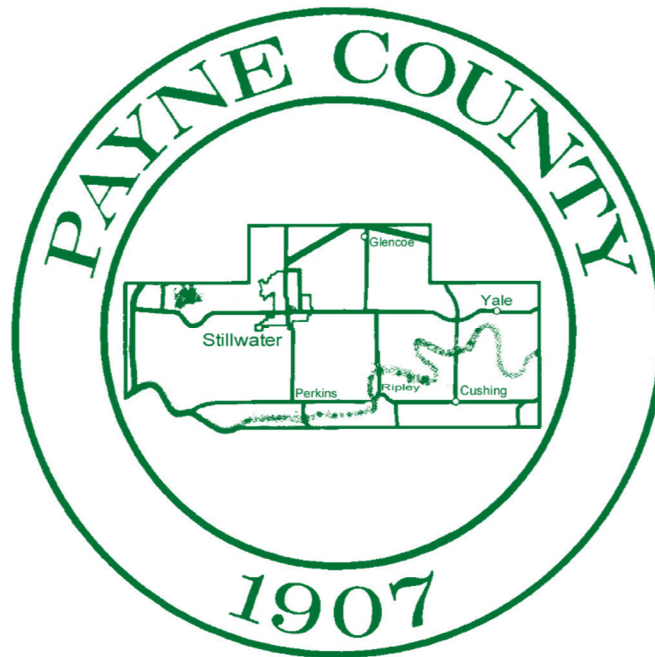


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# PAYNE COUNTY PERSONNEL POLICY

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**Revised December 2019**



These policies are also available online at  
[countyclerk.paynecounty.org](http://countyclerk.paynecounty.org)

# INTRODUCTION

Welcome to Payne County. We are excited to have you as one of our team members. The following personnel policies are designed to inform Payne County Employees of the County's operating policies and practices as they apply to all County Employees. County employees are defined as those deputies and employees employed by, and serving at the pleasure of the elected/appointed officials. "County Employee" does not include any person appointed to a non-elected county office, such as the secretary of the county election board. Each County employee is responsible to the elected official who hires and/ or appoints that employee. Payne County policy ensures the safety and security of Payne County employees and citizens. It sets the basic rules and expectations for the employees of the county. However, from time to time, state and federal laws and regulations will differ from county policy. In these cases, state and federal laws and regulations will supersede Payne County Policy.

This handbook is designed to familiarize you with the conditions of your employment with Payne County that you are expected to follow. The conditions stated herein are not intended to be, and do not constitute a contract of employment. This personnel handbook has been adopted by Payne County pursuant to Oklahoma Stat. Ann. Title 19, Sec 339 (A) (8).

From time to time as conditions change, it will be necessary to change or add rules and procedures governing employees. Where practical or required by law such changes will be posted in advance of their effective date, after which time they will become a part of this handbook.

Should you have any questions regarding policies, please ask your supervisor, elected official, or the County Clerk for assistance.

We strive to make every effort to assure your employment relationship with Payne County will be a rewarding experience.

## **Payne County Budget Board/County Elected Officials**

Chris Reding, Chairman, District #2 Commissioner  
James Cowan, Assessor, Vice-Chairman  
Glenna Craig, County Clerk, Secretary  
Carla Manning, Treasurer  
Kevin Woodward, Sheriff  
Lori Allen, Court Clerk  
Zach Cavett, District #1 Commissioner  
Rocky Blasier, District #3 Commissioner

## **EQUAL OPPORTUNITY**

Payne County provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements Payne County complies with applicable state and local laws governing non-discrimination in employment in every location in which the county has facilities. This policy applies to all terms and conditions of employment, including, but not limited to recruiting, hiring, placement promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

## **RECRUITMENT**

To assure that all people have an equal opportunity to apply for County jobs, all job openings shall be filled from applications as filed with elected officials. All applications submitted will be on file for at least one year.

Each elected official is responsible for the recruiting of all employees within his/her own office or department and for following equal opportunity practices in the recruitment process.

## **HIRING PROCEDURES**

### **PAYNE COUNTY PARTICIPATES IN E-VERIFY (FEDERAL LAW REQUIRES IDENTITY VERIFICATION OF ALL NEW HIRES)**

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

Employees serve at the pleasure of the elected official.

All new employees must demonstrate by documents their employment eligibility according to the Immigration Law Effective November 1, 2007. The required documentation being the I-9 along with copies of supporting documents must be presented by the employee /applicant within 1 business day of the date of hire. Section #1 of the I-9 must be completed by the employee with Section 2 completed by the employer. The Official will have these forms available to provide at the time of hire. If the employee/applicant is unable to provide the required document or documents within the time period, the individual must present a receipt for the application of the document within 3 days of hire. The I-9 MUST be received by the County Clerks' Office within the stated 3 days of hire.

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

### **NEPOTISM**

An elected or appointed official shall not hire or appoint for employment any person who is related to him/her by blood or marriage to the third degree.

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

**(Oklahoma Stat. Ann Title 21 Sec 481-487)**

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## **HOURS OF WORK**

The Payne County Courthouse and Payne County Administration Building will be open Monday through Friday from 8:00 a.m. to 5:00 p.m. unless closed by direction of the County Commissioners for holidays or emergency.

Most County employees will follow a normal schedule of forty (40) hours per week (eight (8) hours per day) plus an unpaid one-hour lunch period each day. Each elected official shall set the lunch periods and break periods, if any, for his/her office, but at no time shall an office be left without adequate staff to perform necessary duties.

The activities of some departments require alternative schedules to meet their work needs. In those departments, the elected official may authorize a deviation from the normal work schedule. If an alternative schedule is selected, the County Clerks' office shall be notified in writing and the schedule shall not be altered unless job requirements demand and the County Clerks' Office has been notified.

## **WORK WEEK AND WORK PERIOD**

The work week for all employees, except law enforcement and emergency medical employees, commences at 12:01 A.M. on Monday and ends at 12:00 midnight the following Sunday. For law enforcement and emergency medical employees, the work period begins at midnight on Sunday and continues on a 28-day cycle ending at midnight on Sunday four weeks later. This latter work period for all law enforcement and emergency medical personnel is intended to qualify for the exemption permitted under Section 7(k) of the Fair Labor Standards Act, as amended.

- FLSA workweek:
- 1) 7 consecutive days;
  - 2) May begin on any day and any hour (does not need to be a calendar week);
  - 3) May choose different 7-day work weeks for different groups of Employees;
  - 4) Must designate (announce) your work week and keep consistent.

## **PERSONNEL RECORDS**

The County Clerk shall keep personnel records of all County Employees. Whenever there is a change in address, phone number, dependents or beneficiaries, it is the responsibility of the employee to report such change to the County Clerk. **All changes that affect payroll must be reported before the 22nd of the month.**

The following information concerning employees and former employees is a matter of public record and therefore is open for public inspection: name, date of original employment; current position title; current salary, date and amount of most recent change in status of position and office to which the employee is currently assigned.

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

The County is not required to disclose records relating to internal personnel investigations including examinations and selections, material for employment, home address, hiring, appointments, promotion, demotion, discipline, or resignation. The County will not disclose information where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, dates of birth, or employment application submitted by persons not hired by the County.

However, the County must inform any person requesting the information of any final disciplinary action taken against an employee if that disciplinary action results in loss of pay, suspension, demotion of position, or termination.

**Okla. Stat. Ann. Title 51 Sec 24A.7**

### COMPENSATION POLICIES

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

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

## SALARY CHECKS

All County officials and employees shall be paid monthly. **Employees must be enrolled prior to the 22<sup>nd</sup> of the month to receive a paycheck at the end of the month. If hired after the 22<sup>nd</sup>, the 1<sup>st</sup> salary check will be the last day of the following month.** All Probationary employees within the first 90 days of employment with Payne County will receive a paper paycheck. After 90 consecutive days of employment, and after the end of their probationary period, employees will be allowed to request their paycheck be processed by Direct Deposit.

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

Whenever an employee's employment is terminated, the employer shall pay the employee's wages in full, less offsets, at the next regular designated payday established for the pay period in which the work was performed either through the regular pay channels or by certified mail postmarked within the deadlines herein specified if requested by the employee. Okla. State Ann Title 19 Sec 153; Okla. State Ann Title 40 Sec 165.2 to 165.3

Paychecks will be given only to authorized persons at the designated time on the last working day of the month.

## LONGEVITY PAY PLAN

### OKLAHOMA PERSONNEL ACT – LONGEVITY PAY PLAN

[https://www.ok.gov/opm/HR\\_Rules\\_and\\_Statutes/74-840-2.18.html](https://www.ok.gov/opm/HR_Rules_and_Statutes/74-840-2.18.html)

Payne County has adopted a longevity pay plan as an incentive to keep loyal employees. **The pay plan is subject to fund availability at each budget year.** The pay plan goes into effect after two years of service with Payne County and is calculated by full-time and permanent part-time employment.

For purposes of this section, a break in service of thirty (30) calendar days or less shall not be considered an interruption of continuous service; a break of service of more than thirty (30) calendar days shall mark an end to continuous service, and the employee shall be considered a new employee for purposes of longevity pay, vacation, and sick leave accumulation. Employees returning to Payne County shall be compensated on the County Salary Plan for previous years of service and experience at the discretion of the Elected Official. Elected officials are not eligible. If there is a unique situation that an elected official, or department head, feels a new hire with specialized experience, certification, training, and years of service should be hired at an upper level recognized by years of service with the county as designated on the county salary administration plan, adopted by the budget board; the request to have starting pay adjusted to the upper level would be at the discretion of the budget board and on a case by case basis approved by a majority of elected officials. The employee shall be considered a new employee for purposes of longevity pay, vacation, and sick leave accumulation.

Employees docked over 40 hours annually for personal leave outside the scope of medical leave, family leave, military leave or workers comp, shall have the longevity prorated based on actual hours worked in the immediately preceding twelve months.

**Title 74-Chapter 27A, Sec. 840-2**



## OVERTIME

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

Payne County Employees who are not exempt shall be entitled to overtime payment at the rate of 1-½ times their regular rate of pay for all hours worked in a workweek in excess of 40 hours.

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

## COMPENSATORY TIME OFF FOR OVERTIME

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

All compensatory time off will be scheduled at the discretion of the elected official. Except in the case of law enforcement personnel, each employee can accrue up to 240 hours of compensatory time off in lieu of overtime payment. After the accrual of 240 hours of compensatory time, such employee will thereafter be paid cash payment for overtime.

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

All Emergency Management personnel who are not exempt employees and who qualify as emergency responders will fall under the comp-time guidelines of the Code of Federal Regulations, Section 553. Emergency Management personnel who are exempt, or are not considered emergency responders fall under the policy and procedure of Payne County, unless superseded by state or federal law.

**74 O.S. §840-2.15, 29 U.S.C. § 2079(o)**

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

## **BENEFITS**

### FRINGE BENEFITS

The County pays for unemployment insurance, social security (with the employee paying the legally required percentage), and worker's compensation insurance for all employees. Other benefits are subject to eligibility. For the purpose of the fringe benefits the following definitions apply: Full time employee – working 30 hours per week; Part-time, working less than 19 hrs. per week; Permanent Part-time: working 1000 hours or more per anniversary year. The county election board secretary shall be eligible for the following fringe benefits only: Retirement, health insurance.

### RETIREMENT

All employees working for Payne County in a full time or permanent part-time status will become members of the Oklahoma Public Employees Retirement System (OPERS) the first of the month following the date of employment (or date of eligibility). Employee/employer retirement percentages are subject to change according to legislation. Please refer to your OPERS handbook for details.

