



PERSONNEL POLICIES AND PROCEDURES

SECTION 400

SEPARATIONS, DISCIPLINARY ACTIONS AND GRIEVANCES

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SECTION 400. SEPARATIONS, DISCIPLINARY ACTIONS AND GRIEVANCES

401. Job Security for Classified Service

All officers and employees in the classified service shall hold their respective positions during good behavior regardless of changes of City officials or City administrations and shall be suspended without pay, demoted or removed from the same only for cause and the good of the service.

402. Prohibition Against Suspension, Removal or Demotion

No person in the classified service shall be suspended, removed or demoted because of race, creed, color, religious or political beliefs or affiliations, except when such person advocates or belongs to an organization which advocates the overthrow of the government by force or violence (CSCA).

403. Types of Separations

All employee separations from positions in the classified service shall be designated as one of the following categories:

- Resignation
- Layoff
- Unsatisfactory Service
- Dismissal
- Disability
- Death
- Retirement

404. Resignation

- .1 An employee planning to resign from the classified service must notify their immediate supervisor in advance as follows:
 - .11 For regular employees, resignation is to be submitted at least fourteen (14) calendar days prior to the effective date.
 - .12 For temporary and part-time employees, resignation is to be submitted at least four (4) calendar days prior to the effective date.
- .2 Resignation without prior notice which, in the opinion of the appointing authority, impairs the effectiveness of the City service shall be designated as "Unsatisfactory Service", according to the rules governing such separations (see "Unsatisfactory Service Separations").
- .3 An employee who resigns shall be eligible for reemployment with the City subject to the same requirements and standards that apply to new applicants (for exception, see Section 124 "Police Reinstatement Policy").
- .4 An employee who resigns shall receive payment for all vacation leave and compensatory time credits for which eligible according to the rules governing such leave.

404 .5 All employees except those designated as emergency employees, who resign shall be requested to sign a letter indicating the effective date of the resignation and that the resignation was voluntary and not requested or demanded by the employer.

.51 The resignation letter shall be sent to and retained by the Personnel Department.

.52 If the employee refuses to sign the resignation letter or leaves the City of Tulsa's employment without signing such a letter, the department shall send the letter to the former employee's last known address. This letter shall confirm the effective date of the resignation and that the resignation was voluntary. The Personnel Department shall be sent a copy of this letter.

405. Reduction For Economy or Abolition of Position **Revised: November 30, 2001**

See Sections 129 and 509 for information relating to layoff separations.

406. Unsatisfactory Service Separations

.1 An appointing authority may separate an employee with an unsatisfactory service separation whenever the work habits, attitudes, production or personal conduct of the employee fall below the desirable standards for continued employment. A resignation of an employee may be designated as unsatisfactory service by the appointing authority. Reasons for an unsatisfactory service separation shall include, but not be limited to, the following:

.11 Insufficient advance notice prior to resignation (see Section 404 "Resignation");

.12 Unsatisfactory performance in the duties of the position;

.13 Undesirable behavior or other similar reasons not of a degree requiring dismissal.

.2 A classified non-probationary employee or non-probationary sworn fire personnel being considered for any forced separation must be afforded the opportunity to receive a "pretermination hearing" prior to a final discharge decision being made. The employee shall be given written notice of the reason for the possible termination, a brief explanation of supporting evidence, and an opportunity to present his/her side of the story. The hearing shall be conducted by the Department Head or other impartial designee of the Department Head, and not by the supervisor bringing the possible separation action. The department manager shall also have a witness present at all pretermination hearings. Probationary and unclassified employees are excluded from the pretermination hearing provisions.

.3 A Personnel Action form giving the specific reasons for the unsatisfactory service separation shall be submitted to the Personnel Department.

.4 If it is necessary to separate an employee for unsatisfactory service without prior notice due to the department's inability to contact the employee, the Personnel Department shall be notified by telephone as soon as possible, and a Personnel

Action form shall be submitted within five (5) working days after the effective date. Departments shall send a notification letter by certified mail to the employee's last known home address to offer a pretermination hearing before the final discharge decision is made.

