



PERSONNEL POLICIES AND PROCEDURES

SECTION 800

GENERAL ADMINISTRATION

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SECTION 800. GENERAL ADMINISTRATION

801. Reimbursement of Applicant Travel Expense

When the Personnel Department is unable to recruit locally for difficult-to-fill, key positions, the City of Tulsa may reimburse out-of-town applicants for travel expense. Interviews and travel shall be arranged by the Personnel Department and reimbursement must be authorized by the Personnel Director prior to travel. Reimbursement shall be limited to the following:

.1 Transportation Expenses

Round trip transportation expenses of applicants who live more than one hundred (100) miles from Tulsa, Oklahoma, may be reimbursed as follows:

.11 Private Automobile - Mileage will be paid at a rate commensurate with current transportation policy for City employees. Parking and toll fees may be reimbursed as verified by receipt.

.12 Airline - Coach-class fare for applicant only as verified by receipt or cancelled ticket.

.13 Taxi - In-City travel expense to and from airport commensurate with current transportation policy for City employees.

.2 Personal Expenses

.21 Lodging - The reasonable and customary rate per twenty-four (24) hour period as verified by receipt.

.22 Meals and approved miscellaneous expenses not to exceed the per diem payable to City employees under current transportation policies.

.3 Length of Stay

The length of stay in Tulsa for interviewing and other approved activities which are reimbursable shall be determined by the Personnel Director, but in no instance shall the length of stay exceed three (3) calendar days.

802. New Employee Moving Expense

When the Personnel Department is unable to fill key positions locally with qualified personnel, the City of Tulsa may reimburse some expense of moving a new employee and dependents, who are permanent residents of the employee's household, from their present residence to the Tulsa Metropolitan area. The Personnel Director or designee must approve in writing, the applicable moving expense reimbursements, prior to the appointing authority's commitment to hire the new employee. Normally, the reimbursable expenses will be detailed in the employment offer correspondence.

.1 House Hunting Trips

Expenses will be reimbursed for the new employee and spouse covering one (1) trip to Tulsa, not exceeding one (1) week, in order to secure living accommodations. Reimbursement will be made in accordance with Section 802.2 and .3 below.

.2 Personal Transportation

Travel to Tulsa shall be reimbursed for only one (1) mode of transportation by the most direct route. Where more than one (1) mode of travel or more than one (1) vehicle are used, only the mode resulting in the greater expense shall be reimbursed. Personal transportation expenses of newly hired employees and dependents who live more than one hundred (100) miles from Tulsa, Oklahoma are reimbursed as follows:

.21 Private Automobile - Mileage and toll fees will be reimbursed at a rate commensurate with current transportation policies for City employees.

.22 Airline - Coach-class fare for the employee and each dependent as verified by receipt or canceled ticket.

.3 Personal Expense Allowance

Personal expense, in addition to transportation of newly hired employee and dependents that live in excess of one hundred (100) miles from Tulsa, will be reimbursed as follows:

.31 Personal expense incurred by the employee and dependents for lodging shall be paid at a reasonable and customary rate as verified by receipt. An allowance may be authorized to cover meals and miscellaneous expenses. The total amount of the allowance shall not exceed the per diem rate payable under current transportation policy for City employees, plus an additional ten dollars (\$10.00) for each dependent.

.32 A maximum of one (1) day's allowance per four hundred (400) miles' travel shall be authorized. In no instance shall Personal expense be paid for more than three (3) days on the road or three (3) days after arrival in Tulsa, while awaiting the arrival of a moving van.

.4 Moving Allowance

The City of Tulsa may, in selected cases, provide a cash advance to cover miscellaneous expenses incidental to the move which are not covered by other provisions of this policy. The amount of this allowance may vary and is limited to a maximum amount equal to one (1) month's base salary of the new employee.

The Personnel Director or designee must authorize and approve the amount of this allowance in advance of the commitment to hire.

.5 Shipping Expenses of Personal Belongings

Shipping expense of personal belongings of newly hired employees and dependents that live more than fifty (50) miles from Tulsa, Oklahoma, will be reimbursed subject to the following limitations:

- .51 The City shall select a mover and arrange to move household goods to the new location. The City shall pay the moving company directly for authorized services which include:
- .511 Containers, packing, crating at origin and unloading at destination, limited to a maximum of \$1,500.
 - .512 Transportation of household goods and personal effects from previous residence to new location.
 - .513 Insurance of transit protection up to \$1.25 per pound based on actual shipping weight (Additional coverage up to the full value of the belongings may be purchased by the employee).
 - .514 Normal servicing of household appliances at tariff rates, i.e., preparation for shipment of phonographs, refrigerator units or other appliances (The expense of removing or installing electrical or plumbing connections or television antennas is not allowed).
- .52 Expenses which are not reimbursable:
- .521 Overtime moving charges, waiting time charges, or extra pick-ups and deliveries unless authorized in advance.
 - .522 Cost of maid service, cleaning and painting at old and new residence including cleaning of clothes, rugs or draperies.
 - .523 Shipping or storage of perishable or frozen foods; pets, cars, boats, campers, or other bulky articles as described in Inter-State Tariff Rules; firewood, bricks or other building materials.
 - .524 Removal of draperies, rugs or fixtures; removal or installation of television or FM radio antenna; television adjustment; piano tuning; utility deposits; telephone installation charges, etc.
 - .525 Assembly or disassembly of yard equipment; i.e., swing sets, jungle gyms; etc.
 - .526 Purchase of furniture or appliances needed in the new residence or replacement of furnishings left at old residence such as wall-to- wall carpeting, draperies, or Venetian blinds.
 - .527 Losses on such items as unexpired school tuition, club fees, registration fees, etc.
 - .528 State or local personal property or use-taxes.
 - .529 Realty expenses at the new location or other expenses at the new location or other expenses connected with acquiring a new home.
- .53 Should an employee engage a carrier or personal agent to perform or arrange unauthorized services, payment shall be made directly by the employee and is not reimbursable.
- .54 Claims for damage in transit are to be filed by the employee directly with the carrier as soon as possible. The employee is responsible for signing inventory lists at points of loading and unloading.

.6 Self-Move Expenses

In some instances, the City of Tulsa may elect to pay alternative shipping expenses for new employee personal belongings (Usually small apartment-size loads or less). New employee may use a self-haul truck or trailer and receive reimbursement by submitting paid receipts for this expense.

.7 Temporary Living Expense

If a new employee is unable to immediately secure living quarters in Tulsa, the City may elect to pay necessary and reasonable living expenses for lodging and meals. These expenses will be paid for a maximum period of thirty (30) days or until permanent residence is established, whichever comes first. Proper documentation of lodging expenses must be submitted for reimbursement. Meals shall be reimbursed at a rate of ten dollars (\$10.00) a day per family.

.8 Temporary Storage of Household Goods

A maximum of thirty (30) days storage charges may be reimbursed, as well as in- and-out charges and movement of household goods to the permanent residence within the Tulsa Metropolitan area. Proper documentation of expenses must be submitted for reimbursement.

.9 Administration

.91 At the time of notice of employment, the Personnel Director shall provide each new out-of-town employee with two (2) copies of the moving information form (to be returned to the City Purchasing Agent) and one (1) copy each of the moving allowances policy and the employee instructions. The Personnel Department shall notify the Purchasing Agent that the relocation has been authorized.

.92 The Purchasing Agent shall select a moving company and review all arrangements for compliance with the moving allowances policy.

.93 Employees relocated at City expense who resign within one (1) year from their employment date shall repay the City fifty percent (50%) of the total relocation expense (including personal transportation, personal expense allowance and shipping expense of personal belongings).

.94 Expenditures or actions not in conformance with section 801 and 802 can be authorized by the Personnel Director with the approval of the Mayor.

803. Identification Card Program

.1 An employee whose work requires providing City identification to the general public, or whose work site is in a restricted or security area, shall be issued a City of Tulsa Identification card to be carried or worn at all times. Each department shall determine which positions require identification cards.

.2 The procedure for the issuance of an Employee Identification Card shall be as follows:

.21 The designated employee shall be issued a completed official employee identification card (TUL-1954) by their department along with a memo authorizing a photograph. The employee shall bring the card and memo to the Personnel Department where a photograph is taken for the identification card.

- .22 Uniformed employee Identification Cards shall include the employee's position classification; therefore, the above procedure shall apply whenever promotions, demotions and transfers of a uniformed employee occur.
- .23 Nonuniformed employees holding an identification card in their present position and transferring to another department where an identification card is also required for the new position shall follow the above procedure.
- .3 In the event an employee's identification card is lost or stolen, the procedure for reissuing the missing card shall be the same as for an original issuance.
- .4 Each department head shall retrieve all identification cards from employees leaving the department. Returned cards shall be destroyed. To ensure compliance with this provision, no terminated employee shall be issued a final pay check until the identification card has been returned to the department.

804. Interim Check Policy (MOVED TO SECTION 203).

805. Political Activities

- .1 Article 10, Section 10.1 "No person in the classified service shall take an active part in any campaign for the election of officers of the City, except to vote and privately state a personal opinion." Article 11, Section 5.1, No chief, officer, or sworn member of the Fire Department shall take an active part in any campaign for the election of officers of the city, except to vote and privately state a personal opinion."
- .2 Definitions
 - .21 "Employee" means an individual who occupies a position in the classified or sworn service;
 - .22 "Political party" means a National political party, a State political party, and an affiliated organization;
 - .23 "Election" includes a primary, special, and general election;
 - .24 "Active Part" means the following:
 - .241 Filing as a candidate for elective office of the City of Tulsa while employed by the City;
 - .242 Endorsing and/or opposing a candidate or party or otherwise participating in any political campaign activities for elective office of the City of Tulsa while on duty and/or in uniform.
- .3 No employee, whether on or off duty, shall cause or permit political activities to detract from or interfere with the performance of the job duties of any employee of the City of Tulsa or cause disruption in the work place.
- .4 Any employee who violates any of the provisions of the political activities policy shall be subject to disciplinary action that may include dismissal.

806. Transportation Support

- .1 It is the City of Tulsa's goal to enhance recruitment of qualified applicants and to retain employees by supplementing the cost of bus transportation and parking.

- .2 The administration of the Transportation Support Program shall be the responsibility of the Transportation Committee. Department heads shall be responsible for administering the program to their employees.
- .3 Decisions of the Transportation Committee shall not be subject to the grievance procedure.

807. Travel for Official City Business or Professional Development

Revised: March 18, 2002, Revised: December 31, 2012, Revised January 10, 2018.

The City will cover reasonable and necessary travel expenses incurred for authorized City business including official meetings, conferences, seminars, workshops, examinations, and other City-related activities with approval of their department head or designee. Only those events that are necessary in the conduct of City business or are directly related to the employee's professional job development shall be authorized. Employees shall submit travel expense claims that comply with this policy and the Finance Travel Policies & Procedures.

.1 Airfare

- .11 Airfare should be booked at the lowest available fare. Travelers must fly coach class. If traveling internationally, business class travel is acceptable if the travel segment exceeds eight (8) hours of scheduled flying time.
- .12 Employees will first explore the option of using Tulsa International Airport (TUL) for all airfare. If a flight through TUL is available within 4 hours of travel time each way from flights available through Dallas (DFW/DAL), Oklahoma City (OKC), or another regional airport and the cost of the TUL flight is within \$300 of the lowest priced ticket at the other airport, then the employee will be required to use TUL.

.2 Per Diem

- .21 Per Diem is a fixed amount provided for meals and incidental expenses when traveling on City business. The current per diem rates are available from the Finance department or from department payroll clerks.

.3 One Day Trips.

- .31 One day trips do not require a Travel Authorization unless air travel is necessary as determined by the department head.
- .32 Per Diem for meals and incidental expenses is not provided for a trip not requiring an overnight stay or airfare, rather expenses may be reimbursed with proper receipts or a Purchasing card may be used.
 - .321 One (1) meal, including tip, up to an amount as approved by Executive Order No. 2015-01 as may be amended from time to time.
 - .322 Mileage for personal car or gasoline for a City car.
 - .323 Toll fees.
 - .324 Parking fees up to \$10.00.

- .4 Purchasing Cards
 - .41 Purchasing cards should not be used for any expense covered by per diem, and any use for travel must conform to the Purchasing Card Policies and Procedures.
- .5 Donation of Travel Expenses
 - .51 City ordinances stipulate that all travel expense donations shall be approved by the City Council. Travel expense donations mean any travel- related expense paid in whole or in part by any person, firm, or corporation other than the City of Tulsa (Government agencies excluded) and shall include all contribution, proceeds or honoraria received in connection with travel for official City business or professional development.
 - .52 Approval of travel expense donations must be placed on the Mayor's Agenda before going to the City Council. This process will take additional time.
- .6 Travel Advances and Final Expense Reimbursements
 - .61 Per Diem is the only expense that may be advanced to the traveler. Requests for advances should be submitted to the Finance department with appropriate approvals no later than payroll cutoff for the payday that precedes the traveler's day of departure.
 - .62 Travel advances are not to be transferred to another employee in the event that a change in travel plans occurs.
 - .63 Completed Travel Expense Reimbursement reports certifying and approving final expenses should be submitted to the department head or designee within two (2) weeks of trip completion. Failure to submit such reports within a timely manner will result in the full amount of any advance being deducted from his/her next paycheck. Additionally, the employee will not be eligible for future travel advances for six months.
- .7 Travel Expenses
 - .71 Airfare should be paid by Purchasing card. Traveler's insurance and ticket upgrades are not covered.
 - .711 Travelers should try to ensure that required baggage fees are paid with the Purchasing card when scheduling travel with the vendor. Travelers should be aware that additional baggage or seating fees may be required before boarding and those fees may be reimbursed upon presentation of proper receipts.
 - .72 Car rental, if necessary, should be paid by Purchasing Card when possible. See PPPM 807.7.76.
 - .721 Car rental should be for an economy or compact car. Justification of necessity should be provided when the selected vehicle is more expensive.
 - .722 The City assumes responsibility for collision damage. Employee should decline purchasing insurance.
 - .73 Hotel Costs should be paid by Purchasing card when possible. See PPPM 807.7.76.

.731 Lodging shall not exceed the single room rate of the establishment and should be within an adequate but economic range.

