug test required hereunder; provided that, an employee who does not provide a specimen because he or she has



- left the testing site before the testing process commences for a pre-employment test is not deemed to have refused the test;
- d. in the case of a directly observed or monitored urine collection in a drug test, fail to permit the observation or monitoring of an employee's provision of a specimen;
 - e. fails to provide a sufficient amount of specimen when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - f. fails or declines to take an additional test the employer or collector has directed the driver to take;
 - g. fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
 - h. fails to cooperate with any part of the testing process (refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector, fail to remove objects from mouth, fail to permit inspection of the oral cavity, or fail to complete a rinse when requested); or
 - i. For an observed urine collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
 - j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process; or
 - k. is reported by the MRO as having a verified adulterated or substituted test result.

“Safety-sensitive function” means all time from the time the driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- a. all time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- b. all time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- c. all time spent at the driving controls of a CMV in operation;



- d. all time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth;
- e. all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- f. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“Screening Test” refers to, in alcohol testing, an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen. In controlled substance testing, it means a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.

“Stand-down” means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

“Substance Abuse Professional” (SAP) refers to a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

“Violation rate for random alcohol testing” means the number of 0.04 and above random alcohol confirmation test results conducted plus the number of refusals of random alcohol tests required, divided by the total number of random alcohol screening tests (including refusals) conducted.

Other applicable definitions can be found in the DOT regulations at Part 40 and Part 382.

5.0 RESPONSIBILITY

- 5.1 Employee: It is the responsibility of each employee when reporting to work to be free from the influence and use of any illegal drug or alcohol and to comply with the City’s [Alcohol and Drug Free Workplace Policy](#).
- 5.2 Supervisors, Managers, Department Directors: It is the responsibility of supervisors, managers, department directors and other administrative employees to administer this Policy and identify and report possible violations of this Policy to the Human Resources Department.
- 5.3 Human Resources Department: It is the responsibility of the Human Resources Department to periodically schedule substance abuse education and awareness training for employees, drug and alcohol detection training to supervisory and



management personnel, schedule when necessary the illegal drug and alcohol testing and to maintain confidential records of such results.

- 5.4 Medical Review Officer: Notification to the City. The MRO must comply with the reporting requirements found in the DOT Regulations at Part 40, Subpart G.

The MRO shall report to the employer that the MRO has made all reasonable efforts to contact the driver as provided in Part 40.33 of the DOT Regulations. The employer shall, as soon as practicable, request that the driver contact the MRO prior to dispatching the driver or within 24 hours, whichever is earlier.

- 5.5 Medical Review Officer: Record Retention for Controlled Substances. The MRO shall maintain all dated records and notifications, identified by individual, for a minimum of five years for verified positive controlled substances test results. The MRO shall maintain all dated records and notifications, identified by individual, for a minimum of one year for negative and canceled controlled substances test results. No person may obtain the individual controlled substances test results retained by an MRO, and no MRO shall release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph shall prohibit an MRO from releasing, to the employer or to officials of the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the controlled substances testing program.

6.0 TYPES OF TESTING

The DOT requires that all drivers of CMVs be subjected to six types of testing for drugs and / or alcohol: Pre-employment (controlled substances only), post-accident, random, reasonable suspicion/reasonable cause, return-to-duty, and follow-up. These categories of testing are explained in the following sections.

6.1 PRE-EMPLOYMENT TESTING

Prior to the first time a driver performs safety-sensitive functions for the City, the driver shall undergo testing for controlled substances as a condition prior to being used. The City will not allow a driver to perform safety-sensitive functions unless the City has received a controlled substances test result from the Medical Review Officer or C/TPA indicating a verified negative result for that driver.

The City may opt to not require a pre-employment test for controlled substances if:

- a. the driver has participated in a drug testing program that meets the requirements of this policy within the previous 30 days; and
- b. while participating in that program, the driver was either:



- i. tested for controlled substances within the past 6 months (from the date of the application with the City) or
- ii. participated in a random controlled substances testing program for the previous 12 months (from the date of the application with the City); and
- iii. the City has ensured that no prior employer of the driver has records of a violation by the driver of the controlled substances policy within the previous six months.

If the City opts for Section 6.1.b(ii) herein, the City shall obtain the following information from the drivers' previous employer/ program: the names and addresses of the program; verification that the driver participated in that program; verification that the program conforms to the DOT regulations, Part 40; verification that the driver is qualified under the DOT regulations, including that the driver has not refused to be tested for controlled substances; the date the driver was last tested for alcohol and controlled substances; the results of any tests taken within the previous six months; and violations, if any, of the DOT regulations regarding alcohol or controlled substances.

If the City uses, but does not employ, a driver more than once a year to operate CMVs, the City must obtain the information in the preceding paragraph at least once every six (6) months. If the City cannot verify that the driver is participating in a controlled substances testing program, the City shall conduct a pre-employment controlled substances test.

6.2 POST ACCIDENT TESTING

Alcohol. As soon as practicable following an occurrence involving a CMV operating on a public road in commerce, the City shall test for alcohol for each of its surviving drivers:

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- b. Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.



Controlled Substances. As soon as practicable following an occurrence involving a CMV operating on a public road in commerce, the City shall test for controlled substances for each of its surviving drivers:

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- b. Who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver who is subject to post-accident testing must remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The City shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the City.

The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the City.

- 6.2.1 Alcohol Tests. If an alcohol test required by this section is not administered within two hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not



administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

6.2.2 Controlled Substance Tests. If a test is required by this section is not administered within 32 hours following the accident, the City shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.

6.2.3 Exceptions. This section does not apply to: (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or (2) An occurrence involving only the loading or unloading of cargo; or (3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by the City unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with applicable DOT regulations.

6.3 RANDOM TESTING

The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.

The City shall randomly select a sufficient number of drivers for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random alcohol and controlled substances testing determined by the Federal Motor Carrier Safety Administration ("FMSCA"). If the City conducts random testing for alcohol and / or controlled substances through a consortium, the number of drivers to be tested may be calculated for each individual employer or may be based on the total number of drivers covered by the consortium who are subject to random alcohol and / or controlled substances testing at the same minimum annual percentage rate under the DOT alcohol or controlled substances random testing rule.

The City will ensure that random alcohol and controlled substances tests conducted under this part are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.



The City will require that each driver who is notified of selection for random alcohol and / or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function other than driving a commercial motor vehicle at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency or the same employer, the driver shall be subject to random alcohol and / or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

If the City is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, the City may

- Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or
- Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the employer is subject.

6.4 REASONABLE SUSPICION TESTING

6.4.1 Alcohol. The City shall require a driver to submit to an alcohol test when the employer has cause, or reasonable suspicion, to believe that the driver has violated the prohibitions of the applicable DOT regulations concerning alcohol. The City's determination that cause exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

Alcohol testing is authorized only if the observations required by this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. A driver may be directed by the employer to only undergo for cause testing while the driver is performing safety-sensitive functions, just before the driver is



to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

If an alcohol test required by this section is not administered within two hours following the determination of cause, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination of cause, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until:

- a. an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
- b. twenty-four hours have elapsed following the determination under paragraph A of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

Except for the reporting requirements set forth by the DOT, the City shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.

- 6.4.2 Controlled Substances. The City shall require a driver to submit to a controlled substances test when the employer has cause, or reasonable suspicion, to believe that the driver has violated the prohibitions of the applicable DOT regulations concerning controlled substances. The employer's determination that cause exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and / or controlled substances for cause testing shall be made by a supervisor or company official who is trained in making such determinations. The person who makes the



determination that cause exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

A written record shall be made of the observations leading to an alcohol or controlled substance for cause test and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is earlier.

6.5 RETURN TO DUTY TESTING

If the City determines in its discretion that it wants to permit the employee to return to the performance of safety-sensitive functions, the City will ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

6.6 FOLLOW-UP TESTING

If the SAP determines that follow-up is necessary, the SAP will provide the DER with a written plan, including follow-up testing. The City will carry out the SAP's follow-up testing requirements. The City will not permit any employee to continue to perform safety-sensitive functions unless follow-up testing is conducted as directed by the SAP.

Follow-up testing dates will be scheduled by the City and will be unannounced with no discernable pattern as to the timing. The employee will not receive any advance notice.

The City will not substitute any other tests (e.g., random) conducted on the employee for this follow-up testing requirement.

The City cannot count a follow-up test that has been cancelled as a completed test. A cancelled follow-up test must be recollected.

7.0 NOTIFICATION TO EMPLOYEE OF TEST RESULTS

An employer shall notify an applicant driver of the results of a pre-employment controlled substance test conducted under this part, if the driver request such results within 60 calendar days of being notified of the disposition of the employment application. The City shall notify a driver of the results of random, for cause and post-accident tests for controlled substances conducted under this part if the test results are verified positive. The City shall also inform the driver which controlled substance or substances were verified as positive.

The DER shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status,



to contact and discuss the results of the controlled substances test with an MRO who has been unable to contact the driver.

