AS OF 1/24/2020

WHITE SULPHUR’S LOGO HERE

EMPLOYEE HANDBOOK

DATE, 2020

# ACKNOWLEDGEMENT OF RECEIPT

**Employee Handbook for the City of White Sulphur Springs**

**DATE**

I understand receiving the Employee Handbook for the City of White Sulphur Springs is not a guarantee of employment or a promise of any kind.

The City of White Sulphur Springs, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish, change or cancel its policies, practices, rules and regulations.

I understand that the Employee Handbook is issued to inform employees of the personnel policies of the City of White Sulphur Springs and is to be used as a guide by employees in the performance of their duties.

The Employee Handbook may be changed at the sole discretion of the City of White Sulphur Springs. Any changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Violations of the policies set forth in this handbook may result in disciplinary action, up to and including termination.

By signing this statement, I acknowledge that I have received the Employee Handbook for the City of White Sulphur Springs and that I understand it is my responsibility to read and comply with the policies in this handbook.

Signature: Date:

Printed Name:

Position:

Effective Date of Employment:

Attest:

Supervisor: Date:

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**INTRODUCTION**

The City of White Sulphur Springs is a professional organization providing many valuable services to the residents of White Sulphur Springs. Your position has been designed to assist the City with accomplishing these services. We hope you will find this position rewarding and challenging.

During your probationary period, your employment with the City of White Sulphur Springs is at-will and may be terminated with or without consent at any time by either you or the City.

The Employee Handbook is not an employment contract. The handbook is designed to provide you with general information about the City’s personnel policies and benefits. The handbook will not cover all employment situations, scenarios, or questions, it only covers basic rules. All policies in the handbook are subject to change by the City of White Sulphur Springs. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the Mayor, the City Clerk, and/or any City Council Member.

The employee bulletin board displays federal and state employment information. If you notice an item that is out of date, please let the Mayor and/or the City Clerk know.

During your first few days working for the City, you will probably have several general questions regarding our organization and policies. You are encouraged to look for the answer in the handbook first. However, do not hesitate to ask your supervisor, the Mayor, and/or the City Clerk any questions you may have.

Welcome to the City of White Sulphur Springs!

Sincerely,

Rick Nelson, Mayor

# HISTORY

Meagher County, Montana was named for General Thomas F. Meagher, acting Montana territorial governor from 1865 to 1866. Meagher County was originally created by the second territorial assembly on March 26, 1866. On March 2, 1867, Meagher County lost all territory because the United States Congress declared all acts passed by the second and third territorial assemblies null and void. On November 16, 1867 Meagher County was recreated by the fourth territorial assembly.

Between 1864 and 1868, the territory was experiencing a gold boom producing approximately $6,949,200 in gold. Even today, small amounts of gold are produced in a few of Meagher County’s mining claims.

White Sulphur Springs (first called Brewer’s Springs) was established in 1870 when dwellings, bath houses and stables were erected for miners, travelers and soldiers. White Sulphur Springs became the Meagher County Seat in November of 1880, after County citizens voted to move the County offices from Diamond City to White Sulphur Springs.

White Sulphur Springs is situated at the foot of the picturesque Castle Mountains and near the head of the Smith River Valley. Overlooking the city is ‘The Castle’, built in 1892 by cattle baron Bryon Roger Sherman. The Victorian landmark was built using hand-cut granite blocks from the nearby Castle Mountains and hauled to town by teams of oxen. ‘The Castle’ is currently the home of the Meagher County Historical Museum and is staged with period furniture, clothing, and artifacts from around the area, including mineral samples.

The population of White Sulphur Springs is approximately 1,000 people. The main employers in the city are local businesses, Mountainview Medical Center, and Government Services (including schools, Meagher County, the State, and Federal offices). The City and County are supported by agriculture and tourism.

Residents and visitors like to take advantage of a variety of activities including floating the Smith River, the Red Ants Pants Music Festival, and the Labor Day Rodeo. They also like to enjoy the unlimited access to year-round outdoor recreational activities.

The City of White Sulphur Springs was incorporated in 1888 and is governed by a Commission-Executive form of government. A citywide, nonpartisan election is held to elect the Mayor and the members of the City Council. The Mayor is responsible for the day to day operation of the City as well as implementing the policies established by the Council.

As an employee of the City of White Sulphur Springs, you are joining a team that celebrates the City’s rich history, while at the same time, looks forward to a future the provides an outstanding quality of life for the residents of the City, including businesses that provide good paying jobs for those residents.

**CITY OF WHITE SULPHUR SPRINGS, MONTANA PERSONNEL POLICIES**

Throughout this handbook:

* “The City” or “City” refers to the City of White Sulphur Springs, Montana
* “The Mayor” refers to the Mayor and/or the Mayor’s designee.
* “The City Clerk” refers to the City Clerk, the City Clerk/Treasurer and/or the City Clerk’s designee.

1. **APPLICABILITY**

All the policies in this handbook apply to every city employee unless specifically stated otherwise.

1. **EFFECT ON PREVIOUS MANUALS/HANDBOOKS**

This Employee Handbook replaces and supersedes all previous City human resource related policies, manuals, and handbooks.

1. **LINES OF REPORTING AND COMMUNICATION**

When dealing with human resource related issues, City employees are expected to follow the chain of command: immediate supervisor, higher-ranking supervisor, lastly the Mayor if no resolution is found with the supervisors. If the Mayor is the cause, then the concerns need to be addressed with a City Council member. If the City Council is the cause, then the concerns need to be addressed directly with the Mayor.

1. **ORGANIZATIONAL STRUCTURE**

With the consent of the City Council, the Mayor has the authority to hire and fire City personnel.

The Mayor has the authority to discipline and manage City employees in accordance with City policy. The Mayor may delegate the authority to discipline and manage City employees to department supervisors. Delegating the authority to the supervisors to discipline and manage in no way revokes the Mayor’s authority to discipline and manage all City employees. The Mayor also reserves the right to withhold any, or all, of this authority from the City’s employees.

When given the authority, supervisors must perform discipline and management of employee(s) in accordance with City policy and are not allowed to further delegate those duties.

Copies of the organizational chart are available through the City Clerk or the Mayor.

1. **AUTHORITY FOR PERSONNEL ACTION**

The City reserves the right to:

* Direct, hire, promote, transfer, assign, and retain employees.
* Supervise, discipline, and relieve employees from their duties.
* Determine and change hours of work, shifts, and methods of operation.
* Establish, change, or cancel is policies, practices, rules and regulations as long as all applicable laws, regulations, and this policy are followed.

When necessary, and with the consultation and/or consent of the City Council, the Mayor will execute any of the above personnel actions if they are consistent with applicable laws, regulations, and the City’s policies.

In special circumstances, the Mayor may decide it is necessary to waive a policy. A policy waiver does not establish new policy.

1. **JOB DESCRIPTIONS**

Each position with the City is assigned a job title and each job title has a job description. Job descriptions are a list of duties for each position, not an employment contract. Job descriptions are maintained by the City and are subject to change as the needs of the City and the position requirements change.

Each position may be assigned job duties that are not specifically listed in the job description.

Each employee will receive a copy of the job description for their position at the time of hire and will receive updated job descriptions if there are any changes made by the City.

Copies of current job descriptions are available through the City Clerk or the Mayor.

1. **NON-DISCRIMINATION IN EMPLOYMENT**

(Refer to Appendix B for the City’s Non-Discrimination Policy and Complaint Procedure)

1. **Equal Employment Opportunity**

The City follows all federal and state laws regarding equal employment opportunities and human rights.

The City promotes equal treatment and services for all citizens, employees, and representatives.

The City assures equal employment opportunity regardless of race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status.

This policy does not prevent decisions based on bona fide occupational qualifications or other recognized exceptions under law.

1. **Non-Discrimination Based on Disability**

The City follows all federal and state disability laws.

It is the City’s policy not to discriminate against any qualified employee or applicant regarding terms or conditions of employment because of the person’s disability or perceived disability as long as the person is able to perform the essential functions of the job (with or without reasonable accommodations). The City will provide reasonable accommodations to a qualified individual with a disability.

The City will make reasonable accommodations for conditions related to pregnancy and childbirth, if requested, with the advice and recommendation of the employee’s health care provider.

An employee who feels discriminated against should notify a supervisor or the Mayor.

1. **HIRING AND SELECTION OF EMPLOYEES**
2. **Policy Statement**

The City will recruit, appoint, assign, train, evaluate, promote and compensate employees on the basis of merit and qualifications without regard to race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status.

1. **Authorization to Work**

The City will confirm that employees are legally able to work in the United States.

1. **Current employees**

In order to be considered for vacant positions, a current employee:

* Must have completed the probationary period, including any extensions.
* Must not currently be under any formal disciplinary action.

This policy may be waived, in advance, by the Mayor.

1. **Bondable positions**

A person who applies for a City position that requires a bond will not be considered or hired if they are not bondable.

1. **Employment of Relatives (Nepotism)**

No employee will be assigned or hired for a position where the employee will directly supervise, or be supervised, by a relative.

No elected official will participate in a selection process where an applicant is a relative or a household member. An elected official will abstain from any discussion or vote that will impact an employee who is a relative.

A relative or household member of a City employee may apply for a vacant position with the City. If the vacancy does not in involve any type of supervisory relationship that would meet the nepotism rules above, the employee will be notified of the relative or household member’s application and reminded of the employee’s responsibilities under Montana Code and this policy.

The process used to fill the vacant position will be subject to extra review to make sure the person selected for the position was selected based only on merit and qualifications.

For the purposes of this policy, a ‘relative’ is a person connected by consanguinity (through an ancestor, by blood) within the fourth degree or by affinity (marriage) within the second degree.

1. **Re-Employment of Former Employees**

A former employee who resigns from the City in good standing is eligible for re-employment.

The former employee must apply for the vacant position and go through the regular hiring process with the other applicants.

A former employee that is re-hired by the City will be considered a new employee and will be required to complete a probationary period. The former employee’s new start date will be the date used when calculating seniority.

For the purposes of this policy, the former employee was an “employee in good standing” if the employee’s performance, conduct, and attendance were acceptable for the last position they held with the City. The former employee must also have met the resignation notice requirements in Section K, Separation from Employment.

1. **Remote Employment**

The City may hire an employee that lives in a different location, allowing the employee to work remotely.

If a remote employee requires a work environment that is deemed unreasonable by the City or creates a situation the City determines is not workable, then the City may require the employee work out of the appropriate City facility. If the employee is unable to change to the required worksite, the City reserves the right to take other actions as required in accordance with City policies.

Specific conditions of remote employment shall be included in the employee’s individual employment agreement.

1. **Selection Plan**

A selection plan must be established before accepting applications for a vacant position.

The selection plan may include but is not limited to: selection criteria based on the current job description, a recruitment plan, a screening tool, an interview tool, and a reference check tool.

1. **Hiring Preferences in Employment**

The City’s personnel policy incorporates employment preferences including Veterans’ Employment Preference, the Montana Persons with Disabilities Employment Preference, and all other applicable public employment preferences.

The vacancy announcement will include instructions for claiming a preference and the selection plan will include instructions for applying claimed preferences. Applying for preference is voluntary and all information and documentation related to the preference will be kept confidential.

Per Montana Code Annotated, when an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities. This preference only applies to individuals who were previously employed with the City at the time the injury occurred.

Appointing the employee to the open position must not violate the requirements described in Section H.5, Employment of Relatives (Nepotism) and the employee must have met the performance and conduct requirements listed in Section H.6, Re-Employment of Former Employees.

1. **Job Offers**

Applicants for a vacant position will be selected for employment based on merit and qualifications.

The Mayor must approve any hiring before an offer of employment can be made to an applicant.

All job offers are conditional upon the consent of the majority of the city Council.

1. **NEW EMPLOYEES**
2. **Probationary Periods**

A probationary period is used to determine if a new employee has the skills needed to perform the job and that the employee can demonstrate appropriate work conduct.

During the probationary period, employment may be terminated at the will of either the City or the employee, on notice to the other, for any reason or no reason. Termination during a probationary period cannot be appealed.

The probationary period for all City employees is 6 months.

A probationary period may be extended in 30-day increments. City Council approval is required to extend a probationary period longer than 90 days. During the probationary period employees may receive at least one written evaluation of their work performance.

A temporary or short-term employee hired into a regular position as a result of a competitive selection process will be considered a new employee and will serve the probationary period associated with the new position.

A list of the positions and the probationary period for each is maintained by the City Clerk.

1. **Orientation**

A new employee orientation session will be provided to new employee on the first day of employment, or as soon as possible after the first day of employment.

