

**SAMPLE CITY/TOWN Personnel Policy Manual: Revision Date 2022**

**(Please Note: It is critical that each city/town review and customize the applicable personnel policies to accurately reflect their operations prior to finalizing the policy manual. The City Attorney should review and approve all personnel policies prior to implementation.)**

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## **INTRODUCTION LETTER**

## ***PREFACE A***

Welcome New Employee:

The [CITY/TOWN] is pleased that you have joined our organization of professionals. The [CITY/TOWN] is a professional organization providing many valuable services to the residents of [CITY/TOWN]. Your position has been designed to assist the [CITY/TOWN] with accomplishing these services. We hope you will find this position rewarding and challenging.

During your \_\_\_ month probationary period, your employment with the [CITY/TOWN] is at will and may be terminated with or without cause at any time by either you or the [CITY/TOWN]. This policy manual is not an employment contract. Rather, it is designed to provide you general information regarding employment practices and benefits with the [CITY/TOWN]. The policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules. Policies and rules contained within the manual will be added, updated, or deleted as determined by the [CITY/TOWN]. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the [MAYOR/CITY MANAGER] and/or their designee.

As you familiarize yourself with the [CITY/TOWN] staff and your new position, please note the employee bulletin board displays the required federal and state postings. The postings are updated from time to time - be sure to read the board occasionally. If you notice an item that is obsolete or needs updating, please let the [MAYOR/CITY MANAGER] and/or their designee know.

During your first few days working for the [CITY/TOWN] you will probably have several general questions regarding our organization and policies. You are encouraged to research the answer within the manual; however, do not hesitate to ask your supervisor or the [MAYOR/CITY MANAGER] and/or their designee concerning any questions you may have.

The staff of the [CITY/TOWN] would like to welcome you.

Sincerely,

[CITY/TOWN]

[MAYOR/CITY MANAGER]

**POLICY HANDBOOK (INSERT HANDBOOK DATE)**

It is expressly understood that the policy manual for the [CITY/TOWN] does not constitute a guarantee of employment or promise of any kind. The [CITY/TOWN], in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish, change or abolish its policies, practices, rules and regulations.

It is understood that the policy manual is issued to inform employees regarding the operating policies of the [CITY/TOWN] and is to be used as a guide to [CITY/TOWN] employees in the performance of their duties. The policy manual may be changed from time to time at the sole discretion of the [CITY/TOWN]. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Violations of the policies set forth in this manual may result in disciplinary action up to and including termination.

By signing this statement, you, the employee acknowledges the [CITY/TOWN] policy manual has been received and that it is your responsibility to read and comply with the policies contained in this handbook.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Position \_\_\_\_\_

Effective Date of Employment \_\_\_\_\_

Attest:

Supervisor \_\_\_\_\_

Date \_\_\_\_\_

**CITY/TOWN HISTORY**

**PREFACE C**

**[Insert History of City/Town, or some other overview]**

## 1. Definitions

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

**Annual Leave** – A paid recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work but not the end of employment.

**Conflict of Interest** – Conflicts of interest for municipal employees arise when a government employee's personal or financial interest conflicts or appears to conflict with their official responsibility.

**Discipline** – Correction or penalty. Discipline is used to bring order to situations where there have been violations of federal, state, or local laws and/or violations of [CITY/TOWN] rules and regulations, employee conduct/behavior/performance standards, or [CITY/TOWN] policies.

**Exempt Employee** - Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Clerk/Personnel Director for details).

**Grievance** – An injury, injustice or wrong which gives ground for complaint because it is seen as unjust, discriminatory, or oppressive. Employees file grievances through the Grievance Procedure contained in this manual.

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

**Independent Contractor** - Independent Contractors are not considered employees of the [CITY/TOWN]. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

**Leave Without pay**—Any approved time off that is not charged to annual leave or sick leave.

**Nonexempt Employee** - A nonexempt employee is an employee who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked. Compensatory time is equivalent to one and one-half times the employee's number of hours worked for each hour over 40 hours worked. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity.

**Regular Full-Time Employee** - An employee who normally works 40 hours a week. Regular full-time employees are eligible for all employee benefits.

**Regular Part-Time Employee** - An employee who normally works less than 40 hours a week. Regular part-time employees are eligible for limited benefits on a prorated basis.

**Remote Employee** - An employee who performs the majority of their work in a location different from where [CITY/TOWN] general operations occur. They may or may not be covered under the provisions of the FLSA, depending on the status of their employment, and have specific conditions of employment outlined in their respective employment agreements.

**Seasonal Employee** - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. A seasonal employee may be eligible for limited or prorated benefits.

**Short-term Worker** - A short-term worker is hired to work for an hourly wage established by the [CITY/TOWN] for a period not to exceed 90 days within a 12-month period. Short-term workers are not eligible for permanent status. The short-term worker is not eligible for any employee benefits including leave, holiday benefits or any insurance benefits.

**Sick Leave** – Period allowed by an employer to an employee for the employee's sickness, tending to the needs of an ill immediate family member or attending medical/dental appointments with no loss of seniority or other benefits.

**Temporary Employee** - An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

**Workplace Violence** –Any act or threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site.

## **1. AUTHORITY FOR PERSONNEL ACTION**

The City/Town reserves the right to direct, hire, promote, transfer, assign and retain employees. The City/Town also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the City/Town; as well as determine and change hours of work, shifts, and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished with the sole discretion of the City/Town. The Mayor/City Manager and/or their designee will execute personnel actions at their discretion, with consultation and/or consent from the Human Resource Officer/Clerk /City Attorney (other appropriate position per your Town/City) when necessary consistent with all applicable laws, regulations, and this policy.

***Where there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City/Town, the CBA shall take precedence.***

## **2. DIVERSITY & HARASSMENT PREVENTION**

### **A. Equal Employment Opportunity (EEO) Statement**

It is the policy of the City/Town to ensure equal employment opportunity as defined by the Equal Employment Opportunity Commission (EEOC) and the Montana Human Rights Act for all employees. The City/Town promotes and affords equal treatment and services to all citizens, employees, and representatives. The CITY/TOWN assures equal employment opportunity regardless of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age, or disability, (as defined by the Americans with Disabilities Act and ADA Amendments Act).

If an employee perceives he/she has been discriminated against, he/she should notify their immediate supervisor or the Mayor/City Manager or their designee.

The EEO contact person for CITY/TOWN is (POSITION such as Mayor, Clerk, HR).

### **B. Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The CITY/TOWN is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), the ADA Amendments Act and equivalent state disability laws. It is the CITY/TOWN's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation. Consistent with this policy of nondiscrimination, the CITY/TOWN will provide reasonable accommodations to a qualified individual with a disability, provided that such accommodation does not constitute an undue hardship on the CITY/TOWN and/or a direct threat to the health and/or safety of the individual or others.

