



**CITY OF SALLISAW
PERSONNEL POLICIES
Adopted February 8, 2021**

RESOLUTION 2021-03

**A RESOLUTION AMENDING THE
PERSONNEL POLICIES FOR THE MUNICIPAL
EMPLOYEE OF THE CITY OF SALLISAW, OKLAHOMA**

At a regular meeting of the Board of City Commissioners of the City of Sallisaw, Oklahoma, on February 8, 2021, there being a quorum present, Resolution 2021-03, amending the Personnel Policies for the Municipal Employees, was proposed, and after being put to a vote of the governing body was adopted, said resolution being as follows:

BE IT RESOLVED:


That the City of Sallisaw, Oklahoma, by its duly elected Board of City Commissioners does hereby amend the Personnel Policies for the Municipal Employee and to be known as such.

BE IT FURTHER RESOLVED:

1. That the Personnel Policies, shown as Attachment A hereto, shall be effective February 8, 2021, and shall repeal and supersede any and all personnel rules, policies, regulations, and procedures previously adopted.
2. That amendments to these rules shall be in effect upon adoption by the Board of City Commissioners.
3. That a department head may establish such supplemental rules, as he deems necessary for the efficient and orderly administration of his department and for maintaining proper discipline, conduct and behavior of his employees. All such supplemental rules shall be subject to the approval of the City Manager and a copy made available to the employees of the department. Such rules may provide for disciplinary action and must be consistent with these personnel rules.
4. That a copy of these rules shall be kept on file in the City Clerk's office and made available during regular office hours to any employee who requests to review them.
5. That the Commission finds and determines that such a Personnel Manual is necessary and herewith adopts the same.

PASSED AND APPROVED this 8th day of February, 2021.

CITY OF SALLISAW, OKLAHOMA



Ernie Martens, Mayor

ATTEST:



Dianna Davis, City Clerk

(SEAL)

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CHAPTER 1 GENERAL ADMINISTRATION

Section 1.01 Objective

These Personnel Policies are designed to bring to the City service a high degree of understanding, cooperation, efficiency and unity through systematic, uniform application of personnel practices. Objectives of the City personnel management system include:

- a. To formally establish personnel policies for employees of the City of Sallisaw.
- b. To establish rules and regulations for employee benefit programs, personnel actions, and the city's personnel management programs.
- c. To promote and increase efficiency, thereby improving service to the public.
- d. To provide fair and equal opportunity for qualified persons to enter and progress in the City service based on merit and fitness as ascertained through fair and practical personnel management methods.
- e. To maintain recruiting, advancement and retention practices to enhance the attractiveness of a City career and encourage each employee to give his best effort to the City and the public.
- f. To maintain consistent employee position classifications and compensation plans based on the relative duties and responsibilities of each position in the City service.
- g. To promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, equal opportunities for advancement and consideration of employee needs and desires.

Section 1.02 Applicability

These rules apply to all appointed City employees, unless exempt hereto. A person on retainer or under contract or agreement whether written or oral, is not subject to these rules in the absence of a specific written agreement to that effect. These rules shall not apply to elected officials, City Manager, City Attorney, Municipal Judge, members of appointed boards and commissions, and volunteer personnel.

Section 1.03 Dissemination

All City employees shall be given a copy of these rules and each department shall keep a copy available for reference by its employees. Each employee shall execute an affidavit of receipt after having an opportunity to read these rules and have any questions answered.

Section 1.04 Amendment

These rules may be amended, supplemented, or superseded at any time deemed appropriate upon the recommendation of the City Manager and approval of the City Commission.

Section 1.05 Division of Responsibility

The City Manager has sole responsibility for developing, administering, and interpreting personnel policies and procedures as they apply to all departments and employees. The decisions of the City Manager shall be final and without appeal. The City Manager shall advise in all areas of personnel administration, including employee-management relations, training, career development and employee health, safety and morale.

Each department head is responsible for administering the provisions of these rules and related policies and procedures under supervision of the City Manager on all matters pertinent to his or her department.

Section 1.06 Severability of Parts of Manual

It is hereby declared to be the intention of the Board of Commissioners for the City of Sallisaw that the sections, paragraphs, sentences, clauses and phrases of the Personnel Policies for the Municipal Employee are severable, and if any phrase, clause, sentence, paragraph, or section of this manual shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections of this manual.

Section 1.07 Equal Opportunity Policy

The City of Sallisaw is committed to matching the talent and experience of each particular applicant with each specific job opening, without regard to race, color, religion, sex, age, national origin or disability, and to give full consideration to veterans and qualified disabled persons. It is the express policy of the City of Sallisaw to continue efforts to assure that no discrimination exists in the City's employment practices.

In addition, the City is pledged to take affirmative action to recruit, train, and promote qualified protected class individuals to positions of increasing responsibility within the City's employ. The City will continue to seek new and imaginative methods to improve the affirmative action plan.

Section 1.08 Nondiscrimination / Harassment Policy

The law does not permit, nor will we tolerate harassment of employees by other employees, or by customers or vendors. Likewise, we will not tolerate harassment of a customer or vendor by any employee of the City.

This includes harassment because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or other basis protected by federal, state, or local law, ordinance or regulation. Such conduct by an employee could result in disciplinary action, up to and including termination of employment.

Supervisors and department heads are responsible for ensuring that our workplace remains harassment-free, and for enforcing this policy. Supervisors and department heads who engage in or tolerate harassment are subject to disciplinary action, up to and including termination of employment. Additionally, supervisors and department heads should be advised that they may be held personally liable by the courts if found negligent in carrying out their duty to prevent and correct workplace harassment.

While it is not easy to define precisely what harassment is, it includes any physical, verbal and visual conduct that creates an intimidating, offensive, or hostile environment which interferes with work performance. Such conduct constitutes harassment when:

- (1) Submission to the conduct is made either an implicit or explicit condition of employment; or,
- (2) Submission to or rejection of the conduct is used as a basis for an employment decision; or,
- (3) The harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

The following are some examples of conduct that may be considered harassment. This list is provided as a sample of inappropriate workplace conduct, but is by no means all-inclusive.

- (a) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances invitations or comments.
- (b) Visual conduct such as derogatory and/or racially/sexually oriented cartoons, clothing, drawings, posters, photographs or gestures.
- (c) Transmitting sexually suggestive, derogatory or offensive materials via company computers (e.g., E-mail, instant messages) or cell phones, or accessing such information on the Internet while at work.
- (d) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.
- (e) Threats and demands to submit to sexual requests as a condition of continued employment or receipt of products/services, or to avoid some other loss, and offers of employment benefits or extra services in return for sexual favors.

- (f) Retaliation for having reported or threatened to report harassment.

It is every employee's and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:

- (a) An employee should report harassment or suspected harassment immediately to the employee's department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command or to the City Manager's office. This complaint should be made in writing.
- (b) Anytime an employee has knowledge of harassment he/she will inform the employee's department head or the City Manager in writing.
- (c) Each complaint will be fully investigated. A determination of the facts and an appropriate response will be made on a case-by-case basis.

The City of Sallisaw will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action, if warranted, will be taken against offenders. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and social events with coworkers (whether or not the social event is sponsored by the City). Such conduct by vendors or visitors to the City also will not be tolerated.

Section 1.09 Sexual Harassment

Intent: The express policy of the City of Sallisaw is that sexual harassment of employees by supervisors, co-workers, or any other person over which the City of Sallisaw exercises control, will not be tolerated, and is strictly prohibited.

Policy Violations: It is against the policy of the City of Sallisaw for any employee, or any other person over whom the City of Sallisaw exercises control, male or female, to sexually harass another employee by:

- a) Making unwelcome sexual advances or requests for sexual favors, or other physical conduct of a sexual nature, a condition of an individual's employment, or
- b) Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, or
- c) Creating an intimidating, hostile, or offensive working environment by such conduct.