- .5 Employees separated for unsatisfactory service shall be paid for all accrued leave for which eligible according to the rules governing such leave.
- .6 If an employee separated for unsatisfactory service applies to the Personnel Department for reemployment, the facts surrounding the previous separation shall be reviewed. The employee may be certified for any position for which they are qualified, including their former classification, only when it appears highly probable that the reason for the unsatisfactory service separation will not recur. The prospective appointing authority shall be informed prior to their interview with the employee of the facts surrounding the unsatisfactory service separation.

407. Dismissals

- .1 An appointing authority may dismiss an employee determined to be unsuited for City employment for repeated, deliberate or serious violation of work rules or any other recognized standards of good conduct.
- .2 It is intended that a dismissal separation shall be given to an employee definitely unsuited for City employment, whereas an unsatisfactory service separation shall be given where there are less serious reasons for separation.
- .3 An employee being considered for dismissal shall be afforded the opportunity to receive a "pretermination hearing (see Section 406.2)."
- .4 The Personnel Action form giving specific reasons for the dismissal shall be submitted to the Personnel Department before the effective date whenever possible. If it is necessary to dismiss an employee without prior notice due to the department's inability to contact the employee, the Personnel Department shall be notified as soon as possible and a Personnel Action form shall be submitted within five (5) working days after the effective date of the dismissal. Departments shall send a notification letter by certified mail to the employee's last known home address to offer a pretermination hearing before the final discharge decision is made.
- .5 Dismissed employees shall receive pay for accrued leave for which they are eligible according to the rules governing such leave, except in the case of employees dismissed for embezzlement of City funds, theft of or deliberate destruction of City property.
- .6 An employee who is dismissed from City employment shall not be eligible for reemployment with the City.

408. Disability Separations

- .1 An appointing authority may terminate an employee with a disability separation whenever it becomes impossible for an employee, through no fault of their own, to perform the tasks of their position because of a physical, mental or nervous disability. All disability separations must be verified by the City Physician (see Section 125 and 606).
- .2 An employee being considered for disability separation shall be afforded the opportunity to receive a "pretermination hearing (see Section 406.2)."
- .3 A Personnel Action form giving the specific reasons for the disability separation shall be submitted to the Personnel Department at least fourteen (14) calendar days before the effective date for regular employees or four (4) calendar days for temporary or part-time employees unless immediate action is required for the good of the service.
- .4 If it is necessary to separate an employee for disability reasons without prior notice due to the department's inability to contact the employee, the Personnel Department shall be notified as soon as possible, and a Personnel Action form shall be submitted within five (5) working days after the effective date. Departments shall send a notification letter by certified mail to the employee's last known home address to offer a pretermination hearing before the final separation decision being made.
- .5 An employee separated for disability reasons shall be paid for all accrued leave for which they are eligible according to the rules governing such leave.
- .6 If an employee separated for disability reasons applies to the Personnel Department for reemployment, the facts surrounding their previous separation shall be reviewed in cooperation with the City Physician. The employee may be certified for any position if it appears highly probable that the reason for their disability separation will not recur or will not affect their work in a position for which they qualify. The prospective appointing authority shall be informed prior to their interview with the employee of the facts surrounding the disability separation.

409. Death Separations

- .1 Upon the death of an employee, the appointing authority shall initiate a Personnel Action form indicating the type of separation, the last day worked and the amount of accrued leave the deceased employee has earned according to the rules governing such leave.
- .2 The Personnel Department shall be informed of the death of an employee as soon as possible after the appointing authority learns of the fact. The Personnel Action form shall be submitted within five (5) working days thereafter.

410. Retirement

- .1 There is no mandatory retirement age for classified employees. The effective date of retirement shall be the first day of the month coinciding with or next following the employee's qualification for retirement benefits.
- .2 Within ninety (90) days preceding a classified employee's sixty-fifth (65th) birthday, the employee shall be counselled by a representative from the Personnel Department regarding possible changes in the employee's benefits.