### HEALTH INSURANCE

All employees working in a full time or permanent part time capacity are eligible for County-paid health insurance. Dependents may be covered at the expense of the employee. Permanent part-time employees are eligible for the County's insurance and will be responsible for a pro-rata share of premium. (i.e. employee working 20 hours would be responsible for 50% of the health insurance premium). Employees not participating in the paid health benefit will not receive alternate insurance or a cash sum in lieu of the program. All employees will be eligible for health insurance the first working day of the next month following their employment. Employees on personal leave outside the scope of medical leave, family leave, military leave or workers comp, will be responsible for payment of ALL premiums, including health. **The payment is due by the 25<sup>th</sup> of each month.**

The employee will at all times be responsible for any dependent coverage premium.

Upon termination, federal law permits the employee to continue health insurance coverage at the employee's expense. (Additional information is available at the County Clerk's office.)

Other insurance benefits are available at enrollment. For details, including rates, check with the County Clerk. All premiums for supplemental insurances are the responsibility of the employee. In the absence of sufficient funds in your payroll check, a personal check made payable to the insurance company is due in the County Clerks' Office no later than the 25<sup>th</sup> day of the month prior to the month the premium is due.

#### TEMPORARY TOTAL DISABILITY BENEFITS

The County shall provide temporary total disability benefits to employees injured on the job under its policy of workers' compensation insurance. At the option of the employee, temporary total disability (TTD) benefits shall then be supplemented by any sick, annual or compensatory leave available to the injured employee to the extent that the injured employee shall receive full wages during the employee's temporary absence from work. (85 OS 2e)

Employees on TTD must file a Family Medical Leave Form with the County Clerk. Employees can request leave share to supplement salary while on TTD. Any leave request is subject to Supervisor and Budget Board approval. (See Leave Share)

The County will continue to pay the contribution to Oklahoma Public Employees Retirement system at the employee's actual gross pay, if supplemented. If the employee chooses not to supplement their income, retirement will be based on the TTD payments. The employee will be responsible for their matching portion.

The Insurance Company will provide information on TTD payments made during the month to the Clerk's office. The Clerk's office will calculate, each month, the amount of supplemental leave time needed to equal normal wages and report it to the Supervisor. The employee must sign the supplemental payroll form. By signing the payroll form, the employee agrees to use any sick, annual or compensation time to supplement their salary.

#### **LEAVE BENEFITS**

Each elected official shall be responsible for keeping records of the leave taken by his/her employees and shall make monthly reports of such to the County Clerk. Such records shall include the type and length of leave. All annual leave and leave benefits shall be calculated from the date of employment.

Some Leave is subject to formal request. See your supervisor for Request Forms.

## SICK LEAVE

All full-time employees are eligible for sick leave with pay after **90 consecutive days of employment, or at the discretion of the Elected Official/Department Head**. Sick leave shall accumulate at the rate of 8 hours of leave for each full calendar month of service to the County. Sick leave will be accrued on a prorated, as appropriate for less than full-time service.

An employee is eligible for sick leave for the following reasons:

1. Personal illness or physical incapacity.
2. Illness of a spouse, child, parent, or legal dependent.

In order for sick leave with pay to be granted for a personal illness or injury of more than three consecutive working days, an elected official may require a written statement by a physician certifying that the employee or his/her family member's condition prevented him/her from working.

The elected official may require an examination by a second health care provider designated by the elected official, at the expense of the County, if the elected official reasonably doubts the written statement provided by the employee's health care provider. If the second health care provider's opinion conflicts with the initial health care provider's statement, the elected official, at the expense of the County, may require a third, mutually agreeable health care provider to conduct an examination and provide a final and binding opinion.

Sick leave with pay shall be granted only if it has been earned (with exception for injury on the job). Sick leave may be accrued up to a **maximum of 130 days (1040 hours)**, provided that the person has been employed by the County continuously during the time in which sick leave was accrued. When terminating employment with the County, an employee may not collect pay for accrued sick leave.

Donation for employee share: The Donating employee must retain at least a minimum of 40 hours of sick leave balance **before** they will be allowed to donate sick leave to another employee, and cannot fall below the 40 hours after donation to another employee.

Abuse of sick leave is grounds for termination. There will be no payment of sick leave to a newly appointed officer.

### LEAVE WITHOUT PAY/HOLIDAYS

Any County employee who is on leave without pay status and who does not work the work-day immediately preceding and the work-day immediately following a holiday, shall not be paid for that holiday.

### EMPLOYER SPONSORED EVENTS

Employees shall be permitted paid time off the job to attend events sponsored by Payne County Department heads. This shall include insurance enrollments, health fairs or County luncheons for the benefit of the employees. If an employee or Office does not participate, the employees shall be expected to work normal hours or use vacation or comp time for the permitted time off.

## INCLEMENT WEATHER

Employees are expected to work regardless of the weather. Any employee unable to work due to inclement weather will be charged one day of annual leave for each day he/she does not report for work, unless by arrangement with the elected official, it may be considered as compensatory time off under the conditions listed in this Handbook.

## LEAVE WITHOUT PAY

Leave without pay of specified length may be granted at the discretion of the elected official. The request shall be in writing and submitted on the Payne County Leave Form. While on leave without pay, an employee will not accrue annual leave time or sick leave. The Employee is responsible for all payroll deductions in accordance with the provision of the Leave Request form.

An employee granted leave without pay remains a county employee and does not lose his/her work experience status. The time period of any leave without pay shall not extend for a period in excess of one (1) year.

## MILITARY LEAVE

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

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

During a total period of up to 30 working days in any year during which the employee otherwise works substantially a full-time schedule, the employee shall continue to receive his/her normal rate of pay. This time may not be used for weekend drills. Such requested leave shall be supported with copies of the armed forces orders.

**Okla. Stat. Ann. tit. 72, § 48**

## **EMERGENCY LEAVE**

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

## **FUNERAL LEAVE**

The Elected Official/Department Head may grant employees time off with pay not to exceed (3) three consecutive scheduled working days to attend the funeral in the event of a death in the employee's immediate family (related by blood or marriage to the third degree). Any additional time shall be charged to annual leave, keeping in mind that every situation is unique and must be handled with discretion.

At the discretion of the elected official, leave to attend the funeral of other relatives or friends shall be granted at the time of the funeral.

## **JURY AND COURT DUTY**

It is desirous for all employees to fulfill their duty to serve as members of juries or to testify when called in Federal and State or municipal courts. Therefore, the following procedures shall regulate when an employee is called for jury duty or subpoenaed to court:

The employee will be granted a leave of absence when the employee is subpoenaed or directed by proper authority to appear in Federal, State or municipal Court as a witness or juror

The employee will receive his/her regular compensation during the time he/she is serving on jury duty

The employee may retain all compensation or fees which he/she receives for serving as a juror

If the employee is relieved from court or jury duty during working hours, the employee must report back to his/her worksite

The above provisions concerning compensation for time in court do not apply if the employee is involved in private litigation. On these occasions the employee must take annual leave, compensatory time or leave without pay.

**Okla. State. Ann. Tit. 38 34-35**

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

Family/Medical Leave (FML) is provided consistent with the Family and Medical Leave Act (FMLA). Any provisions of Payne County's policies which are found to be contradictory to the FMLA will be superseded by the FMLA.

- **FMLA Policy.** Except in the case of Military Caregiver Leave (described below), you are eligible to take up to 12 weeks of unpaid FML within any 12-month period and be restored to the same or an equivalent position upon your return from leave provided that you have worked for Payne County for at least 12 months, AND for at least 1,250 hours in the last 12 months. The 12-month period to take the leave is a "rolling" 12-month period beginning from the first day of the new leave period. For example, if the employee's first FML began on May 1, the leave period would end on the following April 30 with a new 12-month period beginning on the first day of the next FML. The 12-month period to accumulate the 1,250 hours is also a "rolling" 12-month period measured backwards from the first day of the new leave period. For example, if the employee's first FML began on May 1, the period for accumulating the 1,250 hours of work would be the previous May 1 through April 30. **Note: For coordination, see the section on Military FML below.**
  
- **Reasons for FML.** You may take FML for any of the following reasons: (1) the birth of a son or daughter; (2) the placement of a son or daughter with you for adoption or foster care; (3) to care for a spouse, son, daughter, or parent with a serious health condition; (4) because of your own serious health condition which renders you unable to perform the functions of your position; (5) because of a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a Covered Military Member on active duty (or has been notified of an impending call or order to active duty) in support of a Contingency Operation; or (6) to care for a Covered Service member with a serious injury or illness if the Covered Service member is your spouse, son, daughter, parent, or next of kin. Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. **Note: For coordination, see the section on Military FML below.**
  
- **Military FML.**

**Military Caregiver Leave.** If you are the spouse, son, daughter, parent, or next of kin of a Covered Service member, you may take a total of 26 weeks of unpaid FML within a 12-month period to care for the Covered Service member. **Note: You are entitled to a total of 26 weeks of Military Caregiver Leave during a 12-month period. The 12-month period mentioned in this subsection on Military Caregiver Leave begins on the first day you take FML leave to care for a covered service member and ends 12 months after that date.**

**Certification for Military Caregiver Leave.** If you are requesting Military Caregiver Leave to care for a Covered Service member, you must supply appropriate certification completed by an authorized health care provider of the covered service member. When you request Military Caregiver Leave, Payne County will notify you of the requirement for certification and when it is due (15 days after you request leave). Failure to provide the requested certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided.

**Military Qualifying Exigency Leave.** You may take a total of 12 weeks of unpaid FML within a 12-month period because of a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is an on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. **Note: The 12-month period mentioned in this subsection on Military Qualifying Exigency Leave is the period described in the FMLA Policy section above.**

**Certification for Qualifying Exigency Leave.** If you are requesting Military Qualifying Exigency Leave, you must provide documentation issued by the military, which indicates that the covered military member is on covered active duty or is under a call to covered active duty status in the Armed Forces. You must also provide a statement of facts sufficient to support your need for leave. Such facts should include the type of Qualifying Exigency for which leave is requested and any available written documentation, which supports your request. When you request Military Qualifying Exigency Leave, Payne County will notify you of the requirement for certification and when it is due (15 days after you request leave). Failure to provide requested certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided.

**The term:**

**"Covered Active Duty" means** – in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101 (a)(3)(B) of Title 10 of the United States Code;

**"Covered Military Member"** means your spouse, son, daughter, or parent on covered active duty or call to covered active duty status;

**"Covered Service member" means**– a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;



- "**Next of Kin**" used with respect to an individual, means the nearest blood relative of that individual;
- "**Serious Injury or Illness**" means –in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in the line of duty or active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and the term 'veteran' has the meaning given the term in section 101 of Title 38, United States Code;

**"Qualifying Exigency"** means the following:

**Short-Notice Deployment:** To address any issue that arises from the fact that a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment; (ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a Covered Military Member is notified of an impending call or order to active duty in support of a contingency operation;

**Military Events and Related Activities:** (i) 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 of a Covered Military Member; and (ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a Covered Military Member;

**Childcare and school activities:** (i) To arrange for alternative childcare when the active duty or call to active duty status of a Covered Military Member necessitates a change in the existing childcare arrangement for a biological, adopted, or foster child, a stepchild, or a legal ward of a Covered Military Member, or a child for whom a Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence; (ii) To provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the active duty or call to active duty status of a Covered Military Member for a biological, adopted, or foster child, a stepchild, or a legal ward of a Covered Military Member, or a child for whom a Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence; (iii) To enroll in or transfer to a new school or day care facility a biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when enrollment or transfer is necessitated by the active duty or call to active duty status of a Covered Military Member; and (iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when such meetings are necessary due to circumstances arising from the active duty or call to active duty status of a Covered Military Member;

- **Financial and legal arrangements:** (i) To make or update financial or legal arrangements to address the Covered Military Member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and (ii) 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 active duty or call to active duty status, and for a period of 90 days following the termination of the Covered Military Member's active duty status;

**Counseling:** To attend counseling provided by someone other than a health care provider for yourself, for the Covered Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a Covered Military Member;

disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a Covered Military Member;

**Rest and recuperation.** (i) To spend time with a Covered Military Member who is on short-term, temporary, rest and recuperation leave during the period of deployment; (ii) Eligible employees may take up to five days of leave for each instance of rest and recuperation;

**Post-deployment activities:** (i) 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; and (ii) To address issues that arise from the death of a Covered Military Member while on active duty status, such as meeting and recovering the body of the Covered Military Member and making funeral arrangements;

**Additional activities:** To address other events which arise out of the Covered Military Member's active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

- **Notice of Leave.** If your need for FML is foreseeable (e.g. based on an expected birth, placement for adoption or foster care, or planned medical treatment for (1) you or your family member's serious health condition, or (2) a serious injury or illness of a covered service member), you must give Payne County 30 days' prior written notice. If 30 days' notice is not practicable, you must provide notice as soon as possible and practical taking into account all of the facts and circumstances of your situation. Failure to provide such notice may be grounds for delay of leave.
- **Medical Certification.** If you are requesting FML because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. When you request FML, Payne County will notify you of the requirement for medical certification and when it is due (15 days after you request leave). Failure to provide requested medical certification in a timely manner may jeopardize your leave or result in denial of leave until it is provided. The county, at its expense, may require an examination by a second health care provider designated by Payne County, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, Payne County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Payne County may require subsequent medical certification on a reasonable basis.