Reporting violations: Any employee who believes he or she or any other employee has been subjected to sexual harassment shall report the alleged act to his or her immediate supervisor,

Department Head, or the City Manager. Supervisors must report any suspected sexual harassment to the City Manager.

Investigation: All reports of sexual harassment will be fully investigated and where it is determined that sexual harassment occurred, disciplinary action will be taken. Every effort will be made to ensure confidentiality to the greatest extent possible.

False Accusations: Given the nature of this type of violation, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. An employee found to have made false accusations is subject to disciplinary action, up to and including termination. All employees are encouraged to continue to act responsibly to maintain an atmosphere free of sexual harassment.

Compliance Authority: Every management employee is responsible for employment activities under his or her control, and for enforcement of the City’s Sexual Harassment Policy.

Section 1.10 Americans with Disabilities Act-ADA

The Americans with Disabilities Act of 1990 (“ADA”) protects qualified individuals with disabilities from employment discrimination. The City of Sallisaw is committed to the goals and guidelines of the ADA. The City does not discriminate against individuals with disabilities in regard to any employment practices or terms, conditions and privileges or employment.

To be protected by the ADA, a person must not only be an individual with a disability, but must also be qualified. The City is not required to hire or retain an individual who is not qualified to perform a job. Under the ADA, a “qualified individual with a disability” is an individual who, with or without reasonable accommodation, can perform the essential functions of a job. A “reasonable accommodation” is a change in a job or the work environment that enables a qualified individual with a disability to perform the essential functions and duties of a position as outlined in the City’s job description. If the change in job or the work environment creates an undue hardship (financial, physical or otherwise) for the City, then the accommodation will not be made.

The City of Sallisaw is committed to providing equal employment opportunity to all qualified individuals with a disability. An individual having questions about this policy, or who wants to request an accommodation should contact their immediate supervisor and make a formal, written request for reasonable, appropriate accommodation and submit a copy of the same to the Personnel Department. The City remains dedicated to its nondiscrimination policy, which includes a prohibition on harassment or discrimination based on an individual’s disability. Violation of the nondiscrimination policy, or the ADA policy, may lead to disciplinary action, up to and including termination.

Section 1.11 Definitions

The following words and terms are defined for the purpose of these regulations.

- **Absenteeism:** Voluntary or involuntary absence from work or the "failure to report on the job when the employer has no reason to expect that the employee will not be available at the specified time".
- **Administrative Leave:** Leave granted by the City Manager as related to an employee's association with the City.
- **Class:** A position or positions which are similar in respect to duties, responsibilities, and authority that they may be designated by the same title and which are equally compensated from the same salary range in similar employment conditions.
- **Chronic Absence:** Habitual absence, whether for a valid or invalid reason. These absences are usually frequent and of short duration.
- **Classification:** The assignment of classes to each position in the service of the City.
- **Cost of Living Adjustment (COLA):** That increase which is granted to employees for each position title as approved by the City Council.
- **Demotion:** Assignment of an employee to a position of a lower class, which has a lower maximum salary range.
- **Department:** A major functioning unit of the municipal government.
- **Department Head:** A person appointed by the City Manager who is responsible for the administration of a department. For the purposes of these rules, the term Department Head shall be synonymous with Superintendent.
- **Discipline:** Action against an employee, taken in response to behavior or conduct by the employee and adjudged by the city manager or his designee to be for the good of the service.
- **Division:** A unit of a department.
- **Division Head:** A person appointed by the City Manager who is responsible for the administration of a division.
- **Employee:** Means any person receiving a salary from the city, whether full-time or part-time, provided it shall not mean any person employed by the city as an independent contractor, a volunteer or an elected official.
- **Exempt Employees:** Those employees identified by the City Manager as being exempt under the Fair Labor Standards Act from receiving pay for overtime worked.
- **Excused absence:** An absence for a reason recognized as valid by the employer. The employee could not anticipate the need for time off, but he notifies his supervisor as soon as possible by phone or message. The following reasons are generally considered valid:

Personal illness; death in the immediate family; illness in the family (when the employee is needed at home); accidents - on and off the job.

- **Full time employee:** See regular employee.
- **Grievance:** A cause for complaint by an employee over matters of pay, benefits or working conditions.
- **His/Their:** Represents both masculine and feminine.
- **Immediate Family:** That group of persons including the employee's or spouse's parents, foster parents, stepmother, stepfather, sister(s), stepsister(s), brother(s), stepbrother(s), spouse, child(ren), grandparent(s) Aunt(s), Uncle(s) or another relative actually living in the same household.
- **Layoff:** A reduction in the number of positions within any department of the city resulting in the separation of any employee or employees.
- **Leave Without Pay:** A leave without pay granted an employee for a specific purpose and length of time by the City Manager.
- **Medical Examination:** An examination prescribed by the City Manager relating to employment, reemployment and/or continuous employment opportunities with the City of Sallisaw. The examination may be, but not limited to, medical and/or psychological in nature.
- **Non-Exempt Employees:** Employees who are eligible under the Fair Labor Standards Act to receive additional compensation for overtime worked.
- **Position:** A group of current duties and responsibilities assigned or delegated by an appointed authority, requiring the full-time or part-time employment of one person.
- **Probationary Employee:** An employee who has not completed his designated probation period.
- **Promotion:** Assignment of an employee to a position of a higher class, which has a higher maximum salary scale.
- **Regular Employee:** An employee who has received an appointment without a time limit and who has completed their initial probationary period.
- **Separation:** See termination.
- **Service:** Relates only to that period of time a person is employed by the City of Sallisaw.
- **Supervisor:** Any person responsible to a superior for directing the work of others.
- **Temporary Employee:** An employee who is employed for a specific length of time or for a particular project, with the anticipated date of termination indicated at the time of employment.
- **Termination:** The involuntary separation of an employee from City Service.
- **Transfer:** A change of an employee from one position or department to another.

- **Unclassified Service:** All elected officials, persons appointed by Commissioners or those persons who volunteer to serve without pay.
- **Unexcused Absence:** An absence for any reason not considered valid by the City.

CHAPTER 2 METHOD OF FILLING VACANCIES

Section 2.01 Vacancy Identification and Advertising of Openings

Department heads shall notify the City Clerk when vacancies occur or are imminent. All applications for employment must be made through the City Clerk's office.

Depending upon the position to be filled, vacancies may be filled by either of the following means:

1. Advertising outside the organization; or
2. Advertising within the organization; or
3. Combination of advertising outside and within the organization; or
4. Promotion from within the organization as outlined in Section 2.04

Section 2.02 Applications

Applications for initial employment, promotion or any other type of transfer, and reinstatement shall be submitted as prescribed by the City Manager. Only applications officially received in the prescribed manner shall be considered.

All information submitted in connection with applying for positions is subject to verification.

Nothing contained in the employment application or in the granting of an interview shall be intended to create an employment contract between the City and an individual for either employment or for the providing of any benefit.

Section 2.03 Minimum Age Requirement for Employment

A regular or part-time employee must be eighteen (18) years or older at time of hire. A temporary (seasonal) employee must be sixteen (16) years or older at time of hire. A Police Officer, full-time employee of the fire department, and volunteer firefighter must be twenty-one (21) years or older at time of hire.

Section 2.04 Promotion Policy

A promotion is the assignment of an employee from one position to a position having a higher maximum salary.

It shall be City policy to provide promotional opportunities whenever possible. When approved by the City Manager, the selection process may be initially limited to qualified City employees. Opportunities for promotion across organizational lines shall be maximized. Positions will be filled on the basis of merit, past performance reviews, attitude, skills, and qualifications.