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Mayor/City Manager or other designee and request such an accommodation. The CITY/TOWN will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The CITY/TOWN will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the CITY/TOWN and/or a direct threat to the health and/or safety of the individual or others, the CITY/TOWN will make the accommodation. The CITY/TOWN may also propose an alternative accommodation(s). CITY/TOWN is not required to provide the

accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.)

The CITY/TOWN will also make reasonable accommodations for conditions related to pregnancy, childbirth, or related medical conditions, if requested with the advice of the employee's health care provider, as required by law.

### **C. Harassment Prevention and Reporting**

It is the policy of the CITY/TOWN that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative, and respectful manner to all contacts.

It is the policy of the CITY/TOWN to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age, or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner that the action is perceived as inappropriate and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor, or the MAYOR/CITY MANAGER OR DESIGNEE.

The CITY/TOWN encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the CITY/TOWN to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

#### ***Definitions of Harassment***

***Sexual Harassment:*** According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature;

commentary about an individual's body, sexual prowess, or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal, or visual conduct of a sexual nature.

*Other Harassment:* Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age, or disability

### **Retaliation**

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment;
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Please report any retaliation to your supervisor, or MAYOR/CITY MANAGER OR DESIGNEE. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the CITY/TOWN's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

### **3. CONFIDENTIAL INFORMATION / PERSONAL GAIN**

Employees of the [CITY/TOWN] may deal with confidential information. It is imperative that employees maintain [CITY/TOWN] integrity and not discuss [CITY/TOWN] business with people who should not be privy to the information. In some circumstances, [CITY/TOWN] business should be revealed to other [CITY/TOWN] employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the [MAYOR/CITY MANAGER] and/or their designee, or with [CITY/TOWN]'s legal counsel.

Likewise, employees may not use knowledge gained through their employment at the [CITY/TOWN] to achieve personal gain for themselves or anyone else. Employees cannot participate as an [CITY/TOWN] employee where they may have private pecuniary interest, direct or indirect, or perform in some function requiring discretion on behalf of the [CITY/TOWN]. Employees cannot disclose or use confidential information concerning property or [CITY/TOWN] affairs to advance personal or private interest with respect to any contract or transaction that is or may be subject of official action of the [CITY/TOWN].

### **4. LAWSUITS AGAINST THE [CITY/TOWN]**

When an employee is approached by a legal process server, they should refer the server to the [MAYOR/CITY MANAGER] and/or their designee or to legal counsel. Should an authority not be available and the employee is required to accept served papers, it is the employee's priority to locate and forward the information to either of the authorities listed without opening or reading the documents.

No employee shall discuss aspects of any legal situation that a [CITY/TOWN] is subject to or is

currently involved in including but not limited to lawsuits or hearings without first consulting with the [MAYOR/CITY MANAGER] and/or their designee or legal counsel. Likewise, if an employee is approached for a press release or news quote, refer all contacts to the [MAYOR/CITY MANAGER] and/or their designee.

## **5. SAFETY AND HEALTH**

### **A. Safety Policy**

The management of the CITY/TOWN is committed to the safety and health of our employees, members, and work sites. We are responsible for providing the resources necessary for employees to follow the Montana Safety Culture Act and other safety regulations related to our work. We will strive to set expectations for continual improvement as a safe Montana business.

Employee recommendations to improve safety and health conditions will be given thorough consideration. It is the policy of the CITY/TOWN that employees report unsafe conditions and do not perform work tasks if the work is considered by them to be unsafe. Employees must immediately report all accidents, injuries/illnesses, near misses, and unsafe conditions to their supervisor. No such report will result in retaliation, penalty, or other disincentive; however, employees will be held accountable for not reporting such incidences. Management will promote and influence safe behavior by both positive reinforcement of correct and safe work practices, and by disciplinary action for those who willfully or repeatedly work in an unsafe manner.

For this program to be successful, the injured employee must report all injuries to **their immediate supervisor** on the same day of the incident.

### **B. Workers Compensation**

Workers' compensation insurance is fully paid by CITY/TOWN and covers all employees. If an employee receives a workplace injury/illness he/she must report it to their immediate supervisor on the same day of the injury/illness. Failure to do so may result in a loss of benefits.

### **C. Return to Work**

CITY/TOWN believes employees are its most important asset. CITY/TOWN is committed to assisting our injured employees to return to work as soon as medically appropriate.

There are many ways to implement a Return-to-Work program that meets the needs of both CITY/TOWN and an injured employee. When practical, focus will be to modify the employee's existing position and/or work schedule temporarily, or to create a position to accommodate the temporary physical restrictions identified by the treating medical provider. If the injury results in permanent restrictions, CITY/TOWN will follow the provisions of the Americans with Disabilities Act.

Please advise your treating medical provider of our Return-to-Work Program so they are able to help design a temporary transitional duty assignment to allow return to work as soon as possible.

### **D. Workplace Violence**

CITY/TOWN is committed to preventing workplace violence and to maintaining a safe work environment. CITY/TOWN has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities.

All employees, citizens, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, citizen; vendor or business associate will not be tolerated. CITY/TOWN resources may not be used to threaten, stalk, or harass anyone at or outside the workplace, in person or via electronic communication such as email, social media, etc. CITY/TOWN treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, or the MAYOR/City Manager OR DESIGNEE. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

CITY/TOWN will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. CITY/TOWN will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, CITY/TOWN may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

CITY/TOWN encourages employees to bring their disputes to the attention of their supervisor or the MAYOR/CITY MANAGER OR DESIGNEE before the situation escalates. CITY/TOWN will not discipline employees for raising such concerns in good faith.

This policy prohibits employees from bringing unauthorized firearms or other weapons (including pepper spray, stun guns, batons, etc.) onto CITY/TOWN premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in CITY/TOWN vehicles or in personal vehicles if conducting CITY/TOWN business.

See Police Policy Handbook for specifics on carrying issued service weapons OR add statement allowing Police to carry approved service weapons.

#### **E. Intimate Partner / Family Violence**

Employees should promptly inform the MAYOR/CITY MANAGER OR DESIGNEE of any protective or restraining order that they have obtained that lists the workplace as a protected area, as well as any safety concerns with regard to intimate partner/family violence.

