

# ***STILLWATER COUNTY***

## ***PERSONNEL POLICY HANDBOOK***

*Adopted December 4, 2003 by Resolution #2003-39*



**RESOLUTION NO. 2003-\_\_\_\_\_**

A RESOLUTION TO ADOPT THESE PERSONNEL POLICIES AND ADDENDA  
SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS

WHEREAS, the Board of County Commissioners desires to establish uniform policies and procedures for personnel administration; and

WHEREAS, these procedures update and replace the Policy Handbook adopted on March 19, 2002;

NOW, THEREFORE, BE IT HEREBY RESOLVED that these Personnel Policies and Addenda be adopted, effective \_\_\_\_\_.

**BOARD OF COUNTY COMMISSIONERS**

**STILLWATER COUNTY, MONTANA**

\_\_\_\_\_  
Clifford A. Bare, Commissioner Chairman

\_\_\_\_\_  
Charles E. Egan, Commissioner

\_\_\_\_\_  
Maureen Davey, Commissioner

ATTEST:

\_\_\_\_\_  
Pauline Mishler, Clerk and Recorder



**PERSONNEL POLICY HANDBOOK  
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## DEFINITIONS

### DEFINITION OF TERMS

As used in these procedures, unless the context clearly requires otherwise:

1. "Applicant" means a person who has made formal application for a position.
2. "Appointing Power" means the individual(s) responsible for appointment, discipline, and termination of an employee or employees.
3. "Appointment" means the assignment of a qualified applicant to a position by the appointing power.
4. "Bargaining Unit" means any organization or Union which includes employees of the County and which has as one of its primary purposes representing such employees in their employment relations with the County and has become recognized by the County.
5. "Board" means the BOARD OF COUNTY COMMISSIONERS.
6. "Break in service" means an absence from County employment for more than five (5) working days in a row without an approved leave of absence or when the person is not employed and that severs continuous employment.
7. "Calendar Month" means any calendar month in which an employee is on full pay status on all working days of the month.
8. "Cause" means any action or inaction, which is appropriate justification for disciplinary action based on evidence of failure or inability to satisfactorily perform assigned job duties, or obstruction of department or county operations.
9. "Class Action Grievance" A grievance by a group of employees affected by similar conditions of employment in the same class, unit or working environment.
10. "Compensatory Time" is time accrued at 1.5 times every hour of work in excess of 40 hours per week or other method of earning overtime. Compensatory time is accrued up to a maximum of 40 hours.
11. "Continuous Service" means most recent consecutive uninterrupted employment except for brief leaves of authorized absence such as vacation or sick leave or without a continuous absence without pay of more than 15 working days.

12. "Corrective Discipline" action taken by management to improve unacceptable employee job performance or behavior.
13. "Demotion" means transfer of an employee from a position in one class to a position in another class having lower salary or wage rate.
14. "Disciplinary Action" means imposition of certain actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of employee conduct deemed detrimental to the County.
15. "Department Head" means persons appointed by the Board of County Commissioners as the principal employee of a department for the discharge of duties provided by law or particular delegated functions.
16. "Deputy officer" means the individual appointed by an elected official to assist in the faithful and prompt discharge of duties of the office as provided in 7-4-2401 MCA. An individual that is removed from deputy status will revert to previous pay rate for the position.
17. "Documentation" a record of facts and incidents which states what violation or deficiency occurred, including time and location of incidents and witnesses, if any; time and form(s) of discipline administered, if any; is dated and signed by disciplining supervisor.
18. "Elected Official" means persons elected by the public as the principal of a department for the discharge of duties provided by law or particular delegated functions.
19. "Employee" means any person employed by the county except elected officials and persons contracted as independent contractors or hired under personal services contracts.
20. "Employee Personnel Record" means the individual file(s) containing documentation of current and historically pertinent information maintained in the personnel office for each employee, regardless of status.
21. "Examination" means a test for positions in a particular class, admission to which is not limited to persons employed by the County. Said test may include an oral interview, written tests, evaluation of experience and education.
22. "Exempt Employee" is an employee who meets the Fair Labor Standards Act test for either Executive, Administrative or Professional job functions. This position is exempt from overtime requirements under the Fair Labor Standards Act.

23. "Evaluation" means a periodic performance analysis by supervisor personnel to be filed in the employee's file located in the Personnel office. The supervisor will present a written copy of the evaluation to the employee and discuss the issues with the employee.
24. "Full-time Employee" means an employee who normally works 40 hours per week or 2080 hours a year.
25. "Grievance" means an employee's oral or written expression of dissatisfaction with some aspect of these rules and regulations affecting him or her, for the purpose of attempting to gain an adjustment of said cause or dissatisfaction.
26. "Holiday Benefit" is the payment of eight (8) hours of pay or time off at a later date. If the employee works on the holiday and no time off is given, the employee will earn pay at 1 ½ the employee's normal pay rate only for actual hours worked on the holiday. (See Policy 19.000)
27. "Immediate Family" includes: spouse, children, and parents.
28. "Inquiry" The process of gathering and weighing evidence bearing on grievances. The process may include:
  - A. securing documents;
  - B. holding individual interviews or group meetings;
  - C. conducting a hearing or
  - D. any combination of the above.
29. "Insubordination" is a willful refusal by an employee to carry out a legitimate order from a supervisor, or superior in the direct chain of authority.
30. "Jurisdiction" means the sphere of authority of the County.
31. "Layoff" means a separation from employment because of lack of funds or materials, abolishment of position, or for other reasons not reflecting discredit on an employee and for reasons outside of his/her control.
32. "Length of service" means the number of years, months and days an employee has been employed by the County.
33. "Management" is the elected official, supervisor, department head or the Board of County Commissioners.
34. "Military Leave" means the leave of absence granted to employees entering the armed forces of the United States, or required attendance at National Guard or Military Reserve functions.

35. "Non-Exempt Employee" is an employee who fails to meet any of the tests established by the Fair Labor Standards Act as Executive, Administrative, or Professional. These employees are entitled to the benefits and protections of the Fair Labor Standards Act.
36. "Overtime" generally means time worked in excess of a 40 hour work week. Exceptions are Sheriff's Deputies and employees covered under a negotiated labor agreement. Overtime pay is only paid after accruing 40 hours of Compensatory time.
37. "Part-time" means a position in which an employee who works less than 40 hours per week or 2080 hours per year.
38. "Permanent Employee" means an employee who is assigned to a position designated as permanent on the appropriate list of authorized positions and approved as such in the budget.
39. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.
40. "Position" means a group of current duties and responsibilities assigned by the appointing power requiring the employment of one person.
41. "Probationary Period" means a period of 6 months or, for a deputy sheriff, 12 months (Section 7-32-2105 MCA), during which an employee is required to demonstrate, by actual performance of the duties, his fitness for the position to which he has been appointed.
42. "Punitive Discipline" management action which punishes an employee for seriously unacceptable job performance or behaviors.
43. "Qualifying Period" means a 6 calendar month period an employee must be continuously employed to be eligible to use vacation leave credits or to be eligible for a lump-sum payment upon termination for unused vacation leave credits. The qualifying period for sick leave is ninety (90) days.
44. "Reduction in Work Force" means a management action taken for non-disciplinary reasons in which an employee is laid off. The reduction in force may take place for reasons including elimination of programs, lack of work, lack of funds, expiration of grants, or reorganization.
45. "Regular Schedule" means an employee's work schedule set by the Department Head or Supervisor for which an employee is either expected to work or use approved leave time.

46. "Reinstatement" means the return of an employee to his former position in the County within one year after layoff, or at any time after successful appeal of a suspension, reduction in rank or termination.
47. "Resignation" means the voluntary action by an employee of terminating his employment.
48. "Seasonal Employee" means an employee assigned to a position for which the County has a permanent need, but which is interrupted by the seasonal nature of the assignment. Seasonal employees shall earn vacation credits and sick leave. However, such persons must be employed 6 qualified months before they may use the vacation credits and 90 days before they use sick leave. In order to qualify, such employees must immediately report back for work when operations resume, in order to avoid a break in service.
49. "Sick Leave" means a leave of absence with pay for a medical condition of the employee or immediate family, for a medical condition or death of an immediate family member or other relative, and for funeral attendance.
50. "Sick Leave Credits" means the earned number of sick leave hours an employee is eligible to use upon completion of the qualifying period.
51. "Specialist" is an individual that performs a specialized or technical function of county government and may perform some supervisory duties.
52. "Supervisor" means person appointed by the Board of County Commissioners as the principal employee for the discharge of duties provided by law or a particular delegated function.
53. "Suspension" means a temporary removal from duty with or without pay, of an employee for disciplinary purposes.
54. "Temporary Employee" means an employee who is designated as temporary for a definite period of time not to exceed 12 months, or performs temporary duties or permanent duties on a temporary basis, is not eligible for permanent status and is not eligible to become a permanent employment without a competitive process.
55. "Termination" means the involuntary cessation of employment with the County for just cause.
56. "Vacation Leave" means a leave of absence with pay requested by the employee for rest and relaxation or personal business and taken with the employer's approval.

