WHITE SULPHUR’S LOGO HERE

EMPLOYEE HANDBOOK

DATE, 2020

# ACKNOWLEDGEMENT OF RECEIPT

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

**DATE**

I understand that 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 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:

**TABLE OF CONTENTS**

[ACKNOWLEDGEMENT OF RECEIPT i](#_Toc28805467)

[TABLE OF CONTENTS ii](#_Toc28805468)

[INTRODUCTION 6](#_Toc28805469)

[HISTORY 7](#_Toc28805470)

[CITY OF WHITE SULPHUR SPRINGS, MONTANA PERSONNEL POLICIES 8](#_Toc28805471)

[A. APPLICABILITY 8](#_Toc28805472)

[B. AFFECT ON PREVIOUS MANUALS/HANDBOOKS 8](#_Toc28805473)

[C. LINES OF REPORTING AND COMMUNICATION 8](#_Toc28805474)

[D. ORGANIZATIONAL STRUCTURE 8](#_Toc28805475)

[E. AUTHORITY FOR PERSONNEL ACTION 9](#_Toc28805476)

[F. JOB DESCRIPTIONS 9](#_Toc28805477)

[G. NON-DISCRIMINATION IN EMPLOYMENT 9](#_Toc28805478)

[**1.** **Equal Employment Opportunity** 9](#_Toc28805479)

[**2.** **Non-Discrimination Based on Disability** 10](#_Toc28805480)

[H. HIRING AND SELECTION OF EMPLOYEES 10](#_Toc28805481)

[**1.** **Policy Statement** 10](#_Toc28805482)

[**2.** **Authorization to Work** is this section needed? 10](#_Toc28805483)

[**3.** **Current employees** 10](#_Toc28805484)

[**4.** **Bondable positions** 10](#_Toc28805485)

[**5.** **Employment of Relatives (Nepotism)** 10](#_Toc28805486)

[**6.** **Re-Employment of Former Employees** 11](#_Toc28805487)

[**7.** **Remote Employment** 11](#_Toc28805488)

[**8.** **Selection Plan** 11](#_Toc28805489)

[**9.** **Hiring Preferences in Employment** 11](#_Toc28805490)

[**10.** **Job Offers** 12](#_Toc28805491)

[I. NEW EMPLOYEES 12](#_Toc28805492)

[**1.** **Probationary Periods** 12](#_Toc28805493)

[**2.** **Orientation** 13](#_Toc28805494)

[J. PROFESSIONAL DEVELOPMENT 13](#_Toc28805495)

[**1.** **Performance Management and Evaluations** 13](#_Toc28805496)

[**2.** **Education and Training** 14](#_Toc28805497)

[**3.** **Participation in Community Organizations** 14](#_Toc28805498)

[**4.** **Participation in Professional Organizations** 14](#_Toc28805499)

[**5.** **Licensing Fees** 15](#_Toc28805500)

[K. SEPARATION FROM EMPLOYMENT 15](#_Toc28805501)

[**1.** **Reasons for Separation** 15](#_Toc28805502)

[**2.** **Resignation/Retirement** 15](#_Toc28805503)

[**3.** **Discharge/Involuntary Termination** 15](#_Toc28805504)

[**4.** **Layoff/Reduction in Force** 16](#_Toc28805505)

[**5.** **Termination Pay** 16](#_Toc28805506)

[**6.** **Withholding of Final Pay** 16](#_Toc28805507)

[L. PAY PLAN AND PAY ADMINISTRATION 16](#_Toc28805508)

[**1.** **Establishing Pay and Benefits** 16](#_Toc28805509)

[**2.** **Factors Affecting Pay** 16](#_Toc28805510)

[**3.** **Work Week/Work Schedule** 17](#_Toc28805511)

[**4.** **Overtime Pay and Accrual of Compensatory Time** 17](#_Toc28805512)

[**5.** **Meals and Breaks** 18](#_Toc28805513)

[**6.** **Flexible Working Schedule** 19](#_Toc28805514)

[**7.** **On-Call Time/Call Back Pay** 19](#_Toc28805515)

[**8.** **Pay Administration –is this needed, it is kind of redundant see Section L/1** 20](#_Toc28805516)

[**9.** **Pay Adjustments** 20](#_Toc28805517)

[**10.** **Payroll Deductions** 20](#_Toc28805518)

[**11.** **Time Sheets/Pay Date** 20](#_Toc28805519)

[**12.** **Pay Advances** 21](#_Toc28805520)

[**13.** **Garnishments** 21](#_Toc28805521)

[M. BENEFITS PROGRAM 21](#_Toc28805522)

[**1.** **Health Insurance** 22](#_Toc28805523)

[**2.** **Wellness Program** 23](#_Toc28805524)

[**3.** **Disability Insurance** 23](#_Toc28805525)

[**4.** **Term Life / Accidental Death and Dismemberment (AD&D) Coverage** 23](#_Toc28805526)

[**5.** **Health Savings Account** 23](#_Toc28805527)

[**6.** **Retirement** 23](#_Toc28805528)

[**7.** **Social Security** 24](#_Toc28805529)

[**8.** **Workers’ Compensation** 24](#_Toc28805530)