Section 2.05 Temporary Promotions

The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. Employees so promoted shall be additionally compensated for the duration of their temporary assignments in amounts to be determined by the City Manager, if the temporary assignment is greater than thirty (30) calendar days.

Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the class to which temporarily promoted except as provided above.

Nothing herein shall be construed to prevent the assignment of higher-level duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these rules.

Section 2.06 Transfers

If an employee desires a change in position to another department, he should first discuss the matter with his supervisor, who in turn will consult with his department head and the head of the department to which the employee wishes to change. Transfers must be approved by both department heads. Final arrangements and approval will be made through the City Manager. An employee shall not be eligible for transfer or promotion until he/she has worked for the City at least six (6) months and has successfully completed his/her initial probation.

An employee who transfers by his request to a new position must understand the following agreement on the terms of the transfer:

- a) A 6-month probationary period will be served in the new position. The normal probationary period for the City of Sallisaw shall be 6-months, unless otherwise dictated by collective bargaining agreements.
- b) If the supervisor and/or employee is not satisfied in any way during the 6-month probationary period, the employee may ask for a transfer back to his old position, providing it has not been filled and the respective department heads and City Manager approve the transfer back.
- c) During this probationary period the employee shall continue to receive all benefits he is entitled to under these rules.

Section 2.07 Non-disciplinary Demotions

A demotion is the assignment of an employee from one position to another position having a lower maximum pay.

With the approval of the City Manager, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his own request or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Section 2.08 Screening of Applicants

The City Clerk shall determine the most appropriate means of evaluating applicants against position requirements to identify the best qualified. Character reference checks, interviews, fingerprints, medical examinations, background checks, performance tests, written tests, previous employment, and/or other screening procedures may be used as appropriate.

Applicants shall be required to provide any information and undergo any prescribed examinations necessary to demonstrate compliance with qualification requirements for the positions involved.

Section 2.09 Disqualification

An applicant shall be disqualified from consideration if he:

- a) Does not meet the qualifications necessary for performance of the duties of the position involved;
- b) Has made a false statement of material fact on the application form or supplements thereto;
- c) Has committed or attempted to commit a fraudulent act at any stage of the selection process;
- d) Is not a United States Citizen or alien legally authorized to work in the United States.

Section 2.10 Referral and Selection

The City Clerk shall develop standard operating procedures, to be approved by the City Manager, for the referral of applicants to departments for final selection as approved by the City Manager. The procedures shall provide for selecting officials to report the disposition of all referred applicants and the reasons therefore. All referred applicants must be interviewed, if possible.

Section 2.11 Immigration Law Compliance

The City of Sallisaw is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form, if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact their Department Head or the Personnel Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

CHAPTER 3 APPOINTMENT

Section 3.01 Authority

The authority for all City appointments shall rest with the City Manager. However, responsibility and authority for appointment may be delegated to other management employees of the City, where appropriate, and if in writing from the City Manager. All employees of the City shall be deemed “at will” employees.

Section 3.02 Basis

Appointments shall be primarily based on the competence, qualifications and integrity of applicants as ascertained through fair and practical selection methods. Employees must be citizens of the United States, as evidenced by proof of birth or naturalization.

Section 3.03 Type

Appointments shall be designated either regular full-time, temporary full time, regular part-time, or temporary part-time. Only regular full-time employees shall be entitled to receive benefits provided by the City.

Definitions are as follows:

1. A regular full-time employee is a person who is normally scheduled in a job for 30 or more hours per payroll week.

2. A temporary full-time employee is a person who is normally scheduled in a job for 30 or more hours per payroll week for a predetermined length of time. Temporary full-time positions may be filled by utilizing a temporary employment agency.
3. A regular part-time employee is a person who is normally scheduled in a job requiring less than 30 hours per payroll week, but at least 19 hours per payroll week for an indefinite period.
4. A temporary part-time employee is a person who has a seasonal position, regardless of number of hours worked in a work week, or person employed part time for a predetermined length of time.

Section 3.04 Emergency Temporary Appointments

Whenever an emergency exists which requires the services of personnel who are not otherwise available, the City Manager may immediately appoint such personnel without regard to normal recruitment and selection requirements.

Section 3.05 Nepotism

No elected or appointed official or other authority of the City shall appoint or hire any person related to any governing body member, or to himself, within the third degree of affinity or consanguinity.

The spouse (husband or wife) or member of the immediate family, within the third degree of affinity or consanguinity, of an employee shall not be eligible for employment within the same department.

Section 3.06 Residence

Employees of the City must reside and continue to reside within a 20-minute response time of the city limits; able to be driven within the legal speed limit. Violation of this section shall be grounds for termination.

Section 3.07 Medical Examinations and Pre-Employment Drug Screening

Pre-Employment Medical Examinations: A person selected for initial appointment, reinstatement or promotion may be required to undergo a medical examination. Expense of the medical examination will be borne by the City. However, if any employee terminates his employment by his own choosing within the first year, that expense will be borne by the employee and payable prior to receiving his final paycheck. Employment shall be contingent upon successful completion of the medical examination, if required in relation to the standards of fitness required for the position involved. The City Manager, acting upon information provided by medical personnel, shall be the final authority in determining medical suitability for employment.

Employee Medical Examinations: At any time, based upon knowledge witnessed by or provided to the City Manager, the City Manager may require that a current employee undergo a medical examination to determine fitness for continued employment or for promotion or other personnel action. .

Pre-Employment Drug Screening: All newly hired employees shall be required to submit to a pre-employment drug screening.

Section 3.08 Re-Employment

An employee resigning in good standing from the service of the City may be re-employed by complying with all requirements of a new employee.

CHAPTER 4 PROBATION

Section 4.01 Probationary Period

Every person initially appointed to or promoted within the City service under a regular appointment shall be required to successfully complete a probationary period of six months, unless addressed in a separate Collective Bargaining Agreement (CBA). However, the City Manager may extend this time if circumstances dictate, and an extension is in the best interest of the city.

Section 4.02 Purpose

Supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustments to their job performance and City service. Only those employees who meet acceptable standards during their probationary period shall be retained. Prior to the conclusion of the probation period, the supervisor will complete an employee performance evaluation and recommend whether or not an employee shall be retained. At any time during the probation period, if performance of the employee is not satisfactory, the supervisor may recommend that the employee be dismissed.

Section 4.03 Failure of Probation

An employee shall fail probation when, in the judgment of the department head, and/or City Manager, the employee's fitness, quantity, and/or quality of work is not such as to merit continuation in the position. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process.

An initial appointee who fails probation will be separated from the City service. A newly promoted employee who fails probation shall be returned to his former position, if the position is available, and shall be eligible for consideration for later advancement.

Supervisors shall monitor the employee's performance carefully during the probationary period, provide frequent advice and counseling to the employee, and document any disciplinary actions.

Section 4.04 Appeal of Failure of Probation

An employee failing probation shall have no right of administrative appeal.

CHAPTER 5 PERFORMANCE EVALUATION

Section 5.01 Performance Evaluation Report

The performance of each employee shall be evaluated in accordance with procedures developed by the City Manager. Each employee will be evaluated periodically during each year of employment. Supplemental evaluations may be made if authorized by the department head and/or the City Manager. Probationary employees shall be evaluated at the midpoint of their probationary period and again immediately prior to the completion thereof. Thereafter, all employees will be evaluated annually. The employee's performance report shall be made a permanent part of the employee's record. Whenever the overall evaluation of an employee's performance is rated as below standard, additional reports and/or disciplinary actions may be necessary.

Section 5.02 Purpose

Employee performance evaluations are a measure of how well work is being performed and to provide a tool for management decisions regarding merit increase, training, assignment, promotion, and retention of employees. Merit increases, as provided for in the city's pay plan, are based upon performance. A minimum score on the Employee Performance Evaluation is required.

