

CITY OF RED LODGE PERSONNEL POLICY MANUAL

Adopted by the Red Lodge City Council by Resolution dated

Please note: This document is not recorded and may be subject to change without notice. Before relying on the provisions within this Personnel Policy Manual, you are encouraged to contact the Red Lodge City Clerk's office about updates and revisions.

City of Red Lodge

Personnel Policy Manual

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PREFACE A:

WELCOME

The City of Red Lodge ("City") is pleased you have joined our organization. The City is committed to being a quality organization providing many valuable services to residents and visitors alike. Your position has been designed to assist the City accomplish these services. We hope you find this position rewarding and challenging.

The City is an Affirmative Action/Americans with Disabilities Act/Equal Employment Opportunity employer. The City affirms it does not discriminate in its employment policies and practices based on race, sex, color, national origin, age, religion, marital status, creed, military/veteran status, political ideas, and physical or mental disabilities. This policy does not preclude discrimination based on bona fide occupational qualifications, an operational necessity, or other recognized legal exceptions.

It is the policy of the City of Red Lodge to be free of discriminatory practices in all matters related but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfers, layoffs, recall from layoffs, termination, educational opportunities, facilities use, and participation in all city-sponsored activities and programs.

During your probationary period, your employment with the City is at will and may be terminated with or without consent at any time by either you or the City. This manual is not an employment contract. Rather, it is designed to provide you general information regarding employment practices and benefits that come with being a City employee.

The manual is designed to cover basic rules and policies, and cannot be relied on for all employment situations, scenarios, or questions. Policies and rules contained within the manual will be changed and updated as the City may determine to meet ever-changing needs. You are encouraged to submit suggestions and ideas regarding personnel policies.

As you familiarize yourself with City staff and your new position, please note the employee bulletin board displays the required federal and state postings. The postings are updated from time to time – be sure to read the board occasionally.

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 research the answer with the manual; however, do not hesitate to ask your supervisor, the mayor, and/or their designee concerning any questions you may have.

On behalf of this entire organization – I welcome you.

Sincerely,

*Michael Schoenike, Mayor
City of Red Lodge*

PREFACE B:

RECEIPT

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

(Please initial each provision and sign below)

1. _____ I hereby acknowledge that I have received a copy of the City of Red Lodge's Employee Handbook dated _____, which provides guidelines on the policies, procedures, and programs affecting my employment with this organization.
2. _____ I understand that the procedures, practices, policies, and benefits described there supersede all prior policies and procedures, and may be modified or discontinued from time to time and that the City of Red Lodge will attempt to inform me of any changes as they occur, but I acknowledge that I am responsible for keeping up to date regarding changes to this handbook.
3. _____ Furthermore, I acknowledge that this handbook is not a contract of employment and nothing in the handbook creates an express or implied contract of employment.
4. _____ I accept responsibility for familiarizing myself with the information, seeking clarification of its terms or guidance, where necessary, and complying with the content.
5. _____ I understand that I should consult the head of my department or the Mayor or his/her designee if I have any questions that are not answered in this handbook.

EMPLOYEE SIGNATURE _____

EMPLOYEE NAME (PRINT) _____

DATE _____

PREFACE C:

THE HISTORY OF RED LODGE

And

RED LODGE CITY OF GOVERNMENT

Discovery of coal to feed the Northern Pacific Railroad's coal hungry locomotives brought prosperity. Hundreds of Finnish, Scottish, Irish, Italian, Yugoslavian and Scandinavian miners came to share it. There were three Native Americans to every white man and four men to every woman around 1886. As Red Lodge grew, optimistic citizens had the town platted and incorporated. By 1892, the population reached 1,180, just 875 fewer than were counted in the 2010 census.

By 1896, as mining companies took control, Red Lodge had achieved a more orderly growth. It now had twenty saloons (presumably a grocery store or two) and lots of miners. It was a vibrant, sporting place, teeming with action, filled with strong-willed folks. In 1906, eight men died in the town's first mine disaster, but prosperity continued to smile on the population, which had grown to 4,000.

Large herds of cattle and sheep grazed the foothills of the Beartooth Mountains and crops grew in abundance. By 1910, Carbon County led Montana in coal production and by 1911, Red Lodge boasted a population of 5,000 souls.

Red Lodge suffered an economic blow with the closing of West Side Mine in 1924, and like every place else, suffered the Great Depression of the 1930's, which forced many more mines to close. To offset economic ills, illegal bootleg liquor, labeled "syrup" was made locally and marketed as far as Chicago and San Francisco.

Dr. J.C.F. Siefriedt saw the potential in the beauty of Red Lodge and dreamed of a "high road" connecting Red Lodge and Cooke City. In 1931, federal funds were secured and the Beartooth Highway officially opened in 1936. In 2002, the highway was named an All-American Scenic Byway.

In 1943, tragedy hit the Smith Mine near Bear Creek, the area's largest remaining mine. An explosion trapped and killed 74 miners, the worst coalmine disaster in Montana's history. The mines fell silent forever shortly thereafter.

The 2010 census showed 2,155 Red Lodge residents and data shows the City population had a decrease since the 2000 census. The form of government for the City has also changed on November 5, 2002. Prior to 2002, the City was a statutory mayor-council form of government, but the citizens of the City voted to adopt a charter, which gives the City self-governing powers. This has allowed the City more flexibility in managing its own affairs.

City government consists of a mayor and six council members. The mayor is elected at large every two years, while two council members are elected from each of the three separate wards for two year terms, which are staggered to allow continuity on the Council.

[City History courtesy of Carbon County Historical Society]

SECTION 1:

DEFINITIONS:

City – means the City of Red Lodge, Montana; a self-governing chartered municipality.

Class of Work – A class is comprised of one or more positions so similar in the character, duties and responsibilities that the same title and qualification requirements can be applied for personnel management purposes. The same qualification requirements shall be applied to all positions in a class regardless of the department in which the position is located.

Conflict of Interest – Conflicts of interest for municipal employees arise when an employee's personal or financial interest conflicts or appears to conflict with that employee's official responsibility. It is important for public employees to be independent and impartial to protect the public's trust. An employee shall not obtain any private economic benefit as a result of his or her employment. (see M.C.A. 2-2-105 for reference)

Council – means the City Council of the City of Red Lodge, Montana.

Discipline – Correction, punishment or penalty. Discipline is intended to bring order and consequences when there has been a violation of federal, state or local law and/or violation of City rules and regulations, employee conduct/behavior/performance standards, or City policies.

EEOC – Equal Employment Opportunity Commission

Employee – A person hired by and compensated for work done on a part-time or full-time basis for wages, benefits and such other compensation as the City may determine and as set forth in these personnel policies with more specificity. After the probationary period, a full or part-time employee may be referred to as a "regular" employee.

Exempt Employee – An exempt employee is one who, according to the Fair Labor Standards Act (FLSA), is not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain criteria relating to duties, responsibilities and salary must be met. See the City Clerk's office for details.