[**9.** **Unemployment Insurance** 24](#_Toc28805531)

[**10.** **Voluntary Withholdings** 24](#_Toc28805532)

[N. HOLIDAYS 24](#_Toc28805533)

[**1.** **List of Holidays** 24](#_Toc28805534)

[**2.** **Eligibility** 24](#_Toc28805535)

[**3.** **Holidays During Scheduled Time Off** 25](#_Toc28805536)

[**4.** **Working on a Holiday** 25](#_Toc28805537)

[O. ANNUAL/VACATION LEAVE 25](#_Toc28805538)

[**2.** **Earning Annual/Vacation Leave** 26](#_Toc28805539)

[**3.** **Requesting Annual/Vacation Leave** 26](#_Toc28805540)

[**4.** **Maximum Annual/Vacation Leave Accruals** 27](#_Toc28805541)

[**5.** **Annual/Vacation Leave Payouts and Position Transfers** 27](#_Toc28805542)

[P. SICK LEAVE 28](#_Toc28805543)

[**1.** **Purpose of Sick Leave** 28](#_Toc28805544)

[**2.** **Eligibility for Paid Sick Leave** 28](#_Toc28805545)

[**3.** **Earning Sick Leave** 28](#_Toc28805546)

[**4.** **Requesting Sick Leave** 29](#_Toc28805547)

[**5.** **Maximum Sick Leave Accruals** 29](#_Toc28805548)

[**6.** **Use of Sick Leave** 29](#_Toc28805549)

[**7.** **Sick Leave Payouts and Position Transfers** 30](#_Toc28805550)

[**8.** **Sick Leave and/or Vacation Leave Donations** 30](#_Toc28805551)

[Q. FAMILY AND MEDICAL LEAVE ACT 31](#_Toc28805552)

[R. OTHER FORMS OF LEAVE 31](#_Toc28805553)

[**1.** **Parental Leave** 31](#_Toc28805554)

[**2.** **Paid Administrative Leave** 31](#_Toc28805555)

[**3.** **Jury/Witness Duty Leave** 32](#_Toc28805556)

[**4.** **Public Office Leave** 32](#_Toc28805557)

[**5.** **Military Leave** 33](#_Toc28805558)

[**6.** **Bereavement Leave** 33](#_Toc28805559)

[**7.** **Maternity Leave** 34](#_Toc28805560)

[**9.** **Leave Without Pay** 34](#_Toc28805561)

[S. WORK-RELATED TRAVEL 36](#_Toc28805562)

[**1.** **Travel Approval** 36](#_Toc28805563)

[**2.** **Compensation/Expenses for Travel Purposes** 36](#_Toc28805564)

[**3.** **Travel Advance Requests** 36](#_Toc28805565)

[T. USE OF CITY VEHICLES 37](#_Toc28805566)

[**1.** **Use of City Vehicles When Traveling** 37](#_Toc28805567)

[**2.** **Assigned Vehicles** 37](#_Toc28805568)

[**3.** **Requirements for Use of Vehicles** 37](#_Toc28805569)

[**4.** **Vehicle Accidents** 37](#_Toc28805570)

[U. SAFETY AND HEALTH 38](#_Toc28805571)

[**1.** **Objective and Responsibilities** 38](#_Toc28805572)

[**2.** **Workplace Violence** 39](#_Toc28805573)

[**3.** **Intimate Partner/Family Violence** 39](#_Toc28805574)

[**4.** **Breastfeeding in the Workplace** 40](#_Toc28805575)

[**5.** **Firearms** 40](#_Toc28805576)

[**6.** **Health and Safety Committee** 40](#_Toc28805577)

[**7.** **Smoking** 40](#_Toc28805578)

[**8.** **Vaping** 41](#_Toc28805579)

[**9.** **Use of Cell Phones while Driving** 41](#_Toc28805580)

[**10.** **Drugs and Alcohol** 42](#_Toc28805581)

[**11.** **On-the-Job Injuries/Exposures** 42](#_Toc28805582)

[**12.** **Return to Work** 43](#_Toc28805583)

[V. ELECTRONIC AND INFORMATION TECHNOLOGY USE 44](#_Toc28805584)

[**1.** **Telephone Use** 44](#_Toc28805585)

[**2.** **Computer Use** 44](#_Toc28805586)

[**3.** **Email** 45](#_Toc28805587)

[**4.** **Security** 45](#_Toc28805588)

[W. PERFORMANCE AND CONDUCT EXPECTATIONS 45](#_Toc28805589)

[**1.** **Employee Expectations** 45](#_Toc28805590)

[**2.** **Non-Discrimination** 46](#_Toc28805591)

[**3.** **Outside Employment** 46](#_Toc28805592)

[**5.** **Employee Misconduct** 47](#_Toc28805593)

[**6.** **Attendance/Absenteeism** 47](#_Toc28805594)

[**7.** **Customer Relations** 48](#_Toc28805595)

[**8.** **Dress Code/Personal Appearance** 48](#_Toc28805596)

[**9.** **Loss of Drivers’ License** 49](#_Toc28805597)

[**10.** **Reporting of Offenses** 49](#_Toc28805598)

