



## 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
- Medical
- 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. Medical Separations

- .1 The Medical Review Committee may grant an employee a medical separation when there is a medical determination that an employee is unable to perform their essential job duties either with or without accommodation as provided in Section 600 of the Personnel Policies and Procedures.
- .2 The Medical Review Committee provides an employee being considered for medical separation with a due process pretermination hearing as provided in Section 400 of the Personnel Policies and Procedures.
- .3 An employee separated for medical reasons is paid for any remaining accrued sick or injury leave for which they are eligible at a ratio of one hour of pay for one hour of accrued leave.
- .4 An employee granted a medical separation is eligible to subsequently apply for re-hire for any position for which they are certified and the City Physician advises that they are medically able to perform the essential functions of the position with or without accommodation.

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 (65<sup>th</sup>) 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. No Policy for this Section (effective 8/20/2025)

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. Verbal and Physical Threats, and Acts of Violence in the Workplace  
Revised: 5/3/2023; 9/8/1994

- .1 Nothing is more important to the City of Tulsa than the safety and security of its employees, City officials, vendors, and the public. The City is committed to maintaining a workplace that is free from violence as well as threats of violence.

**Verbal threats, physical threats, and/or acts of violence in the workplace will not be tolerated by or against any individual, including employees, elected or appointed City officials, vendors, and the public.**

All reports of workplace threats and/or violence will be taken seriously and will be investigated promptly and thoroughly. All serious threats shall be considered potentially dangerous and reported as outlined below.

- .11 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 that is nonetheless unacceptable in the workplace.

.2 Defining Threat Levels and Severity

Common sense and available facts must be used by management and employees to determine whether a statement or action constitutes a serious threat. The degree of seriousness will dictate the specific course of action required under this policy.

**Imminent Threat:** The following conditions must be present for a hazard to be considered an imminent threat:

- (1) Death or serious harm must be threatened AND it must be reasonably likely that a serious incident or bodily harm could occur immediately; OR,
- (2) If not immediately, then before mitigation or intervention could otherwise be implemented.

**Non-imminent Serious Threat:** A threat that management, Security, or HR assesses to be serious but not imminent.

**Workplace:** Anywhere an employee is engaged in City-related business, and/or while on City property, including contracted parking facilities, or in City vehicles.

**Violent Act:** An incident that involves an individual actively engaged in causing or attempting to cause serious harm or death another. The individual may be armed with a firearm or bladed weapon or may engage in other violent acts such as driving a vehicle into a crowd. There may or may not be a pattern or method to their selection of victims.

### **.3     Management Responsibilities**

Any supervisor or manager who becomes aware of workplace conduct that could be reasonably believed to be a serious threat or violent act must take immediate action as follows in the order outlined below.

- .31     First, immediately gather enough information necessary to make a reasonable determination as to which of the following exists in the workplace:

- (1) A Violent Act
- (2) An imminent threat
- (3) A non-imminent serious threat
- (4) Other workplace issues not covered in this policy section

**.32     Action Required for Violet Acts in the Workplace and/or Imminent Threats:**

**STEP 1:**

Call 911 immediately and follow all instructions given by police. If you are in danger apply the principles in Run, Hide, Fight training.

**STEP 2:**

As soon as it's safe to do so and once you've ended the 911 call, immediately notify City Security Management at 918-504-6799 or 918-596-9100. Security will coordinate with the Personnel Director. Follow all instructions from TPD, Security, and/or HR while an incident or investigation is underway. Do not take any action that could potentially interfere with or compromise a TPD, HR or Security Investigation.

**STEP 3:**

Consult with Security and HR management personnel on next steps. When applicable, initiate paid administrative leave and the disciplinary review process. Substantiated death threats and acts of physical violence shall result in termination of employment.

**.33     Action Required for a Non-Imminent Serious Threat:**

**STEP 1:**

Immediately notify City Security Management at 918-504-6799 or 918-596-9100. Security will coordinate with the Personnel Director. Follow all instructions from Security and HR while an investigation is underway. Do not take any action that could potentially interfere with or compromise a TPD, HR, or Security Investigation.

**STEP 2:**

Consult with Security and HR management personnel on next steps. When applicable, initiate paid administrative leave and the disciplinary review process. Substantiated death threats and acts of physical violence shall result in termination of employment.

**.34     Action Required for Other Workplace Issues Not Covered in This Policy Section:**

**STEP 1:**

For potential violations and/or investigation under Respectful Workplace, (discrimination, retaliation, or harassment), and/or if you need to consult on next steps, contact HR management.

For other work rule or policy violations, employ corrective action as appropriate.

**STEP 2:**

If an HR investigation is not warranted but a management investigation is, management should obtain written statements from the involved persons/witnesses as part of information gathering, on the same day as the incident or as soon as possible.

Written witness statements should always be legible and include the printed name of the witness, signature, and date, and enough information that a third party

reading the statement could understand what occurred. Witnesses should not compare notes and should complete written statements independently.

