

# Lincoln County Personnel Policies & Procedures



Lincoln County

Human Resource Department



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# **INTRODUCTION**

## **Welcome Statement**

Welcome to Lincoln County employment and your important role in efficiently conducting the business of local government. You will be joining a dedicated group of individuals who have also chosen to serve the County with a career in public service. This Handbook is a general reference which will assist you in becoming familiar, as quickly as possible, with benefits and services available to you as a County employee and the policies and standards covering your employment.

Nothing in this Handbook should be construed as an expressed or implied employment agreement. We cannot anticipate every situation or answer every question about employment, and this Handbook is designed to provide guidance only.

In some places you will note citations to applicable state and federal laws, such as Montana Code Annotated (MCA) and the Code of Federal Regulations (CFR), which will lead you to further relevant information if you so desire it. If you need more information on any policy, you can contact Human Resources personnel, the Commissioners, and/or MACo Personnel Services.

We are happy to have you with us in providing essential civic services, and we look forward to our working relationship.

## **Statement of Management Rights**

In order to achieve its mission, goals and objectives, the County retains the exclusive right to exercise the customary functions of management. These include, but are not limited to, the rights to manage and control County buildings, property, grounds, and equipment; to contract out work; to select, hire, promote, assign, layoff, and discipline employees; to determine and change starting times and quitting times; to transfer employees within programs/services to other departments and other classifications; to train employees; to determine and change the size, composition, and qualifications of the workforce; to establish and adopt new policies, rules and regulations; to determine and modify job descriptions and classifications; to establish or change criteria for performance appraisals according to the performance appraisal policy; and to carry out all other ordinary functions of management.

## **Severability Statement**

If any part of this Handbook is found to be unenforceable, invalid, or in conflict with the law, the other provisions of this Handbook are still applicable and valid.

## **Changes to Personnel Policies and Procedures**

The County provides all employees with general information regarding employee benefits and established personnel policies and procedures through the issuance of this Handbook. However, it is not a contract and is subject to change at any time. Policies and procedures shall be added to, updated, or deleted as determined appropriate by the County. The County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. The policies are also not to be interpreted as promises of specific treatment.

## Collective Bargaining Agreements

If you are a member of a collective bargaining unit subject to a Collective Bargaining Agreement (CBA), the CBA primarily governs your employment with the County. If your CBA does not address an issue, the personnel policies and procedures in this Handbook shall apply. In the event of conflict between provisions in this Handbook and any CBA, state or federal law, or resolution or rule of the County, the terms and conditions of such CBA, law, or County resolution, or rule shall prevail.

## EMPLOYMENT POLICIES

### Definitions

The following employment definitions apply to this Handbook:

- **Exempt employee** is one not subject to the overtime pay provisions of the federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e., employees exempt from the overtime pay provisions of the FLSA in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act. (See FLSA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>)
- **Full-time employee** means one who normally works 40 hours a week.
- **Non-exempt employee** means one who is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 as amended, and its regulations.
- **Part-time employee** means one who normally works less than 40 hours a week.
- **Permanent employee** means one who is assigned as permanent who has attained or is eligible to attain permanent status.
- **Seasonal employee** means a permanent employee designated by the County as seasonal who performs duties interrupted by the seasons and whom the County may recall without a loss of rights or benefits.
- **Short-term employee** is one hired by the County for an established hourly wage, who may not work for the County for more than 90 days in a continuous 12-month period, who is not eligible for permanent status, who the County cannot hire into another position without a competitive selection process, and who is not eligible to earn leave and holiday benefits.
- **Temporary employee** is one designated by the County as temporary for a definite period of time not to exceed 12 months, who performs temporary duties or permanent duties on a temporary basis, whose employment terminates at the end of the employment period, and who is ineligible to become a permanent employee without a competitive selection process.

### **Relevant Information: Definitions at MCA 2-18-101**

## **Equal Employment Opportunity**

The County is an equal employment opportunity employer (EEO). The County does not refuse employment or discriminate in compensation or the other terms, conditions, and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status. The County does not tolerate discrimination or harassment because a person is married to or associates with any of these protected categories.

The County shall follow all federal and state laws and regulations prohibiting discrimination.

### **Relevant Information: Montana Human Rights Act, Title 49, MCA**

## **Preventing Harassment and Discrimination**

The County's policy is to provide employees with a work environment free of discrimination and harassment. Harassment of employees and any persons doing business with County government because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status is illegal and prohibited. The County also prohibits retaliation against any employee because he or she has made a report of alleged harassment or discrimination, or against any employee who has testified, assisted, or participated in any manner in an investigation of a report. Discrimination is a violation of civil rights law and is a prohibited practice subject to disciplinary and civil action.

### **A. Employee's Responsibilities**

The County will not tolerate sexual harassment or discrimination of any kind. All employees are encouraged to immediately report any such misconduct or violation to their Department Head/Elected Official or the first level of management not involved in the harassment or discrimination, Human Resource Dept. or Equal Employment Opportunity personnel, or the County Commission. Employees who are responsible for harassment or discrimination may be subject to disciplinary action, up to and including termination. Sexual harassment or other illegal discrimination can result in immediate termination if an investigation substantiates it. The severity and extent of the harassment will ultimately guide the decision on how discipline will be determined.

### **B. Management's Responsibilities**

All Department Heads/Elected Officials are responsible for following this policy. Members of management who witness discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to Human Resource Dept. or Equal Employment Opportunity personnel, or the County Commission. Management shall review any report or complaint of harassment or discrimination and take appropriate action.

### **C. What Constitutes Harassment**

Sexual harassment may include a range of subtle or not-so-subtle behaviors and may

involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature when, for example:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws.

**The other protected categories listed above** can also be harassed. The County strictly prohibits harassment on the basis of any other protected characteristic. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of a protected characteristic and which:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and/or written or graphic material that denigrates or shows hostility or aversion toward an individual or group and which is placed on walls or elsewhere on the employer's premises or is circulated in the workplace.

#### **D. Reporting Procedure**

1. **Employee's Responsibility**

An employee who believes he/she has been the victim of harassment or discrimination should report the incident or action as soon as possible after the alleged incident occurs. Early reporting is important because management's ability to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any of the following:

- the harasser, and the employee can request that the action stop immediately; and/or
- the Department Head/Elected Official not involved, Human Resource Dept. or Equal Employment Opportunity personnel, or the County Commission.

The employee shall cooperate with the Department Head/Elected Official, manager, or other designated management representative in investigating and verifying the report.

## 2. Department Heads/Elected Officials Responsibility

Any Department Head/Elected Official who witnesses or receives a report of harassment or discrimination shall promptly inform Human Resource Dept. or Equal Employment Opportunity personnel, the Department Head/Elected Official, or the County Commission. Upon receipt of a complaint alleging harassment or discrimination, the Department Head/Elected Official or the Commission shall take steps to prevent the alleged conduct from continuing, pending completion of an investigation.

The Department Head/Elected Official shall initiate an investigation or recommend another appropriate management representative to investigate the complaint. The County has the right to designate a representative of its choosing to perform any investigation. The factual report and final decision will remain confidential and be disseminated to the Human Resource Dept. for review and only those persons having a need to know. The parties will be informed of the general results of the investigation. If the results establish that a policy violation occurred, appropriate action may be taken including, but not limited to, disciplinary measures, which may include termination.

## E. Retaliation

Neither the County nor any employee shall retaliate against any employee for filing a complaint or for participating in any way in a complaint investigation procedure under this policy. Any employee who suspects he/she is being retaliated against because he/she made a complaint or participated in an investigation should immediately report the actions, following the guidelines above. The report shall be investigated and dealt with appropriately.

All employees have the right to make a complaint under this policy, either internally or to an outside agency. It is unlawful for the County to retaliate against any employee for making such a complaint. The County will not retaliate against any employee for making such a complaint whether the complaint is eventually substantiated or not. To be retaliation, the adverse employment action must be because the employee submitted a discrimination complaint, and not due to any valid performance concerns or policy violations by the employee.

Examples of retaliation could include:

- Reprimanding an employee or giving a performance evaluation that is lower than it should be;
- Transferring an employee to a less desirable position;
- Engaging in verbal or physical abuse;
- Threatening to make, or actually making reports to authorities;

- Increasing scrutiny;
- Spreading false rumors, treating a family member negatively; or
- Making the person's work more difficult.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Employees are not excused from continuing to perform their jobs or follow the County's legitimate workplace rules just because they have filed a complaint or opposed discrimination.

Any employee that believes they have been retaliated against should report their concerns immediately to any supervisor, the Human Resource Department and/or the Commissioners. The matter will be investigated, and the County will respond accordingly.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

**Relevant Information: Montana Human Rights Act, Title 49, MCA; Discrimination Policy Acknowledgment Form (Appendix E)**

## **Compliance with the Federal Genetic Information Nondiscrimination Act of 2008 (GINA)**

GINA prohibits discrimination based on genetic information with respect to employment or group health plans. County managers may not request, require, or purchase genetic information about employees or their family members, or use genetic information to:

- discriminate against an individual in hiring, discharge, compensation, terms, conditions, or privileges of employment;
- make decisions about admission to apprenticeship and training programs, including on-the-job training;
- limit, segregate, or classify an individual;
- fail or refuse to refer an individual for employment;
- deprive an individual of employment opportunities; or
- acquire health insurance or set premiums under the group health plan

**Relevant Information: The Genetic Information Nondiscrimination Act of 2008**

## **Compliance with the Americans with Disabilities Act (ADA)**

The County is committed to complying fully with the Americans with Disabilities Act (ADA) and Montana Human Rights Act (MHRA). The County will ensure equal opportunity in employment for qualified persons with physical or mental disabilities. Reasonable accommodation is available to employees with disabilities to the extent required by law. An accommodation which creates an undue hardship on the County or which endangers health or safety is not a reasonable accommodation.

Any employee or job applicant may request an accommodation by contacting Human Resources personnel, and/or the Commissioners verbally or in writing. A request for accommodation is the first step in an interactive process between the individual and the County, to clarify the individual's request and to identify any appropriate reasonable accommodation. The County has the right to request reasonable documentation to support any accommodation request.

### **Relevant Information: Americans with Disabilities Act**

## **Whistleblower Protections**

Neither the County, nor any employee shall retaliate against, condone or threaten retaliation, against any employee who, in good faith, alleges waste, fraud, or abuse by the County. For this section, retaliate means to take any of the below actions against an employee because of their good faith allegations of waste, fraud, or abuse:

- Terminate employment;
- Demote;
- Deny overtime, benefits, or promotion;
- Discipline;
- Decline to hire or rehire;
- Threaten or intimidate;
- Reassign to a position that hurts future career prospects;
- Reduce pay, work hours, or benefits; or
- Take another adverse personnel action.

Any employee who believes they have been retaliated against under this section and chooses to file a grievance must file one as outlined in Employee Grievance herein.

### **Relevant Information: MCA 2-2-145.**

## Nepotism

Nepotism is defined in state statute. In general, it prohibits the hiring and appointment of individuals within certain familial relationships. The County prohibits nepotism. If an employment situation relating to marital status poses a conflict with the nepotism policy, the involved employees must notify the Human Resource Dept. so that reasonable steps can be instituted to ensure statutory compliance.

The statutory prohibition does not apply to a sheriff appointing a cook and/or attendant, employment election judges, or the renewal of an employment contract for a relative initially hired before a related member assumed duties of the office.

**Relevant Information: MCA 2-2-302 and 2-2-303**

## Recruitment and Selection

The County provides a fair, consistent, and competitive hiring process based on each applicant's qualifications and competencies. County department heads may recruit applicants internally or externally in the recruitment and selection process. The County will use a selection process that is designed to select the best candidate based on merit and qualifications.

Temporary and short-term workers are not eligible to become permanent employees without a competitive selection process. All statutory preferences shall be provided as required by law.

