

PERSONNEL POLICIES AND PROCEDURES MANUAL

TOWN OF LUTHER, OKLAHOMA

PREFACE:

This manual is intended to provide information about employment policies for employees of the Town of Luther. A copy will be provided to each employee. It is the responsibility of each employee to become familiar with the material contained in the manual.

You are employed "at will," which means you are free to resign at any time, for whatever reason, just as the Town of Luther is free to end your employment at any time, and for any reason, with or without prior notice. Nothing in the Personnel Policies and Procedures is intended to create a contract binding you or the Town of Luther to an agreement of employment for a specific period of time.

The purpose of this manual is to establish policies which will serve as a guide to administrative action concerning various personnel activities and transactions. They may be changed, modified, rescinded or suspended, from time to time, with or without notice. These rules and regulations do not constitute enforceable rights by Town employees, do not create a property interest, and do not constitute a substantive modification or restriction of the Town's right or ability to terminate or discipline any employee for the good of the services. This manual supersedes all previous publications pertaining to personnel policies.

Employees of the police department are subject to these policies and those of the police department's procedure manual. To the extent there is a conflict between the Town of Luther Employment Manual and the police department's procedure manual, the police department's manual shall control.

Adopted by the Town of Luther on this 11 th day of July, 2017.

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SECTION 100. GENERAL EMPLOYMENT POLICIES

101. Employment Policy: The goal of the Town of Luther is to attract and retain the best qualified personnel available for positions in the classified service of the Town of Luther. To achieve this goal, the Town of Luther is committed to matching the talents and experience of each particular applicant with each specific job opening, without regard to race, color, religion, sex, age, national origin, disability or sexual orientation and to give full consideration to qualified disabled individuals and veterans.

It is the express policy of the Town of Luther to continue efforts to assure that no discrimination exists in our employment practices and that an atmosphere free from harassment is maintained.

101.01. Masculine Pronoun: Any reference to the masculine pronoun shall have both masculine and feminine application.

101.02. Authority of Town Board of Trustees to amend policies and procedures: The Town Board of Trustees has the sole responsibility for granting waivers or amendments to any personnel policy or procedure. Copies of such policies or procedures shall be available to all Town employees.

101.03. Changes to Departmental Work Rules: Any new department work rule or regulation shall be furnished to the affected employees with a copy going through the Town Clerk to the Mayor.

101.04. Applicability of Policies: The provisions in this Manual shall apply to all personnel except the Town Board of Trustees, Clerk-Treasurer, Municipal Judge, Town Attorney and members of boards and commissions, volunteers and other personnel who serve without pay. Consultants, and counsel rendering temporary professional service.

102. EQUAL OPPORTUNITY EMPLOYMENT POLICY:

102.01. Discrimination Prohibited: No employee of the Town or person seeking employment with the Town shall be appointed, promoted, demoted, removed, or in any way discriminated against because of race, color, sex, age, physical or mental handicap, political or religious opinion or affiliation, national origin or ancestry, marital or veteran status, or because of membership or lack

of membership in any employee or labor organization. No person in a supervisory position responsible for personnel decisions, correction of work, assignment of employees, or other activities involving supervision of employees shall discriminate against any employee or prospective employee because of race, color, sex, age, physical or mental disability, political or religious opinion or affiliation, national origin or ancestry, marital or veteran status or because of membership or lack of membership in any employee or labor organization. Any supervisor who discriminates against an employee or prospective employee shall be subject to disciplinary action, in accordance with these regulations. Application of this non-discrimination policy shall include recruiting, hiring, layoff, discipline and discharge, promotion, demotion, transfer: compensation, training, and other terms, conditions or privileges of employment.

102.02. Applications Open: Applications for employment shall be open to all persons regardless of race, color, sex, age, sexual orientation, national origin or ancestry, political or religious affiliation, or physical and/or mental handicap.

102.03. Responsibility of Supervisor: It shall be the responsibility of each supervisor and/or Department Head to ensure that there is no discrimination against employees under his direction and control and to report any possible acts of discrimination through the Town Clerk to the Mayor. It shall also be his responsibility to ensure that there is no retaliation or coercion against anyone lawfully exercising his rights under the policy. For further information, see Professional Conduct / Anti Harassment Policy (919).

103. EMPLOYMENT STATUS: All employees shall be designated as being fulltime or part-time. However, any designation does not provide an employee with any continuing status other than that which meets the needs of service.

103.01. Full-Time Employees shall include those employees on a regularly established work schedule for an indefinite period of time. Full-time employment will generally be a 40-hour per week schedule for all personnel.

103.02. Part-time Employees shall be those employed for a temporary time period, or who work anything less than 40 hours per week.

SECTION 200. RECRUITMENT, APPLICATIONS, EXAMINATIONS, PROMOTIONS, AND APPOINTMENT:

201. ELIGIBILITY FOR HIRE: Any person will be eligible for hire or promotion in the Town service who:

201.01* Meets the minimum requirements established for the position for which they have applied as established in the job announcement or job description.

201.02. Is physically able to perform the required duties with or without reasonable accommodation and is not a direct threat to the health or safety of himself, fellow employees or the public.

201.03. Is not presently using alcohol or illegal drugs as demonstrated by a pre-employment drug test.

201.04. Has not been convicted of or pled guilty to a felony or to a misdemeanor which would, in the opinion of the Town, indicate unfitness for Town employment, When determining unfitness, the Town will look at the recency of the crime and the amount of time that has since transpired, the age of the applicant when convicted, the type of work to be performed and type of crime. No candidate who has been convicted of or pled guilty to a misdemeanor (other than a traffic or minor offense) or to any felony will be eligible to take examinations for employment in the Police Department. The Town will review the facts surrounding those applying for positions in the Fire Department with prior misdemeanors but will exclude those with prior felonies.

201.05. Does not have a record of previous unsatisfactory service in Town employment or elsewhere, of such a nature to demonstrate unsuitability for employment in the position for which applied. Even if the record cannot be shown to be unsatisfactory, cannot offer suitable employment references and names to demonstrate current suitability.

201.06. Is not related by affinity or consanguinity within the third degree to any governing body member or to himself or, in the case of a plural authority, to any one of its members to any office or position of profit in the Town. However, the provisions of this section shall not prohibit an officer or employee already in the service of the Town from continuing in such service or from promotion therein. A person may hold more than one office or position in the Town as the governing body may ordain. A member of the governing body shall not receive compensation for service in any municipal office or position other than his elected office. Title 1 1 O.S. S 8-106*

201.07. Has not been discharged from the Town of Luther.

201.08. If a prior elected / appointed Town official, will not be eligible for hire until three months after his term expired or effective resignation date.

202. FILLING VACANCIES or NEW POSITIONS: When a vacancy exists, the Department Head or supervisor shall notify the Town Clerk and the Mayor of the vacancy, which shall be filled by the Town Board of Trustees. All employment decisions made by the Board will be made solely on the basis of talents and experience. In order to be actively considered for

a position, a person must meet the minimum qualifications of the position as contained in the job description or job posting.

202.01 Job Posting: The Town Clerk shall send a description of the vacancy and its requirements to all departments. Each department will post this notice at an appropriate place for at least three (3) regularly scheduled working days.

202.02 Advertisement: At the direction of the Town Board of Trustees, the Town Clerk shall advertise for applications in appropriate publications where necessary to attract qualified candidates. If the position can be filled by appointment from within the Town service, no outside advertisement need be made. However, if the Mayor determines that there are not sufficient applicants for consideration, he may recommend outside advertisement. The phrase "from within the Town service" shall include part time and full time employees.

202.03. Applications: All applicants for Town employment shall be filled on forms provided by the Town Clerk. Any supplemental questionnaire, examination or requirements for the position shall be indicated in the job posting and/or required of all applicants as part of the application process. Current employees must submit statements bringing their current application up-to-date in order to make application for promotional examinations. Applications shall be accepted only if a vacancy exists. Applicants must reapply for each and every vacancy.

202.04. No Town Preference: Town employees applying for vacancies shall undergo the same type of examination as prescribed for outside applicants.

203. DISQUALIFICATION OF APPLICANT: Applicants may be disqualified for consideration for positions for any of the following reasons:

203.01 Failure to meet minimum qualifications.

203.02 Fraud, misrepresentation, concealment, or dishonesty on the part of an applicant on the application form or during the examination process.

203.03 Unsatisfactory employment or personal record as determined by reference checks or failure to have satisfactory employment record.