The DER shall immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

8.0 Procedures for Specimen Collection-Collection Site

When the employee enters the collection site, the testing process will begin without undue delay.

The collector will require the employee to provide positive identification. The employee must present a photo ID issued by the employer or a Federal, state, or local government (e.g., a driver's license). Positive identification by an employer representative (not a co-worker or another employee being tested) is also acceptable. If the employee does not provide positive identification, the collector must contact the DER to verify the identity of the employee.

If the employee asks for identification, the collector shall provide identification including name and employer's name, but does not have to include the collector's picture, address, or telephone number.

The collector will explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the Custody and Control Form (CCF).

The collector will direct the employee to remove outer clothing (e.g., coveralls, jacket, hat) that could be used to conceal items or substances that could be used to tamper with a specimen. The collector will direct the employee to leave these garments and any briefcase, purse or other personal belongings with the collector or in a mutually agreeable location. Failure to comply with these directions constitutes a refusal to test. If the employee asks for a receipt, the collector will provide one. The employee must be permitted to keep his or her wallet. The collector must not ask the employee to remove other clothing, to remove all clothing, or to change into a hospital or examination gown (unless the collection is being accomplished simultaneously with a DOT agency-authorized medical examination). The collector will direct the employee to empty his or her pockets and display the items to ensure that no items are present which could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen, the employee can place the items back in his or her pockets.

If the collector finds any items which could be used to adulterate or tamper with a specimen, the collector will determine if the materials appear to have been brought to the collection site with the intent to alter the specimen, in which case the collector will conduct a directly observed collection using direct observation procedures. If the collector determines the materials appear to be inadvertently brought, the collector will



secure and maintain the materials until the collection process is completed and conduct a normal collection.

The collector will instruct the employee not to list any medications that he or she is currently taking on the CCF. (The employee may make notes of medications on the back of the employee copy of the form for his or her own convenience, but these notes must not be transmitted to anyone else).

9.0 Collection Process Before the Employee Provides a Urine Specimen

The collector will instruct the employee to wash and dry his or her hands and instruct the employee that he is not to wash his or her hands again until after delivering the specimen to the collector.

The collector will select, or allow the employee to select, an individually wrapped or sealed collection container from collection kit materials. Either the collector or the employee, with both present, must unwrap or break the seal of the collection container. The employee is not permitted to take anything from the collection kit into the room used for urination except the collection container.

The collector will direct the employee to go into the room used for urination, provide a specimen of at least 45 mL, not flush the toilet, and return to the collector with the specimen as soon as the employee has completed the void.

Except in the case of an observed or monitored collection, neither the collector nor anyone else may go into the room with the employee.

The collector may set a reasonable time limit for voiding.

If at any time the collector detects conduct that clearly indicates an attempt to tamper with a specimen, the collector must require that the collection take place immediately under direct observation and note the conduct and the fact that the collection was observed in the "Remarks" line of the CCF. The collector will also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.

The collector will review the specimen for reasons outlined in the DOT regulations, Part 40. Based upon this review, the employee may be required to submit to another collection under direct observation.

10. Direct Observation

There are certain reasons which require a collection under direct observation and certain reasons which permit an employer or a collector to choose a collection under direct observation. These are set forth in the DOT regulations, Part 40. If a direct observation



collection will be done, the employer or collector, as applicable, must explain to the employee the reason for the direct observation collection.

The person observing will be of the same gender as the employee providing the specimen. The observer need not be a qualified collector.

The observer must request the employee to raise his or her shirt, blouse, dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer, by turning around, that the employee does not have a prosthetic device after which the employee may return clothing to its proper position for observed urination.

The observer must watch the employee urinate into the collection container. Specifically, the observer is to watch the urine go from the employee's body into the collection container.

The observer, if someone other than the collector, must not take the collection container from the employee, but must observe the specimen as the employee takes it to the collector.

If the employee declines to allow a directly observed collection required or permitted under the DOT regulations, Part 40, this is a refusal to test.

11. Collection Process Before the Employee Provides an Oral Fluid Specimen

The collector requests that the employee open the employee's mouth, and the collector inspects the oral cavity to ensure that it is free of any items that could impede or interfere with the collection of an oral fluid specimen (e.g., candy, gum, food, or tobacco) or could be used to adulterate, substitute, or alter the specimen.

If an item is present that might impede or interfere with the collection of an oral fluid specimen, the collector must request the employee remove the item.

If there is nothing of concern in the oral cavity and no "dry mouth" condition, the collector starts a 10-minute wait period and proceeds with appropriate steps before beginning the specimen collection as described in Part 40.

To the greatest extent practicable, the collector must keep the employee's unwrapped collection device within view of both the collector and the employee, between the time the employee has provided a specimen, and the specimen is sealed.

12. Additional Collection Procedures

Designation of Collection Site. The City shall designate one or more collection sites. It shall be properly equipped for collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. It shall have a



facility for urination in compliance with DOT regulations, Part 40, and a suitable clean surface for writing. It will also have a source of water for washing hands.

Security. The collection site will be secure during collection through sealing the specimen and accompanying documentation for transport to the laboratory to prevent unauthorized access that could compromise the integrity of collections.

Chain of Custody. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures.

Conclusion of Collection Process. The collector performs a series of tasks to conclude the collection process, including:

- a. Direct the employee to read and sign the certification statement on Copy 2 (Step 5) of the CCF and provide date of birth, printed name, and day and evening contact telephone numbers. If the employee refuses, the collector will note this in the “Remarks” line of the CCF and complete the collection.
- b. At the appropriate time, the collector will advise the employee that he or she may leave the collection site.

Drug Testing Laboratories. Only drug testing laboratories certified by HHS under the National Laboratory Certification Program for all testing required by the DOT Regulations, Part 40, will be used.

13. Reporting and Review of Results

13.1 Medical review officer responsibilities

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer’s testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual’s medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results or urine samples that are not obtained or processed in accordance with this part.

13.2 MRO Review of Negative Test Result

The MRO has many responsibilities prior to verifying a negative result. While not an exhaustive list, those duties include reviewing the appropriate documentation. If the negative result is verified, the MRO shall report the result in a confidential



manner.

13.3 MRO Review of Laboratory Confirmed Non-Negative Drug Test Results

- a. Prior to making a final decision to verify a non-negative test result for an individual, the MRO shall perform many tasks including give the individual an opportunity to discuss the test result with him or her.
- b. The MRO shall contact the individual directly (i.e., actually talk to the employee), on a confidential basis, to determine whether the employee wishes to discuss the test result. The MRO must explain to the employee that, if he or she declines to discuss the result, the MRO will verify the test as positive or as a refusal to test because of adulteration or substitution as applicable. A staff person under the MRO's supervision may make the *initial* contact in accordance with the DOT regulations. Except as provided in paragraph (e) of this section, the MRO shall talk directly with the employee before verifying a test as positive.
- c. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact the DER who shall then direct the individual to contact the MRO as soon as possible. The MRO shall not disclose any results to the DER at this time. The DER must attempt to contact the employee immediately using procedures that protect, as much as possible, the confidentiality of the MRO's request that the employee contact the MRO. If the DER successfully contacts the individual (i.e., actually talk to the employee), the DER must document the date and time of the communication and inform the MRO. The DER must inform the employee that he or she should inform the employee of the consequences of failing to contact the MRO within the next 72 hours.

The DER is not to inform anyone else working for the employer that s/he is seeking to contact the employee on behalf of the MRO.

- d. If, after making all reasonable efforts, the DER is unable to contact the employee, the City may place the employee on temporary medically unqualified status or medical leave. Reasonable efforts include, as a minimum, three attempts, spaced reasonably over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the CCF. The DER should document these efforts. If the DER is unable to contact the employee within the 24-hour period, the DER will leave a message for the employee by any practicable means (e.g., voice mail, email, letter) to contact the MRO and will inform the MRO of the date and time of this attempted contact.



- e. The MRO may verify a confirmed positive test, or as a refusal to test because of adulteration or substitution without having communicated directly with the employee about the test in three circumstances:
 - i. The employee expressly declines the opportunity to discuss the test;
 - ii. The DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the DER contacted the employee; or
 - iii. If neither the MRO nor the DER, after making and documenting all reasonable efforts, has been unable to contact the employee within ten (10) days of the date on which the MRO receives the confirmed test result from the laboratory.
- f. The MRO may verify an invalid test result as cancelled (with instructions to recollect immediately under direct observation) without interviewing the employee as provided for in the DOT Regulations, Part 40, Section 40.159, if
 - i. The employee expressly declines the opportunity to discuss the test;
 - ii. The DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the DER contacted the employee; or
 - iii. If neither the MRO nor the DER, after making and documenting all reasonable efforts, has been unable to contact the employee within ten (10) days of the date on which the MRO receives the confirmed invalid test result from the laboratory.
- g. If a test is verified positive under the circumstances specified in subparagraphs (e) and (f) and reported to the DER by the MRO, the MRO must allow employee to present to the MRO within 60 days of the verification information documenting that serious illness, injury, or other circumstances unavoidably precluded the employee from timely contacting the MRO and/or DER. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation for the confirmed test result.
- h. Once the result is verified, the MRO shall report the result in a confidential manner.