**Note: For coordination, see the specific certification requirements in the section on Military FML above.**

- **Reporting While on FML.** If you take FML, you must contact Payne County on the first and third Monday of each month regarding your status and your intention to return to work.
- **FML is Unpaid.** However, Payne County will require you to use your accumulated paid leave or compensatory time simultaneously in certain circumstances. You will be required to substitute accumulated and available paid vacation leave and/or compensatory time for any unpaid FML for the birth and care of an employee's child after birth, placement for adoption or foster care, or for the care of a seriously ill family member. Paid vacation, compensatory time and/or sick leave will be substituted as FML for the employee's own serious health condition. The required substitution of accumulated paid leave and/or compensatory time as described above will not apply if you are receiving workers' compensation benefits or if you are receiving payments under a short-term disability policy.

The substitution of paid leave time and/or compensatory time for unpaid leave time does not extend the 12-week leave period (or the 26 week leave period in the case of Military Caregiver Leave).

- **Workers' Compensation.** If you sustain an on-the-job injury that qualifies as a serious health condition under this policy, Payne County will run your FML concurrently with your workers' compensation leave. Payne County will provide timely notice as required by the Family and Medical Leave Act.
- **Medical and Other Benefits.** During an approved FML, Payne County will maintain your health benefits, as if you continued to be actively employed. If paid leave and/or compensatory time is substituted for unpaid family/medical leave, Payne County will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium to Payne County by the first day of each month. Your health care coverage will cease if your premium payment is more than 30 days late. If you elect not to return to work at the end of the leave period, you will be required to reimburse Payne County for the cost of the premiums paid by Payne County for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition, a serious injury or illness of a Covered Service member, or other circumstances beyond your control. If the FMLA absence lasts longer, or is estimated to last longer, than your period of FMLA leave entitlement, it may be necessary to fill the position with another employee.

**Intermittent and Reduced Schedule Leave.** Family Medical Leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, Payne County will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, Payne County may temporarily transfer you to an alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

- **Return from Leave.** If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. Employees failing to provide the certification will not be permitted to resume work until it is provided.

An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

### **LEAVE SHARING ACT**

An Employee may request Leave Share by submitting the Leave Share request form Share-1 to the Payne County Budget Board prior to leave. Upon approval of the Payne County Budget Board a county employee may donate annual or sick leave to another county employee only pursuant to the following conditions:

The Donating employee must retain at least a minimum of 40 hours of sick leave balance **before** they will be allowed to donate sick leave to another employee, and cannot fall below the 40 hours after donation to another employee.

The receiving employee is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition, and has been employed at least 90 days with the County;

The receiving employee has exhausted, or will exhaust, all annual leave, sick leave and compensatory time (if applicable).

The receiving employee has submitted to his/her Supervisor a medical certificate from a licensed physician or health care practitioner verifying the need for the leave and expected duration of the illness, injury, impairment, or physical or mental condition for which the leave is donated

The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment; and

The supervising official of the donating employee permits the leave to be shared with an eligible receiving employee

The maximum amount of shared leave an employee may receive during his/her employment with the county is two hundred sixty-one (261) days of shared leave. All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual or sick leave for purposes of the leave-sharing program.

Any donated leave not used by the recipient during each occurrence as determined by the Elected Official of the employee shall be returned to the donor. The donated leave remaining will be divided among the donors on a prorated basis based on the original donated value.

**Okla. Stat Ann tit 74 840-2.23**

## **EDUCATION LEAVE**

Full-time employees may be granted leave with pay for attendance at conferences, seminars, or short-courses of instruction designed to advance the technical or professional skills of the person attending. Such education or training leave must be authorized by the elected official prior to the leave being taken.

Meals can be reimbursed on a per diem basis up to the acceptable State rate by day, at the discretion of the elected official/department head. All meals must fall under the per diem amount set by the GSA for that area. The per diem rate varies by travel city, in and out of state. See: <http://www.gsa.gov> to find the approved rate for the county to which you are traveling. All food will be paid for by the county based on accepted per diem limits set by the Governmental Services Agency (GSA) for that county. The accounting for meals is by actual detailed meal ticket or receipt. The charge ticket is not adequate. The original receipt should be attached to the travel voucher. Meals with an overnight stay will be paid with the travel voucher. Meals without an overnight stay will be paid on the next paycheck. Travel time to and from the conference or training is not considered as comp time or overtime.

IRS regulations require that: meals are taxable income to the employee if you do not spend the night

## HOLIDAYS/ANNUAL LEAVE

Each year, the Payne County Commissioners and the Payne County Excise Board approves the official holidays for the ensuing year. No other holiday shall be granted.

*If an Elected Official, Department Head or Supervisor requires an employee to work on the day of a legal holiday as proclaimed annually by the Board of County Commissioners, the employee will be compensated for the holiday (as part of your salary) as well as the hours actually worked that day by the employee at the employee's regular rate. Provided, in the event, the employee would otherwise be entitled to overtime compensation for the hours actually worked on the legal holiday, the rate of pay for the hours worked will not be less than one and one-half times the employees regular rate of pay.*

When a holiday falls on a Saturday, it may be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday.

## ANNUAL LEAVE

All full time Payne County Employees shall be entitled to annual leave after **90 consecutive days of employment**. Annual leave is accrued on a monthly basis in accordance with the outline below:

| SERVICE YEARS                  | MONTHLY ACCRUAL | YEARLY TOTAL | MAXIMUM ACCUMULATION |
|--------------------------------|-----------------|--------------|----------------------|
| 1-4 years, 12 months           | 6.66 hours      | 80 hours     | 120 hours            |
| 5-9 years, 12 months           | 10 hours        | 120 hours    | 160 hours            |
| 10-14 years, 12 months or more | 12 hours        | 144 hours    | 192 hours            |
| 15 years or more               | 13.34 hours     | 160 hours    | 192 hours            |

Annual leave must be earned before it can be taken. Once an employee has reached the maximum accumulation, he/she shall not accumulate additional hours until the maximum accumulation is reduced. No annual leave will be longer than 10 consecutive working days without permission of the appropriate elected official/department head. Vacation leave will be accrued on a monthly basis and prorated, as appropriate for less than full-time service.

In the event a county employee is appointed to office or elected and there is no break in service, it is recommended that annual leave be taken as time off prior to being sworn into the elected or appointed office. A break in service as an employee of more than 30 calendar days shall mark an end to continuous service as an employee and will constitute starting over on annual leave accrual.

Employees who may have an alternate workweek schedule from the normal 8-hour day will be required to use annual leave to compensate for 8-hour holidays.

For example: Work schedule: 9 hours Monday through Thursday, 4 hours on Friday

Holiday: 8-hour holiday is on Monday

Vacation time used would be 1-hour

Work schedule: 10 hours Monday through Thursday, off on Friday

Holiday: 8-hour holiday is on Monday

Vacation time used would be 2-hours

Upon separation, an employee will be paid for the balance of accrued vacation leave and/or comp time up to the accumulation limit subject to circumstances of discharge (see – page 31).

## **EMPLOYEE CONDUCT**

### PERSONAL APPEARANCE AND DEMEANOR

Appearance – Employees are expected, at all times, to present a professional and business-like image for Payne County. Dress, grooming and personal cleanliness standards contribute to the morale of all employees. All dress should be in good taste and appropriate for your work activity environment. Some examples of dress that are considered unacceptable for office wear are torn clothing of any sort, flip-flops, graphically inappropriate tee-shirts, jogging suits, sweat suits, graphically inappropriate sweatshirts, shorts, leggings, mini-skirts or mini-dresses, tube tops, tank tops, halters, articles of clothing with advertising logos or messages, or any article of clothing made of net or see-through fabric. Skirts or skorts, must have hemlines no higher than 3 inches above the knee. Payne County supports the use of “casual day” in the various offices as determined by the elected officer or department head. Jeans are permitted at the discretion of the elected official. The casual clothing worn by employees on these days should be neat, clean, and presentable at all times.

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



Employees are also required to keep their work environments clean and orderly. Before departing in the evening, employees should lock all files and cabinets and clear all work materials from desk surfaces, especially materials of a sensitive or confidential nature.

Employees failing to adhere to proper standards with respect to appearance and demeanor are subject to disciplinary action up to and including dismissal from employment.

## **POLITICAL ACTIVITY**

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

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

## **USE OF COUNTY PROPERTY**

No County official or employee may use County property for his or her own personal use.

## **ABSENTEEISM/TARDINESS**

Absenteeism or tardiness that is unexcused or excessive in the judgment of the elected official/department head is grounds for disciplinary action, up to and including dismissal. Continued, unexplained absenteeism for a period of two working days will be considered voluntary termination and the vacant position will be filled. Punctuality is essential to the proper functioning of this organization. "Tardy" is defined as not being in the department at the scheduled time ready to begin work or leaving work before the scheduled ending time. Occurrence of tardiness will be documented and considered as grounds for discipline.

## **GUIDELINES FOR APPROPRIATE CONDUCT**

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

Whether you are on duty or off, your conduct reflects on Payne County. You are, consequently, encouraged to observe the highest standards of professionalism at all times. Each employee shall demonstrate professional behavior that supports team efforts and enhances team behavior, performance, and productivity.

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

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

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

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the elected officer/department head, based on violations either of the above or of other County policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal from employment.

## **TRANSFER OF EMPLOYMENT**

Employees transferring from outside the County that have established eligibility in OPERS will become eligible immediately for Payne County OPERS. However, tenure of service from previous employment will not be transferable and the employee is subject to the same annual leave and sick leave policy as a new employee.

## TRAVEL POLICY

Travel is occasionally necessary for training and the conduct of business of the county. The county employee is the ambassador for Payne County whenever they are on the road, and their actions should at all times reflect positively upon the county. The employee should also continue to be a good steward of county resources while they are on the road. It is with this responsibility in mind that the following policy and procedures are to be followed.

**Pre-Approval for Travel** All travel will be approved by and scheduled through the elected official/department head in charge of the office. No travel will be scheduled or reimbursed without the approval of the elected official/department head. In the event of the absence of the elected official/department head, tentative approval can be given by the first deputy for scheduling, but will need the final pre-approval of the elected official/department head for reimbursement.

**Mileage** Mileage may be claimed on all travel when a personal vehicle is driven excluding elected officials in county and travel to and from work. Mileage cannot be claimed when a county vehicle is driven. Mileage is the only item reimbursed, and will be reimbursed at the current IRS rate. In certain circumstances, it may be to the benefit of the county to rent a car for the trip. In those cases, the car rental will be paid by the county, and actual fuel purchases will be reimbursed. Mileage will not be paid. The preferred method of recording mileage for reimbursement is to use Google Maps, or the equivalent GPS based map program, and record the miles from your starting point to your destination and back using the actual route taken. If the trip has personal travel mixed in with business travel, subtract the personal miles from the total. If travel occurs over more than one day, record the mileage each day separately. Calculate the total miles by the current rate provided for in the State Travel Reimbursement Act for state officers and employees (19 O.S. §164; 74 O.S. §500.4).