57. "Vacation Leave Credits" means the earned number of vacation hours an employee is eligible to use upon completion of the qualifying period.
58. "Work Day" means any day during which an employee is employed in his duties as a county employee regardless of the number of hours that day. Normally from 8:00 a.m. to 5:00 p.m., continuously every day of the year, except holidays, Saturdays, and Sundays.
59. "Work Hour Reduction" means the reduction in the number of hours an employee works for the County. This may be a reduction in working hours, a change from full time to part time employment, job sharing arrangements, or short term leaves of absences without pay.

Sections marked with an Asterisk (\*) are taken from Federal law and procedures.

Sections taken from Montana law will have the section noted in the affected section when possible.

**STATEMENT OF POLICY**

An interesting and challenging experience awaits employees of the County. We have prepared this handbook to answer some of the questions concerning the County and its policies. Please read it thoroughly and retain it for future reference.

**Scope:** These Personnel Policies and Procedures shall apply to all County employees. In the event of conflict between these rules and any collective bargaining agreement, County resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any resolution, rule or law incorporated into this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

**The County specifically reserves the right to repeal, modify or amend these policies at any time following notice and resolution by the Stillwater County Commission. None of these provisions shall create a vested contractual right of any employee or to limit the power of the County Commission to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.**

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**2.000** EQUAL EMPLOYMENT OPPORTUNITY  
GRIEVANCE PROCEDURE\*

**PURPOSE:** To inform management and employees of the provisions of the various discrimination laws

**STATEMENT OF POLICY**

The County is an equal employment opportunity employer. The County does not refuse employment or discriminate in compensation or the other terms, conditions and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs. Any applicant for employment with the County or employee, who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact any supervisor in the chain of command or a County Commissioner. (2-18-102 MCA)

**2.100 Pre-employment Inquiries \***

Except as may be required by the reasonable demands of a position, compliance with a lawful affirmative action plan, or government reporting or record-keeping requirements,, the County may not elicit information concerning race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs from applicants for employment.

The County will obtain information required for tax, insurance, social security, compliance with garnishment or immigration laws or other legitimate business purposes after employment. (2-18-102 MCA)

**2.200 Pre-employment Physical Examinations \***

The County will require pre-employment medical examinations only when necessary to determine ability to perform the physical duties of a particular position. Any pre-employment medical examination must be job-related.

The County will require a pre-employment medical examination only after a conditional offer of employment has been made to a job applicant.

The County shall maintain the results of the examination in separate files which are treated as confidential, except that supervisors, department heads and elected officials may be informed regarding necessary restrictions and accommodations and safety personnel may be informed if a disability might require emergency treatment.

The results of the examination may not be used to refuse employment or to make a distinction in employment unless a medical evaluation establishes inability of the particular applicant to safely and efficiently perform the duties of the position with reasonable accommodation, if necessary. (2-18-102 MCA)

### **2.300 Nepotism**

The County does not discriminate against applicants or employees based upon marital status unless required to do so by the reasonable demands of the position (a bona fide occupational qualification). Compliance with Section 2-2-302 and 2-2-303 MCA, which prohibit nepotism in hiring and appointment, is not discrimination. Marital status includes whether a person is married, divorced, separated or single and the identity and occupation of a person's spouse. Refer to Section 5.000 for more information.

### **2.400 Equal Pay \***

The County does not pay any employee less than an employee of the opposite sex for work involving substantially equivalent skill, effort, and responsibility and which is performed under similar working conditions. Wage differentials are permitted on factors other than sex, for example, longevity, merit, and applicant or employee qualifications.

### **2.500 Disability\***

#### **2.510 Reasonable Accommodation**

The County does not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, conditions, or privileges of employment due to physical or mental disability.

Stillwater County provides reasonable accommodation to an otherwise qualified applicant or employee with a known disability that prevents the individual from participating in the application process, competing in the selection process, performing the essential functions of the job, and enjoying equal benefits and privileges of employment. An accommodation that is not effective, creates undue hardship on a department, or endangers health or safety is not a reasonable accommodation.

Any otherwise qualified applicant for employment or employee with a disability who requires reasonable accommodation shall inform his or her immediate supervisor or the County Commission of the nature of the disability and the accommodation requested. Employees with access to such information must maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to anyone who does not have the right or need to know.

#### **2.520 Communicable Diseases \***

Communicable diseases, including HIV/AIDS, are physical disabilities. The County does not discriminate against any applicant for employment or employee based upon communicable disease unless required to do so by the reasonable demands of the position. Prior to making any distinction based upon communicable disease, the County will evaluate:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of potential harm.

The County will evaluate these factors after obtaining the medical judgments of public health officials.

### **2.600 Maternity\***

Stillwater County may not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, conditions or privileges of employment based upon a temporary disability resulting from pregnancy, childbirth, or related medical conditions.

Stillwater County may not terminate any employee due to pregnancy or childbirth.

Stillwater County shall grant a request by an employee for a reasonable leave of absence for maternity, pregnancy, childbirth, or related medical conditions. Stillwater County recognizes six calendar weeks as a reasonable period of recovery from the temporary disability due to childbirth.

Stillwater County may not require any employee to take a mandatory maternity leave for an unreasonable length of time. If absenteeism due to pregnancy becomes excessive or if a pregnant employee is incapable of performing normal job duties, a department may require the employee to take maternity leave until the employee is capable of performing normal job duties on a regular basis. Prior to requiring maternity leave, a department shall assess whether a department can make any reasonable accommodation that allows the pregnant employee to continue to work.

The County shall reinstate an employee who has taken a reasonable leave of absence for maternity to her original or an equivalent job with equivalent pay and accumulated seniority and other benefits.

An employee requiring maternity leave shall provide a department with reasonable notice of the expected date of leave and may be required to provide 30 days advance notice of the need to take FMLA leave. An employee returning from maternity leave shall provide a department with reasonable notice of her intent to return to work. When a department receives notice of intent to work, the department shall reinstate the employee as soon as reasonably possible.

### **2.600 Religion\***

The County shall make reasonable accommodation for religious beliefs or practices. Any otherwise qualified applicant for employment or employee who requires reasonable accommodation may inform his or her immediate supervisor or the County Commission of the need for a religious accommodation. An accommodation that creates an undue hardship on a department is not a reasonable accommodation.

All employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to anyone who does not have the right or need to know. (ARM 3-0630, and 2-18-102 MCA)

### **2.700 Sexual Harassment\***

Sexual harassment of employees, customers and any other persons is prohibited. It is the County's policy to provide employees with a work environment free of sexual harassment, recognize the unique nature of complaints of sexual harassment, encourage early reporting, and resolve complaints promptly, confidentially, and at the lowest level possible.

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.

Sexual harassment also includes harassment directed toward a person because of gender, a pattern of sexual favoritism, or harassment because of a person's sexual orientation.

Examples of prohibited sexual harassment include, but are not limited to:

- Propositions or pressure to engage in sexual activity
- Sexual assault
- Repeated intentional body contact
- Repeated sexual jokes, innuendos, or comments
- Constant staring or leering
- Inappropriate comments concerning appearance
- Display of magazines, books, pictures, or electronic documents with a sexual connotation
- A pattern of hiring or promoting sex partners over more qualified persons
- 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.

### **2.750 Other Harassment\***

Harassment of employees, customers, and any other persons because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs is prohibited. It is County policy to

provide employees, customers, and any other persons with a work environment free of these forms of harassment.

Examples of other prohibited harassment include, but are not limited to:

- Coercion of employees, clients, or customers in the participation or non-participation in religious activities; or
- ethnic slurs, repeated jokes, innuendoes, or other verbal or physical conduct because of a person's, nationality, race, color, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs if these actions create an intimidating, hostile or offensive working environment.

### **2.800 Retaliation \***

The County may not retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, filing a discrimination complaint, testifying or participating in any other manner in a discrimination proceeding. (2-18-102 MCA)

### **2.900 Equal Employment Opportunity Commission Grievance Procedure\***

- A. Any employee who believes he/she or another employee has been subjected to a violation of the policies in this section, should immediately report the incident to his or her immediate supervisor or the County Commission. If the immediate supervisor is involved in the matter, the employee should inform his or her immediate supervisor's supervisor, or the County Commission.
- B. Any supervisor who receives a report of a violation of these policies shall promptly notify his or her department head or elected official and the County Commission.
- C. The department head or elected official shall promptly notify the County Commissioners, investigate the complaint, and make a factual report to the Commissioners as soon as practical after receiving notice of the alleged violation. The investigation shall include, but not necessarily be limited to, interviewing as many persons as possible who have knowledge of the matter and reviewing any relevant documents. The factual report and final decision shall remain confidential and be disseminated only to persons having a right to know, which outweighs the privacy rights of the persons involved.
- D. Upon receipt of a complaint alleging harassment, including, but not limited to, sexual harassment, the Commission shall take steps to prevent the alleged conduct from continuing, pending completion of the investigation.
- E. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, the Commission will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the County Commission will take appropriate action, including, but not limited to, disciplinary measures pursuant to the County's Guidelines for Appropriate Conduct Policy, which may include termination.

- F. Neither the County nor any employee will retaliate against any employee for filing a discrimination grievance or for participating in any way in a grievance procedure.