13.4 Verification

The MRO shall comply with the DOT Regulations, Part 40, with respect to the procedures to be used prior to verification and for any change to a verification.

13.5 Information to be given to Employee after Verification of a Test of a Split Specimen

- a. The MRO must notify the employee of his or her right to have the split specimen tested and the procedures for requesting such a test.
- b. The MRO must inform the employee that he or she has 72 hours from the time you provide this notification to request a test of the split specimen.
- c. The MRO must tell the employee how to contact the MRO to make this request, providing telephone numbers or other information which will allow the employee to make this request. The MRO must have the ability to receive the employee's calls at all times during the 72 hour period (e.g., by use of an answering machine with a "time stamp" feature when there is no one to answer the phone).
- d. The MRO must tell the employee that if he or she makes this request within 72 hours, the CIT must ensure that the test takes place, and that the employee is not required to pay for the test before the test takes place. The MRO must also tell the employee that the City may seek reimbursement for the cost of the test per the DOT Regulations.
- e. The MRO must tell the employee that additional tests of the specimen (e.g., DNA tests) are not authorized.

13.6 Other

In all respects, testing shall be done in compliance with Part 40 of the DOT regulations. The laboratories used will be certified under the Department of Health and Human Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs."

14. TESTING PROCEDURES FOR ALCOHOL TESTING

14.1 Devices to be used for breath alcohol tests

For screening tests, the City shall use only EBTs or Screening Test Technicians (STT's) meeting DOT requirements.

For confirmation tests, employers shall use EBTs that meet DOT requirements.



14.2 Quality assurance plans for EBTs

In order to be used in either screening or confirmation alcohol testing subject to this part, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer. The user of the EBT shall comply with the NHTSA-approved quality assurance plan for each EBT it uses for alcohol screening or confirmation testing subject to this part.

14.3 Locations for breath alcohol testing

- a. The City shall conduct alcohol testing in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel, and materials to provide for the collection and analysis of breath and/or saliva samples, and a suitable clean surface for writing.
- b. The City may use a mobile collection facility (e.g., a van equipped for alcohol testing) that meets the requirements of paragraph (a) of this section.
- c. No unauthorized persons shall be permitted access to the testing location. Access to the testing location is governed by the DOT regulations, Part 40.
- d. In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of paragraph a of this Section. In such a case, the site shall provide visual and aural privacy to the employee to the greatest extent practicable.
- e. The BAT shall supervise only one employee's use of the EBT at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress, except to notify a supervisor or contact the DER for assistance in the case an employee or other person who obstructs, interferes with, or unnecessarily delays the testing process.

14.4 Preparation for breath alcohol testing

When the employee enters the alcohol testing location, the BAT or STT will require him or her to provide positive identification (e.g., through use of a photo I.D. card or identification by a City representative). On request by the employee, the BAT or STT shall provide positive identification to the employee. The BAT or STT shall explain the testing procedure to the employee, including showing the employee the instructions on the back of the Alcohol Testing Form (ATF).



14.5 Procedures for Screening Tests.

- 14.5.1 The BAT or STT shall select, or allow the employee to select, an individually wrapped or sealed mouthpiece. The BAT or STT shall open the mouthpiece in view of the employee and insert it to the EBT in accordance with the manufacturer's instructions.
- 14.5.2 The BAT or STT shall instruct the employee to blow steadily and forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- 14.5.3 The BAT or STT shall show the employee the displayed result.
- 14.5.4 The BAT or STT shall properly record the results in accordance with the DOT regulations, Part 40. If the device is one that prints the test.
- 14.5.5 In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT or STT shall date the form and sign the certification in Step 3 of the form and then transmit the results to the DER in a confidential manner as set forth in the DOT regulations, Part 40.
- 14.5.6 If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed in accordance with DOT regulations, Part 40.
- 14.5.7 If the confirmation test will be conducted at a different site from the screening test, the BAT or STT will provide the employee with additional directions and information as set forth in the DOT regulations, Part 40.

14.6 Procedures for Confirmation Test

- 14.6.1 The BAT or STT shall instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and shall not be less than 15 minutes. The confirmation test shall be conducted within 30 minutes of the completion of the screening test. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT shall so note in the "Remarks" section of the form. If the BAT conducts the confirmation test more than 30 minutes after the result of the screening test has been obtained, the BAT shall note in the "Remarks" section of



the form the time that elapsed between the screening and confirmation tests and the reason why the confirmation test could not be conducted within 30 minutes of the screening test.

- 14.6.2 If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall require proper identification from the employee. The BAT shall initiate a new Breath Alcohol Testing form. The BAT shall complete Step 1 on the form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test, and the BAT is to immediately notify the DER. The BAT shall note in the "Remarks" section of the form that a different BAT or STT conducted the screening test.

In all cases, the procedures of Section 14.5 shall be followed. A new mouthpiece shall be used for the confirmation test.

- 14.6.3 Before the confirmation test is administered for each employee, the BAT must, in the presence of the employee, conduct an air blank on the EBT and show the reading to the employee. If the reading is 0.00, the test may proceed. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If the reading on the second air blank is 0.00, the test may proceed. If the reading is greater than 0.00, that EBT shall be taken out of service. However, testing may proceed on another EBT. Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is completed and the EBT is found to be within tolerance limits.
- 14.6.4 Before the confirmation test is administered for each employee, the BAT shall ensure that he or she and the employee read the unique test number displayed by the EBT.
- 14.6.5 If the EBT provides a separate printout of the result, you must attach the printout to the designated space on the ATF with tamper-evident tape or use a self-adhesive label that is tamper-evident.
- 14.6.6 Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the form.
- a. If the alcohol confirmation test result is lower than 0.02, nothing further is required of the employee. The BAT must sign and date Step 3 of the ATF.



- b. If the alcohol confirmation test result is 0.02 or higher, the BAT will direct the employee to sign and date Step 4 of the ATF. If the employee does not sign the certification in Step 4 of the form, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign in the "Remarks" section.
- c. If the test is invalid, the BAT shall tell the employee the test is cancelled and note the problem on the "Remarks" line of the ATF. If practicable, a re-test will be conducted.
- d. The BAT will immediately transmit the result to the DER in a confidential manner.

14.6.7 The BAT shall transmit all results to the DER in a confidential manner.

- a. Such transmission may be in writing (the employer copy (Copy 1) of the breath alcohol testing form), in person or by telephone or electronic means. In any case, the BAT must immediately notify the DER of any result of 0.02 or greater by any means.
- b. If the initial transmission is not in writing (e.g., by telephone or electronic means), the City shall establish a mechanism to verify the identity of the BAT providing the information.
- c. The employer shall store the information so as to ensure that confidentiality is maintained.

14.7 Refusal to test

A driver may not refuse to test as defined in this Policy.

14.8 Inability to provide an adequate amount of breath

This section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test.

14.8.1 The BAT or STT shall again instruct the employee to attempt to provide a sufficient amount of breath and about the proper way to do so. If the employee refuses to make the attempt, the BAT or STT shall discontinue the test, note the fact on the "Remarks" line of the ATF, and immediately notify the DER. This is a refusal to test.

14.8.2 If the employee attempts and fails to provide a sufficient amount of breath, the BAT or STT may provide another opportunity to the employee



to do so if the BAT or STT believes there is a strong likelihood that it could result in providing a sufficient amount of breath. If this fails to produce a sufficient amount of breath, the EBT or STT shall so note in the “Remarks” section of the ATF and immediately notify the DER.

14.8.3 When the City is notified by the BAT or STT that the employee has not provided a sufficient amount of breath, the City shall direct the employee to obtain, within five days, an evaluation from a licensed physician who is acceptable to the City and who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen.

14.8.4 The City will provide the physician who will conduct the evaluation with the following information and instructions:

- a. that the employee was required to take a DOT breath alcohol test, but was unable to provide a sufficient amount of breath to complete the test;
- b. the consequences for refusing to take the required alcohol test;
- c. that the physician must provide the City with a signed statement of the his or her conclusions; and
- d. that the physician, in his or her reasonable medical judgment, must base those conclusions on one of the following determinations:
 - (i) A medical condition has, or with a high degree of probability, could have, precluded the employee from providing a sufficient amount of breath. The physician must not include in the signed statement detailed information on the employee’s medical condition. In this case, the test is cancelled.
 - (ii) There is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath. This constitutes a refusal to test.
 - (iii) For purposes of the foregoing paragraphs (i) and (ii), a medical condition includes an ascertainable physiological condition (e.g., a respiratory dysfunction) or a medically documented pre-existing physiological disorder, but does not include unsupported assertions of “situational anxiety” or hyperventilation.
- e. The physician will provide a written statement of his or her conclusions and the basis for them to the DER directly. The physician must not include in this statement detailed information on the



employee's medical condition beyond what is necessary to explain the conclusion.