.732 If for any reason there are any charges for lodging, note reason on reimbursement report.

.74 Parking/Tolls/Shuttles will be reimbursed by providing proper receipts.

.75 Travel by means of a personal vehicle will be reimbursed at the standard IRS mileage rate, plus parking and tolls up to a maximum of the cost of the least expensive and available coach airfare flying to and from that destination. Appropriate use of advance airfare opportunities should be the basis for determining what is the least expensive and available coach fare.

.76 Other travel expenses, not included in Per Diem, should be paid by Purchasing card or will be reimbursed upon providing of proper receipt.

.77 Trip duration and associated expenses will be limited to a maximum of one (1) day before and one (1) day after a scheduled event as necessitated based on reasonable scheduling considerations, unless a longer stay is financially prudent and is pre-approved by the department head or designee.

.78 Telecommuting

See Telecommuting policy in Personnel Policies and Procedures Manual Section 800 for travel policies in regard to telecommuting employees.

.8 Travel and Hours of Work

.81 For travel involving only one (1) day where an overnight stay is not required, all of the time spent traveling is considered as hours worked. Non-exempt employees shall receive appropriate compensation for such hours.

.82 For trips requiring an overnight stay, those hours which coincide with a non-exempt employee's regular work hours will be compensable or considered as hours worked. This applies regardless of whether the work and/or travel occur on the employee's regular shift or regular day off. Travel outside regular work hours is not compensable while traveling as a passenger on an airplane, train, boat, bus, or car and where the employee is free to relax. A non-exempt employee's hours are compensable if he/she must perform work (including driving) while traveling.

.83 Exempt employees shall not be eligible for overtime pay for any hours worked during travel.

.84 If the employee elects and is approved to take additional time off combined with an approved business trip, appropriate paid leave shall be used for all time beyond that allowed within 807.7.78.

.85 An individual shall be considered in an active employment status during travel and work or meeting activities directly relating to the purpose of the trip (and subject to the provisions above as relates to hours of work and compensability).

808. Personnel Records

.1 In order to comply with the "Oklahoma Open Records Act", *this policy is established to provide a timely and consistent application of the provisions governing release of personnel records to requesting persons or organizations.

- .11 The Personnel Department is the official City holder of personnel records.
- .12 The Personnel Director or designees shall be authorized to release personnel records, subject to specific guidelines and confidential limitations of the "Oklahoma Open Records Act".
- .2 Copies or access to the City's personnel records shall be furnished to a person or organization upon receipt by the Personnel Department of an official formal request, subject to the following provisions:
 - .21 Requests for copies or access to personnel records must be submitted on the City's official records request form.
 - .22 Requests for copies or access to personnel records which relate to current or pending litigation shall be referred to the City's Legal Department for final disposition.
 - .23 There are some personnel records which have been designated as confidential and pursuant to those published guidelines shall not be copied or made available to a requester. Confidential record disclosures are detailed in the following subsections:
 - .231 Personnel records which relate to internal personnel investigations, grievances resulting in no loss to the employee, examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation are confidential.
 - .232 Personnel records where disclosure would constitute a clearly unwarranted invasion of personal privacy, such as employee evaluations, payroll deductions, or employment applications submitted by persons not hired by the City of Tulsa.
 - .2321 Current record of employee home address may be disclosed to the Child Support Enforcement Section of the State of Oklahoma, Department of Human Services.
 - .2322 Current record of employee home address may be disclosed to legal process or subpoena servers.
 - .2323 Disclosure of employee worksite records to subpoena servers and/or the Child Support Enforcement Section of the State of Oklahoma, Department of Human Services is required when requested.
 - .24 All personnel records not specifically covered by the previously stated confidential exceptions shall be made available for inspection or by copy to a requester including, but not limited to, the following information:
 - .241 Employment application of a person who becomes a City employee.
- .242 Dates of employment, classification title, or position.
 - .243 Any final disciplinary action resulting in loss of pay, suspension, demotion of position or termination. This information shall consist of a copy of the Personnel Action and related accompanying correspondence.
 - .244 Record of current pay rate.

- .3 All City Departments shall refer persons requesting access to, or copies of, personnel records to the Personnel Department.
- .4 The Personnel Department shall charge fees for document copying or reproduction in accordance with established procedures and fee schedule for such services and materials.
- .5 The Personnel Department shall maintain a detailed record of all personnel record requests and subsequent documents furnished to the requester.
- .6 Any questions regarding appropriate release of personnel records under provisions of the "Oklahoma Open Records Act", shall be resolved by the Personnel Director, designee, or referred to the City's Legal Department for their final determination.
- .7 Recognizing that each situation may be different and that specific instructions are not possible for every case, consideration of four (4) factors should be made pertaining to any disclosure of records by the Personnel Department. Disclosure of personal records such as current home address, telephone number of employee and the worksite location may be released, based on consideration of the following criteria:
 - .71 The public's interest in the disclosure;
 - .72 The interests of the person seeking disclosure of the records;
 - .73 The degree of invasion of personal privacy caused by the disclosure;
 - .74 The availability of any alternative means of obtaining the requested information.

809. Sale of Items or Merchandise on City Property

This policy is to establish regulations governing the sale of items or merchandise by non employees and City employees while on a City property.

- .1 The sale for profit of any item or merchandise by a person not a City employee, while on City property, is prohibited.
- .2 The sale for profit of any item or merchandise by a City employee, while on City property, is prohibited.
- .3 The sale of items or merchandise for non-profit or charitable organizations by a person not a City employee, while on City property, is prohibited.
- .4 The sale of items or merchandise for non-profit or charitable organizations by a City employee, while on City property, will be permitted subject to the following limitations.
 - .41 Selling activities shall be conducted before or after regular by scheduled work hours.
 - .42 Selling activities shall be conducted only on lunch or break periods during regular by scheduled work hours.
 - .43 An employee selling an item or merchandise shall not interrupt another employee's work while attempting to make a sale.
 - .44 An employee shall not engage in selling activities on behalf of a non-profit or charitable organization unless the organization has obtained a solicitation registration as required by City ordinance.

810. Labor and Trades Collective Bargaining Policy - General

The City of Tulsa recognizes the importance of equitable and efficient management of work practices and disputes within the specialized working environment of the Labor/Trades employees. Accordingly, the City of Tulsa acknowledges that labor organizations should be recognized and the extension of certain rights of collective bargaining should be granted to the extent provided in these Personnel Policies and Procedures.

.1 Definitions

The following words and phrases, as used in the application and interpretation of these collective bargaining policies and procedures, shall have the meanings respectively ascribed herein, except where the context clearly indicates otherwise:

- .11 City Council. City Council shall mean the legislative body of the City of Tulsa.
- .12 Collective bargaining. Collective bargaining shall mean the performance of the mutual obligation of the representative of the City of Tulsa and the exclusive representative of classified employees in an appropriate governmental unit of the City to meet at reasonable times and confer in a good faith effort to reach agreement with respect to the conditions of the employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, except that such obligation shall not compel either party to agree to any proposal or to make any concession.
- .13 Confidential employee. Confidential employee shall mean any employee who acts in a confidential capacity with respect to an individual who formulates or effectuates personnel or labor-management policies or decisions, or who is responsible for, maintains or has access to confidential personnel files and records and who is designated as such by the Mayor.
- .14 Employee. Employee shall mean all regular and part-time permanent, non-supervisory employees within the classified Civil Service of the City of Tulsa, whose job classification and pay grade is identified by the Labor/Trade (LT) designator, but shall not include:
 - .141 Confidential and temporary employees;
 - .142 Exempt/Administrative (EA), Firefighter (FD), Exempt/Supervisory (ES), Police Officer (PD), Office/Technical (OT), Professional/Managerial (PM), Part-Time Attorney (PA), Seasonal (SE), Unclassified Employees (UC), or;
 - .143 Employees who participate in any strike, work stoppage or work slow-down, of any kind whatsoever, against the City of Tulsa.
- .15 Labor organization. Labor organization shall mean any lawful organization, association, federation or council recognized by the City of Tulsa as the exclusive representative of employees in an appropriate governmental unit, composed in whole or in part of classified employees, in which classified employees participate and which has a purpose dealing with the City of Tulsa concerning conditions of employment, but shall not include:
 - .151 Any organization which, by its constitution, by-laws, tacit agreement among its members, or otherwise, denies membership or equality of

.152 treatment because of race, color, creed, national origin, sex, age, political affiliation, marital status, or disabling condition; or

.153 Any organization which participates in the conduct of a strike, work stoppage, or work slow-down, of any kind whatsoever, against the City of Tulsa or imposes a duty or obligation to conduct, assist, or participate in such a strike, work stoppage or work slow-down.

.16 Strike. Strike shall mean the concerted failure to report for duty, the willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment. Nothing contained in this definition or the application thereof shall be construed to limit, impair or affect the right of any employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to conditions of employment or their betterment, so long as the same does not interfere with the full, faithful and proper performance of the duties of employment.

.2 Extension of Collective Bargaining Rights

.21 The City of Tulsa hereby grants each employee the right to form, join or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such. Except as otherwise provided by Charter or these policies and procedures, such rights shall include the right:

.211 To act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to appointed or elected officials, the heads of departments or agencies, and other appropriate authorities of the City of Tulsa.

.212 To engage in collective bargaining with respect to conditions of employment through representatives chosen in a manner provided for in rules and regulations adopted by the Mayor.

.22 Provided that those collective bargaining rights granted shall not include the right to strike or the right to engage in any work stoppage or slow-down. Participation in any strike, work stoppage or work slow-down shall be unlawful and grounds for removal from employment in the classified service.

.3 Management Rights and Authority

All rights, powers and authority of the City of Tulsa granted by Charter or policies and procedures adopted by the Mayor regarding Labor/Trades employees shall be retained. Moreover, the provisions of these policies and procedures and any collective bargaining agreement adopted there under shall always be interpreted in a manner consistent with Tulsa's Charter, as well as with the requirements of an effective and efficient government.

.4 Continued Recognition of an Existing Collective Bargaining Organization

By virtue of this section, the City of Tulsa hereby finds that: In 1973, the American Federation of State, County and Municipal Employees (AFSCME),

Local 1180, became the exclusive collective bargaining organization and agent for employees, pursuant to Oklahoma statutes in effect at that time. In acknowledgement thereof, the City of Tulsa has continuously negotiated with AFSCME Local 1180, prior to the adoption of these policies and procedures. Therefore, it is proper that the City of Tulsa shall continue its recognition of AFSCME, Local 1180 as the exclusive collective bargaining organization and agent for employees until such time as that recognition is withdrawn, consistent with policies and procedures adopted by the Mayor.

.5 Representation and Representation Challenge Procedures

Prior to the City's discontinuation of the recognition of an existing labor organization or the recognition of any labor organization as the exclusive bargaining agent for Labor/Trades employees, the petition and election procedures of this section shall be followed.

.51 Filing of Representation Petitions

A representation petition shall be filed with the Personnel Director by:

.511 A labor organization alleging that thirty percent (30%) of employees wish to be represented in collective bargaining by a particular labor organization chapter or local.

.512 A labor organization or an individual employee alleging that thirty percent (30%) of employees have stated that the recognized exclusive labor organization of employees is no longer the representative of the majority of employees.

.52 Contents of Representation Petitions

A representation petition shall contain the following information, except when the purpose of the petition clearly indicates that the information is unnecessary or inappropriate:

.521 A statement as to whether the petition is filed by a labor organization or an individual employee;

.522 The name(s) and address(es) of all labor organizations or employees who are properly participating parties to the proceedings;

.523 A statement that the petitioner is authorized to represent at least thirty percent (30%) of employees and has sufficient authorization cards or other evidence in support thereof;

.524 The name(s) and address(es) of any other labor organization(s) known to the petitioner, who claim to represent employees;

.525 The name and affiliation, if any, and the address of the petitioner;

.526 Any other relevant facts which the petitioner deems material to the issue of representation;

.53 Evidence of Legitimate Interest

.531 Evidence regarding issues of representation or legitimate interest may be shown by either individual authorization cards, membership records, or

by petition. In any case, the petitions, membership records, or authorization cards must show the employee's name, social security number, employing department, job title, residence or work address and be signed and dated by the employee expressing an interest as to the representation of a specific labor organization. Cards shall be considered valid if the dates thereon, and other evidence provided the City Clerk or designee indicate a regularity of continuing interest by the signing employees within ninety (90) calendar days prior to the date the petition is filed.

- .532 Subsequent to the filing of a representation petition, the City Clerk may direct the Personnel Director to conduct an investigation of all questions concerning representation, including whether the showing of interest requirement has been met and whether there is agreement among the participating parties as to any relevant issues.
- .533 Following the filing of a representation petition and any investigation by the Personnel Director, the City Clerk or designee shall conduct a hearing on the adequacy of the representation petition. At such hearing any employee, Personnel Department representative or labor organization representative may present relevant and material evidence regarding the issues of representation.
- .534 At the conclusion of a representation hearing, if the City Clerk finds that the number of employees expressing a legitimate interest in a particular labor organization's representation meets or exceeds thirty percent (30%), then the Mayor shall call an election within thirty (30) calendar days on the issue(s) raised by the petitioner. However, upon finding that the number of employees expressing a legitimate interest in a particular labor organization's representation is less than thirty percent (30%), then the petition shall fail, no elections shall be allowed and the Mayor shall not consider any of the same issues presented by the petitioner for the following twelve (12) months.

.54 Representation Election Procedures

- .541 All elections on questions of whether Labor/Trades employees shall be represented by a labor organization shall be by secret ballot, at times, places and in such manner as the Mayor may direct and shall be conducted by a designated representative of the City Clerk whose determination of all questions arising shall be final, subject only to review by the Mayor.
- .542 No less than five (5) working days before an election is scheduled, the Personnel Department shall furnish the participating labor organization(s) an alphabetical list of employees who were employed on the date the representation petition was filed, which shall include the employees' departments and job titles, and the date of the furnishing of the list.
- .543 A pre-election conference shall be held no less than three (3) working days before the election in order to check the list of employees eligible to vote. Participating labor organizations may examine the eligibility list and raise any questions concerning listings or omissions. Employees may be added or deleted from the list by agreement. When a labor organization asserts that an employee should be added and the Personnel Director disagrees, the employee shall not be added, but it shall be understood that the contested employee may appear at the polling place to cast a challenged ballot. If a labor organization maintains that an employee

should be stricken and no agreement is reached, the labor organization may challenge the voter at the polling place. After the voter eligibility list has been checked, a representative from the Personnel Department and a representative from the labor organization shall initial it, signifying that it shall be the official eligibility list. Initialing shall not be construed as a waiver of the right to challenge.