203.04 Failure to follow instructions, or providing insufficient information on the application forms.

203.05. Failure to reply to an inquiry within the specified time period.

203.06. Conviction of felonies and / or misdemeanors.

- 203.07. Posing a direct threat to the health, safety or welfare of oneself, fellow workers, or the public.
- 203.08. Not able to meet the minimum qualifications of the job.
- 203.09. If related by affinity or consanguinity within the third degree to any governing body member or to himself or} in the case of a plural authority to any one of its members to any office or position of profit in the Town.

SECTION 300. PROBATIONARY PERIODS

301 *OBJECTIVE: The probationary period is considered an integral part of the selection process for employment and shall be utilized for Closely observing the employee's work, for securing the most effective adjustment of a new or promoted employee to his position, and for rejecting any employee whose performance does not meet the required work standards, The supervisor shall periodically evaluate the probationer during this time to determine the employee's progress and provide coaching and feedback during the probationary period of the employee's performance.

302. DURATION: The normal probationary period of full-time employees in their initial hire is three months. The probationary period shall begin immediately upon appointment. If at the end of this period the Department Head or supervisor still has questions regarding the employee's ability to perform the job as required in the job description, he may request an extension of the initial probationary period for a time not to exceed three (3) additional months. Extension of the probationary period shall be subject to approval by the Board of Trustees. At anytime during the initial 3 month probationary period a Supervisor or Department Head may recommend to the Board of Trustees a request to terminate employment for the probationer.

303. NO PROPERTY RIGHT: Completion of the probationary period does not confer on any employee any status other than employment at will. Any employee, whether probationary or not, may be laid off, suspended, demoted, or removed by the Board of Trustees at any time for any reason.

SECTION 400. PAY PROVISIONS

401. PAYROLL:

401.01. Time Sheets: Time sheets shall be maintained by the Department Head or Supervisor on a standardized form. Individuals must sign the time sheet bearing their name, hours worked or other appropriate time codes, in order to receive their paychecks. All employees are responsible for reporting their time as actually utilized. In the event leave time has been taken, which includes any time away from work for any reason, during a pay period, a Leave report or Compensation time report must

accompany the time sheet, signed by the employee and the appropriate Supervisor or Department Head. These time sheets shall be forwarded by the Department Head to the Town Clerk by the time and date determined by the Board of Trustees. Individual Department Heads shall utilize the necessary means to maintain precise records of time worked and any absences. Employees wishing to check on time accruals or who have other questions concerning their time and attendance should see their Supervisor. The employee and/or his Supervisor may subsequently contact the Town Clerk for further information, clarification, or adjustment.

401.02. Pay Periods: Employees shall except in special circumstances such as temporary professional services, be remunerated at an hourly rate. Eighty hours constitute a pay period. A pay period consists of two calendar weeks from Monday morning to Sunday midnight. Pay increases or decreases become effective only on the first day of the pay period unless otherwise approved by the Board of Trustees.

401.03. Pay Day: The Town's normal pay day shall be the Friday following the last day of the pay period unless it is a holiday. If the normal pay day is a holiday, the prior work day shall be considered as the normal pay day. Time sheets and overtime sheets shall be turned in no later than 10:00 A.M. on Monday prior to the pay day and should include documentation for any leave, sick, compensation time.

402. OTHER PAY PROVISIONS:

Payroll Deductions: The Town makes a number of payroll deductions for Town employees. Deductions for Federal Social Security, Medicare, Federal and State income Taxes are mandatory in amounts specified by law or ordinance. In addition, the Town may at the employee's request deduct for health insurance, annuities, and other insurance payments recognized and authorized by the Town. For questions concerning any Town benefit or payroll deduction, contact the Town Clerk.

403. SEPARATION PAY:

403.01. After consultation with the Department Head or Supervisor and after he has checked his records* the Town Clerk shall determine the amount of accrued leave pay to be included in the final check of the employee, which will be due and payable on the next regular pay day following the employee's separation provided all Town issued equipment and property has been returned.

403.02. In the event an employee is dismissed from Town employment, his separation pay will be due and payable on the next regularly scheduled pay day.

403.03. Employees leaving the Town employment shall be paid for accumulated vacation leave and compensatory time off accrued. Employees will not be paid for any accrued sick leave.

403.04. In order to terminate employment in good standing, full time regular employees are required to give at least ten (10) working days or two weeks notice. Part-time employees should provide at least five (5) working days notice prior to the effective date of resignation*.

403.05. Failure to give proper notice, by the employee of his resignation to the supervisor may result in the Town placing a "no rehire" in the employee's file for failure to provide proper notice.

403.06. An employee leaving the Town service, whether through resignation, layoff, or dismissal, is responsible for returning any Town property which he may have in his possession. Employee agrees by signing these policies that if town property is not returned after termination of employment within 48 hours that the town can offset the cost of property with employee's final paycheck.

SECTION 500. OVERTIME, COMPENSATORY TIME

501 OVERTIME AND COMPENSATORY TIME:

501.01. A minimum of Eight (8) hours shall generally constitute a day's work.

501.02. The standard work week shall be forty (40) hours, with the exception of police officers. Police officers' standard work period shall be up to 171 hours during a 28 day period pursuant to 29 U.S.C. S 207(k). Any work week other than the standard work week must be approved by the Board of Trustees before becoming effective.

501.03. The normal work day for non-police shall begin at 8:00 a.m. and end at 5:00 p.m. with one hour for lunch. Police officers' normal work day shall be governed by the Operations Manual for the Luther Police Department. However, Department Heads, with prior approval of the Board of Trustees, may establish special hours for their department, for specified units, or for individual employees, as may be necessary to provide adequate service. In the interest of equity and uniformity} however, such special hours shall conform to the following provisions:

03.01 The standard hours that are established for full-time non-police employees shall total forty (40) hours in an established seven day period.

03.02 Lunch periods may be established as one-half (1/2) or one (1) hour, but not otherwise. All employees, including police officers, shall generally be permitted to engage in personal activities during their scheduled lunch period. Employees who are required to work during their lunch period shall attempt to make up the time during another part of their shift and if not able than shall be paid for the time they are required to work.

03.03 Lunch time, if established shall be deducted from the work day in establishing the total hours worked.

03.04 BREAK / REST PERIODS: All employees may be allowed a fifteen minute rest break during the morning and during the afternoon work periods at the discretion of the Department Head. The Department Head shall have the authority to determine the timing of each break in accordance with the work load and production requirements. Employees, who are working inside their departmental facilities or on the grounds thereof, may take their rest break in the break facility provided therein. Employees who are away from their departmental facility shall take their rest break on the site of the work itself at a time designated by their Supervisor. Under no circumstance shall employees who are away from their departmental facility or grounds, return to their department for the purpose of taking the rest break. Department Heads and/or Supervisors in determining when the rest break shall occur in the field will take into account the job being performed, the weather conditions, safety of employees, length of the project, and the effect of an interruption in production.

Except for field activities and projects performed under emergency conditions for extended periods of time, the Town shall not furnish materials, equipment, or refreshments for break purposes when rest breaks are taken in the field.

The fifteen (15) minute rest break period shall be strictly enforced* Should a rest break not be taken during a particular period, it shall not be carried forward or accrued to another work period rest break. Rest breaks are not to be used as a basis for leaving work early, for reporting to work late, or for addition to a lunch period or used in conjunction with another rest break. Rest breaks are not to be accumulated and used as a basis for extra compensation or time off. Rest breaks are considered to be mutually beneficial under the Fair Labor Standards Act which does not require that employees be given rest periods. Under FLSA, rest periods are counted as hours worked and cannot be excluded from hours worked as meal periods.

During the rest break, Town employees shall not travel to a public facility or restaurant, nor shall they travel to another department facility break room, unless they are working in or on the grounds of that particular department

facility. Use of a Town vehicle for purposes of travel to or from a rest break shall be considered an unauthorized use of Town equipment provided however that this particular restriction shall not apply to police officers.

501.04. The Department Head or Mayor shall approve all overtime prior to the time it is worked or as otherwise allowed. The Board of Trustees shall determine and specify those positions which shall be exempt and non-exempt from overtime in compliance with the Fair Labor Standards Act ("FLSA"). In determining the positions which are to be exempt, the Board of Trustees shall comply with the FLSA and include those which have qualified supervisory, administrative, or professional duties.

501.05. Exempt positions shall not be entitled to earn overtime nor compensatory time. Classifications not specifically determined to be exempt classifications by the FLSA shall be considered non-exempt. Non-exempt positions are eligible for overtime or the accrual of, or credit for compensatory time at the rate of one and one-half (1 1/2) times the regular hourly rate.