**Relevant Information: MACo Recruitment and Selection Guidelines, MACo Personnel Services References, MCA 49-3-201**

## Probationary Period

It is the policy of the County that new employees shall complete a probationary period. The purpose of a probationary period is to provide a trial period to assess employees' abilities to perform their job duties, to assess their conduct on the job, and to determine if they should be retained beyond the probationary period and attain permanent status. All new employees shall be given a 6 month probationary period. The County may choose to extend an employee's probationary period by three months. If the probationary period will be extended, the employee shall be notified of this in writing prior to the expiration of the initial probationary period. After probation has been satisfactorily completed, the employee is considered a permanent employee. This policy does not apply to temporary staff, short-term workers, or contractors, who cannot attain regular status.

The provisions of the **Employee Grievance** section of this Handbook do not apply to probationary employees.

**Regardless of the policy identified above, deputy sheriffs serve a probationary period of one year, pursuant to MCA 7-32-2105.**



## A. Employee's Right of Rebuttal

The contents of a performance appraisal are not grievable. Employees who disagree with an appraisal have the right to submit, within ten working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

## Employee Discipline

County employees are subject to disciplinary action up to and including dismissal from employment. This may include informal and/or formal disciplinary actions, depending on the circumstances. This policy applies to employees who fail to perform job duties in a satisfactory manner, disrupt County operations or violate the County's procedures, policies, rules, or performance standards, or for any other legitimate business reasons. The following procedures shall apply:

- A. Discipline shall be commensurate with the seriousness of the offense. Before taking action, Human Resource Dept. shall investigate and examine each case individually, considering the impact of the offense, the extent of the damage or disruption caused, and the circumstances of the offense.
- B. Each of the following disciplinary actions is independent of the others and does not necessarily follow in the order listed. Consequently, an employee may be suspended without having been given a warning, or may be dismissed without having been either given a warning or suspended.
  - 1. **Corrective counseling** is an informal action that may be used at the option of management prior to or in addition to formal discipline to deal with performance deficiencies or misconduct. It is not part of formal discipline and is not grievable.
  - 2. A **verbal warning** will entail fully explaining and discussing the nature of the problem with the employee.
  - 3. The **written warning** should contain a description of the specific conduct for which the employee is being disciplined. Employees may provide a response to a written warning which will be attached to the warning and included with it in their file.
  - 4. A **suspension without pay** is for a specific work period. An employee who is suspended is to leave work for the period specified. A disciplinary suspension shall not be imposed until the employee is provided a due process letter. Employees may provide a response to a suspension which will be attached to the documentation and included with it in their personnel file.
  - 5. The County retains the right to reassign, **demote, or transfer** an employee in conjunction with a corrective or disciplinary action as an alternative to termination. A disciplinary demotion must include a description of the specific conduct or reasons for which the employee is being demoted or transferred, and should be documented by the Department Head/Elected Official. If appropriate, a disciplinary demotion or transfer may include a plan for improvement.

6. A **dismissal** may not take place until an investigation of the employee's action has been undertaken and the HR Director has been consulted.
7. Department Head/Elected Official may place an employee on **administrative leave with pay** pending an investigation pending approval with the Human Resource Dept.

If a disciplinary decision is termination, the Department Head/Elected Official shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures, and provide the discharged employee with a copy of the policy, as set forth below.

## **Employee Grievance**

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. It is also the policy of the County to provide employees who have attained permanent status an opportunity to resolve certain complaints/problems in relation to their job without fear of reprisal. The purpose of this policy is to secure, at the lowest possible administrative level, equitable solutions to grievances that may arise.

Nothing contained herein should be construed as limiting the right of any employee to discuss any matter informally with an appropriate member of management. Every effort should be made to settle a grievance informally before a formal grievance is filed. For complaints alleging discrimination, employees should use the Reporting Procedure outlined in **Preventing Harassment and Discrimination** herein.

### **A. Acceptable Reasons for Filing Grievances**

An employee may file a grievance based on the application or interpretation of laws, written rules, and personnel policies and procedures which adversely affects the employee, unless such action is specifically prohibited in policy.

### **B. Preparing and Pursuing Grievances During Working Hours**

An employee may not use paid working time to prepare and/or pursue a grievance. A grievant may request to use personal leave or leave of absence without pay to prepare a grievance. A request for use of personal leave or leave of absence without pay must be consistent with the County's policy on leave requests. Time spent by the grievant attending a hearing or being interviewed by an investigative officer is considered paid working time, should take place during the grievant's regular work hours, and shall not exceed eight hours per day.

At the discretion of the County, an employee other than the grievant may be allowed to use work time to participate in an investigation or hearing. This time would be considered paid working time if the employee's participation is at the request of the County. Otherwise, an employee will need to request to use personal leave or leave of absence without pay to attend a hearing. All leave requests must be consistent with County policy regulating leave.

## C. Grievance Filing Procedures

All departments, including those which do not have their own procedures or those governed by the grievance policy in a CBA, must provide at least the basic procedure outlined below. An employee must begin Step 1 of the procedure within ten working days of his/her knowledge of the situation.

*Step 1. Informal Resolution.* Employees should try to resolve their grievance informally whenever possible by discussing the situation and relevant information with their immediate Department Head/Elected Official.

*Step 2. Submission of Formal Grievance to Department Head/Elected Official.* If the employee does not resolve the matter under the informal process, he/she should file a formal written grievance with his/her Department Head/Elected Official within ten working days from the Department Head/Elected Official response to the attempt at informal resolution. In the grievance, the grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The Department Head/Elected Official should respond in writing within ten working days after receiving the formal grievance. If the employee does not accept the Department Head/Elected Officials response or there is no response from the Department Head/Elected Official within the ten-day period, the employee may then, within five working days, advance the grievance to Step 3.

*Step 3. Submission of Grievance to Department Head/Elected Official.* For a grievance not resolved in accordance with Step 2 above, the employee may prepare and file a formal grievance with his/her Department Head/Elected Official within five working days. The grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The Department Head/Elected Official must respond in writing within 15 working days. If the employee accepts the Department Head/Elected Official response or does not advance the grievance to Step 4 within five working days of receiving the Department Head/Elected Officials response, the grievance is resolved.

*Step 4. Submission of Grievance to County Commission.* An employee wishing to advance a grievance to this step must notify the County Commission within five working days of the Department Heads/Elected Officials response. Then, within five working days of such notification, the employee must present to the Commission a written summary and the relevant evidence regarding the matter. The Commission, or its designated representative, shall review the matter and advise the employee in writing of its decision within 15 working days of receipt of the summary and evidence.

The County Commissioners may, at their discretion, designate a representative to perform their obligations under this policy.

At any step, the employee and the County can modify the time periods stated herein if done so by mutual agreement and placed in writing.

The County does not tolerate any form of retaliation against employees availing themselves of this policy and procedure. However, this policy does not prevent, limit, or delay the County from taking disciplinary action up to and including termination, when appropriate.

## Time Sheets and Preparation of Payroll

In order to prepare County payrolls, it is the policy of the County to have employees prepare and complete time sheets according to established guidelines. The time record will include:

- Employee name
- Employee number
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis into hours worked
- Holiday time
- Sick leave
- Compensatory time
- Vacation
- Leave without pay or other designated leave (e.g., FMLA, etc.)
- Employee signature
- Department Head/Elected Official's signature

Payroll may be distributed by direct deposit with proper authorization from the employee. Paychecks will be distributed to the employee's Department Head/Elected Official unless other arrangements have been preapproved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.

## Employee Personnel Records

The County limits access to employees' personnel records and medical information (physical or electronic) to protect private information. Individuals with authorized access to employee information are expected to preserve the confidentiality of this information.

### A. Establishment of Procedures and Responsibilities for the Maintenance of Personnel Records

1. The Human Resources Dept., is responsible for establishing and maintaining an official personnel file for each County employee.
2. All employee personnel records are confidential, and access is restricted.
3. Department Heads/Elected Officials are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
4. Each employee is responsible for the verification of information contained in the personnel file. No materials in a personnel file may be removed from the personnel file.
5. Any employee wishing to review his/her personnel file may do so. The employee must request a review, and it shall be done at a mutually convenient time with Human Resources Dept. present. The employee will not be permitted to remove any information from the file but can obtain copies of desired documents.

## **B. Identification of Information to be Included in the Employee's Personnel File**

The following permanent documents are retained in the folder throughout the association of an employee with the County:

- Employee application and résumé
- Job description and specification information
- Job performance ratings and evaluations
- Education/training information
- Personnel data
- Personnel action forms
- Documentation of disciplinary action or warning of same

## **C. Medical or Other Confidential Personal Information**

The County maintains separate, confidential personal medical information files on each employee.

## **D. Employee's Responsibility to Ensure that Files are Up to Date**

To ensure that an employee's personnel or medical files are up to date, the employee must notify the Human Resource Dept. or designee of any changes in status including, but not limited to, number of dependents, beneficiary designations, scholastic achievements, and the individuals to notify in case of an emergency

**Relevant Information: U. S. Dept. of Health & Human Services, Health Insurance Portability and Privacy Act Information**

## **Hours of Work, Meal Breaks, and Rest Breaks**

### **A. Hours of Work and Meal Breaks**

County positions are vital to effectively managing County business during operating hours and, therefore, County employees shall follow established work schedules, receive prior approval from their Department Head/Elected Official to deviate from normal schedules, and use proper procedures for notification of daily work hours in accordance with this policy and the policy set forth in **Timesheets and Preparation of Payroll** herein.

Except as otherwise provided by labor agreement, the normal working hours for administrative or office-based County employees are from 8:00 a.m. to 5:00 p.m., with a one-hour unpaid lunch period. This does not include personnel engaged in shift work. If a position is part of a collective bargaining unit (i.e., a union), the employee should refer to that agreement for information about hours of work, meal periods, and rest breaks. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Department Head/Elected Official set individual work schedules depending on the work unit's needs.

Due to the nature of the work, hours for employees may vary from the normal office hours

established above. Variances must be approved by the appropriate Department Head/Elected Official. Nothing in this policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

Daily attendance records shall be maintained by each department; including date and time absent and reason for absence. Tardiness or other attendance irregularities shall be cause for disciplinary action.

## **B. Rest Breaks**

Employees may have a rest period of 15 minutes, on the County's time, for each four-hour work period. Rest periods may be scheduled as near as possible to the midpoint of each four-hour work period.

**NOTE:** Montana Department of Labor is as follows: There is no state or federal law that requires an employer to give a break (rest periods or coffee breaks) or a meal period.

## **Driver's License Requirement**

In order to use a County vehicle, County employees must have an acceptable driving record, a valid Montana driver's license (appropriate for the type of vehicle to be used), and an acceptable use. Acceptable uses include conducting business on behalf of the County, getting food and lodging when in a travel status, and certain other approved activities.

All new employees hired for work that entails the operation of a County vehicle will, as a condition of employment, be required to submit to a Montana State Division of Motor Vehicles driving record check. Department Heads/Elected Officials may conduct periodic checks of employees' driver's licenses through visual and formal Division of Motor Vehicles reviews. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Employees performing work which requires the operation of a County vehicle must immediately notify their immediate Department Head/Elected Official in all cases where their license is expired, suspended, or revoked and/or if they are unable to obtain an occupational permit from the State Division of Motor Vehicles.

## **Drug and Alcohol Testing**

To ensure a worker's fitness for duty and to maintain a safe working atmosphere, the County may adopt a program for testing for controlled substances and alcohol. The following statement of policy and procedure is intended to inform all covered employees of their rights and obligations under the County's program, as well as to alert them to the possible consequences of violating these policies. Covered employees in safety- sensitive positions must sign the **Drug Testing Acknowledgement Form** (Appendix E herein).

Individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. All employees needing a Commercial Driver's License (CDL) to perform the essential functions of their position will be subject to testing pursuant to federal law.