**Lodging** It is preferred that lodging be arranged as early as possible to get the best rate at a hotel close to the event. The "Government Rate" should be requested, and no taxes should be paid if staying in Oklahoma. When traveling out of Oklahoma, request to have the various taxes waived. However, some states and Indian lands have no exceptions for hotel tax, in which case the taxes will be paid. All expenses must be encumbered in advance. Find a hotel in the area that is equal to or less than the accepted government rate. Gather information from the hotel desired for the trip, including the name and address of the hotel, local phone number, actual total cost for the room, the type of room, and the name of the person you are dealing with. The elected official/department head will make the reservation and submit a PO. Collect and record this information and have a purchase order created. Add \$100 to the purchase order ("PO") for incidentals. Give the particular room and hotel information to the purchasing agent along with the purchase order, and the purchasing agent will fax the PO to the hotel. The PO will be returned with the confirmation number. In the event that a room is not available for the government rate in the area, a room *may* be allowed at the best rate available at the discretion of the elected official/department head. If the circumstances do not merit this, then the elected official/department head can authorize reimbursement up to the GSA limit. The county will not pay for pay TV or movies. The county will not pay for drinks from the mini-bar. The county will pay for room service meals if they fall within the guidelines as set in the "Meals" section of this policy, but will not pay for any beer, wine, or alcohol. The county will pay for any garage fees as required, depending on the circumstances and location.

## Travel Policy Changes

As approved by the Payne County Budget Board on June 10<sup>th</sup>, 2019

**Meals**—Meals can be reimbursed up to the accepted GSA rate by day, at the discretion of the elected official/department head. The per-diem rate varies by travel city, in and out of state. See <http://www.gsa.gov> to find the approved rate for the county to which you are traveling. The accounting for meals is by actual detailed meal ticket or receipt. The charge ticket is not adequate. The original receipt should be attached to the travel voucher. Meals with an overnight stay will be paid with the travel voucher. Meals without an overnight stay will be paid on the next paycheck. Any alcoholic beverages will not be reimbursed.

## Travel Policy Changes

As approved by the Payne County Budget Board on June 10<sup>th</sup>, 2019

**Air Travel**—It shall be the responsibility and duty of each employee and elected official to seek the most cost-effective airfare with the intent of obtaining the lowest available fares. All air travel by employees and elected officials shall be purchased in the "Economy" or "Coach" section of the aircraft. At no time will "First Class" or "Business Class" airfare be purchased for the transportation needs of any employee or elected official. Should an employee or elected official opt for seating upgrades it shall be the responsibility of the employee or elected official to utilize their own funds for the upgrade. Upgrades will not be paid for with county funds for any reason. The only exception will be for the transportation of prisoner by transport deputies, with proper documentation.

## Travel Policy Changes

As approved by the Payne County Budget Board on June 10<sup>th</sup>, 2019

**Use of County-Issued Credit Card for Sheriff's Office**—The Sheriff's Office can use Credit Cards issued by the Commissioner's Office for travel outside the county as allowed by Oklahoma State Statute. Purchases made with such credit cards shall not be exempt from the provisions of this Travel Policy. (19 O.S. § 1506 through 1507; 19 O.S. § 161 through 166)

## Travel Policy Changes

As approved by the Payne County Budget Board on June 10<sup>th</sup>, 2019

**Other Expenses**- "Other Expenses" are those that are typical for travel, to include tolls, taxi fares, needed materials, etc. Personal items are not covered, like books, magazines, toiletries, snacks, and souvenirs. Larger expense items, like office equipment, copying and binding fees, or presentation aids should be encumbered with a P. O. prior to making the purchase. Repair of personal vehicles is not allowed. Repair of county owned vehicles is not allowed without prior approval of the elected official/department head.

## **CELL PHONE POLICY**

Employees may use County telephones and cell phones to make or receive occasional or infrequent personal telephone calls during a scheduled break or lunch hour, as long as such calls and telephone usage do not interfere with County business, or incur additional cost to the county. In the case of an emergency, employees may make or receive personal telephone calls during regular business hours.

Employees are prohibited from making long distance phone calls on County phones for personal or non-business matters. The elected county official for each office will periodically audit the usage of county phones to insure that these phones are not being used inappropriately. Violation of the policy will be grounds for discipline, up to and including discharge

## **TELEPHONE USE**

Employees may use County telephones to make or receive personal telephone calls during a scheduled break or lunch hour as long as calls or telephone usage does not interfere with County business. In the case of an emergency, employees may make or receive personal telephone calls during regular business hours. Employees are prohibited from making long distance phone calls on County phones for personal or non-business matters.

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

## **MONITORING AND PRIVACY**

Electronic communications through the Payne County's information systems are the property of Payne County to assist it in carrying out business. Payne County treats all electronic communications sent, received, or stored as business messages, including those for personal use. All users shall have no expectations of privacy with respect to any electronic message. While Payne County will not do this routinely, it reserves the right to monitor, access, review, copy, store, or delete any electronic communications, including personal messages, from the system for any purpose and to disclose them to others, as it deems appropriate.

## **DATA RETENTION POLICY**

Payne County will retain email messages and any backup of such email for six months. Other computer system backups will be stored for only one year, or longer if required by contract.

## **PROHIBITED ACTIVITY and USE OF GOOD JUDGMENT**

Use of electronic communications to engage in any communication or action that is threatening, discriminatory (based on language that can be viewed as harassing others based on race, creed, color, age, sex, physical handicap, sexual orientation, or otherwise), defamatory, slanderous, obscene or harassing is prohibited.

Electronic communications shall not disclose personnel information without authorization. The destruction or alteration of electronic communications with the intent to cause harm or injury to Payne County or an employee of Payne County is strictly prohibited.

Electronic communications shall not be used for any illegal purposes or violate the intellectual property rights of others. Employees shall not break into the computers or intercept the communications of other individuals.

Employees will use the same good judgment to prepare electronic communications, as they would use in preparing a hard copy of a memorandum. The content of electronic communications may have significant business and financial consequences for individuals of Payne County and may be inappropriately taken out of context. Because of the ease of sending these documents, extra care must be taken to ensure that they are not sent hastily. Please keep in mind that your messages may be read by someone other than the addressee. Accordingly, please ensure that your messages are courteous, professional, and business-like.

## **INTELLECTUAL PROPERTY and LICENSING**

The ease of copying through various electronic communications systems poses a serious risk of intellectual property infringement. Each user must be aware and respect the rights of others.

Software that may be marked as "free," "public domain," and "public use" may be free for personal use, but not corporate use. In downloading software from the Internet, use of this software can violate copyright or licensing requirements. Always obtain approval from your supervisor before using any publicly available software package.

Do not copy software licensed to Payne County unless you are authorized under the Payne County's license to do so.

Users may not install software that originally came from your home computer or elsewhere unless you can demonstrate from a written license that such use is permitted. Do not copy software owned by Payne County without appropriate permission. Do not remove intellectual property notices of others.

## **VIRUS PROTECTION**

Users may not knowingly create, execute, forward, or introduce any computer code designed to self-replicate, damage, or otherwise impede the performance of any computer's memory, storage, operating system, or software.

Software and other files may not be loaded on the Payne County's computers unless a virus check is performed using an approved virus-scanning program. It is a violation of this policy to disable any virus-checking facilities installed on any system or network.

## **DISCIPLINARY ACTION**

Management reserves the right to revoke any user's access privileges at any time for violations of this policy and conduct that disrupts the normal operation of the Payne County's information systems. Any conduct that adversely affects the ability of others to use the Payne County's systems and networks, or which can harm or offend others, will not be permitted. Violations to this policy can result in termination. Authority may be exercised without notice and management disclaims responsibility for loss or damage to data and software as a result.



## VEHICLE USAGE

The Oklahoma State Constitution places significant restrictions on the use of county-owned vehicles. In addition, the Federal Internal Revenue Service Code has significant provisions to determine whether the use of county owned vehicles (or any other "listed property" under the I.R.S. Code) will be considered as a taxable fringe benefit for individual employees. Payne County also has policies for the purpose of limiting liability of the County. Therefore, in order to comply with the legal requirements of the Oklahoma Constitution, in order not to have the use of county owned vehicles inappropriately classified as a taxable fringe benefit by the I.R.S., and in order not to expose the County to unwarranted liability, the following policies and procedures must be closely followed by all employees.

County owned vehicles may only be used for purposes which are solely for the benefit of the county. Employees who use county owned vehicles for purposes which are not specifically for the benefit of the county shall be subject to disciplinary action up to and including discharge.

Only County employees on official County business, and official guests of the County, may operate or be a passenger in county owned vehicles. County employees shall not allow family members or other non-authorized, non-employees to operate or be a passenger in County-owned vehicles.

Under certain circumstances, employees may be instructed by the appropriate elected official to drive a county owned vehicle to and from the employee's home to the employee's regular place of work. Although, such use may be proper under the Oklahoma State Constitution (under appropriate circumstances), such use may still be considered as a taxable fringe benefit by the I.R.S. Code.

Except for "**Qualified Non-Personal Use Vehicles**", all personal use of county owned vehicles is considered as a taxable fringe benefit by the I.R.S. Code. This includes normal commuting to and from the employee's regular place of work, even at the direction of the appropriate elected official. Under the I.R.S. Code, commuting is personal use even if the county requires the employee to take the vehicle home for a bona fide business reason such as being "on call.

**"Qualified Non-Personal Use Vehicles"** include the following (see U.S. Treasury Regulation 1.274-5T):

Clearly marked police and fire trucks driven by police and fire officers;

Unmarked vehicles used by law enforcement officers, if the use is officially recognized;

Ambulances or hearses;

Vehicles designed to carry cargo with a loaded gross weight over 14,000 pounds;

Delivery trucks with seating for the driver only;

School buses; tractors and other special purpose farm vehicles;

A pick-up truck with a loaded gross vehicles weight of less than 14,000 pounds if it has been specially modified so that it is not likely to be used more than minimally for personal reasons. Modifications must include being marked with permanently affixed decals, painting or other indications of county ownership and either (see IRS Revenue Ruling 86-97):

It is equipped with at least one of the following items:

Hydraulic lift gate;

Permanent tank or drums (filling up the bed size);

Permanent side boards or panels that materially raise the level of the sides of the truck bed;

Other heavy equipment (such as electric generator, welder, boom, or crane used to tow automobiles and other vehicles); OR It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation for which it was specifically designed or significantly modified.

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

The County will periodically audit the usage of county owned vehicles to insure that the valuation of the amount of the taxable fringe benefit is appropriate. Adjustments to the amount included on the employee's wages as a taxable fringe benefit will be made at least annually and on the Form W-2 at the end of the year.

Employees who repeatedly under-report the personal usage of a county-owned vehicle, or who knowingly use a county owned vehicle in excess of the reported usage, may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.

## **DRONE POLICY (U.A.S.)**

Operators/Pilots of Payne County owned Drones will only be used in official business. Examples include natural or man-made disasters, fires, search and rescue, training, county business, and public demonstrations. Operators/Pilots shall follow the latest Federal Aviation Administration rules and regulations. Operators/Pilots shall keep up to date with the latest Federal Aviation Administration rules and regulations at <https://www.faa.gov/uas>

Operators/pilots shall be employees of Payne County and as authorized by the elected official.

Operators/pilots shall not operate Payne County owned Drones without first having adequate training and knowledge of Federal Aviation Administration rules and regulations regarding Drones.

Payne County owned Drones shall not be utilized for commercial purpose.

Any public demonstrations shall be approved by the elected official.

Violations by an operator/pilot of the Federal Aviation Administrator or Payne County Drone Policy can result in disciplinary action to include termination by the elected official.