- .544 Any prospective voter may be challenged for cause. A challenged voter shall be permitted to vote, but the vote shall not be cast. The ballot shall instead be sealed in a separate, unmarked envelope under the supervision of the City Clerk or designee then inserted in a special identifiable envelope and placed in the ballot box.
- .545 No electioneering of any kind shall be permitted within sight or sound of the polling area. Any violation of this provision by any employee, party or their representative or agent may be grounds for the Mayor to set aside the election. All objections to any conduct during the election and all exceptions to the conduct of the City Clerk or designee shall be submitted to the Mayor in writing, for consideration at the time the election results are certified.
- .546 The City Clerk's designated representative shall certify the election results to the Mayor. Certified results shall account for all ballots cast, including challenged ballots.
- .547 The Mayor alone shall determine the validity and final results of any representation election. If challenged ballots are insufficient in number to affect the election result, the Mayor shall take no action on them. Otherwise, the Mayor shall conduct a hearing in which any employee, Personnel Department representative or labor organization representative may present relevant and material evidence on whether challenged ballots shall be cast. A majority of votes cast by all employees shall determine whether a labor organization shall be or shall no longer be the Labor/Trades employees' exclusive representative in collective bargaining. If a participating labor organization is removed as the employees' representative or not selected as the employees' representative, no election shall be held involving the same labor organization for the following twelve (12) months.
- .548 If at the conclusion of any representation election no labor organization shall remain as the employees' exclusive collective bargaining representative, the Mayor shall immediately develop and implement a plan for the assimilation of employees within the operation of the Classified Service as governed exclusively by the City's Personnel Policies and Procedures.

.6 Labor Organization Standards of Conduct

- .61 The City of Tulsa shall not accord recognition to any labor organization which:
 - .611 Denies membership or equality of treatment because of an employee's race, color, creed, national origin, sex, age, political affiliation, marital status, disabling condition;
 - .612 Participates in the conduct of a strike of any kind whatsoever against the City of Tulsa, or imposes a duty or obligation to conduct, assist or participate in a strike; or

- .613 Is not free from corrupt influences or practices which shall include: the engagement in concerted criminal activity on the part of the labor organization's officers or agents; the participation in business or financial interests on the part of the labor organization's officers or agents which result in a conflict of interest with their duties to the organization or its members;
- .614 Coerces, intimidates or harasses employees who decline to join, assist or pay dues to a labor organization or otherwise wish to refrain from collective bargaining rights granted to Labor/Trades employees;
- .615 Fails to fairly represent any Labor/Trades employee in the pursuit of any grievance or disciplinary appeal, regardless of labor organization membership.

.7 Labor Organization Decertification

- .71 Whenever the Personnel Director or Mayor, in good faith, believe that the recognized labor organization of employees has violated any standard of conduct established in Section 816 of these Policies and Procedures, then withdrawal of the City's recognition of that labor organization may be sought by either of them by filing an application for decertification with the City Clerk or designee.
- .72 When an application for decertification is filed, it shall contain:
 - .721 A brief statement of facts which support the applicant's allegation that the labor organization has violated any standard of conduct;
 - .722 The identification of all officers, agents or employees known to the applicant to have participated in the alleged violation;
 - .723 The identification of witnesses, exhibits and any other evidence which support the applicant's allegation, including a brief outline of the testimony of each witness;
 - .724 A subscribed statement by the applicant, asserting that the allegations contained in the application are true;
 - .725 A certificate of mailing, certifying that a copy of the application was mailed to the subject labor organization.
- .73 Within twenty (20) calendar days of the filing of an application for decertification, the respondent labor organization shall file a response with the City Clerk or designee which shall contain:
 - .731 A brief statement of facts admitting, denying or explaining facts that were alleged in the application for decertification;
 - .732 The identification of witnesses, exhibits and any other evidence which support the respondent's answer, including a brief outline of the testimony of each witness;
 - .733 A subscribed statement of the labor organization's chief officer, asserting that the statements made by the respondent are true;
 - .734 A certificate of mailing, certifying that a copy of the labor organization's response was mailed to the applicant.

- .74 The City Clerk or designee shall hold a hearing on the issue of whether the labor organization shall be decertified within twenty (20) calendar days of the filing of the labor organization's response. The hearing shall be conducted in accordance with the rules of evidence generally followed by administrative tribunals, but without formal or technical adherence to those rules which prevail in a court of law. Questions of admissibility of evidence, competency of witnesses and any questions of law shall be ruled upon by the City Clerk or representative. Both the applicant and the respondent may be represented by counsel, and the burden of proof shall be upon the applicant. No application shall be sustained, except upon preponderance of the evidence.
- .75 After a decertification hearing, if the City Clerk or designee finds that there is insufficient cause for withdrawing the City's recognition of the labor organization, the labor organization shall continue to be the exclusive representative of employees. However, if the City Clerk or designee shall find cause for decertification, then the City Clerk or designee may prohibit the labor organization from representing employees for any length of time deemed appropriate and/or prohibit employees from exercising any collective bargaining right for a length of time not to exceed five (5) years. Upon making a decision, the City Clerk or designee shall render the findings of fact and decision in writing.

.8 Negotiation of Collective Bargaining Agreements

Representatives of the City of Tulsa, under supervision of the Personnel Director or designee, shall meet at reasonable times with agents of the employees' labor organization to confer in a good faith effort to reach agreement with respect to conditions of employment affecting employees. Whenever wages, rates of pay or any other matters requiring the appropriation of funds are to be included as a subject of collective bargaining, the employees' labor organization shall notify the Personnel Director or designee, in writing, no later than the last Friday in the month of February immediately prior to the beginning of a new fiscal year for which no collective bargaining agreement has been negotiated. Negotiations for a new collective bargaining agreement shall begin no earlier than the first working day in March and no later than the first working day in April. Any collective bargaining agreement shall always be subject to the appropriation of adequate and sufficient funds by the City Council in any fiscal year the agreement is intended to be effective. If the City Council shall fail to appropriate sufficient funds to support any agreement, such agreement shall be null and void. In such event, notification requirements to initiate collective bargaining shall be waived. Should any successor collective bargaining agreement fail to be negotiated prior to the expiration of a preceding collective bargaining agreement, the City of Tulsa shall nonetheless recognize the extension of terms of the preceding agreement, regardless of its expiration, until such time as the Mayor, and/or the Civil Service Commission and the City Council, consistent with the authority granted them by Charter, affirmatively adopt policies, procedures and plans modifying such terms. Provided that any such extension of terms shall always be subject to the appropriation of adequate and sufficient funds by the City Council.

.9 Approval and Execution of a Collective Bargaining Agreement

- .91 Once a tentative collective bargaining agreement has been reached, the employees' labor organization shall submit it to its membership for a ratification vote within fifteen (15) calendar days.
- .92 Following ratification by the employees' labor organization, the Mayor shall consider the terms of the tentative agreement. If the Mayor approves the agreement, both the Mayor and the Union's representative(s) shall sign and the Agreement shall become binding on the City and the Union. If the Mayor should disapprove the tentative Agreement, he/she shall reduce his/her objections to writing, particularly stating each item which is deemed unacceptable, and the parties shall resume negotiations.

.93 Any collective bargaining agreement shall always be subject to the appropriation of adequate and sufficient funds in each fiscal year the agreement is to be effective. If the City Council shall fail to appropriate sufficient funds to support any agreement, such agreement shall be null and void.

.10 Resolution of Labor Disputes

.101 In the event that the labor organization's bargaining agent and the City representative are unable, within thirty (30) calendar days from and including the date of the first meeting, to reach an agreement on a collective bargaining agreement, any and all unresolved issues shall be submitted to dispute resolution upon written request of either party.

.102 Within ten (10) calendar days from the date of a request for dispute resolution, the labor organization's bargaining agent and the City's representative shall reduce to writing all outstanding issues in negotiations which shall be submitted to dispute resolution. Thereafter, the parties shall jointly request a hearing before an impartial arbitrator. If the representatives of the City and the Union are unable to agree on an arbitrator, they may contact the Federal Mediation and Conciliation Service for a panel of seven (7) arbitrators. The representatives shall alternately strike names from the panel until one (1) remains who shall serve as the arbitrator. The arbitrator selected shall call a hearing to be held within thirty (30) days after the arbitrator receives notification of his/her selection. The hearing shall be informal and the rules of evidence prevailing in a court of law shall not be binding. Any and all documentary evidence and other data deemed relevant to the arbitrator may be received in evidence. The hearing shall be concluded within twenty (20) calendar days of commencement and the arbitrator shall issue written findings and recommendations with respect to all issues presented within thirty (30) calendar days of commencement of the hearing. A copy of the arbitrator's recommendation shall be mailed or delivered to both parties.

.103 The Mayor may accept, reject or modify the arbitrator's recommendation, which shall be binding upon the employees' labor organization and the City of Tulsa, and thereafter implement his/her decision consistent with his/her authority granted by Charter.

.11 Employee Appeals and Grievances

.111 Employees who receive a suspension without pay, a demotion or are dismissed from employment with the City shall be required to appeal such disciplinary action only through appeal procedures provided by Charter and/or the Personnel Policies and Procedures of the City of Tulsa.

.112 All grievable matters which are contractual in nature and not involving suspensions without pay, demotions or dismissals shall be resolved through a grievance procedure established within the parties' collective bargaining agreement.

811. Hazardous Conditions

Revised: December 21, 2011; March 16, 2020; May 12, 2021

.1 Because of the critical nature of the public services the City provides, circumstances rarely warrant closing of City offices. However, each employee needs to make a personal judgment pertaining to his/her personal safety in traveling to and from work, understanding that any absences puts a greater burden on those employees that come to work despite difficult conditions. This policy will apply whenever there is a hazardous condition to insure the public continues to receive necessary services and to provide for the safety and well-being of City employees. This policy is applicable only to non-sworn employees.

Definitions

- .11 Hazardous Condition - is a situation or condition the Mayor finds constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of the City. Each Hazardous Condition is a separate and unique condition.
 - .111 A pandemic or other widespread infectious disease with an impact on society is included in the definition of Hazardous Condition.
 - .112 Isolation – means to separate sick people with a contagious disease from people who are not sick
 - .113 Quarantine – is a restriction of movement on persons who may have been exposed to an infectious disease but who do not have a confirmed medical diagnosis.
- .12 Adverse Driving Condition - is a circumstance in which the Mayor finds the condition of the roadways constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of the City. Each Adverse Driving Condition is a separate and unique condition.
- .13 Required Hazardous Condition Personnel - are those non-sworn employees deemed by their department heads to be necessary to the work of the City during the time a Hazardous Condition or an Adverse Driving Condition has been declared. Nothing contained herein shall limit the authority of the Mayor or a department head to require personnel to report to any City or non-City work site including telecommuting (see PPPM 816) or to require any employee to undertake additional duties in response to the declared condition. Assignment as Required Hazardous Condition Personnel shall be considered a condition of employment.
- .14 Non-Required Hazardous Condition Personnel - are those non-sworn employees not required by their department heads to report to work during the time a Hazardous Condition has been declared.
- .15 Regular Working Hours - are the periods of time during which an employee is regularly scheduled for work.
- .16 Emergency Leave Policy - allows Non-Required Hazardous Condition Personnel, with the permission of their supervisors, to make unscheduled use of their accrued vacation leave, compensatory time or Floating Holidays or to use leave without pay (LWOP) immediately before or after the time that a Hazardous Condition is declared or during the time an Adverse Driving Condition is declared.
 - .161 Floating Holidays used under the Emergency Leave Policy must be expended in whole day increments.
- .17 Hazardous Condition Leave - provides non-sworn employees paid leave during the time in which a Hazardous Condition has been declared by the Mayor, for a period of time as declared by the Mayor.
 - .171 Use of Hazardous Condition Leave will be reviewed on a periodic basis.
 - .172 Use of Hazardous Condition Leave in excess of eighty (80) hours for a single hazardous condition event may result in the reduction of base pay by one-third (.33).

.1721 Hazardous Condition Leave pay which is reduced under .172 may be supplemented by another appropriate paid leave so that an employee receives full pay.

- .18 Eligibility for Hazardous Condition Leave may include any employee whose ability to perform their basic job responsibilities is impacted by, but not limited to, the following:
- .181 Exposure to an infectious disease during a pandemic.
 - .182 Quarantine.
 - .183 Isolation
 - .184 Care for self or household members which is related to the Hazardous Condition.
 - .185 Closure of or imposition of staff reduction at a City facility.
 - .186 Inability to work remotely.
 - .187 Inability to work due to a critical equipment, system, or network failure.

.2 Authority and Procedure

.21 The Mayor or designee may declare, verbally or in writing, the existence of a Hazardous Condition or an Adverse Driving Condition and take the actions deemed prudent and necessary under such condition. The Mayor's actions may include instituting an Emergency Leave Policy for Non- Required Hazardous Condition Personnel; altering or reducing Regular Working Hours for Non-Required Hazardous Condition Personnel; requiring or allowing employees to work remotely; causing or allowing departments, divisions, and/or specific work locations to be closed or to operate with reduced personnel when such personnel are not required to respond to the Hazardous Condition; ordering employees to report to duty outside of Regular Working Hours; and providing such other extraordinary responses as the Mayor or designee deems essential.

.22 Required Hazardous Condition Personnel

- .221 Non-Exempt employees who have been designated as Required Hazardous Condition personnel will be paid at their regular rate for all hours worked during the period of time the Hazardous Condition is in effect.
- .222 Exempt employees who have been designated as Required Hazardous Condition personnel and who are required to work during such periods as a condition of employment will receive their regular rate of pay only.