The orientation provided by the City Clerk, and/or the Mayor may cover, but is not limited to:

* Employment offer letter review and signature
* Completion of employment eligibility forms
* Pay rate, timesheets, and payday schedules
* Leave accrual and eligibility
* Health benefit packages and voluntary health deductions
* Retirement plan options
* Work standards and regulations
* Employee Handbook and signature of the Acknowledgement of Receipt
* Review of policies
* Non-discrimination and grievance policies
* Code of Conduct and Employee Expectations
* General Safety

The orientation provided by the supervisor and/or the Mayor may cover, but is not limited to:

* Job description/job duties
* Safety rules and procedures, location of safety or protective equipment
* Tour of the work area, including location of equipment, supplies, etc.
* Introduction to co-workers
* Scheduled workdays/hours and lunch and break times
* Education specific to the equipment and tasks required of the position
* Explanation of performance planning, reviews and evaluations
* Reporting an absence from work (How, when, and to whom)

1. **PROFESSIONAL DEVELOPMENT**

# 

## **Performance Management and Evaluations**

Performance evaluations allow an employee and supervisor to discuss the employee’s strengths, any areas for improvement, and goals and objectives for the upcoming year.

Performance evaluations need to be discussed with each employee. The employee has the right to disagree with the evaluation and respond in writing within 10 working days of the evaluation. The written response will be attached to the evaluation.

The supervisor, the Mayor, and the employee will sign and date the evaluation form. The employee’s signature indicates the employee has read and understands the evaluation, not that the employee agrees with the evaluation. The employee should receive a copy of the evaluation.

* 1. *Probationary Employees*

New employees will have a probationary period, as described in Section I.1, Probationary Periods. During this period, at least 1 formal evaluation should be completed by the employee’s supervisor. An employee may still be terminated during a probationary period if an evaluation has not been completed.

* 1. *Non-probationary Employees*

Performance evaluations are normally completed on an annual basis for each employee but may be completed as often as needed.

## **Education and Training**

Training for employees is encouraged when that training improves employee productivity, knowledge and skills that will help City services and programs to become more efficient and effective.

With preapproval by the supervisor, the Mayor or the Mayor’s designee, the City may provide full or partial funding for training such as work-related programs, seminars, conferences, and conventions.

Training that may require extensive time away from work, has a significant cost, or requires out of state travel should be discussed during performance evaluations when possible. This gives the supervisor time to evaluate the training course, to plan workload, and to see if the budget would allow for the training. Some training may be delayed to a different fiscal year so the expense can be included in the budgeting process.

## **Participation in Community Organizations**

Personal development through service involvement is beneficial to the employee as well as providing a positive image of City employees and operations.

Employees should consult with a supervisor or with the Mayor before volunteering for an organization that would require time away from work to attend volunteer activities, fundraisers, activities, etc.

With the consent of the supervisor and the Mayor, the employee may attend approved functions as excused, paid absences without using vacation leave. The employee’s supervisor and the Mayor will monitor the work time required to attend the functions to ensure the time is reasonable and that the activity is providing a positive image of City employees and operations.

## **Participation in Professional Organizations**

Personal development through professional organizations is essential to keep up to date with changing laws, rules and legal opinions, and new developments in assigned areas of work. Professional organizations help to build a network of professional contacts that are beneficial for research, feedback, and productive information. Professional contacts are also beneficial for the growth of the City as well as providing a positive image of City employees and operations.

Employees are encouraged to pursue job-related professional organization affiliations that will have a positive impact on City government and on the City itself.

Employees should consult with a supervisor or with the Mayor before joining an organization that would require time away from work to attend meetings, fundraisers, activities, etc.

With the consent of the supervisor and the Mayor, the employee may attend approved functions as excused, paid absences without using vacation leave. The employee’s supervisor and the Mayor will monitor the work time required to attend the functions to ensure the time is reasonable and that the activity is providing positive exposure for the City.

1. **Licensing Fees**

It may be beneficial for City employees to maintain certifications and/or licenses. If the City requests that an employee maintain the certification or license, the City will pay the cost to obtain the certification or license and/or any renewal fees.

Certificate and licensing fees should be discussed during performance evaluations when possible so larger fees can be included in the budgeting process.

# SEPARATION FROM EMPLOYMENT

## **Reasons for Separation**

Some of the most common reasons for separation from employment are:

* Resignation/Retirement—a voluntary termination initiated by the employee.
* Discharge—a termination initiated by the City.
* Layoff/Reduction in Force—an involuntary termination initiated by the City for non-disciplinary reasons.

Within 7 calendar days of a separation from employment, every employee will be given a copy of the City’s Grievance Procedure.

## **Resignation/Retirement**

An employee resigning and/or retiring from a position with the City is expected to give a minimum two-week notice, in writing, to the Mayor.

An employee planning for retirement should contact the retirement system to confirm they have adequate service credits and to make sure that the proper paperwork is completed so retirement benefits can begin without any unnecessary delays.

## **Discharge**

During the probationary period, employment may be terminated at the will of either the City or the employee, on notice to the other, for any reason or no reason. Termination during a probationary period cannot be appealed.

A non-probationary employee terminated by the City will be given a letter with the effective date of the termination and summarizing the reason(s) for termination.

## **Layoff/Reduction in Force**

With the consent of the City Council, the Mayor has the authority to review workload, funding, or other business matters to determine if terminations via layoff or reductions-in-force (RIF) are required. Whenever possible, employees will be provided at least two weeks advance notice of a layoff/RIF. No regular employee will be terminated if a temporary, short term, or seasonal employee is employed in the same position.

Employees that are in a layoff/RIF status must keep the City informed of an address and phone number to contact the employee in the event of a recall. If the City cannot contact the employee within seven days of a recall, the employee will be removed from the recall list and the City will have no further obligation to recall the employee. The City will have no obligation to recall an employee if the employee has been in a continued layoff/RIF status for one year.

The City’s benefit providers will coordinate with the City Clerk to ensure that relevant benefit information is sent directly to the employee at the employee’s last known address.

## **Separation Pay**

An employee’s final paycheck will be issued on the next scheduled payday, or within 15 days from the separation date, whichever is first.

## **Withholding of Final Pay**

An employee who is terminated for the reason of an allegation of theft of property or funds connected to the employee’s work may have their final pay reduced to cover the value of the theft.

The process used to withhold final pay in this situation will comply with all applicable laws.

# PAY PLAN AND PAY ADMINISTRATION

1. **Establishing Pay and Benefits**

With the consent of the City Council, the Mayor establishes and implements employee pay and benefit program(s).

1. **Factors Affecting Pay**
2. Entry Level Pay

Entry level pay for City positions is based on a review of compensation for comparable positions inside and outside of the City, local market conditions, and available resources.

* New employees may have the starting salary adjusted based on degrees and/or certifications, experience, or other job-related factors.

1. Pay Adjustments

The Mayor sets the pay adjustment(s) for employees who have been promoted, demoted, transferred or rotated from one position to another.

An employee may receive a pay adjustment based on degrees and/or certifications, time in the current position (longevity), cost of living, performance, or other job-related factors.

1. **Work Week/Work Schedule**

The workweek, for overtime purposes, begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

Normal business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Alternate schedules may be made to cover work requirements. Except in the case of an emergency, an alternate work schedule must be approved by the supervisor and the Mayor. Employees are expected to follow their assigned work schedule.

Except in the case of an emergency, prior approval by a supervisor or the Mayor is needed to start work earlier or to work later than normally scheduled.

Employee schedules may be changed by the City to meet the different needs of the department(s). Employees will be notified of any schedule changes as far in advance as reasonably possible.

1. **Overtime Pay and Compensatory Time**
2. **Required Overtime**

An employee may be required to work overtime by the supervisor or the Mayor. Employee(s) will be notified of any required overtime as far in advance as reasonably possible.

1. **Overtime Pay**

The City follows all federal and state laws regarding overtime.

A non-exempt employee that works over 40 hours in a work week is entitled to overtime pay. Overtime pay is calculated at one and a half times the regular hourly rate of pay.

For overtime purposes, time worked includes actual hours worked (including rest breaks). Paid leave (sick, vacation, administrative, compensatory time), holiday hours, and/or unpaid leave do not count as time worked for overtime purposes.

Exempt employees are not entitled to overtime pay.

1. **Compensation for an Emergency Extension of a Work Shift**

In the case of an emergency, employees are entitled to be paid at time and a half for all hours worked over their regularly scheduled shift.

For the purposes of this policy, an ‘emergency’ is any event designated as such by the Mayor.

*Example*: The employee is regularly scheduled to work a 10-hour day, Monday through Thursday. On Monday, the employee works 14 hours to repair a water line break. The employee will be paid 10 hours at straight time and 4 hours at time and a half.

1. **Compensatory Time**

A non-exempt employee that works over 40 hours in a work week may request compensatory time instead of overtime pay.

Compensatory time is calculated at one and a half times the number of hours worked over the 40-hour work week.

No employee may accumulate more than 24 hours of compensatory time. Once an employee reaches the maximum 24 hours, the compensatory time must either be used or cashed out. After 24 hours of compensatory time has accrued, overtime must be paid.

Use of compensatory time must be scheduled and approved by the employee’s supervisor and/or the Mayor in the same way as other leave requests.

On termination, or if an employee’s status changes from non-exempt to exempt, the employee is entitled to a cash payout for any unused compensatory time. The payout will be based on the employee’s salary at the time of the termination or status change.

Exempt employees are not entitled to compensatory time.

1. **Prior Approval for Overtime/Compensatory Time**

Except in an emergency, an employee must have prior approval from a supervisor or the Mayor before working overtime and/or compensatory time.

## **Meals and Breaks**

1. **Meal Breaks**

Employees must take an unpaid lunch/meal break of at least 30 minutes but not more than an hour. The length and time for the lunch/meal break should be agreed on by the employee and supervisor. A longer lunch break may be taken with the supervisor’s approval and should not interfere with the employee’s performance or needs of the City.

An employee may not use a lunch/meal break to arrive late or leave early unless given prior approval by the supervisor and/or Mayor. This exception does not mean a permanent schedule change.

1. **Rest Breaks**

Employees are allowed one 15-minute paid break for every 4 hours worked in a day.

An employee may combine the two rest breaks into a single 30-minute break with approval of the supervisor and/or the Mayor.

An employee taking a break should not interfere with other employees still working.

An employee may not use a rest break to arrive late or leave early unless given prior approval by the supervisor and/or Mayor. This exception does not mean a permanent schedule change.

## **Flexible Working Schedule**

An employee may be allowed to work a flexible schedule, outside of the normal business hours of 8:00 a.m. to 5:00 p.m. Flexible schedules may include, but are not limited to, adjusted beginning and/or ending times or a compressed work week. All flexible schedules must comply with federal and state wage and hour laws.

An employee requesting a flexible schedule must work with the supervisor and the Mayor to establish a schedule that works for the employee and the City. Supervisors will help develop, approve, and enforce a flexible work schedule. If the supervisor believes that a flexible work schedule will not or is not working for the department or meeting the needs of the City, the Mayor is not required to approve the new schedule or may cancel or change an existing schedule.

Flexible schedules are allowed at the sole discretion of the Mayor and any denials or changes cannot be appealed through the grievance procedure. If a flexible schedule is canceled or changed the employee will be given reasonable notice before the schedule change is effective.

An employee working a flexible schedule must follow the meal and break policies, regardless of the set schedules.

An employee working a flexible schedule must take into consideration and adjust for conferences, meetings, travel, vacations, holidays, Information Technology maintenance, special projects, and other situations as needed.

A flexible schedule must be cost neutral to the City and must contribute to customer service, productivity, and employee morale.

## **On-Call Time/Call Back Pay**

Employees are subject to call back in the event of emergencies or as needed by the City to provide necessary services to the public.

Except in an emergency, employees will not be asked to be on-call while on approved leave status (annual/vacation leave, sick leave, or compensatory time).

On-call/call back pay is paid as follows:

1. *Weekdays (Monday through Friday)*

Employees called back on a weekday will receive:

* Payment for the actual time worked during the call back, at the appropriate rate of pay, including overtime and/or compensatory time, if applicable.

1. *Weekends*

Employees on call on a weekend will receive:

* 2 hours of compensatory time off.
* If called in, the employee will be paid for the actual hours at the appropriate rate of pay, including overtime and/or compensatory time, if applicable.

1. *Holidays*

Employees on call on a holiday will receive:

* 2 hours of compensatory time off.
* If called in, the employee will be paid for the actual hours worked (See Section N.4, Working on a Holiday).

## **Payroll Deductions**

The City follows all federal and state laws regarding mandatory payroll deductions for employees.

With an employee’s written approval, the City may make payroll deductions for City approved voluntary (optional) benefits.

For more information about payroll deductions, ask the City Clerk.

## **Timesheets/Timecards and Pay Days**

1. **Pay Periods/Pay Days**

The City has two pay periods per month (semi-monthly). The pay periods are the 1st through the 15th and the 16th through the last working day of the month.

Employees will be paid on the 15th and on the last working day of the month.

If the normal payday falls on a Saturday or Sunday, payday will happen the Friday before.

Paychecks and/or direct deposit pay summaries will be distributed by the employee’s supervisor. If an employee wishes to have a paycheck released to another person, the employee must notify the City Clerk, in writing, before the scheduled payday.

1. **Timesheets/Timecards**

All employees are required to complete a timesheet and a timecard (using the time clock) for each pay period.

Timesheets/timecards must include the employee’s name, hours worked each day, overtime hours worked, compensatory time earned or used, and all other leave types used (paid or unpaid). Time worked is recorded in quarter hour (15 minute) increments.