411. Disciplinary Guidelines

- .1 The Civil Service Commission adopted, and the City Council and Mayor approved the following work rules which apply to all City employees to ensure that:
 - Employees conduct themselves in a professional manner to foster mutual respect and promote harmonious, productive working relationships;
 - Employees work in an efficient, conscientious and diligent manner;
 - Employees work safely, protecting themselves and others;
 - The rights of all employees are protected and respected.
- .2 Violation of these work rules may result in discipline, including a written reprimand, suspension, demotion or termination. When discipline is warranted, efforts will be made to make it reasonably expedient and progressive in nature, to consider the circumstances of the offense and the employee's performance record, and to make it corrective rather than punitive. Some cases, such as deliberate or serious offenses, may result in immediate termination.
- .3 These work rules and their examples are not all-inclusive but serve to inform employees as to the type of conduct that is and is not acceptable relating to City business and the workplace. In addition to these rules, employees must follow the Personnel Policies and Procedures Manual (PPPM), any applicable collective bargaining agreement, any applicable department policies and procedures, the City Charter and ordinances, as well as state and federal laws relating to City business or the workplace.

.4 Work Rules:

RULE 1. HONESTY and LOYALTY.

Employees must be honest and ethical. In the course of their employment, employees will not lie, mislead, steal, cheat or defraud the City or anyone else. Employees have a duty of loyalty to the City and must avoid situations that create an actual or perceived conflict between their personal interests and those of the City. Employees will devote their full time, attention and effort to the duties of their position during work. Examples of acts or omissions that are prohibited include but are not limited to:

- Falsifying any written or electronic report, or document arising from or related to employment or work with the City.
- Making false or untrue statements regarding work-related matters.
- Using or attempting to use employment with the City for personal gain or benefit, or disclosing or offering to disclose information not available to the general public and acquired through City employment to anyone not entitled to receive such information or using such information for personal gain or benefit.
- Accepting a gift or money or anything of value given with the intent of influencing the employee in the performance, non-performance or abandonment of the employee's official duties; or the giving of a gift, money or anything of value by or on behalf of an employee to any employee, or to any person, with the intent of influencing an employee in the performance, non-performance or abandonment of their official duties.
- Working for anyone other than the City, whether paid or unpaid, during City working hours.
- Illegally downloading, sharing, accessing or copying copyrighted software or materials while working or on City premises.

RULE 2. RESPECTFUL and COURTEOUS BEHAVIOR.

Employees must conduct themselves in a polite and civil manner during work or on City premises. If an employee feels he/she has been subjected to any form of disrespectful behavior, he/she should report it to his/her supervisor, another member of management, or Human Resources rather than responding in a similar manner. Examples of disrespectful acts that are prohibited include but are not limited to:

- Disrupting or interfering with normal work operations or interfering with the ability of management to manage.
- Threatening, intimidating, coercing, or bullying anyone.
- Discriminating against or harassing anyone on the basis of race, color, sex, age, religion, national origin, disability, or sexual orientation.
- Displaying, distributing or accessing information, material or paraphernalia of a sexually explicit, or unlawful nature during work or on City premises or with City equipment.

RULE 3. VIOLENCE-FREE WORKPLACE.

Employees must conduct themselves in a professional manner. Threatening or abusive behavior or acts of violence against anyone will not be tolerated. Rather than responding in a similar manner, threats of this nature should be reported and handled according to policy. Examples of prohibited acts include but are not limited to:

- Fighting or hitting

- Threatening or stalking
- Unauthorized use or possession of any form of weapon, explosive, illegal knives or knives with blades more than six inches in length (or reasonable facsimile of any of the foregoing) while working or on City premises or in City vehicles.

RULE 4. DRUG, ALCOHOL AND TOBACCO-FREE ENVIRONMENT.

The City is committed to maintaining a drug, alcohol, and tobacco-free workplace in compliance with state and federal laws and City policies in support of a safe and productive workplace. Employees must comply with applicable collective bargaining agreements and/or City policies relating to drugs, alcohol and tobacco.