## **UNIFORMS/SAFETY EQUIPMENT/COUNTY PROPERTY**

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

Uniforms and safety equipment will be provided only to employees in a position where the written, formal job description for that position includes the issuance of county provided uniforms and/or safety equipment as part of the compensation package. If the issuance of county provided uniforms and/or safety equipment is not included in the written, formal job description as part of the compensation package, the employee will not be provided with uniforms and (except in emergency situations) will not be provided with safety equipment.

All clothing and uniforms provided by the county are a taxable fringe benefit except where all of the following conditions are present:

Clothing or uniforms must be specifically required as a condition of employment; and

Clothing or uniforms are not adaptable to general use as ordinary clothing; and

Clothing or uniforms are, in fact, not worn for general use

All safety equipment provided by the county (except in emergency situation) is a taxable fringe benefit except where the equipment is specifically determined to help an employee perform his/her job in a safer environment.

Clothing, uniforms and safety equipment provided by the county shall not be worn or used by employees except in the performance of their county duties and in direct travel to and from their place of employment. Further use of clothing, uniforms and safety equipment may constitute a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall subject an employee to disciplinary action up to and including discharge.

**All Payne County property must be returned to the Elected Official/Department head upon separation of employment. All employees must sign the form upon hire and acknowledge your responsibility to return all property. All final paychecks will be printed and distributed after the return of all property and exit interview with the County Clerk's office.**

## **SUBSTANCE ABUSE POLICY**

Payne County has an obligation to its employees and the public at large to reasonably ensure safety in our workplace, as well as safety and quality in the services we provide. Consequently, the following are strictly prohibited and will result in immediate disciplinary action, up to and including discharge:

An employee reporting to work under the influence of intoxicating liquor or illegal drugs; or

- An employee's use, possession, purchase or transfer on County premises or property (including storage in a desk, locker, car, etc.), or during work time of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized, or any other substances which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees; or
- The sale of an intoxicating liquor while on County premises or on County time; or
- The sale at any time of a controlled or illegal substance, a drug not medically authorized or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees; or

Failure to notify the County (through their immediate supervisor or the elected official) of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.

Where reasonable suspicion exists that an employee is in violation of this policy, the County has the right to search any property including desks, file cabinets, lockers, etc. including an employee's personal property brought onto County premises at any time with or without notice. An employee will be asked to sign a consent form authorizing the search. Refusal to sign the consent form will result in disciplinary action up to and including discharge.

As an alternative to, or in addition to disciplinary action, an employee violating this policy may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a Federal, state, or local law enforcement or other appropriate agency. The imposition of such disciplinary action or requirement to satisfactorily participate in a drug abuse assistance/rehabilitation program is premised solely upon a violation of this policy and does not require a criminal conviction.

## **PAYNE COUNTY**

### **DRUG AND ALCOHOL TESTING POLICY/SAFETY-SENSITIVE**

Payne County has adopted a Drug and Alcohol Testing Policy pursuant to Oklahoma and federal law, with which all County employees are expected to be familiar and to follow.

Payne County shall designate certain employee positions that meet the statutory requirements as "safety-sensitive", as that term is used in Paragraph 14 of the Drug and Alcohol Drug Testing Policy, by the following procedure:

Each Elected Official shall submit his/her request(s) to designate one or more positions as safety-sensitive positions within such Elected Official's department to the Board of County Commissioners. A "safety-sensitive" position means any job that includes tasks or duties that the Elected Official reasonably believes could affect the safety and health of the either the employee performing the job or others. The request(s) will include a brief description of the position, and an explanation of why the position should be designated as safety-sensitive. The Board of County Commissioners will initially review the request(s) and recommend to the Budget Board either approval or disapproval of the request(s). The request(s) will then be forwarded to the Budget Board for final approval. If the Budget Board finally approves the request(s), the position(s) will be designated as safety-sensitive. Each employee that works in a safety-sensitive position shall be notified in writing that his/her position has been designated as such. The written job description for any safety sensitive position shall state this fact. Any future new hires will be notified if the position they are applying for has been designated as a safety-sensitive position. The County Clerk shall keep on record a list of all positions that are designated as safety-sensitive.

(63 O.S. Section 427.8 "K")

# **SEXUAL HARASSMENT AND COMPLAINT PROCEDURE**

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

Harassment on the basis of sex, religion, race, color, age, national origin, physical or mental disability, or any other protected status is a form of employee misconduct which undermines the integrity of the employment relationship and which will not be tolerated at Payne County. It undermines morale and interferes with the productivity of its victims and their co-workers. All employees must be allowed to work in an environment free from such harassment. As part of this policy, employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sex discrimination and sexual harassment are against the law.

It is the policy of Payne County to abide by the federal and state laws which prohibit sexual harassment, intimidation or coercion. The supervisory and management personnel of this County are responsible for implementing this policy and their success in their jobs depends, in part, on its successful implementation

Sexual harassment of any employee or member of the County by any other employee or member of the County will not be tolerated. If investigation of a complaint of sexual harassment produces evidence that such harassment has occurred, appropriate disciplinary action will be taken.

The following are some examples of conduct which may be legally actionable sexual harassment

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

by any elected official, management official, employee, the public, client or by any other person in connection with his/her employment at Payne County should make a written or oral report of the matter to the immediate attention of their supervisor, or anyone in their supervisory chain of command, or any member of the Board of County Commissioners of Payne County, or a member of the District Attorney's office. Any questions about this policy or potential harassment should also be brought to the attention of the same persons. Normally, employees who make an oral report will be asked to document the report in writing or to approve and sign written documentation prepared by Payne County. Payne County will promptly investigate all allegations of harassment in as confidential a manner as possible under the circumstances and take appropriate corrective action if warranted. There will be no retaliation by Payne County or any of its officials or employees against any employee who makes a good faith report pursuant to this policy, even if it turns out after investigation that there has not been a violation of this policy.



## **FIREARMS/CONCEALED WEAPONS**

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

**Okla. Stat. Ann. tit. 21, § 1277(A) (1); Okla. Stat. Ann. tit. 21 § 1290.7(2)**

### **AMENDMENT**

#### **PAYNE COUNTY EMPLOYEE PERSONNEL POLICY HANDBOOK POLICY CHANGED May 14, 2018**

The following policy was approved by a majority vote of elected county officers at a regularly scheduled meeting of the Board of County Commissioners of Payne County on May 14, 2018. Amendment supersedes current policy on page 58 of the Payne County Employee Personnel Policy Handbook:

#### **Firearms/Concealed Weapons**

Payne County wishes to maintain a work environment that is free of unauthorized firearms, weapons, explosives, and other dangerous materials. To achieve this goal, the County prohibits (except by other specific authorization) the use of the following items on County premises: Dangerous chemicals and explosives. Other objects carried for the purpose of injuring or intimidating other people may be considered dangerous items. This prohibition includes all handguns even if the individual has a valid license to carry a handgun **unless the individual has** signed an information waiver and provided a photocopy of a valid Oklahoma Self-Defense **Act** Handgun License to Payne County. Employees shall provide a photocopy of a renewed Oklahoma Self-Defense Handgun License within thirty (30) days of renewal. Firearms may be present in an employee's unattended or attended private vehicle on County property only if the vehicle is locked at all times. Employees violating this policy will be subjected to disciplinary action, up to and including separation. If any employee observes any dangerous items in violation of this policy on County property, the employee is under duty to report such item to the appropriate elected official.

By signing below, I acknowledge that I have received a copy of the amendment to the Payne County Employee Personnel Handbook dated May 14, 2018.

\_\_\_\_\_  
Print Employee Name

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

**Payne County Information Waiver  
for Employee Carrying a Firearm.  
May 14, 2018**

This information waiver must be filled out and signed by county employee to be in compliance with county firearm policy.

Please initial beside each statement.

\_\_\_1. As a county employee, I acknowledge and understand the carrying or discharge of a firearm in compliance pursuant to the provisions of the Oklahoma Self Defense Act shall not be a part of the employee's job description.

\_\_\_2. As a county employee, I acknowledge and understand except for the act of self-defense, any employee that removes a weapon from a holster shall be considered for termination of employment; never any show and tell of a firearm on public property or in a county vehicle.

\_\_\_3. As a county employee, I acknowledge and understand that firearm safety is to be observed at all times.

\_\_\_4. As a county employee, I acknowledge and understand this policy may include times where conceal carry will be required at the discretion of a supervisor to contend with public or fellow employee discomfort to those visually carrying a weapon. **The objective is to be able to defend yourself, not to show off a firearm.**

\_\_\_5. As a county employee, I acknowledge and understand this policy does not allow a county employee to carry into the courthouse or any other buildings specifically prohibited by law.

\_\_\_6. As a county employee, I acknowledge and understand county employees violating this policy or the Self Defense Act shall be subject to termination.

\_\_\_7. As a county employee, I acknowledge and understand the county is not responsible for loss or damage of any employee's private property including a firearm or related articles.

\_\_\_8. As a county employee, I acknowledge and understand that an employee is completely responsible for loss or damage by the use of a firearm and fully is responsible for their own legal fees both civilly and criminally. The county shall not provide legal counsel for their self-defense actions.

\_\_\_9. As a county employee, I acknowledge and understand that handguns are to be carried holstered or stored in a tethered lock box designed for handgun storage when left unattended on public property (other than a private vehicle) or in a public vehicle at the expense of the employee.

\_\_\_10. As a county employee, I acknowledge and understand that damage as the result of a firearm shall not prevent an employer, employee, or any person who has suffered loss or damage resulting from the use of a firearm to seek redress for damages.

\_\_\_ 11. As a county employee, I acknowledge and understand that an employee shall be required to participate in any drills or what is expected of them until law enforcement arrives on the scene.

\_\_\_ 12. As a county employee, I acknowledge and understand that any changes in policy shall require notification by Payne County to each individual employee by written acknowledgement of any changes.

\_\_\_ 13. As a county employee, I acknowledge and understand that if an employee is involved in an act of self-defense while on county time on or in county property shall agree not to give a statement until they have been advised by an attorney. The employee is responsible for all attorney's fees and damages as a result of the act.

\_\_\_ 14. As a county employee, I acknowledge and understand that a county employee shall provide a copy of their current, valid handgun license and copy of each renewal license within 30 days of a renewed handgun license.

I have read each and understand fully the responsibility carrying of a handgun as an employee of Payne County and acknowledge by my printed name and signature below.

---

Print Name

---

Signature

## SMOKING AND TOBACCO POLICY

EPA has defined the hazards of tobacco use and smoke (including second-hand smoke) as a Class A carcinogen (EPA 380-40-1-7) and;

**In accordance with Oklahoma State Statute Title 63, Sec 1-1521**, The Smoking in Public Places Act, Payne County Courthouse, County Administration Building and Jail Detention Center falls within this purview of the law. Therefore, the PAYNE COUNTY COURTHOUSE, County Administration Building and the Jail Detention Center are declared to be **SMOKE AND TOBACCO USE FREE and in addition, no smoking will be allowed within twenty-five (25) ft. of the entrance or exit of the buildings.**

## INFORMATION SECURITIES POLICY

This document sets forth the policy of Payne County with regard to the use of, access to, review, and disclosure of various electronic communications, including those sent or received by County employees. This information systems policy applies to all individuals using the Payne County's computer and network systems, including employees, subcontractors, and consultants.

For the purposes of this document, "electronic communications" includes, but is not limited to, the sending, receipt, and use of information through the corporate electronic information network, the Internet, voice mail, facsimiles, teleconferencing, and all other on-line information services.

## **INFORMATION SYSTEMS ARE FOR BUSINESS PURPOSES**

Information systems offered by Payne County are provided to its users for the primary purpose of Payne County-related use.

Personal use is permissible on a limited basis. This limited personal use should not be during charged time and should not interfere with job performance. Personal messages may not be broadcast to groups of people or other employees except to appropriate forums (such as designated Usenet news groups). Permission for Payne County-wide broadcasting of personal messages must be obtained from your supervisor.