501.06. A non-exempt person who is required to work overtime will be sent home during the same work week, whenever possible, to avoid accrual of compensatory time off upon working 40 hours in the standard work week, or in the case of police officers, upon working 171 hours in the 28 day period, If for the needs of service, he is not able to be released in the same work period, compensatory time off will be provided in accordance to FLSA requirements as addressed here:

05.01 Overtime shall mean all time worked in excess of forty (40) hours during the standard work week; or in the case of police officers, hours worked in excess of 171 in the 28 day work period. Authorized hours for vacation, illness/disability, or other similar cause, when no work is performed, cannot be credited as hours worked to entitle one for FLSA overtime and comp time. For purpose of Town overtime, holiday pay shall not be counted as hours worked. Compensatory time shall be recorded and allowed for the employees' time off at time and one-half (1 1/2) for each eligible overtime hour. Regular rate of pay shall be as required by the FLSA and specifically shall include regular wages, any on call pay, or any other incentive pay, etc.

05.02 Compensatory time may be used in lieu of leave-without-pay (LWOP) for excused absences, or as any other scheduled and approved vacation leave. It may not be used for absences without authorized leave, or to offset suspensions-without pay. Employees have the right to request use of compensatory time and the Town will grant its use within a reasonable period following the request so long as the request does not unduly disrupt the Town's operations. Requests for compensatory time off shall be made in the same manner as requests for annual leave.

05.03 Compensatory time off shall accrue up to 240 hours. Compensatory time off shall be used in its entirety before the end of each calendar year. Employees will be encouraged to use their compensatory time voluntarily during the calendar year it was earned, but, if necessary, employees will be required by the Town Board to use their accumulated leave before the end of the calendar year or before the employee accrues 240 hours of compensatory time. If the use of compensatory time is unduly disruptive and the employee has accrued 240 hours of compensatory time, overtime hours in excess of 240 hours will be paid to the employee at the rate of 1 h of his regular pay at the time of the payment until such time as his accrual drops below 240 hours.

05.04 Payment Upon Separation - Employees separating from employment with the Town will be paid for their compensatory time balances at 1 h their regular rate at the time of separation, subject to all withholding and other deductions applicable to final pay based on their final pay or as governed by FLSA.

SECTION 600. LEAVE PROVISIONS

601. LEAVE POLICY:

601.01. By definition, leave is any authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay. Absence without permission is considered to be unauthorized absence.

601.02. Expenditures and accruals of leave for each employee must be reported each pay period on Leave Request forms provided by the Town Clerk.

602. TYPES OF LEAVE: The types of leave established are:

602.01. Holiday (603)

602.02. Annual Leave (604-605)

602.03. Sick Leave (608-611)

602.04. Medical/Maternity Leave (612)

602.05. Leave of Absence without Pay (613-614)

602.06. On the Job Injuries and Injury Leave (615)

602.07. Military Leave (616)

602.08. Court or Jury Leave (617)

602.09. Funeral Leave (618)

602.10. Compensatory Leave (619)

602.11. Official Representation (620)

603. HOLIDAYS: The following holidays are observed by the Town and shall be granted to full time employees with pay.

- (1) New Year's Day (January 1)
- (2) Martin Luther King Day (Third Monday in January)
- (3) President's Day (Third Monday in February)
- (4) Memorial Day (the last Monday in May)
- (5) Independence Day (July 4)
- (6) Labor Day (the first Monday in September)
- (7) Veteran's (Armistice) Day (November 11)
- (8) Thanksgiving Day and the day after
- (9) Christmas Day (December 25)

603.01. Holiday on a Mandatory Work Day: Employees who are required to work on a holiday shall be granted the Holiday at a later date (803.01) or be paid for the time worked in accordance with the rules governing hours of work and overtime.

603.02. Holidays: The time off for a holiday worked must be used in the same year as the holiday occurred. Holidays cannot be carried from year to year without approval from Board of Trustees. If carry over approval is given, the Holiday must be taken by January 31 of the following year.

603.03. Holiday on Weekends: When a holiday falls on Saturday, it shall be observed on the preceding -Friday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

603.04. Holiday on Scheduled Day Off: Whenever a holiday falls on an employee's scheduled day off, an additional day off shall be granted.

603.05. Holiday during Paid Leave: A holiday falling within a period of paid leave shall not be counted as a work day in computing the amount of leave expended. However, when an employee is absent on a holiday on which he is scheduled to work, time shall be deducted from his sick leave or vacation leave or be charged to leave without pay and may be subject to disciplinary action.

603.06. Holiday during Unpaid Leave: When a holiday falls within a period of leave without pay or immediately preceding or immediately after such leave, the employee shall receive no pay for the holiday.

603.07. Appointment or Separation on Holiday: The appointment or separation of a regular employee shall not be effective on a holiday except when the employee is required to work that holiday.

603.08. Election Day: Employees are urged to vote. Regular employees may be granted the necessary time off to vote, in accordance with State Law.

604. GRANTING AND USING ANNUAL LEAVE: Annual Leave with pay shall be granted to full-time employees in accordance with the following provisions:

604.01. An employee must not be a probationary employee and have been employed by the Town continuously for six (6) months before being eligible to use his annual leave.

604.02. All employees employed more than twelve (12) months who have earned annual leave are encouraged to take a minimum of five (5) consecutive days of annual leave each year. Careful consideration shall be given to the desires and needs of the employees in granting shorter periods of leave. The Board of Trustees reserves the right to schedule vacation for all employees.

604.03. All annual leave hours in excess of the allowed 120 carryover hours shall be forfeited as of the first day of the month of the employee's date of hire 1 anniversary date. However: a Department Head with prior approval of the Board of Trustees may defer an employee's annual leave because of work requirements for up to 30 days.

604.04. The amount of annual leave to be used shall be computed based on the exact number of days or hours an employee is normally scheduled to work during the period leave is to be taken,

604.05. In the event an observed Holiday falls within an annual leave period, the Holiday shall not be charged as an annual leave day.

604.06. Annual leave shall not exceed the total amount credited to an employee at the time of the proposed departure.

604.07. Annual leave shall not be converted from sick leave.

604.08. Employees shall not be permitted to use either accrued annual leave or accrued compensatory time during a period of suspens

604.09. The Town Clerk shall maintain all leave records.

605. ACCRUAL OF ANNUAL LEAVE: Annual leave shall be accrued by each full-time employee according to the scale below:

	.8333 per month	10 days per year	80 hours
	1250 per month	15 days per year	120 hours
10+ yrs.	1.666 per month	20 days per year	160 hours

606. EFFECT OF SEPARATION ON ANNUAL LEAVE ACCRUALS:

606.01. Upon separation, in good standing, an employee shall be paid for the unused portion of his accrued leave provided he has completed six (6) continuous consecutive months of employment with the Town.

607. SICK LEAVE: Sick leave may be granted to an employee when he is unable to perform his duties due to personal illness, injury, pregnancy, or for each medical, optical, or dental appointment.

607.01. Dependent Sick: Full time employees may be granted dependant sick leave, but the leave will be counted against the employees earned annual leave time. This applies to care for a member of the employee's family who either resides with the employee or who is dependent on the employee to handle any contagious or critical illness or disease.

Unless it is impossible to do so, employees shall notify their supervisor within two (2) hours of the beginning of their work schedule of their intention to use sick leave. Any such sick leave granted for each medical, optical, or dental appointment shall not exceed the actual time necessary for the examination or treatment and reasonable travel time. Any other request not fitting the above criteria should be taken as annual leave.

608 GRANTING SICK LEAVE: Sick leave without loss of pay shall be granted to employees in accordance with the following provisions:

608.01. Sick leave used shall not exceed the total amount accrued by the employee at the time of his absence.

608.02. Leave without pay may be granted for sickness extending beyond the amount of leave at the Town's discretion. While in an unpaid status employees will be responsible for their portion of premiums while on approved leave. Situations where the employee takes leave without pay that would otherwise be considered sick leave are subject to disciplinary action up to and including termination.

608.03. After six months of service, accrued annual leave may be used for sick leave when accrued sick leave has been exhausted.

609. ACCRUAL OF SICK LEAVE: Sick leave shall be accrued for full-time employees as follows:

609.01. One full working day shall be accrued for each full calendar month of service.

609.02. An individual shall not accrue sick leave while on injury leave sick leave, leave without pay or any absence that exceeds 2 pay periods.

610. USING/ DEDUCTING SICK LEAVE:

610.01. The amount of sick leave used shall be computed based on the exact number of days or hours an employee is scheduled to work during the period leave is taken.

610.02. Holidays and other non-scheduled work days shall not be included in computing sick leave expenditures.

610.03. An employee scheduled to work a holiday who becomes sick shall be paid sick leave instead of holiday pay.

610.04. Because an employee may be subject to a waiting period before receiving benefits under the workers' compensation statute, an injured employee may use sick or accrued paid time off leave if he has it available for an on-the-job injury during the waiting period.