- f. Upon receipt of this report from the examining physician, the DER must immediately inform the employee and take appropriate action.

14.9 Cancelled tests

If the BAT or STT determines that the test should be cancelled under the DOT regulations, Part 40, the BAT or STT shall immediately notify the DER that the test was cancelled and must be treated as if the test had never occurred.

15.0 DRIVER CONDUCT PROHIBITED BY THE DEPARTMENT OF TRANSPORTATION

15.1 Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

15.2 On-duty Use of Alcohol

No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

15.3 Pre-duty Use of Alcohol

No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

15.4 Use of Alcohol Following an Accident

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

15.5 Refusal to Submit to a Required Alcohol or Controlled Substances Test

No driver shall refuse to submit to a pre-employment controlled substance test, a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, a



return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

15.6 Controlled Substances Use

15.6.1 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I.

15.6.2 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

15.6.3 No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

15.6.4 A driver must inform their supervisor of any therapeutic drug use prior to performing any safety-sensitive function.

15.7 Controlled Substances Testing

No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

16.0 CONSEQUENCES FOR ENGAGING IN DOT-PROHIBITED CONDUCT

16.1 The City may not allow, require, permit or authorize a driver to operate a CMV during any period in which the City determines that a driver is not in compliance with the return-to-duty requirements after the occurrence of any of the following events:

- a. The driver receives a positive, adulterated, or substituted drug test result;
- b. The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration;



- c. The driver refused to submit to a test for drugs or alcohol;
- d. The driver used alcohol prior to a post-accident alcohol test; or
- e. An employer has actual knowledge that a driver has (i) used alcohol while performing safety-sensitive functions, (ii) used alcohol within four hours of performing safety-sensitive functions, or (iii) used a controlled substance.

16.2 Other Alcohol-Related Conduct

16.2.1 No driver tested under this Policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the City, including driving a CMV, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

16.2.2 Except as provided in 16.2.1, the City will not take action against a driver based solely on test results showing an alcohol concentration less than 0.04.

16.3 Referral, Evaluation, and Treatment

16.3.1 Each driver who has engaged in conduct prohibited by the DOT (See Section 15.0 herein) will be advised by the City of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

16.3.2 If the City desires to reinstate a driver who engaged in conduct prohibited by the DOT (Section 15.0 herein) to safety-sensitive functions, that driver must be evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

16.3.3 Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by the DOT (See Section 15.0 herein), the driver shall undergo a return-to-duty test (See Section 6.5 herein) and shall be subject to follow-up testing (See Section 6.6).

16.3.4 The requirements of this section with respect to referral, evaluation and rehabilitation apply to a DOT alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a refusal to test as defined herein, or any



other violation of the prohibition on the use of alcohol or drugs under the applicable DOT regulations.

17.0 CLEARINGHOUSE

The City will comply with all DOT requirements to collect, maintain, and report to the Clearinghouse the following personal information regarding drivers: (i) a verified positive, adulterated, or substituted drug test result; (ii) an alcohol confirmation test with a concentration of 0.04 or higher; (iii) a “refuse to submit” to any test; (iv) an employer’s report of “actual knowledge” of on duty alcohol use pursuant to §382.205; Pre-duty alcohol use pursuant to §382.207; Alcohol use following an accident pursuant to §382.209; and Controlled substance use pursuant to §382.213; (v) a SAP report of the successful completion of the return-to-duty process; (vi) a negative return-to-duty test; and (vii) an employer’s report of completion of follow-up testing.

18.0 DISCIPLINARY ACTIONS

18.1 The City reserves the right to discipline, up to and including termination, any employee who violates this policy provided that such disciplinary action is not inconsistent with any provision herein.

18.2 Grievances arising from implementation and operation of this drug testing policy will be handled through the City’s [Grievance Policy](#) or a collective bargaining agreement grievance procedure.

19.0 RECORDS AND CONFIDENTIALITY

19.1 Except as required by law or expressly authorized or required in this section, the City shall not release information related to this policy without the employee’s specific written consent.

19.2 A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver’s use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The City shall promptly provide the records requested by the driver. Access to a driver’s records shall not be contingent upon payment for records other than those specifically requested.

19.3 Records relating to a driver’s compliance or non-compliance with this policy may also be made available to governmental agencies in accordance with the DOT regulation.

19.4 Records shall be made available to a subsequent employer upon receipt of a specific written request from a driver.



19.5 The City may disclose information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings, including:

- a. A lawsuit (e.g., wrongful discharge action), grievance or arbitration, or administrative proceeding (e.g., unemployment claim) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test.
- b. A criminal or civil action resulting from an employee's performance of safety-sensitive duties in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. In such case, the City may release the information to the decision-maker (e.g., the court). The City may release the information only with the binding stipulation that the decision-maker to whom it is released will make it available only to parties to the proceeding.

With regard to any release of information under Section 19.5, the City will immediately notify the employee in writing of any information released.

19.6 The City shall release information regarding a driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

19.7 The City may comply with State laws requiring it to provide to State CDL licensing authorities information about all violations of DOT drug and alcohol testing rules (including positive tests and refusals) by any CMV driver holding a CDL.

20.0 QUESTIONS ABOUT THIS POLICY

This Policy is governed by and subject to the Department of Transportation Regulations. If this Policy is inconsistent with the Department of Transportation Regulations, those regulations will govern. Should you have any questions about this Policy, please contact the Human Resources Department.

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Purchasing Card Policy

Purpose

To establish procedures for the use of City of Broken Arrow (the City) issued purchasing cards. Designated City employees or City Council members will have the ability to charge expenses for certain types of goods and/or services that are generally not available through other procurement means. It empowers the Authorized User to acquire the necessary materials to conduct business and/or deliver services in a convenient and expeditious manner. This policy is designed to promote responsible, efficient, ethical, and legal utilization of the City's purchasing cards.

Scope

Usage of the City's purchasing card is allowed at the discretion of the Finance Director to departments who are granted City purchasing authority and the program is administered by the Purchase Card Manager.

Credit Limits

Credit limits for purchase cards will be up to Five Thousand Dollars (\$5,000) for the City Council and Trustees, City Manager and Assistant City Manager and Two Thousand Five Hundred Dollars (\$2,500) for Department Directors.

Initial credit limits for all other personnel shall be determined on the basis of need as requested by the Department Director and approved by the Finance Director. These limits may be adjusted if needed for a specified time periods. In no instance shall this limit exceed \$2,500 without the express approval of the Finance Director, Assistant City Manager or City Manager.

Receiving a Purchasing Card

1. The Department Head shall request a purchasing card for the department via email to the Finance Director. A decision to deny will be communicated in writing or e-mail to the requesting Department Director and may be appealed to the appropriate Assistant City Manager.
2. The Finance Director or designee shall review the request and notify the purchasing card bank to issue a new purchasing card.
3. The approved Authorized User shall be issued a copy of this policy and shall be required to sign the Acknowledgement of City Purchasing Card Form to indicate that the Authorized User understands the policy and responsibilities. Signed Acknowledgement of City Purchasing Card Forms will be kept in the Finance Department.



4. The Purchase Card Manager will maintain all records of all purchasing card requests, authorizations, card numbers, limits, and destroyed card information.

Responsibilities of an Authorized User

1. The purchasing card that each Department or Authorized User receives shall ONLY be used by the Authorized User. NO OTHER PERSON IS AUTHORIZED to use this card. The Authorized User is responsible for all purchases charged to their card.
2. For employees that aren't issued a card, there will be cards available to check out in the Finance Department. Once they are checked out, the employee is temporarily an authorized user and must abide by all regulations within this policy.
3. The Authorized User must retain itemized receipts of all purchases made on the purchasing card containing a minimum (1) merchant name; (2) date of purchase; (3) description; (4) unit price and quantity; and (5) transaction total. **A receipt presenting only a summary total will not be acceptable.** If a receipt is not furnished by the merchant (as may be the case with a phone or internet order), documentation such as an order confirmation, packing slip, or invoice shall be obtained and shall contain an itemized and detailed description of the purchase. If the receipt is not itemized, the employee may be responsible for reimbursing the City.
4. The purchasing card may be used to register for conference attendance and for payment of training course fees. Attendees may be registered and paid for separately.
5. The purchasing card may be used for the purchase of airfare and/or lodging.
 - A. Airfare must be purchased at the lowest logical airfare for coach airline tickets. Flight times may be taken into consideration when making reservations, but the price should be fair and reasonable and the lowest reasonable selection for the trip.
 - B. Lodging Rates the lodging establishment must provide a final detailed receipt once lodging service has been provided. Some hotels will write-off a portion of the tax (and should for in-state lodging), please request this from hotel management.
 - C. Incidentals such as room service, movies, tips and gratuities, etc., are not allowed on the purchasing card. Traveler must provide a personal card for personal expenses.
6. It is the responsibility of the Authorized User to notify the Finance Department at 918-259-2400 ext. 5513 immediately in the event of a lost or stolen card, or the purchasing card company (Chase) 800-275-0863 for after-hours support.