Section 5.03 Counseling

Employees shall be provided copies of their performance evaluation reports. Evaluators shall individually discuss the reports with the employees and shall counsel them regarding their careers and any performance issues.

Section 5.04 Reconsideration

Employees dissatisfied with their performance evaluations may appeal through their Department Head to the City Manager.

CHAPTER 6 COMPENSATION

Section 6.01 Basis

The City Manager shall prepare and administer a compensation plan for City employees. Said compensation plan and related position classifications are on file in the City Clerk's office. Employees shall be paid salaries or wages in accordance with the compensation plan. In positioning salaries on schedules, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities, and qualifications required of employees in these classifications; and other relevant factors.

Section 6.02 Salary Administration Policy

The City Manager shall prepare an Administrative Policy, which will provide specific guidelines and procedures for salary administration.

Section 6.03 Administration of Salaries

Salaries shall be administered in accordance with the following basic rules and any Administrative Policy related to the administration of salaries and benefits approved by the Board of City Commissioners.

- a) Normally a new employee will be placed in the entry level of his pay grade upon hire. However, if justified, the City Manager may establish the initial salary at a higher level in the designated pay grade for the position as allowed by the Administrative Policy.
- b) A newly promoted employee shall be compensated in accordance with the salary administration policy.
- c) Subject to funding, merit increases may be granted upon recommendation of the department head and approval by the City Manager. These increases are granted based upon merit and job performance. Amount of increase will be commensurate with the performance of the employee and the established pay scale, and will be determined by the City Manager.
- d) Longevity Pay; Longevity Pay shall be paid upon the availability of funds approved by the Board of City Commissioners, and in accordance with the Administrative Policy adopted by the Board of City Commissioners.
- e) Any employee whose position is downgraded by reclassification or changes in the labor market, through no fault of the employee, may continue to receive

his/her former salary until a new salary range surpasses the employee's current salary or the employee's position changes.

- f) An employee voluntarily or involuntarily demoted for any reason shall be compensated as administratively determined by the City Manager.
- g) An employee reinstated pursuant to the provisions of these rules shall be compensated as administratively determined by the City Manager.

Section 6.04 Frequency of Pay and Direct Deposit

Employees are paid every other Friday of each month unless normal payday falls on a holiday. Direct deposit of an employee's pay shall be mandatory for all full-time, part-time, and seasonal employees. Pay advances are not granted.

Section 6.05 Overtime

Overtime work must be pre-approved by the employee's supervisor. Overtime shall be allocated as evenly as possible among all classified employees qualified to do the work. Employees who are eligible for overtime shall be compensated at a rate of one and one-half times their normal hourly rate for all hours worked in excess of forty (40) hours per week, or as prescribed by an approved Collective Bargaining Agreement. If a non-exempt employee works overtime, he must be paid overtime pay unless he requests time off in lieu of payment. If approved by the supervisor, time off, for actual hours worked, must be taken off within the designated time period in which overtime is calculated for the employee. Department Heads shall consult the City Clerk's office prior to final approval of time off in lieu of payment. If an employee is on approved leave, such leave shall be considered as time worked in computing overtime pay.

Section 6.06 Standby Requirements

The City of Sallisaw expects all employees to respond to emergency situations and outages as needed when called upon. In addition, employees of certain departments are subject to being scheduled on a routine standby basis for emergency call out after normal operating hours. This standby duty is to be rotated among qualified employees and they shall be compensated for this responsibility as approved by the City Manager. The department superintendents shall schedule employees for standby duty as needed. Employees designated as standby, shall respond to calls outside normal work hours within a reasonable time.

Section 6.07 Employees Exempted from Overtime and/or Standby Pay

Certain municipal positions are exempt from overtime and standby compensation, as identified in position classifications and job descriptions.

Section 6.08 Health Insurance

The City of Sallisaw pays the entire cost of health insurance for the regular full-time employee and seventy-five (75) percent for his family. Also included in this insurance is a life insurance policy for the employee and eligible dependents. Adjustments to this benefit may be made at any time by the Board of City Commissioners.

Specific provisions of these health and life insurance plans are available in the City's summary plan description booklets. Copies of these booklets, and other related documents, can be obtained from the City Clerk.

Section 6.09 Retirement

The City has adopted mandatory retirement programs for regular full-time employees. Public Safety Employees (policemen and firemen) contribute to their respective retirement systems. All other personnel contribute to the municipal retirement system. Specific provisions of the retirement programs offered by the City are available in the City's summary plan description booklets, and copies of these booklets and other related documents can be obtained from the City Clerk.

Eligible employees may resign for the purpose of retirement in accordance with the applicable programs of the respective systems.

CHAPTER 7 HOURS OF WORK, HOLIDAYS AND ABSENCE

Section 7.01 Hours of Work

The normal hours of work for all general employees of the City of Sallisaw shall be the standard five-day, forty-hour week, unless otherwise approved by the City Manager. Normal hours of work for police officers shall be in accordance with the current C.B.A.

Normal hours of work, including a one-hour meal break, shall be from 7:00 am to 4:00 pm. or from 8:00 a.m. to 5:00 p.m., dependent upon the department in which an employee works. Hours of work may be adjusted, or changed, at the discretion of the City Manager. Standards for hours of work and for assigned days of the week for shift workers in the selected departments shall be established by the heads of those departments to provide twenty-four (24) hour manning in rotating shifts and approved by the City Manager.

Section 7.02 Meal Periods

Lunch/mid-shift break periods may be established for one (1) hour. The City Manager may establish other lunch hour periods, if in the best interest of the city. In certain cases,

because of the character of the work, it may be necessary for an employee to eat lunch at the work site. If work is performed during part of the lunch period, the time worked shall be added to the hours of work to fix the length of the workday.

Section 7.03 Work Schedules

Department Heads shall establish work schedules, with the approval of the City Manager, which meet the operational needs of the department in the most cost effective manner possible. If work schedules are changed, such schedules shall be posted in advance of rotation so that the employees concerned are fully informed. A regular employee who is excused from work for the day or any part of the day when the work program is interrupted (e.g. because of weather) shall be considered to have worked the number of hours included in the regular daily schedule. An employee who is unable to report for duty due to inclement weather will be allowed to utilize accrued vacation time, if eligible. Should the employee not have sufficient vacation leave, the absence will be charged to excused leave without pay. A temporary employee who is called to work and not assigned because of an interruption or change in the work program shall be considered to have worked two (2) hours on that day.

The City Manager may designate "split" work schedules if in the City's best interests.

Section 7.04 Holidays

The following are recognized official holidays for the City of Sallisaw. Eligible employees will be granted time off with pay as provided herewith.

New Year's Day	January 1 st
Presidents Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4 th
Labor Day	First Monday in September
Veterans Day	November 11 th
Thanksgiving Day and Day After	Fourth Thursday and following Friday of November
Christmas Day	December 25 th
Employee's Birthday	A day of his choice during the month of Birthday (Must have completed initial probation)
Floating Holiday	A day provided upon approval of the City Manager during the month of December.

1. When a holiday falls on a Saturday, Friday will be observed. When a holiday falls on a Sunday, Monday will be observed.
2. All employees will be paid one day's pay for each official holiday. To be eligible for holiday pay, the employee must work the scheduled workday preceding and following the holiday, unless absence has been pre-approved or excused.

3. Employees scheduled to work on a holiday, who fail to work as scheduled, will not be eligible for holiday pay for that holiday for which they failed to work.
4. A pay rate of one and one-half (1 ½) times the employee's regular rate will be paid for hours worked on the above designated holidays, or the day the City observes such holidays.