Grievance – An injury, injustice or wrong used as grounds for a complaint because it is seen as unjust, discriminatory, or oppressive. An Employee can file a grievance through the Grievance Procedure contained in this manual or as determined by a formalized labor agreement.

Independent Contractor – An Independent Contractor is not considered an employee of the City. Rather, an Independent Contractor is a party who works on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. (See M.C.A 39-71-417 for reference) No employee benefits are provided to an Independent Contractor. An Independent Contractor must provide evidence of certification by the State of Montana prior to being retained by the City.

Legal Counsel – An Attorney representing the City of Red Lodge. The City may engage the services of a City prosecutor and other attorneys for specific legal issues/projects.

Mayor – The person serving in the capacity of mayor of the City of Red Lodge, Montana.

Nonexempt Employee – A nonexempt employee is one who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked forty (40) hours in a work week period.

Full-time Employee – An employee who is normally scheduled to work thirty (30) or more hours a week. Full-time employees are eligible for all employee benefits.

Part-Time Employee – An employee who is normally scheduled to work less than thirty (30) hours a week. A part-time employee may be eligible for limited or prorated benefits.

Seasonal Employee – An employee designated as seasonal at time of hire. A seasonal employee performs duties interrupted by the seasons, and may be recalled without the loss of rights or benefits accrued during the preceding season if they report back for work when operations resume. A seasonal employee may be eligible for limited or prorated benefits as provided by City policy.

Short-term Worker – A short-term worker is hired to work for an hourly wage established by the City for a period not to exceed ninety (90) days within a 12-month period. Short-term workers are not eligible for permanent status nor eligible for any employee benefits including but not limited to leave, holiday benefits or health insurance benefits.

Sick Leave – Absence from work by an employee and allowed by the City resulting from illness or physical incapacity, either with or without pay, but with no loss of seniority or other benefits.

Supervisor – The Department Head or his or her designee as indicated in advance to an employee.

Temporary Employee – An employee hired on a temporary basis for a definite term not to exceed twelve (12) months. A temporary employee is dismissed at the end of the term of employment. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become either a full time or part time employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Vacation Leave – A scheduled recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work, but not the end of employment. Vacations do not result in loss of seniority or other benefits.

Workplace Violence – Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or fury. Violence can include unlawfully exercised force, any exertion of physical force so as to injure, damage or abuse, as well as veiled threats by words and/or acts.

SECTION 2

EXPECTATIONS:

The City wants every employee to know what to expect from the City and what the City expects of its employees. This manual is designed to inform all employees of basic expectations, the policies and procedures for carrying out those expectations, and the Grievance Procedure should a problem arise between an employee's conduct and the City's expectations.

The City expects each employee to treat co-workers, staff, the Council, vendors, colleagues, customers and other business contacts with respect and dignity. An employee is expected to maintain a professional businesslike demeanor. If everyone follows the rules and responsibilities of their assigned position, the expectation is that conflicts will not arise, and if they do, they will likely be easily resolved. It is important to minimize personal interference and distractions.

The affairs of the City are important. The expectation is that City business is a confidential trust, as well as a public responsibility. Employee attitudes, abilities, productivity and a sense of responsibility are critical aspects of all job descriptions.

SECTION 3

NONDISCRIMINATION/ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

The City is an equal opportunity employer. The City shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission (EEOC). The City shall adhere to all relevant provisions of the Americans with Disabilities Act (ADA), the Montana Handicapped Persons' Employment Preference Act, and applicable State guidelines pursuant to M.C.A. 39-30-103 (3) (iv), (6) (ii) and M.C.A. 30-30-103 (5) (e).

The City expects employees to develop and maintain business-like relationships free of bias, prejudice and harassment. In keeping with this commitment, we will not tolerate unlawful harassment or discrimination of employees by anyone, including any supervisor, manager, co-worker, vendor, client, contractor, customer or City of Red Lodge visitor. Employees have a responsibility to treat others with dignity and respect at all times. Any employee found to have willfully exhibited inappropriate conduct or behavior against others may be subjected to disciplinary action up to and including discharge.

Equal Employment Opportunity is a fundamental principle at the City of Red Lodge, where employment is based upon personal capabilities without discrimination on the basis of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, political status, military/veteran status, or sex when the reasonable demands of the position do not require such distinction.

This policy applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, layoff, discharge, training, and all other terms, conditions, and privileges of employment. Your questions and concerns should be referred to the Mayor or his/her designee, who have overall responsibility for this policy and maintain reporting and monitoring procedures.

Accommodation

If you require specialized accommodations for a mental or physical disability or religious belief/practice, etc., either for your current job or for jobs for which you wish to apply, contact your supervisor or the Mayor or his/her designee. It is important that you notify the City of your need for an accommodation. Once that is done, we will work with you to evaluate and, if possible, arrange for reasonable accommodation. Generally, a reasonable accommodation will be attempted unless it creates an undue hardship for the City of Red Lodge. A reasonable accommodation does not mean the elimination of an essential function of the job.

Harassment/Nondiscrimination

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, or any other characteristic protected by law. The City of Red Lodge will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status.

This policy applies to conduct occurring in the workplace and/or in other settings where the City of Red Lodge employees may be in connection with their work, such as business trips and business related social events.

The prohibited conduct also includes: (a) epithets, slurs, negative stereotyping, threatening, hostile, offensive or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace, on company time or using company equipment by email, phone (including voice messages), text messages, social networking sites, etc. that shows hostility toward a person or group because of their protected status.

Sexual Harassment

Sexual harassment deserves special attention. Sexual harassment may include subtle and not so subtle behaviors, may be directed towards individuals of the same or different gender, and may include explicit sexual propositions, sexual innuendo, commentary about an individual's body, sexual prowess or sexual deficiencies, sexually orientated "kidding" or "teasing", "practical jokes", jokes about obscene printed or visual material; staring, leering or whistling; insulting or obscene comments or gestures and physical contact such as patting, pinching or brushing against another person's body. Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- Submission to the conduct is implicitly or explicitly made a term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited Sexual harassment also includes:

- Harassment directed toward a person because of gender
- Propositions or pressure to engage in sexual activity
- Sexual assault

- Display of magazines, books, or pictures with a sexual connotation
- Any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including, but not limited to, hazing employees working in nontraditional work environments.

Retaliation

Neither the City of Red Lodge, nor any of its employees, will retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, reporting or assisting in making a harassment or discrimination complaint or cooperating in a harassment or discrimination investigation. Retaliation in any form is grounds for disciplinary action up to and including discharge.

Complaint Procedure

All employees are responsible to help ensure that the City of Red Lodge avoids all forms of harassment, discrimination or retaliation in the workplace. Whenever possible, any person who is experiencing unwelcome conduct, of the type generally described above, should inform the person engaging in the conduct that it is unwelcome and request that it stop. Employees who believe they have been subjected to discrimination or harassment or have witnessed such behavior should immediately report this information to their supervisor, or the Mayor or his/her designee.

