

RESOLUTION #14

WHEREAS Kingfisher County has determined there exists a need for an Employee Personnel Policy Handbook which is uniformly applied to all employees of (blank) County, and

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

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

NOW, THEREFORE, BE IT RESOLVED that pursuant to **Okl. Stat. Ann. tit. 19, Section 339**, Kingfisher County, by a majority vote of the elected officials, does hereby adopt the "Employee Personnel Policy Handbook 2024 - Kingfisher County."

Dated this 5 Day of February, 2024.

Board of County Commissioners
Kingfisher County Courthouse
Kingfisher, Oklahoma

CHAIRMAN: [Signature]
Heath Dobrovonly

MEMBER: [Signature]
Jeff Moss

MEMBER: [Signature]
Ray Shimanek

ATTEST:

[Signature]

COUNTY CLERK





Kingfisher County 2024 Handbook Changes

Page 29 under “Vacation Leave” a wording change from: With the exception of highway employees, who may have up to an additional thirty (30) days to use annual leave they would otherwise lose at the end of the calendar year, when called back to service for scheduled time off, due to inclement weather and/or shortage in man force. To: With the exception of highway employees, who may use their remainder by the end of the first full pay period of the next calendar year, when called back to service for scheduled time off, due to inclement weather and/or shortage in man force.

Page 30 under “Sick Leave Accrual Rates” the hours per month was changed from 4 hours to 6 hours

Page 56 number 29 under “Disciplinary Action B” a wording change from: if the violation is based upon a positive test result, and if the positive test result is confirmed by a second test and the results are verified by the Medical Review Officer, will be subject to discipline up to and including discharge. To: if the violation is based upon a positive test result confirmed by the Medical Review Officer, employee will be subject to discipline up to and including discharge. The employee may request a test on the second sample, at their own expense, to verify the positive test result as per 49 CFR §382.301(b).

Page 62 under “Employee Quarantine/Isolation Procedures - CDC Guidance” changed to meet guidelines to: The CDC is no longer recommending Quarantine/Isolation for those who have been exposed to or come in contact with someone who has tested positive for Covid-19.

Quarantine/Isolation is only if symptoms are present.

- Isolate if you have a positive infection of COVID-19
 - Follow the advice of your medical provider and **stay home for at least 5 days and isolate from others in your home.**
 - You may be able to shorten your isolation if:
 - You may be able to shorten your quarantine after day 5 if: You are fever-free for 24 hours (without the use of fever-reducing medication).

**EMPLOYEE
PERSONNEL POLICY
HANDBOOK
KINGFISHER COUNTY
2024**

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INTRODUCTION

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

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

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

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

We wish you the best of luck in your position and hope that your employment relationship with Kingfisher County will be a rewarding experience.

EMPLOYMENT POLICIES

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

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

RECRUITMENT/JOB POSTING

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

HIRING PROCEDURES

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

Employees serve at the pleasure of the elected official.

The elected official will coordinate with the safety director for pre-employment drug testing.

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

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

POLICY AGAINST HARASSMENT AND DISCRIMINATION AND COMPLAINT PROCEDURE

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

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

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

which have a sexual content and which are not necessary for our work, to employees who may find such materials offensive.

The County expects that everyone will act responsibly to establish a professional work environment. However, if an employee feels he/she has been subjected to any form of harassment, discrimination and/or unfair treatment, the employee should report that conduct to his/her immediate supervisor, another member of supervision, or a member of the Board of Commissioners promptly of the offense. Employees are not required to approach the person who is harassing and/or discriminating against them, and they may bypass any offending member of supervision. The person the harassment or discrimination is reported to will take the necessary steps to initiate an investigation of

the discrimination and/or harassment claim. Employees who believe they have been discriminated against on the basis of a disability or who believe they have not been properly afforded a reasonable accommodation for a disability should utilize this same complaint and reporting process.

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

The County prohibits retaliation of any kind against employees, who, in good faith, report harassment, discrimination and/or unfair treatment or assist in investigating such complaints. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct to his/her immediate supervisor, another member of supervision, or Safety Director promptly of the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Employees are encouraged to use the Complaint Resolution Procedure (Open Door Policy) set-out in the Handbook, as well.

MEDICAL EXAMS

As a condition of employment, it may be necessary for job applicants to pass a medical evaluation by a County selected physician after a conditional offer of employment has been made. An applicant who has received a conditional offer of employment and who fails to appear for a medical examination will be disqualified from further employment consideration. Medical exam expenses shall be provided by the County.

Okla. Stat. Ann. tit. 40, § 191

NEPOTISM

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

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

Okla. Stat. Ann. tit. 21, §§ 481-487

PERSONNEL RECORDS

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

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

Employees may request a copy of their own personnel file.

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

Okla. Stat. Ann. tit. 51, § 24A.7

COMPENSATION POLICIES

Kingfisher County employees working 30 hours or less per week do not qualify for full-time benefits.

TIME RECORDING (NON-EXEMPT EMPLOYEES)

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

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

1. You should arrive at the workplace allowing sufficient time to clock or check in (if appropriate) and start work on time.
2. Employees should clock or check in or otherwise accurately record their time immediately prior to starting work, immediately before and after their meal periods and when leaving at the end of the work shift or when leaving the premises for approved personal reasons.
3. If appropriate, timecards must be returned to the timecard rack immediately after being checked. Employees are responsible for ensuring that their timecards are not lost, mutilated or falsified.

4. Employees are not permitted to clock or check in for another employee or to otherwise record another employee's time.
5. To be valid, corrections or alterations on a time record must be initialed as soon as possible by the employee's supervisor. Employees who fail to clock or check in or out or otherwise accurately record their time may be subject to discipline up to and including immediate discharge.
6. Employees are prohibited from working overtime that is not approved and authorized by a supervisor.

PAYMENT OF WAGES

All County officials and employees shall be paid monthly. The pay period begins at 12:01 a.m. on the first of the month and ends at 12:00 midnight on the last day of the month. The regular payday shall be on the last working day of the month. Checks will normally be distributed by each elected official on the regular payday. When a payday falls on a holiday or other non-scheduled workday, employees will normally be paid on the last preceding work day.

PAYROLL DEDUCTIONS

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

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

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

- **GROUP HEALTH INSURANCE**
- **OPTIONAL INSURANCE PLANS**

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

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

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

HOURS OF WORK:

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

Most County employees will follow a normal schedule of forty (40) hours per week plus an unpaid (30 min / one-hour) lunch period each day. Each elected official shall set the lunch periods and break periods, if any, for his/her office, but at no time shall an office be left without adequate staff to perform necessary duties.