**EFFECTIVE:** Immediately

**APPROVAL:** Commission

**DATE:** March 19, 2002

**LAST REVISED:** March 26, 2003

December 4, 2003

### **3.000 PERSONNEL APPOINTMENTS**

**PURPOSE:** To establish a policy detailing employment categories for County employees

#### **STATEMENT OF POLICY**

All County employees shall be assigned by the appropriate County officer to one of the following employment categories (Section 2-18-101 MCA):

#### **3.100 Permanent**

“Permanent” means an employee, assigned as permanent, who has attained or is eligible to attain permanent status. Permanent employees may be assigned as either full-time (normally working forty (40) hours per week - 2080 hours per year), or part-time (normally working less than forty (40) hours per week - 2080 hours per year)

#### **3.200 Permanent Status**

“Permanent status” means the state an employee attains after satisfactorily completing an appropriate probationary period.

#### **3.300 Seasonal**

“Seasonal” means a permanent employee, who is designated as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

#### **3.400 Temporary**

“Temporary” means an employee who is designated as temporary for a period of time not to exceed 12 months, unless position is paid under terms of a specific grant, and performs temporary duties or permanent duties on a temporary basis, is not eligible for permanent status, is terminated at the end of the employment period, and is not eligible to become a permanent employee without a competitive selection process. Temporary employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

#### **3.500 Short-term**

“Short-term” means an employee, who works at an hourly rate of pay established by the County. Short-term workers may not work for a County department for more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become permanent employees without a competitive selection process.

#### **3.600 Deputy Officers**

Each county officer may appoint a deputy officer as provided in MCA 7-4-2401. This appointment is an additional duty and may be terminated at the will of the county

officer. This is an additional duty to the employee's normal position. The deputy officer will perform those duties of the principal officer as needed.

**EFFECTIVE:** Immediately

**APPROVAL:** Commission

**DATE:** March 19, 2002

**LAST REVISED:** March 26, 2003

December 4, 2003

#### **4.000 RECRUITMENT AND HIRING PROCESS**

**PURPOSE:** To establish a policy and procedure for recruiting, hiring and promoting employees.

#### **STATEMENT OF POLICY**

It is the policy of the County to recruit, select, and promote personnel without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin, except where a bona fide occupational qualification is reasonably necessary to a County operation.

The following procedures will be adhered to by all departments in filling positions:

- A. Requests to fill all vacancies, whether through internal or external recruitment, shall be made to the County Commission as soon as the department head or elected official becomes aware of a vacancy. Upon receipt of notification and approval to fill the position, the selection process will begin. The selection process will be coordinated between the County Commission and the department head or the elected official affected and the Human Resources Specialist.
- B. A job description should be reviewed, revised or created. A useful guide is the series of job descriptions prepared by the Montana Association of Counties that contain essential functions of positions for the Americans with Disabilities Act purposes. The Human Resources office will maintain a current file of Job Descriptions and essential functions listings.
- C. A determination of minimum education and experience qualifications for the position will be established. These qualifications are normally expressed as the number of years and types of education and experience, which are necessary to allow a person hired to perform the specific duties of the job.
- D. A selection committee consisting of three members should be appointed. The selection committee, in cooperation with the County Commission and department head or elected official, will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, including questions, model answers, assignment of test weights, and total points and minimum passing scores.

- E. Selection strategy may include one or more of the following devices:
1. County applications / supplemental questionnaires
  2. Written, oral and/or performance tests
  3. Assessment centers, job simulation or job performance exercises
  4. Final interviews
  5. Reference checks (It is suggested that only the top applicant should have his/her references checked. The reference check should be used to verify work history and academic records.)

Reasonable accommodations shall be made for disabled applicants to allow participation in the selection process.

The County may recruit for vacant positions internally before recruiting externally. If posted internally, the posting will be for minimum of five (5) working days.

The County may also recruit externally. Internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants. The County reserves the right to reject any and all applications for the position and re-advertise if there are not sufficient qualified applicants.

Applications (Addendum B) for a posted position will not be accepted after the published closing and/or receipt date.

In all external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. Whenever a public employer uses a selection procedure other than a scored procedure, the public employer shall give preference to a disabled veteran, eligible relative, or veteran, in that order, over any non-preferred applicant holding substantially equal qualifications, as defined in 39-30-103 MCA.

In all external hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications.

Job offers shall be made in writing by the County Commission and appropriate department head or elected official. A job offer will specify whether the job is permanent full-time or part-time permanent, temporary, seasonal or a short-term position. The offer should also specify the position, title, salary, work location, starting date and hours of work.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**5.000**            **NEPOTISM**

**PURPOSE:**            To comply with the Montana nepotism laws

**STATEMENT OF POLICY**

The County does not discriminate against applicants or employees based upon marital status unless required to do so by the reasonable demands of the position (a bona fide occupational qualification). Compliance with Section 2-2-302 and 2-2-303 MCA, which prohibit nepotism in hiring and appointment, is not discrimination. Marital status includes whether a person is married, divorced, separated or single and the identity and occupation of a person's spouse.

It is County policy that no person, member of a board or commission, the Board of County Commissioners, or department head shall hire or appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree to any position in county government.

A person connected within the fourth degree of consanguinity includes: parent, child, grandparent, brother or sister, grandchild, great grandparent, uncle or aunt, nephew or niece, great grandchild, great-great grandparent, great uncle or aunt, first cousin, grand nephew or niece, and great-great grandchild.

A person connected within the second degree of affinity includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife's or husband's brother) and his wife, sister-in-law (wife's or husband's sister) and her husband, and husband or wife of grandchild.

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

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

## 6.000

## PROBATION PERIOD

**PURPOSE:** To establish policy and procedure for a probation period for new employees and current employees who transfer to new positions

### **STATEMENT OF POLICY**

Employees, including transferred or promoted employees (except temporary employees and short-term workers), in full-time or part-time positions must serve a six-month period of probation. Short-term workers and temporary employees are continually on probation. Deputy sheriffs serve a probationary period of one year pursuant to Section 7-32-2105 MCA. An undersheriff holds office at the pleasure of the sheriff.

During the established probationary period, the County reserves the right to terminate the probationary employee's service on the basis of unsatisfactory performance or for reasons deemed sufficient by the County. An employee, whose work or actions are unsatisfactory, should be terminated as soon as possible. Early termination saves the County time and dollar investments and saves the employee possible embarrassment and frustration. A terminated probationer shall be notified in writing by the appropriate department head or elected official. A copy of the notification shall be retained in the personnel file.

Two evaluations will be conducted during the probationary period to assess performance and to advise the employee of expectations regarding performance. If the employee successfully completes the probationary period, he/she shall be informed in writing by the appropriate department head or elected official. This evaluation should be placed in the employee's personnel file.

Under unusual circumstances, the probationary period may be extended in writing by the appropriate department head or elected official.

If a situation arises during an employee's probationary period for which a leave is granted, the time off will not be considered as time worked.

If a transferred or promoted employee fails to satisfactorily complete the new probationary period, the employee shall revert to his/her former position, if the position is unfilled and a selection process has not begun. If the former position has been filled or the selection process has begun, the employee is eligible to apply for other available positions which are posted or advertised pursuant to the County recruitment and hiring process. The employee shall receive no preference in the selection process. A promoted or transferred employee reverted to his/her former position shall not be required to serve a new probationary period. A promoted or transferred employee reverted to another position shall be required to serve a new probationary period for the new position for a mutually agreed upon period of time.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**7.000**

**PERFORMANCE APPRAISAL**

**PURPOSE:** To provide an optional performance appraisal system for use as part of documentation in personnel decisions

**STATEMENT OF POLICY**

There may be optional performance appraisals of employees following the job description format.

The primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, re-employment, salary increases and training. Completed appraisal forms shall be returned to the Human Resources Office by the department head.

If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

**Personnel files are confidential and will be kept by the Human Resources Specialist. Retention of records will be as prescribed by MCA and Attorney General opinions as specified in the appropriate retention schedule.**

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**8.000**

**POSITION DESCRIPTIONS**

**PURPOSE:** To provide for position descriptions for all County positions

**STATEMENT OF POLICY**

Position descriptions and job specifications shall be maintained by the various departments for all permanent full-time, permanent part-time, temporary, seasonal and short-term worker positions.

The position description does not constitute an employment agreement between the County and employee. It is subject to change as the needs of the County and the requirements of the job change. The position description will be reviewed annually or when the job functions change.

The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or is a logical assignment to the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the department head, elected official or the Finance & Human Resource office.

Each employee will be provided a copy of their job description. Position descriptions must include essential functions of the job as required by ADA.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**9.000**

**TIME SHEETS / PREPARATION OF PAYROLL**

**PURPOSE:** To establish guidelines for preparation of employee time sheets and County payrolls

**STATEMENT OF POLICY**

Time sheets are to be completed by all employees. The time sheet shall include:

- Employee name,
- Department,
- Pay period,
- Hours to be compensated, broken down on a daily basis into hours worked,
- Holiday time,
- Sick leave,
- Compensatory time,
- Vacation,
- Leave without pay, etc.
- Employee signature
- Supervisor's signature.

The employee's signature affirms that the information on the time sheet is correct, and accurate and reflects actual time worked performing job duties. The Supervisor is approving and agreeing that the information on the time sheet is correct and no changes to total hours worked on the time sheet shall be made without both the employee and the supervisors initials to any changes or corrections. The payroll office may make corrections to the coding for the proper type of hours and calculations. Any other corrections will need to have the employee's and supervisor's initials to approve the change.