RULE 5. RESPECT FOR CITY RESOURCES OR PROPERTY.

Employees must treat City property, including buildings, furnishings, vehicles, equipment, tools and any other items, with care and respect. Employees will not intentionally or negligently abuse, misuse, damage or destroy City property, or the property of anyone else while working or on City premises. Examples of prohibited acts include but are not limited to:

- Negligent, willful or malicious damage or destruction to City property or the property of others, including damage done through carelessness or inattention.
- Stealing or misappropriating City property or property of anyone else while at work or on City premises.
- Use of City personnel, property or material, including P-cards, for purposes which are not authorized by the department head or designee.
- Misusing, removing, transmitting or duplicating City records or confidential information of any nature, including computer programs and records, without proper authorization.
- Unauthorized posting, removal or defacing of notices, signs or writing in any form on City bulletin boards, or on city e-mail systems, including use of e-mail beyond limited personal matters.
- Loading unauthorized software on City computers or connecting unauthorized hardware to City computers or network in violation of City policies.

RULE 6. ATTENDANCE AND PUNCTUALITY.

Employees must comply with City policies relating to hours of work and taking leave. Employees must report to work on time, clock in or sign in if required to do so, and call-in according to the applicable collective bargaining agreement or City policy if unable to report for work on time. Employees must monitor their sick leave and vacation leave balances to ensure they have sufficient time accrued to

cover absences and that leave usage is accurately recorded in City records. Employees must be approved for any leave prior to being absent, except in emergency situations. Examples of prohibited acts include but are not limited to:

- Failing to call-in according to the applicable collective bargaining agreement and/or policy, whether on a regular workday or assigned overtime.
- Being absent without notification for any period of time.
- Being absent without notification for three (3) consecutive working days will be considered job abandonment.
- Unauthorized or excessive leave without pay (LWOP) according to applicable union contract and/or policy.
- Abuse of leave as set forth in City policies.
- Leaving assigned work area during working hours without approval.
- Working more than the employee's scheduled hours (for overtime-eligible employees) without the express permission of an appropriate supervisor.

RULE 7. RESPECT FOR AUTHORITY

Employees must follow any work direction given by a supervisor, as long as that direction is not immoral, unethical, unlawful or dangerous to the health and safety of City employees or others. It is not necessary for supervisors to state the work direction as an order, or to threaten disciplinary action if the employee fails to comply. Employees who believe that the direction or order is inappropriate or incorrect should do as directed and take the matter up with management later or file a grievance under any applicable collective bargaining agreement. Examples of prohibited acts include but are not limited to:

- Refusing or failing to obey work directions or orders, policies and procedures, whether oral or written, including flagrant disregard of the directions or orders of any authorized supervisor or designee.
- Refusing or failing to cooperate in an investigation, or impeding an internal investigation, whether the employee is a witness or the focus of the investigation.
- Refusing or failing to attend and give truthful testimony at any disciplinary or personnel hearing, including before the Civil Service Commission, when required to do so.

RULE 8. DUTY TO PERFORM.

Employees must perform their work duties during their work hours and do a competent job in performing those duties. Examples of acts that are prohibited include but are not limited to:

- Performing job assignment carelessly, negligently, inefficiently or in an incompetent manner.
- Handling City information (including data storage devices) or documents, such as mail, checks, personnel or confidential files, carelessly or negligently.
- Failing to meet work standards or comply with performance improvement plans.
- Failing to obtain or maintain any licenses or certifications required to perform the duties of a position.
- Sleeping or wasting time during working hours.
- Selling, soliciting or distributing written materials or collecting money for any non-job related purpose on City time or using City resources.

RULE 9. GOOD BEHAVIOR.