**STEP 3:**

Consult with Security and HR management personnel on next steps if needed. When applicable, initiate paid administrative leave and the disciplinary process.

- .35 It is neither practical, nor expected, to try to gather every available fact upon first becoming aware of a potential violation of this policy because of the urgency required when violence and/or threats are present.
- .351 For serious threats/reports of violence, managers/supervisors should use the facts immediately available to them to make the best judgement possible. They should always err on the side of caution, and they should refer to the appendix for this policy section and the definitions above in .2 to aid in assessing the degree of severity, urgency, and imminence of any threat to workplace safety and security that exists.
- .352 Management is strongly encouraged to implement any recommendations it receives at the conclusion of an investigation from TPD, Security, and/or HR.
- .3221 If an investigation outlined in this policy substantiates severe misconduct, the department head is required to take appropriate corrective or disciplinary action consistent with the direction of the Personnel Director.
- .353 When appropriate, management should contact the City Attorney to request that assistance in gaining Protective Orders as applicable.
- .354 All supervisory and management employees are required to be familiar with and comply with the policy. Failure to do so may result in disciplinary action, up to and including termination.

**.4 City Security Responsibilities**

- .41 Upon receiving notification of potential conduct in violation of this policy, whether notification results from management as outlined in .3 above or otherwise, Security will notify the Chief of Police or Deputy Chief and request an investigation of the incident for any of the following in the workplace:
  - (1) Active violence
  - (2) An imminent threat
  - (3) A non-imminent serious threat
- .42 Security will conduct an investigation and coordinate with TPD as applicable.



The results of the investigation will be shared with the department head upon conclusion and will usually include specific recommendations to department management.

.5 Employee Responsibilities

.51 City employees have the right to work in a safe and non-threatening environment. Everyone conducting City business, including employees, has a vital role to play in minimizing workplace threats and violence.

.52 **Employee Reporting Requirements:**

Any employee who becomes aware of workplace conduct that could be reasonably believed to be a serious threat or violent act must take immediate action by notifying their supervisor, manager, or department head. This includes but is not limited to encountering or witnessing potentially threatening behavior, whether it is committed or threatened by or against another City employee, elected official, vendor, or member of the public.

.53 Employees should be alert to the possibility of violence from a variety of sources which might include:

- Co-workers
- External visitors or customers to the workplace
- Former employees
- Vendors or independent contractors
- Family members or domestic partners

.54 Employee Awareness

Employees will review City offered training on Run, Hide, Fight annually, in addition to any other training provided by City Security, TPD, HR or their department.

.55 All employees are required to comply with the policy. Failure to do so may result in disciplinary action, up to and including termination.

.6 Prohibition against weapons or firearms in the workplace

.61 Employees are prohibited from bringing firearms, knives, explosives, and other weapons or hazardous materials onto City property without prior written authorization from the Director of City Security

.62 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 others.

.63 If a supervisor has reason to believe such a weapon has been brought into the workplace, City Security Management should be notified immediately.

.64 Security shall ensure the employee removes such weapon from City property and take appropriate corrective action to ensure the employee understands the policy.

.65 It is lawful for an employee to store a weapon in their **personal** vehicle provided the weapon is secured and the vehicle is in a designated parking area. Weapons are not permitted to be stored in City vehicles.

.651 Employees and supervisors should contact City Security immediately at 918-596-9100 if an employee shows signs of mental health crisis and/or violent tendencies and is believed to have a weapon.

.66 All employees are required to comply with the policy. Failure to do so may result in disciplinary action, up to and including termination.

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.

. 422 Mental Health and Well-being

- .1 The City cares about the health and well-being of its employees and recognizes that a variety of personal issues can disrupt their personal and work lives. Although many employees solve their problems either on their own or with the help of family and friends, sometimes employees need assistance and additional support which can be provided with available mental health resources. The City is committed to ensuring that employees have appropriate mental health well-being while also respecting employee privacy.
- .2 Employees have appropriate mental health well-being when they are able to perform their essential job functions, maintain interpersonal skills to function as a team, and interact with others without posing a direct threat to themselves or others.
- .3 Often times early intervention in mental health issues allows the individual to take proactive measures that prevent the issue from developing into a crisis situation. Managers and supervisors are key to creating, implementing, and sustaining a supportive environment for employee mental health. Managers and supervisors should feel empowered to approach their employees who appear to be excessively

stressed or emotionally reactive and discreetly ask them if they are OK and need or want to talk. Doing so, and just being an active listener, allows the employee a safe environment to vent about the issues they are struggling with.

.31 Providing guidance on stress, reduction, work/life, balance, healthy eating/sleeping habits, or suggesting a self-referral to EAP services is not crossing the boundary of asking about specific personal health matters. However, it does help facilitate that management views all employees as real people, and demonstrates appreciation for employees and the important role they play in the workplace.

.4 This policy pertains to non-sworn employees. For information about mental health evaluation for Police and Fire sworn positions, please see relevant internal policies and procedures for the applicable department.