Timesheets/timecards should be completed by each employee and submitted to the supervisor as requested, but no later than the last day of the pay period.

* If an employee is unable to submit their timesheet when requested, the employee may prepare it in advance or work with the supervisor to fill out a timesheet. An electronic signature may be used when necessary.

The employee must sign the timesheet/timecard, attesting that all time worked, and leave used, is accurately reported.

Any employee completing another employee’s timesheet, falsifying a timesheet, or clocking in for another employee may be subject to disciplinary action, up to and including termination.

1. **Timesheet/Timecard Approval**

The employee’s supervisor, or the Mayor, will review and approve the employee’s timesheet. An electronic signature may be used when necessary.

## **Pay Advances**

## 

The City does not allow payroll/salary advances.

## **Garnishments**

The City follows all federal and state laws regarding compliance with wage garnishment orders.

# BENEFITS PROGRAM

Employee benefits are provided to eligible employees based on the availability of funds.

The City’s benefit package may be changed at any time. All employees that are affected by a benefit change will receive a notice of the change(s).

A brief description of employee benefits follows. For more information about benefit program(s), ask the City Clerk.

## **Health Insurance**

Medical, dental, vision, orthodontic, and prescription benefits are available for City employees, retirees, and dependents. Plan details are provided in the most recent version of the Montana Municipal Interlocal Authority’s (MMIA) Plan Document/Summary Plan Description for the City of White Sulphur Springs.

In order to be eligible for coverage, an employee must be a regular, full-time employee and must complete a 90-day qualifying period. Enrollment forms should be completed on the first day of employment, or as soon as possible, usually during orientation. Insurance cards and insurance plan documents will be sent to the employee directly by the insurance provider.

An employee or retiree’s eligible dependent(s), defined in the MMIA Plan Document, may be enrolled for coverage. An employee or retiree’s domestic partner, and the domestic partner’s child(ren), may also be enrolled for coverage. The domestic partner, regardless of gender, must be named in an Affidavit of Domestic Partnership that meets the criteria established in the Affidavit and is approved by the City Clerk.

An employee is required to notify the City Clerk, in writing, of any changes in dependent status such as a separation or a dissolution of marriage or a termination of a domestic partnership. Failure to notify the City Clerk within 15 business days from the date of the change may result in disciplinary action.

An employee is required to notify the City Clerk, in writing, of any changes that would create a Special Enrollment period, for example:

* Getting Married
* Getting Legally Separated/Divorced – causing a loss of prior health insurance
* Registering/Dissolving a Domestic Partnership
* Birth of a child
* Adoption/Placement for Adoption of a child

The City Clerk must be notified within 15 working day of the day the change occurs. Failing to notify the City Clerk may result in disciplinary action.

Employees terminating employment, undergoing a layoff or a reduction in hours, or entering a leave without pay status should contact the City Clerk to learn about extending their health insurance coverage.

For more information about health insurance, ask the City Clerk, or go to <https://www.mmiaeb.net/forms/plandocuments/>.

## **Wellness Program**

A wellness program is offered through the contract with Montana Municipal Interlocal Authority.

Wellness benefits include, but are not limited to, telemedicine, wellness screenings, legal counselling, personal counselling, financial counselling, disease management, and maternity management.

For more information, go to <https://www.mmiaeb.net/wellness/>.

## **Disability Insurance**

Disability insurance is available to qualifying employees through Montana Public Employee Retirement Administration (MPERA).

For more information, go to [www.mpera.mt.gov](http://www.mpera.mt.gov).

## **Term Life / Accidental Death and Dismemberment (AD&D) Coverage**

The City provides a $50,000 Life/Accidental Death & Dismemberment (AD&D) policy to eligible employees.

An eligible employee may also purchase additional coverage and/or cover their family member(s) through payroll withholding.

For more information, go to <https://www.mmiaeb.net/forms/plandocuments/>.

## **Health Savings Account**

A health savings account (HSA), a tax-advantaged medical savings account, is available to employees who enroll in the City’s high-deductible health plan (HDHP).

## **Retirement**

Employee retirement plans are administered by the Montana Public Employee’s Retirement System (PERS).

For more information about the retirement plan or any supplemental retirement options, ask the City Clerk, or go to <http://mpera.mt.gov/MEMBERS/PERS>.

## **Social Security**

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The City follows all federal and state laws regarding withholding social security taxes.

## **Workers’ Compensation**

The City follows all federal and state laws regarding Workers’ Compensation.

## **Unemployment Insurance**

The City follows all federal and state laws regarding unemployment insurance coverage.

1. **Voluntary Withholdings**

Voluntary (optional) payroll deductions are available for employees who wish to purchase additional insurance or participate in other programs that are not paid by the City.

A list of voluntary payroll deductions is maintained by the City Clerk.

# HOLIDAYS

## **List of Holidays**

The City recognizes the same paid holidays as the State of Montana:

* New Year’s Day January 1
* Martin Luther King, Jr. Day January - 3rd Monday
* Presidents’ Day February - 3rd Monday
* Memorial Day May - Last Monday
* Independence Day July 4
* Labor Day September - 1st Monday
* Columbus Day October - 2nd Monday
* Election Day November - 1st Tuesday (In Even Years)
* Veterans Day November 11
* Thanksgiving Day November - 4th Thursday
* Christmas Day December 25

Holidays falling on a Saturday will be observed the Friday before the holiday. Holidays falling on a Sunday will be observed the Monday after the holiday.

## **Eligibility**

Full-time regular, seasonal, and temporary employees receive 8 hours of paid leave for each holiday. Part-time regular, seasonal, and temporary employees earn pro-rated holiday hours based on the part-time employee’s regular schedule at the time of the holiday. Short term workers do not receive pay for holidays.

1. *Holidays Observed on a Scheduled Workday*

The employee must be in a pay status (working or any paid leave type) on the regularly scheduled workday immediately before AND after the holiday.

* *Example*: The employee regularly works Monday through Friday. The observed holiday is on a Friday. The employee must be in paid status Thursday AND Monday to receive holiday pay. If Monday is the employee’s regularly scheduled day off, then the employee must work Thursday AND Tuesday to receive holiday pay.

1. *Holidays Observed on a Scheduled Day Off*

The employee must be in a pay status (working or any paid leave type) on the regularly scheduled workday immediately before OR after the holiday.

* *Example*: The employee regularly works Tuesday through Friday. The observed holiday is on a Monday. The employee must be in paid status Friday OR the next Tuesday to receive holiday pay.

The employee will be entitled to receive a day off, with pay, either on the day before the holiday or on another day following the holiday, in the same pay period, or as scheduled by the employee and the supervisor.

## **Holidays and Paid Leave**

If an employee is sick or is on an approved vacation on an observed holiday, the day will be recorded as a holiday rather than using vacation or sick leave.

## **Working on a Holiday**

Non-exempt employees required to work on a holiday will either:

1. Be paid:

* Regular holiday pay, paid at the employee’s regular pay rate *AND*
* Actual hours worked, paid at one and one-half times the employee’s regular pay rate.

1. OR

* Be paid for actual hours worked, paid at one and one-half times the employee’s regular pay rate *AND*
* Receive another day off within the same pay period, as agreed by the employee and the supervisor.

Exempt employees required to work on a holiday will be given another day off within the same pay period, as agreed on by the employee and supervisor.

# ANNUAL/VACATION LEAVE

1. **Eligibility for Paid Annual/Vacation Leave**

A 6-month qualifying period must be completed before any paid annual/vacation leave can be used.

1. *Full-time employees*

* Regular, temporary, and seasonal employees earn vacation leave from the first day of employment.
* Seasonal employees must report back to work immediately when operations resume in order to avoid losing any vacation leave accrued.

1. *Part-time employees*

* Regular, temporary, and seasonal employees earn vacation leave on a pro-rated basis.

1. *Not Eligible*

* Short term workers do not earn vacation leave.
* Employees in a leave without pay status do not earn vacation leave.

1. **Earning Annual/Vacation Leave**
2. Vacation leave is earned at the following rates:

|  |  |  |  |
| --- | --- | --- | --- |
| Years of Service: | Eligible employees working  40 hours per week earn: | | Eligible Employees working less  than 40 hours per week earn: |
| Days Per Year | Hours Per Year |
| 0 - 10 | 15 | 120 | .058 hours per hour in pay status |
| 10 – 15 | 18 | 144 | .069 hours per hour in pay status |
| 15 – 19 | 21 | 168 | .081 hours per hour in pay status |
| 20 and on | 24 | 192 | .092 hours per hour in pay status |

1. Vacation leave is credited at the end of the pay period.
2. “Accelerated” Annual/Vacation Leave for Prior Government or Military Service

An employee with prior employment with Montana state or local government, or that has military time that interrupted government service, can earn “accelerated” vacation leave.

An employee with prior government or military service is responsible for providing the documentation needed for verification. Once verification is received, the employee will earn vacation leave at the “accelerated” rate starting the next pay period.

Copies of the Prior Service Verification Form are available from the City Clerk.

Time spent as a student intern or a short-term employee does not apply toward “accelerated” leave.

1. **Requesting Annual/Vacation Leave**

Annual leave requests must be approved in advance by the employee’s supervisor and/or the Mayor. Annual leave will be approved, or denied, after considering the needs of the City, the needs of employee’s work unit, and the employee’s request.

If two employees request the same time period for vacation, the supervisor and/or the Mayor may consider who made the vacation request first, seniority, and/or an alternating holiday schedule when approving the leave request.

Once approved, a leave request may not be revoked unless the City determines that the employee’s presence is critical to accomplishing City work.

## **Maximum Annual/Vacation Leave Accruals**

1. Employees may carryover twice the number of vacation hours they earn each year.

* The City Clerk will review employee’s leave balances in December and will notify employees who have excess leave.
* Excess leave will not be forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess leave was accrued.
* For example, if the last day of the year is December 31, 2019 then 90 days is March 30, 2020.

1. The Mayor must give employees a reasonable opportunity to use excess vacation leave.

* By January 15, employees must submit a written plan to use excess vacation leave before it must be forfeited.
* If the Mayor denies the written request, the excess leave will not be forfeited. Instead the Mayor will make sure the employee uses the excess before the end of the calendar year, in which the leave would have been forfeited.
* For example, the written request to use excess leave earned in 2019 was submitted by January 15, 2020 and was denied. The employee now has until December 31, 2020 to use the excess leave before it is forfeited.

1. Because of the nature of the duties performed by the Public Works Division between January and March, they are not required to use their excess leave within 90 days of the beginning of the calendar year.

* Public Works employees will prepare and submit a plan for using the excess leave to the supervisor and/or Mayor. If the excess leave is not used by the end of the calendar year, it will be forfeited.
* For example, excess leave earned in 2019 does not have to be used by the end of March 2020. The Public Works employee has until December 31, 2020 to use the excess leave before it is forfeited.

1. **Annual/Vacation Leave Payouts and Position Transfers**

a. *Leave Payouts*

Leave payouts will be based on the employee’s salary at the time of the payout.

Upon termination, an employee is entitled to a cash payout for unused annual/vacation leave, unless:

* The employee was terminated for a reason reflecting discredit on him/herself.
* The employee has not met the 6-month waiting period; or
* The employee voluntarily donates all or part of the unused leave to be converted as a donation to a Sick Leave Fund.

1. *Leave/Position Transfers*

Unless there is a break in service, vacation leave balances transfer with an employee moving between divisions in the City.

# SICK LEAVE

* 1. **Purpose of Sick Leave**

Employees can use sick leave for personal illness or physical injury, illness or physical injury of an immediate family member, or a death in the family (see Section R.6, Bereavement Leave).

Sick leave applies to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employee’s presence due to an immediate family member’s illness or emergency.

* 1. **Eligibility for Paid Sick Leave**

A 90-day qualifying period must be completed before any earned sick leave can be used.

1. *Full-time employees*

* Regular, temporary, and seasonal employees earn sick leave from the first day of employment.
* Seasonal employees must report back to work immediately when operations resume in order to avoid losing any sick leave accrued.

1. *Part-time employees*

* Regular employees earn sick leave on a pro-rated basis.

1. *Not Eligible*

* Short term workers do not earn sick leave.
* Part-time temporary and seasonal workers do not earn sick leave.
* Employees in a leave without pay status do not earn sick leave.
  1. **Earning Sick Leave**

Eligible full-time employees earn sick leave at the rate of 1 day per month, 12 days per year.

Eligible part-time employees earn sick leave on a pro-rated basis, at a rate of 0.046125 hours for each hour in a pay status, excluding overtime.

Sick leave is credited at the end of each pay period.

* 1. **Requesting Sick Leave**

Sick leave requests for medical appointments should be made to the supervisor and/or the Mayor, with as much advance notice as possible.

Notification of an absence because of an illness will be given to the supervisor, by a phone call, before the start of the employee’s shift.

If the supervisor is not available, the supervisor’s designee and/or the Mayor should be notified. The supervisor, or designee, will notify the necessary staff of the employee’s absence. The supervisor is responsible for informing their employee(s) of the individuals designated to receive employee sick leave notifications.

The supervisor may grant permission for alternative notification methods to be used or may have additional requirements for notification.