CITY/TOWN will not retaliate against employees making good-faith reports. CITY/TOWN is committed to supporting victims of intimate partner/family violence by providing referrals to the company’s employee assistance program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

#### **6. ALCOHOL FREE & DRUG FREE WORKPLACE—This policy does not replace a drug testing policy. should your city/town choose to have such a policy. MMIA**

**strongly suggests working closely with an attorney well versed in MT State Drug Testing Law when creating a policy. Such policy must be reviewed by MMIA for underwriting purposes. MMIA suggests you ONLY have a Drug Testing Policy IF you are actually testing.**

In compliance with the Drug-Free Workplace Act of 1988, (41 USC §§ 701-707), the CITY/TOWN is committed to providing an alcohol-free and drug-free workplace. The CITY/TOWN prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the MAYOR/CITY MANAGER OR DESIGNEE and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The MAYOR/CITY MANAGER OR DESIGNEE is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action up to and including termination.

The CITY/TOWN currently has an Employee Assistance Program available to employees. The program offers confidential assistance to employees or their family members who are experiencing personal problems including drug and alcohol problems.

## **7. SMOKING**

The CITY/TOWN office is a smoke free office. This includes, but is not limited to, use of regular cigarettes, cigars, pipes, vapor/electronic cigarettes, and any other smoking device. Employees may smoke during scheduled break and meal periods and must smoke in designated smoking areas outside the building.

Smoking is prohibited inside all company vehicles. CITY/TOWN does provide a tobacco cessation program. Details of this program can be requested from the MAYOR/CITY MANAGER OR DESIGNEE.

## **8. HIRING AND SELECTION OF EMPLOYEES**

The CITY/TOWN's objective is to recruit, select, and appoint the best people available for positions. This will be done within approved budget limits.

The hiring supervisor/or their designee will create selection criteria prior to accepting applications for the vacant position. Selection will be on the basis of merit and the principles of equal opportunity will apply.

### ***Initial Hiring Preferences:***

Per MCA 39-29-102 (Veterans' Public Employment Preference Law) and MCA 39-30-103 (Persons with Disabilities Employment Preference Act), the CITY/TOWN shall provide for employment preference in initial hiring (a personnel action for which applications are solicited from outside the ranks of the current regular employees of the CITY/TOWN) for certain applicants. Veterans and Disabled Veterans receive a percentage increase when using a scored process.

If the selection process is other than a scored procedure, the CITY/TOWN shall give preference

to a disabled veteran, a person with a disability, a veteran, an eligible relative, and an eligible spouse in that order over any nonpreferred applicant holding substantially equal qualifications.

Applicants must claim preference prior to the closing of the announcement, ideally at the time of application.

***Preference Related to Injury of a Prior Employee:***

Per MCA 39-71-317, when an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities. This applies only to employment with the employer for whom the employee was working at the time the injury occurred.

**9. NEW EMPLOYEES**

New employees will complete an informal orientation session with the [MAYOR/CITY MANAGER] and/or their designee. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The [MAYOR/CITY MANAGER] and/or their designee will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the [CITY/TOWN]. The employee will be responsible for reading and following the policies established within the policy manual, to include understanding their employment classification. In addition, new employees will be provided orientation and education specific to the equipment and tasks required of their new position.

All employees will serve a [INSERT TIME] month probationary period. [PROBATIONARY PERIODS FOR POLICE/FIRE MAY DIFFER]. The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. During the established probationary period, [CITY/TOWN] reserves the right to terminate an employee with or without cause. An evaluation should be completed prior to completion of the month period to notify the employee of their status (regular, terminated, or extended probation when applicable).

**10. EMPLOYMENT OF RELATIVES (NEPOTISM)**

No employees will be appointed in a manner inconsistent with the Nepotism laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA, [ALSO INSERT LOCAL ORDINANCES IF RELEVANT].

**11. OUTSIDE EMPLOYMENT**

The [CITY/TOWN] should be the primary job for regular full time and part time employees. Should another position interfere in any way with the employees' ability to satisfactorily complete [CITY/TOWN] job duties, the employee may receive disciplinary action up to and including termination.

**12. REMOTE EMPLOYMENT**

In some situations, the [CITY/TOWN] may see fit to hire employees who reside in different locations. Remote employment brings with it unique responsibilities and advantages that should not be abused or misused. If a remote employee requires a unique work environment that is

deemed unreasonable by the employer or creates a situation which the [CITY/TOWN] determines is not workable, the [CITY/TOWN] may require that the employee work out of the appropriate [CITY/TOWN] facility. If the employee is unable to transition to the designated worksite, the [CITY/TOWN] reserves the right to take other actions as required in accordance with [CITY/TOWN] policies. Specific conditions of remote employment shall be included in the employee's individual employment agreement.

### **13. PERSONNEL FILES**

The CITY/TOWN maintains records on every employee related to their employment with the CITY/TOWN. The employee's personnel file will contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Any information obtained for EEO purposes and/or medical information will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the MAYOR/CITY MANAGER and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual.

Personnel files are confidential and only accessible to the MAYOR/CITY MANAGER, AND/OR THEIR DESIGNEE or Supervisors on a need-to-know basis for personnel actions. Upon request to the MAYOR/CITY MANAGER and/or their designee and with the MAYOR/CITY MANAGER OR DESIGNEE present, current employees may inspect and make copies of their personnel records. Employees should contact the MAYOR/CITY MANAGER and/or their designee to establish a convenient review time.

### **14. RESIGNATION/TERMINATION**

#### **A. Voluntary Resignation/Retirement**

Employees who are voluntarily resigning from the CITY/TOWN are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to CITY/TOWN will be deducted from the employee's final paycheck.

#### **B. Re-Employment**

Depending on the circumstances surrounding the resignation, employees who resign from the CITY/TOWN may be eligible for re-employment. Former employees will be required to complete an application/resume, as determined, and proceed through the regular hiring procedure the same as other applicants. A former employee who is re-hired by the CITY/TOWN will be considered a new employee and required to complete the [INSERT TIME] month probationary period. Date of service, for seniority purposes, will be the date of instatement of the subsequent hiring. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

#### **C. Reduction in Force (RIF)**

The MAYOR/CITY MANAGER and/or their designee have the authority to determine if CITY/TOWN workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. Regular employees will not be

terminated if temporary or short-term workers are employed in the same position.

CITY/TOWN benefit providers will work in conjunction with the CLERK and/or their designee to ensure relevant benefits information is forwarded directly to the employee at the last known address.

#### **D. Involuntary Termination**

Regular, Non-Probationary employees terminated by the CITY/TOWN will be provided with a letter summarizing the reasons for their termination and the effective date of the termination. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to CITY/TOWN will be deducted from the employee's final paycheck.

Probationary employees may be discharged for any reason that the CITY/TOWN deems appropriate within the [INSERT TIME] month probationary period. Termination of a probationary employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to CITY/TOWN will be deducted from the employee's final paycheck.