Time sheets are to be turned in on the first working day of the week following the end of the pay period. The work week begins at midnight 12:01 Sunday morning and ends at 12:00 midnight Saturday night.

Paychecks will be distributed only to the employee or the employee's supervisor unless other arrangements have been pre-approved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee. The employee may choose direct deposit.

Payroll records shall be maintained by the County as prescribed by the Secretary of State's Local Government Records Retention Schedule #5, County Accounting and Financial Records.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

**PURPOSE:** To establish procedures and responsibilities for the maintenance of employee personnel records

### STATEMENT OF POLICY

- A. Personnel records will be established and maintained for all employees of Stillwater County in the following manner:
1. The Human Resource Specialist is responsible for establishing and maintaining the official personnel file for each County employee as directed by the Board of County Commissioners.
  2. All employee personnel records are confidential and access is restricted, except for an employee's position title, dates and duration of employment and salary.
  3. Access to the files will only be allowed if the County Commission or designated individual finds that the merits of public disclosure overrides the individual's right to privacy after consultation with the County Attorney. All inspections of an employee's personnel file will be maintained on a log in that particular file. No material may be removed from the human resource office
  4. Supervisors or elected officials are responsible for including required documents in the personnel files of those employees assigned to their department.
  5. Each employee is responsible for the verification of information contained in the personnel file through periodic review. This inspection can be made through arrangement with the Human Resource Specialist. The employee's supervisor, the Human Resource Specialist or a member of the Board of County Commissioners will be present during this review.
  6. Separate personnel files shall not be maintained by individual departments.
  7. No materials in a personnel file may be removed from the file unless prescribed by the County Attorney.
- B. The following items are to be maintained in the employee's personnel file as a minimum.
1. The employee's original application and resume.
  2. Personnel Data Card
  3. All items that define or change status, classification, conditions of employment, pay or benefits.
  4. Performance evaluations.

5. Copies of comments relative to employee performance which have been received by the employee or which have been acknowledged by the signature of the employee acknowledging placement in their personnel file.
  6. Performance related information which an employee has requested be placed in the personnel file.
  7. Documentation of any disciplinary action or warning.
  8. A separate employee payroll record will contain information of a confidential nature pertaining to employee benefits, medical information and withholding authorizations.
- C. All personnel files are the property of Stillwater County and will be retained by the county during employment and subsequently for a period prescribed by the Secretary of State's retention schedule #5.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 26, 2003

December 4, 2003

## **11.000 SICK LEAVE**

**PURPOSE:** To establish guidelines to comply with the Montana law on qualification, accrual and use of sick leave

### **STATEMENT OF POLICY**

Accumulated sick leave credits are valuable free health insurance that maintains an employee's income during a period of personal illness or family emergency. Sick leave credits should be carefully guarded and not dissipated or abused. (2-18-618 MCA)

#### **11.100 Qualification and Calculation**

Employees are not entitled to be paid sick leave until they have been continuously employed for ninety (90) days.

Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one (1) working day per month (8 hours) without restriction as to the number of working days which may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period.

Permanent, temporary and seasonal part-time employees earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .0461 x hours worked.

Short-term workers do not earn sick leave credits.

#### **11.200 During Leave Without Pay, Holiday, or Vacation**

Employees do not accrue sick leave credits during a leave of absence without pay.

Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day.

With the department head or elected official's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave.

Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

#### **11.300 Payment Upon End of Employment**

Upon termination or resignation, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one quarter (1/4) of the amount attributed to accumulated sick leave. Termination pay will only apply to those credits earned since July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with the County.

#### **11.400 Use of Sick Leave**

Employees may use sick leave credits for:

- A. Illness or injury of the employee

- B. Illness or injury in the employee's immediate<sup>‡</sup> family requiring the employee's personal attendance
- C. Quarantine for contagious disease control, provided that certification is obtained from the attending physician.
- D. Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either employee or child.
- E. Doctor or dental appointments for treatment of the employee's illness, injury or preventive care (When possible, the employee's supervisor shall be notified at least 48 hours in advance.)
- F. To attend or make arrangements for a funeral of a member of the employee's immediate\* family.

### **11.500 Reporting**

Absences which will necessitate use of sick leave shall be reported by the employee to the supervisor or department head or elected official as soon as practical. Failure to report such leave within two (2) hours of employee's regularly scheduled starting time may be considered absence without approved leave. Absences are grounds for disciplinary action.

### **11.600 Abuse**

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. The employee's supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

### **11.700 Medical Certification**

When an employee is returning to duty following an illness or absence due to injury, or whenever the department head or elected official has reason to question the employee's ability to return to duty and perform his/her duties, the department head or elected official may require a medical certification of the employee's fitness to return to duty. The department head or elected official may also require medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others.

<sup>‡</sup> "Immediate" family means the employee's spouse, parent, or child.

**EFFECTIVE:** Immediately

**DATE:** March, 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 31, 2003

December 4, 2003

## 12.000

## SICK LEAVE FUND

**PURPOSE:** To establish a sick leave fund and to provide for direct grants of sick leave to employees suffering an extensive illness or accident

### STATEMENT OF POLICY

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

#### 12.100 Prohibited Uses

- A. No sick leave accrued prior to July 1, 1971, may be contributed to the sick leave fund or provided as direct grants.
- B. An employee shall not receive direct grants of sick leave or a grant from the sick leave fund:
  - 1. if the employee is eligible for worker's compensation benefits,
  - 2. if the employee is no longer employed by the County,
  - 3. while the employee is on a leave of absence without pay for a reason other than extensive illness or accident, or
  - 4. to provide care or attendance to an immediate family member.

#### 12.200 Membership in Sick Leave Fund

- A. A full-time or part-time employee in a County position designated as permanent or seasonal is eligible to participate in the sick leave fund.
- B. To enroll in the sick leave fund, an employee must:
  - 1. have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA),
  - 2. have a minimum balance of 40 hours of sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated. And,
  - 3. contribute at least eight (8) hours of accrued sick leave to the sick leave fund. The initial contribution for part-time employees shall be prorated.
- C. An employee may contribute a combined total of not more than 40 hours of sick leave either to the sick leave fund or as direct grants in a twelve (12) month period. The twelve (12) month period is calculated from the first day the employee contributes to the fund or makes a direct grant. At the time of termination, there is no limit on the amount of sick leave an employee may contribute to the fund.
- D. An employee meeting these requirements may enroll in the sick leave fund at any time.

- E. All contributions to the sick leave fund shall be voluntary and irrevocable.
- F. Participation in the fund constitutes the employee's agreement to abide by all rules related to the sick leave fund.
- G. An employee remains a member of the sick leave fund unless or until the employee:
  - 1. fails to authorize an additional contribution,
  - 2. terminates employment with the county,
  - 3. resigns in writing from the fund at any time.

### **12.300 Eligibility to Receive Grants From Sick Leave Fund**

A participating employee who meets the eligibility requirements of this procedure may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in grants from the sick leave fund. Leave approved for a part-time employee shall be prorated. The maximum allowable benefit in any twelve (12) month period from either grants from the fund or direct grants is 160 hours.

- A. The twelve (12) month period is calculated from the first day the employee takes sick leave which is a grant from the sick leave fund or a direct grant.
- B. No employee is eligible to receive a grant of sick leave from the sick leave fund without the approval of the department head, elected official or designee and with the approval of the County Commission.
- C. Participation in the sick leave fund or meeting the eligibility requirements of this procedure does not guarantee that receipt of sick leave shall be approved in any specific case by the department head or elected official.
- D. To be eligible to receive a grant from the sick leave fund, an employee must:
  - 1. have met the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA),
  - 2. suffer an extensive illness or accident which results in absence from work of no less than ten (10) consecutive working days,
  - 3. exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time,
  - 4. receive approval from the supervisor for leave of absence,
  - 5. receive approval from the department head, elected official or designee to receive a grant or direct grant of sick leave,
  - 6. provide to the employing agency a physician's certification of extensive illness or accident, and
  - 7. have been a member of the sick leave fund for ninety (90) days.

- F. If an employee is incapacitated and unable to apply for leave of absence and a grant from the sick leave fund, another person may do so for the employee.
- G. Participation in the sick leave fund does not prohibit an agency from terminating an employee.

**12.400 Eligibility to Make a Grant**

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

**12.500 Eligibility to Receive Direct Grants**

- A. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in direct grants. Leave granted to a part-time employee shall be prorated. The maximum allowable benefit in any twelve (12) month period from either direct grant or grants from the sick leave fund is 160 hours.
- B. The twelve (12) month period is calculated from the first day the employee takes sick leave which is a direct grant or a grant from the sick leave fund.
- C. No employee is eligible to receive direct grants of sick leave without the approval of the department head, elected official or designee.
- D. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.
- E. County Commissioners, by resolution, may create a variance to this policy under special circumstances.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 31, 2003

December 4, 2003

## 13.000

## ANNUAL VACATION LEAVE

**PURPOSE:** To establish guidelines to comply with Montana law on qualification, accrual and use of annual vacation leave

### STATEMENT OF POLICY

Employees earn annual vacation leave credit as follows:

- A. From the first full day of employment through ten (10) years of service at the rate of fifteen (15) working days or 120 hours.
- B. From ten (11) years through fifteen (15) years of service at the rate of eighteen (18) working days or 144 hours.
- C. From fifteen (16) years through twenty (20) years of service at the rate of twenty one (21) working days or 168 hours.
- D. After twenty (21) years of service at the rate of twenty four (24) working days or 192 hours.
- E. Employees are not entitled to annual vacation leave pay until they have been employed six (6) calendar months. (MCA 2-18-611)

For calculating annual vacation leave credits, only regular hours shall be considered and 2,080 hours shall equal one year. Proportionate annual vacation leave credits shall be earned and credited at the end of each pay period.