## **Emergency situations, or call out Duty**

The County recognizes that it may be necessary for various departments to require employees to be available on an on-call basis. It is the County's general policy that on-call assignments should be kept to a minimum. The following procedures and guidelines shall apply:

- A.** Some employees shall be required by their Department Head/Elected Official to carry a pager, cell phone, or be able to be reached immediately while not at work, in the event it is necessary for them to respond or report to work within a specified period of time. Such on-call duty is necessary to deal with after-hours situations, emergencies, or as the workload of the department requires.
- B.** All County employees shall be compensated for each call-out at a minimum of three hours (3) pay. An employee who has worked 40 hours in the work week will receive four and one half (4 ½ ) which is 3 hours at time and one half.

## **Reduction in Workforce**

If a reduction in the County workforce (layoff) becomes necessary, consideration will be given to the pro- grams to be carried out by the County. A reduction in workforce requires Department Head/Elected Official to continue meeting program services and objectives with fewer employees. The County will consider their program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors to decide the best way to conduct a reduction in workforce.

If a position is part of a collective bargaining unit (i.e., a union), the provisions of the agreement regarding reduction in force take precedence over this policy.

### **A. Temporary, Seasonal, and Short-Term Workers**

Temporary, seasonal, and short-term workers within the classification and department affected by the reduction in force shall be terminated before any permanent employees will be laid off.

### **B. Deciding Factors for Permanent Employees**

Permanent employees within the same classification, department, and geographical area affected by the reduction in force will be evaluated for layoff based on program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors (e.g., other alternatives such as reduced work hours, furloughs, or employee seniority). Employee skills and qualifications may include education, experience, certification, and capabilities in relation to the continuing needs of the department or program; and employment history may include previous performance and disciplinary actions. If there is no documentable difference in employment history factors, an employee's length of continuous employment with the County shall be used as the criterion for retention, with the most senior employee being retained. "Continuous employment" means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days.

### **C. Veterans' Preferences**

A veteran, disabled veteran, or eligible relative shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications, and length of service. The preference in retention does not apply if a performance appraisal system is being used and the eligible employee has been rated unacceptable. (MCA 39-29-111). The preference in retention does not apply to a position covered by a Collective Bargaining Agreement.

### **D. Re-Staffing Preferences**

In the event the County decides to staff the position as it did prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of layoff. In the event the County decides to fill the position within the one calendar year period, the laid-off individual shall be sent a written notice at his/her last known address. The individual shall have five working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

**Relevant Information: MCA 39-29-111**

## **Voluntary Termination, Resignation, or Retirement**

### **A. Voluntary Termination or Resignation**

Employees desiring to voluntarily terminate their employment relationship with the County in good standing should notify the County in writing at least two weeks in advance of their intended termination. The written resignation notice should preferably be given to the Department Head/Elected Official and Human Resources Department. Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

### **B. Retirement**

A qualified employee may retire in accordance with applicable state law. Employees who plan to retire are urged to provide the County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance coverage if the employee meets the criteria established in MCA 2-18-704, and the premium amounts are paid in accordance with policies established by the Plan Administrator.

**Relevant Information: MCA 2-18-704**



## Worksite Breastfeeding

The County supports and encourages the practice of breastfeeding, accommodates breastfeeding needs of employees, and provides facilities for breastfeeding or the expression of milk.

### A. General Provisions and Management Responsibilities

Counties shall provide lactating employees with a suitable space, other than a bathroom, that is clean, private, and reasonably close to the work area. The space will include lighting, seating, and electrical outlets for breast pumps. The County may provide an employee the ability to store breast milk as requested.

The department head or direct supervisor shall provide lactating employees with time to breastfeed or express milk as needed, but the employee should plan to use break time whenever possible.

Department heads will set up a schedule that works best for everyone.

### B. Pay Stipulations for Exempt and Non-Exempt Employees

If an employee is non-exempt from the FLSA, the County will not cover breastfeeding time that takes longer than the standard break period or number of breaks. Employees can use annual leave or compensatory ("comp") time to cover extra time or breaks, or the time will be unpaid. The County shall not reduce the wages of exempt employees for the time it takes to breastfeed or express milk. However, the employee may be required to use accrued leave time in certain cases.

**Relevant Information: MCA 39-2-215 through 39-2-217**

## Children in the Workplace

The County does not permit employees to bring their child(ren) to work in lieu of childcare arrangements. Employees may use leave time when childcare issues arise. Employees may occasionally bring their child(ren) to work for a minimal amount of time with advanced approval from the Human Resources Office. The employee's work site must be hazard free and the County reserves the right to ask children to leave if they become disruptive to the workplace.

## Credit Card and Travel Expenses

Authorized County employees may be issued County credit cards or be allowed to have their expenses reimbursed if purchasing supplies or equipment or if traveling/lodging/dining is a requirement for their jobs. In either case, employees should be extremely prudent in incurring any debt that the County must pay for using its limited budget. Elected County Commissioners are subject to the meals, lodging, and traveling expense stipulations in MCA 2-18-501. The following guidelines regarding credit cards and County reimbursement procedures shall apply to

all other County employees.

## **A. Credit Cards**

Only authorized persons may purchase supplies or cover travel and meal expenses in the name of the County. No employee whose regular duties do not include purchasing necessary supplies and equipment or traveling on County business shall incur any expense on behalf of the County by any promise or representation without written approval. If employees are using County-issued credit cards, they must ensure they have read and understood the Cardholder Responsibilities stated in policy.

## **B. Travel Expenses**

Traveling is a necessary operation of County government and may be a requirement of the job. Travel expenses are a major budget consideration, so employees must be conscientious, efficient, and economical with travel plans and activities.

When employees travel on official County business in connection with the job, the County will pay or reimburse employees for certain travel expenses if they properly complete and submit, in a timely manner, their travel expenses via the approved format. Employees must file for reimbursement within three months after incurring the expenses or the County cannot reimburse them. Employees cannot have an outstanding travel advance for more than 30 days, unless the County issues a permanent travel advance.

When traveling, employees should keep their lodging expenses as low as possible by requesting a government rate and providing their County identification card as proof of County employment. Employees should also keep transportation costs as low as possible by using the most cost-effective means of travel, minimizing time away from the office, and minimizing time in a paid travel status. Employees may claim travel time and expenses for a reasonable time before and after the actual business activities that require travel. Department Heads/Elected Officials may approve travel costs only for activities that directly benefit the County.

Employees should make travel arrangements as far in advance as possible to get the best rates, available accommodations, and to reduce travel costs. Department Head/Elected Official an employee is a member of a collective bargaining unit (i.e., a union) and their CBA provides for travel reimbursement, that agreement supersedes this policy.  
See travel policy

**Relevant Information: MCA 2-18-501**

## Return of County Equipment

Employees are responsible for all County property, materials, equipment, and written/digital information issued to them or in their possession or control. County employees must sign the **Equipment Form** (Appendix A herein) before they are issued any County property. Any County equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit cards, digital files, or physical files must be returned to the County upon request or at the time of termination. Where permitted by applicable laws, the County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The County may also take all action deemed appropriate to recover or protect its property.

Employees are also accountable for equipment located in their work area. Employees should report any missing equipment immediately to their Department Head/Elected Official. Whenever equipment with a property tag is moved from one location to another or when new equipment is acquired, follow the appropriate documentation procedures.

**Relevant Information:** Equipment Form (Appendix A); MCA 39-2-102

## EMPLOYEE LEAVE

### Sick Leave

The County follows Montana law on the qualification, accrual, and use of sick leave. Sick leave is an authorized paid leave of absence from work when an eligible employee or qualifying family member is sick or requires care. Accumulated sick leave credits are a valuable resource that maintains an employee's income during a period of personal illness or family emergency.

#### A. Qualification and Calculation

Employees are not entitled to use paid sick leave until they have been continuously employed for 90 days. Permanent, temporary, and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction as to the number of working days which may be accumulated. The provisions of MCA 2-18-618 govern sick leave for County employees. Short-term workers do not earn sick leave credits.

An employee must request to use sick leave by informing their Department Head/Elected Official of the need for calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .046 by the number of hours worked, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment, or they may donate (if permitted) or otherwise utilize sick leave credits subject to the limitations in policy. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

## **B. Leave Without Pay, Holiday, or Vacation Stipulations**

Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the Department Head/Elected Officials approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

## **C. Payment Upon Termination.**

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the County.

## **D. Use of Sick Leave Pay**

Sick leave pay is granted for:

- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;
- maternity or pregnancy-related disability or treatment, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- parental leave as provided in MCA 2-18-606;
- quarantine resulting from exposure to contagious disease;
- consultation, examination, or treatment by a licensed health care provider;
- short-term attendance to an immediate family member or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; and
- death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

## **E. Reporting**

Absences which will necessitate use of sick leave shall be reported by the employee to the Department Head/Elected Official as soon as it is practical. Failure to report such leave within thirty minutes of the employee's regularly scheduled reporting time may be considered absence without approved leave. Absences are grounds for disciplinary action.

## **F. Abuse**

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. Sick leave abuse occurs when an employee used sick leave for unauthorized purposed or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee established a pattern of sick leave usage over a period of time. The employee's Department Head/Elected Official may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

## **Medical Exam**

The employer may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the County has a reasonable belief, based on objective evidence, that the employee's ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others.

**Relevant Information: MCA 2-18-618 and 2-18-1311**

## **Sick Leave Fund**

A sick leave fund is established to allow County employees to share accrued sick leave between employees and the pooling of sick leave, according to the following procedures. Shared and pooled sick leave may be available to a qualifying employee who suffers an extensive illness or accident.

### **A. Prohibited Uses**

An employee shall not receive direct grants of sick leave or a grant from the sick leave fund:

1. if the employee is eligible for workers' compensation benefits;
2. if the employee is no longer employed by the County;
3. while the employee is on a leave of absence without pay for a reason other than extensive illness or accident; or

### **B. Membership in Sick Leave Fund**

1. To enroll in the Sick Leave Fund, an employee must:
  - a. be a full-time or part-time employee in a County position designated as permanent or seasonal;
  - b. have completed the 90-day qualifying period to take sick leave [MCA 2-18-618(1)];
  - c. have a minimum balance of 40 hours of sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated; or

- d. contribute at least eight hours of accrued sick leave to the Sick Leave Fund. The initial contribution for part-time employees shall be prorated.
- 2. An employee may contribute a combined total of not more than 40 hours of sick leave, either to the Sick Leave Fund or as direct grants, in a 12-month period. The 12-month period is calculated from the first day the employee contributes to the Fund or makes a direct grant. At the time of termination, there is no limit on the amount of sick leave an employee may contribute to the Fund.
- 3. An employee meeting these requirements may enroll in the Sick Leave Fund at any time.
- 4. All contributions to the Sick Leave Fund shall be voluntary and irrevocable. Participation in the Fund constitutes the employee's agreement to abide by all rules related to the Sick Leave Fund.
- 5. An employee remains a member of the Sick Leave Fund unless or until the employee:
  - a. fails to authorize an additional contribution;
  - b. terminates employment with the County; or
  - c. resigns in writing from the Fund at any time.

### **C. Eligibility to Receive Grants from Sick Leave Fund**

- 1. A participating employee who meets the eligibility requirements may receive no more than a maximum of 160 hours of sick leave in any continuous 12-month period in grants from the Sick Leave Fund. Leave approved for a part-time employee shall be prorated. The maximum allowable benefit in any 12-month period from either grants from the Fund or direct grants is 160 hours.
- 2. Participation in the Sick Leave Fund or meeting the eligibility requirements of this procedure does not guarantee that receipt of sick leave shall be approved in any specific case by the Department Head/Elected Official.
- 3. To be eligible to receive a grant from the Sick Leave Fund, an employee must:
  - a. have met the 90-day qualifying period to take sick leave [MCA 2-18-618(1)];
  - b. experience an extensive illness or accident which results in absence from work of no less than ten consecutive working days;
  - c. exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time;
  - d. receive approval from the Department Head/Elected Official for leave of absence;
  - e. receive approval from the Department Head/Elected Official or designee to receive a grant or direct grant of sick leave;
  - f. provide to the employing agency a physician's certification of extensive illness or accident; or

- g. have been a member of the Sick Leave Fund for 90 days.
- 4. If an employee is incapacitated and unable to apply for leave of absence and a grant from the Sick Leave Fund, another person may do so for the employee.
- 5. Participation in the Sick Leave Fund does not prohibit an agency from terminating an employee.