7. The use of the purchasing card does not justify the payment of any sales tax for which the City is exempt. As in all other purchases, the merchant shall be given a copy of the state tax exemption letter issued by the City. State sales tax should not be charged for any purchase including online transactions. Hotel charges may be an exception. Some hotels will write-off a portion of the tax (and should for in-state lodging), please request this from hotel management.
8. A purchasing card shall not be used for capital purchases without Finance Director approval.
9. The Authorized User is responsible to charge expenses to appropriate account line items.
10. Authorized User will reimburse the City immediately for any non-business expenses.
11. Authorized User is responsible for the security of the purchasing card and the transactions made with it.
12. It is recommended that merchants not be allowed to retain card information on file to avoid unauthorized transactions. A card number should be provided by the Authorized User each time an order is placed.
13. Internet purchases must be made from a merchant with a secured internet site (for example, lockbox is present or URL contains https). Faxes and/or emails disclosing full account information are not allowed.
14. When issued a refund or credit on a Purchase card transaction, the Authorized User shall not accept cash refunds. Credits for returned merchandise or sales tax must be credited to the City credit card.

The purchasing card cannot be used to avoid or bypass appropriate purchasing or payment procedures. Authorized User violations of this agreement or of any policy regarding the purchase of goods or services will be investigated and may result in, but not limited to: written warning, revocation of purchasing card privileges, cancellation of delegation of purchasing authority, disciplinary action, termination and/or criminal prosecution. Human error and extraordinary circumstances may be taken into consideration when investigating any violation of this agreement.

The City Manager, Finance Director, Department Director and/or designees have the authority to investigate and determine whether a violation of Purchasing or Purchasing Card Policy has occurred and to determine action deemed most appropriate pursuant to applicable law and/or City policy.



Ownership and Cancellation of the Purchasing Card

The purchasing card remains the property of the City of Broken Arrow. It may not be transferred to, assigned to, or used by anyone other than the Authorized User or Department designee for Department issued cards. Authorized Users are accountable for the activity on their card. The issuer or the City may suspend or cancel Authorized User privileges at any time for any reason. Authorized Users will surrender their purchasing card upon request to the City of Broken Arrow.

Receipts

It is the responsibility of each Authorized User to obtain itemized transaction receipts (see “Responsibilities of an Authorized User”) from the merchant each time the purchasing card is used. Failure to provide the required documentation for payment processing may subject the Authorized User to the loss of purchasing card privileges and may cause the amount charged to be classified as a personal purchase by the Authorized User. The City shall keep statement data and invoices and/or receipts on file for a period consistent with record retention requirements of the law (five-year period).

Disputed Items

It is each Authorized User’s responsibility to follow-up on any erroneous charges, returns or adjustments to ensure proper credit is given on subsequent statements. The original charge will be charged to a line item. When the credit is applied to the statement, it is up to the Authorized User to code the line item correctly.

Unauthorized Credit Card Use

The card shall not be used for the following:

- a. Personal purchases or for personal identification
- b. A single purchase that exceeds the purchasing card’s limits
- c. Cash advances
- d. Alcoholic beverages
- e. Purchase of hotel/motel incidentals while on City business
- f. Split purchases
- g. Motor fuel (unless prior approval or while traveling)

Any purchases that fall in the above listed categories and/or deemed inappropriate for purpose of City business shall be reviewed by the Finance Director and/or designees for final determination.



1. An Authorized User who makes unauthorized purchases or carelessly uses the purchasing card will be liable to the City of Broken Arrow for the total dollar amount of such purchases plus any administrative fees charged by the bank or card company in connection with the misuse. The Authorized User may also be terminated and will be subject to legal action.
2. Authorized Users are expected to obtain the best prices available. Purchase of an item at above market prices where the vendor gives the employee any form of gift, bonus, or premium whether in the form of cash or merchandise is considered a kickback, is illegal, and can result in termination of employment and prosecution. City policy strictly forbids anything in exchange for making a purchase.
3. It is the Authorized User's responsibility to safeguard the purchasing card to the same degree that the Authorized User safeguards his/her own personal credit information.

Payment of Purchasing Card Charges

1. Department Heads are responsible for ensuring that any Authorized Users under their supervision understand and comply with the City purchasing card procedures.
2. Department Heads must make sure that violations do not occur and suspected violations are reported promptly to the Finance Department.
3. The Purchasing Card Manager checks all transactions listed on the purchasing card statement. The original sales invoice or itemized receipt for all items approved for payment must be uploaded into Certify and expense report created by the due date determined by the Purchase Card Manager.
4. When a Department Head or designee approves and submits monthly purchasing card statements, the Department Head or designee is responsible for all transactions, including appropriateness of the purchase.

If the Authorized User does not have documentation of a transaction listed on the monthly statement, he or she shall attach an explanation that includes a description of the items purchased, date of purchase, merchant name, and reason for lack of supporting documentation. There will be no tolerance for repeated offenders of undocumented purchases.

If the Finance Director or Purchasing Card Manager observe a pattern of improper purchases or lack of supporting detail the Department's or employee's purchasing card privileges may be revoked by the Finance Director.

Termination/Retirement

It is understood that should an employee leave employment with the City of Broken Arrow the purchasing card shall be returned to the Finance Department prior to the last day of employment. The Purchasing Card Manager shall immediately cancel the card, destroy it, and shall notate date of cancellation and destruction on Authorized User's Acknowledgement Form.



If an Authorized User is absent from work for an extended period of time, the Finance Director shall have the Purchasing Card Manager place the card in suspense or hold status in order to not have transaction(s) posted to the card.

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Social Media Policy, Procedures and Guidelines

PURPOSE:

The City of Broken Arrow utilizes social media tools to expand audience reach in order to address the way residents communicate and obtain information online. The City of Broken Arrow understands that social media can be a fun and rewarding way for employees to share life and opinions with family, friends, and co-workers. However, use of social media also represents certain risks and carries with it certain responsibilities. The City has established these guidelines to assist its employees in making responsible decisions regarding the appropriate use of social media while at work.

DEFINITIONS:

Social Media: A website that allows users to create profiles and connections with other users on the same site who access their profile. Social networking sites provide a means for users to form communities, share thoughts, ideas and content such as video. These can also enable chat, discussion forums and online collaboration. Examples of Social Networking websites are: Facebook, LinkedIn, Instagram, and Twitter.

Web 2.0: Advanced Internet technologies that allow participants to engage in social interactions in the form of blogs, micro blogs, wiki's, etc.

Wiki: A website that allows a community of users to collaborate in adding and editing content on the site.

Electronic Communication: Any kind of communications, created by, represented by, sent to, or stored by any user using any electronic communications system, including all information, data, and attachments to the communication.

Blog: (a contraction of the term “weblog”) is a type of website, usually maintained by an individual with regular entries of commentary, description of events, or other material such as graphics or video. Entries are commonly displayed in reverse – chronological order. “Blog” can also be used as a verb, meaning to maintain or add content to a blog.

Micro blog: is another type of blogging, featuring very short posts, such as 140 characters or less (example: twitter.com) staying connected in real time. Followers of a micro blog typically “subscribe” to the micro blog of another and automatically receive newly posted information.



Personal Information: Any type of information that might lead to the identification of any individual. Examples may include social security numbers, dates of birth, addresses, phone numbers, email addresses, driver's license or other state identification numbers.

Electronic Media: Digital photos, audio recordings, videos or digital information.

Post or Posting: Text or digital information that is placed on a website or sent to a news group.

Confidential Information: Any work product of the City of Broken Arrow that is subject to any local, state, or federal laws regarding its confidentiality and release, and which could potentially expose the City of Broken Arrow to liability.

Proprietary Information: All work created or obtained while an employee is on duty remains property of the City of Broken Arrow. The work product of the City of Broken Arrow is public in nature and is subject to departmental policy, as well as local, state and federal laws regulating its use.

Work Product: Anything created by an employee that is considered to become the property of the City of Broken Arrow. Examples may include, but are not limited to: photos, videos, audio recordings, blog entries, electronic files or documents, and information created or obtained during the performance of an employee's duties.

City Use of Social Media:

All City of Broken Arrow social media sites posted by Departments are subject to review and approval by the City Manager.

Administration of Social Media Sites:

The City of Broken Arrow's Director of Information Technology will maintain a list of all City social media sites, including login and password information. Only authorized City email addresses may be used to establish and administer social media accounts. Personal e-mail addresses are not permitted for this use. Account login and password information must be kept confidential and changed at an interval determined by the City of Broken Arrow's Director of Information Technology.

Departments utilizing a social media site will inform the City Manager of any new social media sites or administrative changes to existing sites and each department utilizing a social media site shall appoint a department contact responsible for enforcement of this Social Media Policy, Procedures and Guidelines.



The City of Broken Arrow must be able to immediately edit or remove content from social media sites.