## **EMPLOYMENT SEPARATION**

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

Upon separation the employee must report to the County Clerk's Office for an exit interview and to make arrangements for the final paycheck. **All county property must be returned to the Elected Official/ Department head upon termination.**

### RESIGNATIONS

An employee wishing to leave employment with Payne County in good standing must file a written resignation with the elected official at least two (2) weeks prior to the effective date, stating reason(s) for the resignation.

### LAYOFF

An employee may be subject to a non-disciplinary, involuntary termination through layoff in connection with a shortage of funds, abolition of a position, or lack of need for the work performed by the employee or group of employees. The elected official should make every effort to give at least two (2) weeks' notice to the employee in these circumstances. In such case, the employee is entitled to accrued benefits.

### DISCHARGE

In order for Payne County to carry out its obligation and priorities in the most efficient manner possible, the County adheres to the principles of at-will employment whereby the County and employees alike can terminate the employment relationship at any time and for any reason not prohibited by Federal, State or Municipal Law. If an employee is separated for cause (misconduct, or for violations of County policy, or for continued misconduct after repeated warnings), the employee is not eligible to receive the value of their accrued and unused vacation leave.

## **EMPLOYEE DUTIES AND RESPONSIBILITIES UPON SEPARATION FROM SERVICE**

Following separation from service as an employee of Payne County, Oklahoma, I understand it is my responsibility to:

1. Within five (5) days following the effective date of my separation from service, return to the County Elected Officer of Payne County for whom I was employed all personal property of any kind or character issued to me for use as an employee of Payne County, Oklahoma, including but not limited to all uniforms, keys, key cards, cellular telephones, vehicles, and safety, or other equipment.
  
2. Report to the Payne County Clerk's office for an exit interview and to make arrangements for my final paycheck.

I understand that if I do not comply with Paragraph 1 above, I will subject myself to possible legal action for the return of such personal property or for the monetary value of such personal property.

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

---

Employee's Name \_\_\_\_\_

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

(Printed or Typed)

Date \_\_\_\_\_

# **AMERICAN WITH DISABILITIES GRIEVANCE PROCEDURES**

This grievance procedure is established to meet requirements of the American with Disabilities Act and the Americans with Disabilities Amendments Act of 2008. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies of the provision of services, activities, programs, or benefits by Payne County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number or complainant and location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but not later than 60 calendar days after the alleged violations to:

**District Attorney or District Attorney Designee**  
**606 S. Husband, Room 111**  
**Stillwater, OK 74074**  
**405-372-4883**

Within 15 calendar days after receipt of the complaint the A.D.A. Coordinator, will meet with complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting the A.D.A. Coordinator will respond in writing, and where appropriate, in the format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Payne County and offer options for substantive resolution of the complaint.

If the response by the A.D.A. Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the A.D.A. Coordinator within 15 calendar days after receipt of the response to the Board of the County Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the Board of County Commissioners of Payne County or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Board of County Commissioners of Payne County or their designee will respond in writing, and where appropriate, in format accessible to the complainant, with final resolution of the complaint.

All written complaints received by the A.D.A. Coordinator, appeals to the Board of County Commissioners or their designee and responses from the A.D.A. Coordinator and Board of County Commissioners or their designee will be kept by Payne County for at least 3 years.





PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE

**READ CAREFULLY BEFORE SIGNING BELOW**

**EMPLOYEE PERSONNEL POLICY HANDBOOK  
ACKNOWLEDGEMENT FORM**

This is to acknowledge that I have received a copy of the Employee Personnel Policy Handbook adopted by Payne County and understand that it outlines my privileges and obligations as an employee with Payne County.

I further understand that I am governed by the contents of the Employee Personnel Policy Handbook and that it is my responsibility to familiarize myself with all information in the handbook.

Since the information, policies and benefits described in this handbook are subject to change, I understand and agree that such changes can be made by the County at its sole and absolute discretion, and I agree to observe these changes in all respects.

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

I further understand that this handbook represents the sole policy of the county and replaces and supersedes any and all other oral or written personnel policies or procedures.

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

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

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

\_\_\_\_\_  
Date

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

**READ CAREFULLY BEFORE SIGNING BELOW**

**COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT**

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

I further understand that overtime for eligible employees pursuant to the Fair Labor Standards Act 29 U.S.C. Section 207 (0)(2) shall be paid as compensatory time off in lieu of cash overtime payment under the guidelines of the Fair Labor Standards Act outlined in the County's Employee Personnel Policy Handbook.

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

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

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

\_\_\_\_\_  
Date

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

**READ CAREFULLY BEFORE SIGNING BELOW**

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

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

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

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

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

The Cents Per Mile Rule \_\_\_\_\_

The Commuting Rule \_\_\_\_\_

The Annual Lease Value Rule \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Witness Date

**READ CAREFULLY BEFORE SIGNING BELOW**

**EMPLOYEE DUTIES AND RESPONSIBILITIES  
UPON SEPARATION FROM SERVICE**

Following separation from service as an employee of Payne County, Oklahoma, I understand it is my responsibility to:

1. Within five (5) days following the effective date of my separation from service, return to the County Elected Officer of Payne County for whom I was employed all personal property of any kind or character issued to me for use as an employee of Payne County, Oklahoma, **including but not limited to all uniforms, keys, key cards, cellular telephones, vehicles, and safety, or other equipment.**

2. Report to the Payne County Clerk's office for an exit interview and to make arrangements for my final paycheck.

I understand that if I do not comply with Paragraph 1 above, I will subject myself to possible legal action for the return of such personal property or for the monetary value of such personal property.

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

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

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

Date \_\_\_\_\_

**LEAVE SHARING ACT  
REQUEST FOR AUTHORIZATION**

**Employee Portion**

I, \_\_\_\_\_, Employee of \_\_\_\_\_

Hereby request Leave Share due to the following:

- o 1. To care for my family member (includes spouse, child or parent) with a severe or extraordinary health<sup>1</sup> condition
- o 2. My own severe or extraordinary health condition
- o 3. Death of Relative (5 days maximum received)
- o 4. Suffered from a Presidential declared disaster

2. If 1, please specify your relationship to the family member: \_\_\_\_\_

3. If 1, please state name and address of family member: \_\_\_\_\_

4. Date on which you wish to commence leave: \_\_\_\_\_

5. Date of Anticipated return to work: \_\_\_\_\_

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

**Approval by Supervisor**

I, \_\_\_\_\_, duly elected \_\_\_\_\_ of Payne County hereby requests approval of Leave Sharing for \_\_\_\_\_.

Said employee has:

- 1) 90 days or more of continuous service to Payne County and
- 2) has submitted a certificate from a licensed physician or health care practitioner verifying the need for leave and expected duration.

I hereby declare this employee:

- Has exhausted, or will exhaust, all annual leave, sick leave and compensatory time due to illness or injury which is of an extraordinary or severe nature;
- The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment;

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Elected Official

The Payne County Budget Board hereby \_\_\_\_\_ approves  
\_\_\_\_\_ denies

The request for Leave Share this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

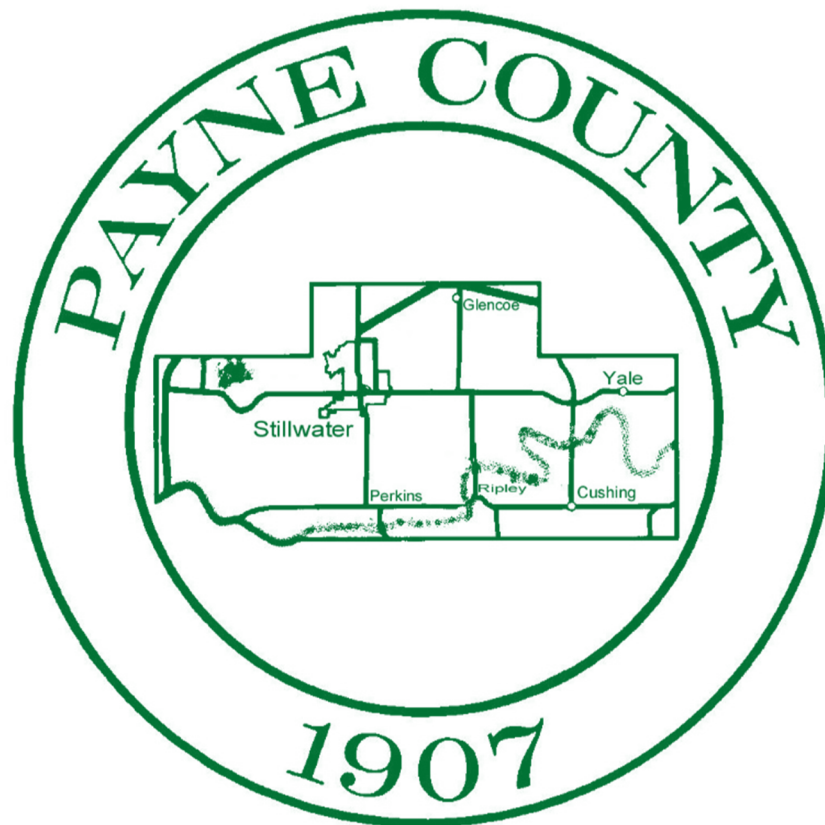
<sup>1</sup> 'Severe' or "Extraordinary" means serious, extreme or life threatening  
Personnel/policy/form: Share-1, June 2003 Copy to County Clerk

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# PAYNE COUNTY

## DRUG AND ALCOHOL TESTING POLICY

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**December 2019**

These policies are also available online at  
[countyclerk.paynecounty.org](http://countyclerk.paynecounty.org)

## **PAYNE COUNTY DRUG AND ALCOHOL TESTING POLICY**

To enforce the policy against drugs and alcohol in the workplace and the policy against employees reporting to work under the influence of illegal or abused drugs or alcohol, Payne County will/may require an individual to undergo a test for drugs and/or alcohol under the following circumstances.

It is the County's intention to comply fully with the Oklahoma Statute on drug and alcohol testing, and the regulations of the U.S. Department of Transportation (49 CFR, Parts 40 and 382). In the event the State laws, State regulations or the DOT regulations are changed, this policy will be amended to reflect those changes and to remain consistent with State laws and regulations and DOT regulations. In such event, the County will notify all employees of these changes.

Paragraphs "1" through "17" below apply to all employees of Payne County except those covered by federal law or regulation through the Department of Transportation because they drive Commercial Motor Vehicles (CMV) requiring a Commercial Driver's License (CDL).

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) is required by and conducted pursuant to federal law or regulation through the Department of Transportation. This testing is exempt from the provisions of paragraphs "1" through "17" below and is covered by paragraphs "18" through "32" below.

### **OKLAHOMA MARIJUANA USE, POSSESSION OR IMPAIRMENT POLICY FOR NON-CDL/CMV EMPLOYEES**

Payne County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from using or possessing marijuana while on County's premises or during the hours of an employee's employment. This prohibition against marijuana use or possession applies to any of Payne County's properties or work sites, including exterior areas, parking locations, personal vehicles or Payne County vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third party locations or premises where an employee is performing work or providing services. If an employee's hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.

Payne County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from being under the influence or impaired by



marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact your supervisor or the Elected Official.

## **TESTING POLICY FOR NON-CDL/CMV EMPLOYEES**

### **1. Individuals Subject to Drug or Alcohol Testing**

All employees, applicants who have received a conditional offer of employment, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to drug or alcohol testing and the provisions of this Policy.

2. **Applicant Testing:** Applicants who have received a conditional offer of employment will be required to submit to drug and/or alcohol testing. A positive test or a refusal to undergo testing may result in a refusal to hire.

3. **For-Cause Testing:** Any time the County reasonably believes an individual is under the influence of drugs or alcohol, the County may require a drug or alcohol test. Circumstances causing the County to require testing of an individual may include, but are not limited to:

- A. Drugs or alcohol on or about the individual's person or an individual's vicinity;
- B. Conduct on the individual'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;
- D. Information that an individual has tampered with drug or alcohol testing at any time;
- E. Negative performance patterns; or
- F. Excessive or unexplained absenteeism or tardiness.