#### **D. Eligibility to Make a Direct Grant**

- 1. To be eligible to make a direct grant of sick leave, an employee shall have completed the 90-day qualifying period to take sick leave [MCA 2-18-618(1)] and shall have a minimum balance of 40 hours of accrued sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated.
- 2. An employee may directly grant a maximum of 40 hours of accrued personal sick leave in any continuous 12-month period to another employee. An employee may contribute no more than a combined total of 40 hours of sick leave to either the Sick Leave Fund or as direct grants in any 12-month period. The 12-month period is calculated from the first day an employee makes a direct grant or contribution to the Sick Leave Fund. If the employee's leave balance falls below 40 hours, the employee shall not be eligible to make a direct grant. The employee may not reduce the leave balance below 40 hours by making direct grants.
- 3. An employee may make a direct grant of sick leave to an eligible employee in any County department.

#### **E. Eligibility to Receive Direct Grants**

- 1. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous 12-month period in direct grants. Leave granted to a part-time employee shall be prorated. The maximum allowable benefit in any 12-month period from either direct grant or grants from the Sick Leave Fund is 160 hours.
- 2. The 12-month period is calculated from the first day the employee takes sick leave which is a direct grant or a grant from the Sick Leave Fund.
- 3. No employee is eligible to receive direct grants of sick leave without the approval of the Department Head/Elected Official.
- 4. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.

**Relevant Information: MCA 2-18-618 and 2-18-1311**

**Relevant Information: MCA 2-18-1302, et seq.**

## Annual Leave

Annual vacation leave or annual leave is an authorized paid absence from work. Permanent, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (180 days) of continuous employment to use annual leave or to cash it out upon termination.

### A. Procedures for Calculating Annual Leave, Accumulating Credits, Scheduling, and Termination

Annual leave is calculated and credited each pay period based on years of service with any state agency or political subdivision as illustrated in the chart below, and an employee can use it only after earning it. If an employee is part-time, he/she earns annual leave on a prorated basis (for example, if an employee works 20 hours per week, or half-time, he/she will earn leave at half of the full-time rate). An employee does not accrue leave for hours in an unpaid status or based on hours in an overtime status.

Rate Earned Schedule	
Years of Employment*	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24



\*Years of service need not be consecutive, and prior public or military service may apply.

An employee is encouraged to schedule annual leave two (2) weeks prior to annual leave date requested. Approval or denial of leave is based on the department's and employee's interests, and the Department Head/Elected Official reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

An employee may accumulate an annual leave balance of up to two times the eligible accrual rate per year. Balances exceeding this limit are "excess." Except as provided in this policy, excess annual vacation leave may be forfeited unless used within 90 calendar days from the last day of the calendar year in which the excess leave was earned.

Department Head/Elected Official are responsible for actively managing annual vacation leave for employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated annual vacation leave as provided in MCA 2-18-617. To avoid forfeiture of annual leave, management is encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace period or at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

Employees are responsible for making a reasonable written request to use excess annual leave during the 90-day grace period. Department Head/Elected Official may approve all, some, or none of the employee's request by written response. If the original request is not approved, management and the employee may negotiate alternate leave dates during the 90-day grace period. If management denies all or any portion of the written request, management and the employee must work together to ensure that the employee may use the excess annual leave before the end of the calendar year. Any excess annual leave not used by the end of the calendar year in which the grace period was extended must be forfeited.

If an employee terminates employment after the eligibility period, he/she can receive cash compensation at the regular rate, or can transfer or donate unused annual leave balance, unless the termination was for a reason reflecting discredit on the employee.

## **B. Permanent Full-time Employees**

Permanent full-time employees earn annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six calendar months.

## **C. Permanent Part-time Employees**

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six calendar months. Prorated annual vacation leave credits are calculated using the following schedule multiplied by the hours in pay status in the pay period. Prorated annual vacation leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Rate Earned Schedule	
Years of Employment	Hours in the Pay Status in the Pay Period
1 day through 10 years	.058 x # of hours
10 years through 15 years	.069 x # of hours
15 years through 20 years	.081 x # of hours
20 years or more	.092 x # of hours

#### **D. Temporary Full-time Employees**

Temporary full-time employees receive the same annual vacation leave credits as permanent full-time employees but cannot use them for six months.

#### **E. Temporary Part-time Employees**

Temporary part-time employees earn the same prorated annual vacation leave credits as permanent part-time employees, but may not use them until they have been employed for six qualifying months.

#### **F. Seasonal Full-time Employees**

Seasonal full-time employees receive the same annual vacation leave benefits as permanent full-time employees, but cannot use them until they have been employed for six months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service.

#### **G. Seasonal Part-time Employees**

Seasonal part-time employees receive the same annual vacation leave benefits as permanent part-time employees, provided they work the qualifying six months. In order to qualify, they must be recalled and immediately report back to work when operations resume.

#### **H. Short-term Employees**

Short-term workers do not receive annual vacation leave credits.

**Relevant Information: MCA 2-18-611**

# Holidays

## A. Eligibility and Holiday Benefits Calculations

Holiday leave is a paid absence from work provided to eligible permanent, seasonal, and temporary employees on legal state holidays. To be eligible, employees must be in a paid status the last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday. If the observed holiday falls on a regularly scheduled day off, except Sunday, the employee is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday, provided the employee is in a paid status on the last regularly scheduled working day immediately before or the first regularly scheduled working day immediately after the holiday.

An eligible employee shall receive holiday benefits for legal holidays. This benefit is paid time off or pay at the regular rate.

An employee shall not be eligible to receive holiday benefits if:

- the employee is a new employee to County government and begins work on the day after a holiday is observed; or
- the employee is reinstated or reemployed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.

## B. The County Observes the Following Holidays:

- New Year's Day, January 1
- Martin Luther King Day, the third Monday in January
- Lincoln's and Washington's Birthday, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25
- State General Election Day, on even numbered years

## C. Holidays Falling on Weekends

If any holiday falls upon a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph. The employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday. The employee shall

receive either holiday benefits for working on the day the holiday is observed or for working on the actual holiday, but not both.

#### **D. Full-time Benefits**

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight hours of holiday benefits. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday, or on another day following the holiday in the same pay period, or as requested by the employee and approved by the Department Head/Elected Official, whichever allows a day off in addition to the employee's regularly scheduled days off (MCA 2-18-603).

#### **E. Part-time Benefits**

Part-time permanent employees receive holiday benefits on a prorated basis (MCA 2-18-603). Holiday benefits are based on an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by ten (the number of working days in a pay period). Holiday benefits shall not exceed eight hours.

If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

If a part-time employee usually receives the holiday off but the County requires a part-time employee to work on the day a holiday is observed, the employee shall be compensated for all hours actually worked on a holiday and holiday benefits as provided in the next paragraph.

#### **F. Pay for Work Performed on a Holiday**

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight hours of holiday benefits. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed.

A full-time employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked. In addition, under the benefit provided for in this policy, the employee shall receive either a paid day off at the regular rate or overtime pay as described below, at the County's discretion.

- If the holiday benefit is a banked holiday, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- If the holiday benefit is to be paid, but with no day banked holiday, the employee shall receive overtime pay compensatory time (regular rate x 1.5) for all hours worked on the holiday.

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour work on the holiday. An employee shall receive overtime or compensatory time for actual hours worked that exceed 40 in a workweek, in compliance with the overtime policy. An employee who is exempt from the FLSA and who receives approval to work on the holiday may receive paid time off equivalent to the number of hours worked (banked hours)

In the case of both non-exempt and exempt employees, when they request to use banked time but the interest of the County requires the employee's attendance, the County's interest overrides that of the employee.

**Relevant Information: MCA 1-1-216 and 2-18-603; The Fair Labor Standards Act, U. S. Department of Labor**

## **Military Leave**

### **A. Procedures and the Montana Military Service Employment Rights Act**

The Montana Military Service Employment Rights Act (MMSERA) provides paid military leave for eligible County employees. This benefit supports employees in fulfilling military obligations and compensates employees for loss of income due to time spent performing military service.

Employees who are members of the organized militia of this state or the organized or unorganized reserve corps or military forces of the United States, and are permanent, temporary, or seasonal employees or student interns become eligible for paid military leave after *six continuous months* of employment. Time spent in a leave of absence without pay status does not count toward the six-month requirement.

“Militia” means all of the military forces of Montana, whether organized or unorganized. In Montana, the organized militia is the Montana Army and Air National Guard. The unorganized militia includes persons who are either active or inactive duty members of the Armed Forces Reserves.

Eligible full-time employees earn 120 hours of paid military leave each calendar year (prorated for part-time employees). Employees cannot earn more than 120 hours of paid military leave per calendar year, and cannot accrue more than 240 hours (prorated for part-time employees). Once employees reach the maximum, they do not accrue additional paid military leave until their balance drops below 240 hours (or the prorated limit for part-time employees). Employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty. The County does not cash out unused military leave when employees terminate employment.

Employees must request military leave according to the policy or procedure established by their department. Employees must provide their Department Head/Elected Official with a copy of the orders that direct them to report for duty, and should give as much advance notice as possible (i.e., as soon as they learn of the need to take military leave).

Employees may also use paid military leave intermittently with leave without pay while performing military service. Department Head/Elected Officials may grant paid military leave only for hours the employee normally works, and may deny paid military leave if it results in overtime. When employees are taking authorized paid military leave, they shall receive regular salary and benefits. If active duty is more than 31 days, employees need to evaluate options regarding benefits and complete an Active Duty Benefits Election Form and an Active Duty Reinstatement Form.

Employees who are eligible to be reemployed must be returned to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state military duty unless:

- the member is no longer qualified to perform the duties of the position, subject to the provisions of MCA 49-2-303 prohibiting employment discrimination because of a physical or mental disability;
- the member's position was temporary and the temporary employment period has expired;
- the member's request to return to employment was not done in a timely manner; as defined in MCA 10-1-1007(3).;
- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected;
- the member's return to employment would cause the employer an undue hardship;
- the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or
- the member enlisted in the state's organized militia or another state's national guard during the course of employment with the employer and did not inform the employer of the enlistment.

## **B. Uniformed Services Employment and Reemployment Rights Act Procedures**

Reemployment guarantees for active duty service will follow the provisions of MCA 10-1-1007 and the An employee ordered to federally funded military service is entitled to all of the rights provided pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees have the right to be reemployed in their last County job or the job they would have attained had they not been absent for military service, if they:

- leave that job to perform service in the uniformed service and they provide advance written or verbal notice of the service;
- have five years or less of cumulative service in the uniformed services while with the County;

- have not been separated from service with a disqualifying discharge or under other than honorable conditions.
- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected; or
- the member's return to employment would cause the employer an undue hardship.

Members eligible for reemployment will be restored to their position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

**Relevant Information: MCA 10-1-1001, et seq., and 10-1-1007; Uniformed Services Employment and Reemployment Rights Act. (USERRA), U. S. Dept. of Labor Compliance Assistance**

## **Jury and Witness Duty Leave**

Jury and witness duty leave provide paid time off for permanent, seasonal, and temporary County employees who receive a legal summons or subpoena to serve on a jury or as a witness.

### **A. Notification and Leave Request**

An employee shall request leave using the request procedures established by their department. An employee must inform their Department Head/Elected Official of the date(s) and anticipated length of the absence as soon as possible after receiving a summons or subpoena, and provide a copy of the summons or subpoena with the leave request.