All employees are expected at all times to exercise good judgment and common sense and conduct themselves in an appropriate professional manner. Examples of prohibited acts include but are not limited to:

- Engaging in horseplay, scuffling, demonstrations or other actions which are disruptive to the normal work process.
- Taking, receiving, viewing or divulging confidential information without proper authorization.
- Engaging in conduct that impairs or injures the City's reputation, or otherwise harms the City, or has the potential to do so.
- Any violation of the City Charter or City ordinances that has a connection with City employment, including engaging in prohibited political activities.
- Failing to disclose arrests or loss of any license or certificate required to perform the duties of the position.
- Failing to maintain a clean and professional appearance, including clean personal clothing or city-issued uniform and good personal hygiene.
- Wearing clothing that is inappropriate or unsafe for the workplace or failing to wear the designated uniform required in a particular division or work site.

RULE 10. SAFETY.

The City strives to provide a safe and healthy work environment for its employees. Employees must follow all safety rules and regulations under OSHA, as well as City policies and directives regarding safety, and use all necessary safety equipment and protective gear as directed. Examples of prohibited acts include but are not limited to:

- Failing to wear proper safety equipment.
- Failing to maintain a clean and safe work area, including City vehicles, to prevent fire and accidents.
- Using improper tools or an unsafe method to perform a job. All defective and improper tools must be reported to appropriate supervision as soon as possible.
- Operating a City vehicle in a manner that is not safe and courteous, or not in accordance with state motor vehicle laws or City ordinances or policies.
- Using a City vehicle to transport unauthorized passengers.

RULE 11. HIGHER STANDARD OF CONDUCT FOR SUPERVISORS, MANAGERS AND DEPARTMENT HEADS.

Supervisors, managers and Department Heads hold positions of responsibility and trust and are held to a higher standard than the employees they supervise. In addition to complying with the foregoing work rules, their conduct must be above reproach. Examples of prohibited acts include but are not limited to:

- Aiding or cooperating with subordinate employees in the violation of work rules, policies or directives.
- Ignoring or failing to address employee misconduct, violation of work rules, policies, or directives.
- Failing to treat subordinates in a consistent and non-discriminatory manner.
- Requiring employees to do personal work unrelated to their City jobs for the supervisor, manager or Department Head.
- Failing to administer and support the policies, directives or other requirements of the City, or otherwise engaging in conduct which discredits or undermines the mission of the City.

412. Garnishments

It is the City's position that garnishments levied against an employee's pay are cause of concern for the welfare of the employee, the costs incurred by the City, and the public image of City employees.

It is therefore desirable that both the City and the employee attend to a garnishment after the first action occurs in order to prevent any additional garnishment actions and to assist the employee who is experiencing financial difficulties.

It is the City's policy that garnishments levied against an employee's pay shall be subject to the following:

- .1 When an employee receives a first garnishment the employee's supervisor or representative of the Department shall meet with the employee to discuss the availability of financial counseling through the Employee Assistance Program (EAP). An appointment shall be made for the employee for the initial visit to the EAP and the employee will be required to attend.
- .2 The employee shall be encouraged by the department to obtain a release of any garnishments levied against them at the earliest possible time.
- .3 Employees shall be advised by the department that an excessive number of garnishments, which are having an adverse effect on an employee's job performance, may result in disciplinary action against the employee.

413. Suspension and Demotions

- .1 An appointing authority may suspend or demote an employee for just cause. The department shall notify the Personnel Department of all such actions. This notification shall include a copy of the disciplinary letter or the Notice of Disciplinary Action (see Section 417) and a Personnel Action. Suspensions of ten (10) days or less shall be subject to the grievance procedures (see Section 416 "Grievance Procedures") for non-probationary employees. Probationary employees shall be given no right of grievance.
- .2 A classified non-probationary employee or non-probationary sworn fire personnel being considered for any suspension or demotion must be afforded an opportunity to hear and discuss the charges and supporting evidence against him/her prior to any decision being made. Additionally, this pre-action hearing shall be held in a manner which provides reasonable confidentiality. The employee must be allowed to respond to the charges or evidence levied against them prior to a final disciplinary decision. The supervisor shall have an exempt employee witness present at the pre-action hearing.
- .3 If a pre-action hearing results in a suspension or demotion, the employee must be given written notification of both the reason and supporting evidence leading to the action.