.23 Provision for Leave Time

- .231 Collective Bargaining Agreements to Apply. FLSA non-exempt employees required to work beyond their regular work schedule during a declaration of a Hazardous Condition or an Adverse Driving Condition shall receive such compensation for hours actually worked as is provided in their respective collective bargaining agreements, where applicable, or in the Personnel Policies and Procedures Manual.

- .232 Hazardous Condition - Paid Leave for Non-Required Personnel. When a Hazardous Condition is declared, and the Mayor authorizes reduced working hours for Non-Required Hazardous Condition Personnel, such personnel may be granted Hazardous Condition Leave for the time and under the circumstances authorized by the Mayor or his designee.
- .233 Provisions for Leave Usage
- .2331 A Non-Required Hazardous Condition Personnel who reports late for duty after a Hazardous Condition has ended or leaves duty before the Hazardous Condition is declared by the Mayor will be charged Vacation Leave or compensatory time for those hours not authorized by the Mayor. Floating Holidays may also be used but only in whole day increments. If an employee has no accrued paid leave or the absence is not approved in advance, such employee will be charged leave without pay and may be subject to disciplinary action.
- .2332 Leave approved prior to the declaration of a Hazardous Condition shall be counted against leave balances on the day or days a Hazardous Condition is declared in the amounts originally approved, unless the Non-Required Hazardous Condition Personnel is required to report to work that day.
- .2333 A Non-Required Hazardous Condition Personnel who is required to work and does not report for some or all duty on such day, may be charged LWOP for the entire period missed and may be subject to disciplinary action.
- .2334 Employees serving disciplinary suspension during a Hazardous Condition are not eligible to receive Hazardous Condition Leave.
- .2335 Temporary Employees are not eligible for paid leave under this policy. Temporary employees, with the permission of supervisors, may be allowed to flex their hours to make up missed time once the Hazardous Condition is ended. Such flex time may only be used within regular work hours and on regular work days and must be worked within the same workweek the time was missed.
- .23351 The Mayor may waive .2335 at their discretion.
- .2336 The number of hours the City is officially closed during the employees scheduled workday or workweek will be recorded in leave records as Hazardous Condition Leave and will be recorded in the Time and Attendance System as such. Hazardous Condition Leave will not be counted as time worked when computing overtime.
- .234 Failure to Report for Duty. Required Hazardous Condition Personnel who fail to report to work may be charged LWOP for the hours they did not report for duty and will be subject to disciplinary action.

.3 Employee Responsibility

Any employee who knows or believes a Hazardous Condition has been declared and is not sure when or if he or she is required to report to work, is responsible for contacting his or her supervisor or another person within the departmental chain of command for instructions on reporting to work.

- .31 The City may designate a reporting procedure for employees when a Hazardous Condition is declared. All employees are required to follow such a procedure and failure to do so may subject them to disciplinary action.
- .32 Any Non-Required Hazardous Condition Personnel whose department or division is closed should not report to work after a Hazardous Condition has been declared, and doing so may subject them to disciplinary action.
- .33 Any City employee may be required to work from home or at a non-City site even if a Hazardous Condition has been declared.
- .34 Non-exempt employees should not work from home or at any non-City site without approval through a process designated by the City. Violations may result in disciplinary action for the employee and/or their supervisor.

812. Position Status

Each position within the City shall be designated by position type which will indicate benefits for which the incumbent will be eligible (employees shall be eligible for all rights and benefits specified for their position type regardless of source of funding). Positions shall be designated as follows:

- .1 Regular (.011) employees shall be those classified, probationary or permanent employees who are scheduled to work forty (40) or more hours per week (full time).
- .2 Part-Time (.012) employees shall be those classified, permanent employees who are scheduled to work less than forty (40) hours per week.
- .3 Temporary (.013) employees shall be those unclassified, full or part-time employees hired for a limited time.
- .4 Emergency employees shall be those unclassified, full or part-time employees hired for the express purpose of maintaining the health and safety of the local citizenry or of preserving private or municipal property. Employment in this status shall not exceed five (5) consecutive work days in any fiscal year.
- .5 Appointed (.021) employees shall be those unclassified, permanent employees appointed directly by an elected official.
- .6 Fire (.051) employees shall be those unclassified, sworn employees of the Fire Department.
- .7 Grant (.061, .062, .063) employees shall be those unclassified employees whose positions are supported in whole or in part by grants from state and federal programs.

813. Special Employment Provisions-Temporary Employment

The City Charter, Article 16, Section 5-Classified and Unclassified Service states "all officers and employees whose salaries are wholly paid by the City of Tulsa except the following shall be in the classified service:

"This section of the Personnel Policies and Procedures Manual contains provisions covering exception "(d) Temporary, emergency, and special qualification personnel employed for temporary periods or under contract, as defined by the Commission."

- .1 Temporary employees shall be defined as follows:

- .11 Those unclassified employees hired for a limited time for a temporary, budgeted position;
 - .12 Individuals employed by an outside agency who are performing services for the City, through a temporary help agreement with the outside agency and the City in order to ensure continued operation of core City services provided by a classified position, either due to long term absence of the incumbent or position vacancy (concurrent with Merit hiring process occurring).
- .2 Temporary employment limitations shall apply as follows:
- .21 A temporary employee may work a maximum of one thousand (1,000) hours during any rolling twelve (12) months.
 - .22 A budgeted temporary position may be filled for one thousand (1,000) hours during any rolling twelve (12) months.
 - .23 A temporary employee shall not be eligible for employee benefits, including life insurance, health insurance, dental insurance, long-term disability insurance, retirement program and a voluntary deferred compensation plan. In addition, temporary employees shall not be eligible for paid leave such as vacation, holiday, sick and other types of leave provided for in Section 300 "Leave", of the Personnel Policies and Procedures Manual.
 - .24 A temporary employee may be considered for permanent classified employment as an external applicant and will be reviewed along with any other external applicants as part of the competitive employment process.
- .3 The need for temporary employees should be assessed regularly by department management (prior to a temporary employee approaching the 1,000-hour limit) to determine if the position can be filled by a permanent full time employee through the City Merit processes outlined in Section 100 of the Personnel Policies and Procedures Manual.
- .31 At such time as a temporary employee reaches the maximum allowable hours, the department shall notify the temporary agency and request a new temporary employee.
 - .32 Human Resources will be responsible for monitoring the hours worked by temporary employees and will provide notification to departments.
- .4 Independent Contractor Limitations
- .41 Contracts or renewals thereof with individuals for specialized services, for specified periods shall be reviewed by the Legal Department, prior to execution of the contract, in order to assure that the provisions of the Fair Labor Standards Act and Article 16, Section 5 of the City Charter are not violated.
 - .42 If any questionable issue is detected by the Legal Department regarding the Fair Labor Standards Act or City Charter provisions, it shall be presented to the Human Resources Department for final resolution.
 - .43 The City shall not provide employee benefits for independent contractors.
 - .44 Each contractual agreement shall be considered for review on an individual basis. The following factors are relevant in determining if an individual is an independent contractor:

- the extent to which the services performed by the individual are an integral part of the employer's business;
- the permanency of the relationship;
- the amount of the individual's investment in facilities and equipment;
- the nature and degree of control by the employer of the individual;
- the individual's opportunities for profit and loss; and,
- the amount of initiative, judgement or foresight required for the individual's independent enterprise to succeed in competition with others.

.45 An individual, then, is generally not considered to be an independent contractor unless he or she runs a business that is financially independent and physically separate from that of the entity receiving the services and serves a number of customers on a regular basis.

814. Use of Commercial Employment Agencies

Although applications referred by commercial employment agencies will be accepted, the City of Tulsa shall accept no obligation to the employment agency or to the referred applicant for any agency fee without approval of the Mayor.

815. Second Employment with the City and Outside Employers **Revised: September 20, 2005**

- .1 Non-sworn employees (employees other than PD or FD) may obtain second jobs with another employer provided that:
 - .11 The employee's supervisor is informed in writing of the second employment, and
 - .12 The performance of the work does not simultaneously benefit both the City and the second employer, and
 - .13 The second employer is completely disassociated from the City, and
 - .14 The performance of the outside employment cannot be construed by the public to be or to constitute an official act of the City.
- .2 Sworn employees engaged in public safety activities (PD or FD) may obtain second jobs provided the work is performed solely at the employee's option and the second job is for a separate and independent employer.
- .3 No employee's authorized outside employment shall have, or potentially have a conflict of interest with the City (See Section 806), or interfere in any way, including but not limited to physical or mental capacity, with the employee's ability to perform his or her City job.
- .4 In certain circumstances, the Mayor or Human Resources Director may grant permission for an employee to perform a second job that is in the same or similar capacity as the employee's primary occupation for the City when such employment would also benefit the City. Such approval may be granted provided the outside employment would not create any legal or operational conflicts as determined by the Mayor or designee.
- .5 In certain circumstances, the Human Resources Director or designee may grant permission to an employee to perform a second job for the City of Tulsa provided the work is occasional or sporadic, part-time, solely at the employee's option, and in a different capacity from the employee's primary occupation.
- .6 Employees authorized to perform a second job may not do so during their regular work hours for the City or use City resources (including but not limited to tools, equipment,

vehicles, computers, or data, information or contacts gained through the City) except as specifically approved by the department head or designee.

816. Volunteer Activities

City employees are generally not allowed to engage in volunteer activities which directly benefit the City or any of its operations. In no circumstance should City employees volunteer to perform work which is the same or similar in nature to the employee's primary job function.

817. Internet/Intranet Policy

Revised Date: July 5, 2001

The Internet and Intranet access systems are owned and provided by the City to assist employees and other users in conducting City business. The following procedures have been established concerning the use of these systems. Violation of the provisions of this policy may result in disciplinary action up to and including termination of an employee and/or other appropriate legal action as concerns both employees and other users.

- .1 Information accessed and transmitted over the Internet and Intranet may be subject to disclosure under provisions of the Open Records Act. There is no guarantee of privacy nor should there be any expectation of privacy with regard to any Internet or Intranet transaction or site. Any Internet or Intranet information accessed or transmitted is considered a business record of the City and accordingly may be used in administrative, judicial or other proceedings to the extent allowed by law.
- .2 The Internet and Intranet systems may not be used to solicit, communicate or proselytize for outside commercial ventures, religious or political causes, organizations not connected to City business, or other non-job-related solicitations.
- .3 The Internet and Intranet access systems are not to be used to access, view or transmit any offensive or disruptive messages, or contents that violate other City or internal departmental policies. Offensive messages include but are not limited to messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses age, sexual orientation, religious or political belief, national origin, or disability.
- .4 The Internet and Intranet access systems shall not be used to knowingly send (upload) or retrieve (download) copyrighted materials, trade secrets, proprietary financial information, chain letters, or similar materials without prior authorization from a department head and/or the City Attorney as appropriate.
- .5 The City reserves and may exercise the right to review, audit, intercept, access, disclose, delete, and purge all messages or contents created, received or sent over the Internet and Intranet access systems for any purpose. An employee's or other user's use of the Internet or Intranet system grants management permission to review any and all transactions or sites.
- .6 The Internet access system may be used for personal communications or transactions provided that such use does not interfere with the conduct of City business, cause system cost increases, unreasonably interfere with the employee's duties or work time, or violate any provision of the Personnel Policies and Procedures Manual or established policies and procedures within individual departments.
- .7 Any employee who discovers a violation of this policy shall notify his or her immediate supervisor as soon as reasonably possible.

818. E-Mail Policy

The electronic mail (Email) system is owned and provided by the City to assist employees and other users in conducting City business. The following procedures have been established concerning the access and disclosure of Email messages sent or received by City employees/users. Violation of the provisions of this policy may result in disciplinary action up to and including termination of an employee and/or other appropriate legal action as concerns both employees and other users.

- .1 Communications and material on the Email system may be subject to disclosure under provisions of the Open Records Act. There is no guarantee of privacy nor should there be any expectation of privacy with regard to any Email. Email messages are business records of the City; accordingly, they may be used in administrative, judicial or other proceedings to the extent allowed by law.
- .2 All messages composed, sent, or received on the Email system are and remain the property of the City. They are not the private property of any employee/user.
- .3 It is understood that occasional and limited use of the Email system for personal messages to other individuals will occur. Employee's/User's personal use of Email shall be subject to review for inappropriate or excessive use. The Email system may not be used to solicit, communicate or proselytize for outside commercial ventures, religious or political causes, organizations not connected to City business, or other non-job-related solicitations.
- .4 The Email system is not to be used to harass employees/users or create any offensive or disruptive messages, or messages that violate other City or internal departmental policies. Offensive messages include but are not limited to messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political belief, national origin, or disability.
- .5 The Email system shall not be used to knowingly send (upload) or retrieve (download) copy-righted materials, trade secrets, proprietary financial information, chain letters, or similar materials without prior authorization from a department head and/or the City Attorney as appropriate.
- .6 The City reserves and may exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the Email system. An employee's/user's use of the Email system grants management permission to review any and all messages. Therefore, the confidentiality of any message should not be assumed due to possible audit or Open Records process. Even when a message is deleted, it may be possible to retrieve and read that message from City server archives. However, only those personal messages which are in violation of this policy, constitute or disclose a City work rule violation, or that could negatively impact City work processes shall normally be disclosed or acted upon by management absent an Open Records request.
- .7 While management reserves the right to retrieve and read Email messages, such messages should be treated as confidential by other employees/users and accessed only by the intended recipient or other authorized individual. Employees/Users are not authorized to retrieve or read any Email messages that are not sent to them. Any exception to this provision must receive prior approval from a department head and/or the City Attorney as appropriate.
- .8 Any employee who discovers a violation of this policy shall notify his or her immediate supervisor as soon as reasonably possible.

The City owns and provides personal computers to assist employees in conducting City business. The following procedures have been established as the City's PC policy. Violation of this policy may result in disciplinary action up to and including termination of an employee and/or other appropriate legal action as concerns both employees and other users. For purposes of this policy the term "user" includes all permanent and temporary employees, all contractors, subcontractors, consultants, and vendors who are permitted to use the City's computer systems for any reason. The term "personal computer", for purposes of this policy, shall include any software, peripheral device, hardware, or media used to store, transfer, manipulate, or otherwise use information electronically.