Corrective Action

The City of Red Lodge will; investigate all complaints of harassment, discrimination and retaliation thoroughly, to the fullest extent practicable. The City of Red Lodge will keep complaints and the terms of their resolution confidential; however, it cannot guarantee complete confidentiality to complete a thorough investigation. If an investigation confirms that a violation of this policy has occurred, the City of Red Lodge will take appropriate, corrective action including discipline up to and including discharge from employment.

SECTION 4: CONFIDENTIAL INFORMATION – PERSONAL GAIN

The public has a state constitutional and statutory right to access public information. However, in circumstances such as personnel matters and litigation, information may be confidential. The City will balance an employee's right to privacy with the City's right to collect and utilize relevant employment information and the public's right to know. All inquiries for information shall be addressed through the clerk of the Council. If an employee has a question regarding whether information is confidential, the employee shall consult with the mayor or with legal counsel prior to releasing such information.

An employee may not use information gained through City employment to achieve personal financial gain or for the advantage of anyone else. An employee shall not participate or perform a function requiring discretion on behalf of the City as a City employee if that employee has private financial interest, direct or indirect, in that function or the outcome of that function. An employee shall not disclose or use confidential information concerning property or City affairs to advance personal or private interests with respect to any contract or transaction that is or may be subject to official City action.

**SECTION 5:
LAWSUITS AGAINST THE CITY**

Only the Mayor, City Attorney or City Clerk are authorized to accept service of process on behalf of the City. If an employee other than these parties is approached by a legal process server, the employee shall direct the process server to the Mayor, City Attorney or City Clerk without accepting or signing for any documents or process.

If an employee does come into possession of legal documents, the employee shall locate and forward the information to any of the authorities listed above as quickly as possible without opening or reading the documents.

No employee shall discuss with any member of the public aspects of any legal situation that is the subject of a potential or current legal action without first consulting with the mayor or legal counsel. Likewise, if an employee is approached for a press release or news quote, he or she shall refer all such contacts to the mayor.

**SECTION 6:
NEW EMPLOYEE**

Each new employee will complete an informal orientation session. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information.

Your supervisor will explain in general terms the rules and expectations, and provide an overview of the pay and benefit packages offered by the City. Your supervisor will also provide training specific to the equipment and tasks required of the position you are assuming. The employee is responsible for reading this manual, following City policies, and understanding their particular employment classification. Unless your supervisor directs you to a bulletin board within your own work area, you will find all notices with regard to wage and hour, unemployment insurance, workman's compensation, FMLA and EEOC just inside the main door of the City Hall.

An employee is subject to a twelve (12) months probationary period. The probationary period allows time for the employee to learn the position, time for the supervisor to evaluate an employee's potential and performance, and time for the City to observe if the employee is meeting expectations.

During the probationary period, the City reserves the right to terminate an employee without cause. A written evaluation will be done prior to completion of the twelve (12) month probation period.

**SECTION 7:
EMPLOYMENT OF RELATIVES (NEPOTISM)**

No employee will be appointed through the bestowal of political patronage by reason of relationship rather than of merit, as outlined in M.C.A. Title 2, Part 2, Chapter 3.

**SECTION 8:
AUTHORITY FOR PERSONNEL ACTION**

The City reserves the right to direct, hire, promote, transfer, assign and retain employees. The City also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the City, as well as to determine and change hours of work, shifts, and operational methods.

Policies, practices, rules, and regulations may be established or changed/abolished with the sole discretion of the City. An employee advisory committee on benefits may be established by the Council to provide input to the City regarding benefits issues. The mayor will execute personnel actions at his/her sole discretion, subject to provisions which involve the Council, and in conjunction with the Council when necessary and consistent with all applicable laws, regulations and these policies.

**SECTION 9:
OUTSIDE EMPLOYMENT**

An employee will not engage in or accept outside employment that interferes in any way with that employee's ability to satisfactorily complete his or her City job duties.

**SECTION 10:
RECRUITMENT, SELECTION AND PROMOTION**

PROCESS STANDARDS

Except in the case of police officers, for whom State standards apply (M.C.A. 7-32-4101), or in the event a collective bargaining agreement controls when a vacancy occurs or the budget allows for a new hire, then the mayor (with assistance from the department head) shall provide notice to the Council through written memo of the position title, the job description, the proposed date of hire and the proposed pay range.

Thereafter, the mayor or department head may advertise for the opening by posting the vacancy, as follows:

- A community weekly newspaper; and/or
- Montana Job Service; and/or
- Other publications, newspapers or journals as appropriate to develop a qualified pool of applicants.

After the closing date for applications, the mayor or department head shall conduct pre-employment qualification investigations of all applicants, An applicant may be rejected at this stage of the selection process if:

- The applicant does not possess the minimum qualifications for the job;
- The applicant has given false information on the application;

- The applicant has established an unsatisfactory employment record that demonstrates unsuitability for the job.

The remaining applicants will then be screened to choose the most qualified and most suitable for the position. A civil and/or criminal background check may be made, and at least three (3) references may be required, at least two (2) of which are from prior employers. Personal or telephone interviews may be used to accomplish this. After this stage of the process no more than five (5) eligible candidates may be personally interviewed, possibly with the mayor present, to make a final selection.

A job offer to the selected candidate may be contingent upon the prospective employee passing a physical and/or written examination related to the duties and responsibilities of the position, any cost of which will be paid by the City.

SECTION 11: PERFORMANCE APPRAISALS AND JOB EVALUATIONS

Employee performance evaluations are provided at least annually to non-probationary employees. The evaluation reports progress and recognizes employee strengths and special abilities, as well as providing an opportunity to discuss areas that need improvement and to correct any deficiencies. Annual appraisals and evaluations provide an ongoing performance record, and may be used as a supportive document for personnel actions such as promotions or demotions. Evaluations also provide an employee the opportunity to discuss personal goals and expectations, City goals and means for improvement. Annual evaluations provide an opportune time to formulate or update the employee job descriptions.

Probationary employees will receive informal feedback at least quarterly throughout their probationary period. The supervisor or the mayor will formally evaluate the probationary employee prior to the end of the probationary period, at which time the employee will be advised of his or her status as permanent or terminated.

The employee's immediate supervisor or the mayor and/or his/her designee will complete the evaluation using his/her job description and the City personnel policy manual as the appraisal basis. The employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation meeting. The employee and the evaluator shall schedule a conference to discuss the employee's job performance and the job description. The conference will provide the opportunity for the employee to work with his/her supervisor or the mayor and/or his/her designee to develop the employee's understanding of the position, annual goals, training needs, budget restraints/needs and improvement plan. If the employee, his/her supervisor or mayor and/or his/her designee do not agree on an evaluation result, the employee may respond in writing within 10 working days and attach the statement to the performance evaluation form.

The employee, his/her supervisor or the mayor and/or his/her designee will sign and date the evaluation form. If the employee refuses to sign the form, a witness shall attest to such fact, and documentation of his/her refusal will be added to his/her personnel file. The employee's signature or witness' attestation will indicate that the employee has reviewed the evaluation with his/her supervisor or the mayor and/or his/her designee and understands the comments contained within the evaluation.