414. Right of Appeal (See Section 105)

415. Police Officers Relieved from Duty

The Chief of Police shall have the authority, at his/her discretion and for the good of the service, to relieve any Police Officer from duty with pay when felony charges have been filed against the officer when these charges arise from events and actions occurring in the line of duty. A copy of the orders relieving the officer from duty will be filed immediately with the Personnel Director.

416. Grievance Procedure

.1 It is the policy of the City of Tulsa that employees, except probationary employees, may make grievances known without fear of reprisal. It is the responsibility of supervisors, department heads and the Personnel Department to insure adherence to this policy.

.11 A grievance under this policy shall be defined as any dispute involving the meaning, interpretation or application or alleged violation of the policies and procedures established by the Civil Service Commission as promulgated in the Personnel Policies and Procedures Manual of the City of Tulsa. Employee grievances of alleged discrimination due to non-merit factors shall be filed in accordance with the procedures defined in this manual under "Discrimination Claims and Appeal Procedure." No grievance shall be heard under this policy when such grievance could have been filed under a grievance procedure established within an existing labor agreement between the City of Tulsa and a recognized collective bargaining agent representing the grievant.

.12 All time limits set forth for the filing of grievances and responses to such grievances shall be strictly observed, but may be extended by mutual consent of the parties. If the employee fails to pursue the grievance within the established time limits, the grievance shall be considered resolved by the last answer given from the employer. If the employer fails to respond to a grievance within the established time limits, the employee may proceed to the next step of the Grievance Procedure.

.2 No matter shall be considered a grievance unless it is filed at the first step of the Grievance Procedure within fifteen (15) calendar days after the occurrence of the event or after the employee becomes aware, or should have reasonably become aware of the event giving rise to the grievance. Grievances relating to Merit Policies (Section 100 of the Personnel Policies and Procedures Manual) shall follow the procedures outlined in Steps 1, 2, 3 and 416.3. Grievances relating to administrative policies shall follow the procedures outlined in Steps 1, 2, 3 and 416.4 (Administrative Grievances).

Step 1: The employee shall discuss the grievance verbally with their immediate supervisor. The employee shall notify the supervisor that this is the first step of a formal grievance. The immediate supervisor shall orally submit an answer to the employee within three (3) working days. Department Heads who wish to file a grievance shall submit the grievance directly to the Personnel Director as provided in Step 3 below.

Step 2: If the grievance is not resolved in Step 1, the employee may reduce the grievance to writing and submit it to the Department

Head within five (5) working days after receipt of the supervisor's oral answer. The Department Head shall investigate the grievance and may meet with the grievant and other parties involved if the Department Head so desires. The Department Head shall submit an answer to the employee in writing within five (5) working days after receipt of the written grievance.

Step 3: If the grievance is not resolved in Step 2, the employee may submit the written grievance to the Personnel Director within five (5) working days after receipt of the answer from the Department Head. Within ten (10) working days after receipt of the grievance, the Personnel Director or designee shall review the grievance. Such review may include a meeting with the employee, supervisory representatives of the department, and other parties involved in the grievance.

.3 Merit Grievances (See Section 127)

.4 Administrative Grievances

Within five (5) working days after such meeting or review, the Personnel Director or designee shall submit the resolution of the grievance in writing to the employee, and copies to the Mayor and Department Head. That resolution shall be final and binding on the parties involved.

417. Notification of Disciplinary Action

.1 Employees receiving a disciplinary action; i.e., reprimand, suspension, demotion, unsatisfactory service separation, or dismissal, shall be requested to sign and receive a copy of the Notice of Disciplinary Action (TUL-4012). The original copy shall be retained in the department's files and a copy shall be sent to and retained by the Personnel Department.

.2 The disciplined employee's signature on the Notice of Disciplinary Action does not constitute an admission of guilt, but indicates only that the employee has been officially notified of the action taken. The Notice of Disciplinary Action shall be the employee's official notice of cause for appeal purposes (see Section 105 "Right of Appeal").