Section 7.05 Vacation

1. Employees who have completed their initial probation period accrue vacation by the hour each pay period.
2. Upon successful completion of initial probation period, an employee will be awarded the appropriate amount of vacation time dependent upon the length of their probation period. An employee must have successfully completed their initial probation period before being eligible to use vacation time.
3. Vacation accrual rates are as follows:

Cumulative Years of Service	Hours Per Pay Period	Vacation Days Per Year
6 months to 10 years	3.076	or 10 days
11-20 years	4.615	or 15 days
21 years and over	6.153	or 20 days

4. Upon leaving city employment, employee will be paid for unused vacation leave.
5. Should an employee terminate with a negative balance of accrued vacation, the amount of unearned vacation the employee already used shall be withheld from the employee's final check.
6. If an employee is on vacation and a holiday should occur, the holiday will not be charged to the employee as a vacation day.
7. Should an employee become ill while on vacation, he or she may request the period of illness or disability be considered sick leave instead of vacation. The City will give individual consideration to the change; however, the employee must provide appropriate documentation of the illness or disability.
8. Vacation leave shall be arranged with department heads. Should there be a conflict between employees as to the time of vacations; preference will be given to the employee with the longest tenure with the City. Vacation leave shall be granted each calendar year, unless the department head, with the approval of the City Manager, defers an employee's vacation because of unusual work requirements. An employee's vacation shall not be deferred to the extent that he will lose any vacation leave credits.
9. Each employee is expected to take a vacation each year and will not be paid in lieu of vacation. Employees shall not be allowed to maintain a balance of greater than 480 hours. Once an employee exceeds this amount, the Department Head will schedule vacation for the employee so that the balance is below 480 hours. This should be

done timely and in a manner to minimize work disruption. If, at the time of adoption of these rules, an employee's vacation balance exceeds 480 hours, Department Heads must schedule vacation for the employee in order to reduce the balance to 480 hours.

10. Vacation leave shall not be granted in advance of accrual.
11. When an employee transfers from one department to another within the service, his vacation leave credits shall be transferred to the new department.

Section 7.06 Sick Leave

1. Sick leave may be used when an employee, or a member of the immediate family, is incapacitated by sickness, or injury for medical, dental or optical examination or treatment. Sick leave may also be used for examinations for the military service or examinations for disability payments; for necessary care and attendance during sickness, when an employee is exposed to a contagious disease and his attendance at work may jeopardize the health of others. A total of ten (10) days of an employee's sick leave may be utilized each calendar year to attend to the health needs of the employee's immediate family; i.e., doctor, dental and/or optical exams.
2. Each regular full-time employee shall accrue sick leave at the rate of 4.615 working hours per pay period of service, and any such accrued but unused portion shall be unlimited. When an employee transfers from one department to another, his sick leave credits shall be transferred.
3. Leave with full pay granted for illness shall be limited to amount of sick time accrued. Sick leave shall not be granted in advance of accrual.
4. Reporting of Sick Leave: If an employee is absent for reasons that make the employee eligible for sick leave, the employee or a member of the employee's household shall notify the appropriate supervisor within two (2) hours of the usual reporting time. If the employee fails to notify the appropriate supervisor, normally no sick leave shall be approved, except in unusual circumstances as determined by the City Manager. In the instance of an employee's absence not qualifying for sick leave because of the employee not notifying the appropriate supervisor, the absence will be classified as "leave without pay".
5. Employees who are suspected of abusing sick leave privileges may be placed on physical report status by the City Manager. Employees in physical report status must submit to their supervisor a doctor's statement of fitness for duty upon returning to work after being absent from work for illness. Failure to submit required statement will prohibit the employee from returning to work.
6. All department heads shall counsel, discuss and instruct their employees periodically to ensure that sick leave benefits are not abused. Abuse of sick leave benefits is reason for dismissal.
7. Department heads are responsible for reporting sick leave on the employee's time card.

8. If an employee is on sick leave status beyond 60 calendar days, no vacation and/or sick leave credits will be earned. Commencing the 61st day of the leave, such credits will cease until the employee returns to regular full-time service.
9. If an employee is absent on sick leave for three (3) or more consecutive work days because of illness, the employee shall be required to furnish a statement for return to duty from an attending physician. The City Manager may require this statement or proof for any absence chargeable to sick leave for any duration.
10. Upon resignation for the purpose of Normal Retirement, in accordance with the appropriate retirement fund, an employee will be paid for unused sick leave hours if they have balance of 1,000 hours or more at the time of retirement. Total payment shall not exceed 2,500 hours. Payment to be based on the following:

First 1,000 hours	\$2,500.00
Each hour in excess of 1,000, not to exceed 1,500 hours	\$5.00 per hour

Section 7.07 Military Leave

The provisions related to military training leave are as follows:

State statutes govern the granting of military leave to employees of municipalities when called to annual service in either the National Guard or the organized military reserve (Okla. Stat. Title 44, §209 (1973) and Okla. Stat. Title 72, §48 (1973)). State Statutes require full payment for the first 20 days. If weekend drills are granted as "time off", these days should be deducted from the total 20 days granted annually.

Employees requiring the use of authorized military leave of absence shall furnish their department head and the Administrative Services Director copies of military orders or other appropriate certification to document the necessity for leave.

Section 7.08 Emergency Leave

1. In case of sudden and/or serious illness or injury to the spouse, child(ren), parent(s) or the parents of the spouse of an employee, which requires the employee's personal attention and care, or a serious / catastrophic event which requires the employees attention, the employee is eligible for absence with pay for a period not exceeding three (3) working days. All paid emergency leave is to be approved by the City Manager. The employee, or their department head, shall, as soon as possible, notify the City Clerk's Office of the need for emergency leave.
2. Emergency leave is limited to a total of three (3) working days per calendar year.

Section 7.09 Bereavement Leave

In the event of a death in the immediate family, as defined, of an employee, up to three (3) working days per calendar year with pay is authorized.

Section 7.10 Administrative Absence, With Pay

An employee shall be granted administrative absence with pay, when necessary, in order to vote in an official election, to participate in meetings, institutes, examinations or other activities directly related to his work and as approved by the City Manager.

With the approval of the City Manager, an employee may be granted administrative absence with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, civic function or meeting, or for the purpose of coordinating with governmental and private agencies and entities in the interest of the City.

All overnight trips for meetings, conventions, or other official city business must be approved in advance by the City Manager.

Section 7.11 Leave of Absence

1. Leave Requests – Leave of Absence without pay may be granted to regular full-time and part-time employees. Each leave request will be considered by the City for approval or disapproval on its individual merits. Requests must meet the requirements of this policy, as well as other Administrative Policies adopted.
 - a. The employee's prior work record, documentation of the necessity for such an absence, and the needs of the City will be factors in this consideration.
 - b. Probationary employees are not eligible for leaves of absence.
2. Authority to Grant Leaves of Absence – all requests for Leave of Absence shall state reason, a beginning date and date of return and shall be submitted to the City Manager.
3. Effect on Pay
 - a. Scheduled wage adjustments will not be granted during the leave of absence period. Any wage adjustment due the employee will be granted upon their return from leave.
 - b. Employee evaluation reviews scheduled during a leave of absence period will be rescheduled until the employee's return. Wage increases, if applicable, will be awarded after the evaluation is completed.
4. Effect on Benefits
 - a. The employee's group insurance and contributory benefit plan participation may be continued during the leave of absence period if the required contributions are paid.
 - b. Holiday pay is suspended until the employee returns to work.
 - c. Accrued vacation and sick leave time should be utilized before leave of absence time is granted. If a leave of absence extends from one calendar year to the next, an employee must return to regular full-time work for at least five (5)

consecutive work days to be eligible for vacation in the calendar year during which the leave ended.