The best, most appropriate City of Broken Arrow uses of social media tools fall into two categories:

- As channels for disseminating time-sensitive information in a rapid manner
- As marketing/promotional channel to increase the City's ability to broadcast its messages to the widest possible audience

The City of Broken Arrow website, www.brokenarrowok.gov, will remain the City's primary and predominant Internet presence.

- Wherever possible, content posted to the City of Broken Arrow social media sites will also be available on the City's main website.
- Wherever possible, content posted to the City of Broken Arrow social media sites should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Broken Arrow.

Only individuals authorized by the City of Broken Arrow may publish content to the City's website or social media sites.

Each department's appointed contact person is responsible for the content and upkeep of any social media sites their department may create.

Social Media content postings should enhance the City of Broken Arrow's communication efforts.

Information posted should be relevant and timely and should not be designed to raise partisan questions, issues or promote a political agenda or campaign.

When the commenting functionality is used, all comments must be regularly moderated by the department's appointed contact person. Questions must be answered quickly and accurately.

Restrictions on Content

City of Broken Arrow social media site articles and comments containing any of the following forms of content shall not be allowed.

- a. Comments not topically related to the particular social media article being commented upon;
- b. Comments in support of or opposition to political campaigns or ballot measures;



- c. Profane language or content;
- d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or other status protected by law;
- e. Obscene sexual content or links to obscene sexual content;
- f. Solicitations of commerce;
- g. Illegal activity or encouragement thereto;
- h. Information that may tend to compromise the safety or security of the public or public systems; or
- i. Content that violates a legal ownership interest of any other party;
- j. Violent or threatening language; or
- k. Disclosure of confidential, sensitive, or proprietary information.

The restrictions on content identified immediately above shall be displayed to users of the social media platform or made available by hyperlink. The restrictions on content identified immediately above shall also apply to all employees using social media or social networking networks for work purposes. Employees using social media or social networking networks for work purposes shall also refrain from posting or otherwise sharing any content containing any of the following:

- a. Abusive behavior and bullying or language or tone;
- b. Conduct or encouragement of illegal activity; and
- c. Disclosure of information which the City of Broken Arrow and its employees are required to keep confidential by law, regulation, or internal policy

Employees using social media or social networking networks for work purposes shall not engage in any viewpoint discrimination; such prohibition includes *inter alia* a prohibition on deleting posts/comments/links with opposing viewpoints and blocking individuals with opposing viewpoints from viewing or posting to the City's social media account.

All City of Broken Arrow social media sites shall comply with City of Broken Arrow administrative procedures and policies.

All content, comments and replies posted on all City of Broken Arrow social media, Web 2.0 or social networking technology are subject to the Oklahoma Open Records Act.

All video, photo, graphics, or other materials are protected under federal copyright laws. If materials used are not created by the City, permission to use the materials must be obtained from the original source prior to use and provided to the City Manager.

If any employee responsible for maintaining content of a site, page, social media, Web 2.0 or social networking technology leaves the City of Broken Arrow, his or her access to the technology shall be removed.



The City of Broken Arrow reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

The City of Broken Arrow will approach the use of social media tools as consistently as possible.

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Employee Windows Password Policy

In the digital age, safeguarding the City's information and user data is of paramount importance. This Windows Password Policy is established to enhance security measures, protect sensitive information, and promote best practices in password management. By adhering to these guidelines, we aim to reduce the risk of unauthorized access, data breaches, and cyber threats. This policy reflects our commitment to maintaining a secure, reliable, and trusted digital environment for all users. Your cooperation and diligence in following these requirements will help ensure the security and integrity of our systems and data. This policy aims to protect user accounts and sensitive information by enforcing strong password practices.

The City of Broken Arrow requires the below for all user passwords:

- 16 characters or more
- May not contain the user login or display name

The password contains characters from at least three of the following four categories:

- Upper case
- Lower case
- Base 10 digits (0-9)
- Special characters (~!@#\$%^&* _+=`|\(){}[]:;'"<>.,?/)

Hints for creating complex password that you can remember:

Use passphrases that are easy for you to remember (these are only examples, please make your own)

Examples:

Moonlit_Dance88!

Silent_Waters9#

I<3BonJoviAndIAlwaysWill

7BridesForSevenBrothers

MrToadsWildRide_Disney



Employee Travel and Training Policy

- I. **Purpose:** To establish and clarify the parameters that must be adhered to when requesting to attend schools, conferences, conventions, job related training, or official travel and to provide employees guidance on allowable expenditures and the proper means to document those expenditures. This policy offers direction to employees who are traveling for public business purposes, which are properly approved before travel occurred, and assists with accountability of all travel expenses upon return.

- II. **Policy:** The policy provides the administrative regulations governing all travel on behalf of the City of Broken Arrow. Such travel includes being away on City business, training, seminars, workshops, professional conferences overnight or local vicinity travel. To protect the interests of both the City and its employees, the following rules are a guide in determining the expenses that the City will reimburse.

The City recognizes that direct benefits accrue to the City from employee training through attendance at seminars and meetings. However, it should also be recognized that the employee personally benefits through their career development.

While this policy sets out standard guidelines for expense reimbursement, deviations from this policy may be considered on a case-by-case basis, but must be approved by management.

III. General Provisions

- a. Travel arrangements and payment of travel expenses will be made in accordance with guidelines established herein.

- b. All overnight trips must be authorized in advance by completing the Travel and Training Authorization form and signed based on the following guidelines:
 - Trip estimated cost totals less than \$3,499 – Department Director
 - Trip estimated cost totals more than \$3,500– Department Director and Finance Director
 - Any employee taking more than two out-of-state trips per fiscal year must have a Travel and Training Authorization form signed by their Assistant City Manager, or the City Manager.

Once signed, forward the Travel and Training Authorization to the designee in the Finance Department.



- c. Funds for travel expenses must be unencumbered and available in the current annual budget.
- d. Travel expenses shall be paid only for employees representing the City of Broken Arrow. Expenses for spouses, friends, and business associates will not be reimbursed, nor shall they be charged on the city credit card.
- e. For any travel that is grant funded, the travel reimbursement will be completed in accordance with the grantors policy (e.g. Oklahoma State grants will follow the State's travel policy).
- f. Any travel/conference where attendance is being funded through an expense waiver with a private sector vendor must have advance approval of the appropriate Assistant City Manager or City Manager.

IV. Tulsa Metro Travel

- a. Costs incurred by an employee while attending a conference, meeting, or training seminar, or while otherwise carrying out official City business within the Tulsa Metro area, will be reimbursed upon submission of appropriate Mileage and Parking Reimbursement or Travel Expense Report form.

City cars should be used for local travel if possible, and multiple attendees should carpool when practical. If private vehicles are used, mileage will be reimbursed at the current IRS established rate.

Employees who take a City vehicle home are not eligible for mileage reimbursement.

- b. Mileage reimbursement will be calculated from the employee's beginning duty station for the day.
- c. Include the travel route from either MapQuest or Google Maps when turning in the Mileage and Parking Reimbursement or Travel Expense Report form.
- d. Mileage reimbursements must be submitted at least monthly. At fiscal year-end, reimbursement requests must be made by July 15th.

V. Out-of-Town Travel

- a. **Registration**



- i. The City will pay the registration for City-related workshops, conferences and seminars via City Credit Card or a Payment Authorization. Special events and tours that are not job-related and are leisure activities are not allowable expenses.
 - ii. Reimbursement will not be made for meals provided at a hotel, conference, seminar, or convention when a meal(s) is included as part of the registration, or otherwise provided at no charge. Whether or not the employee partakes in the meal is not a consideration when deducting this amount from per diem. A continental breakfast will not be deducted from per diem amounts. If the employee has any dietary restrictions and will not be able to partake in an otherwise provided meal the City will pay per diem for that meal(s).
- b. **Transportation** – Employees are expected to utilize the most economic mode of transportation available. Each department is responsible for making transportation arrangements.
 - i. **Commercial Airfare** – Air travel should be considered when travel distance exceeds two hundred miles one way. The City will pre-pay expenses for airfare or public transportation. These expenses should not exceed the cost of a round trip coach ticket with no add-ons (extra leg room, early boarding, etc.) fees.
 - ii. **Rental Vehicle** – Rental of a vehicle while attending a conference is not normally an eligible expense. However, it is recognized that under some circumstances a rental may be necessary and approved by the appropriate department head prior to travel. Rental cars will be limited to a standard size vehicle. When renting a car for travel (per policy), you will need to purchase insurance coverage with the rental contract as opposed to using the coverage through the City’s self-insurance. Documentation for the justification is required when submitting the Travel Expense Report.
 - iii. **Ground Transportation and Parking** – Cab fare (e.g. taxi, uber or lyft), tolls, shuttles and parking fees incurred while on City business are eligible expenses. Parking at the airport will be reimbursed at the lowest rate available.
 - iv. **City Vehicle** – Employees are encouraged to use a City owned vehicle when traveling on City business. Reimbursements when using a city vehicle are limited to tolls, gasoline, parking and other related expenses



enroute to and from destination. Reimbursement will be made only for expenses justified with itemized receipts.