Temporary, Short Term, employees may be discharged for any reason that the CITY/TOWN deems appropriate. Termination of temporary or short-term employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to CITY/TOWN will be deducted from the employee's final paycheck.

The CITY/TOWN will follow the procedure outlined in the Employee Discipline section to terminate a regular, non-probationary employee. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

### **15. PERSONAL APPEARANCE and DEMEANOR**

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings or other related contact should dress professionally in business attire. The city/town work environment, though a casual atmosphere, may receive visitors, etc. and all personnel are to be dressed appropriately. Hair and cloths should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the [MAYOR/CITY MANAGER] and/or their designee. The [MAYOR/CITY MANAGER] and/or their designee may order an employee to take unpaid time to go home and change if their attire is not considered appropriate.

**INSERT INFORMATION REGARDING UNIFORMS HERE**

### **16. SCHEDULE AND BREAKS**

#### **A. Work Week/Work Schedule/Over Time**

CITY/TOWN's core business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Most employees are expected to adhere to this schedule, however as described herein, Flexible Working Schedules may be considered.

The workweek will begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m.

Non-exempt employees working over 40 hours per work week will be paid overtime at one and one-half times their hourly wage rate. If the supervisor, the MAYOR/CITY MANAGER and/or their designee and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp. time) for use as time-off at a future date at a rate of one and one-half times the number of hours worked over the 40-hour work week. Non-exempt employees must receive authorization to work overtime or comp time hours in writing from their supervisor, prior to working the additional hours. Maximum accruals of compensatory time shall be limited to \_\_\_\_\_ hours for regular employees. After maximum accrual, overtime compensation shall be paid. Any unused, accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship.

Overtime is based on actual hours worked. Time off for sick leave, annual leave or any leave of absence will not be considered hours worked for the purpose of overtime.

### **B. Meals and Breaks**

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid, but may not exceed 15 minutes per four consecutive hour period.

All employees are expected to take an un-paid lunch period of at least thirty (30) minutes per day. The length of time for a given lunch period will be agreed upon between the employee and their immediate supervisor and should not interfere with the employee's performance or needs of the organization.

An employee may not use a break or meal period to arrive late or depart work early except under occasional, special circumstances, approved by their immediate supervisor.

### **C. Flexible Working Schedule—ONLY IF APPLICABLE**

Employees may be allowed to work a flexible work schedule, as approved by their supervisor, outside of the core business hours of 8:00 am to 5:00 pm. Flexible work schedules should be developed departmentally to maintain standard business hours for each unit. All flexible arrangements must be cost neutral and contribute to customer service, productivity, and employee morale. The decision to allow a flexible schedule is at the sole discretion of the CITY/TOWN and may not be appealed through the Grievance procedure.

Flexible schedules may include variations in daily beginning and ending work time periods or a compressed workweek providing those schedules comply with state and federal wage and hour laws. Employees desiring flexibility (outside the traditional 8:00 am to 5:00 pm workday) should work directly with their immediate supervisor to detail their adjusted work schedule.

The ultimate goal is that the adjusted flexible schedule will still allow for the employee to meet job requirements and the goals of CITY/TOWN. Supervisors will be a part of the development, approval, and enforcement of flexible work arrangements. If the supervisor deems that the flexible work arrangement is not in alignment with the overall organizational goals, they may not approve a flexible schedule, or may revoke the privilege at any time by advising the employee.

Flexible schedules should begin no earlier than 6:00 a.m. and end no later than 7:00 p.m.

Employees must follow the meals and breaks policy regardless of their set schedule. Considerations and accommodations need to be made in flex schedules for: conferences, meetings, travel, Annual Leaves, Holidays, IT maintenance issues, special projects, and other

similar situations. Refer to the **Holiday Policy** for flexible schedules of less than five, eight-hour shifts/week.

### **Call Back**

All employees are subject to call back in the event of emergencies or as needed by the CITY/TOWN to provide necessary services to the public. Employees called back to duty will be paid their appropriate rate of pay for hours worked, including overtime pay if applicable.

## **17. TIMESHEETS AND PAYDAY**

### **A. Attendance**

Absence is the failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day. Regular and punctual attendance is an essential function of every position at CITY/TOWN and required for efficient operations.

If an employee does not know in advance that they will be absent or unavoidably late, they should telephone their immediate supervisor or in the event the supervisor is out of the office, their designee, prior to the start of the employee's shift. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regards to notification. The employer will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

Failure to report an absence as described above or if the tardiness/ absence is deemed unreasonable, may result in disciplinary action, up to and including termination pursuant to the discipline policy included herein.

If the employee fails to give such notification, the absence may be charged to leave without pay.

When an employee fails to report to work, the immediate supervisor, or their designee may attempt to contact the employee via phone. If they fail to answer, the supervisor or their designee may attempt to contact their emergency contact and/or request a welfare check.

Employees with above average absenteeism may be required to document the reasons, including providing a doctor's certificate or other evidence and verification. Unreasonable and/or excessive absenteeism may result in disciplinary action, up to and including termination.

### **B. Timesheets**

Time sheets for the pay period are to be completed by all employees and submitted to their supervisors when they are requested or when payroll needs to be processed. In the event an employee is unavailable to complete and submit his or her time sheet, he or she may complete the time sheet in advance or call the supervisor and relay the information. Time sheets must include the employee's name and hours worked on a daily basis, holiday time, sick leave used, annual leave used, leave without pay, etc. The employee must sign the time sheets attesting that all time worked and leave used is reported for the period. The employee's supervisor and/or the MAYOR/CITY MANAGER and/or their designee will review and sign the time sheets. Electronic signature may occur when appropriate.

### **C. Payday**

CITY/TOWN employees are paid {INSERT DATE(s)} The employee's supervisor or their

designee will distribute the paychecks to employees unless electronic transmission of payroll is utilized. If the employee desires to release their pay to another authorized person, they shall notify the payroll specialist/clerk or their designee in writing.

#### **D. Garnishments**

It is the policy of the CITY/TOWN to enforce all wage garnishments as may be required by state and federal law.

### **18. ANNUAL LEAVE / VACATION**

#### ***Accrual of Leave***

Each regular full-time, regular part-time employee, temporary and seasonal employee shall earn annual leave from the first day of employment, but will not be eligible to take the accrued leave until the employee successfully completes a six-month qualifying period.

Regular full-time employees accrue Annual Leave as follows:

<b>Time Worked</b>	<b>Work Day Credit Per Year</b>	<b>Hours per month based on an 8-hour day</b>
1 day through 10 years	15	10
10 years through 15 years	18	12
15 years through 20 years	21	14
20 and over	24	16

Regular part-time employees accrue annual leave on a prorated basis, based upon the hours worked during the pay period.