Annual vacation leave credits shall not accrue during a leave of absence without pay. Annual vacation leave taken on a legal holiday shall not be charged to an employee's annual vacation leave for that day. Absence from employment because of illness shall only be charged against annual vacation leave credits at the employee's request.

Annual vacation leave credits shall not be advanced after an employee's vacation leave credits have been exhausted.

Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess annual vacation leave shall be forfeited if not taken within ninety (90) days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to use the excess annual vacation leave prior to when the leave must be forfeited, and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess annual vacation leave. It is the responsibility of the County to ensure that the employee may use the excess annual vacation leave before the end of the calendar year in which the leave would have been forfeited.

Persons employed in two or more positions shall accrue annual vacation leave in each position according to the number of hours worked. Leave shall be used only from the position in which earned in proportion to the number of hours normally scheduled and must be approved by the department head or elected official in authority over the position.

### **13.100 Payment on End of Employment**

Upon termination or resignation with the County for reasons not reflecting discredit on the employee, an employee who has worked the qualifying period will be paid for unused annual vacation leave credits at the rate of pay in effect at the time of termination. Vacation time may not be used to delay the effective date of termination.

### **13.200 Scheduling**

Scheduling of annual vacation leave shall be accomplished by an agreement between the supervisor and employee, giving consideration to the best interests of the County and the employee.

### **13.300 Permanent Full-Time**

Permanent full-time employees earn annual vacation leave credits from the first day of employment. (Section 2-18-611 MCA) They are not entitled to annual vacation leave pay until they have been employed six (6) calendar months.

### **13.400 Permanent Part-Time**

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. (Section 2-18-611 MCA) They are not entitled to annual vacation leave pay until they have been employed for six (6) calendar months. Prorated annual vacation leave credits are calculated from the following schedule multiplied by the hours worked:

<u>Years of Employment Completed</u>	<u>Less Than 80 Hours Per Pay Period</u>
0 - 10 years	.058 x number of hours
11 - 15 years	.069 x number of hours
16 - 20 years	.081 x number of hours
21 + years	.092 x number of hours

### **13.500 Temporary Full-Time**

Temporary full-time employees receive the same annual vacation leave credits as Permanent full-time employees provided they have been employed for six (6) months. (Section 2-18-611 MCA)

### **13.600 Temporary Part-Time**

Temporary part-time employees receive the same prorated annual vacation leave credits as permanent part-time employees provided they have been employed for six (6) months. (Section 2-18-611 MCA)

### **13.700 Seasonal Full-Time**

Seasonal full-time employees receive the same annual vacation leave benefits as permanent full-time employees, provided they have been employed for six (6) months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service. (Section 2-18-611 MCA)

### **13.800 Seasonal Part-Time**

Seasonal part-time employees receive the same annual vacation leave benefits as permanent part-time employees, provided they work the qualifying six (6) months. In order to qualify, they must be recalled and immediately report back to work when operations resume. (Section 2-18-611 MCA)

### **13.900 Short-Term**

Short-term workers do not receive annual vacation leave credits. (Section 2-18-611 MCA)

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:**

**LAST REVISED:** March 31, 2003

December 4, 2003

**14.000****MILITARY LEAVE\***

**PURPOSE:** To provide for military leave of absence with pay for training or encampments and to provide for reinstatement

**STATEMENT OF POLICY**

An employee who is a member of the organized militia of the State of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months shall be given a leave of absence with pay for a period of time not to exceed fifteen (15) working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. Military leave shall not be used for weekend drills. This leave will not be charged against the employee's annual leave.

Military leave that is not used in one calendar year may not be carried over to the next calendar year in accordance with the Administrative Rules of Montana 2.21.415.

For employees called to active federal military service, the county will comply with the Federal Uniformed Services Employment and Reemployment Act (USERRA). This act provides reinstatement privileges of an employee who has been called into military service provided the individual meets the following requirements:

- Has current employment status with the County;
- Has given written or verbal notice to the County prior to leaving;
- Has not exceeded a five (5) year cumulative limit on periods of service (service performed during a time of war or national emergency is exempt from this limit);
- Has been released from service under conditions other than dishonorable;
- And, reports back to their employment in a timely manner or submits a timely application for re-employment.

If a returning employee meets the above requirements, the USERRA requires that the county provide four entitlements. They are:

- Prompt reinstatement;
- Accrued seniority, as if continuously employed;
- Training or retraining and other accommodations; and,
- Special protection against discharge, except for cause.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:**

**LAST REVISED:** April 7, 2003

December 4, 2003

**15.000**

**JURY DUTY OR WITNESS LEAVE**

**PURPOSE:** To establish guidelines for jury duty and for witness leave

**STATEMENT OF PURPOSE**

County employees shall be eligible to serve as a witness or on jury duty when properly subpoenaed or summoned.

An employee who receives notice of jury duty or witness service must notify his/her supervisor as soon as possible in order that arrangements may be made to cover the position.

An employee on authorized jury duty or witness leave shall receive his/her normal daily wage. The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Payroll Clerk/Finance office. Any expense or mileage allowance paid by the court shall be retained by the employee.

If an employee elects to charge juror or witness time off against annual leave or compensatory time, the employee shall not be required to remit to the county any fees or allowances paid by the court.

A part-time employee will receive compensation for those hours the employee is scheduled to work.

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror, the employee is expected to contact the supervisor and report to work as instructed.

An employee who is properly serving as a witness or on jury duty will continue to earn and accrue all benefits that the employee would normally earn.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 7, 2003

December 4, 2003

**16.000****MATERNITY LEAVE**

**PURPOSE:** To provide a policy for the uniform administration of maternity leave

**STATEMENT OF POLICY**

Employees may request the use of annual vacation leave, sick leave, compensatory time or other appropriate paid leave, or leave without pay, for necessary absences due to maternity related disabilities.

Under Montana Law, it is unlawful for an employer to:

- A. Terminate a woman's employment because of her pregnancy
- B. Refuse to grant an employee a reasonable leave of absence for such pregnancy.
- C. Deny an employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform his/her employment duties
- D. Require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave, except that eligibility for maternity leave shall not require employment for any specified period of time.
- E. The Family Medical Leave Act (FMLA) may cover this leave at the employee's request (See section 18.000). This leave may be taken by either the mother or father.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 7, 2003

December 4, 2003

## 17.000

## LEAVE OF ABSENCE WITHOUT PAY

**PURPOSE:** To establish procedures by which an employee may request a leave of absence without pay

### STATEMENT OF POLICY

Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave and the date of return. No unpaid absences will be approved until all paid leave is used.

The request shall be submitted by the employee to the affected department head or elected official. The department head or elected official shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and Federal laws.

A department head or elected official may grant a permanent, temporary or seasonal full-time or part-time employee a leave of absence without pay not to exceed ninety (90) calendar days. An extension of the approved leave, not to exceed ninety (90) calendar days may be approved by the department head or elected official. No sick leave, holiday, annual vacation benefits or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, however, 100% of the premiums are to be paid by the employee in a manner prescribed by the Plan Administrator.

**(Refer to Family and Medical Leave Section (Section 18.000) of this handbook for situations involving the Family and Medical Leave Act (FMLA) of 1993.)**

Upon expiration of the approved leave of absence, the employee shall be reinstated to the same class and rate of pay, unless otherwise mutually agreed to by the County and the employee.

Employees who fail to return to work on the next scheduled working day following the expiration of the approved leave are subject to disciplinary action including termination.

Employees absent from work for three (3) consecutive work days without notice to the supervisor will be considered to have resigned their position. The Human Resource office will assist supervisors in following the proper steps to contact the employee.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 7, 2003

December 4, 2003

**PURPOSE:** To provide a procedure for use of Federal Family and Medical Leave Act benefits for County employees

### **STATEMENT OF POLICY**

The County has adopted the following policy to establish the procedures and criteria for providing family and medical leave under the Federal Family and Medical Leave Act (FMLA) of 1993 **Employees who are qualified are eligible to receive up to twelve weeks of paid or unpaid, job protected, leave for certain family and medical reasons.**

#### **18.100 Eligibility**

To be eligible for FMLA leave, the employee must have worked for the County for a minimum total of twelve (12) months and for at least 1,040 hours during the twelve (12) month period immediately preceding the leave.

#### **18.200 Duration**

Eligible employees may take up to twelve (12) weeks of leave within each calendar year, which begins January 1 of each year. The twelve weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

#### **18.300 Purpose of Leave**

An eligible employee will be granted up to twelve (12) weeks of FMLA leave for any of the following reasons:

- A. For the birth of a child and to care for the newborn child,
- B. For the placement of a child with the employee for adoption or foster care,
- C. For the care for a spouse, child or parent with a serious health condition,
- D. For a serious health condition that makes the employee unable to perform the functions of the employee's job.