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

WORK WEEK AND WORK PERIOD:

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

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

29 C.F.R. § 553.211(a)

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

EARNING OVERTIME:

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

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

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

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

COMPENSATORY TIME OFF FOR OVERTIME:

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

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

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

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

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

LEAVE BENEFITS

Kingfisher County has adopted a paid general leave program for regular employees which incorporates forms of leave such as annual, sick leave, military leave, emergency leave, bereavement leave, and education leave. It is the intent of the general leave program to allow eligible employees greater flexibility in the use and application of paid absence from work while maintaining necessary and appropriate operation levels. Each elected official shall be responsible for keeping records of the leaves taken by his/hers employees and shall make monthly reports to the County Clerk. Such records shall include type and length of leave. All vacation and leave benefits shall be calculated from the date of employment.

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

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

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

Okla. Stat. Ann. tit. 72, § 48

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

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

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

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

Okla. Stat. Ann. tit. 19, § 130.6

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

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

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

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

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

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

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

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

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

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

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

Okla. Stat. Ann. tit. 38, §§ 34-35

LEAVE WITHOUT PAY: Leave without pay of specified length may be granted at the sole discretion of the elected official. While on leave without pay, an employee will not accrue vacation time or sick leave.

An employee granted leave without pay remains a County employee and does not lose his/her work experience status. The absence without pay leave shall not extend for a period in excess of one year.

Okla. Stat. Ann. tit. 74, § 840-2.21

FAMILY AND MEDICAL LEAVE ACT

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

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

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

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

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

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

Definitions

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

1. “Child or Son or Daughter”

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

2. “Contingency Operation”

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

3. “Continuing Treatment”

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

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

4. "Covered Active Duty"

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

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

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

6. "Equivalent Position"

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

7. "Health Care Provider"

A health care provider is: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or (ii) any other person determined by the Secretary of Labor to be capable of providing health care services. These include podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors, nurse practitioners and nurse-midwives who are authorized to practice by the State. Christian Science practitioners listed with the First Church of Christ Scientists in Boston, Massachusetts are also included.

8. "Key Employee"

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

9. "Next of Kin"

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

10. "Qualifying Exigency"

Qualifying exigencies include the following:

a. Short-Notice Deployment:

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

b. Military Events and Related Activities:

Leave to attend an official ceremony, program, or event sponsored

by the military that is related to the active duty or call to active duty status of an employee's spouse, son, daughter, or parent, who is on covered active duty or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of an employee's spouse, son, daughter, or parent, who is on covered active duty.

c. Childcare and School Activities:

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

d. Financial and Legal Arrangements:

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

e. Counseling:

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

f. Rest and Recuperation:

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

g. Post-Deployment Activities:

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

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

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

i. Additional Activities:

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

11. "Parent"

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

12. "Serious Health Condition"

A serious health condition is an illness, injury, impairment or physical or mental condition that involves: (1) inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility) and any corresponding period of incapacity or subsequent treatment in connection with the inpatient care, or (2) "continuing treatment," as defined above, by a health care provider. "Incapacity" means the inability to work, attend

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

13. “Serious Injury or Illness”

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

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

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

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

(2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating

is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR

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

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

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

Employee Notice and Kingfisher County Election of FMLA Leave

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

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

When an employee requests FMLA leave, the Safety Director will notify the employee of the employee's eligibility for and obligations and expectations of taking FMLA leave within five (5) business days, absent extenuating circumstances. After the Safety Director has enough information to determine whether the leave is being taken for an FMLA-qualifying reason, the Safety Director will notify the employee of whether the leave will be designated and will be counted as FMLA leave within five (5) business days, absent extenuating

circumstances. Kingfisher County also has the right to designate an absence as Family and Medical Leave on its own volition, consistent with applicable laws and regulations, even if the employee does not request it.

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

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

Certification of FMLA Leave

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

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

provide complete and sufficient certification could result in a denial of the employee's FMLA leave request.

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

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

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

Husband and Wife Leave under the FMLA

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

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

Intermittent or Reduced Leave Schedule under the FMLA

An employee taking leave after the birth or because of placement for adoption or foster care of a healthy child is permitted to take leave intermittently or by working a reduced workweek only with the approval of an officer of Kingfisher County. However, intermittent or reduced work leave to care for a seriously ill family member, because of the employee's own serious health condition, or for Military Caregiver Leave, may be taken whenever medically necessary. Military Qualifying Exigency Leave may also be taken on an intermittent or reduced leave basis. Kingfisher County may require a medical certification of the need for intermittent or reduced schedule leave and periodic recertification of the continued need for the leave consistent with the regulations issued by the Department of Labor. In some instances, Kingfisher County may transfer an employee temporarily to an available alternative position with equivalent pay and benefits when this would better accommodate recurring periods of intermittent or reduced schedule leave based on planned medical treatment. Actual time taken should be reported as Family and Medical Leave on the employee's time sheet. Employees on intermittent leave should contact their Human Resources representative with any questions concerning actual hours worked and overtime compensation.

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

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

Benefits During FMLA Leave

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

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

Holidays While on FMLA Leave

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

Return to Work Following FMLA Leave

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

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

Key Employees under FMLA

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

Other Work Prohibited During FMLA Leave

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

Unlawful Acts under FMLA

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

Enforcement of FMLA

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

LEAVE SHARING POLICY

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

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

The maximum amount of shared leave an employee may receive during their employment with the county is two hundred sixty-one (261) days of shared leave.

FRINGE BENEFITS

The County pays for unemployment insurance, social security (with the employee paying an equal percentage), and worker's compensation insurance. The County also pays all of the premium for health care insurance for the employee. **Exception** – *the County does not pay for additional health coverage for family/dependents.*

HEALTH CARE INSURANCE

Please obtain a description of current health care insurance provided by the County from the County Clerk's office Benefits Coordinator.

***OPEH & W Health Insurance Plan**

If applicable, the Plan will then offer the Employee COBRA

County's Payment of Employer Share of Health Insurance Premiums during Leave of Absence

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

RETIREMENT

Kingfisher County is a member of the Oklahoma Public Employees Retirement System. Please refer to your OPERS Handbook and the Employment Separation section in this handbook for details.

HOLIDAYS

The Kingfisher County Commissioners and members of the Kingfisher County Excise Board shall designate and publish between the 1st and 20th of January each year which holidays the County Offices will be closed.