If an employee fails to notify the City, the absence may be charged to leave without pay. If an employee is absent for more than 1 shift without properly notifying a supervisor, may receive disciplinary action, up to and including termination, unless the failure to notify the supervisor was due to circumstances beyond the control of the employee.

* 1. **Maximum Sick Leave Accruals**

There is no restriction on the number of sick leave hours employees may accrue.

* 1. **Use of Sick Leave**

Using sick leave is subject to the following conditions:

* Abuse of sick leave may result in disciplinary action, up to and including termination.
* Sick leave used may not exceed the amount of sick leave accrued by the employee.
* If an employee’s sick leave balance is exhausted, the employee may use accrued annual/vacation leave and/or accrued compensatory time.
* The City may not require an employee to use vacation leave or compensatory time instead of sick leave for illness unless the employee agrees.
* If the employee has no accrued leave left, they may use leave without pay (with the supervisor’s approval).
* Employee’s reporting in sick for more than 3 days may be asked to provide a doctor’s certificate by the supervisor and/or the Mayor.

The City may request that an employee be examined by a physician to ensure the employee can complete essential job functions. Requests of this type will be paid for by the City.

* 1. **Sick Leave Payouts and Position Transfers**

a. *Leave Payouts*

* Termination of Employment
* An employee terminating employment is entitled to a payout of 25% of the accrued sick leave, paid at the employee’s salary at the time of the payout.
* The employee must have worked the 90-day qualifying period.
* If terminated for sick leave abuse, the employee forfeits the sick leave payout.
* Accident at Work Death Benefit
* If an employee dies as a result of an on the job accident, the employee’s unused sick leave will be paid as a death benefit to the employee’s beneficiary or estate.
* The death benefit will be paid at 100% of the accumulated value of the unused sick leave benefits, paid at the employee’s salary at the time of death.
* For the purposes of this policy, “accident” means an unexpected traumatic incident or unusual strain that is identifiable by time and place of occurrence, caused by a specific event on a single day or during a single work shift. The term does not include an employee’s suicide.

1. *Leave/Position Transfers*

Unless there is a break in service, sick leave balances transfer with an employee moving between divisions in the City.

## **Sick Leave and/or Vacation Leave Donations**

An employee may donate sick leave or vacation leave to another employee who is ill. Hours are transferred on an hour-per-hour basis and are not based on either employee’s wages.

1. *Donating Employee*

* Must have completed the 90-day qualifying period to donate sick leave
* Must have completed the 6-month qualifying period to donate vacation leave
* Must make the transfer request in writing
* May not transfer more than 50% of either leave balance
* Forfeits all rights to the donated sick and/or vacation leave

1. *Recipient Employee*

* Must have completed the 90-day qualifying period to receive sick leave
* Must have completed the 6-month qualifying period to receive vacation leave
* Must have exhausted all accrued leave balances (sick, vacation, compensatory time)
* Transferred leave does not change employee’s employment status

Employees shall not be coerced, intimidated, or adversely persuaded to transfer accrued leave balances to the receiving employee. Doing so may result in disciplinary action, up to and including termination.

For more information, contact the City Clerk.

# FAMILY AND MEDICAL LEAVE ACT

The City follows all federal and state laws regarding the Family and Medical Leave Act (FMLA).

Because of the small number of City employees, no employee meets the FMLA eligibility requirements.

# OTHER FORMS OF LEAVE

## **Parental Leave**

Parental leave requests must be approved in advance by the employee’s supervisor and the Mayor.

An employee may take a reasonable unpaid leave of absence, not greater than 15 working days, following the birth or placement of a child in the home.

* This also applies to placement for adoption, fostering, or becoming a legal guardian.

An employee eligible for parental leave may use accrued sick leave, vacation leave, compensatory time, or leave without pay.

## **Paid Administrative Leave**

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The Mayor may require any employee to go on paid administrative leave, with or without notice. There is no time limit for paid administrative leave.

Reasons for paid administrative leave include, but are not limited to:

* To make inquiries into or investigate a work-related matter.
* To remove an employee from the workplace pending an investigation, a due process hearing, or other disciplinary decision.
* To protect the employee.
* To protect the public.
* To protect other City employees or property in the workplace.
* To further any other work-related or business-related purpose.
* To provide at least some income to an employee becomes ill, but who has not worked the qualifying period for paid sick leave.

An employee on paid administrative leave must remain available during normal business hours for call-back work or must have prior approval from the Mayor to be unavailable. If an employee is unavailable during paid administrative leave, the employee may be required to use accrued leave rather than receive administrative pay.

Paid administrative leave during an investigation shall be limited to the time needed to make inquires and/or investigate the matter, or to protect the employee, the public, or other employees or property.

Paid administrative leave is not a disciplinary action, nor is it a sign that the employee has been found guilty of any offenses warranting discipline.

## **Jury/Witness Duty Leave**

An employee who has received a summons or subpoena must notify the supervisor and/or Mayor as soon as possible so the workload can be covered. A copy of the summons or subpoena should be given to the supervisor when the leave is requested.

1. The City reserves the right to request that an employee called for jury duty be excused if their absence would create a hardship on the operational effectiveness of the City department in which the employee works.

An employee who is subpoenaed or summoned for jury and/or witness duty has two choices regarding pay and expenses:

1. Use accrued annual leave or compensatory time while on jury/witness duty leave.

* All fee payments for serving as a juror or witness are kept by the employee.

1. Receive regular pay and benefits while on approved jury/witness leave.

* All fee payments for serving as a juror or witness are signed over to the City.
* The employee must return to work for any regularly scheduled hours after being dismissed from jury and/or witness duty.

An employee is not required to turn any expense or mileage allowance paid by the court over to the city. The employee may keep any witness fees or court payments if the services are performed on the employee’s regularly scheduled day(s) off.

Benefits will continue to accrue while an employee is on jury/witness duty leave. Once released from jury/witness duty the employee is expected to contact the supervisor and to report to work as instructed.

An employee’s probationary period may be extended by the same number of days as the jury/witness leave if the jury/witness duty lasts longer than 15 working days.

## **Public Office Leave**

An employee elected or appointed to a public office in the city, county, or state, shall be granted an unpaid leave of absence, not more than 180 days per year, to perform public service.

An employee must return to work within 10 days following the end of the public service for which the public office leave was granted, unless they are unable to return to work because of a medically certified illness or injury.

When required by law, a City employee will be restored to their position, with the same seniority, status, compensation, hours, location, and benefits that existed before the employee took leave for public office.

## **Paid Military Leave**

Any City employee who is a member of the national guard of Montana or any other state, or who is a member of the organized or unorganized reserve corps military forces of the United States, and who has been a City employee for at least 6 months, will be given a leave of absence with pay, to perform military service.

Eligible employees may use up to 15 days of paid military leave in a calendar year to perform military service.

Unused military leave is carried over to the next calendar year, but the unused balance can never be greater than 30 days.

Military service includes both federally funded military duty and state military duty as defined by federal and state law.

A copy of the employee’s military orders must be submitted with the employee’s time sheet to receive military leave.

* Military leave must be indicated on the employee’s timesheet and must not be charged against the employee’s annual leave, sick leave, or compensatory time.

Other military leave will be provided in accordance with state and federal laws.

## **Bereavement Leave**

1. *Death in the Immediate Family* (see Appendix C: Definitions for the definition of immediate family)

* An employee is granted 3 days of paid bereavement leave that will not be charged to the employees accrued vacation leave, sick leave, or compensatory time.
* If additional time is needed for bereavement purposes, with supervisor approval, additional days may be taken using accrued vacation leave, sick leave, or compensatory time.

1. *Death outside of the Immediate Family*

* An employee is granted 1 day of paid bereavement leave that will not be charged to the employees accrued vacation leave, sick leave, or compensatory time.
* An explanation of the relationship between the employee and the other person may be needed before the City grants the paid leave.
* If additional time is needed for bereavement purposes, with supervisor approval, additional days may be taken using accrued vacation leave or compensatory time.

## **Maternity Leave**

The City follows all federal and state laws concerning maternity and/or pregnancy-related leave.

An employee will be not be terminated because of her pregnancy. An employee who is disabled as a result of her pregnancy will not be denied any compensation that she is entitled to as a result of leave benefits accruing.

* The City reserves the right to require a doctor’s certificate verifying that the employee is not able to perform her job duties.

The City will grant a reasonable unpaid leave of absence for a pregnancy and will not require a mandatory maternity leave period for an unreasonable length of time.

* The employee may use accrued sick leave, vacation leave, compensatory time, and leave without pay.

As soon as possible, an employee who desires to take maternity leave should notify the supervisor of the desire to take maternity leave, the expected due date, and the estimated length of the leave of absence as this leave request may affect other employee’s leave requests.

Upon signifying her intent to return to work at the end of a pregnancy-related leave of absence, an employee will be restored to her position, or to an equivalent position, with the same seniority, status, compensation, hours, location, fringe benefits and service credits that existed before the employee took maternity leave.

1. **Leave Without Pay**

Leave without pay is at the sole discretion of the Mayor and is not subject to the grievance procedure.

An employee requesting leave without pay may be required to use all accrued sick leave, annual leave, and/or compensatory time before a leave without pay request is approved. However, an employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees.

1. *General Use*

Leave without pay may be granted for any good cause if the reason does not violate any laws, regulations, or policies set forth in this handbook.

1. *Leave Hours*

Employees may be granted leave without pay for a specified time period, generally not to exceed 180 calendar days during their employment period.

1. *Leave Requests*

A written request for leave without pay should be submitted to the Mayor and should include the beginning and ending dates of the leave request and the reason for the requested leave.

Whenever possible, the employee should request leave without pay at least 30 days in advance so workloads/tasks can be covered.

1. *Conditions of Leave without Pay*

In general, leave without pay (LWOP) is subject to the following conditions:

* Not Allowed
* LWOP is not allowed to pursue other employment.
* LWOP is not allowed for employees under disciplinary action, such as disciplinary probation or suspension.
* Disciplinary Action
* An employee that provides a false or misleading reason for leave without pay may be subject to disciplinary action, up to and including termination.
* Loss of Benefits (During LWOP)
* During LWOP, the City will not pay for workers’ compensation or unemployment insurance.
* If an employee on LWOP works less than 160 hours in a calendar month, the employee will receive proportional service credits in the retirement system and the contributions made will be based on actual pay.
* The city will not pay for health insurance if the LWOP is greater than 80 hours. However, the employee may be able to continue health coverage by paying the City the monthly premiums.
* If the employee fails to continue coverage, insurance may be cancelled.
* If coverage is cancelled, the employee may be subject to policy restrictions when they return to work. Plan documents can be found at <https://www.mmiaeb.net/forms/plandocuments/>.
* Employees no longer earn/accrue vacation or sick leave.
* Employees do not receive holiday pay.
* Extended Qualifying and/or Probationary Periods
* Vacation and sick leave qualifying periods will be extended by the same number of days as the LWOP if the LWOP lasts longer than 15 working days.
* An employee’s probationary period will be extended by the same number of days as the LWOP if the LWOP lasts longer than 15 working days.
* Failure to Return to Work
* Failing to return to work on the next scheduled workday after an approved LWOP will be considered a voluntary resignation, unless an extension is granted, in advance, by the Mayor.

# WORK-RELATED TRAVEL

1. **Travel Approval**

All out of town travel must be approved in advance by the employee’s supervisor and the Mayor.

* This does not apply to travel required to check City facilities or property located outside of City limits as part of an employee’s normal job duties.

1. **Compensation/Expenses for Travel Purposes**

Employees travelling on business may be paid travel expenses, meals (per diem), mileage, and/or incidental expenses. The City establishes reimbursement rates.

Per Diem may be adjusted if meals are included in tuition, registration fees, hotel charges, or if only a fraction of the day is authorized for work-related travel.

Receipts must be included when requesting reimbursement for expenses. Misrepresenting expenses or receipts is unlawful and may result in disciplinary action, up to and including termination.

1. **Travel Advance Requests**

A travel expense advance may be requested and must be approved by the supervisor or the Mayor. The advance must be a reasonable request for meals, lodging, gasoline, public transportation, etc.

Registration fees and lodging expenses will be paid directly to the training agency or hotel in advance, whenever possible.

An itemized expense report, with receipts, must be submitted upon return from the travel. If the advance was greater than the receipted expenses, the employee must reimburse the City the difference. If the advance was smaller than the receipted expenses, the City must reimburse the employee the difference.

Misrepresenting expenses or receipts is unlawful and may result in disciplinary action, up to and including termination.

# USE OF CITY VEHICLES

1. **Use of City Vehicles When Traveling**

A City vehicle may be available to use when travelling. The only authorized passengers are other City employees or a person travelling with the employee as part of a work-related function.

An employee using their personal vehicle for out of town travel will receive a mileage reimbursement. An employee using their personal vehicle for City business may be required to provide proof of liability insurance coverage.

1. **Assigned Vehicles**

Designated positions may require use of a City vehicle on a take-home basis. City vehicles are to be used for business-related purposes only and, if possible, may need to be available and shared among employees when needed for business related travel.

A mileage and maintenance log is required for anyone using an assigned City vehicle.