Limited Personal Use

- .1 Supervisors may permit the occasional, limited, appropriate use of a City computer if the use does not: (a) interfere with the employees/users work performance, (b) interfere with any other employee's work performance, (c) have undue impact on the network or operation of any City information/computer system or the business of the City, or (d) violate any other provision of this policy or any other policy, guideline, or standard of the City of Tulsa.
- .2 The City does not guarantee the safekeeping of personal data stored on a City computer. Employees/Users who choose to use a City computer to store personal data assume all the risk of losing such data regardless of the cause.

Expectation of Privacy

- .3 Employees/Users expressly waive any right of privacy in anything they create, store, send, or receive on a City computer or through the Internet or any other computer network. By utilizing City PCs, employees/users consent to allow personnel of the City to access and review all materials employees/users create, store, send or receive on the computer or through the Internet or any other computer network.
- .4 The City has the right, but not the duty, to monitor any and all aspects of its computer systems, including, but not limited to, monitoring sites visited by users on the Internet, including chat groups and news groups, reviewing material downloaded or uploaded by employees/users to the Internet, and reviewing Email sent and received by employees/users.

Personal Software or Hardware

- .5 Employees/Users may not add software or hardware (including peripherals) to any computer system owned or operated by the City without first obtaining the express permission of their department head or designee. Employees/Users requesting that personally owned software be loaded onto City computers must demonstrate proof of ownership of the software.

Moving or Relocating PCs

- .6 Employees/Users may not move or relocate computer systems owned or operated by the City of Tulsa without first obtaining the express permission of their department head or designee.

Copyright Production

- .7 Employees/Users are responsible for knowing and complying with copyright law and

applicable licenses that apply to software, files, books, documents, messages, and other material they wish to download or copy. Employees/Users may not illegally copy, request to copy, or allow others to copy material protected under copyright law. Employees/Users who are uncertain as to whether any material is copyrighted should seek guidance from their department head or designee.

Prohibited Activities

- .8 Material that is fraudulent, dangerous, harmful, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by Email or other form of electronic communication or displayed on or stored in City computers. Employees encountering or receiving this kind of material should immediately report the incident to an exempt supervisor.

820. Telephone and Cellular Telephone Policy

Effective Date: July 5, 2001

The City owns and provides telephones and cellular telephones (cell phones) to assist employees in conducting City business. The following procedures have been established concerning the use of the City's telephone and cellular phone systems. Misuse or illegal use of City telephone equipment or violations of the provisions of this policy may result in disciplinary action up to and including termination and/or other appropriate legal action.

General Policy

- .1 Incoming and outgoing personal calls should be limited in terms of number and duration so as to not interfere with City business and overall employee performance.
- .2 City telephone systems may not be used to solicit, communicate or proselytize for outside commercial ventures, personal profit, religious or political causes, organizations not connected to City business, or other non-job-related solicitations.
- .3 The City reserves the right to review City telephone usage. Additionally, supervisors shall control the use of City telephones and review telephone bills for purposes of detecting misuse or monitoring customer service quality. Supervisors shall distribute billing detail forms to each employee for secondary review and compliance with Section 820.10. Periodically, broader system audits are also performed to determine if any abuse has occurred.
- .4 Any City manager who may be implementing telephone monitoring or recording systems shall contact the Human Resources Director to ensure appropriate legal considerations are addressed.
- .5 Telephone activity and cell phone use records may be a matter of public record under the Open Records Act and may be requested and/or published by the media.
- .6 Collect calls should not be accepted on City telephones except in emergency conditions or when necessary to the operation of the department.
- .7 The Telecommunications and Information Services Department is the sole contact with telephone companies. The Help Desk at 596-1600 will assist in any telephone requirements.

Personal Use

- .8 Personal long-distance calls made from City office telephones or cell phones shall be billed to the caller's personal long distance calling card or home telephone number. In the event personal long-distance calls are charged to the City due to an emergency or mistake, the employee must reimburse the City for the cost of the call.

- .9 Employees shall likewise avoid using City-owned cell phones for personal calls. Each call, incoming or outgoing, directly or indirectly incurs costs to the city. Airtime is charged based on utilization and by the minute and may be more expensive than long distance.
- .10 Employees shall reimburse the City for all personal long-distance calls made on City telephones and any personal calls (local or long distance) made on City cell phones which result in additional costs to the City. The employee shall identify and mark such calls on the billing detail and reimburse the City by check or money order by sending the billing detail and payment to: Revenue Processing, City Hall, Room 108. Failure to reimburse the City within ninety (90) days of receipt of the invoice may result in termination of cellular service and/or possible disciplinary action up to and including termination and/or other appropriate legal action.

Cell Phone Usage

- .11 The general use of cell phones shall not be in lieu of more cost effective, practical, and available means of communication. The assignment and purchase of cell phones and subsequent rate plans shall be approved by the department head or designee and shall be based on the employee's job requirements.
- .12 Cell phones are the property of the City of Tulsa and must be turned in immediately upon termination of employment.
- .13 Employees should recognize that cellular transmissions are not secure; consequently, discretion should be used during cell phone calls especially as involves confidential information.
- .14 Cell phones should not be used for extended conversations. Arrangements should be made to call back from a standard telephone.
- .15 Employees should be selective as to whom they provide their cell phone number. In order to better control cell phone usage, employees should rely on voice mail and pagers when practical.
- .16 Office phones should not normally be forwarded to a cell phone. If necessary, voice mail can be set up to allow the zero option to roll emergency calls to an employee's cell phone. Upon approval of the department head or designee, installation of voice mail can be requested by calling 596-1600.

821. Information Systems Security Policy

Revised 5/25/2023

The City owns and provides information systems and network facilities to assist employees and other authorized users in conducting City business. The following section has been established for the safe and secure use of the City's information systems.

Violation of this policy may result in disciplinary action up to and including termination of an employee, and/or contract termination with any contractors, subcontractors, consultants, or vendors, and/or other appropriate legal action as it concerns both employees and other authorized users.

.1 **Definitions:**

Authorized User

All employees, including interns, temporary, emergency, and special qualification personnel employed or under contract for temporary periods, and any temporary situations or assignments, and all contractors, subcontractors, consultants, and vendors who are permitted to use the City's information systems for any reason.

City Device

Any City-owned computing device such as a desktop or laptop computer, smart phones or tablet.

Information System

Any software, network, peripheral device, computer, or media used to store, transfer, manipulate, or otherwise use information electronically. This also includes any documents in any form, including electronic or printed, used to prepare, support, manage or use an information system.

Management

The department management staff responsible for the employee and/or authorized user.

Initial Security Awareness Training

Security system training required for users within thirty (30) days of having been granted access to City Information Systems and/or devices which should be made available by the IT Department.

Periodic Security Awareness Refresher Training

Security system training required for users at periodic intervals as determined by the IT Department.

Remedial Security Awareness Training

Security system training required for users after having demonstrated disregard for City Information Systems and/or devices which should be made available by the IT Department. Remedial training addresses learning gaps by reteaching basic skills with a focus on core areas.

Security Awareness

Security awareness is the knowledge and attitude members of an organization possess regarding the protection of its information systems assets and resources whether physical or virtual, (online, email, software, internet, etc.) Security awareness training is a strategy used by IT and security professionals to prevent and mitigate user risk. These programs are designed to help users and employees understand the role they play in helping to combat information security breaches.

.2 Authorization

- .21 Employees/Authorized Users are required to comply with the provisions of this policy, the Oklahoma Computer Crimes Act (OCCA), (21 O.S. § 1951 et. seq. as in effect at any given time), any City of Tulsa Information Technology Department published policies, and any internal departmental security procedures. The OCCA and Information Technology Department published policies are provided on the City's Intranet site in the Information Technology/IT Policies & Procedures document (DOC) library.
- .22 Employees/Authorized Users will sign an affidavit acknowledging notification and agreement to follow and comply with the provisions of the OCCA and this policy prior to receiving access.

For employee authorized users, the security affidavit will remain on file in the IT department and provide authorization for them to utilize specific City information system resources as assigned by the department head or designee.

All authorized users should be provided a copy of this policy through a sign-off/receipt process administered by the IT Department.

.23 Anyone with unsupervised access to areas containing CJIS equipment or data, whether an authorized user or not, must have a fingerprint-based records check conducted within 30 days of employment, appointment, or assignment. Employees will also be required to have fingerprints reprinted in accordance with The Oklahoma Law Enforcement Telecommunications System (OLETS)/Criminal Justice Information Service (CJIS) requirements.

.3 Authentication

.31 Authentication is a control established for each information system and consists of: (a) username (identification) of a person requesting use and/or being permitted use of the system, and (b) validation of that person's identity such as a password, magnetic card, biometric device, or by some other trusted means.

.32 Employees/Authorized Users shall use the username (identification) and validation (password) assigned to them and not divulge it to others or leave it unprotected. Using or attempting to use any other method of authentication or identification is prohibited, and for employees is a violation of policy which could lead to disciplinary action up to and including termination.

.4 Remote Computing

.41 Remote Computing is the ability of users to use a computer or other electronic device to connect through the internet to a City information system either through the use of a Virtual Private Network (VPN) or other secure connection method.

.42 Employees/Authorized Users using remote access shall comply with all provisions of this policy.

.43 In addition to department head authorization to access the City's Wide Area Network (WAN), separate authorization by the IT Department is required for remote access. Employees/Authorized Users requiring such access shall contact the Solution Center (918-596-7070) to receive such authorization.

.44 Programs which emulate a City-networked PC from a remote location are not allowed.

.45 VPN (Virtual Private Network) access shall be granted to exempt employees and only to a limited number of non-exempt employees who have been granted approval by their Department Head and the Personnel Director or his/her designee.

.451 If an employee transfers to another position (either within the same department or in another department), it is the responsibility of the department submitting the original request to terminate the employee's VPN access. A separate request for VPN access in the new position should then be completed.

.452 All employees who access the City network through VPN are responsible for ensuring their personal computers are secure, have appropriate and current virus protection and other necessary security software to minimize risk to the City of Tula network. Employees are required to abide by all security and confidentiality policies and procedures when accessing the City network using VPN.

.5 Protection of Information, Detection and Reporting Violations

.51 The Information Technology Governance Board (ITGB) is responsible for establishing security procedures for information systems.

.52 ITGB will establish methods of prevention and detection of security violations and shall investigate suspected violations.

- .53 An employee shall be responsible to promptly notify their supervisor of any suspected violations of this policy. Supervisors shall notify the department head as soon as possible concerning any such alleged violation.
- .54 As per state and federal requirements, it is the responsibility of the City of Tulsa Information Security Manager to report suspected computer incidents, and/or breach of personally identifiable information, as quickly as possible. The ultimate goals, regardless of incident, are the protection of assets, containment of damage, and restoration of service.
- .55 The reported cyber incident will be coordinated by the Oklahoma Cyber Command with the Oklahoma Office of Homeland Security, Information Analysis/Infrastructure Protection Division (OHS IA/IPD) and the Oklahoma State Bureau of Investigation (OSBI).
- .56 In the event of an actual or imminent breach, the City of Tulsa Information Security Manager must complete and submit the "Breach of Personally Identifiable Information (PII) Report" to the District Attorney's Council (DAC) and if applicable an OJP Program Manager no later than 12 hours after an occurrence of an actual breach, or the detection of an imminent breach.

.6 Security Awareness Training

- .61 Due to current threats in the internet sphere, Information Technology Security awareness, precautions, and comprehensive training are all essential and are a responsibility of all parties including the employee/authorized user, management, and the IT Department. Each time a user accesses the network and/or uses a City device, there should be a focus on security and precaution which cannot be compromised.

Failure to follow the directives outlined below may lead to disciplinary action up to an including termination of employment and/or user access.

.62 IT Department Responsibilities

System Access

- .621 The IT Department (IT) will be responsible for regular system updates to ensure security measures are in place at all times.
- .622 IT may restrict access to sites it deems unsecure, unstable, and/or threatening.

Training

- .623 IT will make available initial, periodic refresher, and remedial security training as needed to enable authorized users to understand and practice security awareness.
- .624 In order to secure the network, IT may periodically test users for the effectiveness of Security Awareness Training. If an authorized user is determined to act contrary to best practices outlined in Security Awareness training and/or policy, IT will categorize the user as needing remedial training. The user will then have thirty (30) days to complete remedial security training.
- .625 Anyone who demonstrate a disregard for security awareness as defined above and/or during training must successfully complete Security Awareness refresher training within the timeframe specified in this policy section.
- .626 In its discretion, in order to ensure security and mitigate risk, IT may restrict and/or suspend access to information systems and/or deny the creation

or assignment of additional access to an authorized user if the user fails to successfully complete Security Awareness training as assigned, whether initial, periodic refresher, or remedial.

.63 User Responsibilities

.631 All users will be required to complete initial Security Awareness training within 30 days of being granted access to City information systems.

.632 Failure to meet the requirements of Security Awareness training as outlined in policy may result in disciplinary action up to and including termination and/or suspension of the employee's or authorized user's access.

.64 Management Responsibilities

.641 The employee's/authorized user's department is responsible for ensuring all users comply with Security Awareness Training. IT will notify management of any outstanding training needs of its employees.

.642 Failure to meet the requirements of the Security Awareness training as outlined in this policy may result in disciplinary action up to and including termination and/or the IT department placing the user into an unauthorized status, disabling system access as applicable, and/or restricting use of City devices.

822. Respectful Workplace Policy

Effective Date: February 10, 2020

The City is committed to creating a respectful and professional work environment that is free of discrimination, harassment, and retaliation to promote productive working relationships. Discrimination, harassment, and retaliation in any form constitutes misconduct that will not be tolerated. This policy prohibits all such misconduct that could be unlawful, as well as misconduct that may not rise to the level of being unlawful but is inappropriate, based on protected status.

.1 Definitions: the following words as used in this policy have the following meanings:

Protected Status

Race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender expression. However, this policy does not confer any rights to employees that are not afforded by law.

Discrimination

Treating a person or group less favorably on the basis of protected status (as defined above and at §829).

Harassment

Unwelcome or inappropriate conduct related to the individual's protected status that objectively creates a hostile or offensive work environment or results in a negative employment action (such as discipline). Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) may include offensive jokes, slurs, name-calling, threats or assaults, intimidation, ridicule, insults, offensive objects, gestures, or pictures, and interference with work performance. However, petty slights, annoyances, minor or isolated incidents typically do not violate the policy.