[**11.** **Use of Tools and Equipment** 49](#_Toc28805599)

[**12.** **Sales Calls and Fundraising Efforts** 50](#_Toc28805600)

[**13.** **Lawsuits Against the City of White Sulphur Springs** 50](#_Toc28805601)

[X. DISCIPLINE AND DUE PROCESS 50](#_Toc28805602)

[**1.** **Applicability** 50](#_Toc28805603)

[**2.** **Employee Rights** 50](#_Toc28805604)

[**3.** **Reasons for Disciplinary Action** 50](#_Toc28805605)

[**4.** **Progressive Discipline** 51](#_Toc28805606)

[**5.** **Due Process** 52](#_Toc28805607)

[**6.** **Retention of Disciplinary Documents** 53](#_Toc28805608)

[Y. GRIEVANCES 54](#_Toc28805609)

[**1.** **Applicability** 54](#_Toc28805610)

[**2.** **Informal Resolution** 54](#_Toc28805611)

[**3.** **Rules of Grievance Processing** 54](#_Toc28805612)

[**4.** **Grievance Procedure – Employees Not Directly Supervised by The Mayor** 55](#_Toc28805613)

[**5.** **Grievance Procedure – Employees Directly Supervised by The Mayor** 56](#_Toc28805614)

[**6.** **Decisions Non-Binding and Do Not Set Precedent** 57](#_Toc28805615)

[Z. EMPLOYEE FILES 57](#_Toc28805616)

[**1.** **Supervisor Files** 57](#_Toc28805617)

[**2.** **Personnel Files** 57](#_Toc28805618)

[**3.** **Payroll Files** 58](#_Toc28805619)

[**4.** **Miscellaneous Employee Files** 58](#_Toc28805620)

[**5.** **Records Retention** 59](#_Toc28805621)

[APPENDIX A: STANDARDS OF CONDUCT 60](#_Toc28805622)

[**A.** **Public Trust/Public Duty** 60](#_Toc28805623)

[**B.** **Standards of Conduct** 60](#_Toc28805624)

[**C.** **Disclosure Requirements**: 63](#_Toc28805625)

[**D.** **Enforcement of the Standards of Conduct** 63](#_Toc28805626)

[APPENDIX B: NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE 65](#_Toc28805627)

[**A.** **Equal Opportunity Policy** 65](#_Toc28805628)

[**B.** **Disability Discrimination Policy** 65](#_Toc28805629)

[**C.** **Workplace Harassment Policies** 66](#_Toc28805630)

[**1.** **Sexual Harassment** 66](#_Toc28805631)

[**2.** **Other Forms of Harassment** 67](#_Toc28805632)

[**D.** **Actions to Take** 67](#_Toc28805633)

[**E.** **Workplace Discrimination/Harassment Complaint Procedure** 68](#_Toc28805634)

[**F.** **Retaliation Prohibited** 68](#_Toc28805635)

[APPENDIX C: DEFINITIONS 70](#_Toc28805636)

**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**

If there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City of White Sulphur Springs, the CBA shall take precedence. \*This was taken out, I realize there is no union, but wouldn’t it be better to leave it just in case, so you don’t have to add it back later?

Throughout this handbook:

* “The City” or “City” refers to the City of White Sulphur Springs, Montana. \*\*is this needed here if it is specified in the definitions?0
* “The Mayor” refers to the Mayor 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 provisions in this handbook apply to every city employee unless specifically stated otherwise.

1. **AFFECT 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 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 and long as all applicable laws are followed.

When necessary, 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 requirements for the position 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 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, disability, veteran/military status, genetic history, political beliefs, age, marital status, gender, gender identity, gender expression, or sexual orientation.

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 laws regarding 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 hire, appoint, assign, train, evaluate, promote and compensate employees on the basis of merit and qualifications without regard to race, color, religion, national origin, creed, disability, veteran/military status, genetic history, political beliefs, age, marital status, gender, gender identity, gender expression, or sexual orientation.

1. **Authorization to Work** is this section needed?

All United States employers are required to confirm that employees are legally able to work in the United States. When hired, an employee is required to show documents proving their employment eligibility when the Form I-9, Employment Eligibility Verification form is completed.

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 to or hired to a position where the employee will directly supervise, or be supervised, by a relative. No employee will sit on a hiring committee when an applicant is a relative or a household member.

A relative or household member of an employee may apply for a vacant position with the City if the vacant position does not involve any type of supervisory relationship. 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.

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, requiring 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.

If an injured employee is medically released to return to work within 2 years of the date of the injury, the employee must be given preference over other applicants for a comparable vacant position if the position is consistent with the employee’s physical condition, skills, and abilities. 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, following all Equal Employment Opportunity laws.

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 a time period during which a new or existing employee receives extra supervision and coaching, either to learn a new job or to turn around a performance problem.

During the probationary period, employment with the City of White Sulphur Springs is at-will and may be terminated with or without cause at any time by either the employee or by the City. Termination during a probationary period cannot be appealed using the formal grievance procedure.

The probationary periods for the City range from 30 days to one year. The length of the probationary period depends on the position. The length of the probationary period is included in the employment offer.