611. QUALIFYING FOR AND REPORTING OF SICK LEAVE: Reporting and investigating sick leave concerns together with other miscellaneous factors shall be handled as follows:

611.01. Reporting of Sickness/injury/Disability: Employees who are absent from duty for reasons which entitles them to sick leave shall notify their Supervisor within two (2) hours of the beginning of his work schedule unless impossible to do so. If impossible to notify within (2) hours of the beginning of his work schedule, then as soon as practical.

611.02. Medical Certificates: In the event of an absence of more than two (2) consecutive working days for illness or if the Supervisor/Department Head has reason to believe an employee is misusing paid sick leave, a statement from a physician may be required testifying to the fact that the employee

or family member has been under medical care during the absence from work and that the employee is now able to return to work. Absent such verification, the employee may not be provided paid sick leave for the time absent or may not be allowed to return to work.

611.03. False or Fraudulent Use of Sick Leave: False or fraudulent use of such sick leave shall be cause for disciplinary action against the offending employee up to and including termination.

611.04. Absences for a fraction or part of a day that are chargeable to sick leave in accordance with these provisions shall be charged proportionally in amounts equal to time used.

612. LEAVE OF ABSENCE WITHOUT PAY: The Board of Trustees may grant a leave of absence without pay for a specified period of time in appropriate circumstances. Examples of appropriate circumstances are:

612.01. For Education/Training: Leave without pay may be granted to full-time employees desiring to further their education or pursue a course of study.

612.02. For Marriage/Adoption/Paternity Leave: If an employee has no accrued vacation he may be granted a leave of absence without pay for the purpose of his own marriage, that of a member of his immediate family, or when he is a member of the wedding party,

613. PROVISIONS GOVERNING A LEAVE OF ABSENCE WITHOUT PAY UNDER 613: A leave of absence without pay shall be subject to the following provisions:

- a Leave of absence without pay shall be granted only when it is in the interest of the Town to do so. Any leave of absence without pay must be approved by the Board of Trustees.
- b At the expiration of a leave of absence without pay, the employee shall be reinstated in the position he vacated or a substantiality similar position with the same pay, benefits and similar working conditions.
- c A leave of absence without pay up to thirty (30) calendar days shall not constitute a break in service. Annual leave and sick leave shall not accrue during any thirty (30) day or more leave without pay except as covered by the military policies.

- d Failure on the part of an employee to report promptly at the expiration of a leave of absence without pay will be cause for dismissal.

614 ON THE JOB INJURIES AND WORKERS COMPENSATION:

Reporting Injuries: The following procedures must be strictly complied with in instances of injuries on duty requiring medical attention:

01.01. An injured employee shall report within 24 hours to his Supervisor Department Head, or person in charge, any on the job injury regardless of the extent of the injury. Reporting is defined as verbal or written notification of the injury delivered to the employee's supervisor no later than the end of the injured employee's work day or shift. The Supervisor or Department Head shall administer first aid if necessary and the Department Head is qualified and determine if the employee should receive medical attention. If any reasonable doubt exists, the employee should be examined by a physician. It is the responsibility of the Supervisor and/or the Department Head to contact -the Town Clerk if an injured employee requires medical treatment or if the possibility of lost time exists. If the injury is of a serious emergency nature, the individual should be taken to the nearest emergency room, by ambulance if necessary, and the injury reported as soon as possible to the Town Clerk.

01.02. The Town Clerk shall report the injury to the Workers Compensation Insurance provider to create a claim. The injured employee may obtain further instructions from the Insurance carrier.

01.03. The Town Clerk must receive a full report of any injury, signed by the employee, if possible, and the immediate supervisor within three (3) working

614.02 Procedures:

02.01 An injured employee who is temporarily totally disabled (TTD) must make payment arrangements with the Town Clerk for elective benefits. If payments are not received timely for these elective benefits, the employee may lose these benefits.

02.02 Employees who are unable to work after reaching medical maximum improvement (MMI) may be placed on leave with or without pay until the board can review the job description and medical restrictions and determine if the employee can be accommodated. Accrued vacation and sick leave may be used during this transaction if requested.

Discretion of the Board of Trustees. The decision to recommend a disability layoff of an employee at the end of the injury period or to backfill the position shall be made after consideration of such factors as the extent of the injury, supportive medical information, prognosis of condition, work record of employee, work restructuring, and other relevant information. Accrued vacation and sick leave, and compensatory time may be used if requested in writing by the employee.

02.03 Full Duty Return to Work: Employees who are determined to be physically able to perform the essential functions of his job with or without a reasonable accommodation after being placed on TTD* shall be returned to full duty at the earliest practical date.

02.04 Modified Duty Return to Work: Employees may be assigned to modified or limited duty by the Town as determined by the attending physician and authorized by the Board of Trustees. However, it is at the discretion of the Board of Trustees to allow modified duty based on tasks or duties that the town need completed, the employee's qualifications and the employees modified duty restrictions. Duty assignments of this type may be made without reference to the employee's job classification or departmental assignment. Refusal by employees to work modified duty when available and medically approved may be reason to deny temporary total compensation or paid leave benefits.

02.05 Employees on injury leave may be required to submit proof of continuing disability to the Town Clerk. Employees requesting a return to work, may be required to submit a release from his attending physician to the Town Clerk that signifies the employee is physically able to perform the essential functions of his job with or without reasonable accommodations.

02.06 Any employee who shall receive payment for work performed for any employer other than the Town while on TTD shall be subject to immediate dismissal. This provision shall also apply to employees who are self-employed and perform work in their private occupation while on TTD.

615 FUNERAL LEAVE: Employees may be granted time off without loss of pay not to exceed three (3) consecutive scheduled working days, if needed, to attend the funeral services in the event of a death in the employee's immediate family. Location of the services shall be considered in determining amount of time to be allowed. Immediate family shall be defined as: legal spouse, parents/guardians, grandparents, grandchildren, aunts, uncles children/step-children, siblings and in-laws of the same classification. One half (1/2) day's funeral leave may be granted for attending funerals of relatives other than the immediate family, departmental employees or for actual

service as an pallbearer upon the approval of the Board of Trustees. Should an employee require additional time in excess of three (3) consecutive scheduled working days, he may request additional time but any additional time Shali be charged to vacation leave or leave without pay.

616 COMPENSATORY LEAVE: Non-exempt employees will be compensated time and one-half for all time worked over 40 hours per week. If a non-exempt employee works 40 hours prior to the end of the work week, the employee should be sent home for the balance of the week. However, if due to the needs of the service, the employee cannot be relieved of his duties, the employee shall receive comp time in lieu of pay. Accrual and use of compensatory time off shall be govered by Section 500.05.

617 LEAVE FOR OFFICIAL REPRESENTATION: Leave for official representation shall be handled as follows:

617.02 Before accepting any position on any job affiliated board or commission, a Town employee must first have that appointment approved by the Board of Trustees.

617.03A leave of absence with pay may be granted to a full-time employee to participate in official meetings, activities, examinations, and institutes directly related to his work assignment.

617.04A full-time employee engaged in professional or technical work may be granted a leave of absence with full or partial pay for enrollment in a special institute or course of study of direct benefit to the Town services at the discretion of the Department Head or Supervisor and with approval of the Board of Trustees. Tuition reimbursement or other fees will be reviewed prior to taking the class and if required of the employee will also be reimbursed.

618 APPLICABILITY OF LEAVE AND LEAVE RECORDS

621.02. LEAVE RECORDS: The Town Clerk shall maintain a leave record for each employee: (1) annual leave earned, used and unused; (2) sick leave earned, used and unused; (3) Compensatory time off earned, used and unused; and (4) any other leave with or without pay. The Mayor or designee shall audit the leave records periodically.

SECTION 700. SEPARATION FROM EMPLOYMENT

701. DISMISSALS:

701.01. For the good of the service, the Board of Trustees may dismiss any employee for any reason.

701.02. Final Pay: Employees who are dismissed, resign, retire or laid off shall receive pay for accrued vacation leave for which they are eligible according to the rules governing such leave; except in the case of employees dismissed for embezzlement of Town funds, theft or misappropriation of property, deliberate destruction of Town property, or any other reason determined to be for cause.

701.03. Reemployment: Any employee seeking re-employment with the Town shall have their prior work record reviewed as well as the reasons for separation. The prospective Department Head or Supervisor shall be notified prior to the time of interview with the employee of the facts surrounding the prior separation.

702. RETIREMENT

704.01. Employees planning retirement shall contact the Town Clerk at least three months prior to the expected retirement date.