- v. **Private Vehicle** – In certain limited circumstances travel in a privately owned vehicle maybe permitted with prior approval of the Department Director.
 1. Reimbursement amounts will be the IRS established rate at the time of travel. Mileage reimbursement will be calculated from the Traveler’s beginning duty station. Include the travel route from either MapQuest or Google Maps for reimbursement consideration.
 2. Toll fees and parking fees for a private vehicle are eligible expenses for reimbursement. The City will be responsible for no other automobile expenses when a private vehicle is utilized.
 3. If an employee requests to use a private vehicle for travel that normally would be provided by airfare, the employee’s reimbursement will not exceed the cost of the most economical airfare. Due to fluctuations in airfare, the comparison rate will be established and documented, in writing, and attached to the Travel and Training Authorization and approved by the Department Director at the time other reservations are made.
 4. No lodging in route (round trip) will be allowed for any employee electing to drive a private vehicle when air flights are available, unless carpooling is shown to reduce the overall cost of the trip.
 5. Employees may use a City credit card or will be reimbursed for parking, toll fees, etc., at actual cost when itemized receipts are provided.

c. Lodging

- i. The City will pay for reasonable and appropriate actual lodging expenses upon submission of an itemized hotel receipt for a destination in excess of 60 miles, unless approved by the Department Director and Assistant City Manager. Employees are encouraged to inquire about discounted or government lodging rates.
- ii. Employees are encouraged to secure lodging at a conference-hosted hotel at the conference discount rate.



- iii. The City will not reimburse for unreasonable or inappropriate expenses charged to the room (such as charges for suite upgrades, sitting rooms, movies, room service, valet parking, mini bar charges or other higher cost arrangements). Any amount that is charged to a City credit card that is deemed un-reimbursable will be reimbursed to the City by the Traveler within ten days of returning.

d. Meals

- i. Payment for meals are on based the GSA per diem rate for meals and incidentals expense (incidental expenses: fees and tips given to porters, baggage carriers, hotel staff, and staff on ships).
- ii. Alcoholic beverages are not reimbursable under any circumstance.
- iii. Meals will be reimbursed for City of Broken Arrow employees only. The City will not pay for non-employee meals unless authorized by the Department Director or the City Manager when necessary.
- iv. Amounts shown below include food, taxes and tips. Receipts for meals are not required. Reimbursement will not be made for meals provided at a hotel, conference, seminar, or convention when a meal(s) is included in the registration or otherwise provided at no charge. A continental breakfast will not be deducted from per diem amounts. Meals not included in registration fees are eligible for reimbursement per meal as follows:

Breakfast 20% of Per Diem Rate
Lunch 30% of Per Diem Rate
Dinner 50% of Per Diem Rate

For departures **to** the destination city, the following times should be used to determine the percentage of the per diem amount which is allowable:

Before 9:00 a.m.	100%
Between 9:00 a.m.-11:59 a.m.	80%
After 12:00 p.m.	50%

For arrivals **from** the destination city, the following times should be used to determine the percentage of the per diem amount which is allowable:

Before 11:00 a.m.	20%
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Between 11:00 a.m.-6:59 p.m.	50%
After 7:00 p.m.	100%

- v. Receipts do not need to be turned in for Per Diem expenses.
- vi. If the employee has any dietary restrictions and will not be able to partake in an otherwise provided meal the City will pay per diem for that meal(s). To ensure the correct per diem amount is calculated, provide dietary restriction information on the Travel and Training Authorization form, Section 14 (Remarks/Justifications).

e. Miscellaneous Expense Information

- i. Miscellaneous fees or expenses (e.g., baggage fees, tolls or other items) will be reimbursed at actual cost.
- ii. The City will not reimburse for personal items, services, or entertainment, including without limitation toiletries, medicine, clothing, grooming, laundry, dry cleaning, movies, snacks or alcoholic beverages.
- iii. The employees shall be held responsible for exercising good judgment, and being practical and reasonable with expenses incurred. Reimbursement claims that appear excessive will require additional documentation and justification. If it is determined the additional documentation is insufficient, excessive charges shall not be reimbursed.
- iv. Employees must request in advance and receive approval from the Department Director and Assistant City Manager or City Manager if training travel is combined with a personal vacation. Under no circumstance will the City reimburse any personal expenses.

f. Travel Payment and Reimbursement Procedures

- i. Checks are printed every Friday. To receive a reimbursement, requests must be submitted to the Finance Department by Monday morning at 9am, the week of the check run.
- ii. The following must be submitted to the Finance Department Designee for an advance of per diem:
 - Payment Authorization form
 - Travel and Training Authorization form



- For conferences or training, include a copy of the official conference brochure or agenda and completed registration form, which indicates the meeting location, dates of the conference and costs
- Airline itinerary, ticket stubs or electronic ticket information

NOTE: If the departure date for the trip is before the next check printing, the per diem will be reimbursed when the traveler returns.

g. Travel Expense Report

- i. When the traveler returns, the Travel Expense Report needs to be completed within fourteen days of travel and submitted to the Finance Department Designee.
- ii. The Travel Expense Report should include all expenses from the trip.
- iii. Include copies of receipts from all expenses, receipts for meals using per diem do not require receipts unless a City credit card is used for meals.
- iv. If reimbursement is due, turn in a payment authorization with the Travel Expense Report.

h. Additional Information

i. Attendance and Conduct

1. Traveling on behalf of the City and using public funds is a privilege. As an employee, you are expected to attend the conference and training sessions.
2. An employee found to be absent from a substantial portion of the conference, seminar, sessions or other activity without good and justifiable cause will be subject to disciplinary actions in accordance with the applicable Personnel Policies.
3. Any employee who performs any action that reflects poorly upon the City of Broken Arrow; is involved in any conduct that is offensive; violates the common decency or morality of the community; or whose conduct is unbecoming of an employee will be subject to disciplinary actions in accordance with the City's Personnel Policies.



ii. Cancellations

1. If registration, lodging and/or transportation has been prepaid by the City and the employee is unable to complete the intended travel, the employee and sponsoring department are required to follow-up on the cancellation policy of the sponsoring organization and lodging site. All possible means are to be explored to obtain refunds, partial refunds, or options for substituting another employee.
2. The employee must provide written justification, which is approved by the Department Director, to explain and justify the reason for the inability to travel as previously arranged. This written justification must be submitted to Finance Department Designee attached to the original Travel and Training Authorization.

iii. Refunds

1. The sponsoring department and the employee have the responsibility for the oversight and administration of seeking refunds to the City and depositing those refunds with the Finance Department.
2. Any refunds the City obtains due to cancellations or overpayments must be deposited with the Finance Department. Any such refund received within the same fiscal year can be credited back to the department's budget by providing the original funding information to the Finance Department Designee with the refund.
3. If the City's refund is payable to the employee, it must be endorsed to the City, delivered to, and receipted by the Finance Department.
4. If the refund is credited to the employee's personal credit card, the claimant is responsible for reimbursing the Finance Department for any amount due to the City.



Paid Travel Time Policy

I. PURPOSE

The purpose of this policy is to establish clear guidelines for compensating non-exempt employees for travel time associated with work-related duties. This policy is more generous than the minimum requirements set forth by the Fair Labor Standards Act (FLSA) and reflects the City's commitment to fairly compensate employees for time spent traveling on City business. All City work rules must be followed, including the non-consumption of alcoholic beverages.

II. APPLICABILITY

This policy applies to all non-exempt employees of the City of Broken Arrow who are required to travel for work-related purposes. It does not apply to personal travel or to exempt employees, except where explicitly stated.

III. POLICY

A. Travel by Vehicle

1. **Driving a Vehicle:** Time spent driving a personal or City vehicle for work-related purposes is compensable, regardless of whether the travel occurs during regular work hours or outside of regular work hours. The exception to this is home to work travel as home to work travel time is not compensable.
2. **Riding as a Passenger:** All time spent riding as a passenger in a vehicle for work-related purposes is compensable, regardless of the time of day or day of the week.

B. Air Travel

1. **Flight Time:** All time spent on a commercial flight for work-related travel is compensable, regardless of whether it occurs during regular work hours.
2. **Airport Wait Time:** Employees will be compensated for up to one (1) hour of wait time prior to domestic flights and up to two (2) hours prior to international flights. Additional wait time may be compensated if required by the City (e.g., earlier reporting for security clearance).
3. **Delays and Cancellations:** Time spent waiting due to flight delays or cancellations is compensable unless the employee is fully relieved of all duties and free to use the time for personal purposes (e.g., during overnight layovers with no responsibilities).
4. **Layovers:** Time spent waiting due to flight layovers is compensable unless the employee is fully relieved of all duties and free to use the time for personal purposes (layovers when the employee may leave the airport and engage in personal business).
5. **Transportation After Landing:** Time spent traveling from the airport to the assigned hotel or lodging after a flight is compensable, up to one (1) hour.