#### **18.400 Serious Health Condition**

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

- A. An illness that requires the person to be hospitalized

- B. An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period
- C. An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment
- D. Any period of incapacity due to pregnancy or childbirth
- E. A regular or long-term problem supervised by a physician where there is not effective treatment, such as Alzheimer's, severe stroke, terminal stages of disease
- F. Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness)
- G. Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis).

#### **18.500 Notice and Certification**

Employees are required to provide advance notice of leave requests whenever possible. Thirty (30) days notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the department head or elected official. The department head or elected official must promptly (within two (2) business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. The department head or elected official should use Form WH-381. (Available at the Human Resource Office)

#### **18.600 Use of Paid Leave**

Employees must use accrued sick leave concurrently with Family and Medical Leave Act, if the leave meets the conditions of the County Sick Leave Policy. The hours used will be counted against the employee's Family and Medical Leave Act entitlement. Employees may use accrued annual vacation leave and exempt compensatory time concurrently with the Family and Medical Leave Act leave. The hours used will be counted against the employee's Family and Medical Leave Act entitlement. Employees may also use non-exempt compensatory time for Family and Medical Leave Act leave. These hours will not be counted against the Family and Medical Leave Act entitlements.

#### **18.700 Health Benefits**

An employee's health insurance coverage will be continued at the same level he/she had prior to the use of FMLA leave. Employees who pay a portion of the contribution costs for dependent coverage for health benefits or other insurance coverage are required to self-pay those costs to maintain coverage during the FMLA leave. If an

employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefits contributions paid by the County during the employee's unpaid FMLA leave. Repayment may be waived in situations where the continuing serious health condition or circumstances beyond the control of the employee prevent the employee from returning to work.

**18.800 Reinstatement**

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

**EFFECTIVE:** Immediately

**APPROVAL:** Commission

**DATE:** March 19, 2002

**LAST REVISED:** April 7, 2003

December 4, 2003

**19.000 HOLIDAYS AND BENEFITS**

**PURPOSE:** To provide guidelines for administration of the Montana law on holidays

**STATEMENT OF POLICY**

Legal holidays will be observed by County employees without loss of pay.

The following are legal holidays (Section 1-1-216 MCA):

- |                                |                               |
|--------------------------------|-------------------------------|
| A. New Years Day               | January 1                     |
| B. Martin Luther King, Jr. Day | Third Monday in January       |
| C. President’s Day             | Third Monday in February      |
| D. Memorial Day                | Last Monday in May            |
| E. Independence Day            | July 4                        |
| F. Labor Day                   | First Monday in September     |
| G. Columbus Day                | Second Monday in October      |
| H. Veterans’ Day               | November 11                   |
| I. Thanksgiving Day            | Fourth Thursday in November   |
| J. Christmas Day               | December 25                   |
| K. State General Election Day  | November, even numbered years |

Sunday is not considered a legal holiday for pay purposes (Section 2-18-601 MCA).

**19.100 Holidays Falling on Weekends**

If any holiday falls upon a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When the employee is normally scheduled to work on the actual holiday, the observed holiday will be treated as a normal workday.

When an employee is scheduled or required to work on the actual holiday, the employee will receive either another day off at a later time or pay for actual hours worked at 1.5 times the normal pay rate. The additional day off shall be arranged with the supervisor.

**19.200 Benefits and Eligibility Requirements**

An eligible employee shall receive holiday benefits for legal holidays. This benefit is paid time off or pay at the regular rate. Holiday benefits will not exceed eight hours per holiday.

Holiday benefits are calculated based on an employee’s regular schedule. For purposes of this policy, changes to an employee’s schedule which extend beyond one pay period are changes to the regular schedule.

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits.

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

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

A short-term worker is not eligible to receive holiday benefits.

### **19.300 Full-Time Employee Benefits**

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, will receive eight (8) hours of holiday benefits. The employee usually receives the holiday off; however, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday at the rate of 1.5 times the normal pay rate, unless another day off is provided. If another day off is provided, the pay rate will be the employee's normal wage.

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period or as requested by the employee and approved by the supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off. (Section 2-18-603 MCA) If a day off cannot be provided, the County may provide eight (8) hours of pay at the regular rate.

### **19.400 Part-Time Employee Benefits**

Part-time permanent, temporary or seasonal employees receive holiday benefits on a prorated basis. (Sec. 2-18-603 MCA)

Holiday benefits will be an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls will be divided by ten (the number of working days in a pay period). Holiday benefits will not exceed eight (8) hours.

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

The employee usually receives the holiday off; however, the County reserves the right to require a part-time employee to work on the day a holiday is observed. The employee will receive holiday benefits as provided in this rule and will be compensated for work performed on a holiday as provided in the next paragraph.

### **19.500 Pay for Work Performed on a Holiday**

An employee who is designated as nonexempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed will be paid for all hours actually worked. In accordance with the holiday benefit provided for in this rule, the employee will receive either a paid day off at the regular rate at another time, or pay as described below, at the County's discretion, but not both.

A. If the holiday benefit is a paid day off to be taken at a later date, the employee will receive pay at the regular rate for every hour worked on the holiday.

B. If the holiday benefit is to be pay, but no day off, the employee will receive premium pay (regular rate x 1.5) for all hours worked on the holiday. (FLSA).

If an employee does not work a regular schedule and is called in to work on the holiday, the employee will receive pay at the regular rate for every hour worked on the holiday.

Hours worked on a holiday may result in more than forty (40) hours in a pay status during the workweek. An employee shall not receive both premium pay and overtime pay for the hours worked on a holiday. If the County provides pay at the regular rate for hours worked on the holiday or paid time off on an hour-for-hour basis, the employee shall receive overtime or compensatory time for the hours over forty (40) in a workweek, in compliance with the overtime and compensatory time policy.

An employee who is exempt from the FLSA and who receives approval to work on the holiday will receive paid time off equivalent to the number of hours worked.

Equivalent paid time off for work performed on a holiday may be taken at a later date upon request by the non-exempt employee and approval of the supervisor. When an employee requests to take the hours off and where the interest of the County requires the employee's attendance, the County's interest overrides the employee's.

For exempt employees definition see Addendum A.

**EFFECTIVE:** Immediately

**APPROVAL:** Commission

**DATE:** March 19, 2002

**LAST REVISED:** April 7, 2003

December 4, 2003

## **20.000 OVERTIME AND COMPENSATORY TIME**

**PURPOSE:** To establish guidelines for the recording, use and auditing of overtime and compensatory time

### **STATEMENT OF POLICY**

#### **20.100 Non- Exempt Overtime Pay**

Non-exempt employees (all employees are non-exempt except as defined by the Fair Labor Standards Act) may receive overtime compensation for hours worked in excess of forty (40) hours per week at the rate of 1½ times the regular hourly rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, holiday leave, personal leave, comp. time used, etc.) shall not be considered hours worked for the purpose of calculating overtime payments.

#### **20.200 Non-exempt Compensatory Time**

Non-exempt employees may receive compensatory time off in lieu of overtime payment if mutually agreed upon in writing between the employee and the department head or elected official. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of forty (40) hours per week. Employees may accrue a maximum of forty (40) compensatory time hours. Employees, who have accrued compensatory time and request use of this compensatory time, shall be permitted to use the time off within a “reasonable time” after making the request, if the use does not “unduly disrupt” the operations of the County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

The department head or elected official shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and approval of the department head or elected official.

#### **20.300 Exempt Compensatory Time**

Exempt employees may receive compensatory time off for hours worked in excess of forty (40) hours per week at the rate of one hour for each hour worked in excess of forty (40). Exempt employees may accrue a maximum of forty (40) compensatory hours. The department head or elected official shall give prior authorization for all hours worked in excess of forty (40) per week. No monetary compensation for excess compensatory time shall be allowed at any time.

The department head or elected official shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and approval of the department head or elected official.

## **20.400 Record Keeping**

Department heads or elected officials shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs. The Finance and Human Resources department will maintain the official totals from these records.

**EFFECTIVE:** Immediately

**APPROVAL:** Commission

**DATE:** March 19, 2002

**LAST REVISED:** April 7, 2003

December 4, 2003

**21.000**

**WORKERS' COMPENSATION**

**PURPOSE:** To inform employees of workers' compensation coverage and benefits.

**STATEMENT OF POLICY**

The County provides every employee with wage supplement and medical benefits for work-related injury or disease covered under the Montana Workers' Compensation Act or the Occupational Disease Act.

Every work-related injury must be reported within 24 hours to the injured employees supervisor, and be reported by state law, within thirty (30) calendar days after the occurrence to the Supervisor and the County's Workman's Compensation Insurance Carrier.

Benefits for compensable injuries are governed by state law, and include wages, medical, hospital and related services and other compensation.

Wage loss benefits begin after a six (6) day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the six-day waiting period.

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

Contractors are required to furnish documentation of workers compensation insurance to the Finance and Human Resource Office.