**SECTION 12:
TRAVELING ON CITY BUSINESS**

When traveling on City business, it is important to be reachable by the City and to maintain contact with work by regularly calling in, providing status reports and checking and receiving messages. Leave travel plans and itinerary with the office.

**SECTION 13:
TELEPHONE**

City telephones are for City business only. If a personal telephone call must be made during work hours, it should be brief and not interfere with work responsibilities.

**SECTION 14:
COMPUTER USAGE**

Use of the City's electronic communications equipment, systems and/or tools is for public work only. Electronic communications equipment should be used legally and solely for activities that fall within the course and scope of the employee's job duties. Personal computer use is prohibited and violation of this policy will result in disciplinary action up to and including termination.

A new employee will receive instruction on the City's computer system as part of their new employee orientation, if applicable.

Generally, email is a public document subject to subpoena and review at any time. Each employee is responsible for the content and dissemination of messages sent via email. This responsibility includes ensuring messages are accurate, courteous and do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, he or she shall consult a supervisor.

The City owns the contents of all files stored on its systems and all messages transmitted over its systems. The City reserves the right to access all of its computers at any time. The City expressly reserves the right to monitor use of the internet by employees on City computers. Email may be accessed and monitored in the normal course of business by system administrators, supervisors and support staff.

Pursuant to M.C.A. 7-5-4101, the City has imposed restrictions on City computers and other City property for the purpose of viewing, accessing, transmitting, receiving, or downloading obscene material, which is defined at M.C.A. 45-8-201(2).

Any employee who uses any City computer, equipment or property to view, access, transmit, receive, or download any obscene material shall be charged with the offense of unlawful use of a computer and prosecuted. Violation of this particular personnel policy will result in immediate discharge, and such persons will also have their compensation reduced to account for any costs and expenses the City may incur from unlawful use.

It is the responsibility of an employee to familiarize themselves with the City's Social Media Policy. (Addendum 1)

**SECTION 15:
PERSONNEL FILES**

The City maintains records on every employee related to his/her employment with the City. A personnel file contains relevant information gathered as part of the employment process, such as the employment application and resume, cover letter, letters of recommendation, performance evaluations, training records, recommendations and awards, disciplinary records, and resignation/termination records. Information obtained for EEOC compliance (Form EEO-4) and/or any medical information will be kept separate in confidential files accessed only on a need-to-know basis authorized by the mayor as allowed by law, regulation or City policy.

Certain materials of personnel files are confidential and only accessible upon written request to the mayor or the City Clerk, and then only with either the mayor or the City Clerk present. If disclosure is requested by a member of the public, the City will balance the employee's right to privacy with the right of the public to access information. An employee may inspect and make copies of his/her personnel records by contacting the mayor or City Clerk to establish a convenient time to review the file.

**SECTION 16:
RESIGNATION/LAY-OFFS/TERMINATION**

Voluntary resignation from employment will be made by an employee, preferably by written notice at least two (2) weeks in advance of leaving, but not required. A final paycheck will be issued within fifteen (15) calendar days or the next scheduled pay period, whichever is sooner.

Depending on the circumstances surrounding the resignation, an employee who resigns from the City may be eligible for re-employment. A former employee will be required to complete an application/resume and proceed through the regular hiring procedure as other applicants. A former employee who is re-hired by the City will be considered a new employee and required to complete probation. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable laws.

The mayor has authority to determine if the City's workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, an employee affected by such actions will be provided at least two (2) weeks advance notification. Full and part-time employees will not be terminated if temporary or short-term workers are employed in the same work classification. Full time employees will not be terminated if part-time employees are employed in the same work classification.

The City Clerk will work with City insurance carriers to ensure relevant benefits information is forwarded to the employee at the last known address. An employee affected by a layoff or RIF is strongly encouraged to keep the City informed of current contact information in the event of a recall. If the City is unable to contact an employee within seven (7) days of the recall, the employee will be eliminated

from the recall list and the City will have no further obligation to recall that employee. The City will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.

The terminated employee's final paycheck will be issued within fifteen (15) days or the next scheduled pay period, whichever is less. If an employee is terminated, the employee may request the City issue a letter stating the reason and effective date of the termination. A probationary employee may be discharged for any reason by the mayor through notification to the employee by the employee's supervisor.

The City will follow the procedure outlined in the Employee Discipline section to terminate a non-probationary employee. An employee terminated for cause does not accrue his/her salary or benefits pending any grievance appeal, unless he/she prevails in the grievance, in which case such salary and benefits shall be accrued retroactively.

SECTION 17: HEALTH AND SAFETY

The City has a safety program and complies with the Montana Safety Culture Act. Relevant safety regulations are addressed by delegating safety responsibilities, establishing procedures, providing training, inspecting workplaces, and providing/requiring the use of safety equipment, etc.

If an employee notices a potential hazard, he/she should repair the hazard if he/she is capable and qualified or should promptly refer the problem to his/her supervisor or mayor or City Attorney. An employee must use safe driving habits and wear seat belts while traveling in City vehicles.

Every employee who drives a City vehicle or equipment is required to keep a copy of his/her current driver's license with the City Clerk and ensure all required endorsements are current. If the City Clerk does not have a current copy of an employee's driver's license, that employee is not authorized to operate or use City vehicles or equipment.

If an employee sustains an injury while on the job, he/she must notify his/her supervisor and the mayor as soon as possible, and not later than leaving work for the day. An accident report and appropriate Worker's Compensation forms must be completed, and the incident documented in writing by the injured employee and/or witnesses as soon as possible following the injury.

The City maintains Worker's Compensation coverage pursuant to the provisions of the Montana Worker's Compensation Act.

**SECTION 18:
WORKPLACE VIOLENCE**

The City is committed to providing a friendly, courteous and impartial work environment. The City acknowledges human relationships are subject to conflict and some employees may be exposed to violence in the workplace.

The City will strive to provide a safe and secure work environment. Each employee is expected to avoid or minimize potentially violent situations and take reasonable measures to protect themselves from harm. If an employee anticipates a confrontational situation, they should notify their supervisor or the mayor so that additional security can be arranged. When a situation begins amicably but turns hostile, attempt to de-escalate the situation. If de-escalation tactics fail, withdraw from the situation. Force is only to be resorted to if it is absolutely necessary for self-defense.

Threats or acts of violence experienced or witnessed need be reported to the employee's immediate supervisor or the mayor as soon as possible.

The City will promptly investigate any complaint received that pertains to workplace violence. The City will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

This policy prohibits unauthorized firearms or other weapons (including pepper spray, stun guns, batons, etc.) in the workplace. Unless authorized specifically as part of the job function, firearms or other weapons are prohibited in City vehicles or in personal vehicles if conducting City business. Any violation of this policy may warrant disciplinary action, up to and including termination. If necessary or appropriate, the City will notify the necessary law enforcement personnel and prosecute violators of this policy.