4. **Post-Accident Testing:** If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the

employee may be required to undergo drug and or alcohol testing. If the County conducts a post-accident test, the County will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.

5. **Random Testing:** The County may require the following individuals to undergo drug or alcohol testing at random and may limit its random testing to particular employment classifications or groups:
  - A. Are police or peace officers;
  - B. Have drug interdiction responsibilities;
  - C. Are authorized to carry firearms;
  - D. Are engaged in activities which directly affect the safety of others;
  - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
  - F. 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.
  
6. **Scheduled Periodic Testing:** The County may require the following individuals to undergo scheduled, periodic drug or alcohol testing scheduled routinely as part of the County's written policy:
  - A. Are police or peace officers;
  - B. Have drug interdiction responsibilities;
  - C. Are authorized to carry firearms;
  - D. Are engaged in activities which directly affect the safety of others;
  - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
  - F. 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.

7. **Post-Rehabilitation Testing:** In those instances in which the County offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of dismissal or following a positive test that did not result in dismissal, the employee may be required to undergo drug or alcohol testing for a period of up to two years commencing with the employee's return to work.
8. **Transfer/Reassignment:** If an employee transfers to a new position or job, or if an employee is reassigned to a different position or job.
9. **Fitness for Duty or Return From Leave:** As part of a routinely scheduled fitness for duty examination or as required by the County in connection with an employee's return to duty from a leave of absence as part of the County's written policies.
10. **Positive Marijuana Test Results and Medical Marijuana Licenses:** Employees and applicants who test positive for marijuana or its components under this Policy will be required to establish they hold a valid Oklahoma medical marijuana license.

11. **Substances Which May Be Tested**

Under this Policy, the County shall test for drugs, including marijuana, and alcohol.

12. **Testing Methods and Collection Procedures**

- A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer;
- B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;
- C. The collection of samples shall be performed under reasonable and sanitary conditions;
- D. 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 of the main specimen;
- E. 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;

- F. Sample collection shall be documented, and the documentation procedures shall include:
  - 1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
  - 2. 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;
- G. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;
- H. 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 40 O.S. § 562 of this act;
- I. 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; and
- J. The County will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

### 13. Records

Records of all drug and alcohol test results and related information are the property of the County. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. Testing records may be provided to County employees, agents or representatives who need access to such records in

the administration of the Standards for Workplace Drug and Alcohol Testing Act. The County may share drug and alcohol test results and related information regarding employees of independent contractor or subcontractors with the respective independent contractor or subcontractor, as provided by the County's contractual agreement.

The employee grants permission to the County to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related legal actions. Additionally, testing records are admissible as evidence in a case or proceeding before a court of record or administrative agency if either the County or the individual tested are named parties in the case or proceeding. Further, testing records shall be released in order to comply with a valid judicial or administrative order.

The testing facility, or any agent, representative or designee of the facility, or any review officer, will not disclose to the County, based on the analysis of a sample collected from an individual under this Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual. The testing facility will release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual testing upon request.

**14. Consequences for Violating the Testing Policy**

- A. Refusal to be Tested: Any individual who refuses to submit to the County's request for drug and/or alcohol testing or refuses to complete the required forms will be subject to termination from employment, or will not be eligible for employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.**
- B. Adulteration, Tampering or Manipulation of Samples: The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment, as the case may be.**
- C. Personnel Action Which May Be Taken as a Result of Policy Violation or a Positive Test Result:**

- 1. Any individual who violates this Policy regarding consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol or the abuse of prescription or over-the-counter drugs will be**

subject to disciplinary action, including but not limited to termination.

2. Any employee who tests positive will be subject to discipline up to and including termination. However, the County may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who refuses such an opportunity or who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.
3. Employees and applicants who test positive for marijuana or its components may be subject to disciplinary action up to and including termination under the County's Marijuana Use Possession or Impairment Policy.
4. For employees and applicants with a valid Oklahoma medical marijuana license and who are not in safety-sensitive positions, no employment action will be based solely upon a positive test for marijuana components or metabolites.
5. Safety-sensitive positions: Any applicants who apply for positions designated by County as safety-sensitive are not eligible for hiring if they test positive for marijuana components or metabolites. Any employees who hold positions designated by County as safety-sensitive are subject to discipline up to and including termination if they test positive for marijuana components or metabolites. These safety-sensitive prohibitions apply to applicants and employees who have valid Oklahoma medical marijuana licenses.

15. Confidential Explanation by Individual

Any individual who receives a positive drug test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the County.

**16. Appeal Procedures**

Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the subsequent confirmation test, unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the County will reimburse the individual for the cost of the subsequent confirmation test.

An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.

**17. Changes to this Policy**

Any part of this Policy can be changed by the County with ten (10) days written notice.

## **CDL/CMV EMPLOYEES**

- 18. EMPLOYEES SUBJECT TO TESTING.** All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substance and alcohol testing. This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations found in 49 CFR Parts 40 and 382 (attached). If there are any conflicts or omissions between this policy and the federal regulations, the federal regulations shall control.
- A. Testing of Applicants or Transfers:** All applicants for employment with Payne County and all current employees who are requesting transfer to a position covered by this paragraph "18" shall be subject to this policy. This includes applicants for, or requests for transfer to, full-time or part-time employment and applicants for regular or temporary employment.
- B.** All employees covered by this paragraph "18" shall be subject under this policy to the following listed testing. This includes full-time or part-time employees and regular or temporary employees.
- i. Post-Accident Testing
  - ii. Random Testing
  - iii. Reasonable Suspicion Testing
  - iv. Return-To-Duty Testing
  - v. Scheduled, Periodic Testing
  - vi. Follow-Up Testing
- 19. TESTING OF APPLICANTS OR TRANSFERS.** Prior to the first time that a driver performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. This testing shall be in accordance with 49 CFR §382.301. The employee shall not be allowed to perform any safety-sensitive functions unless the County has received:
- a. a controlled substances test result indicating a verified negative test result for that driver;
  - b. an alcohol test result indicating an alcohol concentration of less than 0.04; and
  - c. an authorization and release signed by the employee for each employer during the previous three years authorizing the County to obtain the information required by 49 CFR §391.23.

Under very limited circumstances, a driver may be exempted from this requirement if the driver meets the requirements of 49 CFR §382.301(b).



20. **POST-ACCIDENT TESTING.** As soon as practical following an occurrence involving a CMV operating on a public road, the driver shall be tested for alcohol and controlled substances if any of the following circumstances apply:
- a. the occurrence involved the loss of human life;
  - b. the driver employed by the County receives a citation under State or local law for a moving traffic violation arising from the occurrence and either:
    - i. the occurrence involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the occurrence; or
    - ii. one or more motor vehicles incurred disabling damage as a result of the occurrence, requiring the motor vehicle to be transported away from the scene by tow truck or other motor vehicle.

This testing shall be in accordance with 49 CFR §382.303.

21. **RANDOM TESTING.** The County shall randomly select a sufficient number of drivers for testing 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 Administrator of the Federal Motor Carrier Safety Administration. Each driver selected for random testing shall have an equal chance of being tested each time selections are made. This means that some drivers may be tested more than once during a year while other drivers are not tested. This testing shall be in accordance with 49 CFR §382.305.
22. **REASONABLE SUSPICION TESTING.** If Payne County has reasonable suspicion that a driver has violated DOT Regulations in regards to alcohol or controlled substances, the County shall require a driver to submit to an alcohol and/or controlled substance test. In the case of alcohol, the testing will occur only if the reasonable suspicion arises during, just preceding, or just after the period of the work day that the driver is required to be in compliance with DOT Regulations. This testing shall be in accordance with 49 CFR §382.307.
23. **RETURN-TO-DUTY TESTING.** If a driver has violated DOT Regulations in regard to alcohol and controlled substances, the County has the sole discretion as to whether to return the driver to a safety sensitive function. However, if the appropriate authority determines that the driver has

successfully completed a prescribed education and/or treatment program, and if the County decides to return the driver to a safety sensitive function, the driver shall be required to submit to an alcohol and/or controlled substance test. The driver must have a negative controlled substance test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming safety sensitive functions. This testing shall be in accordance with 49 CFR §382.309 and 40 CFR §§40.305, 40.307 and 40.311.

24. **SCHEDULED PERIODIC TESTING.** Payne County may request or require a driver to undergo drug or alcohol testing when scheduled routinely for all driver's subject to scheduled, periodic tests. A refusal to take the test or a confirmed positive test may result in discipline up to and including termination of employment. This testing shall be in accordance with 49 CFR §382.111.
  
25. **FOLLOW-UP TESTING.** If Payne County decides to return a driver to safety-sensitive functions under paragraph "23" above, the driver will be subject to follow-up testing. Such testing shall be in accordance with the plan established by a Substance Abuse Professional but shall not be less than six unannounced follow-up tests in the first 12 months of safety sensitive duty following the driver's return to safety sensitive functions. Such testing shall be in accordance with 49 CFR §382.311 and 40 CFR Subpart O, §§40.281-313.
  
26. **DEFINITIONS.** For the purposes of this policy, the definitions found in 49 CFR §382.107 shall apply and are incorporated herein. The following definitions are repeated for convenience only:
  - A. **ALCOHOL.** Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
  
  - B. **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.
  
  - C. **ALCOHOL USE.** Means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.
  
  - D. **CONFIRMATION (or CONFIRMATORY) DRUG TEST.** Means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
  
  - E. **CONTROLLED SUBSTANCES.** Means only the following six drugs or classes of drugs:

- i. marijuana metabolites;
- ii. cocaine metabolites;
- iii. amphetamines;
- iv. opiate metabolites;
- v. phencyclidine (PCP).
- vi. Opioids, including hydrocodone, hydromorphone, oxymorphone and oxycodone;

**f. DISABLING DAMAGE.** Means damage which precludes departure of a motor vehicle from the scene of an occurrence in its usual manner in daylight after simple repairs.

- i. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven
- ii. Excludes:
  - (1) damage which can be remedied temporarily at the scene of the occurrence without special tools or parts;
  - (2) tire disablement without other damage even if no spare tire is available;
  - (3) headlight or taillight damage;
  - (4) damage to turn signals, horn, or windshield wipers which makes them inoperative.

**g. 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 function.

**h. REFUSE TO SUBMIT (to an alcohol or controlled substance test).** Means that a driver:

- i. fails to appear for any test (except a pre-employment test) within a reasonable time after being directed to do so;
- ii. fails to remain at the testing site until the testing process is complete;
- iii. fails to provide a urine specimen for any required drug test;

- iv. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
  - v. fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - vi. fails or declines to take a second test the driver has been directed to take;
  - vii. fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer or by the Designated Employer Representative;
  - viii. fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
  - ix. is reported by the Medical Review Officer as having a verified adulterated or substituted test result.
- i. **SAFETY SENSITIVE FUNCTION.** Shall include:
- i. 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;
  - ii. All time inspecting equipment as required by 49 CFR, Subchapter B, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  - iii. All time spent at the driving controls of a commercial motor vehicle in operation;
  - iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (as defined in 49 CFR, Subchapter B);
  - v. 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

- vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- j. **STAND DOWN.** Means the practice of temporarily removing an employee from the performance of safety sensitive functions based only on a report of a laboratory to the Medical Review Officer of a confirmed positive drug test or drug metabolite, an adulterated test, or a substituted test, before the Medical Review Officer has completed verification of the test results.
- k. **PROHIBITED CONDUCT.** Means that no driver shall:
  - i. report for duty or remain on duty requiring the performance of safety sensitive functions with an alcohol concentration of 0.04 or greater;
  - ii. use alcohol while performing safety sensitive functions;
  - iii. perform a safety sensitive function within 4 hours after using alcohol;
  - iv. if required to take a post-accident alcohol test (under paragraph “P” above), use alcohol for 8 hours following the occurrence, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
  - v. refuse to submit to any required alcohol or controlled substances test;
  - vi. report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 40 CFR, Subchapter B, who has advised the driver that the substance will not adversely affect the driver’s ability to safely operate a CMV. (Any driver using any therapeutic drug pursuant to the instructions of a licensed medical practitioner must inform his/her supervisor of such use prior to performing any safety sensitive functions.);

viii. report for duty, remain on duty, or perform any safety sensitive function if the driver has tested positive or has adulterated or substituted a test specimen for controlled substances.