.41 Reporting Mental Health Well-Being Concerns

An employee, supervisor, manager, or other person conducting City business who observes behavior or has information that suggests an employee may need a mental health assessment should report such behavior to that employee's supervisor/manager or to the Human Resources Department ([HRDirector@cityoftulsa.org](mailto:HRDirector@cityoftulsa.org)) if the supervisor or manager is unknown or unavailable.

If an employee is concerned that their own supervisor/manager may need a mental health assessment the employee should report such behavior to the next level of supervisor or directly to the Human Resources Department ([HRDirector@cityoftulsa.org](mailto:HRDirector@cityoftulsa.org)).

If an employee believes they themselves may need a mental health assessment, they should discuss their concerns with their supervisor/manager or may request to meet with the City Physician or designee.

.42 Determination on Request for Fitness for Duty Evaluation

To complete a mental health assessment, the City Physician or designee will evaluate the employee at City Medical. As part of the evaluation, the City Physician may consult with the referring individual or with any individual who has information relevant to the request.

.321 After initial assessment, the City Physician will make a determination of an employee's work status and communicate to HR and the employee's department regarding next steps.

.322 Employees are required to follow up as directed by the City Physician who will monitor their progress and assign work status as indicated.

.323 In most situations, if the employee is placed in an unable to work status, policy Section 300, Sick Leave, will apply as indicated by City Medical.

.43 Extended Periods of Unable to Work Status

Employees who are placed in an unable to work status for an extended period of time will be subject to the terms of PPPM Section 601, Disability Review Committee as applicable.

.44 Failure to Comply

An employee who fails to follow up with the City Physician as directed or fails to adhere to any condition(s) of employment established as a result of an assessment, including failing to engage to determine what accommodations or requirements may make the employee Fit for Duty may not be allowed to return to work and may be subject to disciplinary action, up to and including termination, consistent with applicable policies.

.5 Employee Assistance Program (EAP) Effective

.51 City Medical is responsible for administration of the Employee Assistance program of the City of Tulsa. Supervisors and employees should feel free to call City Medical for information concerning the program that is not provided in the following policy sections.

.52 In addition to other health benefits, the City of Tulsa will provide a formal Employee Assistance Program (EAP). This EAP will be accessible to employees voluntarily or may be used by management as a mandatory referral tool in certain situations.

.53 All non-sworn employees and dependents who wish to participate in the program should contact the EAP provider for confidential assistance. Their contact information is available on the City's website: <https://www.cityoftulsa.org/city-employees/human-resources/city-medical/employee-assistance-program/>

.54 Referrals to the program may be through:

- Self-referral
- Supervisor/Department Head
- City Physician
- Human Resources Director or designee

.55 Confidentiality

Participation in the program shall be handled in a confidential manner so as not to jeopardize present or future job status, except in the following conditions:

- Personal work performance continues in an unacceptable manner
- Breach of confidentiality shall only be in accordance with all existing State and Federal laws governing release of information (Reference: 42 CFR, Part 2).

.56 Program Fees

There is no charge to the employee for the assessment process (up to 5 visits) that is provided by EAP. If further professional service is needed, counselors will provide a referral within the employee insurance network if possible. EAP counselors are also well acquainted with reputable community programs which offer assistance at no charge or charge based on one's ability to pay.

## **SUSPICION OF A SIGNIFICANT MENTAL HEALTH DISORDER**

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Many employees are struggling with stress, anxiety, and mental illness. Mental health concerns make it even harder to manage the challenges we all encounter in life each day. This information includes signs to look for in employees who are struggling and may need mental health evaluation and resources with the guidance of City Medical.

Many of the behaviors outlined below are also possible signs of drug or alcohol abuse. If more than a few of these apply to an employee, a reasonable suspicion drug and alcohol test may be more appropriate. However, subtle signs along the continuum of severity would prompt early intervention by asking the employee if everything is OK.

An employee may disclose to the employer that they have a mental health diagnosis and/or has been treated for such a condition. Absent direct disclosure by the employee, a mental health evaluation should be considered based on a credible report or observation of one or more of the following work behaviors:

- Physical and mental slowing (psychomotor retardation)
- Flashbacks
- Responding to internal stimuli (e.g., hallucinations)
- Active or passive suicidal or homicidal ideation, gestures, threats, or attempts
- Inappropriate affect (emotions, actions, or overall demeanor that seem out of place for the setting or situation)
- Recurrent Monday tardiness and/or unscheduled absences
- Change in appearance and hygiene
- Involvement in accidents
- Inappropriately aggressive behavior
- Worsening performance
- Unreliability in someone previously reliable
- Inability to concentrate
- Changes in nature of interpersonal relationships (such as conflict, isolation, or withdrawal)
- Complaints against the employee by other co-workers
- Time and attendance analysis (number of days, days of week – Monday/ Friday, type of injuries/illnesses)
- Unusual or excessive workers' compensation claims
- Falling asleep on the job (while driving, during meetings, in a parked car, etc.)
- Safety violations/risk-taking behavior
- Hostility/anger/paranoia towards other people