Temporary and seasonal employees earn annual leave however, they must be employed for six qualifying months before they may use the annual leave. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

Short Term Workers do not accrue annual leave.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Annual Leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued or it will be forfeited.

#### ***Requesting Leave***

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor or the [MAYOR/CITY MANAGER] and/or their designee. The annual leave will be approved after considering the best interest of the [CITY/TOWN], the employee's unit, and the employee's request. Employees who need to use annual leave due to extenuating circumstances before they finish the qualifying period may ask their supervisor, the [MAYOR/CITY MANAGER] and/or their designee to grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two employees request the same period of Annual

Leave, their supervisor or the [MAYOR/CITY MANAGER] and/or their designee has discretion regarding the approval of the leave requests.

An employee, who has passed the six-month qualifying period and has separated from the service of the [CITY/TOWN] for any reason, shall be entitled upon termination to cash compensation pay-out for unused Annual Leave. The payout will be based upon the employee's salary at time of termination.

## **19. SICK LEAVE**

### ***Accrual of Leave:***

All regular full-time employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. Employees who are sick before they finish the qualifying period may ask their supervisor to grant paid sick leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Sick leave is earned at a rate of eight (8) hours per month, without restriction as to the number of hours that may be accumulated. For calculating sick leave, 2,080 hours (52 weeks X 40 hours) equals one year. Sick leave must be credited at the end of each pay period. Employees may not accrue sick leave while in a leave-without-pay status.

Regular part-time employees earn a prorated amount of sick leave if they have worked the qualifying period. Temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period. Short-Time Workers do not accrue leave.

An employee who has passed the 90-day qualifying period and who separates employment from the [CITY/TOWN] shall be entitled upon termination to cash compensation pay-out for the unused leave equal to one-fourth the accumulated sick leave. The payout will be based upon the employee's salary at the time of termination.

### ***Requesting Leave***

All requests to use sick leave for purposes of medical appointments should be made to the immediate supervisor, with as much advance notice as possible.

Notification of absence because of illness will be given to the immediate supervisor, via a phone call prior to the start of the employee's shift. The supervisor will notify appropriate staff of the absence. If an employee's immediate supervisor is unavailable for the day, the employee is to notify the supervisor's designee or the MAYOR/CITY MANAGER or their designee. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regards to notification. The employer will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

If the employee fails to give such notification, the absence may be charged to leave without pay.

### ***Use of Leave:***

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of employee (refer to bereavement leave). Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employees' presence due to immediate family members' illness or emergency.

Sick leave utilized must not exceed the amount accrued by the employee. If the sick leave balance is exhausted, an employee may choose to use his/her accrued annual leave or Leave Without Pay (with approval from the supervisor-see LWOP policy). The CITY/TOWN may not require an employee to use Annual Leave for purposes of illness unless the employee agrees per MCA 2-18-615.

Employees using sick leave that exceeds three consecutive workdays may be asked to furnish a certification of illness from a qualified doctor upon request of their supervisor or the [MAYOR/CITY MANAGER] and/or their designee.

At the [CITY/TOWN]'s request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action up to and including termination.

***Transfer of Sick Leave/Sick Leave Donation:***

Employees will be permitted to transfer sick leave from one employee to another. The receiving employee must have exhausted all accrued sick leave and annual leave. The contributing employee must make the transfer request in writing and must maintain at least 40 hours of sick leave. The transferred sick leave will not change the receiving employee's employment status.

Hours transferred are on an hour-per-hour basis, not calculated based on donating employees' wages. The transferred sick leave is considered forfeited by the contributing employee. Employees shall not be coerced, intimidated, or adversely persuaded to transfer their accrued sick leave to the receiving employee. Doing so may result in disciplinary action up to and including termination.

**20. LEAVE WITHOUT PAY**

**A. General Use**

Leave without pay (LWOP) may be approved by the immediate supervisor or their designee on a case-by-case basis. LWOP is usually requested when an employee has exhausted all applicable leave balances and has a need to be away from their employment. The immediate supervisor, or their designee may require an employee to use all appropriate accrued leave or compensatory time before approving LWOP. However, an employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees per MCA 2-18-615.

Depending upon the circumstances, employees still in their probationary period may be allowed to take LWOP. However, if leave is granted, their probationary period may be extended by the amount of time taken during the leave.

Annual and sick leave will not accrue during LWOP.

Providing false or misleading information or reasons to justify leave-without-pay may result in disciplinary action up to and including termination.

LWOP is at the sole discretion of the CITY/TOWN and is not subject to the Grievance procedure.

**B. NON FMLA RELATED Extended LWOP**

Extended LWOP is considered unpaid leave in excess of two (2) consecutive weeks. Extended LWOP may be granted for any cause as determined by the immediate supervisor, the MAYOR/CITY MANAGER and/or their designee in their sole discretion so long as it doesn't violate any laws, regulations or policies set forth in this manual. Employees may be granted Extended LWOP for a specified time generally not to exceed one hundred eighty (180) calendar days during their employment period.

Whenever possible, the employee should provide their supervisor, or their designee with at least 30 days' notice so workloads/tasks can be covered. To request Extended LWOP, employees must provide their supervisor, or their designee the beginning and ending dates of the leave and the reason for the requested leave.

{YOU MUST REFER TO YOUR EMPLOYEE BENEFITS CONTRACT FOR CLARIFICATION ON WHEN BENEFIT CONTRIBUTIONS END.....MMIA RECOMMENDS STATING IN POLICY, WHEN AN EMPLOYEE WILL LOSE THE EMPLOYER CONTRIBUTION DURING LWOP STATUS}

Annual and sick leave cease to accrue during Extended LWOP. Any employee who has two consecutive pay periods with less than eighty (80) hours of paid time per pay period, due to LWOP, will lose the employer contribution and lose eligibility for benefits starting the beginning of the third pay period, assuming the employee does not return to work at that time. At that time, coverage will be canceled and the employee will be offered COBRA as an option to extend coverage. Should coverage be canceled, the employee may be subject to plan and/or policy restrictions, upon returning to work. Plan documents can be requested from the CLERK/HUMAN RESOURCES OFFICE.

An employee who fails to return to work on his or her regularly scheduled workday after the pre-approved Extended LWOP period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by their supervisor or their designee.

## **21. HOLIDAYS**

### ***Schedule***

CITY/TOWN will observe the same holidays as recognized by the State of Montana.

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

If a holiday falls on a Saturday, the Friday preceding is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday.

***Eligibility***

To be eligible for holiday benefits, an employee must be in a paid status the last regularly scheduled working day before the holiday and the first regularly scheduled working day following the holiday. If, however, the observed holiday falls on the employee's regularly scheduled day off, the employee must be in a paid status on the last regularly scheduled working day immediately before or the first regularly scheduled working day immediately after the holiday.