1. **Requirements for Use of Vehicles**

Employees operating a City vehicle must provide proof of a valid driver’s license.

Employees operating a City vehicle must observe and obey traffic regulations and must exhibit extreme care using the vehicle. Seat belts are always required for anyone in a City vehicle.

City vehicles should be parked in authorized, unrestricted, spaces. When leaving the vehicle unattended, it should be secured by rolling up all windows and locking all doors.

Any vehicles used for travel should be returned cleaned (garbage removed, vacuumed, and washed, as needed) and with a full tank of gas.

Smoking and/or vaping is not allowed in City vehicles.

Any unsafe vehicle conditions or needed repairs must be reported immediately to the employee’s supervisor or the Mayor.

1. **Vehicle Accidents**
2. An employee involved in a motor vehicle accident while operating any vehicle on City business must notify their supervisor or the Mayor as soon as possible. Law enforcement must be contacted to complete an investigation of the accident. Employees must cooperate with and are permitted to discuss the incident with law enforcement, Emergency Services, the supervisor, the Mayor, and insurance adjusters.
3. In addition to completing the accident reports required by law, the employee must provide a written report of the accident to the supervisor and/or the Mayor.

* The report to the City should include the details leading to the accident and the accident itself.
* The employee may also be required to help complete insurance claim forms.

1. The Mayor will investigate facts and situations of the accident to determine if disciplinary action is necessary.

* If it is determined the employee was driving or operating machinery under the influence of alcohol or illegal drugs, or is issued a citation after the accident, the employee will be subject to disciplinary action, up to and including termination.

1. Post-Accident Drug Testing

* Employees may be required to complete post-accident drug testing.
* When necessary, supervisors are responsible for making sure post-accident testing is done in a timely manner and complies with all applicable laws, policies, rules, and regulations.

# SAFETY AND HEALTH

## **Objective and Responsibilities**

The City’s objective is to provide every City employee with a safe and healthy working environment. T

1. *City Responsibilities*

* Provide resources necessary for employees to follow the Montana Safety Culture Act and other safety regulations.
* Ensure employees have, and wear, appropriate safety clothing and use appropriate safety devices while performing their job duties.
* Correct safety hazards in the workplace.
* Provide necessary job safety training.

1. *Employee Responsibilities*

* Follow the City’s safety and health policies and directives.
* Report hazardous or unsafe working conditions to the supervisor and/or Mayor.
* On the same day of the incident, report all accidents, injuries/illnesses, near misses, and unsafe conditions.
* None of these reports will result in retaliation, penalty, or other deterrent; however, employees will be held responsible for not reporting such incidences.

## **Workplace Violence**

The City is committed to providing a friendly, courteous, and efficient work environment.

The City is also committed to maintaining a safe and healthy work environment where violence, by anyone, is not tolerated.

Human relationships are subject to conflict and some employees may be exposed to violence by the nature of their job duties.

Employee Responsibilities:

* Be courteous and respectful
* Notify their supervisor and/or Mayor if the employee anticipates an increasingly confrontational situation, so additional security can be arranged.
* If a situation starts politely, but turns hostile, the employee should:
* Try to de-escalate the situation.
* If de-escalation doesn’t work, withdraw from the situation.
* If the employee is in immediate danger and can do so, call 9-1-1.
* Report any threats or acts of violent to the supervisor and/or the Mayor.

The City will promptly and fully investigate any complaints of workplace violence. The City will take swift and appropriate action against anyone who engages in any threatening or intimidating conduct or acts of violence or who uses obscene, abusive, or threatening language or gestures.

The City will not retaliate against any employee making a good faith report of violence, threats, or suspicious individuals or activities.

Any employee found responsible for threats or of actual violence or any other conduct in violation of these guidelines will be subject to disciplinary action, up to and including termination.

1. **Intimate Partner/Family Violence**

An employee who has obtained, or is the subject of, a protective or restraining order that lists the workplace as a protected area should inform the supervisor and the Mayor as soon as possible. Any safety concerns should also be discussed.

The City will not retaliate against employees making a good faith report.

The City is committed to supporting victims of intimate partner/family violence by providing referrals to the employee assistance program (EAP) and community resources and considering requests for time off for reasons related to intimate partner/family violence.

An employee who is served with a protective or restraining order must immediately notify the Mayor and the employee’s supervisor and provide a copy of the order.

The employee’s duties will be reviewed to determine if any job duties would place the employee in a position to violate the order. Alternate arrangements for the performance of those job duties may be arranged.

The employee may be subject to disciplinary action only if the employee violates the terms of the order while conducting business on behalf of the City.

* Employees must notify the Mayor, in writing, within 5 calendar days, of a conviction for a violation, if the violation occurred in the workplace or resulting from the order while on City business.
* Failure to report the conviction may result in disciplinary action, up to and including termination.

1. **Breastfeeding in the Workplace**

The City recognizes the importance and benefits of breastfeeding, for both mothers and infants, and seeks to promote a family-friendly work environment.

The City supports and encourages breastfeeding and will help to accommodate the breastfeeding and/or expressing needs of employees by providing:

* A suitable space that includes privacy, lighting, and electricity.
* The private space doesn’t have to be fully enclosed or permanent, but it must be available during the time the employee needs the space.
* Toilet stalls and utility closets are not suitable spaces.
* A convenient place to store expressed milk.
* The employee is responsible for properly labelling and storing milk.

A woman may breastfeed her child any place open to the public or anywhere the mother is authorized to be. By law, breastfeeding cannot be considered a nuisance, indecent exposure, sexual conduct, or an obscenity.

The City will not discriminate against an employee that breastfeeds and/or expresses milk in the workplace.

For more information, or to arrange to breastfeed and/or express milk in the workplace, contact the City Clerk or the Mayor.

## **Health and Safety Committee**

The City follows the provisions of the Montana Safety Culture Act and will establish and maintain a Safety Committee.

Safety concerns must be reviewed by the Safety Committee before submitting a safety related grievance.

Employee recommendations to improve safety and health conditions will be given full consideration.

## **Smoking**

The City follows the provisions of the Montana Clean Indoor Air Act. This means that there is no smoking in any City buildings or in City vehicles.

For the purposes of this policy, “smoking” includes, but is not limited to:

* Regular cigarettes
* Cigars
* Pipes
* Other smoking devices
* Medical marijuana
* For a debilitating medical illness/condition provided for under Montana Code.

Employees may smoke during scheduled breaks or meal periods and must smoke in designated smoking areas outside of the buildings.

The City encourages its employees to not use tobacco products of any kind. Employees wishing to quit may get free help at Montana Quit Line at 1-800-QUIT-NOW (1-800-784- 8669) or <https://montana.quitlogix.org/>.

1. **Vaping**

Using vaping products, including e-cigarettes, in enclosed public spaces and workplaces is not allowed. There is no vaping allowed in any City buildings or in City vehicles.

Employees may vape during scheduled breaks or meal periods and must vape outside where the vapors will not affect non-vaping employees or the public.

1. **Use of Cell Phones while Driving**

The City advocates safe and responsible driving habits. This includes limiting distractions while driving.

The use of cell phones and other hand-held electronic devices is discouraged while driving. For the purposes of this policy, “handheld electronic devices” includes but is not limited to:

* Cell phones
* Computers
* Pagers
* Palm Pilots
* GPS Units
* Other Communication Devices

1. *Applicability and Exceptions*

This policy applies to all City employees. The only exception is an employee who needs to call 911 for emergency situations such as fire, traffic accidents, road hazards, or medical emergencies.

The call should only take as long as necessary to communicate the type of emergency, the location, etc.

1. *Employee Expectations*

While operating a vehicle on City business, employees must:

* Avoid using text messaging, e-mail, or similar electronic communication.
* Avoid using a cell phone, unless using a hands-free device.
* Pull over and park when using a cell phone, except in case of an emergency.

1. **Drugs and Alcohol**

The City is committed to providing a drug and alcohol-free workplace. The City will follow all federal and state laws to maintain a drug and alcohol-free workplace.

1. *Drug-Free Workplace Act of 1988*

* City employees are not allowed to illegally manufacture, distribute, dispense, possess, or use alcohol or a controlled substance in the workplace.
* Employees must notify the Mayor, in writing, within 5 calendar days, of a conviction under a criminal drug statute, if the violation occurred in the workplace.
* Failure to report the conviction may result in disciplinary action, up to and including termination.
* If the employee was working on a federal grant or contract:
* Within 10 days of being notified, The Mayor or City Clerk must notify the federal granting agency of the conviction.
* Within 10 days of being notified, the City will:
* Initiate disciplinary action, up to and including termination; and/or
* Require the employee to complete a drug abuse assistance or rehabilitation program approved by Federal, State, or local health, law enforcement, or another appropriate agency.

1. *General*

* The City will help any employee with a possible substance abuse problem in obtaining evaluations, treatment, and/or counselling.
* See Section M, Benefits Programs, for more information regarding available resources.
* Any workplace drug or alcohol testing program will comply with federal, state, and local laws.

For more information, contact the City Clerk or the Mayor.

## **On-the-Job Accidents/Injuries/Occupational Diseases**

Appropriate medical attention should be provided to an injured and/or exposed employee as soon as possible following an injury.

1. *Employee Reporting*

Under Montana law, employees have 2 reporting requirements:

* Notify the City of every on-the-job accident, injury and/or occupational disease (OD) within 30 days of the occurrence.
* Sign a First Report of Injury to claim Workers’ Compensation coverage.

1. *City Reporting*

Under Montana law, employers must complete a First Report of Injury within 6 days after notice of every on-the-job accident, injury, and/or occupational disease by a worker.

In order to meet these requirements:

* The immediate supervisor must report every on-the-job accident, injury, and/or occupational disease to the City Clerk by the end of their shift, or as soon as possible after being notified by the employee.
* The City Clerk must complete the First Report of Injury form, obtain the employee’s dated signature, and submit the First Report of Injury form to Workers’ Compensation.

The City will not retaliate against any employee making a good faith report of an occupational disease, injury or exposure.

## **Light Duty Policy**

The City believes employees are its most important asset. The City is committed to helping employees return to work as soon as possible after an injury or an illness.

There are many ways to implement a light duty policy that will meet the needs of both the City and the temporarily disabled employee.

If there are permanent restrictions, the City will follow all applicable state and federal laws.

Employees should give a copy of their job description to their medical provider when discussing a Return-to-Work plan so the medical provider can help design a temporary transitional work assignment to help the employee to return as soon as possible.

# ELECTRONIC AND INFORMATION TECHNOLOGY USE

City telephones (landline and cell phones), computers, and email are provided to help employees do their jobs.

Employees are not allowed to use City technology for personal reasons.

1. **Telephone Use**
2. *General Phone Use*

Excessive personal calls and/or texts during the workday can interfere with productivity and be distracting to others. Employees should restrict personal calls to scheduled breaks and/or meal periods. Employees should be courteous of co-workers and others in the work area during personal calls.

Cell phones need to be turned off, or set to silent/vibrate, during meetings, conferences or other locations where incoming calls may interrupt normal workflow.

1. *City Cell Phones*

Reserved for future use.

1. **Computer Use**

Employees are not allowed to download or install programs on City computers without prior authorization.

1. **Email**

Employees are responsible for the content and distribution of their messages. This includes ensuring that any messages are accurate, courteous, and do not violate privacy or confidentiality.

City resources may not be used to threated, stalk, or harass anyone at or outside of the workplace.

Email sent, received, created, or stored on the City’s computer system belong to the City and may be reviewed to ensure no policies are being violated.

Any violation of the email policies may result in disciplinary action, up to and including termination.

If any employee has a question about acceptable email content, they should ask their supervisor.

1. **Security**

The City owns the content of all files stored on its information technology systems as well as all messages transmitted using its systems and reserves the right to access the files and/or messages stored on the system. This includes all email messages.

The City also expressly reserves the right to monitor use of the internet by City employees.

City employees are not allowed to share work-related passwords with anyone who does not have a need to know.

# PERFORMANCE AND CONDUCT EXPECTATIONS

## **Employee Expectations**

City employees are expected to:

* Treat everyone with respect and dignity.
* Communicate effectively inside and outside the organization.
* Perform all job duties in a professional manner.
* Pay constant and consistent attention to job duties.
* Work in an efficient and productive manner
* Work as a team with other City employees
* Keep personal distractions and visitors to a minimum.
* Be aware of work locations where visitors are not allowed, either for safety or other reasons.
* Be respectful to co-workers and allow them to focus and their job duties.
* Respect privacy rights and keep all legally protected information confidential.

## **Non-Discrimination**

The City does not allow any conduct that constitutes discrimination and will discipline any employee that commits discriminatory acts. For purposes of this policy, harassment is included in the types of discriminatory conduct.

The City prohibits discrimination based on race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status.

* Discrimination is not allowed in any aspect of employment, the use of City facilities, and/or participation in City sponsored events.

It is the responsibility of each supervisor to support and encourage the City’s non- discrimination policies. Each supervisor must also be aware of, and take the appropriate steps to correct, any improper employee actions.

It is the responsibility of each employee to respect the rights of others, and to create an atmosphere free of harassing conduct.