Each employee shall have access to a copy of the Worker Compensation rules.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 7, 2003

December 4, 2003

**PURPOSE:** To establish a policy to inform management and employees of behavior and conduct which is appropriate and inappropriate conduct which could lead to disciplinary action.

### **STATEMENT OF POLICY**

As an integral member of the County team, employees, department heads and elected officials are expected to accept certain responsibilities and adhere to acceptable business practices. This not only involves sincere respect for the rights and feelings of others, but also demands that in public life, employees and local government officials refrain from any behavior that might be harmful to self, co-workers, and/or the County, or that might be viewed unfavorably by the public at large.

Employee conduct reflects on the County. Employees and local government officials, consequently, are encouraged to observe the highest standards of professionalism at all times.

Listed below are types of performance, behavior and conduct which are prohibited. This list should not be viewed as being all-inclusive. Types of performance, behavior and conduct the County considers inappropriate and which shall lead to disciplinary action include, but are not limited to, the following:

1. Falsifying employment or other County records or making false statements,
2. Violating the County's Equal Employment Opportunity Policy,
3. Violating the Montana Code of Ethics, (Section 2-2-101 / 1-1-304 MCA)
4. Establishing a pattern of absenteeism or tardiness,
5. Use of County equipment, vehicles, supplies, time or facilities for anything other than County business,
6. Reporting to work intoxicated or under the influence of non-prescriptive drugs. Employees using non-prescription drugs affecting performance should inform their supervisor,
7. Violating the Drug Free Work Place Act including, but not limited to, testing positive for drug use,
8. Possessing or using alcoholic beverages in County vehicles or private vehicles being used while on county business.
9. Fighting or causing or performing violent acts in the workplace.
10. Theft of property from County employees and local government officials or the County,
11. Possessing unauthorized firearms on Stillwater County premises or while on County business.
12. Disregarding safety or security regulations,
13. Engaging in insubordination,

14. Failing to maintain the confidentiality of County information,
15. Operating county vehicles or equipment while under the influence, as defined in Section 61-8-401 MCA,
16. Failing to perform duties in a satisfactory manner,
17. Using offensive conduct, gestures or language toward the public, County officials or other employees,
18. Abusing break times and/or lunch periods,
19. Misrepresenting travel expenses,
20. Failing to possess or maintain a driver's license, commercial drivers license or other license, when the license is necessary for performance of job duties,
21. Violating drug and alcohol rules and regulations established for employees required to have commercial drivers' licenses,
22. Failing to operate County equipment safely and in a prudent manner. State driving laws and regulations will be followed at all times, (Speed limits, parking, etc.),
23. Abuse of or failure to properly maintain County equipment or property,
24. Any other act, failure to act, or negligence which is injurious to the County, County employees or the general public.

Violations of the above standards or other county, state or federal rules, or conduct which is injurious to the County's interests or its employees' interests, shall result in disciplinary action which may include written or oral warnings, suspension, demotion, termination<sup>‡</sup>, or other appropriate discipline.

In all cases, an employee subject to disciplinary action shall be informed by the department head or elected official of the alleged violations and employer's evidence and the employee shall be allowed to present his/her defense to the allegation and evidence orally and/or in writing before discipline, if appropriate, is imposed.

If the disciplinary decision is termination, the department head or elected official shall, at discharge or within seven (7) days of the date of discharge, notify the discharged employee of the existence of the County's "Complaint Resolution Procedure" and provide the discharged employee with a copy of the "Procedure."

<sup>‡</sup> Deputy sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties." (Smith v Roosevelt County, 242Mt.27)

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 7, 2003

December 4, 2003

## 23.000

## DRUG FREE WORKPLACE \*

**PURPOSE:** To comply with the Federal Drug Free Workplace Act

### STATEMENT OF POLICY

The Drug-Free Workplace Act of 1988 requires that agencies receiving federal grant money Maintain a drug free workplace.

The Stillwater County Commissioners are committed to a drug-free workplace. This policy prohibits the unlawful manufacture, distribution, possession, sale and/or use of controlled substances (as defined in Section 21 USC 812) in the workplace, including county vehicles/equipment or while engaged in county business off county premises is strictly prohibited.

In 1988 Congress passed a variety of anti-drug legislation which included the Drug-Free Workplace Act (DFWPA). This Act requires that agencies and individuals, who receive Federal aid or who contract with the Federal government, adopt specific policies regarding the illegal possession and use of controlled substances. To comply with this Act, the County has adopted the following policy.

Employees of Stillwater County shall:

1. Abide by the terms of the county's policy statement requiring a drug-free workplace.
2. Notify the county of any conviction of a criminal drug statute which is the result of a violation which occurred in the workplace.

The County must be notified no later than five (5) days after the conviction.

The county shall take one of the following actions within 30 days of receiving notice of a conviction from an employee:

1. Take appropriate disciplinary Action against the employee, up to and including discharge; or,
2. In the event discipline does not include discharge, the employee needs to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

All County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812 Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

County employees must abide by this Policy as a condition of employment and violations of this Policy will result in disciplinary action up to and including termination. The County may also require employees who violate this policy to satisfactorily participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform the employees immediate supervisor of such conviction within five (5) days after the conviction. The supervisor must

inform the department head or elected official of any such communication immediately.

**EFFECTIVE:** Immediately  
**APPROVAL:** Commission

**DATE:** March 19, 2002  
**LAST REVISED:** April 7, 2003  
December 4, 2003

**24.000**

**HOURS OF WORK**

**PURPOSE:** To establish a policy setting uniform hours of work for employees

**STATEMENT OF POLICY**

Except as otherwise provided by labor agreement, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

Employees shall have a rest period of fifteen (15) minutes, on the County's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period.

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

Hours for employees may vary from the normal office hours established above due to the nature of the work. Variances must be approved by the appropriate department head or elected official, with concurrence of the County Commission.

Nothing in the Policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

Alternate work schedules may be established by department heads and elected officials, however, all offices must be open a minimum of 8-5 Monday through Friday.

All departments are asked to provide a monthly calender of staffing to the Board of County Commissioners, to show the schedule of each office for the upcoming month. This should show as a minimum, the planned vacations, classes or meetings out of the office, and other events that affect each office.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 14, 2003

December 4, 2003

**25.000**

**PERSONAL APPEARANCE**

**PURPOSE:** To establish general guidelines related to personal appearance of County employees

**STATEMENT OF POLICY**

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

County employees should always be well-groomed and business-like in appearance in a manner suitable for the public service environment and to reflect favorably on the County's image.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 28, 2003

December 4, 2003

**26.000**

**PERSONAL TELEPHONE CALLS**

**PURPOSE:** To provide for control of incoming and outgoing personal telephone calls

**STATEMENT OF POLICY**

County phones, Internet and e-mail are to be used for County business and may be used for personal business on a limited basis only.

Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work. Personal phone calls should never interrupt the work place duties.

When a toll call must be placed, the call is to be made at the employee's expense billed to the employee's home number, call collect or use a calling card.

It is the employee's responsibility to ensure that no cost to the County results from personal phone calls.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** April 28, 2003

December 4, 2003

**27.000**

**DRIVERS LICENSE REQUIREMENT**

**PURPOSE:** To establish a policy for the requirement of a valid Montana State Drivers License by employees whose jobs involve driving County vehicles

**STATEMENT OF POLICY**

Employees whose work requires that they drive County vehicles must hold a valid Montana State Drivers License, including a Montana Commercial Drivers License if applicable.

All new employees who will be assigned work entailing the operation of a county vehicle will be required to submit to a Montana State Division of Motor Vehicles driving record check as a condition of employment. Periodic checks of employee drivers licenses through visual and formal Division of Motor Vehicles review may be made by department heads or elected officials. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Any employee performing work which requires the operation of a county vehicle must immediately notify his/her immediate supervisor in all cases where his/her license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Division of Motor Vehicles.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 19, 2002

December 4, 2003

**PURPOSE:** To establish a policy and procedure to resolve employee complaints involving the interpretation of these Policies or an alleged violation of these Policies, which is to be used in all situations except for discrimination complaints.

**(For complaints alleging discrimination, employees should use the “Grievance Procedure” outlined in the Equal Employment Opportunity Policy.)**

### **STATEMENT OF POLICY**

To ensure effective working relations, it is important that misunderstandings or conflicts are resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists which is covered by this Policy, the employee is free to present the matter to management by using the following procedure. An employee must begin Step 1 of the procedure within thirty (30) calendar days of his/her knowledge of the situation.

#### **STEP 1**

The employee shall informally discuss the situation and relevant evidence with the department head or elected official.

#### **STEP 2**

If the situation is not resolved after the discussion with the department head or elected official, the employee may, within five (5) working days of the Step 1 discussion, submit a written summary of concerns and relevant evidence to the department head or elected official. The department head or elected official will review the matter and will normally advise the employee in writing of his/her decision within fifteen (15) working days of the date the written summary was presented.

#### **STEP 3**

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the department head, present a written summary and evidence regarding the matter to the County Commission for review.\*\* The Commission will review the matter and will normally advise the employee in writing of its decision within thirty (30) working days of receipt of the written summary and evidence. The Commission’s decision shall be final.

The County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the “Guidelines for Appropriate Conduct Policy” are present.

\*\* If the grievance involves a disciplinary termination, the employee may request a hearing before the County Commission. At the hearing, the employee may be represented by counsel and may present evidence and examine and cross-examine witnesses.