704.02. Employees who retire shall receive payment for all vacation leaves compensatory time and sick leave (according to the payout formula). All monies shall be paid in a lump sum on the first pay day following his last regular pay check and are subject to all applicable wage taxes.

SECTION 800. DISCIPLINE AND DISCHARGE:

801. POLICY STATEMENT: This policy is established to provide guidance when and in the event discipline may be appropriate to aid in the correcting of inappropriate behavior or performance. This policy is guidance only and does not create a property right in employment nor does it preclude the Town Board of Trustees from disciplining and/or discharging an employee for the good of the service.

802. DISCIPLINARY REASONS: Examples of behavior that could lead to recommending suspension, demotion or discharge are listed below. This list is not inclusive and is not intended to restrict the Town Board of Trustees from disciplining or discharging an employee for other reasons.

802.01 Insubordination: Gross neglect of duty or refusal to comply with management's lawful instructions, unless such instructions are injurious to employees or general public's health or safety. It also includes violation of or refusal or inciting others not to comply with pertinent departmental or Town rules and regulations when such conduct impairs the efficiency of the Town service.

802.02 Destruction: Negligent misuse, willful or malicious damage, or destruction to Town property or property of others.

802.03 Theft: Theft or misappropriation of Town property or funds. Depending on the facts, should an employee use town equipment, property, materials, or supplies for personal use, the violation could be interpreted to be "theft" and grounds to discipline the employee up to and including termination.

802.04 Unlawful Conduct: Conviction of a felony, certain misdemeanors or any criminal misconduct on or off duty involving moral turpitude or conduct that shocks the conscience of the community or brings the Town's good name into disrepute.

802.5 Disorderly/Offensive Conduct: Disorderly, disgraceful or offensive conduct while on or off duty, when such behavior threatens public respect for the Town service, or the public order, safety, or health.

802.6 Being discourteous to the public.

802.7 Attendance: Habitual tardiness, unauthorized or excessive absence or abuse of sick leave, falsification of leave usage, or sleeping on duty, except when accepted as a normal portion of the job assignment.

802.8 Acceptance of a Gift or Fee or other valuable thing in the course of or in connection with work for personal use from any person or groups of persons when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than accorded other persons in the performance of his official duties.

802.9 Improper use of Authority: Use of official position or authority for personal profit or advantage. Inducing or attempting to induce any employee in the service of the Town to commit an unlawful act or to act in violation of any lawful departmental official regulations, order or ethics. Discussing with unauthorized persons any confidential information gained through employment with the Town.

802.10 Falsification of Records, including falsification of application records or papers, time records, claims against the Town, false allegations of any kind} or other Town records.

802.11 Ethical, moral or other conduct unbecoming a Town employee.

802.12 Being under the influence of intoxicants or drugs while on duty, including prescription drugs if it affects the ability of an employee to work, or while in any Town vehicle.

802.13 Unreasonable failure to follow any safety policy, rule or regulation; gross negligence in the performance of duties; or any conduct that would place the employee, citizens or fellow employees or Town property at risk unnecessarily resulting or potentially resulting in claims for damages against the Town; including the provoking of or instigating of a fight during working hours or on Town premises or being a direct threat to the health or safety of oneself, the public or fellow employees.

802.14 Violation of the Town's anti-smoking policy.

802.15 Vending, soliciting, or collecting contributions on the employer's time or premises without prior authorization from the Board of Trustees.

802.16 Discrimination against an employee because of religion, age, sex, race, sexual orientation, color, national origin, physical or mental disability, or other protected status. Discrimination shall also include any retaliation or coercion against an employee for filing a discrimination complaint or testifying before any administrative hearing.

802.17 Sexual Harassment either with a subordinate, colleague, fellow employee or in the context of the work or creating or allowing any hostile working environment.

802.18 Loss of appropriate license or certificates which are necessary requirements to the function of the job, or are requirements for original appointment to the job.

802.19 Job Abandonment: Any employee who does not show up to work for three consecutive shifts and does not call or have valid reason not to report or call shall be deemed to have resigned from his position due to job abandonment.

802.20 Failure to maintain "conditions of employment" or "employment eligibility", not limited to last chance notices, periods of alert or probations.

802.21 Failure or inability to adequately perform one's job due to lack of effort, aptitude or substandard/declining performance.

802.22 Violation of Section 912.03 herein, to include but not be limited to campaigning for any candidate or themselves seeking election to public office while on duty.

802.23 Any violation of town policies as outlined in this manual.

802.24 Any violations of the town's computer use policy.

803. APPEAL OF DISMISSAL/DEMOTION/SUSPENSION ACTION

The following shall be the Town's pre-determination and post-determination appeal procedures as contained in the discipline guidelines. Nothing in this procedure is intended to convey a property right to the employee.

803.01. The employee to be disciplined shall be given notice of the reasons for the dismissal/demotion/suspension.

803.02. The employee shall be given an opportunity to respond or explain his version of the occurrence(s) to the Board of Trustees. This is not an evidentiary hearing but a pre-determination hearing. The purpose of this hearing is to validate the recommendation by the Department Head/Supervisor.

803.03. If it is determined at the pre-determination hearing that disciplinary action (in the form of a demotion, suspension or discharge) is appropriate, advise the employee of the procedure to request a post-determination hearing.

803.04. If the employee desires to have a post-determination hearing before the Board of Trustees, he can make a request in writing through the Town Clerk within five (5) working days of the receipt of disciplinary action referenced above.

803.05. The post-determination hearing shall not include new reasons for discipline; shall provide opportunity for confronting and cross-examining witnesses for both the employer and employee. The meeting shall be conducted in executive session during a special called Board of Trustee meeting. If the employee chooses to be represented by legal counsel at his own expense, he must advise the Town Clerk at the time of request.

803.06. The decision of the Board of Trustees shall be final and no further appeal process shall be provided for by the Town of Luther.

804 GRIEVANCE PROCEDURES: A grievance is defined as any dispute regarding the meaning, interpretation, application, or alleged violation of the terms and provisions of the existing Personnel Manual. Non-probationary full-time employees may make grievances known without fear of any reprisal. It is the responsibility of Supervisors, Department Heads, and the Mayor to ensure adherence to this policy.

a Procedural Steps for Non-Supervisory Employees

801.01 Oral Discussion: An employee who believes he has a valid grievance must submit the complaint orally to his Supervisor within ten (10) regularly scheduled working days after the occurrence of the event upon which the complaint is based. The Supervisor shall attempt to resolve the complaint promptly and fairly by responding orally to the

employee within two (2) regularly scheduled working days after the complaint has been submitted, The Supervisor is encouraged to counsel with the employee and to consult with others before rendering a decision. The Supervisor will make a written report of the complaint for his files. In the event a complaint has not been resolved -by oral discussion with the immediate supervisor within the stated time period above, the matter shall be resolved in the following manner.

804.02 Written Appeal to Department Head: Within ten (10) regularly scheduled working days after the occurrence of the event on which the complaint is based, the grievance may be submitted in writing, signed by the employee and

presented to his Department Head. The written grievance shall state: (a) Who is affected; (b) What happened; (c) When and where it happened; (d) What specific section of the personnel policies allegedly were violated; and (e) What adjustment or remedy is being requested. The Department Head shall give a written answer to the aggrieved employee within ten (10) regularly scheduled working days after receipt of the written grievance.

804.03 If the grievance is not resolved by the Department Head to the employee's satisfaction, the employee may submit a written request within ten (10) working days from the receipt of the Department Head's response to the Town Clerk for an appeal before the Board of Trustees who shall issue a formal and final decision.

- b Procedural Steps for Supervisory Employees: A supervisor is defined as an employee who is classified as such by job title.

.A supervisory employee who believes he has a valid grievance may submit the complaint, in writing, to his Department Head within five (5) regularly scheduled work days after the occurrence of the event upon which the complaint is based. The Department Head shall attempt to resolve the complaint promptly and fairly by responding, in writing, to the grievant within ten (10) regularly scheduled work days of the meeting.

If the grievance is not resolved by the Department Head to the Supervisor's satisfaction, the Supervisor may submit a written request within ten (10) working days from the receipt of the Department Head's response to the Town Clerk for an appeal before the Board of Trustees, who shall issue a formal and final decision.

- c Procedural Steps for Department Heads: Department Heads are listed in Section 101 of the Manual.

A Department Head who believes he has a valid grievance may submit the complaint, in writing, to the Town Clerk for submission to the Board of Trustees within ten (10) regularly scheduled work days after the occurrence of the event upon which the complaint is based. The Board of Trustees, shall issue a formal and final decision.