### **B. Pay Options**

If an employee is subpoenaed or summoned, they have two choices regarding pay and expenses:

- Use accrued annual leave or compensatory time for the time away from work, and keep the fees and allowances paid for service as a juror or witness; or
- Receive regular pay and benefits while on approved jury duty or witness leave, and remit the fees and allowances received for service as a juror or witness to the Finance Department within three days of receipt.

Employees must notify their Department Head/Elected Official of their choice upon requesting leave. A part-time employee shall receive prorated compensation for those hours the employee is scheduled to work.

### **C. Expense Claims and Return to Work**

Employees who serve as a juror may submit a claim for expenses. If they serve as a witness, they may submit a claim for expenses only if the appearance was for work-related reasons. Employees who receive payment from the court or a third party for the same expenses must return such dual payments to the County. If they use their personal vehicles and receive a mileage allowance from the court, they may keep the funds. If a County vehicle is used, they must return any mileage allowance to the County.

Employees who receive a subpoena to testify in connection with their official duties in a civil action where the County is not a party may be required by management to reimburse such funds for the compensation and benefits paid from the person or entity requesting issuance of the subpoena.

Employees who take leave to serve on a jury or as a witness must return to work on the next regularly scheduled shift upon release from duty. If the shift is in progress at the time of release, they must either return to work immediately or arrange with their Department Head/Elected Official to return at a later specified time.

**Relevant Information: MCA 2-18-619**

## **Maternity Leave and Parental Leave**

The maternity and parental leave policy provides for unpaid leave for eligible employees associated with the birth or placement of a child. It is unlawful for the County to terminate a woman's employment because of her pregnancy. Even if she is ineligible for sick leave or FMLA leave, a woman is still eligible for maternity leave; and she may also be eligible for parental leave.

Maternity or parental leave must be requested in accordance with the procedures established by the employee's department. Employees should give at least 30 days' advance oral or written notice of the need for leave, or as soon as practical when advance notice is not possible.

### **A. Maternity Leave**

Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery. Montana law requires female employees receive a reasonable leave of absence for maternity leave. "Reasonable leave" is determined case-by-case and is based upon the employee's ability to perform her job. The Montana Human Rights Bureau provides guidance regarding what is reasonable leave, stating that an employee is entitled to a reasonable leave of absence for the temporary disabilities associated with childbirth, delivery, and related medical conditions. The employer may not place restrictions on the leave which would not apply to leaves of absence for any other valid medical reason.

In the case of normal pregnancy and delivery, the state assumes a minimum of six calendar weeks after the birth of a child as a reasonable period for recovery. Leave may be longer if the employee is unable to perform her job prior to delivery or if additional leave after delivery related to the pregnancy is needed and reasonable. Employees are not required to obtain medical certification of temporary disability for the initial negotiated leave following the birth of a child. Employees may voluntarily return to work before their



agreed-to maternity leave expires, if they desire and inform the County.

## **B. Parental Leave**

Parental leave applies to both male and female employees. If the employee has FMLA leave available, that leave shall be used instead of parental leave. However, if no FMLA leave is available, parental leave is an unpaid leave of absence for permanent, seasonal, and temporary employees not to exceed 15 working days immediately following the birth or placement of a child (e.g., if the employee is adopting a child or is a birth father). Department Heads/Elected Official may approve less than 15 working days if they determine the length of leave requested is unreasonable. The Department Head/Elected Official must provide a written response explaining why the request is unreasonable and include the length of leave considered reasonable and approved. Employees may be required to provide documentation for the use of parental leave.

Both maternity and parental leaves are unpaid. However, employees may request to use accrued paid leave concurrently with maternity or parental leave, according to County policy applicable to the type of leave requested.

For eligible employees, paid sick leave, vacation leave, and FMLA shall run concurrent with any maternity or parental leave.

**Relevant Information:** Montana Human Rights Bureau: *Rights of Pregnant Employees*, MCA 49-2-310 and -311; *Parental Leave for State Employees*, MCA 2-18-606

## **Leave of Absence without Pay**

A leave of absence without pay is a period of unpaid absence from employment provided by the County that does not result in a break in service. Typical requests for leave without pay are in situations where an employee has exhausted all applicable leave balances and needs to be absent from work for personal reasons. Leaves of absence without pay are contingent on the approval of the employee's Department Head/Elected Official on a case-by-case basis.

### **A. Requests, Qualifications, and Procedures**

Requests for leave of absence without pay shall be in writing and specifically state the reasons for the request, the date the employee wishes to begin the leave, and the return-to-work date. The request shall be submitted by the employee to the affected Department Head/Elected Official. The Department Head/Elected Official shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any departmental procedures and applicable state and federal laws.

A Department Head/Elected Official may grant a permanent, temporary, or seasonal full-time or part-time employee a leave of absence without pay not to exceed 90 calendar days. An extension of the approved

leave, not to exceed 90 calendar days, may be approved by the Department Head/Elected Official. No sick leave, holiday, annual vacation benefits, or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, but the employee must pay 100% of the premiums in a manner prescribed by the Plan Administrator. Employees may be required to use all appropriate accrued leave or compensatory time before a leave of absence without pay. However, the County may not require an employee to exhaust annual leave balances for reasons of illness unless he/she agrees.

## **B. Returning to Work**

Upon expiration of the approved leave of absence, the employee is not guaranteed to be placed in the same position but shall be placed in a position at the needs of the County.

If an employee fails to comply with the return-to-work requirement and does not arrange for an approved extension of leave, he/she may lose reinstatement rights, and be subject to termination.

## **C. Other Leaves That Take Precedence Over Leave of Absence Without Pay**

Employees taking a leave of absence without pay shall have FMLA or military leaves taken concurrently. Those policies take precedence over this policy to the extent there are differences.

**Relevant Information: MCA 10.1.1006**

## **Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons, and up to 26 weeks to care for a covered service member with a serious injury or illness sustained in the line of duty.

### **A. Eligibility**

To be eligible for FMLA leave, the employee must have worked for the County for a total of 12 months minimum, and for at least 1,250 hours during the 12-month period immediately preceding the leave.

### **B. Duration**

Eligible employees may take up to 12 weeks of leave within a 12-month period. The 12 weeks of leave may be taken in a single block of time or, if medically necessary, on an intermittent basis or a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

### **C. Qualifying Reasons for FLMA Leave**

Under the FMLA, the County must grant 12 weeks of unpaid leave, or paid contingent upon available leave balances and employee authorization to use that leave, for any of the following reasons:

- The birth of a son or daughter and to care for the newborn child.
- Placement with the employee of a son or daughter for adoption or foster care.
- To care for the employee's spouse, son, daughter, or parent with a serious health condition.
- A serious health condition that renders the employee unable to perform the functions of his/her job.
- Any qualifying exigency (e.g., short-notice deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other events which arise out of the covered member's active duty or call to active duty status) arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- To care for a covered service member with a serious injury or illness sustained in the line of duty on active duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

#### **D. Serious Health Condition Qualifications**

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or treatment by a health care provider. Serious health conditions include:

- An illness that requires the person to be hospitalized.
- An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period.
- An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment.
- Any period of incapacity due to pregnancy or childbirth.
- A permanent or long-term problem supervised by a physician where there is no effective treatment, such as Alzheimer's Disease, severe stroke, terminal stages of disease, etc.
- Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness). Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation),

severe arthritis (physical therapy), or kidney disease (dialysis).

## **E. Notice and Certification**

- Employees are required to provide advance notice of leave requests whenever possible and may be required to provide medical certification. Taking of leave may be denied if requirements are not met. Employees ordinarily must provide 30 days' advance notice when the leave is "foreseeable". The County may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work. Thirty days' notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the Department Head/Elected Official. The Department Head/Elected Official must promptly (within five business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. If the request is approved, the County should formally designate the leave as FMLA. Sample designation and medical certificate forms are available on the FMLA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>

The County may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work. The County may contact the employee's health care provider for clarification and authentication of the medical certification (whether initial certification or recertification) after the employee has been given the opportunity to cure any deficiencies in the certification. Some examples of deficiencies might be when the certification does not provide necessary information such as the duration of the leave, the nature of the restrictions, or the medical necessity of the leave or restrictions. In these instances, correspondence with the employee and health care provider shall be coordinated through County Human Resources personnel or other appropriate designee, and the contact on behalf of the County will be made by a health care provider, a Human Resources professional, a leave administrator, or a department head (when he/she is not a direct supervisor of the employee), and shall not be made by the direct supervisor.

## **F. Department Head/Elected Official's Responsibilities**

If a Department Head/Elected Official becomes aware of an employee taking leave for a potentially qualifying event (e.g., those described in the Qualifying Reasons above), or if the employee is absent from work on sick or unpaid leave for three days or more for reasons including health conditions, care of a family member, or in conjunction with a qualified military status, he/she will immediately notify Human Resources Dept. or the Department Head/Elected Official, who will complete the FMLA Notice & Designation Form.

## **G. Use of Paid Leave**

Employees must use accrued sick leave concurrently with leave through the Family and Medical Leave Act, if the leave meets the conditions of the County Sick Leave Policy. Employees must also use accrued annual vacation leave and exempt compensatory time concurrently with Family and Medical Leave Act.

The hours used shall be counted against the employee's Family and Medical Leave Act entitlement. Employees may also use non-exempt compensatory time for Family and Medical Leave Act leave. These hours will not be counted against the Family and Medical Leave Act entitlements.

## H. Reinstatement

An employee returning to work following a FMLA leave shall be returned to the same or equivalent position with equivalent pay as when the leave began. The use of FMLA leave shall not result in the loss of any employment benefit accrued prior to the start of an employee's leave.

# EMPLOYEE CONDUCT

## Prohibited Conduct and Guidelines for Appropriate Behavior

Standards of conduct provide ethical and behavioral guidance for public employees. As an integral member of the County team, employees are expected to accept certain responsibilities and adhere to acceptable conduct and business practices.

This not only involves demonstrating respect for the rights and feelings of others but also demands that employees refrain from any behavior that might be detrimental to themselves, their co-workers, and/or the County. Employee conduct reflects on the County. Consequently, employees are encouraged to observe the highest standards of professionalism at all times.

County employees are expected to accept certain responsibilities, protect the public from harm, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times.

## A. Prohibited Conduct

Listed below are types of prohibited workplace conduct and behavior. This list should not be viewed as being all-inclusive. Actions the County deems inappropriate and that will lead to disciplinary action include, but are not limited to:

1. Falsifying employment or other County records or making false statements.
2. Violating the County's policy on **Equal Employment Opportunity**, which prohibits refusing employment or discriminating in compensation or other terms, conditions, and privileges of employment based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, culture, social origin or condition, or ancestry.
3. Harassment of employees, or any person doing business or interacting with the County, because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, or political beliefs. (See **Preventing Harassment and Discrimination** herein.) Sexual or other unlawful or unwelcome harassment. (See **Preventing Harassment and Discrimination** herein.)