Union agreements may affect this procedure, refer to the selected contract.

**EFFECTIVE:** Immediately  
**APPROVAL:** Commission

**DATE:** March 19, 2002  
**LAST REVISED:** April 28, 2003  
December 4, 2003

## **29.000 VOLUNTARY TERMINATION / RESIGNATION RETIREMENT**

**PURPOSE:** To specify notification dates for employee voluntary termination and resignation

### **STATEMENT OF POLICY**

#### **29.100 Voluntary Termination / Resignation**

Employees desiring to voluntarily terminate their employment relationship with the County should notify the County at least two weeks in advance of their intended termination. The notice should preferably be given in writing to the supervisor and department head or elected official. Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

Failure to comply with the notice requirement may be cause for denying future employment with the County.

Employees absent from work for three (3) consecutive work days without notice to the supervisor will be considered to have resigned their position. When an employee is absent without notice the supervisor must take immediate steps to contact the employee. If attempts to reach the employee are unsuccessful the supervisor must consult immediately with the Human Resources office.

Supervisors must notify the employee in writing by registered mail of the intent to terminate employment unless there is a response within one (1) working day of receipt of the letter.

#### **29.200 Retirement**

Employees who plan to retire are urged to provide the County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance coverage, providing that the premium amounts are paid by the retired employee.

#### **29.300 Administrative Leave**

Employees may be placed on administrative leave, with or without pay, whenever the employee's Department Head determines that, for business purposes, it is advisable to remove the employee from the workplace.

This is a non-disciplinary leave, which may be imposed whenever: 1) an employee is alleged to have committed misconduct on the job not amounting to a criminal offense and the leave is necessary to allow a proper investigation; 2) the employee is disrupting normal business operations; or 3) in the opinion of the Department Head it is in the best interest of the county not to have the employee at the work site.

**EFFECTIVE:** Immediately  
**APPROVAL:** Commission

**DATE:** March 19, 2002  
**LAST REVISED:** April 28, 2003  
December 4, 2003

**30.000****REDUCTION IN WORK FORCE**

**PURPOSE:** To establish policy and procedure for reductions in the County work force

**STATEMENT OF POLICY**

If a reduction in the County work force becomes necessary, consideration will be given to the programs to be carried out by the County. Temporary, seasonal and short-term workers within the classification and department(s) affected by the reduction in force will be terminated before any permanent employees will be laid off.

Permanent employees within the same classification and department will be retained, giving consideration to the general employment history of the employee with the County. The general employment history may include qualifications, experience, capabilities and disciplinary actions. If no documentable difference in employment history can be determined, an employee's length of continuous service with the County will be used as the criterion for retention, with the most senior employee being retained. "Continuous service" means that the employee's service has not been interrupted by a termination of employment. An employee who has been reinstated shall not be credited with previous service time regardless of the length of the break in service.

The foregoing procedure will be utilized in all cases unless a performance appraisal system is being used. If a performance appraisal system is being used, a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications and length of service. (Section 39-29-111 MCA)

Employees should be provided with notice of the reduction in force as much in advance of the reduction as is possible.

In the event the County decides to staff the position as it had prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of lay off. In the event the County decides to fill the position within the one calendar year period, the laid off individual will be sent a written notice at his/her last known address. The individual shall have five (5) working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:** Commission

**LAST REVISED:** March 19, 2002

December 4, 2003

**31.000**

**COUNTY TRAVEL POLICY**

**PURPOSE:** To inform management and employees of the provisions of the county travel policy.

**Statement of Purpose**

To permit reimbursement of authorized expenses incurred by Stillwater County employees, representatives and elected officials while on official business

Policy to Be Adopted

**EFFECTIVE:** Immediately

**DATE:** March 19, 2002

**APPROVAL:**

**LAST REVISED:** March 19, 2002

## **ADDENDUM A**

## **EXEMPT POSITIONS\***

All employees of the County are non-exempt except for the following: The Planning Director, Road Superintendent, Solid Waste Superintendent, and Sanitarian Director.

The following are the tests used to determine the status under the Fair Labor Standards Act:

### **A. EXECUTIVE**

1. Employed in a bona fide executive capacity shall mean any employee who is compensated on a salary basis at a rate of not less than \$250 per week exclusive of board, lodging or other facilities; and
2. Whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof; and
3. Includes the customary and regular direction of the work of two or more other employees therein.

### **B. ADMINISTRATIVE**

1. Employed in a bona fide administrative capacity shall mean any employee who is compensated on a salary basis at a rate of not less than \$250 per week exclusive of board, lodging or other facilities; and  
Whose primary duty (50%) consists of either:
2. The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and
3. Who customarily and regularly exercises discretion and independent judgment.

### **C. PROFESSIONAL**

1. Employed in a bona fide professional capacity shall mean an employee who is compensated on a salary basis at a rate of not less than \$250 per week exclusive of board, lodging or other facilities; and  
Whose primary duty (50 or more of their time) consists of the performance of:
2. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training the performance of routine mental, manual, or physical processes, or

3. Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or
4. Teaching, tutoring, instruction, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in the school system or educational establishment or institution by which he or she is employed; and
5. Whose work requires the consistent exercise of discretion and independent judgement in its performance.

Fair Labor Standards Act

Montana Minimum Wage and Overtime Compensation Act









## **ADDENDUM C:**

### **Military Leave Procedure**

#### **Eligibility:**

1. A permanent, seasonal, or temporary full-time employee, who is a member of the organized state militia or the military forces of the United States and who has completed the qualifying period, is eligible to receive up to 15 working days per calendar year of military leave.
2. A permanent, seasonal, or temporary part-time employee, who is a member of the organized state militia or the military forces of the United States and who has completed the qualifying period, is eligible to receive prorated military leave.
3. This leave may not be charged to the employee's annual vacation time.
4. An employee who has not completed the qualifying period is not eligible to receive military leave; however, the employee must be given leave without pay to attend encampments, cruises, or other similar training.

#### **RATE OF COMPENSATION:**

An employee on military leave receives the regular gross salary and benefits.

#### **LEAVE NOT CUMULATIVE:**

Military leave which is not used in one calendar year may not be carried over to the next calendar year.

#### **REQUEST FOR LEAVE:**

1. County procedures to apply for the approval of military leave are similar to all other types of leave.
2. An employee shall submit a copy of his military orders with the request for military leave.
3. The agency shall document the number of days per year of military leave taken by an employee.

#### **MILITARY LEAVE TAKEN OVER A HOLIDAY:**

Military leave taken over a legal holiday may not be charged to an employee's account.

#### **MEMBERS OF THE NATIONAL GUARD OF THE STATE OF MONTANA:**

1. Employees of the State of Montana who are members of the National Guard of the State of Montana may be ordered to active federal and state service by competent authority to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters as provided in the Constitution of Montana.
2. When ordered to active duty for such emergencies, County employees shall have the option of taking annual vacation leave or being placed in a leave without pay status. A County employee ordered to active federal or state service by competent authority is not an "affected employee" as the term relates to Disaster and Emergency Leave.
3. If the employee elects to take leave without pay during the period while ordered to active duty by the Montana National Guard, the employee shall continue to accumulate annual vacation leave, sick leave, and other employee benefits when employed by the Department of Military Affairs even if it extends beyond 15 working days, since the employee is paid from state monies for the time on active duty.

**ACCOMMODATING REQUIRED DUTY:**

1. The county must allow an employee to take time off to attend any required duty for which the employee presents the appropriate military orders.
2. The County may, at its discretion, allow an eligible employee to take military leave to cover active duty training other than encampments or cruises, for example, basic training, when an employee presents appropriate orders.
3. Military leave shall not be taken for regularly scheduled drills.
4. The County is not required to allow an employee to make up any regular or overtime hours missed as a result of attending training such as drills.

**CONCLUSION:**

This procedure shall be followed unless it conflicts with negotiated labor contracts which shall take precedence to the extent applicable.

## **ADDENDUM D:**

### **Other Related County Policies**

There are also numerous other policies adopted by the Board of County Commissioners that may affect the employee. The following are some of the more widely encompassing policies. A copy of the specific policy may be obtained through the Finance and Human Resource office or the County Commissioners.

<b>Policy Number</b>	<b>Title</b>
1-96-06	Office Hours/Commissioner Meeting Hours
3-96-04	Mileage
3-96-05	Purchasing and Processing Claims
3-96-07	Credit Card
4-96-06	Hatch Act
4-01-09	Travel Policy
5-P84-001	Drug Free Workplace
5-96-03	Smoking in the County Courthouse
7-P84-007	Policy Process
7-91-01	Records Preservation
7-96-02	Internet Use

This is only a partial listing of the policies that may affect an employee's job and are general in nature. There may be other policies that provide guidance in a specific area of job function.



ACKNOWLEDGMENT AND RECEIPT OF STILLWATER COUNTY  
HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES

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

The County specifically reserves the right to repeal, modify or amend these policies at any time following notice and resolution by the Stillwater County Commission. None of these provisions shall create a vested contractual right in any employee or to limit the power of the County Commission to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

Employees will be notified of any changes and a signed acknowledgment form will be required from each employee.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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

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

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

Witness Signature \_\_\_\_\_