- d Time Limits: At any step of the grievance procedures, time limits may be extended only by mutual agreement. In the event management (supervisors / department heads) fail to reply to a grievance at any step of the procedure within the specified time limits the employee shall process the grievance to the next step. In the event the employee does not appeal a grievance from one step to another within the time limits specified, the grievance shall be considered as settled on the basis of management's last answer.
- e Definition of regularly scheduled Working Days: Whenever the words "regularly scheduled working days" or "working days" are used, they shall be defined as those days which are scheduled for work, excluding recognized holidays,
- f Bypass Procedures: An employee may bypass any intermediate level(s) of grievance reporting when that level would require submitting the grievance to the subject of the grievance, For examples a non-supervisory employee need not submit the grievance to a supervisor if the supervisor is the subject of the grievance, but may instead submit the grievance to the Department Head. in addition, intermediate levels may be bypassed when there is no identifiable person at that level, For example, a nonsupervisory employee with no supervisor other than a Department Head would submit the grievance to the Department Head.

805 PERSONNEL ASSISTANCE: If there is a problem concerning a Town policy, the employee (except in cases covered by the Bypass Procedure) shall not go to the Board of Trustees or any member thereof directly without first obtaining permission from his/her Supervisor or Department Head. The permission may be obtained either orally or in writing. The purpose of this policy is not to discourage employees from bringing their problems to the Board of Trustees, but rather to allow the Supervisor or Department Head the opportunity to resolve the problem. .

SECTION 900. CONDITIONS OF EMPLOYMENT

901. ATTENDANCE: Employees shall arrive promptly and be prepared to work at the scheduled time and place. In the event that illness or other conditions prevent arrival

or punctuality, the employee shall notify his immediate supervisor as soon as possible and give the reasons, excluding protected health information (PHI), for his failure to report and state when he will be able to return to service. If the employee knows in advance that he will be unable to report, he should attempt to advise his supervisor prior to his starting time.

902. CELLULAR/TELEPHONE USAGE PERSONAL CALLS: No Town employee is permitted to make personal telephone calls / text messaging / data usage which would create an additional cost above the normal charges to the Town. Any calls of a personal nature shall be held to a minimum in both length and occurrence and should whenever possible be done on the employees non-work time. Excessive use may result in disciplinary action up to and including termination.

903. OUTSIDE EMPLOYMENT: Employment with the Town shall be considered the primary employment of all full-time employees. A Town employee shall not engage in outside employment unless such employee is given written approval by his Department Head and the Board of Trustees. A copy shall be placed in the employees personnel file. Certain types of outside employment may be denied to certain departments or classes of employees because of a potential conflict of interest or due to the nature of the job.

In case of injury or occupational disease due to outside employment which prevents the employee from performing his Town duties, the Town will have no responsibility to pay the employee's earned or accrued sick leave. In addition the Town may control off duty work that prevents an employee from rapidly healing and returning to Town employment.

904. OUTSIDE EMPLOYMENT IN CONFLICT

No employee may engage in any employment activity or enterprise which has been determined by the Board of Trustees to be inconsistent, incompatible, or in conflict with the employee's duties, functions, and/or responsibilities of the department. In addition, any employee engaging in any off-duty job or activity that would in any way prolong or exacerbate an on-the-job injury shall discontinue such activity for the duration of the injury. Employees receiving Town benefits for any sick leave, or injury leave may not be gainfully employed during such absence from normal work hours.

904.01. OUTSIDE ORGANIZATIONS - HOLDING OFFICE:

The Town acknowledges and appreciates the leadership roles that many employees are willing to accept; those responsibilities must be second to the town's job requirements. All employees, before accepting an office in any local, regional or state organization should request approval from the Board of Trustees.

904.02. OUTSIDE ORGANIZATIONS - PAYMENT OF DUES:

The Town will not reimburse employees for dues paid for memberships in civic organizations that are not a direct responsibility of their position. Professional organization memberships, which directly relate to the employees position, may be approved by the Board of Trustees.

905. DRESS AND APPEARANCE: All Town employees are required to maintain a neat and clean personal appearance. Clothing should be appropriate for the job duties performed; and extremes in dress styles should be avoided. Each employee will be subject to specific department rules and regulations regarding proper clothing, personal hygiene and grooming. The Town of Luther considers proper dress, personal appearance, personal cleanliness and safety a part of each employee's job and shall be consistent with assigned duties and responsibilities. Clothing shall be conservative and business like and shall be maintained in good repair, clean and pressed. Shoes must receive regular attention. An effective dress and grooming policy will contribute to creating a positive public image, establish a consistent identity for customers and set the tone for the workplace.

The dress code may vary for different departments regarding proper dress based on assigned duties and responsibilities or essential job functions. Office personnel shall dress in appropriate, professional attire and present themselves in a professional manner when on the job. In departments where uniforms are provided, the uniform shall be worn during working hours in accordance with the dress code policy of the department. Uniforms should be worn while on duty and to and from work. They should not be worn during other off duty hours except as authorized by the Department head.

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All uniformed personnel shall wear uniforms that are in good repair and maintain a fitting and neat appearance. Maternity wear shall meet the same general standards as other attire.

Designated days may be considered "casual business-wear" for office personnel, as long as employees wear casual clothing which shall maintain the conservative, professional image of the Town. "Casual" does not mean sloppy, tasteless, nor a time to give up on one's appearance. Casual business-wear does not mean "weekend wear" nor a time to "dress down."

A good rule to remember is: When in doubt, don't!

HAIR: Hair should be clean, combed and neatly trimmed or arranged. The hair style should be appropriate for the job and in good taste. The hair will not be tinted, streaked, or otherwise colored or styled so as to bring undue attention to the hair. For safety reasons, the Town may require that long hair be in a pony tail, Sideburns, moustaches, and beards should be neatly trimmed.

Exceptions; Exceptions to the dress code policy may be made by the Board of Trustees for special days such as holidays* crazy days, or special occasions/situations. Exceptions shall be considered regarding specific job duties and responsibilities, but shall always follow the rule of business necessity, Employees may be allowed to "dress down," with Department Head approval, when working on temporary projects or assignments, i.e., moving of an office, or a temporary construction project.

Department Heads shall be responsible for the dress code compliance of their respective departments. If you question whether a fellow employee is dressed appropriately, discuss it with your supervisor. If someone is seen from another department that you believe is dressed inappropriately, discuss it with the supervisor in that department. Open communication is the key to consistent enforcement of the dress code.

To ensure conformity, should an employee come to work in inappropriate attire, he/she will be dealt with according to the disciplinary policy in the Policies and Procedure Manual. The Department Head shall make the final determination in questionable situations.

906 BREASTFEEDING: The Town as employer will provide reasonable break time each day to an employee who needs to breast-feed or express breast milk for her child to maintain milk supply and comfort, The break time, if possible, shall run concurrently with any break time, paid or unpaid, already provided to the employee.

906.1 The Town will provide private, secure, and sanitary room, other than a bathroom, where an employee can express her milk or breast-feed her child.

907. TOOLS AND EQUIPMENT: Town employees may be provided with specific tools and equipment to perform their duties. These tools should be kept in good condition and shall be returned to the Town upon termination of employment.

907.01. Tools which are broken or unusable should be reported to the Supervisor or Department Head immediately.

907.02. Theft of Town tools and equipment will not be tolerated and will be considered grounds for termination.

907.03. Personal use of town tools, and or equipment (i.e. tractors, trailers, mowers, chainsaws, hoists, lifts, etc) is prohibited and violations will be grounds for discipline up to and including termination.

908. COURTESY TO CITIZENS: Town employees are employees of all the citizens and should be polite and courteous at all times. Under no circumstances should employees be rude or abusive to citizens, and should a citizen's conduct become

abusive, the employee should refer the citizen to his immediate Supervisor or handle it using normal operational procedures. Employees are expected to deliver prompt, thorough and efficient service to the customer to the best of their ability. Courteous service is a critical factor of the employee's performance and will be reflected on the employee's performance evaluation. Failure to comply with this policy can subject an employee to disciplinary action up to and including termination.

909. SPECIAL CONDITIONS FOR SOME POSITIONS: Specific positions may require that certain additional requirements be met. For example, some positions require state license, others may require a commercial driver's license with necessary endorsements. To obtain and continue employment, a person must be able to meet the special conditions for that particular job.

909.01. Take Home Town Vehicles: Specific positions may require that the Town employee take home a Town vehicle. The Town employee's use of this employer provided vehicle must be approved in advance by the Board of Trustees. On an annual basis, the Board of Trustees will approve the list of town vehicles taken home by Town employees. All take home vehicles may be used for business use only and not for personal errands, hauling, or other personal travel and may only be operated by a licensed, authorized, Town employee. Employees may not use take home Town vehicle or any other Town vehicle for transportation of their children or other unauthorized person at any time. Employees will not partake in the use of any tobacco type products while inside any vehicle owned or used by the Town of Luther.