27. **TEST PROCEDURES.** All regulations and procedures used to test for controlled substances and alcohol in order to protect the integrity of the testing process, safeguard the test validity, and insure results are attributed to the correct driver are found in 49 CFR §§40 and 382. They are incorporated into this policy by reference herein and copies are attached hereto.

28. **CONSEQUENCES OF VIOLATIONS OF THIS POLICY.** Drivers who violate this policy or who commit any of the prohibited conduct in paragraph “26(k)” above will experience the following consequences in accordance with Federal Regulations:

- l. Immediate removal from any and all safety sensitive functions;
- m. Will not be able to again perform safety sensitive functions for any employer until he/she has completed the evaluation, referral and education/training set forth in 49 CFR, Part 40, Subpart O;
- n. In addition, will not be able to again perform safety sensitive functions for any employer until he/she has successfully completed a Return-To-Duty Test as described in paragraph “21” above;
- o. Shall be subject to civil and/or criminal penalties as recommended by the Secretary of Transportation under the provisions of 49 U.S.C. §521(b).

Also, any driver tested for alcohol under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall immediately be removed from any safety sensitive functions and shall not be allowed to resume safety sensitive functions until the start of the driver’s next regularly scheduled duty period, or 24 hours from the administration of the test, whichever is longer.

29. **DISCIPLINARY ACTION.** In addition to the consequences in paragraph “28” above, and under authority separate from the Federal Regulations, drivers who violate this policy or who commit any of the prohibited conduct in paragraph “26(k)” above;

- p. will immediately be placed on unpaid, disciplinary suspension for any period when they are not eligible to perform safety sensitive functions. Such disciplinary action will not be imposed based solely

on a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, until the Medical Review Officer has verified the test results; and

- q. if the violation is based upon a positive test result, and if the positive test result is confirmed by a second test and the results are verified by the Medical Review Officer, will be subject to discipline up to and including discharge.
- r. If the violation is based on some action other than a positive test result (e.g. refusing to submit to a test, using alcohol within 4 hours prior to performing safety sensitive functions), will be subject to discipline up to and including discharge.

**30. EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCE USE.** Attached is information concerning:

- a. the effects of alcohol and controlled substance use on an individual's health, work, and personal life;
- b. symptoms of an alcohol or a controlled substance problem (either the driver or a co-worker); and
- c. available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

**31. APPEALS.** As in all cases of job-related problems, concerns or questions regarding the County's drug and alcohol policy should be referred initially to the employee's supervisor and, if necessary, to the elected official. Within Payne County, The Elected Officials have been designated to answer questions about this policy or any of the attached materials.

**32. TREATMENT PROGRAM FOR RETURN TO DUTIES.**

For an employee who drives a CMV requiring a CDL, the employee will be permitted to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, prior to the employee returning to safety sensitive duties, the employee shall undergo:

- a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02; and/or
- a return to duty-controlled substance test with a verified negative test result for controlled substances use.

**All employees undergoing an educational or treatment program will be subject to follow-up testing in accordance with Paragraph “25” above.**



**ACKNOWLEDGMENT OF RECEIPT OF  
PAYNE COUNTY'S DRUG AND ALCOHOL TESTING POLICY**

( Not for use with applicants and employees covered by DOT Regulations.)

This is to certify that I have received a copy of the Payne County Drug and Alcohol Testing Policy and understand that paragraphs 1 through 16 apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Payne County or as a condition of my continued employment with Payne County.

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Employee Name

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Date Signed:

---

Witness Name

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Date Signed:

# **ACKNOWLEDGMENT OF RECEIPT OF PAYNE COUNTY'S DRUG AND ALCOHOL TESTING POLICY**

**(Only for use with applicants and employees covered by DOT Regulations.)**

This is to certify that I have received a copy of:

1. the Payne County Drug and Alcohol Testing Policy; and
  
2. The Federal Motor Carrier Safety Regulations Pocketbook, which contains the complete text of 49 CFR Parts 40, 382, 383, 387, 390-397, and 399.
  
3. A Driver Handbook entitled *Drug & Alcohol Testing: Training and Awareness* which contains significant information about:
  - a. 49 CFR Part 40;
  
  - b. 49 CFR Part 382; and
  
  - c. material on the effects of alcohol and controlled substance use.

I understand that paragraphs 18 through 32 of the Payne County Drug and Alcohol Testing Policy apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Payne County or as a condition of my continued employment with Payne County.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date Signed:

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Date Signed:

**PAYNE COUNTY, OKLAHOMA  
DRUG AND ALCOHOL TESTING CONSENT FORM**

**(Not for use with applicants and employees covered by DOT regulations.)**

I, \_\_\_\_\_ on this date \_\_\_\_\_

\_\_\_\_\_ DO consent to provide a sample specimen for drug and/or alcohol testing.

(Initial)

\_\_\_\_\_ DO NOT consent to provide a sample specimen for drug and/or alcohol testing.

(Initial)

I acknowledge that the testing personnel will determine which test to use (i.e. urine, blood, breath, etc.)

I am currently using the following medication (indicate "none" if applicable):

| Type of drug/brand name/dosage | Last taken | Prescribing physician or over-the-counter |
|--------------------------------|------------|---|
|--------------------------------|------------|---|

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I have been in contact with or exposed to the following substance which may have an effect on a drug and/or alcohol test (indicate "none" if applicable):

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I understand that my refusal to provide a sample specimen will result in the rejection of my application for employment or grounds for disciplinary action up to and including termination from my current employment with Payne County. I further understand that a confirmed positive test without satisfactory explanation will be grounds for the rejection of my application for employment and will be grounds for disciplinary action up to and including termination from my current employment with Payne County.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

(For Use with DOT New-Hires)

EMPLOYEE AUTHORIZATION AND RELEASE

PAYNE COUNTY, OKLAHOMA  
\_\_\_\_\_  
\_\_\_\_\_, Oklahoma, \_\_\_\_\_  
Designated County Representative \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Driver's Name: \_\_\_\_\_  
I hereby authorize and request:  
Prior Employer: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
to release any and all information pertaining to my employment records as required by 49 CFR §391.23 to the above named Oklahoma county. You are released from any and all liability which may result from releasing such information.  
Signed: \_\_\_\_\_ SSN: \_\_\_\_\_  
Witnessed By: \_\_\_\_\_ Date: \_\_\_\_\_

1. §391.(d)(1). Please provide dates that the above applicant worked for you. Employment dates from: \_\_\_\_\_ to: \_\_\_\_\_

| 3. | §391.23(e)(1). Did the driver violate any section of 49 CFR Subpart B?                                  | Yes | No |
|----|---|-----|----|
|    | §382.201 Alcohol concentration above .04.   |     |    |
|    | §382.205 Alcohol use on duty.   |     |    |
|    | §382.207 Alcohol use within 4 hours before coming on duty.  |     |    |
|    | §382.209 Alcohol use prior to 8 hours after an accident.  |     |    |
|    | §382.211 Refusing to submit to testing (Post accident, Random, Reasonable Suspicion, or Follow Up test) |     |    |
|    | §382.213 Controlled substances use on duty.   |     |    |
|    | §382.215 Tested positive for controlled substances.   |     |    |

| 4. | §391.23(e)(2). If you answered "yes" to any of the above items, did the employee complete the return-to-duty process?<br>49 CFR §382.605/Part 40 Subpart O | Yes | No |
|----|--|-----|----|
|    |  |     |    |

|    |  |    |
|----|--|----|
| 5. | §391.23(e)(3). After completing return-to-duty process, 49 CFR §382.605/Part 40 Subpart O, did the driver: |    |
|    | Yes  | No |
| 1. | Test above .04 for alcohol   |    |
| 2. | Receive a verified positive controlled substances result   |    |
| 3. | Refuse to be tested  |    |

Previous employer: If you answered "yes" to any item in section 3, you must also transmit a copy / copies of the appropriate documentation (e.g., CCFs, MRO results reports, BATFs, SAP reports, follow-up testing record) to the new employer. (49 CFR Section 40.25)

Per 49 CFR §391.23(g): After October 29, 2004 previous employers must respond to the above request within 30 days after the request is received.

Type of equipment driven:

|                          |                |                          |                      |                          |     |
|--------------------------|----------------|--------------------------|----------------------|--------------------------|-----|
| <input type="checkbox"/> | Straight truck | <input type="checkbox"/> | Tractor semi-trailer | <input type="checkbox"/> | Bus |
|--------------------------|----------------|--------------------------|----------------------|--------------------------|-----|

|                          |              |                          |     |                          |         |                          |              |
|--------------------------|--------------|--------------------------|-----|--------------------------|---------|--------------------------|--------------|
| <input type="checkbox"/> | TRAILER USED | <input type="checkbox"/> | Van | <input type="checkbox"/> | Flatbed | <input type="checkbox"/> | Refrigerated |
| <input type="checkbox"/> | Cargo Tank   | <input type="checkbox"/> |     | <input type="checkbox"/> | Triples | <input type="checkbox"/> | Doubles      |

Was the applicant safe and efficient?  Yes  No  
 Remarks:

Reason for leaving your employment:  Discharged  Laid off  Resigned  Other:

|                    |           |
|--------------------|-----------|
| Mailed On:         | Faxed On: |
| Signature:         | Date:     |
| Title or position: |           |

|                       |                     |
|-----------------------|---------------------|
| Received by mail on:  | Received by fax on: |
| Received by phone on: | Person talked to:   |

(For Use with DOT New-Hires)

PAYNE COUNTY RECORD OF INVESTIGATION

|                                 |
|---------------------------------|
| Payne County                    |
| Address: _____ Phone: _____     |
| City: _____ Oklahoma, ZIP _____ |
| Fax: _____                      |

Prior employer check in accordance with 49 CFR 391.23 Good Faith Effort

1. Call the prior employer and record who was contacted. Fax the required release. Go to step 2.
2. Call the prior employer and record who was contacted. Ask if they received the fax.  
If they say YES the fax was received, ask for the information that is required.
3. If the prior employer refuses to release the information, record the refusal below and file with the driver's original authorization for release of information.

|                            |        |
|----------------------------|--------|
| PRIOR EMPLOYER             |        |
| Address:                   | Phone: |
| City, State, Zip:          | Fax:   |
| Dates of employment: From: | To:    |

|              |                         |
|--------------|-------------------------|
| DRIVER NAME: | Social Security Number: |
|              |                         |

|                  |                   |                                    |
|------------------|-------------------|------------------------------------|
| Date of contact: | By Telephone/Fax? | Name of contact at prior employer. |
|                  |                   |                                    |
| 1. NOTES         |                   |                                    |
|                  |                   |                                    |
|                  |                   |                                    |

|                  |                   |                                    |
|------------------|-------------------|------------------------------------|
| Date of contact: | By Telephone/Fax? | Name of contact at prior employer. |
|                  |                   |                                    |
| 2. NOTES         |                   |                                    |
|                  |                   |                                    |
|                  |                   |                                    |

|                  |                   |                                    |
|------------------|-------------------|------------------------------------|
| Date of contact: | By Telephone/Fax? | Name of contact at prior employer. |
|                  |                   |                                    |
| 3. NOTES         |                   |                                    |
|                  |                   |                                    |
|                  |                   |                                    |

| Date of contact: | By Telephone/Fax? | Name of contact at prior employer. |
|------------------|-------------------|------------------------------------|
|                  |                   |                                    |
| 3. NOTES         |                   |                                    |
|                  |                   |                                    |
|                  |                   |                                    |

|               |
|---------------|
| Conducted By: |
|---------------|