



**MISSOULA COUNTY
PERSONNEL POLICIES**
(REVISED 2007)

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MISSOULA COUNTY PERSONNEL POLICIES

100.00 PURPOSE

The purpose of these policies and procedures is to:

- provide fair and consistent human resource management practices at Missoula County,
- provide sound guidance to county supervisors based on sound employment principles, and
- comply with state and federal employment laws.

These policies govern all employment practices and issues that are not specifically covered by collective bargaining agreements. The word "may" shall be interpreted as permissive. The word "shall" will be interpreted as mandatory.

Employees in positions identified in Addendum A are eligible for only those rights, privileges and benefits provided expressly or by reference in their employment contract, if applicable.

Missoula County may periodically require employees to review these policies and any updates to these policies, and to acknowledge in writing that they have read and understand the policies.

200.00 COMPENSATION ADMINISTRATION – HOURS OF WORK

The Department of Human Resources shall establish the rate of pay for all positions in accordance with county policy and in accordance with parameters established by the Board of County Commissioners.

Employees shall be paid their regular hourly rate of pay for all hours worked up to 40 in a work week. Except as provided in Section 212.30, FLSA exempt employees shall not be paid for more than 40 hours in one week.

A pay plan will be maintained that consists of a schedule of pay ranges covering all positions not covered by a collective bargaining agreement or by an individual employment contract or by statute. Each pay range will include minimum and maximum rates of pay. Assignment of positions to a pay range shall be handled in accordance with provisions of Section 700.00 of these policies.

201.00 ENTRY RATE OF PAY

The normal entry pay rate for a newly hired employee or for a current part-time employee adding an additional part-time position shall be the minimum rate of pay in each pay grade. Upon written request of the department head, as set forth in Section 204.00, the employer may approve an exception to the minimum rate for new hires, and may assign a different pay rate within the established pay range.

Pay for part-time, temporary, or seasonal employees shall be in accordance with the classification of the position. Pay for short-term workers will be set by the Director of Human Resources with input from the department head.

202.00 END OF PROBATION INCREASE

Any regular full-time or regular part-time employee who completes the probationary period set forth in Section 310.00 shall receive a 2% pay increase effective on the first day of the pay period during which probation is successfully completed. Employees hired above the normal entry rate in accordance with a pay exception will receive an end of probation increase only if specifically approved in the pay exception.

203.00 PAY INCREASES

All pay increases will be set in accordance with policies adopted by the Board of County Commissioners and within parameters established by the Board during the annual budget process. Examples of pay increases include: cost of living adjustments, longevity increases, lump sum payments and bonus payments.

Pay adjustments that require department head approval must be submitted in writing to the Department of Human Resources for approval prior to notifying the employee. Generally, changes in pay rates shall occur at the beginning of the pay period that includes the effective date of the action.

Any pay increase that cannot be managed within the department's approved budget for the current fiscal year will require a budget transfer or amendment request to be approved by the Chief Financial Officer and the Board of County Commissioners.

In accordance with these policies, personnel actions such as promotions, demotions, transfers, reclassification, and temporary assignments to a job in a higher or lower pay range may result in pay adjustments.

204.00 PAY EXCEPTIONS

Requests for exceptions to the normal practices for determining entry pay rates and adjusting pay rates as otherwise provided for in these policies shall be made in writing by the department head. Pay exceptions shall be considered on a case-by-case basis by a committee established by the Board of County Commissioners. The committee will include the Director of Human Resources, the Chief Administrative Officer and the Chief Financial Officer.

Pay exceptions shall be approved only on the condition that such approval does not require additional funding during that fiscal year for the department making the request.

205.00 SPECIAL DUTY COMPENSATION

An employee may receive an additional hourly pay increment equal to 1% of their normal base rate of pay upon assignment of special ancillary duties outside of the employee's normal job description. To qualify for special duty compensation, a work assignment must be on-going and constitute additional demands on the employee on a

sporadic or intermittent basis. The department head must make a written request subject to approval by the Human Resources Director for special duty compensation.

Assignment of additional duties that become part of an employee's regular job description will be handled in accordance with Section 700.00 of these policies.

206.00 CERTIFICATION/LICENSE PAY

A non-probationary employee who receives written approval from the employee's department head shall receive an additional \$0.50 per hour for receiving and maintaining a special certification/license in an area directly related to the employee's job duties. Certification/license shall be issued by a nationally certifying institution or state or federal government agency. This does not apply to certification/license that is required as a condition of employment. An employee may be approved to receive compensation for one additional certification/license every four years.

207.00 MERITORIOUS BONUS

Employees shall be eligible for a meritorious bonus for exceptional performance as determined by the department head, based on job related criteria. Such meritorious bonus shall be in the form of a lump sum payment and shall not be added to the employee's hourly rate of pay. No employee shall be eligible for a meritorious bonus during the first year of employment. Meritorious bonus awards shall be contingent upon the availability of funds within the department's budget and written approval by the Department of Human Resources

208.00 TRAINING ASSIGNMENT

When no applicant for a vacant position meets the minimum qualifications listed or when a position requires in-depth, specialized training, the department head may request the approval of the Director of Human Resources to develop an on-the-job training assignment. Such assignments are subject to the following guidelines:

- A) Conditions of the assignment shall be stated in writing and the agreement signed by the employee, supervisor, and department head.
- B) The written training assignment shall state the training plan to be utilized and the anticipated duration of the assignment. A training assignment shall not be authorized in excess of one year.
- C) For newly hired or probationary employees compensation will be set by the department head at a rate of pay not to exceed 10% below the minimum rate of the pay range of the position. Upon completion of the training assignment, the employee's rate will be adjusted to either the established base of the pay grade or to 2% above the base of the grade if the probationary period has been successfully completed.
- D) For non-probationary employees compensation will be set by the department head at a rate not to exceed 10% below the rate the employee would have received upon changing positions, in accordance with applicable policy. Upon completion of the

training assignment the employee's rate will be adjusted to the rate used to determine the training rate.