An employee fearful of domestic violence in the workplace is encouraged to notify the supervisor or the mayor immediately to arrange appropriate security measures.

**SECTION 19:
TIMESHEETS AND PAYDAY**

City employees are paid twice each month. The employee's supervisor or the City Clerk distributes paychecks, unless electronic transmission of payroll is utilized. An employee who desires to release a paycheck to another authorized person must sign a written notification to that effect directed to the City Clerk.

Completed time sheets are required of each employee, who is responsible for submitting their time sheet to the appropriate supervisor prior to the end of each pay period. In the event an employee is unavailable to complete and submit his or her time sheet, he/she may complete the time sheet in advance or call the appropriate supervisor and report the information.

Time sheets must include the employee's name, hours worked on a daily basis, holiday time, sick leave used, vacation leave used, leave without pay, etc. The employee must sign the time sheet attesting to

the correctness of the time worked and leave used for the pay period. The employee's immediate supervisor and/or the mayor shall review and sign the time sheets.

The City does its best to be wage competitive. To that end, the City adopts a pay grade and compensation plan coordinated to its class of work criteria. These documents are adopted as part of the Council bylaws. The current pay grade and compensation plan, the Benchmark Evaluation Guide and the Class of Work criteria are available to employees upon request.

SECTION 20: WORKING HOURS/ WORK WEEK

Normal working hours are from 8:00 am to 5:00 pm Monday through Friday. Most employees are expected to adhere to this schedule; however, alternative schedules may be considered by the supervisor or the mayor. The workweek begins on Sundays at midnight and ends the following Saturday at 11:59 pm.

A non-exempt employee working more than forty (40) hours in a given week will be paid overtime at 1 ½ times their hourly wage rate. If the supervisor, mayor and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp time) to use as time off within ninety (90) days at a rate of 1 ½ time the number of hours worked over the forty (40) hour work week. A non-exempt employee must receive authorization to work overtime or attain comp time hours in writing from their supervisor, prior to working the additional hours. Any accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship.

An exempt employee does not receive compensatory time for work exceeding forty (40) hours per week.

Lunch periods are one hour. If an employee needs to take a longer lunch hour, it should not interfere with the employee's performance or duties. Lunch periods are to be taken at a time approved by a supervisor and staggered among co-workers to ensure effective service and conduct of the City's business.

A 15-minute break is encouraged within each four (4) consecutive hours of work. Break periods are paid, but may not exceed 15 minutes for each four (4) consecutive hours worked. If additional breaks for exempt employees need to be taken, then those breaks will be taken so as not to interfere with the employee's duties or the City's business.

SECTION 21: TRAVEL AND EXPENSE REPORTS/REIMBURSEMENT

Travel must be approved by either an employee's supervisor or the mayor. Willful misrepresentation of expenses or receipts is unlawful and shall result in disciplinary action, up to and including termination.

Travel expenses, meals, mileage and/or incidental expenses incurred for or on behalf of the City will be compensated at rates established by the Montana Code Annotated or state rules and regulations. Receipts or other evidence shall be provided for lodging, travel, meals, and appropriate ancillaries. If

meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly. Personal use of the City's credit card will not be tolerated and will result in disciplinary action, up to and including termination.

The City may authorize the use of a City vehicle for traveling. An employee traveling on City business is required to provide verification of a current driver's license with appropriate endorsements for the vehicle or equipment operated. Unsafe vehicle conditions or conditions in need of repair must be reported to a supervisor and/or the mayor immediately. (See the Use of City Vehicle/Vehicle Accident section).

If a City vehicle is not available, an employee may be authorized to use a personal vehicle and receive a mileage reimbursement. When an employee uses a personal vehicle for City business, a copy of proof of liability insurance coverage shall be left with the City Clerk.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on an employee traveling for City business. The advance must be justified with reasonable requests for meals, lodging, gasoline cost, public transportation, etc.

Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return. The employee must provide an itemized expense report with attached receipts documenting claimed expenditures. If the travel advance exceeds the documented receipts, the employee shall pay back the unused amount to the City. Any documented claim exceeding the travel advance will be promptly reimbursed by the City.

USE OF CITY VEHICLES:

Use of a City vehicle requires the Employee to observe and obey traffic regulations and exhibit extreme care. All occupants of City vehicles are required to wear seat belts at all times. Vehicles shall be parked in authorized or unrestricted space. Unattended City vehicles must be secured by rolling up all windows and locking all doors.

All City vehicles are to be solely used for business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel. All City vehicles are non-smoking areas. The City expects employees to report unsafe vehicle condition(s) needing repair to the supervisor or mayor immediately. An employee using a City vehicle will be required to keep a mileage and maintenance log.

The City shall designate each position which requires the use of a City vehicle on a take-home basis. If an employee believes his/her position warrants the designation of a City vehicle for take-home use, they need to discuss that issue during the annual evaluation or when other budgetary items are reviewed.

After use, an employee shall remove all personal items from the vehicle, clean out all trash and discarded items, and otherwise return the City vehicle as it was received.

VEHICLE ACCIDENTS:

When an employee is involved in a motor vehicle accident with a City vehicle, the employee must notify the supervisor and mayor immediately. Any employee involved in an accident with a City vehicle may be asked to undergo drug and alcohol testing. The employee may be asked to assist with completing any insurance claim forms.

The employee needs to detail, in writing, the accident and situations leading up to the accident. They also need to contact law enforcement to complete an investigation of the accident. An employee is expected to cooperate with, and will be permitted to discuss the incident with Emergency Services Personnel, the mayor, insurance adjusters and law enforcement.

Upon returning to work, an account of the accident shall be provided in writing to the supervisor or mayor. The supervisor or mayor shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents with a City employee driving or operating machinery under the influence of alcohol or illegal drugs (which are absolutely prohibited) may result in disciplinary action, up to and including termination.

SECTION 22: HOLIDAYS

The City observes holidays recognized by the State of Montana.

- January 1 – New Year's Day
- Third Monday in January – Martin Luther King Jr. Day
- Third Monday in February – Presidents' Day
- Last Monday in May – Memorial Day
- July 4 – Independence Day
- First Monday in September – Labor Day
- Second Monday in October – Columbus Day
- First Tuesday in November during Congressional/Gubernatorial Election Years – State General Election Day
- November 11 – Veterans' Day
- Fourth Thursday in November – Thanksgiving Day
- December 25 – Christmas Day

If a holiday falls on a Saturday, the Friday preceding is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday. If one or more regular holidays fall in the period of an employee's annual vacation leave, the vacation record will be credited for the holiday. If a holiday falls on an employee's regularly scheduled day off, the employee will be granted another day off as agreed upon by the employee and his/her supervisor.

A part-time and seasonal employee shall receive a pro rata share of compensation at his/her regular straight time hourly rate.

**SECTION 23:
ANNUAL LEAVE/VACATION**

Each full-time and part-time employee shall earn annual leave from the first day of employment, but will not be eligible to take the accrued leave until the employee completes the qualifying period of six (6) months.