5. Effect on Employment

- a. Temporary employees may be hired to perform the work of the employee on leave.
- b. An employee on a leave of absence of three months or less will be reinstated to his or her original job, or to a position of like status and pay, unless business necessities, such as force reductions or operation changes dictate the contrary. Determinations of business necessity will be made by the City Manager on a case by case basis.
- c. An employee on authorized absence from the City will be subject to dismissal if:
 - (1) He or she fails to provide accurate or sufficient information as requested by the City regarding the need for continuance of a leave, or
 - (2) The employee seeks or accepts other employment while on leave.
- d. The employee is to immediately contact his/her supervisor prior to or at the end of the agreed upon period of the leave of absence. If no contact is made, the employee will automatically be dismissed. Supervisors should emphasize this point when discussing leaves with employees.
- e. An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered absent and on leave without pay for the time involved.

Section 7.12 On-Duty Injuries

An employee injured while in the performance of assigned duties shall immediately report the injury to the appropriate supervisor and receive first aid or be taken to a doctor or a hospital.

When an employee is injured due to an on-duty accident, the employee will be placed on worker's compensation leave, if warranted. Eligibility for any weekly pay benefits are regulated by Oklahoma State statutes and are subject to change. Following the waiting period required by law, the employee may choose to receive TTD (Temporary Total Disability) payments at the percentages allowed by law, or charge time off for on-the-job injuries to accrued sick leave; in which case he will draw full salary up to his total accrued sick leave. If an employee chooses to receive full salary and utilize their accrued sick leave, any TTD received will be divided by the employee's rate of pay; that amount of sick leave will be reimbursed to the employee. At such time as the employee exhausts all accrued sick leave, he will draw TTD payments only. An employee who is on TTD only, shall be responsible for their portion of any monthly insurance premiums due the City.

This leave is not allowed any employee if the injuries are due to his own misconduct on off-time activities or from injuries related to secondary employment.

Section 7.13 Court Leave

The provisions related to court leave shall be as follows:

- a) An employee who is required to serve as a witness in a federal, state or other court or as a litigant in a case resulting directly from the fulfillment of his duties as an employee shall be granted court leave with full pay to serve in that capacity. When the employee is testifying in other litigation to which he is a party, he shall not be granted court leave, but may use vacation leave or compensatory time or be granted leave without pay for the length of such service.
- b) Procedure: An employee, who is called as a witness, shall present to the appropriate supervisor the original summons or subpoena from the court. At the conclusion of such testimony, a signed statement from the Clerk of the Court, or other evidence showing the actual time in attendance at court shall be provided to the City Clerk's office.
- c) Fees: Fees received in a federal, state or other court shall be in addition to and irrespective of, an employee's regular salary. No employee shall receive witness fees paid from City funds. However, fees paid from other sources shall be in addition to, and irrespective of, an employee's regular salary. Department heads shall be responsible for seeing that such absence is reported on the employee's time card.

Section 7.14 Jury Duty

All employees shall be granted leave of absence from regular duties when called for jury duty in a federal, state or other court. The length of such authorized absence shall be equal to the time required for jury service. Proof shall be furnished to the department head.

Employees on authorized leave for jury service shall be continued on the City payroll at full salary. However; any payment from the court, other than for meals and travel expenses, must be remitted to the City.

Department heads shall be responsible for seeing that such absence is reported on the employee's time card.

Section 7.15 Breaks

Breaks are a privilege that may be taken if working conditions allow. Breaks are not a benefit of employment. Breaks should be arranged so as not to interfere with City business. The employee should not interrupt business merely because it is "break time." It is much easier to start a new project than try and pick up where the employee left off on the old one. If working conditions allow, one 15-minute break in the morning and one 15-minute break in the afternoon is permitted. If an employee or department misuses the breaks, the City Manager and/or department head may discontinue the privilege indefinitely for the department or a particular employee.

Section 7.16 General Provisions

An employee who is absent from duty without approval shall receive no pay for the duration of the absence, and shall be subject to disciplinary action, which may include dismissal.

For all leaves except sick leave, a written request on the Authorized Leave Form indicating the kind of leave, duration, and dates of departure and return, must be approved prior to the taking of the leave. In the case of illness, the form shall be completed and submitted for approval immediately upon the employee's return to duty. When an employee utilizes leave for a scheduled doctor, dental, or optical visit, the leave form shall be submitted as soon as possible so that the department head is aware of the date and duration the employee will be away from the job site. Unless a Leave Form, approved by the supervisor and the City Manager, substantiates an absence, the employee shall not be paid for any absence from scheduled work hours.

CHAPTER 8 CONDUCT

Section 8.01 Attendance

Employees shall be at their places of work in accordance with City and departmental policies and regulations. Department heads shall establish work schedules and maintain daily employee attendance records.

Section 8.02 Work Standards

It shall be the duty of each employee to maintain high standards of cooperation, efficiency and economy in his work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives.

If the work habits, attitude, production, appearance and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling of the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action, as provided elsewhere in these rules, whenever the interest of the City requires.

Section 8.03 Political Activity

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to City employees:

- a) City employees shall not use their positions for or against any candidate for public office in any jurisdiction.
- b) City employees shall not use working hours or City property to solicit or receive any subscription, contributions, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office.
- c) City employees shall not engage in any political activity, with or without remuneration that would constitute a conflict of interest with their City employment.
- d) Employees should recognize that political expression at work can interfere with not only the work of the employee engaged in the activity, but can also adversely affect other employees who hold differing points of view. Moreover, other employees may feel badgered or harassed by ardent advocates of one candidate or another.

Section 8.04 Solicitation

Solicitation of funds or anything of value for any purpose whatsoever shall not be permitted of or by City employees on duty. No employee may be required to make any contribution nor may an employee be penalized in any way in connection with his employment according to his response to a solicitation.

Section 8.05 Running for Public Office

In the event an employee should desire to run for a full-time, paid political office, he may be granted a special leave subject to the following conditions:

An employee may remain an employee of the City until the last official filing date, provided no campaigning is begun prior to this date. If the employee desires to start his campaign prior to this date, the employee should seek special leave at that time. If the employee is elected to office, then employment with the City will terminate at the time the election is certified. However, if the employee is not elected, he may return to his position with the City after the day of the election, if it is still vacant. *(Note: Leaves without pay in this case does not guarantee the employee that the City will hold the position.)*

If an employee files for a full-time paid political office, and has no opponent, the employee may remain employed with the city until the day after the official election. The employee will not be required to take leave since no campaign would be required.

Oklahoma statutes addresses employees who wish to serve on a governing body of their employer. Title 11, Section 8-106 states that a member of the governing body shall not receive compensation for service in any municipal office or position other than his elected office.

Section 8.06 Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing their respective duties.

Section 8.07 Personal Appearance

All employees, regardless of work location and degree of public contact, are expected to dress appropriately and maintain acceptable grooming standards.

Section 8.08 Financial Responsibility

City employees are expected to maintain personal financial responsibility. If an employee encounters personal financial trouble, the employee is encouraged to seek counseling, which may include a discussion with the appropriate supervisor or department head. If an employee's pay is garnished for any reason other than court ordered child support, such employee will be charged an Administrative Fee not to exceed the maximum allowed by law. Any administration fee will be withheld from employee's pay check.

Employees whose pay is garnished in excess of two times within a 12-month period for separate indebtedness may be subject to disciplinary action, up to and including dismissal. City employees shall pay just debts to the city. Failure to do so may result in disciplinary action up to and including termination.

Section 8.09 Uniformed Personnel

City personnel who wear some type of uniform directly associated with the City are not allowed to patronize a liquor store while in that uniform, unless it is directly associated with their City duties and responsibilities.

City personnel who are issued some type of uniform are not to wear that uniform or a part thereof unless they are officially "on duty."