A probationary period may be extended in 90-day increments. An extension cannot be given past 90 days without approval from the City Council. 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 \*\*is this the same as code of conduct and expectations?
* Employee Handbook and signature of the Acknowledgement of Receipt
* Review of policies
* Non-discrimination and grievance policies
* Electronic, Information Technology, and Cell Phone policies
* General Safety
* Job abandonment

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

* Code of Conduct/Employee Expectations
* 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
* Who is responsible for performance planning, review and evaluation?
* When and to whom to report absence from work
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 are normally completed on an annual basis for each employee but may be completed as often as needed.

An employee in a probationary period should receive informal feedback regarding their performance during this period. A probationary employee may receive at least one formal evaluation by the employee’s supervisor, but an employee may be discharged during the probationary period even if a formal evaluation was not completed.

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.

## **Education and Training**

Training for employees is encouraged when that training improves employee 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, but is not limited to: 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 work loan, and to see if the budget would allow for the training. Some training may be delayed to a difference 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 positive exposure for the City.

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

With pre-approval from a supervisor and the Mayor, the employee may attend the above 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.

## **Participation in Professional Organizations**

Personal development through professional organizations is essential to keep up to date with changing laws, rules and legal opinions. 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 and positive image of the City.

Employees are encouraged to pursue job-related professional organization affiliations that will have a positive impact on City government an 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 pre-approval from a supervisor and the Mayor, the employee may attend the above 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/Involuntary Termination—an involuntary termination initiated by the City for cause.
* Layoff/Reduction in Force—an involuntary termination initiated by the City for non-disciplinary reasons.

## **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/Involuntary Termination**

 -- changed to 20 days to match mayor/council \*\* added this section back in, addressing 3 reasons in section 1 above, so thought all 3 reasons should be listed.

A regular, non-probationary employee terminated by the City will be provided with a letter giving the effective date of the termination and summarizing the reason(s) for termination. A copy of the City’s Grievance Procedure will be included with the letter of termination. The employee will have 20 working days to file a written grievance.

Probationary employees may be terminated for any reason that the City deems appropriate within the probationary period. Termination during a probationary period cannot be appealed using the formal grievance procedure.

Temporary, short term, or seasonal employees may be terminated for any reason that the City deems appropriate. Termination of temporary, short term, or seasonal employment cannot be appealed using the formal grievance procedure

## **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 the most current address and phone number to contact the employee in the event of a recall. If the City cannot contact them 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.

## **Termination Pay**

A terminated employee’s final paycheck will be issued within 15 calendar days from the termination date or the next scheduled payday, whichever date occurs first.

## **Withholding of Final Pay**

A terminated employee that has amounts owed to the City may have those amounts deducted from the final paycheck.

The City follows all federal and state laws when withholding any amounts owed to the City.

# 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**

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.

\*\* moved the other portion of pay adjustments to L9

1. **Work Week/Work Schedule**

The workweek 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 Accrual of 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 the regularly scheduled 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, paid rest breaks, and any holiday hours. Sick leave, vacation leave, compensatory time, and/or unpaid leave do not count as time worked.

Exempt employees are not entitled to overtime pay.

1. **Compensatory Time**

A non-exempt employee that works over the regularly scheduled 40 hours in a work week may request compensatory time instead of overtime pay. \*\*not sure if this needs to be noted, but this request is done when the employee is completing a timesheet\*\*

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

The maximum amount of compensatory time that can be accumulated is 24 hours. 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.

Upon 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. \*\*I removed consecutive. What about the employee who starts at 8 and has a scheduled lunch at 11:30? That would mean they weren’t entitled to a morning break. \*\*

An employee may combine the two rest breaks into a single 30-minute break with prior approval by 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 the flexible work schedule will not or is not working for the department or meeting the needs of the City, the Mayor will not 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 formal grievance procedure. If a flexible schedule is cancelled 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.

Employees will not be asked to be on-call while on approved leave status (annual/vacation leave, sick leave, or compensatory time).

Non-exempt employees will be paid the appropriate rate of pay for hours worked, including overtime pay or compensatory time, if applicable.

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

1. Weekdays (Monday through Friday)

Employees are paid for the actual time the call back takes. The employee makes the choice of overtime pay or compensatory time when the time sheet is submitted.

1. Weekends (Saturday and Sunday)

Employees receive a minimum of 2 hours of pay for each day of the weekend they are on-call. The employee makes the choice of overtime pay or compensatory time when the time sheet is submitted.

1. Holidays

Employees receive a minimum of 5 hours of pay for each paid and/or observed holiday they are on-call. The employee makes the choice of overtime pay or compensatory time when the time sheet is submitted.

1. **Pay Administration –is this needed, it is kind of redundant see Section L/1**

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

The Mayor or his/her designee is responsible for overseeing the implementation of the compensation and benefits packages adopted by the City Council.

## **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.

## **Payroll Deductions**

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

With written approval, the City may make payroll deductions for City approved voluntary benefits.

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

## **Time Sheets/Pay Date**

1. **Pay Periods and 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 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**

Timesheets 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.

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

Timesheets should be completed be 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 to be submitted. An electronic signature may be used when necessary. \*

This was removed – is it something that you want to remain?