4. Violating the Montana Code of Ethics statute (MCA 2-2-101) which prohibits using public time, facilities, or resources for private business or political purposes; acts that create a conflict of interest between public and private interests; accepting substantial gifts; and sets forth other standards, prohibitions, and requirements outlined in **Ethics and Conflict of Interest** herein.
5. Violating the nepotism statute (MCA 2-2-304). Nepotism is an unfair practice that occurs when hiring is based on personal connections rather than ability or merit, and is further addressed in **Nepotism** herein.
6. Establishing a pattern of absenteeism or tardiness.
7. Use of County equipment, vehicles, supplies, time, or facilities for private purposes or any other violation of the **Vehicle and Equipment Use** policy herein which includes, but is not limited to, failing to operate County vehicles and equipment safely or in the proper manner, abusing vehicles or equipment, or operating County vehicles or equipment while under the influence (as defined in MCA 61-8-401).
8. Violating the Drug Free Workplace Act described in **Drug-and Alcohol-Free Workplace** herein, including, but not limited to, reporting to work intoxicated or under the influence of unprescribed drugs, testing positive for drug and/or alcohol use, bringing or using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business away from County property. This includes possessing or using alcohol or unprescribed drugs in County vehicles or private vehicles being used for County business.
9. Threatening, fighting, or causing or performing violent acts in the workplace or any other violation outlined in **Workplace Violence Prevention** herein.
10. Theft of property from County employees, the County, or the public, including removal from the premises, without proper authorization, of food, company property or property of other employees, customers, and the general public.
11. Possessing dangerous, unauthorized materials such as firearms or explosives on County premises, in County vehicles, or while on County business. See **Weapons on County Property** herein.
12. Disregarding safety or security regulations as outlined in **Workplace Safety Program** herein.
13. Engaging in insubordination, which is the refusal to follow a direct order by the Department Head/Elected Official.
14. Failing to maintain the security of confidential information. Failing to perform duties in a satisfactory manner.
15. Violating the **Tobacco-Free Workplace** policy herein, which adheres to the Montana Clean Indoor Air Act. The MCIAA bans smoking in all enclosed workplaces in Montana. Smoking is prohibited in

all County facilities and vehicles. i.e. e-cigarettes, spit tobacco

16. Violating the **Personal Telephone Calls and Personal Communication Devices** policy herein by using County telephones inappropriately or using personal communication devices such as cell phones, smart phones, tablets, etc., to communicate, Email, text, view inappropriate material or interact with social media sites (Facebook, Twitter, etc.) during work hours.
17. Violating the **Computers, Internet, and Email** policy herein, which prohibits improper use of these products and services including, but not limited to; altering or installing unauthorized software or hardware, revealing pass codes and files without authorization, using the County Internet and Email systems for non-County business-related purposes, and creating, transmitting, or viewing any offensive or inappropriate material, data, or images that may be construed to violate the County's **Preventing Harassment and Discrimination** or **Equal Employment Opportunity** policies herein.
18. Using abrasive, impolite, or offensive conduct, gestures, or language toward the public, County officials, or other employees.
19. Abusing break times and/or lunch periods as outlined in the **Hours of Work, Meal Breaks, and Rest Breaks** policy herein.
20. Misrepresenting travel expenses and/or using County credit cards inappropriately or without authorization as set forth in the **Credit Cards and Travel Expenses** policy herein.
21. Violating drug and alcohol rules and regulations established for employees required to have Commercial Driver's Licenses.
22. Failing to appear or dress in a manner acceptable for the position, including use of personal protective equipment (PPE) as needed.
23. Failure to return County equipment or property upon termination of employment. (See **Return of County Equipment** herein.)
24. Failure to respond or conduct County business appropriately while performing on-call duties.
25. Gambling on County time.
26. Conviction of a felony.
27. Refusing to adhere to the **Use of Scented Substances** policy herein, after a Department Head/Elected Official requests that an employee not come to work wearing a perfume, lotion, moisturizer, etc., about which a fellow employee has complained.
28. Any other act, failure to act, failure to adhere to any policy, or negligence which is injurious to the County, its employees, or the general public.

## **B. Guidelines for Appropriate Behavior**

In accepting employment with the County, the employee assumes certain duties, responsibilities, and relationships which are to be observed during his/her tenure of employment. Upon hiring, all employees shall agree and accept the following responsibilities and work rules as a condition of continued employment. The employee agrees to:

1. Work conscientiously toward achieving the objectives of the County in compliance with its philosophy, policies, rules, procedures, and performance standards.
2. Perform assigned duties in a satisfactory manner and within specified guidelines.
3. Work with other staff members in a sincere, tactful, and positive manner.
4. Be punctual and utilize working hours in their most effective and productive way; notify his/her Department Head/Elected Official, in accordance with applicable policy, when the employee is unable to show up for work; refrain from excessive tardiness or absences; and refrain from leaving the work station early without prior approval.
5. Respect the confidentiality of County citizens' and employees' information, and not disclose confidential information and/or administrative matters.
6. Immediately report in writing any accident occurring at work, whether or not there is immediate evidence of personal injury.
7. Immediately report any unsafe condition observed at the work site.
8. Use the County's property in a responsible and appropriate manner. Employees shall not provide unauthorized access to County facilities to any individual. Employees shall protect the County's property from damage and refrain from taking or using County property for personal use.
9. Be constantly mindful that the County and its staff have an obligation for the welfare and wellbeing of citizens served through its programs.
10. Respect co-workers and maintain appropriate conduct during work hours. If employee calls or use of a personal communication device causes disruptions or loss in productivity, the employee shall become subject to disciplinary action per County policy. Cell phones shall be turned off or silenced during meetings, conferences, and in the office or other locations where incoming calls may disrupt normal workflow.
11. Refrain from and report any witnessed embezzlement; theft; insubordination; unsatisfactory work performance; harassment or discrimination; falsifying or using falsified records, materials, requisitions, passes, time sheets, or other documents used by the County; violation of County policies and procedures; and misuse or neglect of County benefits, property, co-workers, suppliers,



vendors, contractors, or citizens.

12. Refrain from and report any conduct which may endanger the safety of others, which is disruptive of the County's operation, or impairs the ability of others to accomplish their work.
13. Refrain from interfering with or obstructing investigations and the investigator when suspected or alleged violations of any work rules, procedures, or policies may require investigation by or on behalf of management. Should the need for investigation arise, employees are expected to be open and cooperative in assisting the investigator.

Employees are advised that in no circumstances are these rules and policies to be interpreted as limiting the employee's ability to discuss workplace policies and procedures. However, policies and procedures are ultimately a management right.

### **C. Disciplinary Action**

Violations of the above standards or other County, state, or federal rules, or conduct which is injurious to the County's interests or those of its employees, may result in disciplinary action which can include written or oral warnings, suspension, demotion, termination\*, or other appropriate discipline. In all cases, an employee subject to disciplinary action shall be informed by the Department Head/Elected Official of the alleged violations and employer's evidence, and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

\*If the disciplinary decision is termination, the Department Head/Elected Official shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures, and shall provide the discharged employee with a copy of the policy on **Employee Grievance**.

**Relevant Information: MCA 2-2-101 and 2-2-304**

# Ethics and Conflict of Interest Policy

County employees serve the people of the County and owe them a duty to uphold their trust and maintain their confidence in the integrity of public employees. These principles require employees to avoid conflicts of interest, bias and favoritism, and the appearance of impropriety (i.e., acts that appear illegal or wrongful to the average citizen). County employees must conduct themselves in adherence to the rules of conduct stipulated for public employees in MCA 2-2-104. The general provisions are outlined in subparagraph 'A' below. All employees must sign the **Ethics and Conflict of Interest Acknowledgement Form** found in **Appendix B** of this Handbook.

Every county enforces a minimum set of standards that all employees must follow. Please refer to the section above on **Prohibited Conduct and Guidelines for Appropriate Behavior** for a more comprehensive, yet not all inclusive, list of inappropriate conduct, as well as appropriate conduct and behavior to which all county employees must adhere. Failure to abide by or comply with any of the items in those policies or this **Employee Ethics Policy** is a basis for disciplinary action up to and including termination.

## A. In General, County Ethics Standards Prevent Employees From:

- using public time, facilities, or resources for private business or political purposes (unless authorized by law);
- acts that create a conflict between public and private interests (MCA 2-2-101), which may include major financial transactions with someone an employee regulates or supervises, performing official acts to harm private competitors, performing official acts to benefit an employee's own business interests, and other conflicts of interest;
- disclosing or using confidential information for personal economic benefit;
- accepting payment for helping people to obtain a contract, claim, license, or economic benefit from the County;
- taking payment for overlapping hours in two or more public jobs;
- requesting or accepting employment with a person the employee regulates without notifying Department Heads/Elected Officials; and
- accepting substantial gifts or economic benefits (i.e., generally anything more than \$50.00) that could influence or reward official actions.

The list above includes only some of the ethical standards and requirements that County employees must follow.

Violations of this Code of Ethics may not only result in disciplinary action, but may result in the County Attorney bringing a civil action in district court or criminal charges which may be prosecuted to the full extent of the law (MCA 2-2-144).

## B. Conflict of Interest

County employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a

position to influence a decision that may result in a personal gain for that employee or for a relative or other party of interest (as described below) as a result of the County's business dealings.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to a Department Head/Elected Official as soon as possible the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

### C. Seeking Guidance on Ethical Dilemmas or Issues

Before doing anything that might create an ethical problem, employees should ask their Department Head/Elected Official for guidance. Employees should also report ethical concerns to Department Head/Elected Official, who can advise them on how to avoid or resolve potentially serious problems. After an employee notifies a Department Head/Elected Official of a possible violation, they can also file a complaint through established County protocols.

**Relevant Information: MCA 2-2-101, et. seq.; Appendix B: Ethics and Conflict of Interest Acknowledgement Form**

## Drug and Alcohol Free Workplace

It is the policy of the County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The illegal use of controlled substances is inconsistent with the behavior expected of our employees, subjects all employees, citizens, and visitors to unacceptable safety risks and undermines the County's ability to operate effectively and efficiently.

The purpose of this policy is to ensure worker fitness for duty; to protect our employees and the public from the risks posed by the use of illegal drugs, controlled substances, or alcohol; and to maintain a safe working atmosphere conducive to effect operations. As stated in the **Prohibited Conduct Policy**, employees are subject to disciplinary action, which may include immediate discharge for consumption, use, or being under the influence of alcohol or controlled substances while on County premises.

County employees must sign the **Drug and Alcohol Free Workplace Acknowledgement Form** (located in **Appendix C** of this Handbook) and abide by this policy as a condition of employment.

### A. Prohibitions

All County employees are absolutely prohibited from:

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812, Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis,

stimulants, depressants, and hallucinogens. The County does not accommodate the use of medical marijuana in the workplace.

2. Reporting for duty, remaining on duty, or operating County vehicles or personal vehicles on County business while under the influence or impaired by alcohol or a controlled substance.
3. Drinking alcohol at any time during work hours.
4. The illegal or unauthorized use of prescription drugs.

## **B. Disciplinary Action**

Violations may result in disciplinary action up to and including termination. Violating the drug and alcohol prohibitions in the policy for **Use of Vehicles and Equipment** is also subject to disciplinary action up to and including termination, whether the employee is operating County vehicles or equipment on County-owned property or anywhere else. Any use of illegal drugs or driving while intoxicated shall also be reported to the proper authorities for criminal prosecution.

## **C. Reporting Convictions of Drug Statute Violations**

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform his/her immediate Department Head/Elected Official of such conviction within five days after the conviction. The Department Head/Elected Official must inform the Department Head/Elected Officials of any such communication immediately.

## **D. Exceptions – Prescription Drugs**

The only exceptions to this policy are possession or use of a controlled substance as prescribed by a licensed physician, if the employee has given his Department Head/Elected Official prior notice of such use and/or possession. Employees using medication prescribed by a licensed physician may be required to provide management with proof that such medication was prescribed. Employees taking prescribed or over-the-counter medications will be responsible for talking to a doctor and/or pharmacist about whether the medications may interfere with their ability to perform their job safely. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty, notify Department Head/Elected Official, etc.) to avoid unsafe work practices. The County has the sole discretion as to whether or not it will be safe for those employees to remain on duty. As stated above, it is a violation of our **Alcohol and Drug Free Workplace** policy to intentionally misuse prescription medications. Appropriate disciplinary action shall be taken if job performance deteriorates and/or accidents occur.

## **E. Co-Worker, Department Head/Elected Official Obligations**

Any employee or Department Head/Elected Official who has observed or has personal knowledge that another employee is using or possessing illegal drugs or alcohol in violation of this policy may choose to make a good faith report to a Department Head/Elected Official. The employee shall refrain from discussing the matter with anyone except appropriate management personnel.

## **F. Possession of Alcohol on County Premises**

Employees may not possess or use alcohol in any County facility with the exception of an authorized function, under the control of the holder of a valid liquor license. Please see the Department Head/Elected Official or Human Resource Dept. for more information in this regard.