Section 8.10 Identification Cards

Certain municipal employees are issued a "City identification" card. The I.D. card is given to the employee for the purpose of personal identification and to illustrate his relationship with the City. Misuse of the card such as for personal gain or fraudulent purposes will cause the employee to be subject to disciplinary measures up to and including dismissal. If the employee's I.D. card is lost, it should be reported immediately to his or her supervisor. Failure to do so will subject the employee to disciplinary action. The I.D. card is the property of the City and must be surrendered immediately upon termination of employment.

Section 8.11 Release of City Information to News Media

No City employee is to make any type of statement or news release to any form of the news media concerning City operations, business matters, etc. Normally, any such release will be made from the City Manager's office. However, when a department head desires to release a news item, proper and prior authorization should be obtained.

Section 8.12 Acceptance of Gifts

No city employee shall accept monetary gifts from the public, in connection with their job duties, while employed with the City of Sallisaw.

Section 8.13 City Owned Equipment and Employment Termination

Any employee leaving the employment of the city and who has City-owned equipment or property must return all items to the appropriate department before his final paycheck is released. Failure to do so will result in deducting the value of these items from the final check. If amount exceeds the value of the final check, the employee will be charged for items not returned.

CHAPTER 9 EMPLOYEE TRANSPORTATION AND SAFETY

Section 9.01 Use of City Owned Vehicles

A City owned vehicle is to be used for official business only!! No one, except employees of City of Sallisaw, shall ride in city owned vehicles unless authorized by the City Manager. Naturally, an exception is police vehicles that are used for transporting individuals who are not employed by the City, as related to law enforcement. No City owned vehicle shall be taken beyond the City limits, unless so authorized or instructed by the City Manager. Employees authorized to retain vehicles overnight shall not use such vehicles for private purposes, other than de minimis . Before employees are permitted to drive a City vehicle, they must have a current Oklahoma operator's license. Equipment operators must have an active and valid license appropriate for the operation of the equipment. Supervisors shall annually check driver's licenses to insure that they are current and valid.

All employees are required to operate City-owned vehicles/equipment in a safe and prudent manner in compliance with all laws. Improper and/or unsafe operation of vehicles/equipment is justification for disciplinary action up to and including termination. In addition, all employees who have operating vehicles/equipment as a responsibility of their position and classification must have and maintain an acceptable personal driving

record. Not being able to obtain insurance, or exclusion of an employee by the City's insurance carrier is justification for transfer, demotion and/or dismissal.

Section 9.02 Responsibility of Drivers

The responsibility of an employee as a driver of a City owned vehicle is the same as driving his or her own vehicle. Correct operation and safety of the vehicle is the main objective. When using a City vehicle, the employee is charged with the responsibility of informing his or her department head of the intended use. As a driver, it is the employee's responsibility to check the oil, water, brakes, gas, lights, etc., on the vehicle before using it. If the vehicle does not check out satisfactorily, it is the employee's responsibility to notify the appropriate department head/immediate supervisor. The department head is then responsible for having the condition corrected. While driving a City owned vehicle, the employee is subject to all traffic laws.

Employees operating City vehicles are expected to fully observe all traffic laws and the dictates of common sense. When citizens see City drivers violating traffic laws, their opinion of government can be adversely affected. City employees who demonstrate careless disregard for traffic regulations, damage the image of the City of Sallisaw and jeopardize their jobs.

An employee charged with violation of state or local traffic laws shall be responsible for his or her legal defense and shall be responsible for payment of any fines and/or judgments.

Section 9.03 Use of Private Vehicles

If employees are required to use their car in the performance of their official City duties for the municipality, they will be paid for the use of their car on official City business at the rate per mile as established by the I.R.S. for income tax purposes.

Section 9.04 Accident Involving City Owned Vehicles

If while operating a City-owned vehicle an employee is involved in an accident that results in personal injury or property damage, he or she is required to do the following:

- a) Notify the police department immediately.
- b) Insist that all parties and property concerned remain at the scene of the accident until police officers can investigate.
- c) Report the accident, no matter how minor, to his or her department head.
- d) Discuss the accident only with the investigating officer and appropriate City personnel.
- e) Supervisors are required to submit an Incident Report to the Administrative Services Department for any accidents or incidents which cause damage to city-owned or private property and/or injury to any persons.

Section 9.05 General Safety

Safety is important to the City and its employees. Accidents are expensive because of work hours lost, equipment damage, and most important, personal injury. For the employee's protection, he or she is expected to observe all safety rules and precautions.

CHAPTER 10 DISCIPLINE, APPEALS AND GRIEVANCES

Section 10.01 Grounds for Disciplinary Action

The City Manager or designee thereof may take disciplinary action against an employee for just cause. Just cause shall be related to the deficiency involved and shall include, but not be limited to illegal, unethical, abusive or unsafe acts; violation of City rules, regulations, policies or procedures; insubordination; inefficiency; neglect or abandonment of duties; prohibited political activity or solicitation; abuse of participation in illness, injury, disability or other leave benefits; tardiness or absence without approval; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; waste, damage or unauthorized use of City property or supplies; unauthorized use or disclosure of official information; and unauthorized or improper use of official authority.

Section 10.02 Types of Disciplinary Action

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally advised at any time that he may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct.

Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands and counseling.

Section 10.03 Written Reprimand

The City Manager or Department Head may issue a written reprimand. The written reprimand shall describe the deficiency or infraction involved, the specific action plan to be undertaken to correct the deficiency, and a statement indicating the employee is subject to further disciplinary measures in the event the deficiency is not corrected, or the infraction occurs again. A copy of the reprimand shall be kept in the employee's official personnel file, but may, after time, and upon correction, be removed upon approval of the City Manager.

Section 10.04 Suspension

A Department Head may suspend an employee without pay for up to one (1) day. All suspensions in excess of one (1) day must be approved by the City Manager. A written notice of suspension must be given to the employee which describes the deficiency or infraction involved, the terms of the suspension, the specific action plan to be undertaken to correct the deficiency or infraction involved, and a statement indicating the employee is subject to further disciplinary measures in the event the deficiency is not corrected, or the infraction occurs again.

When an employee is under investigation for a crime, or official misconduct, or is awaiting hearing or trial in a criminal matter, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the best interests of the City and the public. If the investigation or proceedings clear the employee, he or she shall be eligible for reinstatement under such terms and conditions as may be specified by the City Manager.

Section 10.05 Demotion

An employee may be demoted by the City Manager. A written notice of demotion must be given to the employee, which describes the deficiency or infraction involved and a statement indicating the employee is subject to further disciplinary measures in the event the deficiency is not corrected, or the infraction occurs again. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

Section 10.06 Termination

The City Manager may terminate an employee's employment in the city service. A notice of dismissal must be given to the employee, which describes the deficiency or infraction involved. Cause for dismissal shall include acts involving unsatisfactory performance or acts or conduct that conflict with the public interest.

- A. Acts involving unsatisfactory performance include, but are not limited to the following:**
- (a) Failure to perform the duties of the position because of inadequate knowledge, skills or abilities.
 - (b) In supervisory positions, inability to plan, organize and direct the work of subordinates.
 - (c) In positions requiring initiative and independent judgment, inability to perform except under excessive supervision.

- (d) Failure to perform the duties of the position because of physical, emotional or mental incapacity.
- (e) Habitual tardiness.
- (f) Failure to report for work within two (2) hours of the regular reporting time. This will normally be considered "failure to report" and that the employee has resigned.
- (g) Unauthorized absence from duty.
- (h) Abuse of sick leave.
- (i) Habitual failure to maintain a satisfactory working relationship with other employees or the public.
- (j) Failure to observe departmental regulations.
- (k) Failure or inability to meet established standards of performance, including either qualitative or quantitative standards.
- (l) Failure to observe safety regulations.
- (m) Insubordination; refusal or habitual failure to comply with the proper orders of an authorized supervisor; refusal to do assigned work which the employee is capable of doing.
- (n) Acts or conduct detrimental to the good of the service.