910. FALSE STATEMENTS (FRAUD): No employee shall willfully or corruptly make any false statements, false certificate, mark, rating or report in regard to any application, test certification of appointment* complaint against a supervisor or fellow employee, or in any manner commit any fraud in connection with employment with the Town.

911 POLITICAL PARTICIPATION AND ACTIVITIES

911.01. Elected or Appointed Public Office: An employee shall be allowed to file for public office while still employed by said town, EXCEPT that an employee shall be required to resign from Town employment if the employee is elected to the position of Board of Trustees Member. An employee shall continue to hold a position with the Town after accepting an appointment to a public office, partisan or non partisan, except for the aforementioned Town offices. The phrase "file for public office" shall be defined to include filing for office, newspaper, radio or television advertising. Employees shall not campaign for themselves seeking election to public office while on duty or in uniform. Once elected, an employee shall not appear at a public meeting in

uniform. Any employee shall be entitled to apply for use of vacation leave or leave without pay to campaign for public office.

911.02. Solicitation/ Campaigning: No employee or officer shall solicit any thing of value to the campaign fund of any candidate for any office local, state or national; nor shall any person solicit contributions for any political office, cause, or party from any officers or employees during any time at which the officer or employee is performing paid services for the Town. No appointive, salaried or elected officer or employee of the Town shall attempt to coerce, command, advise or dissuade a Town officer or employee to or from giving, lending, or contributing any thing of value for political purposes. Employees shall not campaign for any candidate or themselves seeking election to public office while on duty or in uniform,

911.03. Other Rights: Nothing contained herein shall be construed to prevent the exercise of the rights of officers or employees as citizens to express their opinions and cast their votes.

911.04. Employment of Elected I Appointed Officials: No elected or appointed Town official shall be eligible for hire as a Town employee until three months after his term ends or effective resignation date.

912. GIFTS, FAVORS:

912.01. Gifts for appointments: No person seeking appointment to or promotion in the service of the Town shall either directly or indirectly give, render, or pay money, or other valuable things to any person for, on account of, or in connection with a test, appointment, proposed appointment, promotion or proposed promotion; provided however, that the provision hereof shall not apply to payments made to duly licensed agencies.

912.02. Receipt from 3rd parties: No reward, gift, favor, or emolument of value or other form of remuneration in addition to regular compensation shall be received by any employee for the performance or non-performance of duties from any vendor, contractor, individual or firm, or from any source having or proposing to have any relationship with the Town.

912.03. Value defined: Value shall be defined as any item or service which could be exchanged for a substantial amount of money, goods, or services; or is offered for the purpose of persuading a Town employee to not be impartial in his decision when such receipt when seen by an outside party would indicate something of value.

913. FINANCIAL INTEREST: No elected official or employee of the Town shall have a financial interest, direct or indirect, in any contract with the Town, or be financially

interested, directly or indirectly* in the sale to the Town of any land, materials, or supplies, or services except on behalf of the Town as an elected official or employee.

914. EMPLOYMENT OF RELATED PERSONS: In addition to the nepotism statute, 1 1 O.S. S 8-106, no person shall be hired, promoted, or transferred to a position which is under the supervision of a relative. For purposes of this rule, relative includes spouse, child, parent, brother, sister, son-in-law, daughter-in-law, parent-in-law, brother-in-law, and sister-in-law. Supervisory relationship includes immediate and intermediate supervisor or Department Head* In addition, persons related as defined above shall not be permitted to work in the same department where the Board of Trustees determines it creates a potential conflict. For example, a potential conflict is created when a spouse of a police officer works in the dispatch office and the decision whether to send a spouse on a call may be hindered or affected due to this relationship. In cases where relationship is created by marriage which would constitute a violation of this section, the persons involved shall be given a period of 90 days to resolve the conflict by reassignment, transfer, resignation, etc. Failure to advise the Town of such relationship will constitute a violation of Town policies and will subject the parties to termination. The final decision relative to potential conflict will rest with the Board of Trustees.

915. SOLICITATION: No sales representative shall solicit or provide information to Town employees on Town property during working hours concerning any product or service unconnected with the employee's work responsibilities. No Town employee shall make arrangement for or with sales representatives to solicit from or provide information to Town employees as private customers during working hours.

917. DRUG AND ALCOHOL - FREE WORKPLACE POLICY

917.01 — General Purpose and Goal. We recognize alcohol and drug abuse as potential health, safety and security problems. It is expected that all employees will assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment.

The Town of Luther is committed to protecting the safety; health and well being of all employees, residents and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. This organization encourages employees to voluntarily seek help with drug and alcohol problems.

The Town of Luther recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation.

The Town of Luther encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem, and encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- a. Be concerned about working in a safe environment;
- b. Support fellow workers in seeking help; and c, Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- a. Observe employee performance;
- b. investigate reports of dangerous practices;
- c. Document negative changes and problems in performance; and
- d. Clearly state consequences of policy violations.

917.02— Employees covered. All employees and persons applying for a position are covered by our drug-free workplace policy. Our policy includes, but is not limited to managers* supervisors, full-time employees and part-time employees. Our policy does not include those persons specifically exempted from this Employee Handbook*

917.03— Applicability. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on organization property and at company-sponsored events.

917.04— Prohibited Behavior. It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

917.05 Employees Required to Notify Town Clerk of Drug or Alcohol Convictions* Any employee convicted under any criminal drug statute for a violation occurring while on the job, on Town premises, or in any vehicle used for Town business must notify the Town no later than 5 days after such a conviction. A conviction includes any finding of guilt or plea of no contest and/or imposition of a fine, jail sentence, or other penalty.

917.06— Drug Testing Policy.

017.06.01 — Testing Procedure. To ensure the accuracy and fairness of our testing program, all testing will be conducted by a lab chosen by the Town of Luther that conducts tests according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

017.06.02 — Types of Testing. Each employee, as a condition of employment, will be required to participate in pre-employment* post-accident, reasonable suspicion (sometimes called "for-cause testing"), return-to-duty and follow-up testing upon selection or request of management.

Pre-Employment. The Town of Luther may require an employee to undergo drug or alcohol testing when it reasonably believes that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- a. drugs or alcohol on or about the employee's person, property or vicinity;
- b. conduct on the employee's part that suggests impairment or influence of drugs or alcohol;
- c. a report of drug or alcohol while at work or on duty;
- d. information that an employee has tampered with drug or alcohol testing at any time;
- e. negative performance patterns; or
- f. excessive or unexplained absenteeism or tardiness.

Post-Accident. The Town of Luther may also require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work or property has been damaged while at work, including damage to equipment. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to 63 O.S. S 465.20, alcohol, illegal drugs, or illegally used chemicals, or refused to take a drug or alcohol test required by the employer, shall be eligible for such compensation.

Fitness for Duty. The Town of Luther may also require an employee to undergo drug or alcohol testing as part of a fitness-for-duty medical examination, or in connection with an employee's return to duty from leave of absence.

017.06.03 — Types of Drugs and Alcohol Subject to Testing. The Town of Luther may test for all drugs and alcohol, including, but not limited to, Alcohol, Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood and/or hair.

017-06.04 — Costs for Drug and Alcohol Testing. The Town of Luther will pay all costs of testing for drugs or alcohol, and the time required for testing shall be considered work time for compensation and benefits for current employees. Provided however, if an employee or applicant requests a confirmation test of a sample within 24 hours of receiving notice of a positive test in order to challenge the results of a positive test, the employee or applicant shall pay all costs of the confirmation test, unless the confirmation test reverses the findings of the challenged positive test. In such case, the employer shall reimburse the individual for the costs of the confirmation test.

017.06.05 -- Consequences for Positive Drug Test. Any employee who tests positive will be immediately removed from duty. The Town Board, within 30 days of the positive test, may imposed the following consequences:

- a. Termination;
- b. Suspension without pay, in which case the employee shall not be permitted to use any accumulated leave during the suspension; or
- c. Another form of discipline voted on by the Town Board.

If the employee is permitted to return to work after testing positive for drugs or alcohol, the employee shall be subject to ongoing, unannounced, follow-up testing for a period of two years.

In the case of applicants, if he violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

017.06.06 — Refusal to Take Test or Adulterated Test. An employee will be subject to the same consequences of a positive test if he refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

017.06.07 — Employee Rights after Positive Test. An employee who receives a positive drug test has the right to have the split sample retested at his expense if the request is made within 24 hours of receiving notice of the positive result. The employee also may obtain copies of all information and records related to that individual's testing and the Town Clerk will provide the information within 72 hours of receipt of the request.