C. Travel on Non-Work Days



If travel occurs on a regularly scheduled day off (e.g., weekend), all time spent traveling—including driving, riding, flying, and waiting—is compensable as long as it meets the requirements as set forth above. The department director has discretion as to whether time will be flexed for the work week (Monday-Sunday), or if hours will be considered additional work time and therefore, overtime considerations may apply.

D. Returning from Travel

When an employee returns from travel during their normal scheduled work period, the employee is required to return to the office, or use accrued vacation or compensatory time, and work the remainder of their shift. However, the department director has discretion to allow flex time if they so choose. Flex time is only allowed during any singular week (Monday-Sunday) and shall not be extended beyond the normal workweek period.

E. Extension of Travel for Vacation Purposes

When an employee utilizes vacation time or regular time off before or after the work-related travel to add leisurely travel, any time spent traveling while on vacation or time off will not be paid. Additionally, the employee must pay any amount which exceeds the normal travel expenses which would have otherwise been incurred by the City.

F. Meals and Personal Time

Meal periods during travel are not compensable unless the employee is required to perform work-related duties during the meal (e.g., working meals with clients or supervisors). Personal time (e.g., sightseeing or entertainment during travel) is not compensable.

G. Overnight Travel

Time spent during after-hours voluntary functions is not compensable. Any time spent where alcohol is served is not compensable. Regular sleep periods or personal time at the hotel are not compensable unless the employee is called upon to perform work duties.

IV. PROCEDURES

1. **Advance Approval:** All travel must be pre-approved by the employee's supervisor or department head.
2. **Timekeeping:** Employees are required to accurately document all compensable travel time on their timesheets using the designated timekeeping system.
3. **Travel Itineraries:** Employees must retain and submit relevant documentation (e.g., flight schedules, hotel confirmations) to support recorded travel time.

V. QUESTIONS

Questions regarding the interpretation or application of this policy should be directed to the Human Resources Department.



EMAIL SIGNATURES POLICY

Subject: Email Signatures Policy

- 1. Purpose and Scope:** The purpose of this policy is to strengthen the City's brand identity by creating consistent staff signatures on emails sent through City accounts.
- 2. Justification:** All staff communications from City email accounts should reflect the City of Broken Arrow's brand. To keep our brand identity strong and consistent, and to enhance credibility for our staff who communicate via email, all emails created by City of Broken Arrow employees and delivered via the City's email system should feature standardized email signatures.
- 3. Definition:** An email signature is a small block of text appended to the end of an email in order to identify the sender and facilitate further contact. Official City of Broken Arrow email signatures establish credibility for our staff by clearly identifying them and their roles at the City. The official signature provides contact information for the employee and points email recipients to the City of Broken Arrow website, a key source of information about the City. Signatures should not contain extraneous information that may not align with the City's mission, purpose, and/or goals.
- 4. Policy:** All staff shall create an email signature consistent with the City of Broken Arrow brand that will appear in email sent from City accounts. The email signature will consist of the employee's name; applicable credentials; official title; department or office name; the City name in full; the Department's physical address; the employee's office phone number and (optional) mobile phone number or fax; the employee's email address; the City of Broken Arrow Website address, www.brokenarrowok.gov, and applicable social media account hyperlinks, the City of Broken Arrow logo, and a privacy statement.

To maintain consistency, official City of Broken Arrow email signatures will appear in the colors, font, point sizes and style indicated. (See the addendum "*Procedure for Creating Your Email Signature*," below.) Any exception to this style (because of an especially long name or title, for instance) must be approved by the City Manager.

Employees may not create their own variations or interpretations of the official email signature style for outgoing email. Employees may not add information, including links to websites or social media accounts, to their official email signature. They may, however, create a secondary, condensed version of the email signature to use for replies/forward, providing (at minimum) their name, the name of City of Broken Arrow and a telephone number is included.

No mottos, quotations, taglines, or other statements may be added to the approved City of Broken Arrow email signature, as these may be misunderstood as representing the City's official positions, values, and/or views. No borders, backgrounds, photos, GIFs, emojis,



logos or other images may be used in conjunction with the City of Broken Arrow email signature. The exception to the logo is the City of Broken Arrow logo.

Once an employee has created an email signature consistent with current brand standards, older email signatures should be deleted so they are not used inadvertently.

New employees will receive instruction on creating an official City of Broken Arrow email signature when their City email account is created. Current employees will receive information (“Procedure for Creating Your Email Signature”) outlining the steps for creating an official City of Broken Arrow email signature. The City of Broken Arrow Help Desk can provide support for any employee who needs assistance in creating an official email signature.

- 5. Enforcement:** All employees are expected to comply with this policy by creating an approved email signature and using it consistently when communicating via their City email accounts. The Human Resources Department will contact individuals whose email signatures do not comply with these brand standards to provide guidance on creating an official email signature. Should noncompliance persist, the Human Resources Department will contact the individual’s supervisor and/or area City Manager to enforce compliance through appropriate means.

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Addendum: Procedure for Creating Your Email Signature

An official City of Broken Arrow email signature consists of this information:

Line 1: **First and Last Name** (text is blue; middle initial optional; title such as “Dr.” is permitted, as well as any applicable credentials such as MBA, P.E., CFM, etc.)

Line 2: Your Official Title

Line 3: Your Department or Office (full name)

Line 4: {space}

Line 5: City of Broken Arrow (no abbreviations)

Line 6: 220 South First Street (or applicable location address)

Line 7: Broken Arrow, OK 74012

Line 8: Office: 918-XXX-XXXX | mobile: XXX-XXX-XXXX (mobile # is optional; fax may be used instead)

Line 9: yourname@brokenarrowok.gov | www.brokenarrowok.gov

Line 10: Social media links (if desired). Social media links may vary by department.

Below Signature: Include the logo with *“This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and, exempt from disclosure under applicable law. If you receive this message in error, you are hereby notified that the City of Broken Arrow does not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information immediately.”*

It is created in Georgia font, and it looks like this:

Example K. McDonald

*Administrative Assistant
Legal Department*

**City of Broken Arrow
220 South First Street**



Broken Arrow, OK 74012
office: 918-259-0000 | mobile: 918-555-0000
emcdonald@brokenarrowok.gov | www.brokenarrowok.gov
[facebook](#) | [twitter](#) | [youtube](#)



This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you receive this message in error, you are hereby notified that the City of Broken Arrow does not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information immediately.

How to Create Your Signature

1. **On a City computer, open a new email and click on “signature” in the tool bar at the top of the page, or follow these instructions for creating a new email signature in Outlook. Note: Procedures may vary slightly depending on the software version in use.**
2. **Once You have opened the “new message” or “new signature” box, copy and paste the example above into the box, then personalize the signature with your name and contact information.**

If you prefer, you may type in your signature information and adjust the font, size, color, and text-style settings for each line, as shown below; leave two spaces before and after the vertical “pipe,” which is located above the “backslash” symbol on your keyboard.

3. **Check that you have specified Georgia as the font and used the right type size and style for each line. Check your spelling carefully and assure that all information is correct.**
4. **Choose this new signature as the default signature for outgoing messages, or check “Automatically include my signature on new messages.”**
5. **Be sure to delete any old-style signatures so they are not used inadvertently.**
6. **Save and close the box where you created your new signature. When you open a new email, your new email signature should appear.**

Your Name 14-point Bold Blue

Your Title 10-point Italic

Department or Office 10-point Italic

City of Broken Arrow 11-point Bold Regular

220 South First Street 10-point Bold

Broken Arrow, OK 74012



office: 918-259-0000 | mobile: 918-555-0000 10-point Regular
emcdonald@brokenarrowok.gov | www.brokenarrowok.gov
[facebook](#) | [twitter](#) | [youtube](#)



This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and, exempt from disclosure under applicable law. If you receive this message in error, you are hereby notified that the City of Broken Arrow does not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information immediately.

- 7. If you wish, repeat the process to add a condensed secondary signature to use for replies/forwards. This shorter signature should include (at minimum) your name, the full name of the City (no abbreviations) and your phone number.**

Use the Georgia font and correct type size and style for each line. Set this as the signature for replies/forwards only might look like:

Example K. McDonald

City of Broken Arrow

Office: 918-259-0000 | mobile: 918-938-0000

Or

Example K. McDonald

City of Broken Arrow

office: 918-259-0000 | mobile: 918-938-0000

If you need help

For assistance with creating your official email signature, contact the IT Help Desk at extension 5269.



RESPONSIBLE DEPARTMENT: HUMAN RESOURCES

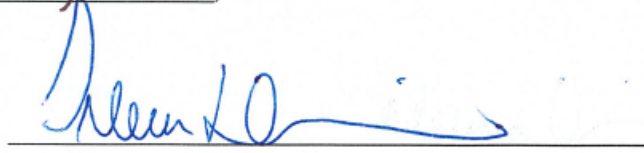
EFFECTIVE: This policy is effective from the date of issuance until amended or rescinded

Dated this 2nd day of FEBRUARY, 2026.

Approval:



Michael Spurgeon, City Manager



Trevor Dennis, City Attorney