The City may use time clocks to record employee hours worked. If this is the case, it may not be necessary to complete a written timesheet. Contact the City Clerk for more information.

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. **Time Sheet 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 benefit program(s) are provided to all eligible employees. In order to be eligible for coverage, an employee must be a regular, full-time employee and scheduled to 40 hours a week and must complete a 90-day qualifying period.

The City will pay a specified dollar amount into the benefit plan that the employee can use to pay for different plan options. The amount the City will pay, if any, is set annually by the Mayor and the City Council.

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).

For more information about benefit program(s), ask the City Clerk.

* 1. Continuing/Extending Health Benefits \*\*Moved from health ins./a since it addresses benefits, not just insurance\*\*

An employee retiring from the City may continue health insurance coverage by paying the health insurance premiums and other benefit costs.

An employee in a leave without pay status or undergoing a layoff or reduction in force may be able to extend health coverage and other benefits.

For more information about continuing health benefits, 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 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.

For more information about health insurance, ask to 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**

##

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**

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 hours of paid leave for each holiday on a pro-rated basis, based on the part-time employee’s schedule at the time of the holiday. Short term workers do not receive holiday pay.

If the holiday falls on a regularly scheduled workday, to receive holiday pay, an employee must be in a pay status (working or any paid leave type) on the regularly scheduled workday immediately before AND after the holiday.

If the holiday falls on a regularly scheduled day off, to receive holiday pay, an employee must be in a pay status (working or any paid leave type) on the regularly scheduled workday immediately before OR after the holiday. \*\*is this right, shouldn’t this also be AND? Doesn’t really make sense to have 2 treatments.

*Example 1*: Employee works Monday through Friday and Friday is the Holiday. 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.

*Example 2*: Employee works Tuesday through Friday and the next Monday is the Holiday. Employee must be in paid status Friday OR the next Tuesday to receive holiday pay. \*\*is this right, shouldn’t this also be AND? Doesn’t really make sense to have 2 treatments.

## **Holidays During Scheduled Time Off**

If one or more holidays fall during an employee’s vacation, the employee will receive credit for the holiday, either by normal payment for the holiday or through a credit to the employee’s vacation leave balance.

If a holiday falls on an employee’s regularly scheduled day off, the employee will be given another day off within the same pay period, as agreed on by the employee and supervisor.

## **Working on a Holiday**

 \*\*changed original B as it was a repeat of 2nd paragraph in section above.

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

1. Be paid:
* Regular holiday pay, paid at the employee’s regular pay rate *AND*
* Hours worked, paid at one and one-half times the employee’s regular pay rate.
1. OR have 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**

\*\*I added annual back to these because in some areas it is referred to as annual leave and some as vacation leave\*\*

A 6-month 0qualifying period must be completed before any earned annual/vacation leave can be used.

1. Full-time employees
* Each regular, temporary, and seasonal employee earns vacation leave from the first day of employment.
* Seasonal employees must report back to work immediately when operations resume in order to avoid a break in service.
1. Part-time employees
* Each regular, temporary, and seasonal employee earns 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 working40 hours per week earn: |  Eligible Employees working lessthan 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. “Accelerated” Annual/Vacation Leave for Prior Government or Military Service

An employee with prior employment with 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 Annual Leave 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 accrue 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.
* If the leave is not forfeited, the Mayor and the employee will work together to find a way for the excess leave to be used before the end of the calendar year.
* 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**

\*\*Current policy says terminated for ANY reason gets the pay after 6-month period. \*\*

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 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.
* The employee has amounts owed to the City.
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**

 \*\*is this section needed with the expansion of the sick leave definition in Appendix C?

Sick leave can be used for illness or injury suffered by an employee, illness or injury of an immediate family member, or a death in the family (see Bereavement Leave in Section R, #6)

Sick leave applies to sickness, accidents, medical, dental, or eye examinations or treatment, maternity/paternity leave, and immediate family member’s illness or emergency. Sick leave may be used for the care of other family member or person during an illness or injury at the City’s discretion.

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

 \*\*changed the formatting on this to mimic what was done on Annual Leave to be consistent.

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

1. Full-time employees
* Each regular, temporary, and seasonal employee earns vacation leave from the first day of employment.
* Seasonal employees must report back to work immediately when operations resume in order to avoid a break in service.
1. Part-time employees
* Each regular, temporary, and seasonal employee earns 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 Sick Leave**

Eligible full-time employees earn sick leave at the rate of 8 hours (1 day) per month. Eligible employees cannot earn more than 96 hours (12 days) per year. \*do we need the wording for not earning more hours per year, if you say it can only be 8 hours a month, then the 12 days a year is kind of a given? \*

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. \*\*do we need to say when sick leave is credited, I don’t think we say for annual leave and it should be consistent.