Example: Holiday is a Friday. Employee must be in a paid status (work, Sick Leave or Annual Leave) on both Thursday AND Monday to earn the Holiday Pay. If Monday is the employee's normal day off, then they must be in a paid status on Thursday AND Tuesday.

***Accrual***

Regular and Temporary Full-Time employees earn eight hours per Holiday. Regular part-time and seasonal employees will earn pro-rata holiday based on the employee's regular schedule at the time the holiday occurs.

Short Term Workers do not earn Holiday pay.

***Use of Leave***

If one or more regular holidays fall in the period of an employee's annual leave, the annual leave record will be credited for the holiday.

If a holiday falls on an employee's regularly scheduled day off, the employee will be granted another day off within the same pay period, as agreed upon by the employee and their supervisor, or their designee.

***Work on a Holiday***

An employee who is designated as non-exempt and who is required by management to work on a holiday shall receive one and one-half times the regular rate for the hours actually worked on the holiday AND receive holiday benefit hours paid at the regular rate.

Exempt employees required by management to work on a day a holiday is observed shall be granted another day off, within the same pay period.

**22. JURY DUTY LEAVE**

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay. This may also include when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive.

A probationary employee may have his/her probationary period extended by the same amount of time as required for serving on jury duty.

An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The CITY/TOWN reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are

assigned.

The employee is responsible to present the issued check for all jury or witness fees to the CLERK/Payroll Specialist. Reimbursement for mileage and actual expense fees are not required to be forfeited to CITY/TOWN. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled days off.

Benefits continue to accrue while an employee is on jury duty leave. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

### **23. PUBLIC OFFICE LEAVE**

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The CITY/TOWN will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

### **24. MILITARY LEAVE**

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

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

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

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

### **25. BEREAVEMENT LEAVE**

In case of a death in the immediate family, an employee will be granted three days of Bereavement Leave that will not be charged to the employee's accumulated sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of sick leave or annual leave, with prior supervisor's approval. (See definitions for immediate family.)

In case of a death of a family member, outside the immediate family, or another person with prior supervisor's approval, an employee will be granted one day of Bereavement Leave that will not be charged to an employee's sick leave or annual leave. If additional time is required, an

employee may be allowed additional days for bereavement purposes via the use of annual leave.

## **26. MATERNITY LEAVE**

The [CITY/TOWN] will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq,) as well as all relevant pregnancy leave provisions in federal, state and local statutes. A female employee will not be terminated because of her pregnancy. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the [CITY/TOWN] reserves the right to require medical verification that the employee is not able to perform employment duties. The [CITY/TOWN] will grant the employee a reasonable leave of absence for pregnancy but will not require an employee take a mandatory maternity leave for an unreasonable length of time.

Employees should notify their supervisor or the [MAYOR/CITY MANAGER] and/or their designee of a desire to take Maternity Leave upon confirmation of pregnancy. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave requests.

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

## **27. FAMILY MEDICAL LEAVE (FMLA)—**

**(Only APPLICABLE FOR CITIES/TOWNS WITH OVER 50 EMPLOYEES within 75 mile radius) DO NOT INSERT POLICY UNLESS IT IS APPLICABLE**

### ***Eligibility***

An eligible employee can take up to 12 weeks of leave per year if he/she has worked for at least 1,250 hours within the previous 12 months and have been employed for 12 months. These months need not be consecutive. For an employee to be eligible for FMLA the employer must employ 50 or more employees within 75 miles of the worksite.

### ***Types of Leave Covered***

Family or Medical Leave can be taken for the following reasons:

- The birth of a child and in order to care for that child;
- The placement of a child for adoption or foster care and to care for the newly placed child;
- To care for a spouse, child or parent with a serious health condition (described below);
- The serious health condition (described below) of the employee;
- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty;
- Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

Employees are required by law to provide at least a 30-day notification of intent to use Family or

Medical Leave whenever possible. Employees will be required to use their paid sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave or the employee can choose to use other accrued leave balances such as vacation and/or comp time, if available.

It is the practice of the CITY /TOWN to designate an eligible employee who is out for more than three days, due to a workplace injury or illness under FMLA. Worker's Compensation and FMLA will run concurrently when necessary and when the employee is eligible.

### ***Amount of Leave***

Employees will only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example: If an employee took 12 weeks leave beginning July 1, 1996, and requested to take 12 weeks leave beginning May 1, 1997, the request would be denied because the employee used 12 weeks looking back from May 1, 1996, through April 30, 1997.)

Employees can take up to 26 weeks for FMLA circumstance related to military caregiver leave during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. This leave will also be based on a look back period.

If both spouses work for the CITY/TOWN and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the spouses may only take a total of 12 weeks of leave.

### ***Certification of Medical Condition***

Upon request of your supervisor and/or the Mayor/City Manager, Supervisor, employees must provide certification explaining the serious health condition or the family member's condition. It should detail: (MMIA SUGGESTS USING THE FEDERAL DOL FORMS AVAILABLE ON THEIR WEBSITE!!!!)

- the date on which the condition began
- the probable duration of the condition
- appropriate medical facts regarding the condition
- a statement that the employee is needed to care for a spouse, parent, or child
- a statement that the employee's own health condition makes it impossible for him or her to work

If the [CITY/TOWN] is not satisfied with the certification, it may require a second opinion at our expense. In the event of conflicting opinions, a third provider will be retained, also at our expense, to render a binding decision.

### ***Employee Status and Benefits During Leave***

While an employee is on leave, the CITY/TOWN will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company may require the employee to reimburse the city/town the

amount it paid for the employee's health insurance premium during the leave period.

The employee is required to continue to pay their share, if any, of premiums for health benefits. If in a paid status, these will continue to be taken from paychecks. If in a leave without pay status, the employee will be required to submit the payment to the CLERK in person or by mail. The payment must be received by the \_\_\_\_\_ day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide notice prior to the loss of coverage.

### ***Employee Status After Leave***

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider before returning to work. Generally an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefit and other employment terms.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the company. If a person designated as "key" still takes family leave, the [CITY/TOWN] will pay the health care premiums, but no guarantees are made about returning them to the positions they left.

An employee who fails to return to work on his or her regularly scheduled workday after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor/CITY MANAGER, Supervisor. Providing false or misleading information or reasons to justify a FMLA absence may result in discipline, up to and including termination. FMLA provisions indicate that at the [CITY/TOWN] discretion, health care premiums may be recovered from employees who do not return to work.