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

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

VACATION LEAVE

All full-time Kingfisher County employees shall be entitled to vacation leave that is accrued on an annual basis. Annual leave is a “use it or lose it” policy with no accumulation carried over from year-to-year. With the exception of highway employees, who may use their remainder by the end of the first full pay period of the next calendar year, when called back to service for scheduled time off, due to inclement weather and/or shortage in man force.

Accrual Rates	
Years of Service	Accumulation Limits
1-9 years	80 hours
10-19 years	120 hours
20-29 years	160 hours
30 years & over	200 hours

Vacation leave must be earned before it is taken. **Employees must work one (1) year before being awarded any vacation leave.** No vacation will be longer than 10 consecutive working days without permission of the appropriate elected official. Vacation schedules are subject to elected official approval. Vacation leave must be taken in increments of **half days (4 hours)**. No vacation leave shall be accumulated beyond the accumulation limits noted above.

A break in service of more than 60 calendar days marks an end to continuous service, which requires the employee to serve a new eligibility period of one (1) year before being eligible for any vacation leave.

Upon separation, an employee will be paid for the balance of accrued and unused vacation leave up to the accumulation limit (exception: employees separated for cause will not be paid for the balance of accrued and unused vacation leave).

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

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

SICK LEAVE

All full-time Kingfisher County employees shall be entitled to sick leave with pay that is accrued on a monthly basis in accordance with the schedule outlined below. Sick leave may be carried over from year-to-year up to the accumulation limits outlined below. An employee taking sick leave for his or her self for a period of three (3) consecutive days or

more shall be required to present a statement from the doctor that the employee is physically able to return to work.

Accrual Rates	
Sick Leave	Accumulation Limits
6.00 hours per month	160 hours

An employee may utilize sick leave for the following reasons:

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

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

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

Employees who become injured in the workplace, obtain Workers Compensation benefits, and are not able to work will not accrue sick time.

Employees who are on Work Comp., who are medically released to work a reduced/lite duty schedule (applies to office personnel only) and return to work with the appropriate elected official approval, may accrue sick time commensurate (pro-rated) with hours worked for the month in which he or she worked.

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

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

GUIDELINES FOR APPROPRIATE CONDUCT

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

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

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

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

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

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

ABSENTEEISM/TARDINESS

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

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

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

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

EMPLOYEE CONDUCT

PERSONAL APPEARANCE AND DEMEANOR

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

Some examples of dress that are considered unacceptable for wear are as follows:

- No open-toed shoes or sandals (highway employees)
- No skirts/dress 2 inches above knee in length
- No halter tops, tube tops, or tank tops
- No clothing made of net or see through fabric
- No jogging suits, sweat suits, leotards or torn clothing of any kind

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

POLITICAL ACTIVITY

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

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

USE OF COUNTY PROPERTY

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

County property includes:

- Computer equipment
- Office supplies
- Vehicles (Except for “Qualified Non-Personal Use Vehicles” & Personal Use as deemed necessary by Elected Official)
- Equipment / Tools

CELL PHONE POLICY

County Issued/Paid Cell Phone:

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

- County-paid cell phones will be utilized only for county business. County-paid cell phones will not be used for **any** personal calls (either incoming or outgoing).
- The County will periodically audit the usage of county-paid cell phones to insure that these phones are not being used for personal calls.
- Employees who use a county-paid cell phone for personal calls (either incoming or outgoing) may be committing a violation of the Oklahoma State Constitution and/or the I.R.S. Code and shall be subject to disciplinary action up to and including discharge.
- If an employee wishes to use a cell phone for personal calls, there are two acceptable options available:
 1. The employee may carry two cell phones; a county-paid cell phone exclusively for county business; and an employee-paid cell phone for personal calls; or
 2. The employee may obtain and pay for a personal cell phone which is used for both county business and personal calls.

Personal Cell Phone Use:

The use of personal cell phones during working hours at the County should be limited as to not interfere with daily operations and should be made and/or taken during authorized breaks. The following policies and procedures must be closely followed by all employees:

- County employees are prohibited from dialing or answering phone calls and/or text messages while operating heavy equipment. If an immediate response is required, employees must stop the machine in an area clear of traffic and other workers.
- County employees are prohibited from dialing or answering phone calls while operating County vehicles. If an immediate response is required, employees must

stop the vehicle in an area clear of traffic. Hands-Free devices may be used as outlined in the next section. Texting is strictly prohibited while operating a County vehicle.

- County employees operating vehicles which require a Commercial Driver's License (CDL) are prohibited from dialing or answering phone calls and or text messages while in operation. The Federal Motor Carrier Safety Administration (FMCSA) does allow the use of "hands free" devices as the only exception outlined as:
 1. Use an ear piece or speaker phone function.
 2. Use voice-activated dialing.
 3. Make sure the mobile device is within close enough proximity that it is operable while the driver is restrained by properly installed and adjusted seat belts.
 4. The driver must have his or her mobile device located where he or she is able to initiate, answer, or terminate a call by **touching a single button** (**You may not hold the phone**) The driver must be in the seated driving position and properly restrained by a seat belt. Drivers are **not in compliance if they unsafely reach** for a mobile phone, even if they intend to use the hands-free function.
 5. Sending and or reading text messages is strictly prohibited while operating a commercial vehicle.

ELECTRONIC COMMUNICATIONS

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

DEFINITIONS

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

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

USE OF COMMUNICATIONS SYSTEMS.

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

Employees are strictly prohibited from sending, or knowingly receiving, electronic communications of a harassing, intimidating, offensive or discriminatory nature. The guidelines set forth in the Policy Against Harassment are fully applicable to electronic communications. Such conduct, or any other conduct in violation of this policy, may result in immediate dismissal or other disciplinary measures.

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

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

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

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

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

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

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

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

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

VEHICLE USAGE

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

- County-owned vehicles may only be used for purposes which are solely for the benefit of the county. Employees who use county-owned vehicles for purposes which are not specifically for the benefit of the county shall be subject to disciplinary action up to and including discharge.
- Only County employees on official County business, and official guests of the County, may operate or be a passenger in County-owned vehicles. County employees shall not allow family members or other non-authorized, non-employees to operate or be a passenger in County-owned vehicles.
- Under certain circumstances, employees may be instructed by the appropriate elected official to drive a county-owned vehicle to and from the employee’s home to the employee’s regular place of work. Although, such use may be proper under the Oklahoma State Constitution (under appropriate circumstances), such use may still be considered as a taxable fringe benefit by the I.R.S. Code.
- Except for “Qualified Non-Personal Use Vehicles”, all personal use of county-owned vehicles is considered as a taxable fringe benefit by the I.R.S. Code. This includes normal commuting to and from the employee’s regular place of work, even where at

the direction of the appropriate elected official. Under the I.R.S. Code, commuting is personal use even if the county requires the employee to take the vehicle home for a bona fide business reason such as being “on call.”