Sexual Harassment

A type of harassment focused on unwelcome conduct or comments based on sex (including pregnancy, sexual orientation, or gender identity) that objectively create a hostile or offensive work environment or result in a

negative employment action (such as discipline). Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) include unwelcome sexual advances, requests for sexual favors, offensive comments about gender (including comments that are not sexual in nature) or other offensive conduct based on sex.

Retaliation

Treating an individual less favorably because the employee made a good faith report or participated in a claim, investigation or lawsuit related to discrimination, harassment, or retaliation or opposed such misconduct.

.2 Employee Responsibilities

- .21 Employees are required to comply with the policy. Failure to do so may result in disciplinary action, up to and including termination.
- .22 Employees have the right to work free from discrimination, harassment, or retaliation based on protected status, including from such misconduct by elected or appointed City officials, vendors, and the public. Employees also have the right to make a good faith report of any such misconduct without fear of retaliation.
- .23 Employees who believe that they have been subjected to any type of possible discrimination, harassment, or retaliation based on protected status, they are encouraged (but not required) when appropriate to address their concerns immediately with the offending party. Employees who do not address it with the offending party, or they do, and it does not resolve the issue, should report the conduct within five (5) work days to their choice of one of the following:
 - The employee's immediate supervisor;
 - Any supervisor in the employee's chain of command;
 - A department manager or department head;
 - The Personnel Director or designee; or
 - The City's Ethics Hotline
- .24 Employees are required to cooperate and provide truthful information in any investigation under this policy. Once a complaint is reported, employees should not discuss the matter outside the investigation. Failure to maintain confidentiality or otherwise interfere while the investigation is ongoing could result in disciplinary action, up to and including termination.
- .25 Employees who file false or malicious allegations of discrimination, harassment, or retaliation are subject to disciplinary action up to and including termination.
- .26 Employees also can file discrimination, harassment, or retaliation complaints with external agencies or authorities.

.3 Manager and Supervisor Responsibilities

- .31 Managers and supervisors are required to comply with this policy as well as to implement it to assure that employees comply. Any supervisor or manager who becomes aware of possible discrimination, harassment, retaliation or other misconduct and condones it by action or inaction or fails to comply with this policy is subject to disciplinary action, up to and including termination.
- .32 Managers and supervisors should support this policy by reinforcing the requirements to employees and training them that misconduct such as inappropriate jokes, slurs or other negative comments based on protected status will not be tolerated (although employees are required to comply regardless of whether the manager or supervisor

reinforces the requirements). Managers and supervisors must take immediate action to stop and prevent possible discrimination, harassment or retaliation. They are expected to monitor the workplace and be alert for any signs of misconduct or hostility toward an individual or group because of protected status. They must be aware not to give tacit approval of such misconduct, for example, by laughing, ignoring, or treating it as a joke, or advising the employee not to complain or to report it.

- .33 Managers or supervisors who see, hear, encounter or otherwise become aware of potential misconduct or complaint related to possible discrimination, harassment or retaliation, regardless of the department in which it occurred, must report it to the Personnel Director or designee in writing, as soon as possible but at least within two (2) work days.
- .34 Managers and supervisors are not to conduct their own investigation and instead must report the matter to the Personnel Director, even if the employee(s) involved requests confidentiality or do not want to make a complaint to the Personnel Director.
- .35 If the Personnel Director's investigation substantiates misconduct related to protected status, the department head is required to take appropriate corrective or disciplinary action consistent with the direction of the Personnel Director.

.4 Investigations Responsibilities

- .41 The Personnel Director or designee will conduct a prompt and impartial investigation of complaints filed under this policy.
- .42 The investigation will be kept as confidential as possible to protect the employees reporting the matter or participating in the investigation, to the extent consistent with conducting an effective investigation and taking any appropriate corrective action.
- .43 The Personnel Director or designee will advise the department head and any others deemed appropriate of the outcome of the investigation and any appropriate corrective or disciplinary action to be taken.
- .44 The final status of the complaint (but not necessarily the detailed results) will be communicated to the reporting employee and to any others the Personnel Director deems appropriate.

823. Social Media Policy

Effective: July 12, 2010

The City of Tulsa has an official Facebook, Twitter, Flickr®, and YouTube page that can be used to promote City of Tulsa services, programs and events with authorization from the respective department head and the Communications Department.

The City of Tulsa uses social media to further the goals of the City and the missions of its departments where appropriate with an emphasis on brand integrity in its messages.

The City of Tulsa has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites. This policy establishes guidelines for the use of social media.

- .1 The City of Tulsa's Web site, www.cityoftulsa.org will remain the City's primary and predominant internet presence.
- .11 The best and most appropriate City of Tulsa uses of social media tools fall generally into two categories:

- a. As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
 - b. As marketing promotional channels which increase the City's ability to broadcast its messages to the widest possible audience.
- .12 Wherever possible, content posted to City of Tulsa social media sites will also be available on the City's main Web pages.
- .13 Wherever possible, content posted to City of Tulsa social media sites should contain links directing users back to the City's official Web sites for in-depth information, forms, documents or online services necessary to conduct business with the City of Tulsa.
- .2 City of Tulsa social media sites shall comply with City of Tulsa's Charter and ordinances, including without limitation the Ethics Code, provisions of the City of Tulsa Personnel Policies and Procedures Manual and administrative rules.
- .3 City of Tulsa social media sites are subject to State of Oklahoma open records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any open records request for public records on social media. Content related to City business shall be maintained in an accessible format and can be produced in response to a request (see the City of Tulsa Facebook, Twitter, Flickr® and YouTube standards). Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- Users shall be notified that open records requests must be directed to the relevant departmental records custodian.
- .4 Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. City of Tulsa social media site articles and comments which do not comply with paragraph 2 above or those containing any of the following forms of content shall not be allowed.
- .41 Comments not topically related to the particular social medium article being commented upon;
 - .42 Comments in support of or opposition to political campaigns or ballot measures;
 - .43 Profane language or content;
 - .44 Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - .45 Sexual content or links to sexual content;
 - .46 Solicitations of commerce;
 - .47 Conduct or encouragement of illegal activity;
 - .48 Information that may tend to compromise the safety or security of the public or public systems; or
 - .49 Content that violates a legal ownership interest of any other party.

These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available (see the City of Tulsa Facebook, Twitter, Flickr® and YouTube standards).

- .5 All new social media tools proposed for City use will be approved by the Mayor's Communications Director or designee.
- .6 Administration of City of Tulsa social media sites.
 - .61 The Communications Department will maintain a list of all City of Tulsa social media sites, including login and password information.
 - .62 The City shall be entitled, in its sole discretion, to immediately edit or remove content from social media sites.
- .7 All media tools used by the City will follow:
 - .71 Operational and use guidelines
 - .72 Standards and processes for managing accounts on social media sites
 - .73 City and departmental branding standards
 - .74 Enterprise-wide design standards
 - .75 Standards for the administration of social media sites

The following social media tools have been approved for use by the City of Tulsa:

 - Facebook
 - Twitter
 - Flickr®
 - Video – YouTube (Video On Demand)
- .8 If there is an unauthorized site that is an existing account as of July 12, 2010 the Communications Department will review the material (such as Facebook, Twitter, Flickr®, or YouTube), for the appropriateness of the content and branding. If changes need to be made to an existing account, a plan of action will be submitted to the appropriate department head or their designee for compliance within 10 business days. Non-compliance will result in disciplinary action.
 - .81 **Facebook** – The City of Tulsa hosts a Facebook page where all city- related events, programs and services may be posted with the Communications Department approval. Any Facebook page that appears to be an official City of Tulsa Web page that has not been authorized will be reported to Facebook and will be subject to termination.
 - .82 **Twitter** – The same policy that is applied to Facebook accounts apply to Twitter. There is only one official Twitter account that is currently administered by the City of Tulsa Communications Department and staff.
 - .83 **Flickr®** – The same policy that is applied to Facebook accounts apply to Flickr®. There is only one official Flickr® account that is currently administered by the City of Tulsa Communications Department and staff.
 - .84 **YouTube** – The City of Tulsa maintains a YouTube account where all city-related events, programs and services may be posted with the Communications Department approval.

Additional social media sites will be established and administered by the Communications Department.

.9 Procedure

Social media can be an effective tool for communicating with citizens. The Communications Department will act as the clearinghouse for social media sites. Any requests submitted to the Communications Department for a Facebook message must be limited to 500 words or for a Twitter message must be limited to 140 characters, including your URL. Working with the requestor, the Communications Department will determine the key words and best descriptors for the event, program or service for the Flickr® and YouTube accounts to attract the greatest number of viewers possible.

824. Media Relations Policy

Effective: July 12, 2010

The City of Tulsa (City) seeks to inform the residents of the city of Tulsa, businesses, and visitors by engaging in a proactive communications program. The purpose of this policy is to define the roles and responsibilities for working with the media within those operations of the City government under the authority of the City.

It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations.

Rather, the intention is to establish a framework for achieving an effective working relationship with the media and to maintain consistent high-quality public relations for the City. The City sincerely desires to do business in an open, honest and straightforward manner. However, sensitive legal or personnel matters remain confidential. All efforts will be made to comply with the Oklahoma Open Records Act and the Freedom of Information Act.

.1 Media Inquiries

Inquiries from the media are given a high priority by the City and should be responded to as quickly and efficiently as possible with a focus on accuracy. Every effort should be made to cooperate with the media and ensure that all information released is timely. To facilitate these objectives, the City Communications Director and/or Manager is principally responsible for coordinating the City media relations, with the exception of most public safety issues.

The majority of media requests are initiated when the media contacts the Communications Director and/or Manager. Since the media often works with tight deadlines, it is important that departments respond as soon as possible when the Communications Director and/or Manager or designee requests information or a spokesperson. Specific guidelines for responding to media requests are provided in the following sections.

.2 General or Routine Response to Media Inquiries

.21 If a department does not have a designated spokesperson, media inquiries should be referred immediately to the Communications Director and/or Manager or the Communications Department, who will work with the appropriate City staff to coordinate a response for the media.

.22 In the event that no spokesperson is designated for a department, Communications will work with the appropriate department head(s) to designate a spokesperson, if needed, to speak on departmental topics.

.23 Other authorized spokespersons for the City of Tulsa will be designated and included as they are added (please see the attachment to this policy).

- .24 It is the responsibility of the spokesperson to notify the Communications Director of any media contacts. The Communications Director will in turn contact the Mayor's Office if deemed necessary.
- .3 Authorized City of Tulsa Spokespersons
 - .31 In order to expedite consistently high quality and accurate information going to the media, Communications will work to designate a spokesperson to speak on all topics within the realm of their responsibilities. In the event that no spokesperson is designated for a department, media inquiries will be directed to the Communications Director or designee.
 - .32 A designated spokesperson will possess excellent communication skills, as well as the ability to extemporaneously respond to media inquiries involving difficult issues and problems. The spokesperson will act as the primary media source for statistics, history, description of projects and programs, facilities, services and other public information. During media interviews, employees serving as spokespersons should not speculate or state their personal opinion.
- .4 Litigation and Personnel Issues
 - .41 Generally, the business conducted by the City is public and therefore is public information. Inquiries regarding pending litigation, matters involving a significant exposure to litigation and certain personnel-related information are exceptions.
 - .42 Media inquiries regarding pending or potential litigation should be referred to the City Legal Department or the Communications Director and/or Manager. Media inquiries regarding personnel matters should be referred to the Communications Director and/or Manager and the Director of Administration. As a rule, the City declines comment on pending litigation and pending personnel matters.
- .5 Personal Points of View
 - .51 It is recognized that all employees have the right to their personal points of view regarding any issue. However, personal points of view may conflict with the City official policy. Therefore, employees who write letters to the editor of any newspaper or other media outlet may not use City stationery. The same rule applies to "blogging" or commenting on any social network or news outlet Web site. Personal viewpoints can be shared but should not be done on City time or City computers.
 - .52 If an employee chooses to identify himself or herself as a City employee in any personal letter or e-mail to print, electronic media, or an additional media outlet, or in any similar personal statement published or submitted for print/media publication, he or she must include language which states that the views set forth therein do not represent the views of the City, but rather are the employee's personally held opinions. Similar disclaimers must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program, unless the employee has received prior approval to serve as an official representative of the City.
 - .53 Violations of the above policies could result in disciplinary action after being reviewed by Communications and HR.
- .6 City of Tulsa Initiated Public Communications
 - .61 Most proactive media contact is initiated by the City Communications Director and/or Manager. This includes issuing press releases, media advisories, and personal contacts with reporters and editors for coverage.

- .62 All news releases must be approved by the Communications Department unless otherwise agreed upon by the specified department head, with the exception of the Police Department.
- .63 Departments seeking publicity for events or activities should complete a copy of the "*Department Project Form*" (available on the City of Tulsa intranet, under the Communications Department) or contact the Communications Director and/or Manager via phone or e-mail as soon as possible to ensure the best media coverage of the activities. The Communications Director and/or Manager or designee will work with the department to create the best possible news release or other type of presentation.
- .64 Departments should not initiate news media contacts before notifying the Communications Director and/or Manager.
- .65 It is the intention of the City to make every effort to publicize the good work of City departments. If an employee, whether in management or otherwise, believes something to be newsworthy, he or she is encouraged to make it known to the Communication Director and/or Manager.
- .66 Any department that creates and determines they need a media communications policy, such as photos or external communications must submit their policies to the Communications Department for approval.