.3 The Notice of Disciplinary Action shall document the specific cause(s) of the disciplinary action, the date(s) involved, and the action(s) taken by the supervisor.

.4 If the employee is not available or refuses to sign the Notice of Disciplinary Action, the form shall be sent by certified mail to the employee's last known address.

418. Notification of Grievance

When a City representative (the department, Resolution Manager, Employee Relations Manager, Labor Relations Manager or City Attorney), becomes aware of a grievance/appeal of a dismissal, demotion, non-certification, or non-selection, and the position has not been filled, the following steps shall be followed:

- .1 The representative shall immediately notify the employment Manager of the grievance/appeal.
- .2 After consultation with the Personnel and Legal Departments, the appointing authority shall then determine whether or not to select an applicant or wait until the grievance/appeal is resolved.
- .3 The Employment Manager shall notify the appointing authority and candidates in writing of the grievance and/or appeal. No action shall be taken to complete the employment process until all affected parties have been notified in writing. The notification shall state that the resolution of the grievance/appeal may effect who is certified and considered and any applicant selected may be removed from the position (Approved 5-94).

419. Conflict of Interest **Effective Date: 09/03/98**

Employees of the City of Tulsa are expected to maintain high standards of honesty, integrity, impartiality and conduct in the performance of their jobs to ensure the trust and confidence of citizens in their government.

- .1 A conflict of interest could arise from a situation where financial or personal interests of an employee or an employee's family could be affected by an official action or lack of action by the employee in the performance of his or her duties. Such situations could also include but not be limited to the following: a) ownership or part ownership by an employee of lands, stocks, bonds or other holdings of a spouse and/or minor child, or other relatives living in the employee's home; b) ownership or financial interest by an employee in the name of another person where the employee benefits; c) situations in which the employee has considerable affect on the outcome of an administrative, customer service, or City resource decision which involves a family member, friend or other associated individual of the employee and which may have financial or other personal gain implications involved.
- .2 Employees must refrain from any conflict of interest. The employee must avoid involvement in any circumstances in which an employee or any member of the public could define as or even reasonably construe as a conflict of interest. Any employee of the City who becomes aware of a potential conflict of interest involving another employee's activities shall make disclosure of such activities to their supervisor and/or department head as soon as reasonably possible.
- .3 Employees may be required to provide a written statement or execute periodic written reports and assurances regarding any circumstances, situation or activity, which could involve a conflict of interest.
- .4 In the event an employee has any reason to believe that he or she may be involved in a conflict of interest of any type, he or she should immediately make a written report on the matter to his or her supervisor with a copy to the department head, making a full disclosure of all pertinent circumstances. A department head shall be responsible to determine whether a potential or an actual conflict of interest exists, whether to assign responsibilities involved in the matter to a different employee, request review by the Human Resources and/or Legal Department as appropriate, etc. If the department head determines a situation involving a conflict of interest has arisen which was not disclosed by an employee in a timely manner or if improper actions have occurred, the

department head shall initiate a full investigatory review of the matter and take appropriate disciplinary action as the facts may warrant.

420. Work Related Threats or Violent Acts

Assault is the unjustifiable attempt to touch another person or the threat to do so in such circumstances as to cause another individual to reasonably believe that the threat will be carried out.

Battery is the unlawful touching of another individual or the carrying out of threatened physical harm. It includes, but is not limited to, any angry, violent, or negligent touching of another person to commit injury (Approved 9-8-94).

.1 Threats of Violence toward Co-workers, Supervisors or Citizens

.11 The City of Tulsa will not allow verbal intimidation or physical threats by employees who suggest, in a serious manner, they may harm or injure a co-worker, manager or a member of the general public.

.12 Common Sense must be used by supervisors and employees to determine whether a statement or action actually involves a serious threat. All serious threats shall be considered as potentially dangerous and shall be reported by employees and/or supervisory personnel through the chain of command immediately.