The City will not retaliate against any employee making a good faith report of discrimination or harassment, or who participates in the investigation of a complaint or report.

* Discrimination or retaliation against an employee making a claim or cooperating in an investigation will not be tolerated and may result in disciplinary action, up to and including termination.

Appendix B contains the City’s non-discrimination policies and complaint procedure.

## **Outside Employment**

Employees may have outside employment, but employees are expected to treat their position with the City as their primary job. Outside employment may not conflict with the employee’s position with the City.

An employee who wishes to hold outside employment must have prior approval of the supervisor and the Mayor. The circumstances of the outside employment will be reviewed to make sure there is no conflict with the employee’s position with the City.

If an employee is unable to work because of an injury received on their second job and is receiving temporary total disability benefits from Workers’ Compensation, then the employee will not be allowed to claim sick leave from the City.

If the outside employment interferes with the employee’s ability to satisfactorily complete the employee’s job duties for the City, the employee may be subject to disciplinary action, up to and including termination.

1. **Employee Misconduct**

Employees are expected to perform their job duties in a satisfactory manner and to avoid engaging in misconduct.

Misconduct means, but is not limited to, any conduct on or off the job not in keeping with generally accepted professional and/or personal standards of conduct associated with employment, as well as other activities that might affect the confidence of the public, and serious violations of federal and/or state law.

1. **Attendance/Absenteeism**

Being on time and working assigned shifts is an essential task for every employee of the City and is needed to operate efficiently. Tardiness, unexcused and/or unauthorized absences are not allowed.

If an employee doesn’t know in advance that they will be absent, or unavoidably late, the employee should call their supervisor, or the supervisor’s designee before the start of the employee’s shift. The supervisor is responsible for informing their employee(s) of the individuals designated to receive employee notifications.

The supervisor may grant permission for alternative notification methods to be used or may have additional requirements for notification.

If the employee fails to notify the City, the absence may be charged to leave without pay.

Failure to notify the city of an absence, or a tardiness and/or absence that is found unreasonable, may result in disciplinary action, up to and including termination.

Absence for more than 1 shift without properly notifying a supervisor, may result in disciplinary action, up to and including termination, unless the failure to notify the supervisor was due to circumstances beyond the control of the employee.

* When an employee fails to report to work, the supervisor may try to call and/or

text the employee. If the employee doesn’t answer, the supervisor may try to contact the employee’s emergency contact and/or request a welfare check.

An employee with above average absenteeism may be required document the reasons for the absence, including a doctor’s certificate or other evidence and or verification requested.

Unreasonable and/or excessive absenteeism may result in disciplinary action, up to and including termination.

1. **Customer Relations**

To preserve and foster the public’s trust and confidence in the City, it is imperative that all employees act with complete honesty and fairness.

Employees are expected to be knowledgeable about their jobs and any laws or regulations that apply to their jobs. If an employee has any questions about their job, or the laws and regulations applying to their job, the employee should seek advice before acting.

City employees are expected to use good judgement and common sense in all their contact with other people. City employees should never make commitments or guarantees unless they can realistically be met.

Employees are expected to inform their supervisor of any problems, actual or potential, in any aspect of the City’s operations.

Employees are encouraged to bring suggestions to their supervisor or the Mayor for improvements to policies, procedures, and services that will contribute to customer satisfaction and enhance the services the City provides.

1. **Dress Code/Personal Appearance**

The City work environment is a casual atmosphere; however, employees must dress appropriately for their position, daily activities, and expected public contact.

Any part of an employee’s appearance (clothing, hair, or hygiene) that is deemed unprofessional or that may endanger the employee and/or the staff may be prohibited by the supervisor or the Mayor. The supervisor or the Mayor may order an employee to take unpaid time to go home and change if their clothing is not appropriate.

Employees attending business meetings or other related functions should dress professionally in business attire.

Employees may be issued clothing with a City logo, or other items that identify the employee as a City employee. These items should only be worn while conducting City business. The employees must remember that they are representing the City when they are wearing these items and must use common sense as to when, where, and under what circumstances these items should be worn when not on City business.

1. **Consensual Relationships/Dating**

The City strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity.

They City must address potential conflicts of interest and potential acts of discrimination in employment. These can happen any time one party in a personal relationship is able to affect the wages, hours, or working conditions of another party in the relationship.

To maintain a professional work environment and address any potential conflicts of interest:

* All consensual romantic relationships between City employees will be disclosed to the Mayor.
* The Mayor will assess the circumstances of each relationship and determine the appropriate steps to be taken, if any.

Failing to disclose the romantic relationship may result in disciplinary action.

1. **Loss of Drivers’ License**

Any employee who drives a City or personal vehicle for City related business must have a valid license.

Any employee whose driver’s license is suspended or revoked must report the suspension or revocation to their supervisor and the City Clerk as soon as possible.

An employee with a suspended or revoked driver’s license is not allowed to operate a City vehicle or any other vehicle for City related business.

1. **Reporting of Offenses**

Any employee charged with any of the following offenses, either on or off duty, must promptly report the charges to their supervisor and the Mayor as soon as possible.

1. *Driving/traffic offenses* (City or Personal Vehicle)

* Driving under the influence of alcohol and/or drugs, driving while impaired by alcohol and/or drugs, driving with excessive alcohol content, or driving with ability impaired.
* Speeding tickets
* Speed contest
* Reckless driving
* A traffic offense of driving while license is denied, suspended, or revoked.
* A traffic offense of eluding or attempting to elude a police officer
* A traffic offense of hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to or death of any person or damage to a vehicle.

1. *Other offenses*

* Any offense included in Montana Code Annotated, Title 45. Crimes
* Any non-traffic misdemeanor
* Any felony

The supervisor and the Mayor will review each reported charge and determine if there are any job-related impacts. The charges may result in disciplinary action, up to and including termination.

1. **Use of Tools and Equipment**

Improper or negligent use of City tools and/or equipment may result in disciplinary action, up to and including termination.

1. **Sales Calls and Fundraising Efforts**

The Mayor may allow sales calls from professional salespeople, if done in a fair and consistent manner.

An employee requesting a charitable contribution, or selling products, may visit with other employees before or after work, during lunch hour, or during breaks. Catalogs and/or order forms can be passed around for co-workers to order at their convenience.

Employees are not required to participate in a co-worker’s fundraising activities.

1. **Lawsuits Against the City of White Sulphur Springs**

If an employee is approached by a legal process server, the employee should refer the server to the Mayor or in the Mayor’s absence to the President of the City Council, or to the City’s legal counsel.

If any of the above authorities are not available and the employee is required to accept the served papers, it is the employee’s responsibility to locate one of the authorities and give them the information without opening or reading the documents.

Employees shall not discuss any aspect of any legal situation the City is subject to or involved in without consulting and receiving direction from the Mayor and the City’s legal counsel. This includes, but isn’t limited to, lawsuits or hearings.

All requests for a press release or a news quote shall be referred to the Mayor.

# DISCIPLINE AND DUE PROCESS

## **Applicability**

An employee may be subject to disciplinary action, up to and including termination, for a violation of the following:

* Federal, state, or local laws.
* City rules and/or regulations.
* City employee conduct and/or performance standards.
* City policies and/or procedures.

## **Employee Rights**

An employee who has received formal discipline and believes the discipline was too severe or was issued without good cause, may follow the grievance procedure outlined in Section Y, Grievances.

## **Reasons for Disciplinary Action**

The following list is an example of some of the types of offenses that could lead to disciplinary action, up to and including termination. This list is not in order of seriousness, and it does not include everything that may result in disciplinary action.

* Violations of the Code of Conduct
* Excessive absenteeism or tardiness
* Job abandonment
* Failure to maintain required licenses and/or certifications
* Failure to attend required training
* Poor job performance
* Abusive, threatening, or obscene language or conduct
* Fighting, “horseplay”, and other conduct that may be dangerous to others
* Filing false complaints
* Using, consuming, possessing, or distributing alcohol or controlled substances during working hours or while operating a City vehicle, or any other vehicle for City-related business
* Insubordination or refusing to comply with a directive or an assignment, unless the directive or assignment endangers the health and safety of the employee or others
* Sick leave abuse
* Incompetence, inattention to duties, or wastefulness when performing job duties
* Theft, destruction, loss or abuse of City property
* False statements and falsification of documents or data
* Unauthorized use, change, or destruction of City records, reports or other data or information belonging to City
* Violating job-related federal, state and/or local laws
* Harassment or discrimination
* Driving a City vehicle, or any other vehicle on City business, without a valid driver’s license
* Violation of any City rule, regulation, policy, procedure or directive
* Conduct or actions that bring discredit to the City
* Any other conduct on the job not in keeping with acceptable standards of conduct generally associated with employment

## **Progressive Discipline**

The City uses progressive discipline when dealing with employee performance and conduct issues. Progressive discipline is the process of taking increasingly serious disciplinary action against an employee when the employee fails to correct performance or conduct issue.

Progressive discipline ranges from informal discipline such as corrective counselling and verbal warnings to formal discipline such as written warnings, performance plans, and even termination. The level of the discipline varies depending on the seriousness of the employee’s offense, the employee’s overall work history, and the employee’s pattern of conduct.

Disciplinary steps may be skipped or repeated at the supervisor’s or Mayor’s discretion.

No formal disciplinary action will be taken without the Mayor’s approval.

The City may use the following disciplinary actions:

1. *Informal Discipline*

Informal disciplinary actions are used to address conduct and performance problems as soon as possible to give the employee time to correct them.

Corrective counselling and verbal warnings are used for informal discipline.

Informal discipline cannot go through the grievance procedure.

1. *Formal Discipline*

Formal discipline includes, but is not limited to:

* Written Warning
* Performance Improvement Plan
* Suspension without Pay
* Demotion – Loss of Duty
* Termination
* Termination is part of progressive discipline, but it may be the first step in response to more serious types of offenses, that include, but are not limited to:
* Endangering or threatening the health and safety of others.
* Using alcohol or illegal drugs on City property or while operating City equipment; or during working hours or reporting to work under the influence.
* Unauthorized absence from work, or failure to report to work, in excess of 3 consecutive working days.
* Brandishing a firearm or weapon on City property
* Serious or pervasive sexual harassment
* Theft
* Failure to maintain valid licenses and/or certifications required to perform job duties.

1. **Due Process**

Due process applies to employees who have completed the new hire probationary period.

1. *Notification*

* The employee will be notified, in writing, of any suspected violation(s) and the potential consequences of the violation(s).
* The employee will be given an opportunity to respond to the violation(s) in the notice before a demotion, suspension without pay, reduction of pay, or a termination is implemented.

1. *Investigation*

The Mayor may investigate any suspected violation(s), which may include interviewing employees and/or members of the public.

Employees who may be subject to a disciplinary action may request a witness of their choosing to be present at the interview.

* The witness is there to observe and will not be permitted to participate in the interview.

The supervisor and/or the Mayor may advise the employee of their Garrity Rights, as appropriate.

1. *Hearing*

Unless waived by the employee, a due process hearing with the Mayor will be held to give the employee an opportunity to give their explanation of the suspected violation(s) in the written notice.

* The hearing may also include other City representatives, such as the employee’s supervisor and the City attorney.
* The employee may have representation to provide advice and/or assistance.

The Mayor will make reasonable effort to set the due process hearing at a time that is convenient for the employee.

1. *Decision*

After the investigation and/or the due process hearing, the Mayor will decide on the disciplinary action to be taken, if any.

The employee will be notified, in writing, of the following:

* The disciplinary action being taken.
* The performance and/or conduct expectations.
* The consequences for failing to meet the expectations.

1. **Retention of Disciplinary Documents**

Disciplinary actions remain permanently in an employee’s personnel file.

Prior disciplinary actions may be considered for a period up to 2 years. After 2 years, the prior disciplinary action is unlikely to be considered, except to demonstrate an ongoing pattern of conduct.

# GRIEVANCES

1. **Applicability**

For the purposes of this policy, a grievance means a claim made by an employee that:

* A term and/or condition of employment is unjust or inappropriate.
* A City regulation, policy, or procedure has been incorrectly applied or applied in a way that violates the regulation, policy, or procedure.
* A formal disciplinary action is inappropriate.

1. **Rules of Grievance Processing**

Discrimination, retaliation, coercion, or restraint against an employee making an informal or formal grievance will not be tolerated.

The employee filing the grievance carries the responsibility of moving the grievance forward within the time period for each step, unless an extension has been granted, in writing, by mutual agreement.

* If the employee fails to comply with the established time limits, the grievance will be dismissed.

If a step in the following procedure is not applicable, that step may be bypassed, and the grievance can be submitted to the next step.

* For example, the supervisor is the person accused of violating the policy, or there isn’t a second level of supervision.

Each party in a grievance is responsible for making good faith efforts to resolve a grievance at its lowest possible level.

Grievances are confidential and are to be discussed only with individuals involved in the investigation or on a need to know basis.

Employees may invoke their right to privacy for any meeting conducted by elected City officials to discuss employee grievances.