- “Qualified Non-Personal Use Vehicles” include the following (see U.S. Treasury Regulation 1.274-5T):
 - Clearly marked police and fire trucks driven by police and fire officers;
 - Unmarked vehicles used by law enforcement officers, if the use is officially recognized;
 - Ambulances or hearses;
 - Vehicles designed to carry cargo with a loaded gross weight over 14,000 pounds;
 - Delivery trucks with seating for the driver only;
 - School buses;
 - Tractors and other special purpose farm vehicles;
 - A pick-up truck with a loaded gross vehicles weight of less than 14,000 pounds if it has been specially modified so that it is not likely to be used more than minimally for personal reasons. Modifications must include being marked with permanently affixed decals, painting or other indications of county ownership and either (see IRS Revenue Ruling 86-97):

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

- a) A hydraulic lift gate;
- b) Permanent tank or drums (filling up the bed size);
- c) Permanent side boards or panels that materially raise the level of the sides of the truck bed;
- d) Other heavy equipment (such as electric generator, welder, boom, or crane used to tow automobiles and other vehicles);

OR

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

- County-owned vehicles (other than Qualified Non-Personal Use Vehicles) will be utilized for personal use (such as commuting to and from work) only in situations where the use is considered by the elected official to be solely for the benefit of the

county. If the personal use of a county-owned vehicle has not specifically been determined by the elected official as solely for the benefit of the county, the employee will not utilize a county-owned vehicle for personal use.

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

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

UNIFORMS AND SAFETY EQUIPMENT

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

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

- All clothing and uniforms provided by the county are a taxable fringe benefit except where all of the following conditions are present:
 - a) Clothing or uniforms must be specifically required as a condition of employment; and
 - b) Clothing or uniforms are not adaptable to general use as ordinary clothing; and
 - c) Clothing or uniforms are, in fact, not worn for general use

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

FIREARMS/WEAPONS

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

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

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

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

quickly and easily as possible, we suggest the following to ensure a policy of free and open communication:

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

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

Step 3: If the matter involves serious misconduct, then you may present your concern to a member of the Board of County Commissioners, who will investigate the matter, if necessary and appropriate.

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

AMERICANS WITH DISABILITIES **GRIEVANCE PROCEDURES**

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

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

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but not later than 60 calendar days after the alleged violations to: **Kingfisher County Safety Director/A.D.A. Coordinator at 405-375-3820 or 101 S. Main St., Rm9 Kingfisher, OK 73750.**

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

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

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

All written complaints received by the ADA coordinator, appeals to the Board of County Commissioners or their designee, and responses from the ADA coordinator and the Board of County Commissioners or their designee will be kept on file by Kingfisher County for at least three (3) years.

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

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

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

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

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

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

The County may also search Employer owned property or premises used by the employees, as well as the personal effects of employees (to include clothing, vehicles, containers, tool boxes, lunch pails, lockers and the like) brought onto the County's property. The County may take into custody any illegal, unauthorized or prohibited items and may turn them over to the proper law enforcement agencies. Refusal to allow a search or interference with a search may result in disciplinary action, including possible dismissal.

KINGFISHER COUNTY **DRUG AND ALCOHOL TESTING POLICY**

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

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

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

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) is required by and conducted

pursuant to federal law or regulation through the Department of Transportation. This testing is exempt from the provisions of paragraphs “1” through “17” below and is covered by paragraphs “18” through “32” below.

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

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

County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from being under the influence or impaired by marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact Kingfisher County Engineers office (405) 375-3820.

TESTING POLICY FOR NON-CDL/CMV EMPLOYEES

1. **Individuals Subject to Drug or Alcohol Testing**
All employees, applicants who have received a conditional offer of employment, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to drug or alcohol testing and the provisions of this Policy.
2. **Applicant Testing:** Applicants who have received a conditional offer of employment will be required to submit to drug and/or alcohol testing. A positive test or a refusal to undergo testing may result in a refusal to hire.
3. **For-Cause Testing:** Any time the County reasonably believes an individual is under the influence of drugs or alcohol, the County may require a drug or alcohol test. Circumstances causing the County to require testing of an

individual may include, but are not limited to:

- A. Drugs or alcohol on or about the individual's person or an individual's vicinity;
 - B. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
 - C. A report of drug or alcohol use while at work or on duty;
 - D. Information that an individual has tampered with drug or alcohol testing at any time;
 - E. Negative performance patterns; or
 - F. Excessive or unexplained absenteeism or tardiness.
4. **Post-Accident Testing:** If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and or alcohol testing. If the County conducts a post-accident test, the County will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.
5. **Random Testing:** The County may require the following individuals to undergo drug or alcohol testing at random and may limit its random testing to particular employment classifications or groups:
- A. Are police or peace officers;
 - B. Have drug interdiction responsibilities;
 - C. Are authorized to carry firearms;
 - D. Are engaged in activities which directly affect the safety of others;
 - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
 - F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.
6. **Scheduled Periodic Testing:** The County may require the following individuals to undergo scheduled, periodic drug or alcohol testing scheduled routinely as part of the County's written policy:
- A. Are police or peace officers;
 - B. Have drug interdiction responsibilities;
 - C. Are authorized to carry firearms;
 - D. Are engaged in activities which directly affect the safety of others;
 - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
 - F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.