.2 Immediate actions to be taken regarding serious assault threats

Immediately after hearing what is reasonably believed to be a serious threat or being informed of such a threat, the supervisor shall:

.21 Obtain written reports from the victim(s) and/or persons who witnessed the threatening behavior.

.22 File a "threat report" with the Tulsa Police Department regarding the incident.

.23 Verbally inform the employee who made the threat that a Police Report has been filed.

.24 Notify the employee he/she is being placed on paid administrative leave pending review of the incident.

.25 Immediately notify the Chief of Police or Deputy Chief and request an investigation of the incident.

.3 Followup actions involving serious threats

.31 If the threat incident is reasonably substantiated, the appropriate manager shall initiate a pre-termination hearing process to determine the appropriate action.

Substantiated death threats shall result in termination of employment

- .32 Disciplinary action shall be in accordance with the City's Personnel Policies and Procedures Manual and/or appropriate collective bargaining agreement provisions.
- .33 When appropriate, the section manager should contact the City Attorney to request that the employee receives assistance in gaining a Protective Order against the employee allegedly making threats for the safety of the threatened employees.

.4 Prohibition against weapons or firearms on the job

- .41 Employees are prohibited from bringing firearms, hunting or sporting knives, explosives, and other weapons or hazardous materials onto City property without written authorization from their department head (see PPPM 411.3, R-14).
- .42 An employee shall also be considered to be in violation of this policy if involved with the use of weapons not normally considered weapons or dangerous instruments, but used by the employee in such manner as to evoke concerns of intimidation or threat of bodily harm to other employees or citizens.
- .43 If a supervisor has reason to believe such a weapon has been brought onto the worksite or that the employee has brandished a weapon or has a weapon in their vehicle, the supervisor shall ensure the employee removes such weapon from City properties. The supervisor may call for a Police Officer as deemed necessary.

Substantiated instances of employees possessing weapons on City property may result in disciplinary action up to and including termination of employment.

.5 Steps to be taken following any violent acts in the workplace

- .51 Dependent upon the severity of the situation (damage, injuries, seriousness of the attempted or actual acts by an employee), the following actions should be considered or taken as determined necessary:
 - Call 911
 - Notify the supervisory chain of command including the department head
 - Notify Safety personnel and City Medical
 - Notify the Police and Fire Chief's Offices
 - Request an investigation by the Police Department
- .52 Department management shall be responsible to notify the Mayor's Office.
- .53 The Mayor's Office will provide appropriate liaison to the City Council and the media.

- .54 Upon reasonable substantiation of a violent act by either the department or the Police Department, the appropriate manager shall initiate a pre-termination hearing process to determine the appropriate action.

Substantiated violent acts may result in disciplinary action up to and including termination of employment.

421. Discrimination Complaints (MOVED FROM §104) **Effective September 9, 2019**

The City is committed to a work environment which fosters mutual respect and promotes productive and pleasant working relationships. Discrimination in any form constitutes misconduct that undermines the professional atmosphere. Therefore, it is the City's policy to ensure a workplace free of discrimination on the basis of race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender expression (as those terms are defined by §829).

The City encourages employees who believe they are being subjected to any form of discrimination to report the incident within fifteen (15) calendar days to the Personnel Director for investigation and resolution.

- .1 The Personnel Director or designee will conduct the investigation in as confidential a manner as possible. The investigation may include meeting with the complaining employee and other witnesses. A timely resolution of the complaint will be reached and communicated in writing to the complaining employee and any others the Personnel Director deems necessary.
- .2 There is no appeal of the Personnel Director's resolution of the discrimination complaint. However, any employee found to be engaging in misconduct or violating the non-discrimination policy is subject to discipline, up to and including termination, pursuant to applicable disciplinary provisions.
- .3 The City prohibits retaliation of any kind against employees, who, in good faith, report misconduct or suspected discrimination or assist in investigating such complaints. If an employee believes they have been subjected to any form of retaliation, they should report it immediately to the Personnel Director.
- .4 Employees also can file discrimination complaints with external agencies.