* An employee invoking a right to privacy will make the request to the City Attorney for review.
* The City Attorney will review the request to determine if it is consistent with applicable laws and legal decisions.
* If the City Attorney determines the meeting may be closed, proper public notice will be given, and the minutes of the meeting will be kept confidential.

1. **Informal Resolution**

Most employee concerns can be resolved by discussing the problem with the supervisor. A formal grievance cannot be filed until the supervisor has been given an attempt at an informal resolution.

The discussion with the supervisor should occur within 5 working days of the date of the incident. During the discussion, the employee must tell the supervisor that it is an attempt at an informal resolution under the Grievance Procedure.

* The supervisor has 10 working days to respond, in writing, to an attempt at an informal resolution.

1. **Grievance Procedure – Employees Not Directly Supervised by The Mayor**

If an employee is not satisfied with the results of an informal resolution, a formal grievance may be filed.

The formal grievance procedure is:

1. *Step 1*

A Step 1 grievance must be filed with the Mayor within 10 working days of the date of the incident.

The formal grievance must be in writing and must include:

* The action being grieved.
* A description of the incident causing the grievance.
* The description must include the people involved, dates, times, and relevant facts.
* The policy(ies) the employee believes has been violated.
* The reason the employee thinks the grievance is needed.
* The action(s) the employee believes should be taken if the grievance is upheld.

The Mayor will investigate the grievance and will respond, in writing, within 10 working days of receiving the grievance.

1. *Step 2*

If the employee is not satisfied with the Step 1 response, a Step 2 grievance may be submitted.

A Step 2 grievance must be submitted to the Mayor or the City Clerk within 10 working days of receiving the Step 1 response. The Mayor or City Clerk will submit the grievance to the City Council for review.

The formal grievance must be in writing and must include:

* The action being grieved.
* A description of the incident causing the grievance.
* The description must include the people involved, dates, times, and relevant facts.
* The policy(ies) the employee believes has been violated.
* The reason the employee thinks the grievance is needed.
* The action(s) the employee believes should be taken if the grievance is upheld.
* The Step 1 written response.

If the City Council receives a Step 2 grievance, the Mayor will not participate in any discussion about the grievance.

The City Council will review the grievance.

* The City Council may accept any or all the Mayor’s recommendations, if any, to resolve the grievance.
* If the Mayor’s recommendation(s) is rejected the City Council will decide to whether to investigate the grievance or to refer it to an outside party for investigation.

The City Council or the outside party is responsible for conducting a timely investigation and preparing an Investigative Report containing the findings and any recommendation(s) for resolving the grievance.

The City Council may accept any or all the recommendations from the report or may formulate their own resolution.

The City Council will respond, in writing, within 10 working days of either;

* receiving the grievance, or
* receiving the Investigative Report, if applicable.

The City Council’s decision is final and ends the employee’s appeal process with the City.

1. **Grievance Procedure – Employees Directly Supervised by The Mayor**

If an employee is not satisfied with the results of an informal resolution, a formal grievance may be filed.

The formal grievance procedure is:

1. *Step 1*

A Step 1 grievance must be submitted to the City Clerk within 10 working days of the date of the incident. The City Clerk will forward the grievance to the City Council for review.

The formal grievance must be in writing and must include:

* The action being grieved.
* A description of the incident causing the grievance.
* The description must include the people involved, dates, times, and relevant facts.
* The policy(ies) the employee believes has been violated.
* The reason the employee thinks the grievance is needed.
* The action(s) the employee believes should be taken if the grievance is upheld.

If the City Council receives a grievance, the Mayor will not participate in any discussion about the grievance.

The City Council will review the grievance.

* The City Council may accept any or all the Mayor’s recommendations, if any, to resolve the grievance.
* If the Mayor’s recommendation(s) is rejected the City Council will decide to whether to investigate the grievance or to refer it to an outside party for investigation.

The City Council or the outside party is responsible for conducting a timely investigation and preparing an Investigative Report containing the findings and any recommendation(s) for resolving the grievance.

The City Council may accept any or all the recommendations from the report or may formulate their own resolution.

The City Council will respond, in writing, within 10 working days of either;

* receiving the grievance, or
* receiving the Investigative Report, if applicable.

The City Council’s decision is final and ends the employee’s appeal process with the City.

1. **Decisions Non-Binding and Do Not Set Precedent**

Individual grievance or case results are not binding and will not set a precedent for future grievances unless they are included or added to City policy(ies).

# EMPLOYEE FILES

1. **Supervisor Files**

Supervisors may maintain files that are used to document:

* Performance and conduct.
* Counselling and/or coaching.
* Verbal Warnings.
* Other disciplinary issues.

1. **Personnel Files**

Personnel files are maintained for each employee. The files contain, but aren’t limited to, the following:

* Information for the initial hire, promotions, and transfers
* License documentation
* Job-related outside employment documentation
* Training records
* Performance evaluations
* Disciplinary action documentation
* Resignation or Termination documentation
* Personnel action forms
* Other documents considered a normal part of a personnel record

Supervisors are responsible for forwarding any documentation to the Mayor and/or City Clerk that needs to be included in an employee’s personnel files.

Employees will be advised of any adverse information being placed in their personnel file.

Most of the documents in a personnel file become part of the employee’s record. Disciplinary documents are retained as described in Section X.6.

Information in personnel files is confidential and access to an employee’s personnel file is limited to individuals who have a legitimate need to know. Included in this category are the employee, the supervisor, the Mayor, the City Clerk, and others who have a legal right to access the information.

An employee’s position, job title, dates and length of employment, and salary are all public information and can be released when requested.

Employees can review their personnel file by making an appointment with the Mayor or the City Clerk. An employee can request a copy of any, or all, of the contents of their personnel file.

1. **Payroll Files**

The City Clerk maintains a payroll file for each employee. Payroll files may include:

* Information for the initial hire, promotions, and transfers
* Pay rates
* Timesheets
* Leave records
* Withholding forms
* Payroll deduction authorizations
* Insurance forms and beneficiary information
* Other documents considered a normal part of a payroll record

Parts of a payroll record are confidential. Access to the confidential information is limited to the employee, the supervisor, the Mayor, the City Clerk, and others who have a legal right to access the information.

1. **Miscellaneous Employee Files**

The City maintains the following miscellaneous employee files:

* Background check records
* These records are stored securely in a separate file from all other employee files.
* Employment verification (I-9) forms
* These records are stored securely in a separate file from all other employee files.
* Grievance records
* These records are stored securely in a separate file from all other employee files. In general, grievance documents are not put in a personnel file unless the employee agrees, in writing.
* Drug and Alcohol Test Records
* These records are maintained in compliance with state and Federal law and are stored securely in a separate file from all other employee files.
* Medical records
* These records are documentation of workers' compensa­tion injuries, physical examinations, and exposure reports as required under the City’s exposure control program, and other job-related medical information.

Access to the miscellaneous employee files is limited to those who have a legitimate need to know.

1. **Records Retention**

The City follows the guidance of the Montana Secretary of State, Local Government Records Retention Schedule.

# APPENDIX A: STANDARDS OF CONDUCT

## **Public Trust/Public Duty**

Holding public office is a public trust. City employees are expected to perform their job duties in a satisfactory manner and to avoid engaging in misconduct. The professional conduct of the City employees on and off the job must be compatible with the best interests of the City.

The Montana Constitution, Article XIII, Section 4 prohibits conflict between an employee’s private interest(s) and their public duty.

1. **Standards of Conduct**

The Standards of Conduct are found in Montana Code Annotated (MCA), Title 2, Chapter 2. Legislature may amend these rules, so it is important to review them occasionally.

Standards of Conduct for City employees can be grouped into six major categories: Gifts, Fiduciary, Self-dealing, Unwarranted Privileges, Use of Public Property for Private Purposes, and Anti-Retaliation.

A summary of the rules for each of these categories is provided below. See MCA, Title 2, Chapter 2 for more information.

1. **Gifts**

City employees are not allowed to accept substantial gifts or economic benefits.

Substantial gifts are usually valued at $50 or more. The MCA defines “economic benefit”, as “a loan at a rate of interest substantially lower than the commercial rate then currently prevalent or similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the service.”

According to MCA 2-2-102, the definition of a gift doesn’t include:

* A gift that is not used and is either returned to the donor within 30 days or is donated to a charitable organization.
* Food and beverages consumed while participating in a City-related charitable, civic, or community event that the employee is attending in an official capacity.
* Educational materials directly related to the employee’s job duties.
* An award presented publicly in recognition of public service.
* Educational activities that do not place or appear to place the employee under any obligation and are not lavish or extravagant.

Accepting a gift or economic benefit that is intended as a bribe, regardless of value, could result in criminal penalties.

Employees who need guidance on accepting gifts or economic benefits should contact the mayor. Employees violating this standard of conduct have breached their public duty. Self-disclosure is not a defense against the violation.

1. **Fiduciary**

City employees who disburse public funds may not pay an invoice, bill, or other evidence of debt against the City if the same debt has been purchased, sold, received or transferred in violation of any of the provisions in MCA, Title 2, Chapter 2.

1. **Self-Dealing**

City employees may not:

* Disclose or use confidential information learned during their work for personal economic interests.
* Act for themselves, or their business, during a sale or a purchase when the sale or purchase is being done by the employee in their official capacity.
* Perform any official act which directly or substantially harms a business when the employee has a substantial personal interest in a competing business.
* Assist a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the City.
* Assist a person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any other agency.
* Perform an official act which directly and substantially provides an economic benefit to a business in which the employee has a substantial financial interest, or for which the employee is engaged as a counsel, consultant, representative or agent. This does not stop the Mayor from performing an official act if:
* The participation is necessary to administer a statute; and
* The Mayor discloses the conflict the to Commissioner of Political Practices and for the record in the proceeding.
* Acquire any interest or any undertaking the employee has a reason to believe may be directly and substantially affected, to its economic benefit, by any actions taken by the City.
* Engage in a substantial financial transaction for the employee’s private business purposes with a person who the employee inspects or supervises in the course of the employee’s official job duties.

Employees violating this standard of conduct have breached their public duty. Self-disclosure is not a defense against the violation, except as noted.

1. **Unwarranted Privileges**

City employees may not:

* Engage in any activities, including lobbying, on behalf of any organization the employee may belong too, while the employee is performing their job duties.
* Participate in any proceedings before the City that is within the scope of the employee’s duties or attempt to influence a local, state, or federal proceeding in which the employee represents the City, when the employee is an officer or director of the organization involved.
* Within 12 months following a voluntary termination, obtain employment in which the employee will take direct advantage, unavailable to others, of matters with which the employee was directly involved during a term of employment.
* Such as helping to form applications, claims, or contested cases the employee was involved with.
* Contract or be employed within six months of termination, by someone who contracts with the City and is involved with matters the employee was directly involved with during employment with the City.
* This does not apply to:
* Former employees who were involuntarily terminated because of a reduction in force or other involuntary termination not involving violation of the provisions of MCA, Title 2, Chapter 2.
* Contracts awarded to the lowest bidder in a competitive bid process.
* Merchandise sold to the highest bidder at a public auction.
* Investments or deposits in financial institutions that are in the business of loaning or receiving money.
* A contract with an interested party, if, because of geographic restrictions the City could not otherwise reasonably afford the subject of the contract.
* Receive a salary from two separate public employment positions that overlap for the hours being compensated, unless:
* The employee reimburses the City for the salary paid for performing the job duties the employee was absent for.
* The employee’s salary from one employer is reduced by the amount of salary from the other public employer to avoid duplicate compensation for the overlapping hours.
* This policy does not stop a City employee from receiving income from the use of accrued leave during the period of overlapping employment.
* Any City employee receiving a salary from two separate public employment positions that overlap for the hours being compensated, will disclose the amounts received from the two separate public employment positions to the Commissioner of Political Practices.

1. **Use of Public Property for Private Business Purposes**

City employees may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds for private business purposes.

* This includes soliciting support, or opposition, for any political committee, soliciting support, or opposition, for the nomination or election of anyone to a public office, or soliciting support, or opposition, for the passage of a ballot, unless authorized by law or properly incidental to another activity required or authorized by lay. For any questions, see MCA, 2-2-121(3).

This rule does not restrict a City employee’s right to express their personal political views or comments to the City Council as a private citizen.

* The employee may not use City resources to do so.

City employees may be listed in the directory for Made in Montana products, if the products are made outside of working hours and the employee does not arrange for the listing during working hours.

1. **Anti-Retaliation**

It is illegal for City employees to retaliate against, or condone or threaten retaliation against, any individual(s) who in good faith, allege waste, fraud or abuse.

For purposes of this policy, “retaliate” means to take any of the following actions:

* Terminate employment
* Demote
* Deny overtime, benefits, or a promotion
* Discipline
* Decline to hire, or to rehire
* Threaten or intimidate
* Reassign to a position that will hurt future career prospects
* Reduce pay, work hours, or benefits
* Or take any other adverse personnel actions.

Employees who retaliate against any individual who, in good faith, alleges waste, fraud or abuse may be subject to civil action, and may be subject to disciplinary action, up to and including termination.