**U. S. Department of Justice, Title 21 USC, Controlled Substance Act; MCA 39-2-205, et seq.; Appendix C: Drug and Alcohol Free Workplace Acknowledgement Form**

## **Tobacco-Free Workplace Policy**

### **A. Tobacco use Prohibitions**

In compliance with the Montana Clean Indoor Air Act (CIAA), which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited. The County recognizes the need of many of its employees to work in an environment free of tobacco. Tobacco products including cigarettes and “spit tobacco” or e-cigarettes are not permitted inside of any County buildings. Smoking or tobacco use shall be permitted only in designated smoking areas and not within 30 feet outside of County buildings. All materials used for smoking in designated smoking areas, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

### **B. Designated Smoking Areas**

The County also respects the rights of employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other workers or local or state laws. Employees may smoke in designated outdoor smoking areas.

**Relevant Information: Montana Dept. of Health and Human Resources, Montana Clean Indoor Act - MCA 50-40-101, et. seq.**

## **Personal Appearance and Proper County Representation**

### **A. Proper Representation of the County to the Public**

It is the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient, and helpful.

### **B. Proper Personal Appearance While at Work**

County employees must be dressed in a manner suitable for the public service environment and to reflect favorably on County's image. County employees must wear clothing appropriate to ensure their safety in the workplace. Department Head/Elected Official may develop specific rules appropriate to their workplace. Such policies should be coordinated with Human Resources Dept.

### **C. Personal Protective Equipment (PPE)**

Employees in positions needing the use of PPE are required to wear the appropriate PPE.

## **Personal Telephone Calls and Personal Communication Devices**

### **A. Personal Telephone Calls Using County Telecommunication Systems**

County-provided phones are to be used for County business and may be used for personal business on a limited basis only. The use of telecommunications equipment for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business.

In the event an employee has to make an essential long distance phone call (using a County phone), the call must be collect, charged to a third-party number, or charged to a personal credit card, or the employee must make arrangements to reimburse the County for any charges. It is the employee's responsibility to ensure that no cost to the County results from personal phone calls.

### **B. Personal Communication Devices**

The use of personal communication devices such as cell phones, smart phones, tablets, PDA devices, etc., to communicate, Email, text, or interact with personal social media sites (Facebook, Twitter, etc.) during work hours is prohibited. The use of cell phones for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business. Personal communication devices such as cell phones may be used for the purposes of conducting County business if necessary.

All personal communication devices must have any tones inaudible to other employees and members of the public. Employees whose jobs require public interaction are not permitted under any circumstances to use a personal communication device while interacting with and servicing members of the public.

Utilizing a computer or personal device that connects with the Internet to visit an offensive site or inappropriate material during work hours or break periods is prohibited and subject to disciplinary action. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, or any other status protected by law. Transmitting critical or derogatory statements regarding County employees and political figures on a public social media site may be grounds for disciplinary action up to and including termination.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule (See **Employee Personnel Records**) regarding the safeguarding of confidential information, County employees must refrain from the use of Instant Messaging, cell phones, texting, unprotected Email, or any other unsecured communication (e.g., unsecured Bluetooth interfaces or unsecured Internet conferencing) to transmit confidential information regarding County employees or citizens.

## **Computer, Internet, and Mail**

The County has a Computer, Internet, and Mail policy, contact the IT Dept.

## **Use of Scented Substances**

The ability to perform one's job may be adversely affected by scented substances, i.e., perfume, lotion, oil, and scented deodorants. Staff members are encouraged to inform their Department Head/Elected Official when this situation exists, and County employees may be instructed to stop coming to work with scented substances that bother their fellow employees.

# **PAY AND BENEFITS**

## **Overtime and Compensatory Time**

### **A. Non-Exempt Overtime Pay**

Non-exempt employees (an employee in a position not meeting the definition of *exempt* as defined by the Fair Labor Standards Act, Montana Minimum Wage and Overtime Compensation Act) may receive overtime compensation for hours worked in excess of 40 hours per week at the rate of 1½ times the regular hourly rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall be considered hours worked for the purpose of calculating overtime payments or compensatory time earned.

### **B. Non-Exempt Compensatory Time**

Non-exempt employees may receive compensatory time off in lieu of overtime payment if this is mutually agreed upon in writing between the employee and the Department Head/Elected Official. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess

of 40 hours per week. Employees may accrue a maximum of 120 compensatory time hours. Employees who have accrued compensatory time and request use of this compensatory time shall be permitted to use the time off within a reasonable time after making the request, if the use does not unduly disrupt the operations of the County. The employee, at its discretion, may elect to pay out all or any portion of the balance of the employee's Compensatory Time.

### **C. Exempt Employees**

Exempt employees are identified using the criteria listed in The Federal Labor Standards Act (FLSA). Exempt employees do not receive overtime pay. If authorized by the County Commission, exempt employees may receive compensatory time off for hours worked in excess of 40 hours per week at the rate of one hour for each hour worked in excess of 40. Exempt employees may accrue a maximum of 80 compensatory hours. The Department Head/Elected Official shall give prior written authorization for all hours worked in excess of 40 per week. The employee, at its discretion, may elect to pay out all or any portion of the balance of the employee's Compensatory Time.

Holiday time of eight hours for any paid holiday shall count toward hours worked. However, absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall be considered hours worked for the purpose of calculating compensatory time.

The Department Head/Elected Official shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the Department Head/Elected Official approval. The approval; of overtime will be kept to an absolute minimum. Employees may be allowed to take time off within the same work week to maintain a forty (40) hour week. However, no employee shall be required to accept time off during the same work week in order to avoid paying the employee overtime.

## **Employee Classification Plan**

The County has a Classification Plan, contact the Human Resource Dept.

## **Disaster and Emergency Leave**

When the Board of County Commissioners declares a disaster or emergency and orders a work site closed, any employee already at the work site who is sent home shall be compensated for regularly scheduled work hours for that day only. Any employee not reporting for work is eligible to apply to take annual vacation leave, accrued compensation time or leave of absence without pay.

## **Record Keeping**

Department Heads/Elected Officials shall ensure that all overtime and compensatory time earned and used is recorded appropriately on the employee's time card as it occurs.

**Relevant Information: Fair Labor Standards Act (FLSA); Code of Federal Regulations (CFR), Title 29 – Labor**



## **Decedent's Warrant or Paycheck Reissuance**

Employees may file a designation of a person who, notwithstanding any other provision of law, is entitled, on the death of the employee, to receive all warrants or paychecks that would have been payable to the decedent. The employee may change the designation from time to time. A designated person shall claim the warrants or paychecks from the county clerk, and on sufficient proof of identity, the county clerk shall reissue the warrant or paycheck in the name of the designated person and deliver the warrant or paycheck to the designated person.

**Relevant Information: Appendix F: Decedent's Warrant; MCA 7-4-2521**

## **Workers' Compensation**

As required by law, the County pays to cover employees with workers' compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease.

Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. After they file a claim, the County's workers' compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers' comp benefits apply only toward medical conditions directly related to the industrial injury or occupational disease claim.

### **A. Reporting Provisions**

Every work-related injury should be reported immediately to the injured employee's Department Head/Elected Official.

### **B. Benefits**

Benefits for compensable injuries are governed by state law and include wages, medical, hospital and related services, and other compensation. Wage loss benefits begin after a 4-day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the 4-day waiting period.

### **C. Fraud**

Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers' compensation benefits to which the person is not entitled.

**Relevant Information: MCA 39-71-101, et. seq.**

## **Health and Life Insurance**

Group health and life insurance programs are described more fully in documents that are issued to each employee once he/she is eligible to participate. A complete description of the group health insurance programs can be obtained from Human Resource Dept. These personnel can explain the provisions in master insurance contracts and help employees choose the best options.

In the event of any contradiction between the information appearing in this policy, other County documents, and the information that appears in the master contracts or master plan documents, the master contracts and documents shall govern in all cases. Employees may request all benefit forms and information from Human Resource Dept. Employees will be responsible for notifying the benefit plan personnel of any change of status that may affect their benefits. Employees must meet eligibility requirements (e.g., qualifying events) of the benefit program in order to change benefit elections.

### **A. Health Insurance**

The County offers eligible employees a competitive health insurance program that may include medical and dental care. Employees are eligible for health insurance if they are permanent employees regularly scheduled to work at least 20 hours per week. Each eligible County employee shall be given a copy of the health insurance plan selected. The ruling authority of the plans is the providing company, and it makes final determinations of claims. An appeal procedure is a part of the plan.

### **B. Life Insurance**

The County offers eligible employees a competitive life insurance program that will help alleviate the financial burdens left to beneficiaries should an unfortunate loss of life occur. Under this program, employees may purchase life insurance at discounted rates, and the employee is responsible for those charges. Life insurance benefits terminate on the day the employee's employment with the County terminates; however, there are conversion provisions if the employee desires.

## **Retirement**

The County offers a retirement program guaranteed by the Montana Constitution through the Public Employees Retirement System (PERS). Participation includes contributions from both the employee and the County.

## A. Retirement Plan Options

New County employees may choose between two retirement plan options, either the Defined Benefit Retirement Plan (DBRP) or the Defined Contribution Retirement Plan (DCRP). A description of each option can be obtained from PERS.

Retirement plan choices are irrevocable (i.e., it cannot be changed later), and if an employee does not file a retirement plan election by the end of the 12-month election window, state law will default their choice to the PERS DBRP. The County strongly encourages employees to make the election to ensure they are in the retirement plan that best meets their and their family's needs.

## B. Eligibility

Employees are eligible for participation in PERS beginning on their date of hire, and have 12 months from the first month the County reports the employee to the Montana Public Employees Retirement Administration (MPERA) to file a choice of retirement plans.

MPERA provides regular Retirement Plan Choice webinars that employees can attend at their convenience from their own computer. MPERA also offers workshops at different locations around the state throughout the year.

**Relevant Information: MCA 19-3-101, et seq.; Montana Public Employee Retirement Administration**

# SAFETY

## Workplace Safety Program

The County has a workplace safety program established to maintain a safe and healthy work environment for County employees and the citizens they serve. The success of the safety program depends on the alertness and personal commitment of all. The department shall provide information to employees about workplace safety and health issues through regular internal communication channels such as Department Head/Elected Official, employee meetings, bulletin board postings, Email, memos, or other written communications.

## A. Contributing Suggestions and Reporting Concerns

Excellent safety improvement ideas often come from employees, since they are the ones who are most familiar with their work environment. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their Department Head/Elected Official, or Human Resources Dept. (or someone designated by the County as a safety officer or member of an internal safety committee). Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal. Most counties also have a safety officer who is an expert on, and has a vested interest in, creating a safe working environment throughout their county.

## **B. Reporting Violations and Disciplinary Action**

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Department Head/Elected Official. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or (where appropriate) remedy such situations may be subject to disciplinary action, up to and including termination of employment. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate Department Head/Elected Official. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefit procedures.

## **Workplace Violence Prevention**

The County is committed to preventing workplace violence and to maintaining a safe work environment. The County has adopted guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. All County employees contribute to the type of environment in which they work, and it is therefore essential to follow these guidelines, treat fellow workers with dignity and respect, and immediately report any violations or untoward behavior.

### **A. Guidelines, Definitions and Reporting**

- All employees, including Department Head/Elected Official and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, roughhousing, or any other conduct that may be dangerous to others. It is important to note that employees with different backgrounds might have very different ideas about what is innocent tomfoolery and what seems to be threatening and intrusive. Work is not the place for it.
- Firearms, weapons, explosives and other dangerous or hazardous devices or substances are prohibited from the premises of the County without proper authorization.
- Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
- All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the immediate Department Head/Elected Official or any other member of management. The County shall promptly and thoroughly investigate all reports of threats or (or actual) violence and of suspicious individuals or activities.