825. Visitors and Children in the Workplace

Effective: October 8, 2012

- .1 The City of Tulsa values the work/life balance of their employees. However, frequent, recurring visitors in the workplace during work hours is unsuitable and causes decreased productivity, increased liability and health/safety issues for the City of Tulsa. All visitors to City of Tulsa facilities should check-in at the appropriate location within each facility and prominently display any identification issued to them at check-in.
- .2 Any visitor who is not in a City facility to conduct City business should limit his/her visit to a brief timeframe and should not be present in the facility on a frequent, recurring basis.
- .3 Children and infants are welcome to visit the workplace on an occasional basis for brief visits. However, the City of Tulsa does not permit continual presence of children in the workplace in lieu of other childcare arrangements.
- .4 The policy regarding children in the workplace would not apply in the following situations:
 - .41 Specific events when children are invited to the workplace, such as Take Our Sons and Daughters to Work Day, which is announced in advance with established guidelines.
 - .42 When children are using City of Tulsa facilities as a patron of those facilities, such as a recreational center. At no time should the child require the parent's supervision at the facility if the parent is working at the City of Tulsa facility during the timeframe of the event and their position does not require the employee to supervise individuals engaged in events or at the facility.
 - .43 When approved in advance by the employee's immediate manager or supervisor, such approval should be limited to instances when the manager believes the employee's attendance at work is necessary at that particular time (eg meetings or deadlines), and the child(ren) will not cause a distraction to the employee or others. Employees are not to take responsibility for another employee's child(ren) in the workplace. An employee should not request another employee to care for their child while in the workplace.

826. Telecommuting**Effective: November 1, 2017**

- .1 The City values the work/life balance of its employees. This section establishes a policy to facilitate, where appropriate, telecommuting. This practice will attract and retain a diverse and talented work force, reduce costs, improve productivity among employees, address special circumstances and work demands, and advance City business goals and strategic requirements. The City recognizes telecommuting as an alternate work arrangement for certain positions. This policy supersedes all prior telecommuting policies agreements, and/or acknowledgements.
- .2 Definitions: The following words and phrases, as used in the application and interpretation of the Telecommuting policy, will have the meanings ascribed below:
 - .21 “Telecommuting” refers to the working arrangement of an employee in compliance with this policy who has been approved to work from an alternate job site, usually the employee’s home.
 - .22 “Telecommuting Worksite” refers to an approved worksite other than the City facility to which the employee would otherwise be assigned and from which the telecommuting employee will be performing his or her job duties under this policy.
 - .23 “City Worksite” refers to the City facility where the employee would otherwise be assigned to work, and where the employee is required to report when not telecommuting.
 - .24 “Acknowledgement” refers to the arrangement between the employee and the City which allows the employee to telecommute, as well as the form signed by the employee outlining the terms of the arrangement.
- .3 Basic assumptions of this policy:
 - .31 Telecommuting employees must be able to fulfill all job duties from the Telecommuting Worksite.
 - .32 Emergency situations such as inclement weather are not covered by this policy.
 - .33 Productivity is expected to continue at a satisfactory level or above at all times.
 - .34 Telecommuting is expected to benefit the organization and the services provided.
 - .35 Telecommuting employees are expected to maintain a designated, alternate Telecommunicating Worksite and are responsible for any costs related to the alternate Telecommunicating Worksite setup.
- .4 Telecommuting is not appropriate for all positions, and no employee or job category is entitled to or guaranteed the opportunity to telecommute, except for those hired into designated positions.
 - .41 Selection for participation in the telecommuting program requires a great deal of trust that the employee will devote the proper time and attention to his or her work and be productive in the absence of direct supervision.
 - .42 The type of work appropriate for telecommuting depends on job content rather than job title, type of position or work schedule. Jobs acceptable for telecommuting are those that can be performed at an alternate worksite without diminishing the quality of the work or disrupting the productivity of the City Worksite office.

- .43 Telecommuting is a management option and is only available with the approval of an employee's director supervisor, Department Head, Personnel Director, and IT Security or as otherwise approved in accordance with this policy. The Mayor, or his designee, has final authority regarding approval of telecommuting and may terminate the telecommuting program or an individual telecommuting acknowledgement at any time. With this in mind, employees must meet the following qualifications to be considered for telecommuting:
- .431 The employee must be self-motivated and be able to productively work with little supervision, direct guidance, assistance, or approval from others.
 - .432 The employee must have a thorough knowledge and understanding of his or her job functions.
 - .433 The nature of work suitable for telecommuting requires minimal face-to-face interaction with external customers, other city employees, or dedicated project workgroups.
 - .434 The Telecommuting Worksite must not be a distraction to the employee.
 - .435 The employee shall have demonstrated, to the supervisor's satisfaction, his or her capability to work productively without direct supervision. Indicators of this capability include consistently high performance, excellent attendance, a positive attitude toward assigned work, and an absence of discipline problems in the employee's work history.
 - .436 Department Heads will take the supervisory status of the employee requesting telecommuting into consideration before granting approval.
- .5 Telecommuting Acknowledgements will be required for each telecommuting employee and will be considered for approval on an individual basis. Participation will not be considered if approval would interfere with performance or the provision of services.
- .51 Participation in telecommuting will not be approved if cost to the employer prohibits the Acknowledgement from being practical.
- .6 Employees approved for telecommuting are required to devote their full time and attention to City business during work hours and may be required to maintain in-office periods, attend scheduled meetings, or interact directly with other staff at the City Worksite.
- .61 Telecommuting employees must be available to respond to the City Worksite at the request of their Department Head or Department Head's designee during the agreed upon telecommuting work hours. The telecommuting employee's on and off-site work schedule must be approved by their Department Head or the Department Head's designee.
 - .62 Telecommuting employees must be accessible during the work hours specified in the Telecommuting Acknowledgement and reachable through electronic means such as telephone, email, or video conferencing, regardless of work location. Meetings will not be held at a Telecommuting Worksite.
- .7 Telecommuting is not a substitute for dependent care or child care. Telecommuting employees are required to make dependent care and child care arrangements during the work hours outlined in the Telecommuting Acknowledgement.

- .8 The Telecommuting Acknowledgement details an arrangement between the City and employee and will be maintained in the employee's personnel file with the Human Resources Department. Telecommuting Acknowledgements are approved for no longer than twelve (12) months at a time, however, they may be altered to better meet the needs of the City and/or terminated at any time, subject to .9 below.
- .9 For certain positions exclusively designated as telecommuting in the HR system, .8 above will not apply.
- .10 Telecommuting does not change the terms and conditions of employment as a City employee. A telecommuting employee's salary, job responsibilities, benefits and insurance do not change as a result of telecommuting.
- .11 The City is not liable for damages to telecommuter-owned equipment and the City will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities, telephone, Internet access, etc.) associated with the use of the Telecommuting Worksite.
- .12 Tax liabilities associated with the Telecommuting Worksite are the sole responsibility of the telecommuting employee.
- .13 Out-of-pocket expenses for supplies normally available in the office will not be reimbursed.
- .14 Telecommuting employees will take all precautions necessary and are responsible for securing and safely maintaining information, documents and equipment off-site and in route to their home to prevent unauthorized access, theft or damage to any City system, equipment or information.
- .15 The equipment used must conform to City standards for security, technical support and maintenance. Equipment usage for telecommuting is subject to the following conditions:
- .151 The City may provide computer equipment and/or data communication lines to the Telecommuting Worksite.
- .152 The City may provide technical support for City owned computer(s) or telecommunications equipment.
- .153 In case of equipment malfunction which hampers a telecommuting employee's ability to complete assigned duties, he or she must promptly notify their direct supervisor.
- .154 Only City-approved software may be used for connecting with the City's network from the Telecommuting Worksite.
- .155 Telecommuting employees must follow all City of Tulsa information security rules. If it is determined that any employee's computer used at the Telecommuting Worksite is responsible for the virus infection of any City computers or files, this may result in the immediate termination of the Telecommuting Acknowledgement.
- .16 The City's governing rules, regulations, and policies, including those regarding time and attendance, leave, compensatory time, and overtime, apply to both telecommuting and non-telecommuting employees. When supervising telecommuting employees, a proper reporting process must be established and maintained to satisfy any questions regarding time worked, productivity, and the meeting of established goals.
- .17 All employees, both exempt and non-exempt, are responsible for approving their time worked and/or leave taken within the appropriate time and attendance system utilized by

the City (See Personnel Policies and Procedures Manual section 219 for additional information). Telecommuting employees will periodically meet with their Department Head or Department Head's designee to discuss the working arrangement and resolve any related issues.

- .18 If a request for telecommuting relates to a reasonable accommodation under the Americans with Disabilities Act (ADA) or prolonged use of leave for medical reasons, the Human Resources Department (HR) must be notified immediately.
- .19 In case of a condition, such as a power failure, that affects the telecommuting employee's ability to work off City premises but not on City premises, the telecommuting employee may be required to report to the employee's regular office location on City premises or the employee may be allowed to use vacation time, compensatory time, or take leave without pay. If an office closure or emergency excuses other employees from working and work can proceed at the Telecommuting Worksite, telecommuting employees are not excused from working.
- .20 The City's travel policy applies to telecommuting employees. In the case of telecommuting, City Hall is the official station for travel expense voucher purposes. For a telecommuting employee, travel to and from any location within 150 miles of the Telecommuting Worksite is non-reimbursable. Mileage to and from locations outside a 150 mile radius is reimbursable. This includes travel to and from the employee's City Worksite and Telecommuting Worksites.

Required Attachments:

**Telecommuting Acknowledgement
Self-Certification Safety Checklist for Telecommuting Worksite
Return and Care of City Property**

827. Data Classification

- .1 The purpose of this policy is to establish a framework for classifying City of Tulsa ("City") Data based on its Disclosure Risk and Impact Risk. Data Classification facilitates the disclosure of City Data internally and to the public when the risk of disclosure is outweighed by the City's commitment to transparency. This policy is intended to provide guidance to City personnel when deciding how to generate, collect, process, disseminate, or destroy City Data.
 - .11 The Data Classification Policy applies to all City of Tulsa Data or Data Sets as defined in this policy. The Data Classification Policy governs all permanent and temporary City of Tulsa employees, contractors, subcontractors, consultants, and vendors who are permitted to use or access City Data for any reason.
 - .12 Data Stewardship is the careful and responsible management of City Data belonging to the City as a whole, regardless of the entity or source that may have originated, created, or compiled the Data. Data Stewards provide maximum access to City Data internally and to the public, balanced by the obligation to protect the information in accordance with the policies established by the City of Tulsa and any other law or regulation. Any Data generated, collected, processed, disseminated, or disposed of by the City of Tulsa is an asset of the City, not of the particular department or subordinate organization which acts on the City's behalf. Departments developing policies, procedures, practices, and training should avoid the mindset of Data ownership and implement the practice of Data Stewardship.
- .2 Definitions
 - .21 Availability: the characteristic of Data that enables users' access to that Data in a

useable format without interference or obstruction.

- .22 Classification: the act or process by which Data is determined to be of a described disclosure or Impact Risk, or criticality and value.
- .23 Classifying Authority: The right or ability to establish a Disclosure Risk and Impact Risk for any Data generated within the scope of that Authority as defined in this policy.
- .24 Confidentiality: the characteristic of Data whereby only those with sufficient privileges and a demonstrated need may access that Data.
- .25 Correlation Risk: the disclosure or Impact Risk of Data inferred from aggregated individual Data or Data Sets which would not reasonably exist in the individual Data or Data Sets when viewed separately.
- .26 Correlative Classification: the classification of aggregated individual Data or Data Sets which reflects their Correlation Risk.
- .27 Data: final versions of statistical or factual, quantitative, or qualitative information that: (1) is in alphanumeric form reflected in a list, table, graph, chart, image, or other non-narrative form, that can be digitally transmitted or processed; (2) is regularly received, created or maintained by or for a City department, office, administrative unit, commission, board, advisory committee or other subdivision of City government; (3) records a measurement, transaction or determination related to the business of the City and mission of such City subdivision; and (4) is inclusive of software source code developed or maintained by or on behalf of the City of Tulsa.

Data shall not include information provided by other governmental entities or image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that Data does include statistical or factual information about image files and geographic information system (GIS) Data.
- .28 Data Set: any Data which is created in an iterative manner which retains nearly identical characteristics to the previously generated Data, relates to a particular subject or function, results from the same activity, or has some other relationship arising out of their creation, receipt, or use such that it could reasonably be considered the same Data.
- .29 Derivative Classification: the classification that results from incorporating, paraphrasing, restating, or generating in new form Data that is already classified, consistent with the classification markings that apply to the Source Information. Derivative Classification is intended to ensure field level Data Classifications are maintained through Data aggregation, disaggregation, and Data Set creation including the specified Data field.
- .30 Disclosure Risk: the magnitude of harm that can be expected to result from the consequences of unauthorized disclosure of Data. Disclosure Risk dictates the methods of disclosure and the requirements for authorization to view Data or Data Sets and the degree of safeguarding therefore required.
- .31 Impact Risk: the magnitude of harm that can be expected to result from the consequences of unauthorized use, modification, or loss of Data. Impact Risk dictates the priority of the Data or Data Set to City operations and the degree of safeguarding therefore required.
- .32 Implementation Guidance: any policy, procedure, practice, instruction, or training that prescribes how any portion of the policy is executed.

- .33 Integrity: the quality or state of being whole, complete, and uncorrupted; exists when Data is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed without authorization.
- .34 Media: the physical method by which digital Data is stored or transmitted, regardless of particular form.
- .35 Originating Authority: any individual authorized in writing to classify Data in the first instance by virtue of it having been created within their Classifying Authority.
- .36 Record: all documents, including, but not limited to, any book, paper, photograph, microfilm, Data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property.
- .37 Source Information: any existing Data from which Data or Data Sets may originate.

.3 Classification Standards

- .31 New data collection programs. At the beginning of a new Data collection effort, Data shall be originally classified under this policy if any of the following conditions are met:
 - .311 A Record is maintained containing Data,
 - .312 A Record may be created from Data, or
 - .313 An individual with the authority to classify Data determines that unauthorized access, disclosure, or alteration of Data could reasonably result in damage to the City and the individual is able to identify or describe the damage.
- .32 Existing data collection programs. For Data which the City has collected prior to implementation of this Policy, Data may be classified under this policy if any of the following conditions are met:
 - .321 A request for disclosure of Data is received.
 - .322 An individual with the authority to classify Data determines that unauthorized access, disclosure, or alteration of Data could reasonably result in damage to the City and the individual is able to identify or describe the damage.
- .33 Implementation guidance for classification standards. Individuals with Originating Authority to classify Data may create Implementation Guidance defining Data within their Classification Authority which is presumed to satisfy any of the requirements of Section .31.