## **28. BREASTFEEDING IN THE WORKPLACE**

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

## **29. PERFORMANCE MANAGEMENT AND EVALUATIONS**

Employee performance evaluations are provided normally on an annually to non-probationary employees. The evaluations report progress and allow correction of any deficiencies, recognize employee strengths and special abilities as well as provide an opportunity to discuss areas that need improvement. Annual appraisals and evaluations should provide an ongoing performance record. This may be used as a supportive document for personnel actions such as promotions or demotions. They also provide employees an opportunity to discuss personal goals, [CITY/TOWN] goals and means for improvement. Annual evaluations provide an opportune time to formulate or update the employees' job descriptions.

Probationary employees will receive informal feedback throughout their probationary period. The supervisor or the [MAYOR/CITY MANAGER] and/or their designee may at their discretion formally evaluate the probationary employee at the end of the probationary period at which time the employee will be advised of his or her status (regular or terminated.)

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

The employee, their supervisor or the [MAYOR/CITY MANAGER] and/or their designee will sign and date the evaluation form. If the employee refuses to sign the evaluation form, documentation of their refusal will be added to their evaluation. The employee's signature will indicate that the employee has reviewed the evaluation with their supervisor or the [MAYOR/CITY MANAGER] and/or their designee and understands the comments contained within the evaluation.

### **30. DISCIPLINE**

CITY/TOWN, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state, or local laws, CITY/TOWN rules and/or regulations, employee conduct/behavior/performance standards, CITY/TOWN policies, or other conduct not in the best interests of the CITY/TOWN. The supervisor and/or the Mayor/CITY MANAGER or their designee will notify the employee of the suspected violation and will then perform an investigation. Employees may be placed on administrative leave (with or without pay) pending investigation.

The employee will be notified in writing of the suspected violation or misconduct, will be included in the investigative process and allowed to share their account of the suspected violation or misconduct in question before discipline is issued.

At the sole discretion of the CITY/TOWN the supervisor, the CLERK/HR Officer, the MAYOR/CITY MANAGER and/or their designee will conduct the investigation including employee interviews. The employee being interviewed may request an attendee of their choosing be present at the interview; however, such attendee will be permitted to observe only and will not be permitted to participate in the interview.

Upon conclusion of the investigation, the CITY/TOWN will decide whether discipline is appropriate and if so, at what level. All affected parties will be advised, at an appropriate level, of the investigation results.

Discipline, as determined by the CITY/TOWN, may be imposed in one of the following forms. This is not a progressive discipline policy.

#### **Oral Reprimand**

The supervisor and/or Mayor/City Manager/HR Officer will meet with the employee to explain

the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. This conversation will be summarized in writing. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

### **Written Reprimand**

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s) and the corrective action required will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

### **Suspension (with or without pay)**

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required, and the dates and conditions of the suspension will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

### **Demotion - Loss of Duty**

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required, and the specific conditions of the demotion will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

### **Termination**

If the CITY/TOWN determines that the appropriate disciplinary action is termination, Regular, Non-Probationary employees will receive a letter that documents the problem and summarizes the results of the investigation. The letter will detail the cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies. The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee and provide him/her with the letter. All terminations must be approved by the Mayor/City Manager.

## **31. GRIEVANCE**

Employees are allowed to use the grievance procedure without penalty or harassment for doing so.

Employees should attempt to resolve all disputes prior to involving the Mayor/City Manager and/or their designee. Employees are encouraged to discuss disputes with their supervisors informally and in a timely fashion. The CLERK/HR Officer may attend meetings between the supervisor and employee.

**Step 1:** In the event a dispute cannot be resolved informally, the employee should file a grievance, in writing, to the Mayor/City Manager and/or their designee within 10 working days of

the occurrence of the disputed issue. If the grievance is against the Mayor/City Manager, the employee will file with the CITY ATTORNEY/Council (*MMIA suggests using a third party—city attorney or outside attorney rather than involving the City Council in Personnel matters*)

The written grievance must outline the disputed issue, relevant facts, and requested remedy. Upon receipt of the written grievance, the Mayor/City Manager and/or their designee will investigate the dispute and respond to the grievance within 20 working days of receipt of the grievance.

**Step 2:** If the response is not acceptable to the employee, the employee may forward the written grievance and MAYOR/CITY MANAGER and/or their designee's response directly to the MAYOR/CITY MANAGER or the CLERK/HR Officer for submission to the City Council for review, within 10 working days from the date of the MAYOR/CITY MANAGER and/or their designee's response. The MAYOR/CITY MANAGER and/or their designee will be responsible for forwarding the information on to the Chair of City Council.

The Council may either accept all or part of the MAYOR/CITY MANAGER and/or their designee's recommendations or reject the recommendations and formulate their own resolution to the disputed issue within 20 working days of their receipt of the forwarded written grievance and MAYOR/CITY MANAGER and/or their designee's response. The Council's Decision is final and concludes the final appeal process for the employee.

Information concerning employee grievances is confidential information and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Decisions on grievances will not set precedent and are at the discretion of the CITY/TOWN.

## **32. TELEPHONE USE**

### **A. General Use**

While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with company phones. Excessive personal calls/texts during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict personal calls during work time and use phones only during scheduled breaks or lunch periods. Employees should be courteous of co-workers and others in the work area when holding personal phone calls at work.

### **B. Company Issued Cell Phone Use**

The [CITY/TOWN] may determine to issue individual cellular phones to employees.

It is the [CITY/TOWN] policy that employees who are issued or use a company cell phone, understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes and/or data usage.

Cell phone bills are reviewed regularly. Any excess data use may be subject to additional review and could lead to disciplinary action up to and including termination if determined to be non-work related.

## **33. COMPUTER USE**

Use of the [CITY/TOWN]'s electronic communications equipment, systems and/or tools is a privilege. Electronic communications equipment should be used for activities that fall within the

course and scope of the employee's job duties. Personal computer use that is deemed excessive or inappropriate by the [CITY/TOWN] or computer use that is illegal is prohibited and may result disciplinary action up to and including termination. New employees will be given a period of instruction on the [CITY/TOWN]'s computer equipment by the [INSERT TITLE] as part of their new employee orientation. Upon completion of the period of instruction, a statement signed by the employee and their supervisor will be entered in the employee's personnel file. If the employee refuses to sign the statement, a written statement documenting their refusal will be added to their personnel file.

### ***Email***

Employees are responsible for the content and dissemination of their messages. This responsibility includes ensuring that their messages are accurate, courteous and that they do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, they should consult with their supervisor.

### ***Security***

The [CITY/TOWN] owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. E-mails may be accessed and monitored in the normal course of business by system administrators, supervisors, and support staff. The [CITY/TOWN] expressly reserves the right to monitor use of the Internet by employees.