Full-time employees accrue vacation leave as follows:

Time Worked (hours per month based on an 8-hour day)	Work Day credit per year
1 day - 10 years	15
10 years + 1 day - 15 years	18
15 years + 1 day - 20 years	21
20 years and over	24

A part-time employee is entitled to prorate his/her vacation leave if he/she has worked through the probationary period. Vacation benefits are based upon the hours worked during the pay period.

A temporary or seasonal employee may earn annual leave on a pro-rata basis according to State law if employed for six (6) months of full-time employment before he/she uses his/her annual leave.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Vacation leave exceeding the maximum amount must be used within ninety (90) calendar days of the next calendar year in which the excess was accrued.

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor or the mayor. Annual leave requests will be decided after considering the best interest of the City, the needs of the employee's department, and the needs of the employee.

An employee who needs to use annual leave due to extenuating circumstances before he/she finishes the qualifying period may ask his/her supervisor or the mayor to grant paid annual leave with the understanding that his/her leave balance will be affected if his/her employment is terminated before completing the qualifying period. Should two (2) or more employees request the same vacation period, their supervisor or the mayor has discretion to approve or deny either request.

**SECTION 24:
SICK LEAVE**

A full-time employee earns sick leave from the first day of employment; however, he/she is not entitled to use paid sick leave until qualifying to do so after ninety (90) day of continuous employment. An employee who becomes ill or is injured prior to completing the qualifying period may ask his/her supervisor to grant paid sick leave with the understanding that his/her sick leave balance will be affected

if his/her employment is terminated before completing the qualifying period. Any deficiency in the balance will be charged against his/her final pay.

For calculating sick leave, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave is credited at the end of each pay period and is earned at a rate of twelve (12) working days for each year of service without restriction as to the number of working days that may be accumulated. An employee shall not accrue sick leave while in a leave-without-pay status.

A part-time employee who works 1,560 hours (52 weeks x 30 hours) or more per year earns a prorated amount of sick leave by completing a 90-day qualifying period. A full-time temporary or seasonal employee is entitled to sick leave benefits provided he/she works the qualifying period.

A temporary or seasonal employee may earn sick leave on a pro-rata basis according to State law if employed for ninety (90) days of full-time employment before he/she uses his/her sick leave.

An employee may use sick leave for personal illness or physical incapacity, sickness of immediate family member or death in the immediate family (refer to bereavement leave). "Immediate family" is considered the employee's spouse, or any parent, sibling, child, grandparent, or grandchild, and corresponding step- or in-law relationships.

Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employee's presence due to an immediate relative's illness or emergency. Employees using sick leave that exceeds five (5) consecutive workdays shall furnish a medical certification of illness from a qualified doctor upon request of his/her supervisor or the mayor.

An employee who has completed ninety (90) days of employment and separates from the City shall be entitled, upon termination, to cash compensation payout for unused sick leave equal to one-fourth of the accrued sick leave. The payout will be based upon the employee's salary at time of termination.

Employees may transfer sick leave from one employee to another. The receiving employee must have exhausted all accrued sick leave and vacation leave. The contributing employee must make the transfer request in writing and must maintain at least forty (40) hours of sick leave. The transferred sick leave will not change the receiving employee's employment status. The transferred sick leave is forfeited by the contributing employee and additional sick leave must be re-accrued. One employee shall not be coerce, intimidate or adversely persuade another to transfer accrued sick leave to the receiving employee; doing so may result in disciplinary action.

At the City's request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can complete the necessary functions of the position, or to ensure the health and safety of co-workers and the public. Abuse of the sick leave benefit may result in disciplinary action up to and including termination.

**SECTION 25:
FAMILY LEAVE**

The City will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq,) as well as all relevant pregnancy leave provisions in federal, state and local statutes. A female employee will not be terminated because of her pregnancy. An employee disabled as a result of pregnancy will not be denied compensation they may otherwise be entitled to as a result of the accrued leave benefits; however, the City reserves the right to require medical verification that the employee is not able to perform regular employment duties.

The City will grant the employee a reasonable leave of absence for pregnancy, but will not require an employee take a mandatory maternity leave for an unreasonable leave of time. An employee wishing to take a pregnancy leave needs to notify their supervisor or the mayor of a desire to take Maternity Leave.

Please refer to your Summary Plan Description for information on group insurance benefits during your leave of absence.

Upon signifying an intent to return to work at the end of leave of absence, the employee will be reinstated to the original job and/or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

**SECTION 26:
BREASTFEEDING IN THE WORKPLACE**

Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the City will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217 will be complied with.

**SECTION 27:
POLITICAL ACTIVITIES**

No employee shall engage in any form of political activity during working hours, or while in City uniform.

No employee will utilize his or her position with the City to further a political cause or candidate. However, an employee may belong to a political party of their choice, be a member of any established organization or political club, and may attend political meetings, enjoy complete freedom in casting his/her vote, and may seek election or appointment to public office.

An employee elected or appointed to a public office shall be granted unpaid leave of absence, not to exceed 180 days per year while performing the public service. Such employee will be restored to his/her

position, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to his/her leave of absence for public service. Such employee must return to work within ten (10) days following the completion of his/her service unless he/she is unable to return due to illness that has been certified by a medical doctor. The City will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

**SECTION 28:
ABSENCE WITHOUT AUTHORIZATION**

Absence is the failure to report for work and/or to remain at work as scheduled. It includes late arrivals and early departures as well as absence for part of or an entire day. Regular and punctual attendance is essential for efficient operations. If an employee does not know in advance that he/she will be absent or unavoidably late, he/she shall telephone the office to ensure his/her supervisor or the mayor or his/her designee is notified as soon as possible. Failure to request advance approval or to report an absence as described above may result in disciplinary action. An employee who fails to call in for three (3) successive days to report such absences may be considered to have voluntarily terminated employment.

An employee who is absent may be required to document the reasons, including but not limited to a doctor's certification, or other evidence and verification. Upon returning to work from an unexcused absence, the employee must report to his or her supervisor and disclose the reason for the absence. If the reason is not acceptable to the supervisor, it may result in disciplinary action, up to and including termination.

**SECTION 29:
LEAVE WITHOUT PAY**

Leave without pay may be granted for any cause, as the Mayor may determine, so long as it does not violate the laws, regulations, or policies set forth in this manual. An employee may be granted leave without pay for a specified time not to exceed one hundred eighty (180) calendar days during his/her employment period.

Whenever possible, the employee should provide his/her supervisor or the Mayor with at least a thirty (30) day notice so workloads/tasks can be covered. To request leave without pay, an employee must provide his/her supervisor or the mayor the beginning and ending dates of the leave and the reason for the requested leave.