.4 Classification Categories

- .41 For the purposes of this policy, all Data shall be classified according to: a) Disclosure Risk and b) Impact Risk.
- .42 Data may be classified at one of the following categories

.43 DISCLOSURE CLASSIFICATIONS

<p>PUBLIC</p>	<p>DATA WHICH DOES NOT CONTAIN PROTECTED INFORMATION OR SENSITIVE INFORMATION.</p>
<p>SENSITIVE</p>	<p>DATA, WHICH, IF MADE PUBLIC, COULD RAISE PRIVACY, CONFIDENTIALITY OR SECURITY CONCERNS OR HAVE THE POTENTIAL TO JEOPARDIZE PUBLIC HEALTH, SAFETY OR WELFARE TO AN EXTENT THAT IS GREATER THAN THE POTENTIAL PUBLIC BENEFIT OF MAKING THE INFORMATION PUBLIC.</p>
<p>PROTECTED</p>	<p>DATA WHICH IS SPECIFICALLY REQUIRED BY LAW TO BE KEPT CONFIDENTIAL, INCLUDING, BUT NOT LIMITED TO, DATA PROTECTED BY A STATE EVIDENTIARY PRIVILEGE, SOCIAL SECURITY NUMBERS, AND PERSONAL FINANCIAL INFORMATION.</p>

IMPACT CLASSIFICATIONS

<p>LOW (1)</p>	<p>OPERATIONAL DEGRADATION TO SECONDARY FUNCTIONS OF THE DEPARTMENT, NO IMPACT TO PRIMARY FUNCTIONS</p>
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	<p>NO DAMAGE TO ORGANIZATIONAL ASSETS</p> <p>NO FINANCIAL LOSS</p> <p>NO HARM TO INDIVIDUALS</p>
(2)	<p>OPERATIONAL DEGRADATION TO THE PRIMARY FUNCTIONS OF THE DEPARTMENT WITHIN ACCEPTABLE PARAMETERS</p> <p>MINOR DAMAGE TO DEPARTMENTAL ASSETS</p> <p>MINOR FINANCIAL LOSS (EXPENDITURES WITHOUT NEED FOR ADDITIONAL AUTHORIZATION)</p> <p>HARM TO INDIVIDUALS WHICH WOULD NOT RESULT IN FINANCIAL LOSS (PRIVACY, EMBARRASSMENT)</p>
MODERATE (3)	<p>SIGNIFICANT OPERATIONAL DEGRADATION TO PRIMARY FUNCTIONS OF THE DEPARTMENT BEYOND ACCEPTABLE PARAMETERS BUT WITHIN INTERNAL CAPACITY TO REMEDY</p> <p>MODERATE DAMAGE TO DEPARTMENTAL ASSETS OR MINOR DAMAGE TO ORGANIZATIONAL ASSETS</p> <p>FINANCIAL LOSSES WITHIN DEPARTMENTAL AUTHORIZATION</p> <p>HARM TO AN INDIVIDUAL WHICH WOULD REASONABLY RESULT IN FINANCIAL LOSS TO THE ORGANIZATION</p>
(4)	<p>OPERATIONAL DEGRADATION TO PRIMARY FUNCTIONS OF THE DEPARTMENT BEYOND INTERNAL ABILITY TO REMEDY</p>

	<p>SIGNIFICANT DAMAGE TO DEPARTMENTAL ASSETS OR MODERATE DAMAGE TO ORGANIZATIONAL ASSETS</p> <p>FINANCIAL LOSSES WITHIN ORGANIZATIONAL AUTHORIZATION</p> <p>EXPOSURE COULD REASONABLY RESULT IN IDENTITY THEFT, FRAUD, OR OTHER FINANCIAL LOSS, OR ANY PHYSICAL HARM TO AN INDIVIDUAL</p>
<p>HIGH (5)</p>	<p>CATASTROPHIC OPERATIONAL DEGRADATION TO PRIMARY FUNCTIONS OF THE ORGANIZATION BEYOND INTERNAL CAPACITY TO REMEDY</p> <p>SIGNIFICANT DAMAGE TO ORGANIZATIONAL ASSETS</p> <p>CATASTROPHIC FINANCIAL LOSSES BEYOND ORGANIZATIONAL AUTHORIZATION</p> <p>SEVERE OR CATASTROPHIC FINANCIAL HARM TO INDIVIDUALS OR PHYSICAL HARM INVOLVING SERIOUS INJURY OR DEATH</p>

- .44 Implementation Guidance for classification levels. Individuals with Originating Authority to Data may create Implementation Guidance defining City Data or Data Sets within their classification authority which is presumed to fall within any of the categories of Section .31.
- .45 Prohibitions and Limitations. In no case shall Data be classified in order to:
 - .441 Conceal violations of law, inefficiency, or administrative error
 - .442 Prevent embarrassment to a person, organization, or Department beyond the purpose of this policy

.443 Prevent or delay the release of Data beyond the purpose of this policy

.46 Identification and markings. The Information Technology Governance Board Security Sub-Committee, as provided for by the Information Technology Governance Charter, shall issue Implementation Guidance establishing required Classification markings of Media.

.5 Classifying Authority

.51 The authority to classify Data may be exercised only by:

.511 The Mayor, by executive authority, or an employee to whom the Mayor has delegated authority.

.512 Directors of Departments, concerning all Data generated within their department, or an employee to whom the Director has delegated authority.

.513 Individuals with authority as delegated pursuant to Section .52.

.52 Delegated Authority

.521 Delegations of classification authority shall be limited to the minimum required to administer this policy. No delegated authority shall exist without training in classification as required by Implementation Guidance.

.522 Delegation of the executive authority. The Mayor may delegate his or her Classifying Authority to a subordinate individual within the Office of the Mayor, to act as the Mayor's representative, if that individual meets the requirements of Section .521 of this policy.

.523 Delegation of total departmental level authority to subordinate officials within the department. Directors of departments may delegate their Classifying Authority to a subordinate individual within their department, to act as their representative, if that individual meets the requirements of Section .521 of this policy.

.524 Delegation of total departmental level authority to individuals outside the department. If the individual with Classifying Authority per Section .51 of this policy seeks to delegate that authority to an individual outside their respective department, that individual shall be required to show cause before the Information Technology Governance Board Security Sub-Committee, which may authorize the delegation by an affirmative vote by a majority of the voting members of the Board. The authority to delegate shall remain with the individual with Classifying Authority per Section .51 of this policy.

.525 Record of delegation. Each delegation of Classifying Authority shall be in writing.

.526 Exceptions. Reserved.

.6 Derivative Classification, Correlative Classification, and Redaction

.61 Derivative Classification. Persons who only reproduce, extract, or summarize

Data which has been classified do not need to possess original classification authority to apply a Derivative Classification in the performance of such actions.

.62 Persons who apply Derivative Classifications shall:

.621 Observe and respect original classification decisions, and

.622 Carry forward to any newly created Data, Data Set, Record, or Media the pertinent classification and markings.

.63 Correlative Classification

.631 Where Data or a Data Set is generated from multiple sources, or, is presented or produced with other Data or Data Sets in a manner which could reasonably allow for the individual presentations or productions to be aggregated into a single form which could reasonably allow the inference of Data not intended to be classified at the level of the individual Data or Data Sets or disclosed in the manner that the classification, presentation, or production of the individual Data or Data Sets would allow, the classification and presentation or production of the individual Data or Data Set shall be reviewed as part of the aggregated Data or Data Set and shall be given the classification and disclosure treatment required for the whole.

.632 Individuals with authority to classify Data may create Implementation Guidance defining Correlative Classifications for Data or Data Sets within their classification authority.

.64 Redaction

.641 Authority to determine which portions of Data or a Data Set, as presented, establish that Data or Data Set's classification shall remain with the Classifying Authority. The Classifying Authority shall review redacted Data or Data Sets for residual disclosure and Impact Risk, including derivative or correlative risk, upon request by individuals authorized to make such redactions.

.642 Individuals with authority to classify Data may create Implementation Guidance for the Redaction of Data or Data Sets within their classification authority.

.7 Hierarchy of Classification Authority

.71 Derivative and Correlative Classifications. For Data or Data Sets generated from Derivative Sources or Data which is considered for Correlative risk, the disclosure classification and impact classification of any part bearing the worst-case impact shall establish the lowest classification of the Data or Data Sets as a whole regardless of whether derivative or correlated Data or Data Sets are generated by different Classifying Authorities.

.72 Transfer of Data or Data Sets

.721 Transfer for Storage. In the case of Data or Data Sets transferred from one Classifying Authority to another Classifying Authority for the purposes of storage only, the Classifying Authority in which the Data or Data Set originated shall remain the Originating Authority to classify the Data and Data Set and shall retain responsibility to review and maintain that classification.

- .722 Transfer of function. In the case of Data or Data Sets transferred to another Classifying Authority in conjunction with the transfer of the functions for which or in which the Data or Data Set originated, the receiving Classifying Authority shall be deemed to be the Originating Authority for the purposes of this policy.
- .723 Transfer in cases of abolishment or cessation. In the case of Data or Data Sets that are not officially transferred by methods described in Section .721 or .722, but that originated in a Classifying Authority that has ceased to exist and for which there is no successor Classifying Authority, each Classifying Authority in possession of that Data or Data Sets shall then be deemed the Originating Authority for the purposes of this policy. Review of such Data or Data Sets shall be done in consultation with any other Classifying Authority with an interest in the subject matter contained or expressed in the Data or Data Sets.

.8 Classification Review, Oversight, and Dispute Resolution

- .81 Reclassification review. Classifying Authorities shall review all Data Classifications made within their authority from time to time.
- .82 Uniform guidance. The Information Technology Security Sub-Committee shall from time to time as established in Policy review all Implementing Guidance, policies, procedures, practices, instructions, or training created by any Classifying Authority under the provisions of this policy for the purpose of recommending Uniform Guidance for all Classifying Authorities to the Mayor, for the promulgation of standardized policy, procedure, practice, instruction, or training across the organization with regard to Data Classification.
- .83 Oversight. The Information Technology Security Sub-Committee shall have oversight responsibility for the implementation of this Policy.
- .84 Challenges and Dispute Resolution
- .841 Classifying Authorities who, in good faith, believe that the classification of Data or Data Sets, whether original, derivative, or correlative, or Originating Authority to make such Classification, is improper, may challenge the Classification to the Information Technology Security Sub-Committee.
- .842 Classifying Authorities shall establish Implementation Guidance under which authorized holders or users of Data may challenge the classification of Data they believe is improperly classified before the Information Technology Security Sub-Committee.
- .843 The Information Technology Security Sub-Committee shall ensure by policy and procedure that challengers or disputants are not subject to retribution for bringing such actions and challenges and disputes are given an opportunity for impartial review.

.9 Safeguarding Data

- .91 Reserved.

828. Nursing Mothers

Effective: July 29, 2019

The City supports breastfeeding and the expression of breastmilk by employees who are breastfeeding their babies when they return to work. Information about breastfeeding support

after returning to work will be provided to employees before their maternity leave. It is the City's policy that:

- .1 For up to one year after the child's birth, an employee who is breastfeeding her child will be provided reasonable break times and locations to express breast milk for her baby.
 - .11 Lactation times will be established for each employee based on her work schedule, to be concurrent with any lunch or break time already provided to the extent feasible.
 - .12 If different or additional time is needed for lactation, the employee will use paid vacation or compensatory leave, or with supervisor approval make-up the time during the same day or workweek. If the employee does not have leave available, she may use unpaid Authorized Personal Leave (APL).
 - .13 Employee will be provided a clean, comfortable space to express breastmilk. Departments will provide a private, secure, and sanitary room near the work area, other than a toilet stall, and equipped with seating, reasonable proximity to running water and an electrical outlet. If the area is also used for other purposes, it must be made available to the lactating employee within a reasonable period of when she needs it. The City will make a list of lactating spaces available to employees. If employee prefers, she may use her own private office, or another location agreed upon by the employee and her supervisor.
 - .14 Employees may use their own cooler packs to store expressed breastmilk, or a designated refrigerator if their container is clearly labeled with name and date.
- .2 Employees and management are expected to have a positive, accepting attitude toward working women who are breastfeeding. There shall be no discrimination, harassment or retaliation of breastfeeding employees. This policy will be incorporated into new employee orientation materials and annual HR training for all employees. Please contact Human Resources with any questions or concerns regarding this policy.

829 Non-Discrimination Policy (MOVED FROM § 102) **Effective: September 9, 2019**

- .1 Definitions: The following words as used in the application and interpretation of the Non-Discrimination Policy have the following meanings:
 - .11 Race, color, sex, religion, national origin, or disability are as defined by the applicable federal statute, as amended: Title VII of the Civil Rights Act of 1964, 42 USC §2000e et seq; Age Discrimination in Employment Act, 29 USC §621 et seq; the Americans with Disabilities Act of 1990, 42 USC §12101 et seq; and the Rehabilitation Act, 29 USC §790 et seq.
 - .12 Sexual orientation is an employee's inherent or indisputable and enduring emotional, romantic or sexual attraction to other people.
 - .13 Gender identity is an employee's self-identification as male, female, a blend of both or neither, and may or may not match the sex assigned at birth.
 - .14 Gender expression is an employee's external manifestation of gender identity.
- .2 The City prohibits discrimination of City employees, or by City employees against any other person, on the basis of race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender expression. However, this policy does not confer any rights to employees that are not afforded by law.

830. Recording

- .1 During Working Time. Unauthorized or secret photographs or audio or video recordings of employees are disruptive to employee morale and inconsistent with the respectful treatment required of our employees. Employees are prohibited from taking photographs or making video or audio recordings during their working time except where authorized by management for legitimate business purposes. Working time is the time employees are expected to work as directed by their supervisor or are conducting City business, but does not include rest, meal, or other authorized breaks.
- .2 Working Areas. Additionally, to protect confidential business information, sensitive customer or citizen information and other non-public information, employees are prohibited from taking photographs or making recordings in working areas at any time except where authorized by management for legitimate business purposes.
- .3 This policy does not prohibit employees from taking photographs or making recordings related to terms or conditions of work, for example safety or significant policy violations or illegal activity, and when prior authorization is not reasonable or possible. Employees taking such photographs or recordings should immediately notify their supervisor, department head, or Human Resources of the incident and provide a copy upon request to assist with any internal investigation.