* 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, this 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. \*\*changed this to disciplinary action, because there may be instances where you want to give a warning and not go straight for termination, the other wording seemed to require an all or nothing approach\*\*

* 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:

1. Abuse of sick leave may result in disciplinary action, up to and including termination.
2. 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.
* If the employee has no accrued leave left, they may use leave without pay (with the supervisor’s approval)
* The City may not require an employee to use vacation leave or compensatory time instead of sick leave for illness unless the employee agrees.
1. Employee’s reporting in sick for more than 3 consecutive days may be asked to provide a doctor’s certificate by the supervisor and/or the Mayor. \*\*the last manual had 3 days, I added that back, the way it read is the supervisor could ask for it if gone even a day and most people don’t go to the doctor if they are sick a day\*\*

Following an extended illness or an injury, the City may request that an employee be examined by a physician to ensure the employee can complete the necessary functions of the position. Requests of this type will be paid for by the City.

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

a. Leave Payouts

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

* Termination of Employment
* An employee terminating employment is entitled to a cash payout of 25% of the accrued sick leave.
* 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. \*\*is this piece needed since all pay and leave payouts would go to the beneficiary or the estate? \*\*
* The beneficiary or estate is entitled to a cash payout of 100% of the accrued sick leave.
* 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 includes 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**

#

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, the following:

* To allow payment to an employee who has not worked the qualifying period for sick leave and becomes ill.
* To make inquiries into or investigate a work-related matter.
* To remove an employee from the workplace pending 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.

An employee on paid administrative leave must remain available during normal business hours for call-back work or must have 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 need 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**

Regular full-time or regular part-time employees who receive a legal summons or a subpoena to serve as a juror or as a witness are allowed authorized leave with pay. \*\*this wording matches the MT State HR policy, except their policy says regular, seasonal, and temporary\*\*

An employee who has received a summons or subpoena must notify the supervisor and/or Mayor as soon as possible to arrange to cover the workload. 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 the employee works in.

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 fees and allowances paid for service as a juror or witness are kept by the employee.
1. Receive regular pay and benefits while on approved jury/witness leave.
* All fees and allowances paid for service as a juror or witness are signed over to the City.

 Actual expenses or mileage allowances do not have to be signed over to the City. If the jury/witness duty was performed on a regularly scheduled day off, then the employee does not have to sign over any fees or allowances to the City.

 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**

The City follows all federal and state laws regarding public office leave, including the Hatch Act, (5 U.S.C. 7321 through 7326, as amended). \*\*is it necessary to specify laws and Acts? \*\*

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, while they are performing 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.

An 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.

## **Military Leave**

 The City follows all federal and state laws concerning military leave for members of an organized (Montana Army or Air National Guard) or unorganized (Armed Forces Reserves) military force performing military service. \*\*some of that wording is from the State HR manual\*\*

When an employee requests military leave, a copy of the orders directing an employee to report for duty should be given to the supervisor.

1. Eligibility
* An employee must have passed the 6-month qualifying period to be eligible for paid leave military leave, otherwise the employee must use unpaid leave.
* Paid military leave is to be used for military service, including, but not limited to:
* Attending regular encampments
* Training cruises
* Other training programs
1. Leave Accrual
* Full-time employees earn 120 hours per calendar year
* Part-time employees earn hours on a pro-rated basis
* Unused leave can be carried over to the next year
* Accrued military leave cannot be greater than 240 hours
* Any hours over 240 will be forfeited
* Employees cannot earn paid military leave when in a leave without pay status (unless the leave without pay is for military service)
* There is no cash payout for unused military leave when employment is ended.

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 expected due date and the estimated length of the leave of absence as this leave request may affect other employee’s leave requests.

An employee will be restored to their position, with the same seniority, status, compensation, hours, location, and benefits 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. \*\*prior policy had up to and including, it was changed below to immediate termination, changed it back so there is leeway on either side…may want to give a warning rather than firing\*\*
* Loss of Benefits
* During LWOP, the City will not pay for workers’ compensation or unemployment insurance.
* If an employee has two consecutive pay periods with less than 80 hours because of LWP, the City will not contribute to PERS. In addition, service time worked stops accruing.
* 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 vacation or sick leave and do not receive holiday pay. \*\*should we include not use sick or vacation, because we say above, they must use their sick or vacation before being able to take LWOP? \*\*
* 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 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.

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. 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.

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

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 a 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 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 in a City vehicle 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 need 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, 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. The City strives to set expectations for continual improvement as a safe Montana business.

1. City Responsibilities:
* Provide resources necessary for employees to follow the Montana Safety Culture Act and other safety regulations related to our work.
* 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.

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

Management will promote and influence safe behavior through both positive reinforcement of correct and safe work practices and disciplinary action for employees who willfully or repeatedly work in an unsafe manner.

## **Workplace Violence**

 \*\*This section is extremely condensed compared to the version in place now. Not sure what, if anything, you would want to add back\*\*

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 supervisor and/or Mayor if the employee anticipates an increasingly confrontational situation, so additional security can be arranged.
* If a situation starts a politely, but then 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 behavior 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. \*\*the current policy says providing time off for reasons related to intimate partner/family violence. Not sure if you want to keep –considering- as all time off requests are considered, that doesn’t seem really committed to support…\*\*

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. \*\*may need to add running water so the mother can wash hands and pump parts? \*\*
* 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.

1. **Firearms**

Employees are not allowed to bring firearms or other weapons (pepper spray, stun guns, batons, bows, etc.) to work.

Employees are not allowed to carry firearms or weapons in City vehicles or in their personal vehicle while conducting City business.