7. **Post-Rehabilitation Testing:** In those instances in which the County offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of dismissal or following a positive test that did not result in dismissal, the employee may be required to undergo drug or alcohol testing for a period of up to two years commencing with the employee's return to work.
8. **Transfer/Reassignment:** If an employee transfers to a new position or job, or if an employee is reassigned to a different position or job.
9. **Fitness for Duty or Return From Leave:** As part of a routinely scheduled fitness for duty examination or as required by the County in connection with an employee's return to duty from a leave of absence as part of the County's written policies.
10. **Positive Marijuana Test Results and Medical Marijuana Licenses:** Employees and applicants who test positive for marijuana or its components under this Policy will be required to establish they hold a valid Oklahoma medical marijuana license.
11. **Substances Which May Be Tested**
Under this Policy, the County shall test for drugs, including marijuana, and alcohol.
12. **Testing Methods and Collection Procedures**
 - A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer;
 - B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;
 - C. The collection of samples shall be performed under reasonable and sanitary conditions;
 - D. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;
 - E. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples; Employees who refuse to submit to a test or who adulterate, dilute or otherwise tamper with a test

- specimen will be subject to immediate discharge.
- F. Sample collection shall be documented, and the documentation procedures shall include:
 - 1. Labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
 - 2. An opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information;
 - G. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;
 - H. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to 40 O.S. § 562 of this act;
 - I. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required; and
 - J. The County will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

13. Records

Records of all drug and alcohol test results and related information are the property of the County. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. Testing records may be provided to County employees, agents or representatives who need access to such records in the administration of the Standards for Workplace Drug and Alcohol Testing Act. The County may share drug and alcohol test results and related information regarding employees of independent contractor or subcontractors with the respective independent contractor or subcontractor, as provided by the County's contractual agreement.

The employee grants permission to the County to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related legal actions. Additionally, testing records are admissible as evidence in a case or proceeding before a court of record or

administrative agency if either the County or the individual tested are named parties in the case or proceeding. Further, testing records shall be released in order to comply with a valid judicial or administrative order.

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

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

- A. **Refusal to be Tested:** Any individual who refuses to submit to the County's request for drug and/or alcohol testing, or refuses to complete the required forms will be subject to termination from employment, or will not be eligible for employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.
- B. **Adulteration, Tampering or Manipulation of Samples:** The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment, as the case may be.
- C. **Personnel Action Which May Be Taken as a Result of Policy Violation or a Positive Test Result:**
 - 1. Any individual who violates this Policy regarding consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.
 - 2. Any employee who tests positive will be subject to discipline up to and including termination. However, the County may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who refuses such an opportunity or who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.
 - 3. Employees and applicants who test positive for marijuana or its components may be subject to disciplinary action up to and including termination under the County's Marijuana Use Possession or Impairment Policy.

4. For employees and applicants with a valid Oklahoma medical marijuana license and who are not in safety-sensitive positions, no employment action will be based solely upon a positive test for marijuana components or metabolites.
 5. **Safety-sensitive positions:** Any applicants who apply for positions designated by County as safety-sensitive are not eligible for hiring if they test positive for marijuana components or metabolites. Any employees who hold positions designated by County as safety-sensitive are subject to discipline up to and including termination if they test positive for marijuana components or metabolites. These safety-sensitive prohibitions apply to applicants and employees who have valid Oklahoma medical marijuana licenses.
15. **Confidential Explanation by Individual**
Any individual who receives a positive drug test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the County.
16. **Appeal Procedures**
Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the subsequent confirmation test, unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the County will reimburse the individual for the cost of the subsequent confirmation test. An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.
17. **Changes to this Policy**
Any part of this Policy can be changed by the County with ten (10) days written notice.

CDL/CMV EMPLOYEES

18. **EMPLOYEES SUBJECT TO TESTING.** All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substance and alcohol testing. This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations found in 49 CFR Parts 40 and 382 (attached). If there are any conflicts or omissions between this policy and the federal regulations, the federal regulations shall control.
- a. **Testing of Applicants or Transfers:** All applicants for employment with

Kingfisher County and all current employees who are requesting transfer to a position covered by this paragraph "18" shall be subject to this policy. This includes applicants for, or requests for transfer to, full-time or part-time employment and applicants for regular or temporary employment.

- b. All employees covered by this paragraph "18" shall be subject under this policy to the following listed testing. This includes full-time or part-time employees and regular or temporary employees.**
 - i. Post-Accident Testing**
 - ii. Random Testing**
 - iii. Reasonable Suspicion Testing**
 - iv. Return-To-Duty Testing**
 - v. Scheduled, Periodic Testing**
 - vi. Follow-Up Testing**

19. TESTING OF APPLICANTS OR TRANSFERS. Prior to the first time that a driver performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. This testing shall be in accordance with 49 CFR §382.301. The employee shall not be allowed to perform any safety-sensitive functions unless the County has received:

- a. a controlled substances test result indicating a verified negative test result for that driver;**
- b. an alcohol test result indicating an alcohol concentration of less than 0.04; and**
- c. an authorization and release signed by the employee for each employer during the previous three years authorizing the County to obtain the information required by 49 CFR §391.23.**

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

20. POST-ACCIDENT TESTING. As soon as practical following an occurrence involving a CMV operating on a public road, the driver shall be tested for alcohol and controlled substances if any of the following circumstances apply:

- a. the occurrence involved the loss of human life;**
- b. the driver employed by the County receives a citation under State or local law for a moving traffic violation arising from the occurrence and either:**
 - i. the occurrence involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the occurrence; or**

- ii. **One or more motor vehicles incurred disabling damage as a result of the occurrence, requiring the motor vehicle to be transported away from the scene by tow truck or other motor vehicle.**

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

- 21. **RANDOM TESTING. The County shall randomly select a sufficient number of drivers for testing each calendar year to equal an annual rate not less than the minimum annual percentage rate for random alcohol and controlled substances testing determined by the Administrator of the Federal Motor Carrier Safety Administration. Each driver selected for random testing shall have an equal chance of being tested each time selections are made. This means that some drivers may be tested more than once during a year while others drivers are not tested. This testing shall be in accordance with 49 CFR §382.305.**
- 22. **REASONABLE SUSPICION TESTING. If the County has reasonable suspicion that a driver has violated DOT Regulations in regards to alcohol or controlled substances, the County shall require a driver to submit to an alcohol and/or controlled substance test. In the case of alcohol, the testing will occur only if the reasonable suspicion arises during, just preceding, or just after the period of the work day that the driver is required to be in compliance with DOT Regulations. This testing shall be in accordance with 49 CFR §382.307.**
- 23. **RETURN-TO-DUTY TESTING. If a driver has violated DOT Regulations in regards to alcohol and controlled substances, the County has the sole discretion as to whether to return the driver to a safety sensitive function. However, if the appropriate authority determines that the driver has successfully completed a prescribed education and/or treatment program, and if the County decides to return the driver to a safety sensitive function, the driver shall be required to submit to an alcohol and/or controlled substance test. The driver must have a negative controlled substance test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming safety sensitive functions. This testing shall be in accordance with 49 CFR §382.309 and 40 CFR §§40.305, 40.307 and 40.311.**
- 24. **SCHEDULED PERIODIC TESTING. Kingfisher County may request or require a driver to undergo drug or alcohol testing when scheduled routinely for all drivers subject to scheduled, periodic tests. A refusal to take the test or a confirmed positive test may result in discipline up to and including termination of employment. This testing shall be in accordance with 49 CFR §382.111.**