1. **Disclosure Requirements**:

By law, City employees must disclose the following:

* Employees may not solicit or accept employment, or engage in negotiations or meetings to consider employment, with any individual or organization they regulate in their official duties without first giving written notice to their supervisor and the Mayor.
* An employee who is a member of a quasi-judicial board, a commission, a board, or a committee with rulemaking authority who has a conflict of interest because of a personal or private interest must disclose the information to their superior and the Mayor before taking any action that may create the appearance of impropriety.
* Employees must disclose any private interests that may create a conflict before taking any action that may be considered a breach of public duty.
* This includes awarding any permits, contracts, or licenses.
* The disclosure must be in writing to the Commissioner of Political Practices and must list the amount of private interest (if any), the purpose and duration of the service provided (if any), and the compensation received for the services, as well as any other information to describe the interest.
* If the employee then performs an official act, the employee shall state the facts and the nature of the interest they had disclosed while completing the act.

1. **Enforcement of the Standards of Conduct**

City employees who become aware of violations of the Standards of Conduct will report their observations to the Mayor.

The Mayor will consult with the City Council and the allegation(s) may be referred to the County Attorney, per MCA 2-2-144.

**APPENDIX B: NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE**

1. **Equal Opportunity Policy**

The City is committed to equal opportunity, non-discrimination, and harassment prevention in all aspects of employment as well as programs, services, and activities offered to the public.

The City does not tolerate discrimination or harassment based on race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status.

This policy does not prevent decisions based on bona fide occupational qualifications or other recognized exceptions under law.

1. **Ensuring Equal Opportunity**

The City wants to promote a work and customer environment free from discrimination and harassment.

City Responsibilities:

* Base hiring decisions on job requirements, individual competencies, and qualifications.
* Promote and inclusive and diverse work environment.
* Recognize that differences are a key element of an organization’s and a team’s success.
* Treat all individuals with dignity and respect.

Supervisor Responsibilities:

* Must stop any employee that is acting in a discriminatory or harassing manner.
* Must report any discriminatory or harassing conduct to the Mayor.

1. **Disability Discrimination Policy**

The City is committed to eliminating discrimination against people with disabilities and to make reasonable accommodations for any known disability that may interfere with an applicant’s ability to complete the selection process, a qualified employee’s ability to perform the essential functions of a job, or a person’s ability to benefit from a City service, activity or event.

The City will not discriminate against anyone with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or any other terms, conditions, or privileges of employment.

1. **Employment Rights**

The Montana Human Rights Act and the Americans with Disabilities Act, as amended (ADA), prohibit discrimination in employment to an applicant or employee because of a physical or mental disability.

1. **Protection**

To be protected under the Montana Human Rights Act and/or the ADA, an applicant or an employee with a disability must:

* Have a physical or mental impairment that substantially limits one or more major life activities.
* Have a record of such an impairment
* Be regarded or perceived as having such an impairment.
* Be able to perform the essential functions of the position with or without a reasonable accommodation.

Qualified people with physical and/or mental disabilities:

* Will not be refused an application, interview, or employment because of their disability.
* Will not be terminated because of their disability.
* Have the right to a reasonable accommodation which would allow them to perform the essential functions of their position.

1. **Reasonable Accommodations**

A disabled person may need a reasonable accommodation in order to remain active in the workforce. With a reasonable accommodation, an employee with a disability can perform the essential functions of their job and can enjoy the same benefits and privileges of other employees.

Employees, or applicants, who believe they need a reasonable accommodation to perform the essential functions of the job should contact the City Clerk and request an accommodation.

* The City Clerk will investigate the request to identify the limitations and/or barriers the applicant or employee may have when performing essential functions of their job.
* The City Clerk will identify any possible accommodations that may help to get rid of the limitations and/or barriers.
* If the accommodation is reasonable and does not impose an undue hardship on the City and/or a direct threat to the health and/or safety of others, the City will make the accommodation.
* The City may propose alternative accommodation(s).
* The City isn’t required to provide the accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (For example: eyeglasses, hearing aids, wheelchairs, etc.).

1. **Workplace Harassment Policies**
2. **Sexual Harassment**

The Equal Employment Opportunity Commission defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can involve people of the same or the opposite sex.

Sexual harassment happens when the action is unwelcome and when:

* Submitting to such conduct is made, either explicitly or implicitly, a term or condition of employment.
* Submitting to, or rejecting, such conduct is used as a basis for employment decisions affecting that individual; or
* Such conduct has a purpose, or effect, of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

1. *Quid Pro Quo Sexual Harassment*

An individual, usually a supervisor, asks or hints, at sexual favors in exchange for employment benefits, such as:

* Keeping the employee’s job
* Raises
* Better office space
* Promotions

Another type of quid pro quo harassment deals with declining the supervisor’s advances, such as:

* Termination
* Demotion
* Less desirable work assignments

1. *Hostile Work Environment Sexual Harassment*

A situation where an individual(s) makes repeated and unwelcome sexual comments, advances, or other content that creates a hostile, intimidating, threatening, or offensive work environment that prevents the employee from doing their job.

Some examples are:

* discussing sexual activities
* telling sexually oriented jokes or stories
* unnecessary touching
* commenting on physical attributes.
* displaying sexually suggestive pictures
* using demeaning or inappropriate terms
* using indecent gestures
* using crude language
* sabotaging the victim's work
* engaging in hostile physical conduct

The City is responsible for the acts of its employees and non-employees when dealing with sexual harassment of employees in the workplace. Acts of sexual harassment can happen in person, or through different methods of communication, including social medial and email.

1. **Other Forms of Harassment**

Any conduct which is the same as, or similar to, the conduct described in the prior section, which is based on a protected class, is prohibited.

Protected classes include race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status.

1. **Actions to Take**

Employees have a right to a work environment free of any form of harassment. Any employee who believes they are being harassed should:

* If possible, promptly and firmly tell the offender that the conduct is unwelcome and that is must stop.
* Immediately contact the supervisor or the Mayor to notify them of the situation.
* If the employee needs to file a complaint, they may do so using following procedure.

1. **Workplace Discrimination/Harassment Complaint Procedure**

* An employee who believes that they have been subjected to workplace discrimination and/or harassment should immediately report the incident to their supervisor. If the supervisor is involved, the employee should report the incident to the Mayor.
* Any supervisor who receives a report of workplace discrimination and/or harassment shall immediately notify his/her immediate supervisor and the Mayor.
* After receiving a complaint of workplace discrimination and/or harassment, the Mayor will take the appropriate steps to prevent the conduct from continuation while completing an investigation.
* The steps taken will be decided by balancing the rights of the alleged victim, including the severity of the conduct, and the rights of the alleged harasser.
* The Mayor will investigate as soon as possible and make a factual report.
* The investigation will include interviewing people that have knowledge of the matter and reviewing any relevant documentation.
* After receiving the factual report, the Mayor will, in writing, inform the complainant and any other employees who are directly involved, and their supervisor(s), of the results of the investigation.
* The factual report used to make the decision will remain confidential, and will be given only to people who have a need or right to know which outweighs the privacy rights of the people involved.
* If the results of the investigation contain insufficient evidence of a policy violation, the Mayor will inform everyone involved that the matter is finished.
* If the results of the investigation show that a policy violation happened, the City will take appropriate disciplinary action, up to and including termination.
* Follow up review(s) will be conducted to make sure any harassment has stopped and that no one involved in the investigation has experienced any type of retaliation.
* If the Mayor is the alleged perpetrator in the workplace discrimination and/or harassment complaint the employee may make the report to any member of the City Council or the City Attorney.
* If a complaint is received against the Mayor, the Mayor will not participate in any City Council discussions about the complaint.

1. **Retaliation Prohibited**

An employee cannot be retaliated against for:

* Filing or responding to a bona fide complaint of discrimination or harassment.
* Appearing as a witness in the investigation of a complaint.
* Serving as an investigator.

Any retaliation should be immediately reported to the supervisor or the Mayor. Any reports of retaliation will be promptly and thoroughly investigated by an objective party.

Any employee who retaliates against another employee may be subject to disciplinary action, up to and including termination.

**APPENDIX C: DEFINITIONS**

**Absence** — The failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day.

**Affinity** — Related by marriage.

**Annual Leave** (See Vacation Leave) — Leave of absence, with pay, for rest, relaxation, or personal business at the request of the employee with the agreement of the employer.

**Break in Service** — A period of time, in excess of 5 working days, when the person is not employed, severing continuous employment.

**City** — Refers to the City of White Sulphur Springs, Montana.

**City Clerk** — Refers to the City Clerk, the City Clerk/Treasurer and/or the City Clerk’s designee.

**Compensatory Time** —Paid time off earned instead of overtime pay for hours worked over the over a regular 8-hour workday or a seasonal 10-hour workday. Compensatory time is earned at one and a half times the number of hours worked over the normal workday hours.

**Conduct** — The way a person behaves in a given situation.

**Conflict of Interest** — When a City employee’s personal or financial interest conflicts, or appears to conflict, with the employee’s official responsibilities.

**Consanguinity** — Being descended from the same ancestor; related by blood.

**Day or Days** — Refers to calendar days, unless otherwise specified.

**Discipline** — Correction, punishment or penalty.

**Discrimination** — Conduct that is based upon an race, color, religion, national origin, creed, sex, physical/mental disability, veteran/military status, genetic information, political beliefs, age, or marital status, that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment with the City of White Sulphur Springs.

**Exempt Employee** — An employment category that is not eligible for overtime pay.

**Full-Time Employee** — An employee who normally works 40 hours a week.

**Garrity Rights** — Protects public employees from being compelled to incriminate themselves during an investigation by the employer for a potentially criminal act.

**Good Cause** — Reasonable job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason(s).

**Grievance** — An injury, injustice or wrong which gives rise to a complaint because it is seen as unjust, discriminatory, or oppressive.

**Immediate Family** — The employee’s spouse, any member of the employee’s household, or any parent, child, grandparent, grandchild, or corresponding step or in-law.

**Independent Contractor** — Those who work on a contract for services basis and must complete work responsibilities or assignments and receive payment (compensation) as identified in a contract. Independent contractors are not City employees and receive no benefits from the City.

**Leave Without Pay** — Approved time off that is not covered by vacation leave, sick leave, or compensatory time.

**Mayor** — Refers to the Mayor or the Mayor’s designee.

**Nepotism** — The bestowal of political patronage by reason of relationship rather than merit.

**Non-Exempt Employee** — Employee who is entitled to receive overtime pay or compensatory time after the employee has worked the regularly scheduled 40 hours in a work week.

**Part-Time Employee** — An employee who normally works less than 40 hours a week.

**Performance** — Howa person performs a function, work task or job duty.

**Probationary Employee** — An employee who has not yet completed the probationary period

**Probationary Period** — A period is used to determine if a new employee has the skills needed to perform the job and that the employee can demonstrate appropriate work conduct.

**Qualifying Period** — The period an employee must work to receive sick leave or vacation leave benefits. The period must be worked on a continuous basis without a break in service. Qualifying periods must be repeated after any break in service.

1. The qualifying period for paid vacation leave is 6 calendar months.
2. The qualifying period for paid sick leave is 90 calendar days.

**Regular Employee** — An employee hired into a position designated as permanent**.**

**Remote Employee** — An employee who performs most of their work in a different location from where the City’s main operations happen. The employee may or may not be covered under the Fair Labor Standards Act (FLSA) and may have specific conditions of employment included in their employment agreements.

**Seasonal Employee** —A category of employees that perform duties interrupted by the season, and who may be recalled without the loss of rights or benefits they accrued during the previous season. Seasonal employees must immediate report back to work when operations resume in order to avoid a break in service.

**Short-term Worker** — A short-term worker is hired for an hourly wage for a period not to exceed 90 days within a 12-month period. Short-term workers are not eligible for employee benefits. Short-term workers are not eligible to become a regular employee and may not be hired without a competitive selection process.

**Sick Leave** (Per MCA, Title 2, Chapter 18) — Leave of absence, with pay, for:

1. A sickness suffered by the employee or a member of the employee’s immediate family; or
2. The time an employee is unable to perform their job duties because of:
3. A physical or mental illness, injury, or disability.
4. Maternity or pregnancy-related disability or treatment, including prenatal care, birth or medical care for the employee or the employee’s child.
5. Quarantine resulting from exposure to a contagious disease.
6. Examination or treatment by a licensed health care provider.
7. Short-term attendance to care for a relative or household member not covered by b (ii) above until other care can be reasonably obtained.
8. Necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act.
9. Death or funeral attendance of an immediate family member, or at the City’s discretion, another person.

**Supervisor** — An employee’s direct/immediate supervisor. This includes indirect supervisors higher in the chain of command, such as the Mayor.

**Temporary Employee** — Employee hired on a temporary basis for a defined time period, not to exceed 12 months, and who will be terminated at the end of the employment period. The employee may perform temporary job duties, or regular job duties on a temporary basis. A temporary employee is not eligible to become a regular employee and may not be hired without a competitive selection process.

**Vacation Leave** (See Annual Leave) — Leave of absence, with pay, for rest, relaxation, or personal business at the request of the employee with the agreement of the employer.

**Workplace Violence** — Any act or threat of physical violence, harassment, intimidation, or other threatening, disruptive conduct that occurs at the workplace.