## **34. TRAVEL FOR WORK**

[CITY/TOWN] employees may be required to travel. When working away from the worksite, employees are required to periodically check in with the [CITY/TOWN] to provide status reports and to check for messages.

Occasionally, it may be necessary to get in touch with traveling employees. It is important for the employee to leave an itinerary with appropriate [CITY/TOWN] staff, in the event the employee needs to be contacted. The employee should inform their supervisor of their route and travel plans so other [CITY/TOWN] staff can assist in their safe arrival.

## **35. TRAVEL AND EXPENSE REIMBURSEMENT**

All employees shall have their travel pre-approved by the supervisor, [MAYOR/CITY MANAGER] and/or their designee. All employees traveling on [CITY/TOWN] business are required to provide verification of driver's license with appropriate endorsements for the types of equipment operated.

Employees completing [CITY/TOWN] business may be compensated for travel expenses, meals (via per diem), mileage and/or incidental expenses at a rate established by the [CITY/TOWN]. Receipts must be included for lodging, travel, and appropriate ancillaries. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly.

**{list per diem here}**

Employees may be able to use a [CITY/TOWN] vehicle when traveling. Unsafe vehicle conditions or conditions in need of repair must be reported to a supervisor and/or the [MAYOR/CITY MANAGER] and/or their designee immediately, (See the Use of [CITY/TOWN] Vehicle/Vehicle Accident section).

If an [CITY/TOWN] vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for [CITY/TOWN] business, they are required to provide proof of liability insurance coverage.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for [CITY/TOWN] business. The advance must be justified with reasonable requests for meals, lodging, gasoline cost, public transportation, etc. Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return. The employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip. If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the [CITY/TOWN] the difference. Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the [CITY/TOWN].

Willful misrepresentation of expenses or receipts is unlawful and may result in disciplinary action up to and including termination.

### ***Use of [CITY/TOWN] Vehicles***

[CITY/TOWN] shall designate the positions that require the use of [CITY/TOWN] vehicles on a take-home basis. All [CITY/TOWN] vehicles are to be primarily used for business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel. Employees using an [CITY/TOWN] vehicle will be required to keep a mileage and maintenance log.

Employees using an [CITY/TOWN] vehicle must observe and obey traffic regulations and exhibit extreme care of the vehicle. Employees and other authorized passengers are required to wear seat belts at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling-up all windows and locking all of the doors. Employees are required to ensure vehicles are returned fully gassed and washed and vacuumed as necessary. Employees are prohibited from smoking in the [CITY/TOWN] vehicles.

Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor or [MAYOR/CITY MANAGER] and/or their designee immediately.

### ***Vehicle Accidents***

When an employee is involved in a motor vehicle accident with an [CITY/TOWN] vehicle, the employee must notify the supervisor or [MAYOR/CITY MANAGER] and/or their designee immediately. The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to discuss the incident with Emergency Services Personnel, the [MAYOR/CITY MANAGER] and/or their designee, insurance adjusters and law enforcement.

Upon returning to the [CITY/TOWN] office, an account of the accident should be provided in writing to the supervisor or [MAYOR/CITY MANAGER] and/or their designee. The employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor or [MAYOR/CITY MANAGER] and/or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures up to and including termination are warranted. Accidents where the [CITY/TOWN] employee was driving or

operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.

### **36. EDUCATION AND TRAINING**

The [CITY/TOWN] encourages training for employees where the training improves employee productivity, knowledge, and skills when [CITY/TOWN]'s services and programs will be more efficient and effective. The [CITY/TOWN] may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc., and is pre-approved by the employee's supervisor, the [MAYOR/CITY MANAGER] and/or their designee.

Employees should consider training needs during annual evaluations, particularly if the training requires extensive time away from work, is of significant cost, and/or requires out-of-state travel. The [MAYOR/CITY MANAGER] and/or their designee may evaluate such training courses to ensure maximum value of the course. Additionally, the training may be delayed until future fiscal years to include the expense within the budget.

### **37. PARTICIPATION IN COMMUNITY ORGANIZATIONS**

The [CITY/TOWN] views personal development through service involvement as beneficial to the employee as well as positive exposure for [CITY/TOWN]. Employees should consult with their supervisor, the [MAYOR/CITY MANAGER] and/or their designee before volunteering for such organization if work time may be required to attend activities, fundraisers, meetings, etc. Employees that have received pre-authorization from their supervisor, the [MAYOR/CITY MANAGER] and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the [MAYOR/CITY MANAGER] and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the [CITY/TOWN].

### **38. PARTICIPATION IN PROFESSIONAL ORGANIZATION**

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

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the community, organization, or community. Employees should consult with the [MAYOR/CITY MANAGER] and/or their designee before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees that have received pre-authorization from their supervisor, the [MAYOR/CITY MANAGER] and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the [MAYOR/CITY MANAGER] and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the [CITY/TOWN].

### **39. LICENSING FEES**

The [CITY/TOWN] recognizes employees that associate with various organizations or maintain certifications or licenses are beneficial to the [CITY/TOWN]. If the [CITY/TOWN] has requested that an employee obtain a license, the [CITY/TOWN] will pay for the licensing fees and/or annual renewal fees.

All employees are encouraged to visit with their supervisor and/or [MAYOR/CITY MANAGER] and/or their designee, particularly during the annual evaluations, so that the cost of maintaining a current license or the costs for a licensure that the employee would like to obtain can be included within the budget process.

#### **40. EMPLOYEE BENEFITS (GIVE SPECIFICS ON WHO IS QUALIFIED, ETC.)**

Regular employees may participate in the [CITY/TOWN]'s benefit plan. The [CITY/TOWN] will pay a specified dollar amount into the benefit plan that the employee can use to pay for options elected. For regular part-time employees, the [CITY/TOWN] will pay a pro-rated amount of the contribution into the benefit plan.

Specific benefits of the benefit plan are described in the Plan Document and Summary Plan Description (attached as an Appendix and available from the Clerk/Personnel Director). For employees utilizing specific insurance products, the insurance plan documents will be forwarded to them directly from the Insurance Provider (currently [INSERT PROVIDER]). The Insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

#### **41. RETIREMENT**

**(Get PERS/INSURANCE information as required.)**

#### **42. SALES CALLS and FUNDRAISING EFFORTS**

Sales Calls from professional salespeople are allowed to take place only at the discretion of the [MAYOR/CITY MANAGER] and/or their designee, so long as it is done in a consistent and fair manner. Employees requesting charitable contributions or selling products may visit with fellow employees before or after work, during lunch hour or breaks. Employees may also choose to circulate a catalog among co-workers to preview at their convenience. Employees should not be made to feel obligated to participate.