## Use of Vehicles and Equipment

Employees whose jobs require them to travel using County vehicles or equipment to perform their duties for the County are expected to treat such County property with the utmost degree of care and respect. The vehicles and equipment owned by the County are essentially paid for by County citizens; and as public servants, employees' actions should reflect positively upon the County by doing everything possible to maintain well-functioning, carefully maintained, and clean vehicles and equipment to ensure longevity. This also includes safe operation according to all relevant laws. This policy also covers situations when an employee uses a personal vehicle to conduct County business. The following guidelines shall be observed.

### A. Vehicle Use Guidelines

1. Employees are to use County vehicles for business purposes. Authorized drivers may use County vehicles to conduct business on behalf of the County and to respond to medical or other emergency situations. Using County vehicles or equipment for personal convenience is prohibited and will result in disciplinary action. Certain employees (emergency response, on-call, etc.) may be authorized by their Department Head/Elected Official to take County vehicles home.
2. To use a County vehicle, an employee must have an acceptable use. Acceptable uses include conducting business on behalf of the County as stated above, getting food and lodging when in a travel status, and certain other activities that may be up to the Department Head/Elected Officials discretion. Employees can park a County vehicle at their home overnight if they must begin travel the next day or if they are subject to other off-shift duty related to County employment.
3. County employees are expected to travel in an efficient and cost-effective manner. The rules of the road and established safety practices must be practiced at all times. Any abuse of County vehicles when in an employee's possession or violations of safety practices or traffic laws during work hours may result in disciplinary action.
4. Some job descriptions require employees to have a valid driver's license or a Commercial Driver's License. The ability to legally operate a vehicle is an essential job duty for some positions. Employees who, as part of their job, have to operate County vehicles are required to have an acceptable driving record. A copy of the employee's current, valid driver's license must be on file with the Human Resource Dept. before they may operate a County vehicle.
5. An employee who drives his own vehicle on authorized County business shall be reimbursed at the federal mileage rate, provided there is no county vehicle available and have obtained commissioners approval in advance. Otherwise an employee who uses their personal vehicle when a county vehicle is available will be paid at the statutory lower rate. The federal mileage reimbursement rate is to cover auto expenses, which include personal auto insurance. The County's insurance does not cover any damage to the employee's vehicle if an accident occurs while used for business. Employees are also responsible for deductibles and co-insurance payments under their personal vehicle policies. If employees drive their personal vehicles for County business, they must maintain it according to the manufacturer's specifications and have current registration.

6. Employees should use County vehicles for work-related travel whenever possible. With pre-approval, employees may use their personal vehicles for County business when the Department Head/Elected Official determines it is in the best interest of the County. Employees who are operating their personal vehicles during the course of employment and receiving mileage reimbursement must have liability insurance and provide evidence of such to the Human Resource Department.
7. County employees who use vehicles in the course of their jobs shall maintain a current, valid licensure or certification (a Montana driver's license or CDL, as required by the job). Employees whose personal vehicles are used for County business are responsible for immediately notifying their Department Head/Elected Official of any change in the status of their driver's license, any convictions affecting their driving record, and any changes in personal vehicle liability coverage.
8. County employees are required to secure seat belts while driving or riding in County-owned vehicles or when using personal vehicles for County business.
9. Employees must operate vehicles in a careful and prudent manner at all times to avoid endangering other people and property. Employees are prohibited from operating a vehicle for County business if they are under the influence of alcohol, illegal drugs, improperly used prescription drugs, or legally prescribed drug if that drug affects their ability to safely operate the vehicle. Employees taking prescription drugs are responsible for notifying their medical providers if they are required to operate a vehicle for County business, and they must notify their Department Head/Elected Official of any restrictions on operating a vehicle.
10. In compliance with the Montana Clean Indoor Air Act (MCIAA) and the County's Smoke-Free Workplace Policy which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in all County facilities.
11. Neither employees nor any passengers can have an alcoholic beverage container in the passenger compartment of a County-owned, leased, or loaned vehicle.
12. Employees are prohibited from using personal communication devices while driving a vehicle on County business. Texting is prohibited by the driver at all times while the employee driver is seated in the driver's seat. Use of a cell phone while driving is prohibited unless calls can be made using hands-free devices.
13. Employees must follow established County procedures regarding the care, maintenance, and cleaning of County vehicles. Employees must immediately report any problems or issues to the Human Resource Dept. to ensure that all problems are fixed promptly and vehicles safely operate at maximum efficiency for as long as possible.

## **Weapons on County Property**

The County strives to provide a safe and healthy working environment for all employees. As part of this effort, the County has a policy limiting the possession and storage of firearms in County-owned buildings and vehicles.

### **A. Firearms**

Employees on County business may not carry a firearm on their person or carry or store a firearm in a County-owned or County-leased building or vehicle, unless they are:

- specifically authorized by state or federal law to carry a firearm as a condition of employment;
- in actual service as a member of the National Guard; or
- engaged in firearm instruction or field work in which the employee carries a firearm for conducting official County business.

The County may grant an individual employee or job class a written exception to this policy.

### **B. Dangerous Weapons**

Possession of other dangerous weapons, explosives, large knives, swords, etc., and/or any other weapon deemed inappropriate by the County is prohibited on all County premises, in all County buildings, in County vehicles, or in a personal vehicle while conducting County business.

# ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK

## ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES FOR LINCOLN COUNTY

I acknowledge receipt of a copy of the Handbook of Personnel Policies and Procedures adopted by \_\_\_\_\_ County. I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

Employee's signature: \_\_\_\_\_

Employee's hand-printed name: \_\_\_\_\_

Employee's work location: \_\_\_\_\_

Employee's Position Title: \_\_\_\_\_



# APPENDICES

## **IMPORTANT NOTE**

In addition to the Acknowledgement and Receipt of Handbook, which holds all employees responsible for complying with the terms and conditions of every policy contained in this Handbook, employee signatures are required on the forms provided in Appendices A through D.

Employees who are engaged in safety-sensitive positions are also required to sign the form in Appendix E.

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# APPENDIX A: Equipment Acknowledgement Form

## Lincoln County

I acknowledge that while I am working for the County, I will take proper care of all County equipment with which I am entrusted. I shall abide by all the guidelines set forth in **Use of Vehicles and Equipment** in this Handbook including, but not limited to; using equipment lawfully, safely, and cost-effectively; for its designed purpose; for County business only; and according to the manufacturer's specifications.

I understand that, while County equipment is in my possession, any abuse, violations of safety practices, or disregard for the proper care and maintenance of such equipment may result in disciplinary action, up to and including termination.

I further understand that, upon termination, I shall return all property of the County and that the property will be returned in proper working order. This agreement includes, but is not limited to, the following: laptops, cell phones, pagers, IT equipment, tools, personal protective gear, and any other equipment the County has provided for use with my job.

I understand that failure to return equipment shall be considered theft and will lead to criminal prosecution by the County.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

---

## APPENDIX B: Ethics and Conflict of Interest Acknowledgement Form

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Lincoln County

By my signature below, I acknowledge that I have received a copy of the **Ethics and Conflict of Interest Policy**. I understand it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this Policy. I understand that I am responsible for abiding by the County Code of Ethics contained in this Policy as I conduct my assigned duties during my term of employment.

I understand that if I am found to be in violation of the provisions set forth in the **Ethics and Conflict of Interest Policy**, that I am subject to discipline, suspension, termination, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

---

## APPENDIX C: Drug and Alcohol Free Workplace Acknowledgement Form

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### Lincoln County

As an employee of the County, I certify that I shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while on County property or while conducting any activity involving the County.

By my signature below, I acknowledge that I have received a copy of the Drug and Alcohol Free Policy of the County. I understand that it is my obligation to read, understand, and comply with the procedures and provisions contained within this Policy.

I understand that if I am found to be in violation of the provisions set forth in the **Drug and Alcohol Free Workplace Policy** in this Handbook, I am subject to suspension, termination, participation in a drug rehabilitation program, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

---

Employee Name (please print)

---

Employee Signature

---

Date

---

## APPENDIX D: Computers, Internet, and Email Policy Acknowledgement Form

---

Lincoln County

By my signature below, I acknowledge that I have received a copy of the **Computers, Internet, and Email Policy**. I understand that it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this policy.

Further, I understand that this policy governs my use of all County technology and, under certain circumstances, my own technology that I might bring into the County (See **Personal Telephone Calls and Personal Communication Devices**).

Additionally, I understand that if I violate the policy, I am subject to discipline from the County, including suspension, termination, and/or such other action as the County deems appropriate. I also understand that some violations of this policy could result in actions against me both civilly and criminally and in both federal and state courts. I also understand that I have no expectation of privacy in any of the technology referenced in the policy, due to the access and interception rights reserved by and granted to the County.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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## APPENDIX E: Drug Testing Acknowledgement Form

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### Lincoln County

The County's drug testing program typically applies to individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. **The County must specifically identify all positions covered by its Drug and Alcohol Testing Policy and ensure that these employees are notified of this designation in accordance with Montana law. New employees shall be informed in the offer letter if their position is subject to drug testing.**

As an employee and/or applicant of the County designated to submit to the drug testing procedures outlined in the Drug Testing Policy, I hereby acknowledge that the County's Drug Testing policy requires me to submit to drug testing and/or breath alcohol testing to rule out the presence of unprescribed or prohibited dangerous controlled substances in my system. I hereby freely and voluntarily consent to this request for a drug test and/or alcohol test, and agree to participate in the testing program.

I hereby release the County, its employees, agents, and contractors from any and all liability whatsoever arising from this request for testing, from the actual testing procedures, and from decisions made concerning my application for or continuation of employment based on the results of the analysis. I hereby agree to cooperate in all aspects of the testing program.

I understand that, if I am found to be in violation of the provisions set forth in the **Drug Testing** and/or **Drug and Alcohol Free Workplace Policy**, I am subject to suspension, termination, participation in a drug rehabilitation program, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

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Employee Name (please print)

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Employee Signature

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Date

## APPENDIX F: Decedent's Warrant or Paycheck Designation Form

### LEGAL DESIGNATION OF PERSON AUTHORIZED TO RECEIVE DECEDENT'S CHECK(S)

1. Complete the Primary & Contingent Beneficiary Designation portion of this form. This form must be typed or printed legibly in ink.
2. Provide designee's full legal name (example "Mary Lynn Smith"). The designee name cannot be "Mrs. John E. Smith" or "To the Estate of Jane Smith".
3. No erasures or corrections in the designee's name can be accepted. If an error is made, complete a new form.
4. Inform the County Clerk & Recorder when designee's address changes.
5. Sign this form in ink and submit to the County Clerk & Recorder
6. Designee may be changed at any time by completing another form and submitting to the County Clerk & Recorder or Human Resources Department. You are requested to update your designee every calendar year.
- 7.

### BENEFICIARY DESIGNATION FOR DECEDENT'S FINAL CHECK(S)

Pursuant to §2-18-412, MCA, I hereby designate the following person who, notwithstanding any other provision of law, shall be entitled upon my death to receive all MACo checks excluding payment of death benefits and refund of employee retirement contributions, payable to me as a result of my employment with the Montana Association of Counties had I survived.

#### Primary Beneficiary Information – All information is required

Name of Designee \_\_\_\_\_

FirstMiddleLast

Mailing Address \_\_\_\_\_

Street or PO BoxCityStateZip Code

Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_ Phone# \_\_\_\_\_

#### Contingent Beneficiary Information – All information is required

\*In the event that your primary beneficiary does not survive you, your check(s) will be issued to your contingent beneficiary.

Name of Designee \_\_\_\_\_

FirstMiddleLast

Mailing Address \_\_\_\_\_

Street or PO BoxCityStateZip Code

Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_ Phone# \_\_\_\_\_

My signature on this document indicates:

1. I understand this is a legally binding document.
2. I hereby revoke any previous designation filed by me
3. If the above named designees cannot be contacted within sixty days after the date of my death, this designation shall be void and the check will be reissued to my estate.
4. This designation will remain in full force and effect until revoked by me in writing.

Employee Name \_\_\_\_\_

FirstMiddleLast

Social Security Number \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_