017.06.07 — Grievance Procedure Applicable. Generally, there is no appeal of a positive drug test or discipline administered as a result of the positive drug test.

However, an employee disciplined as a result of a positive test result may utilize the grievance procedure within this Employee Handbook.

017.06.08 — Return-to-Work Agreements. Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment which can include a requirement that the employee undergo drug or alcohol testing for a period of up to two years commencing with the employee's return to work, following a positive test or following participation in a drug or alcohol dependency treatment program.

017.06.08 — Confidentiality. All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

017.06.09 — Posting Policy. This policy must be posted in a prominent place of employee access and given to each employee. Each time the policy is revised, employees must be given a revised policy and 10 days notification prior to implementation of the changes.

918. VIOLENCE & WEAPONS IN THE WORKPLACE

The Town provides a safe workplace for employees, to ensure that, the Town will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. Such activities include, but are not limited to:

- a) Assault, fighting or causing physical injury to another • Making threatening remarks, in any form or fashion,
 - b) Aggressive or hostile behavior that creates a reasonable fear of injury to another or subjects another to emotional distress
 - c) Intentionally damaging Town property or property of another employee • Possession of a weapon on Town property, except in a locked vehicle on any property set aside for vehicles (unless a convicted felon)
 - d) Committing acts motivated by or related to sexual harassment or domestic violence
01. Reporting: Any potentially dangerous situation must be reported immediately to a supervisor or Department Head, going up the employee's chain of command until he is able to notify someone. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis.

02. Enforcement: Threats, threatening conduct, or any other acts of aggression or violence will not be tolerated. Employees who commit such acts will be terminated.

1000. VEHICLE ACCIDENTS, SAFETY

1001. VEHICLE ACCIDENTS

1001.01. Reporting Accidents: When an employee is involved in an accident while operating Town owned equipment, the accident must be reported immediately to the employee's Department Head, the Police Department and the Town Clerk. An Accident Report will be filled out by the employee and Department Head and forwarded to the Town Clerk for filing. Accidents involving personal injury to employees are to be reported immediately to the Town Clerk who will report to the Mayor. If an employee or Supervisor fails to report any accident / injury involving an employee, he may be subject to disciplinary action up to and including termination.

1001.02. Accident Investigation: The driver of the vehicle, if physically able to do so, will notify the Police Department of the accident and allow them to make their investigation before leaving the scene. The driver shall make no statements to the other driver that would indicate responsibility. After notifying the Police Department, the driver will notify the Department Head who will work with the Police Department to complete the report.

1001.03. Damage repaired: If, from the police report, the accident is the fault of a Town employee, the Department Head will coordinate with the Town Clerk to have the damage repaired by the Town or appropriate repair facility. If the accident is the fault of another person, the Department Head shall coordinate with the Town Clerk to obtain an estimate of repairs. After the appropriate insurance companies have been notified and provided the opportunity to inspect the vehicle, the repair shall be accomplished. In any case, documentation of the accident will be placed in the employee personnel file. If the employee has been involved in multiple accidents, disciplinary action may be taken, up to and including termination.

1001.04. Unreported Damage: In case of unreported accidents, the last known driver responsible for the vehicle will be presumed to have caused the accident and may be held liable for necessary repairs and other corrective action. Disciplinary action up to and including termination may occur for unreported accidents by any employee.

1001.05. Preventive Maintenance: Town vehicles will be on a scheduled preventive maintenance program and will be inspected frequently to ensure that they are safe to drive or operate. Any report of mechanical difficulties will require immediate attention by the driver, the supervisor, or appropriate mechanic. In addition, it shall be the responsibility of the Department Head to take whatever steps are necessary to prevent the occurrence of the same or similar accident.

1001.06. Responsibility of the Operator: Any employee who operates Town equipment, including vehicles, machinery, tools, etc. is responsible for general maintenance of that equipment. This includes daily inspections / maintenance, (checking fluids, lights, safety shields, tire pressures, etc.) at the beginning of each shift. The employee will seek the necessary resource to resolve any issue discovered with the equipment at any time before or during its operation, An inspection log should be kept in all motor vehicles for documentation of these inspections. Failure to maintain the proper daily inspections will result in disciplinary action, up to and including termination.

1001.07. Seat Belt Use: All Town Employees and other occupants of Town vehicles, whether driver or passenger, are required to use seat belts. Operators of heavy equipment and tractors shall wear seat belts if equipped. Failure to comply with this policy will result in disciplinary action up to and including termination.

1002. INVESTIGATION POLICY

1002.01. It shall be the policy of the Town of Luther to investigate thoroughly all reports of damage or accidents occurring to any Town vehicle.

SECTION 1003. MISCELLANEOUS PROVISIONS

1003.1 UNAUTHORIZED USE OF PUBLIC FUNDS: Requesting or receiving reimbursements of Town funds or paying Town funds, through the purchase order/claims process, or through the petty cash routine, for unsupported, undocumented unauthorized or duplicated business expenses, including travel expenses* shall be considered an unauthorized use of public funds, and shall, subsequent to investigation, be subject to appropriate disciplinary action up to and including termination.

1004. SMOKING / TOBACCO USE POLICY

In keeping with the Town's intent to provide a safe and healthful work environment, smoking and the use of smokeless tobacco is prohibited throughout the workplace and extends to 25 feet beyond any entrance or exit. Any tobacco use in Town-owned or leased vehicles or enclosed equipment is also prohibited.

There is no distance requirement for tobacco use outside of a Town vehicle or enclosed equipment. Whenever the word "smoking" is used in this policy, it shall be interpreted to also include the use of snuff, chewing tobacco or any other form of tobacco product. The Town's further intent is to comply with the requirements set forth in the Oklahoma Smoking in Public Place and Indoor Workplaces Act, Title 63 O.S.A. S 1-1523, et.seq.

This policy applies equally to all employees, DOC inmates, customers, and visitors.

- A. All indoor public places owned or under the control of the Town of Luther and town-owned or leased vehicles and enclosed equipment are considered non-smoking places except as otherwise provided in this section.
- B. Smoking places may be established in municipal buildings subject to the following limitations:
 1. Outdoor smoking on town property must not be closer than twenty-five (25) feet to any exit or entrance to a municipal building. No smoking is allowed within twenty-five (25) feet of an air intake for a building's heating, ventilation, and air conditioning system (HVAC) system.
 2. The Board of Trustees shall not be required to provide a designated smoking room; provided, however, that if the Board of Trustees votes to provide one room inside any municipal building to be designated as a smoking area, it will comply with the requirements of Title 63 O.S.A. S 1-1523 (F). These requirements shall include, but not be limited to, a fully enclosed room, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is allowed to re-circulate to non-smoking areas of the building, and the exhaust shall not be located within twenty-five (25) feet of any entrance, exit or air intake. No public business or work shall be conducted in a designated smoking room except as provided by state law.
 3. Department Heads may request to the Board of Trustees that one room in the town building(s) under their control be designated as a smoking room. In the event that a building is under the control of one or more Department Heads, the request for a designated smoking room must have the approval of the affected Department Heads. The Mayor or his designee shall conduct all necessary testing and shall verify in writing to the Board of Trustees that the proposed room meets the designated smoking room requirements stated in paragraph 2 above. The request for the designated smoking room shall then be placed on a Board of Trustees agenda for approval or disapproval.

- c. The Town Clerk shall be responsible for posting a sign or decal at least four inches by two inches in size, at each entrance to all municipal buildings indicating that the building is smoke-free and tobacco-free.

- D. Town of Luther employees who are observed in a municipal building or within twenty-five (25) feet of any entrance or exit of a municipal building or in a Town vehicle or enclosed equipment, with lighted tobacco are subject to disciplinary action.

- E. All Town of Luther supervisory personnel shall ask smokers to cease or refrain from smoking if observed in a municipal building or within twenty-five (25) feet of any entrance or exit of a municipal building, with lighted tobacco or other tobacco product listed herein. Any employee observing another employee smoking in a municipal building, Town vehicle or enclosed equipment or within twenty-five (25) feet of any entrance or exit of a municipal building, shall report the violation to their supervisor. The supervisor shall then ask the employee to cease or refrain from smoking or using a tobacco product, and shall report that person committing the infraction to their Department Head. The Department Head shall notify the Mayor and shall then conduct an investigation and, if appropriate, discipline the employee in accordance with the Town's Personnel Policies and Procedures Manual. The Supervisor and Department Head shall be subject to discipline if there are repeated violations.