25. **FOLLOW-UP TESTING.** If Kingfisher County decides to return a driver to safety-sensitive functions under paragraph "23" above, the driver will be subject to follow-up testing. Such testing shall be in accordance with the plan established by a Substance Abuse Professional, but shall not be less than six unannounced follow-up tests in the first 12 months of safety sensitive duty following the driver's return to safety sensitive functions. Such testing shall be in accordance with 49 CFR §382.311 and 40 CFR Subpart O, §§40.281-313.
26. **DEFINITIONS.** For the purposes of this policy, the definitions found in 49 CFR §382.107 shall apply and are incorporated herein. The following definitions are repeated for convenience only:
- a. **ALCOHOL.** Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
 - b. **ALCOHOL CONCENTRATION (or CONTENT).** Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
 - c. **ALCOHOL USE.** Means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.
 - d. **CONFIRMATION (or CONFIRMATORY) DRUG TEST.** Means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
 - e. **CONTROLLED SUBSTANCES.** Means only the following six drugs or classes of drugs:
 - i. marijuana metabolites;
 - ii. cocaine metabolites;
 - iii. amphetamines;
 - iv. opiate metabolites;
 - v. Phencyclidine (PCP).
 - vi. Opioids, including hydrocodone, hydromorphone, oxymorphone and oxycodone;
 - f. **DISABLING DAMAGE.** Means damage which precludes departure of a motor vehicle from the scene of an occurrence in its usual manner in daylight after simple repairs.
 - i. **Includes:** damage to motor vehicles that could have been driven, but would have been further damaged if so driven

- ii. **Excludes:**
 - (1) **damage which can be remedied temporarily at the scene of the occurrence without special tools or parts;**
 - (2) **tire disablement without other damage even if no spare tire is available;**
 - (3) **headlight or taillight damage;**
 - (4) **damage to turn signals, horn, or windshield wipers which makes them inoperative.**

- g. **PERFORMING (a Safety Sensitive Function).** Means a driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.

- h. **REFUSE TO SUBMIT (to an alcohol or controlled substance test).** Means that a driver:
 - i. **fails to appear for any test (except a pre-employment test) within a reasonable time after being directed to do so;**

 - ii. **fails to remain at the testing site until the testing process is complete;**

 - iii. **fails to provide a urine specimen for any required drug test;**

 - iv. **in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;**

 - v. **fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure;**

 - vi. **fails or declines to take a second test the driver has been directed to take;**

 - vii. **fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer or by the Designated Employer Representative;**

 - viii. **fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or**

- ix. is reported by the Medical Review Officer as having a verified adulterated or substituted test result.
- i. **SAFETY SENSITIVE FUNCTION.** Shall include:
 - i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
 - ii. All time inspecting equipment as required by 49 CFR, Subchapter B, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - iii. All time spent at the driving controls of a commercial motor vehicle in operation;
 - iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (as defined in 49 CFR, Subchapter B);
 - v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- j. **STAND DOWN.** Means the practice of temporarily removing an employee from the performance of safety sensitive functions based only on a report of a laboratory to the Medical Review Officer of a confirmed positive drug test or drug metabolite, an adulterated test, or a substituted test, before the Medical Review Officer has completed verification of the test results.
- k. **PROHIBITED CONDUCT.** Means that no driver shall:
 - i. report for duty or remain on duty requiring the performance of safety sensitive functions with an alcohol concentration of 0.04 or greater;
 - ii. use alcohol while performing safety sensitive functions;
 - iii. perform a safety sensitive function within 4 hours after using alcohol;
 - iv. if required to take a post-accident alcohol test (under paragraph "P" above), use alcohol for 8 hours following the occurrence, or until he/she undergoes a post-accident alcohol test, whichever occurs first;

- v. **refuse to submit to any required alcohol or controlled substances test;**
 - vi. **report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 40 CFR, Subchapter B, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV. (Any driver using any therapeutic drug pursuant to the instructions of a licensed medical practitioner must inform his/her supervisor of such use prior to performing any safety sensitive functions.);**
 - vii. **report for duty, remain on duty, or perform any safety sensitive function if the driver has tested positive or has adulterated or substituted a test specimen for controlled substances.**
27. **TEST PROCEDURES.** All regulations and procedures used to test for controlled substances and alcohol in order to protect the integrity of the testing process, safeguard the test validity, and insure results are attributed to the correct driver are found in 49 CFR §§40 and 382. They are incorporated into this policy by reference herein and copies are attached hereto.
28. **CONSEQUENCES OF VIOLATIONS OF THIS POLICY.** Drivers who violate this policy or who commit any of the prohibited conduct in paragraph "26(k)" above will experience the following consequences in accordance with Federal Regulations:
- a. **Immediate removal from any and all safety sensitive functions;**
 - b. **Will not be able to again perform safety sensitive functions for any employer until he/she has completed the evaluation, referral and education/training set forth in 49 CFR, Part 40, Subpart O;**
 - c. **In addition, will not be able to again perform safety sensitive functions for any employer until he/she has successfully completed a Return-To-Duty Test as described in paragraph "21" above;**
 - d. **Shall be subject to civil and/or criminal penalties as recommended by the Secretary of Transportation under the provisions of 49 U.S.C. §521(b).**

Also, any driver tested for alcohol under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall immediately be removed from any safety sensitive functions and shall not be allowed to resume safety sensitive functions until the start of the

driver's next regularly scheduled duty period, or 24 hours from the administration of the test, whichever is long

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

a. will immediately be placed on unpaid, disciplinary suspension for any period when they are not eligible to perform safety sensitive functions. Such disciplinary action will not be imposed based solely on a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, until the Medical Review Officer has verified the test results; and

b. if the violation is based upon a positive test result confirmed by the Medical Review Officer, employee will be subject to discipline up to and including discharge. The employee may request a test on the second sample, at their own expense, to verify the positive test result as per 49 CFR §382.301(b).

c. If the violation is based on some action other than a positive test result (e.g. refusing to submit to a test, using alcohol within 4 hours prior to performing safety sensitive functions), will be subject to discipline up to and including discharge.