B. Acts or conduct that conflict with the public interest include, but are not limited to the following:

- (a) Theft, of City property or city funds; theft from other employees or citizens.
- (b) Destruction or gross neglect of city property or equipment
- (c) Being under the influence of alcohol or illegal or misused substances or inappropriate conduct while on duty.
- (d) Deliberate discourtesy to the public.
- (e) Acceptance of a gift or other valuable consideration that is given to the employee with the intent of influencing the employee in the performance of his or her official duties.
- (f) Use of official position or authority for personal profit or advantage.

- (g) Betraying confidential information from privileged official records or officials.
- (h) Falsification of records, including falsification of application papers for employment in the service, or injury reports.
- (i) Conviction of a felony or of a misdemeanor involving moral turpitude.
- (j) Any other offense against the public interest.
- (k) Dishonesty or a general lack of integrity.
- (l) Violation and/or conviction of criminal laws of the United States or any state.
- (m) Violation of any provisions of the Sallisaw Charter, City ordinances or this manual.

Section 10.07 Criteria for Determination of Unsatisfactory Performance

In determining whether a specific act or offense by an employee is of such degree of seriousness as to warrant dismissal, an appointing authority shall be guided by the nature and extent of an action or inaction as it relates to the performance of the functions of the City and damage to the public interest.

Section 10.08 Dismissal Procedures

The procedure for dismissal shall be as follows:

- (a) **Employees dismissed during probation:** During the probationary period, a finding by the City Manager that a dismissal is the appropriate disciplinary measure shall be final. The employee shall be given notice of dismissal on or before the effective date of the dismissal.
- (b) **Employees dismissed following probation:** Employees who are dismissed following satisfactory completion of a probationary period shall be dismissed in accordance with the following procedure.
 1. Any act involving unsatisfactory performance, any act involving conduct prejudicial to the public interest, or flagrant violation, the employee involved shall be given written notice of the infraction(s) and reasons dismissal is being considered. Such notice shall come from the office of the City Manager.
 2. Documentation of Dismissal Charges. Actions or inactions, which form the basis for dismissal of an employee, shall be specifically documented, where applicable, by dates and places. This documentation may include such items as specific

areas of work deficiency; specific reference to work orders, departmental regulations, or personnel rules which have been violated; specific reference as to the failure to meet standards of performance; refusal to discharge assigned duties; specific habits or attitudes which cause unsatisfactory performance; evidence of previous warnings; specific instances of offense against the public interest.

3. Nothing in this section shall prohibit the immediate dismissal of an employee if the infraction warrants such action.

Section 10.09 Dismissed Employees' Benefits

Normally, dismissed employees will be eligible for the following:

- a) Accrued vacation leave for which they are eligible according to the provisions of the rule.
- b) Re-employment; however, the reasons for the employee's dismissal shall be evaluated as part of the determination of his eligibility for re-employment.
- c) When additional facts are revealed that substantially alter the basis for the original decision as to type of dismissal/separation, the type of dismissal/separation may be re-classified by the City Manager. The personnel form shall show under remarks the type of change and the reason for the change.

Section 10.10 Appeal of Disciplinary Action

Formal disciplinary action taken under this chapter may be appealed in writing directly to the City Manager within seven (7) calendar days following notice of the action.

Upon request, an employee against whom disciplinary action is taken shall be eligible to appear personally before the City Manager. All parties shall have the opportunity to present their position. The City Manager, following careful investigation, shall have the authority to approve, disapprove, modify or rescind any disciplinary actions taken or proposed and the Manager's decision shall be final and without appeal.

There shall be no right of administrative appeal for probationary employees.

Section 10.11 Grievance Procedures

Employees shall be encouraged to informally take any duty-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a working condition or some other aspect of their employment not subject to the appeal procedure, may submit a written grievance to his

Department Head within five (5) calendar days after the cause of the grievance arises or becomes known.

It shall be the responsibility of the Department Head to study the grievance and attempt to resolve it within ten (10) calendar days. Further discussion with the grievant is encouraged. If the grievance cannot be satisfactorily resolved within ten (10) calendar days, the Department Head shall refer it with comments and/or recommendations to the City Manager.

The City Manager shall resolve the grievance within fifteen (15) calendar days. The decision of the City Manager shall be final and without appeal.

Any intimidation, coercion or actual or threatened reprisals used to violate the intent of this procedure by any parties involved shall constitute just cause for disciplinary action, up to and including termination.

CHAPTER 11 NON-DISCIPLINARY SEPARATION

Section 11.01 Resignation

An employee may leave the City service in good standing by submitting a written resignation at least fourteen (14) calendar days in advance of the intended separation. The City Manager may waive any portion of the notice period.

Section 11.02 Lay-off

When a full-time position is discontinued, the services of the incumbent of that position shall be terminated. This action is called a "lay-off". The City Manager shall determine the number of employees to be laid off and the class or classes of positions in which the lay-offs are to occur. Specific provisions are as follows:

(a) Notice as to lay-off shall be provided as follows:

The City Manager shall give the employee to be laid off written notice of the action at least thirty (30) calendar days before the effective date. A copy of the notice shall be attached to a personnel form and the date that the employee was given written notice shall also be stated.

(b) The effect of lay-off on leave shall be as follows:

Vacation Leave: An employee shall be paid for all vacation leave credits after 180 calendar days have elapsed from the effective date of the lay-off, if that employee has not been called back to work for the City of Sallisaw.

Sick Leave: An employee who is reinstated within 180 calendar days from the effective date of the lay-off shall have his unused sick leave credits restored.

An employee, when reinstated within 180 calendar days from the effective date of the lay-off, will begin earning vacation/sick leave credits at the same rate when laid off. However, no credits will be given for the period during lay-off.

Laid-off employees will be given preference for any job openings which occur within 180 days of the lay-off, provided they meet the minimum qualifications of the position. If more than one employee is eligible, seniority and past duty performance will determine who is selected.

CHAPTER 12 REINSTATEMENT

Section 12.01 Following Separation for Incapacity

A person who was separated for incapacity may be eligible for re-employment provided that:

- a. The incapacity has been rehabilitated to the extent the employee can now perform the duties of the job; even, if reasonable accommodations are required.
- b. The person's previous position and/or another position for which the person is qualified is available.

Section 12.02 Veterans

Employees who left the City service in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement in accordance with applicable state and federal laws.

Section 12.03 Restoration of Seniority Credits

Restoration of seniority or service credits upon reinstatement must be approved by the City Manager.

CHAPTER 13 PERSONNEL FILES / PERSONNEL ACTIONS

Section 13.01 Personnel Files

The City Clerk shall maintain the official personnel files for all City employees. Unless otherwise provided by law, personnel files and information therein shall be confidential and may not be used or divulged for purposes unconnected with the City personnel management system except with the permission of the employees involved. Nothing herein shall prevent the dissemination of impersonal statistical information. Employees shall have the right of reasonable inspection of their official personnel file.

Section 13.02 Status Changes

Department heads shall report changes in personnel status of their employees to the City Clerk in a timely manner.

Any personnel actions taken, which affect the employment status of an employee, shall be processed on a form as prescribed by the City Clerk. Such actions include, but are not limited to, the following: hire, separation, promotion, transfer, demotion, suspension. Approval authority is the City Manager.

Personnel Policies Revised/Amended Dates:

Adopted

April 14, 1970

Revised/Amended

December 13, 1976

June 8, 1981

April 12, 1983

October 10, 1983

December 12, 1988

April 10, 1995

June 12, 2000

December 8, 2003

December 8, 2008

March 12, 2012

May 14, 2012

February 8, 2021