While on City property, all firearms in personal vehicles must be locked and unloaded. \*\*does this mean the weapon unloaded and the vehicle locked or does it mean the weapon unloaded with a trigger lock?, also, the prior policy says employees shouldn’t bring personal firearms or weapons onto City property, why would that now change to be allowed?\*\*

## **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.

## **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. \*\*changed from operating a motor vehicle to driving to keep it consistent throughout\*\*

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:

* Mobile phones
* Computers
* On-line e-mail \*\*is this a thing? This is more an app on a pc or smart phone? \*\*
* Pagers
* Palm Pilots
* PDAs (Personal Digital Assistant)
* 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

The City wants to foster a safe driving environment and wants to protect the safety and welfare of everyone who could be jeopardized by districted driving.

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, sell, dispense, possess, or use alcohol or a controlled substance in the workplace or while conducting City business.
* Employees must notify the Mayor, in writing, of any drug statute conviction for a violation that 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.
	+ - * The program must be 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 Injuries/Exposures**

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

1. Employee Reporting
* Employees must report any injury or exposure received on the job to the immediate supervisor by the end of their shift, or as soon as reasonably possible.
* Injuries/and or exposures must be reported within 24 hours.
* Reporting an injury should never be delayed longer than 30 days after the injury and/or exposure.
* The employee must complete an accident report and any other documentation as soon as possible following the injury and/or exposure.
* Employees must report an occupational disease to their immediate supervisor within 5 days of when the employee becomes aware of the presence of the occupational disease.
* Reporting an occupational disease should never be delayed longer than 30 days after the injury and/or exposure.
1. City Reporting
* Immediate Supervisor
* The injury and/or exposure must be reported to the City Clerk as soon as possible after being notified by the employee.
* The report to the City Clerk should never be delayed longer than 30 days after the notification by the employee.
* An occupational disease must be reported to the City Clerk as soon as possible after being notified by the employee.
* The report to the City Clerk should never be delayed longer than 30 days after the notification by the employee.
* City Clerk
* The first report of an injury and/or exposure must be completed as soon as possible after being notified of the injury, exposure, and or death of a City employee.
* The first report should never be delayed longer than 30 days after the notification by the employee.
* The first report of an occupational disease must be completed as soon as possible after being notified of the occupational disease by a City employee.
* The first report should never be delayed longer than 30 days after the notification by the employee.

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

## **Return to Work**

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 Return-to-Work policy that will meet the needs of both the City and the employee.

Some examples include, but are not limited to:

* Modifying the employee’s existing position.
* Modifying the employee’s work schedule.
* Creating a position to accommodate temporary physical restrictions identified by the medical provider.
* If there are permanent restrictions, the City will follow state and federal law and the provisions of the Americans with Disabilities Act.

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

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

Employees are expected to exercise the same discretion when using personal cell phones as they are when using company phones.

Excessive personal call and/or texts during the workday can interfere with productivity and be distracting to others. Employees should try to restrict personal calls to schedule 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 my interrupt normal workflow.

1. City Issued Cell Phones

Designated positions may be issued a cell phone by the City.

City issued cell phones are for business use only.

* If the City cell phone is used for personal business, the personal usage should be reported to the City Clerk.
* This does not include responding to unsolicited calls or texts.

Employees are expected to make every effort not to exceed the allowed minutes and/or data allowed by the contract.

* City cell phones bills will be reviewed.
* The employee may be asked to reimburse the City for any charges above the regular plan costs.
* Any personal (non-work) charges above the regular plan costs may be subject to disciplinary action, up to and including termination.

The City will not be responsible for any damage to a personal cell phone while conducting City business if the employee has been issued a City cell phone.

1. **Computer Use**

The City’s computers and internet access are tools provided to help employees do their jobs. They should be used for activities that fall within the employee’s job duties.

Occasional personal use of the City’s computers is allowed. Personal use that is considered excessive, inappropriate, or illegal may result in disciplinary action, up to and including termination.

1. **Email**

Occasional personal use of the City’s email system is allowed, however, excessive time spent sending or receiving personal email is not allowed.

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.

Email messages may be accessed and/or monitored in the normal course of business by system administrators, supervisors, and support staff.

The City 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 behavior.

The City prohibits discrimination based on race, color, religion, national origin, creed, disability, veteran/military status, genetic history, political beliefs, age, marital status, gender, gender identity, gender expression, or sexual orientation.

* This 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 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 their position with the City is their primary job. Outside employment should not conflict with the employee’s position with the City.

An employee who wishes to have 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.

An employee will not be paid for absences from work when the absence is the result of an injury while going to, returning from, while working the second job. \*\*is this OK, if the employee has sick leave, vacation, or comp time, can you stop them from taking it even if the injury/illness happened because of the second position? \*\*

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. **Drug and Alcohol Use**

 \*\*is this needed in this location, or is it redundant after U. Safety & Health, Section 10. Drug and Alcohol. \*\*

As a condition of continued employment, employees must comply with the City’s drug and alcohol policy.

Any violations of the policy may result in disciplinary action, up to and including termination.

* The employee may be required to complete a drug abuse assistance or rehabilitation program as an alternative to termination.