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

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

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

32. TREATMENT PROGRAM FOR RETURN TO DUTIES.

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

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

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

EMPLOYMENT SEPARATION

Kingfisher County offers no employment contracts nor does it guarantee any minimum length of employment. Just as any employee may terminate employment at any time, so may Kingfisher County terminate an employee at any time “at-will,” with or without cause, with or without notice. A break in service of more than 60 calendar days marks an end to continuous service, which requires the employee to serve a new eligibility period of one (1) year before being eligible for any vacation leave.

There are several types of separation:

RESIGNATION: Employees who find it necessary to terminate their employment with Kingfisher County are expected to give two weeks’ notice to their supervisor. (may be eligible to receive the value of his or her accrued and unused vacation leave.)

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

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

A Retirement Notice and Application must be received in the OPERS Office 60 calendar days prior to the employees’ retirement date. The retirement notice and application is obtained from the Retirement Coordinator in the County Clerk’s Office.

Please allow sufficient time to pick up, complete, and return the Retirement Notice and Application to the Retirement Coordinator, to ensure OPERS receives it 60 days prior to your planned retirement date.

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

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

AUTHORITY TO SEARCH

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

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

NO SOLICITATION/NO DISTRIBUTION POLICY

Kingfisher County employees are prohibited from engaging in solicitation to other County employees or the public during the work time and in working areas of either the employee doing the solicitation or the employee being solicited. Solicitation includes, but is not limited to, contacting other employees or the public for the purpose of encouraging their participation or support for functions or activities which are not related to the official business of the County. Examples include encouraging participation in or support for political campaigns, fundraisers, raffles, organization membership drives, sales of any product, etc. Solicitation is restricted to non-working hours such as lunch

breaks, before work, and after work. Kingfisher County employees are prohibited from distributing materials that are not work related in working areas during working time. Material of this nature may only be distributed in non-working areas such as lunch rooms or break rooms during non-working times.

SMOKE FREE POLICY

Option #1 - All buildings owned or operated by the Kingfisher County are designated as nonsmoking. In addition, smoking will not be allowed within twenty five (25) feet of any entrance or exit of any building owned or operated by Kingfisher County. This policy includes all County owned vehicles and industrial equipment.

Okla. Stat. Ann. Tit, 21 O.S. § 1247

TELEPHONE USE

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

VOTING

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

Okla. Stat. tit. 26, § 7-101.

KINGFISHER COUNTY COVID-19 Quarantine/Isolation & Return to Work Policies and Procedures

As the COVID-19 pandemic continues to evolve, the County is actively monitoring best practices and updating County guidance based on the recommendations of the Centers for Disease Control and Prevention ("CDC"). The County is committed to complying with all federal, state and local laws, including without limitation the Families First

Coronavirus Response Act ("FFCRA"), the Americans with Disabilities Act of 1990, as amended, the Family and Medical Leave Act ("FMLA"), and Public Employees Occupational Safety and Health ("PEOSH") regulations as applicable. In the event of a conflict, these policies and procedures will be subject to and enforced in accordance with applicable federal, state or local law or mandate.

After careful consideration, the County has decided to implement the following policies and procedures, beginning September 20th, 2021.

The support of all employees is critical to the success of our plans. Everyone plays a critical role in ensuring we are doing everything we can to protect one another and the general public.

Employee and Staff Responsibilities

- **STAY HOME IF YOU ARE SICK**, especially if you are experiencing flu-like or COVID-19 symptoms such as a fever, cough, sore throat, shortness of breath, muscle aches, loss of sense of smell or taste, or gastrointestinal issues. Call the appropriate Elected Official before reporting to work and/or advise the Elected Official immediately if you develop any of these symptoms while at work.
- Frequently wash hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol.
- Avoid touching your eyes, nose, or mouth.
- Practice good respiratory etiquette, including coughing and sneezing into your elbow or a tissue and turning away from others when coughing or sneezing.
- Masks or face coverings (must cover, at a minimum, nose and mouth) are encouraged (not mandatory) and may be worn when moving throughout the office in hallways, breakrooms, restrooms or common areas or any time social distancing of at least 6 feet is not possible. The CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain. The purposes of the cloth face covering is to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings do not contain filtration systems that prevent particles from entering the lungs.
- Social distancing
 - Maintain at least 6 feet from fellow employees where possible.
 - Avoid physical contact with others (i.e., no handshakes).
- Common areas touched by employees including but not limited to printer/copier, file cabinets, tables, etc. shall be wiped with a disinfecting wipe immediately before and after every use.
- Efforts shall be made by each employee to disinfect their workspace daily, especially at the end of each workday.

- Employees with children displaced by school closure and/or lack of suitable care due to daycare/facility closure may contact the appropriate Elected Official to discuss possible accommodations.

The County's Responsibilities

- Actively monitor symptoms and illnesses and notify employees of any potential exposure.
- Disinfect offices/worksites, particularly common and high-traffic areas at least daily.
- Clean high-contact areas, such as door handles and elevator buttons, frequently during the workday.
- Thoroughly clean and decontaminate any areas related to known illness or COVID-19 diagnosis.
- Monitor and maintain a supply of disinfecting supplies and protective equipment.
- Maintain a plan to clean and sanitize the office/worksite.
- Provide hand sanitizer in all common areas and at all building/office entrances and ensure bottles of soap and towels at all handwashing areas.
- Post signs advising clients, visitors, and vendors that if they are ill or have a temperature that they are not permitted in our offices.
- Post signs reminding people of social distancing requirements and the need for frequent hand washing.
- Enforce social distancing and compliance with all required precautionary measures.
- Provide employee training:
 - Reception personnel will be trained on safe interactions with visitors.
 - Employees will be trained on good workplace hygiene.
 - Training materials will be posted in common areas or on the intranet.
- Communicate regularly on COVID-19 planning.

Visitors

- Visitors and/or meetings with outside vendors/agencies should be held via phone or teleconference unless a face-to-face meeting is required for business purposes.
- Efforts should be made to provide information via phone, email, video conference, or other means before scheduling an in-person visit.
- Reduced number of entrances to direct visitors when entering County facilities. The Courthouse main entrance doors will be open for public access as well as the east doors closest to the courtroom for Americans with Disabilities Act compliance. All other doors will remain closed to the public. The Annex building north doors will be open to allow access to OSU Extension. OSU Extension has specific guidance for entry to the office and visitors should call before arriving. The Health Department will only have access from Sheridan St. on the south.
- Signs will be posted at multiple, relevant locations in the entry sequence.
 - The signage at all entrances will warn against entry for anyone answering "Yes" to any of the following within the previous 14 days:

- Flu-like or COVID-19 symptoms (cough, shortness of breath, fever, sore throat, muscle aches, loss of sense of smell or taste, or gastrointestinal issues)
 - Close contact with symptomatic family member(s) or other person(s) exhibiting symptoms
 - Tested positive for COVID-19
 - Exposure to someone who has tested positive
 - Been advised to self-quarantine by a healthcare provider
 - Travel outside the state
- Signs will be posted that outline office protocols on social distancing, no hand shaking, wearing of masks, etc.
- Hand sanitizer will be provided at the main entrance and east entrance.
- All visitors will be encouraged to wear a disposable mask while in the office. A supply of disposable masks will be available.
- Each visitor shall arrange visits ahead of time in order to provide for social distancing requirements and adhere to any limits of time placed on each for vault and record access.