Vacation and sick leave cease to accrue during leave without pay. Employees will not be allowed to use sick or annual leave and will not receive holiday pay while on leave without pay status. Health insurance will not be paid by the City during a period of leave without pay that exceeds 15 (fifteen) days. Should the employee choose to continue insurance coverage during the leave that exceeds fifteen (15) days, the employee may do so by paying the City the premiums on a monthly basis. If the employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the employee may be subject to policy restrictions upon returning to work.

Depending upon the circumstances, an employee in his/her probationary period may be allowed to take a leave without pay. However, if leave is granted, his/her probationary period will be extended by the amount of time taken during the leave.

An employee who fails to return to work as scheduled after a pre-approved leave-without-pay period will be considered to have voluntarily resigned, unless plans are made in advance to extend the leave with his/her supervisor or the mayor. Providing false or misleading information or reasons to justify leave-without-pay may result in disciplinary action.

**SECTION 30:
ATTENDANCE**

Every employee is expected to report to work scheduled by his or her supervisor or the mayor. If the employee is late to the point where it will affect his/her job duties, he/she must contact his/her supervisor or mayor or his/her designee with an explanation. If tardiness of an employee occurs more than three times in one pay period, it shall result in disciplinary action.

Advance notice of any absence allows the City to schedule a replacement. Failure to notify an immediate supervisor either directly or indirectly of an absence or tardiness shall result in disciplinary action.

**SECTION 31:
FUNERAL LEAVE**

In case of a death in the immediate family, an employee will be allowed to use three days of sick leave for bereavement purposes. Members of an employee's immediate family include spouse, children, father, mother, brothers, sisters, and corresponding step- or in-law relationships. Considerations for leave longer than three (3) days or for leaves for deaths of relatives or friends other than specially listed will be evaluated on a case-by-case basis at the discretion of the employee's supervisor or mayor.

**SECTION 32:
JURY AND WITNESS DUTY LEAVE**

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay, less any amount received (jury or witness fees) for such service. This may also include when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive. A probationary employee called will have his/her probationary period extended to by the same amount of time as required for serving on jury duty.

An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the absence. The City reserves the right to request an employee called for jury to be excused if his/her absence would create a hardship on the

operational effectiveness of the department or materially interfere with City business. (City policy regarding jury duty is subject to M.C.A. 2-18-619.)

The employee is responsible to turn over jury or witness fees to the City Clerk, excluding mileage and actual expense fees. If an employee chooses to use vacation leave, the employee may keep his/her jury or witness fees in addition to their mileage and actual expense fees.

The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled weekend or days off. Benefits continue to accrue while an employee is on jury duty. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

SECTION 33: MILITARY LEAVE

The City shall comply with all provisions outlined in the Uniformed Services Employment and Re-employment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six (6) months shall be given leave of absence with pay for a period of time not to exceed one hundred and twenty (120) hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed two hundred and forty (240) hours total for the calendar year. Any excess leave, beyond the two hundred and forty (240) hours, will be forfeited. Military Leave can be used for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six (6) months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

SECTION 34: EDUCATIONAL LEAVE/TRAINING

The City encourages training and education intended to improve employee productivity, knowledge and skills, or result in more efficient and effective services and programs.

The City may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc., and is pre-approved by the employee's supervisor or the mayor.

Each employee needs to discuss training needs during their annual evaluation, particularly if the training requires extensive time from work, is of significant cost and/or requires out-of-state travel. The mayor may evaluate such training courses to ensure maximum value of the course. Additionally, the training may be delayed until a future fiscal year to include expense within the budget.

**SECTION 35:
PARTICIPATION IN COMMUNITY ORGANIZATIONS**

The City views personal development through service involvement as beneficial to the employee as well as positive exposure for the City. An employee desiring to participate in a community organization is required to consult with their immediate supervisor or the mayor before volunteering for such organization if time may be required during regular work hours to attend activities, fundraisers, meetings, etc.

An employee with pre-authorization from his/her supervisor or the mayor may attend such functions as an excused, paid absence, using vacation leave.

**SECTION 36:
PARTICIPATION IN PROFESSIONAL ORGANIZATIONS**

The City views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as to maintain a network of professional colleagues, which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of the City.

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the organization or community. An employee shall consult with the mayor before joining an organization if work time may be required to attend activities, training, meetings, etc.

An employee who has received pre-authorization from his/her supervisor or the mayor may attend such functions as an excused, paid absence, using vacation leave.

**SECTION 37:
LICENSING FEES**

The City recognizes various organizations, certifications, and licenses are important to the employee, the City and the public in general. The City will pay for any license or certification required for a position and/or annual renewal fees. The City may pay for membership in recognized educational and professional organizations.

An employee is encouraged to bring certifications, licenses and organizational opportunities to the attention of his/her supervisor or the mayor, particularly during the annual evaluations, so that the cost of maintaining a current license or the costs for a licensure can be included within the budget process.

**SECTION 38:
HEALTH INSURANCE**

Full time employees may participate in the City's health care benefit plan. Part-time, seasonal and temporary employees may qualify under State law to participate in the City's health insurance plan as well. The City pays a specified dollar amount into the health care benefit plan, and the employee may elect to pay for any available options.

Specific benefits of the City's health care plan are described in the Plan Document and Summary Plan Description (available from the City Clerk). For an employee utilizing specific insurance products, the insurance plan documents will be forwarded to him/her directly from the Insurance Provider (currently Blue Cross/Blue Shield). The Insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

The City seeks input from employees regarding its health care benefit plan. Should changes be proposed to the City's health care benefit plan, the City will review those changes with employees through a process adopted by the City Council in its bylaws before making a decision. However, the final decision regarding any health care benefit plan is a fiscal and administrative decision for the City.

**SECTION 39:
RETIREMENT**

The City of Red Lodge is eligible to participate in the Montana Public Employees' Retirement Program as provided in Title 19 of the Montana Code Annotated. The City has authorized participation in the State program by ordinance.

Please see the City Clerk's Office for current information on retirement benefits and arranging for payroll deductions to participate in the City's retirement program.

**SECTION 40:
PERSONAL APPEARANCE AND DEMEANOR**

An Employee is expected to dress appropriately according to the position, daily activities, and anticipated level of public contact. An employee attending a business meeting, board meeting or other related contact needs to dress suitably to the occasion. Though casual, City Hall receives visitors, people doing business with the City and the general public, which requires hair and clothes to be clean, neat and conducive to the image the City expects employees to project.

Any part of an employee's dress, appearance or hygiene deemed unprofessional, or which creates health or safety issues may be prohibited. The mayor may order an employee to take unpaid time to go home and change if his/her attire is not considered appropriate.

All employees are expected to nurture a professional environment.

**SECTION 41:
SMOKING**

All public facilities, including but not limited to City Hall, the police office and storage areas, shop buildings and the fire station are all non-smoking facilities. An employee may smoke during scheduled break periods in designated smoking areas outside such facilities.

**SECTION 42:
SALES CALLS**

Sales calls from professional sales people are allowed to take place only at the discretion of the mayor, so long as it is done in a consistent and fair manner. An employee requesting charitable contributions or selling products may visit with fellow employees before or after work, during lunch hour or breaks. No employee is to feel pressured to purchase anything.