 The City has an Employee Assistance Program available to employees. See Section M, Benefits Programs, for more information regarding available resources.

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 behavior 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. \*\*changed this to disciplinary action, because there may be instances where you want to give a warning and not go straight for termination, the other wording seemed to require an all or nothing approach, also to keep consistent with sick leave wording, which was also changed\*\*

* 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 conducing 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. **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 offence
* 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. \*\*added the disciplinary piece\*\*

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 should not feel obligated 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 a City Council Member 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.

If an employee is approached for a press release or a news quote, all contacts should be referred to the Mayor.

# DISCIPLINE AND DUE PROCESS

## **Applicability**

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

* Federal, state, or local laws.
* City rules and/or regulations.
* City employee conduct, behavior, 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 actions
* The language or conduct may incite retaliation or violence
* Fighting, “horseplay”, or 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
* Behavior or actions that bring discredit to the City
* Any other conduct on the job not in keeping with acceptable standards of behavior 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 using increasingly serious actions when an employee fails to correct a problem when given a reasonable time to do so.

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 behavior. 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 formal 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.

\*\*added wording for due process, added 3 working days, etc.\*\*

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.

* The employee should be given a minimum notice of 3 working days before any due process hearing is scheduled.
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 5 years. After 5 years, the prior disciplinary action is unlikely to be considered, except to demonstrate an ongoing pattern of behavior.

\*\*curious about this, in some cases disciplinary actions are temporary (18 months) and can be requested to be removed after that time, unless they are being used to support possible disciplinary action after a displayed pattern of behavior----5 years seems very long\*\*

# 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. **Informal Resolution**

Most employee concerns can be solved 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.

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

1. **Rules of Grievance Processing**

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. **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 20 working days of the date of the incident. \*\*changed the days to 20 to keep it consistent between employee and City\*\*

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 20 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 20 working days of receiving the Step 1 response. The Mayor or City Clerk will submit the grievance to the City Council for review. \*\*changed the days to 20 to keep it consistent between employee and City\*\*

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 may accept any or all the Mayor’s recommendations to solve the grievance. The City Council may also reject the recommendations and formulate their own resolution.

The City Council will respond, in writing, within 20 working days of receiving the grievance.

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 20 working days of the date of the incident. The City Clerk will forward the grievance to the City Council for review. \*\*changed the days to 20 to keep it consistent between employee and City\*\*

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 20 working days of receiving the grievance.

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. If, for any reason, the City Attorney declines to participate in the grievance process, the City Council will designate a third party to investigate the grievance.

The City Attorney or the designated investigator is responsible for conducting a timely investigation and preparing an Investigative Report containing the findings and any recommendation(s) for solving the grievance.

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

The City Council will respond to the grievance, in writing, within 20 working days of receiving the Investigative Report.

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

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 behavior 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. In the definition for “economic benefit”, MCA includes a loan with interest below market rate and/or compensation for the employee’s private services significantly above the market rate.

In MCA 2-2-102, the definition of a gift doesn’t include the following:

* 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 invoice, bill, or other evidence of debt against the City if the same debt has been purchased, sold, received or transferred against 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 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.
* Obtain employment, within 12 months following a voluntary termination, that takes advantage of confidential information that the employee was directly involved in.
* 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.
* However, 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 to condone or threaten retaliation against, any individuals, 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 disclose the following:

* Employees may not solicit or accept employment, or engage in negotiations or meetings to consider employment, with anyone 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 external 3-member panel may be appointed to review the allegations, per MCA, 2-2-144(5) or the allegation 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, disability, veteran/military status, genetic history, political beliefs, age, marital status, gender, gender identity, gender expression, or sexual orientation.

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 behavior 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, an employee’s ability to perform the essential functions of a job, or a person’s ability to benefit from a City service, activity or even.

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 on or more major life activities.
* Have a record of the impairment
* Be regarded or perceived as having 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 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**

Sexual harassment is 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.

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

Is when any individual 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**

Workplace harassment includes any harassment described above, or any harassment based on a protected class.

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

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 behavior is unwelcome and request that they 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 should 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 that 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 that outweigh the privacy rights of the people involved.
* If the results of the investigation are 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 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.

**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, greater than 5 working days, when a person is not employed, stopping 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 regularly scheduled 40 hours in a work week. Compensatory time is earned at one and a half times

number of hours worked over the regular 40-hour work week.

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

**Conflict of Interest** — Conflicts happen when a personal or financial interest conflicts, or appears to conflict, with the person’s official responsibilities.

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

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

**Discrimination** — Conduct that is based upon an individual’s race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran’s status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, or genetic information, 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, parent, grandparent, child (including adopted or step), grandchild, sibling, in-laws (mother, father, sister, brother, daughter and son), or other members of the employee’s household.

**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 when a new or existing employee receives extra supervision and coaching, either to learn a new job or to turn around a performance problem. It is also used to make sure the employee demonstrates appropriate conduct and work behavior. During the probationary period, employment is at will.

**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 regular employee designation given at hire. The employee is usually hired for less than 6 months a year and performs job duties that are interrupted by the seasons. The employee may be recalled without losing any rights or benefits they earned 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.
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 2.a. 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 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 behavior that occurs at the workplace.