Employee Quarantine/Isolation Procedures - CDC Guidance

- Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.
- Isolation separates sick people with a contagious disease from people who are not sick.
 - The CDC is no longer recommending Quarantine/Isolation for those who have been exposed to or come in contact with someone who has tested positive for Covid-19. **Quarantine/Isolation is only if symptoms are present.**
- Isolate if you have a positive infection of COVID-19
 - Follow the advice of your medical provider and **stay home for at least 5 days and isolate from others in your home.**
 - You may be able to shorten your isolation if:
 - You may be able to shorten your quarantine after day 5 if:
 - You are fever-free for 24 hours (without the use of fever-reducing medication).
 - Negative tests are not required for return to work
 - Employees who are sick 3 or more days will be required to provide a medical provider's release to return to work
- County Provided Quarantine/Isolation pay
 - All employees who must quarantine or isolate for COVID exposure/sickness will have up to 80 hours of paid time (cumulative 80-hours in a Fiscal Year). Paid time will include parents/guardians providing care for family members. No additional time will be provided

- Employees who are in quarantine/isolation should adhere to CDC guidelines and avoid contact with the general public, e.g., no dining out, shopping, vacations or any other unnecessary travel
- Employees in quarantine/isolation who are found not adhering to this guidance will have the County provided paid time off revoked and will be required to use his or her accrued sick, vacation or comp time.
 - If the employee has no accrued time-off, he or she will be placed on time-off-without pay for the quarantine/isolation period
 - Employees will be required to pay for any deductions for medical or voluntary supplemental deductions (insurance) if he or she does not have enough accrued time off available
- EMPLOYEE ACKNOWLEDGEMENT will be signed by employee and kept on file by the County.
- **This policy will remain in effect unless amended or rescinded by the BOCC. This policy updated 08/21/2023 and is subject to with CDC guidelines.**

County I.D. Cards

All road crew employees will be issued a Kingfisher County I.D. card. Any other I.D. cards will be issued at the request of an elected official.

Amendments

Date of Change	Amendment	Page#

PLACE SIGNED COPY IN EMPLOYEE'S PERSONNEL FILE

READ CAREFULLY BEFORE SIGNING BELOW

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

Employee Name: _____ Date: _____

Department: _____

Regularly assigned vehicle: _____

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

The Cents Per Mile Rule _____
 The Commuting Rule _____
 The Annual Lease Value Rule _____

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

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

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

 Employee's Signature Date

 Witness Date

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

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

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

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

Name of Employee (Please print)

Employee's Signature Date

Name of Management Witness
(Please print)

Signature of Witness Date

**Non-DOT/CDL ACKNOWLEDGMENT OF RECEIPT OF
KINGFISHER COUNTY'S DRUG AND ALCOHOL TESTING
POLICY**

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

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

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

Employee Name (Print and Sign)

Date Signed:

Witness Name (Print and Sign)

Date Signed:

**DOT/CDL ACKNOWLEDGMENT OF RECEIPT OF
KINGFISHER COUNTY'S DRUG AND ALCOHOL TESTING POLICY**

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

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

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

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

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

Employee Name (print and sign)

Date Signed:

Witness Name (print and sign)

Date Signed:

READ CAREFULLY BEFORE SIGNING BELOW

**EMPLOYEE PERSONNEL POLICY HANDBOOK
ACKNOWLEDGEMENT FORM**

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

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

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

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

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

Employee's Name
(Printed or Typed)

Employee's Signature

Date

READ CAREFULLY BEFORE SIGNING BELOW

COMPENSATORY TIME OFF FOR OVERTIME AGREEMENT

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

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

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

Employee's Signature

Employer Representative Signature

Date

KINGFISHER COUNTY
COVID-19 Quarantine/Isolation &
Return to Work Policies and Procedures Acknowledgement

By signing below, I acknowledge that I have received a copy of the County's September 2021 dated COVID-19 Quarantine/Isolation and Return to Work Policies and Procedures. These policies and procedures are not a contract and they are not a guarantee of any rights, privileges, or conditions of employment.

Employee Name

Employee Signature

Date

Kingfisher County DOT (CDL) Driver Agreement

This **AGREEMENT** between the Board of County Commissioners for Kingfisher County, Oklahoma (the “County”) and _____ (the “Employee”) sets forth the terms by which Employee shall obtain a Commercial Driving License (herein “CDL”) and County shall pay for CDL classes and the CDL test, with the Employee obligated to reimburse the County as provided below if the Employee does not remain employed with County for a set period.

NOW, THEREFORE, the parties hereto, intending to be legally bound, agree as follows:

1. **Obligation to Pay.** The County agrees to pay on behalf of the Employee the cost of a CDL training course, and the cost to take the test for a CDL license.
2. **Obligation of Continued Employment.** Having taken and passed his/her CDL training, Employee agrees to remain employed with County for a minimum of twenty-four (24) months. If the Employee’s employment with the County should end for any reason short of twenty-four (24) months, Employee shall reimburse County for funds spent on previously mentioned CDL training. Employee agrees that County may withhold amounts from their paychecks in order to satisfy any reimbursement obligation. This is not a guarantee of continued employment as County reserves the right to terminate employment at any time.
3. **Governing Law.** This Agreement shall be governed by the laws of the state of Oklahoma, without giving effect to conflict of law principles.
4. **Entire Agreement.** This Agreement represents the complete understanding of the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous discussions and agreements between any parties with respect to the such subject matter.
5. **Headings and Captions.** The headings and captions used in this Agreement are for the convenience of reference only, and shall in no way define, limit, expand, or otherwise affect the meaning or construction of any provision of this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on this _____ day of _____, 20__.

Kingfisher County Board of Commissioners

Hiring District # _____

BOCC Chairman

Employee

Member

ATTEST:

Member

County Clerk