**SECTION 43:
DISCIPLINE**

A violation of federal, state or local laws, City Personnel Policy, rules and/or regulations may subject an employee to disciplinary action. An employee may be placed on Administrative Leave (with or without pay) pending investigation.

The supervisor of the employee in question shall notify the mayor of any allegation of misconduct which may result in disciplinary action, and the mayor may assign staff as appropriate to fully investigate and document situations that may require disciplinary action. The employee will have the opportunity to be interviewed during the investigation process. The mayor may have the immediate supervisor, the employee being investigated, the City Clerk, and any other staff the mayor deems appropriate meet and conduct the interview. If deemed necessary, the Clerk shall be present to document the hearing.

Prior to the investigation interview, the mayor will inform the employee of the suspected violation, the possible repercussions if the allegations are shown to be true, and in general terms what will happen at the interview.

The employee in question may request another party of his/her choice to accompany him/her into the interview, if desired. Such party, however, is there to observe and will not be permitted to participate in the interview. During the hearing, the employee will be able to respond to the findings of the investigation.

Upon conclusion of the investigation, the supervisor will decide if discipline is appropriate, and if so, what discipline needs to be imposed. The mayor shall inform the employee of the results of the investigation. If the employee disagrees with the decision, the employee may follow the grievance procedure.

Appropriate discipline, as determined by the City, will take one of the following forms:

Oral Reprimand:

The mayor will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The mayor will also outline the time period in which the employee must correct the problem and the consequences should the employee not conform or comply with the necessary action. The mayor will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand, which attests that the meeting took place, the employee understood the problem, and the corrective action required. The mayor and the employee in question both need to sign the summary, which will then be placed in the employee's personnel file.

Written Reprimand:

The mayor will document the problem in a letter to the employee. The mayor will meet with the employee, present the letter, and explain the problem. During the meeting, the mayor will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences if those actions are not satisfactorily completed in a timely fashion. The letter must be signed by the mayor and made clear it is a letter of written reprimand. The letter also needs to be signed by the employee to attest that the employee participated in the meeting, understood the problem, and is aware of the corrective action required. The mayor may also have the employee sign a receipt for the written reprimand.

Administrative Leave (with or without pay):

The mayor will document the problem in a letter to the employee, which will specify whether the employee is placed on Administrative Leave (with or without pay). The mayor will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the mayor will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not take the corrective action.

The letter to the employee will clarify the effective Administrative Leave date(s) (with or without pay), the date the employee is to return to work, and conditions placed on the employee upon returning to work, if any. The employee must sign the letter attesting to participation in the meeting, understanding the problem, the need for corrective action, and that the form of discipline was Administrative Leave (with or without pay).

Demotion – Loss of Duty:

The mayor will document the problem in a letter to the employee and indicate the specific conditions of the demotion to include modified job duties and compensation, as warranted. The mayor will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the mayor will clarify the necessary corrective action, the time period to conform or comply with the corrective action and the consequences should the employee not take the corrective action. The mayor will determine if the demotion is a temporary disciplinary measure or a permanent job modification.

In the event the demotion is a permanent job modification, the employee's job description will be updated to reflect such. If the employee's job description is updated, the employee must sign the updated job description to reflect that the employee had the modified duties communicated to them. A

copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem, the corrective action required, and its needs to specify whether the form of discipline was a temporary or permanent demotion and loss of job duties/responsibilities.

Termination:

If the disciplinary action is termination, a letter to the employee will document the problem and summarize the results of the investigation and hearing. The letter will detail the effective cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies advising the employee of his/her right to use the procedures to have the action taken reviewed.

In any stage of discipline, if the employee refuses to sign to acknowledge an action, a witness shall attest to the fact of the employee's awareness of the action and refusal to sign, and such documentation shall be added to his/her personnel file.

**SECTION 44:
GRIEVANCE PROCEDURE**

An employee may afford him/herself of the use of the grievance procedure without penalty, harassment or retaliation for doing so. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.

An employee should attempt to resolve all disputes prior to involving the mayor. An employee is encouraged to discuss disputes with his/her supervisor informally and in a timely fashion. Another department head or supervisor may attend meetings between a supervisor and employee if requested by either party.

In the event a dispute cannot be resolved informally, the employee may file a grievance. A grievance is filed when a written grievance is directed to the supervisor and/or his/her designee outlines the disputed issue, the relevant facts, and appropriate remedy being sought. A grievance must be filed within ten (10) working days of the occurrence which led to the grievance or ten (10) working days after failing to resolve the issue informally, whichever is later.

Upon receipt of the written grievance, the supervisor and/or his/her designee will investigate the dispute and respond to the grievance within ten (10) working days of the receipt of the grievance. If the response is not acceptable to the employee, the employee may proceed to the next step.

The employee may forward the written grievance and the response (if applicable) to the mayor within ten (10) working days. The mayor will investigate the grievance. At the conclusion of the investigation and no later than twenty (20) working days from receipt of the grievance appeal, the mayor shall issue to the Council a signed written report on the findings and conclusions of the investigation.

The employee may appeal the written grievance and the response to the Council within ten (10) working days. The Council shall review the mayor's report and final administrative appeal process for the employee within twenty (20) days of receipt of a grievance appeal.

Employee grievances are confidential. The expectation of the City is to discuss such actions only with individuals involved in the investigation or on a need-to-know basis. A decision on a grievance will not

set precedent and is at the discretion of the Council or mayor so long as it does not violate any laws, regulations or policies set forth in this manual. A decision is not binding on any future grievance unless officially stated as a City policy.

SECTION 45: EMPLOYMENT CLASSIFICATION

All full-time positions are categorized within a personnel classification plan. The plan is part of the City Budget Ordinance.

The classification plan is an inventory of the City's occupational classes, supported by written position descriptions setting forth the duties, requirements, and responsibilities of each class, and the minimum or entry-level qualifications necessary for appointment to a position of that class.

The classification plan shall be used to:

- Establish qualification standards for recruiting, hiring, and testing (when appropriate) of City employees.
- Provide supervisors with a means of analyzing work distribution, areas of responsibilities, lines of authority, relationships between positions, and a framework for the classification of new positions.
- Provide a basis for developing standards of work performance and evaluating performance.
- Establish promotion tracks.
- Indicate training needs.
- Provide appropriate titles for classes of work.
- Assist the City in determining budget requirements.
- Provide standards for equal employment opportunity and affirmative action programs.

DESCRIPTION OF A CLASS OF WORK

The class specification, as set forth in the position description, shall state the characteristic duties and qualification requirements which distinguish a given class or position from other classes and positions. The specifications shall be descriptive, but not restrictive; they describe typical types of work, which may be allocated to a given class, but shall not be construed to restrict the assignment of other duties related to the class.

Every position will be allocated to a class within the classification plan, based solely on the duties of the position. The City may set classifications by ordinance or resolution. Each employee may receive a copy of the current classification plan from the City Clerk's Office.