209.00 TEMPORARY ASSIGNMENT AT HIGHER RATE

An employee who is temporarily assigned to perform the normal duties of a position in a higher pay grade for a period of at least two full weeks may, with the approval of the department head, be paid at the minimum rate of the new pay range or shall be granted a 10% increase, whichever is greater. This increase shall become effective at the beginning of the pay period during which the temporary assignment begins and shall remain in effect through the pay period in which the temporary assignment ends.

210.00 TRANSFER

A transfer is the assignment of an employee from one position to another with the same job title or with the same base rate of pay. Transfers may be at the request of the employee, as a disciplinary action, or for administrative reasons. Human Resources will determine when assignment to a new position is a transfer.

210.10 TRANSFER FROM NON BARGAINING UNIT TO BARGAINING UNIT POSITION

Transfers can occur from non-bargaining unit positions to bargaining unit positions or from one bargaining unit to another, in accordance with the terms of the relevant collective bargaining agreements.

210.20 TRANSFER TO NON BARGAINING UNIT POSITIONS

In a transfer to a non-bargaining unit position, whether from a bargaining unit position or from another non-bargaining unit position, there shall be no change in the employee's base rate of pay.

211.00 PROMOTION

Promotion is the assignment of an employee to a position with a different job title and a higher base rate of pay. Promotion can be made from one non-bargaining unit position to another, from one bargaining unit position to another, or between bargaining unit and non-bargaining unit positions.

Any promotion to a bargaining unit position will be handled in accordance with the terms of the relevant collective bargaining agreement. When an employee is promoted to a non-bargaining unit position, the employee's pay rate shall be increased to 2% above the minimum rate in the new pay range, or by 10% over their current rate of pay, whichever is greater. Probationary employees who are promoted shall be placed at the minimum rate in the new grade.

212.00 DEMOTION

A demotion is the assignment of an employee to a position with a different job title and a lower base rate of pay than the employee's current position. Demotions may occur for one or more of the following reasons: at the request of the employee; for administrative purposes; for disciplinary reasons; and/or due to reclassification.

When an employee voluntarily requests a demotion, is demoted for administrative reasons, or is reclassified to a position in a lower pay range, the employee's base rate of pay will be set at a percentage over the base rate for the new grade that is equivalent to the percentage their current rate is over the base rate for the current grade. (E.g., an employee with a pay rate 25% over the base rate of the current grade would be placed 25% over the base rate of the new grade.)

When a position is demoted for administrative reasons or reclassified to a lower pay range, the employee's rate of pay will not be reduced for a period of:

- 30 working days if it is a reduction of one pay grade,
- 60 working days if it is a reduction of two pay grades, and
- 90 working days if it is a reduction of three pay grades or more.

The employee's rate of pay may be protected for longer time periods with the approval of the department head and the Director of Human Resources.

When an employee receives a disciplinary demotion in accordance with Section 313.40 of these policies, the employee's base rate of pay shall be reduced to a rate to be determined by the Director of Human Resources in coordination with the department head. The new rate shall be at least a 10% reduction in pay except that such reduction shall not place the employee's rate below the entry rate for the lower pay range.

213.00 OVERTIME COMPENSATION

213.10 DEFINITIONS

WORK WEEK – The regular work week for Missoula County employees is Sunday through Saturday. The normal work week shall be 40 hours for a full-time employee.

HOURS WORKED – All hours of work, jury duty, vacation leave, sick leave, personal leave, use of accrued compensatory time, paid military leave and any paid holiday hours will be treated as hours worked for the purpose of determining overtime pay.

NON-EXEMPT – Positions determined to be subject to the overtime provisions of the federal Fair Labor Standards Act and Montana Wage and Hour law are NON-EXEMPT.

EXEMPT - Positions determined to not be subject to the overtime provisions of the federal Fair Labor Standards Act and Montana Wage and Hour law are EXEMPT. Positions that Missoula County has determined to be EXEMPT are listed in Addendum B of these policies.

213.20 NON-EXEMPT OVERTIME PAY

All non-exempt employees must receive prior approval to work overtime. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Non-exempt employees shall receive overtime compensation at the rate of 1½ times their regular hourly rate of pay for all hours worked exceeding 40 in a work week.

213.30 EXEMPT OVERTIME PAY

The department head may require that exempt employees receive prior authorization to work more than 40 hours in a work week. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Exempt employees shall not receive extra hourly compensation for any hours worked exceeding 40 in a work week. Under certain limited circumstances, the Board of County Commissioners may direct that exempt employees who work more than 40 hours in a given work week receive compensation at the regular hourly rate.

213.40 COMPENSATORY TIME

Department heads are responsible for managing compensatory time balances.

NON-EXEMPT: Non-exempt employees may accrue compensatory time off in lieu of overtime payment upon mutual agreement between the employee and the department head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of 40 in a given work week. Employees may accrue a maximum of 240 compensatory time hours, and shall be compensated in accordance with Section 212.20 for additional overtime hours worked once they reach this limit.

Non-exempt employees shall be paid for unused accumulated compensatory time upon moving to another department within the county, or upon moving to an exempt position, or upon termination of employment.

EXEMPT: Exempt employees may accrue compensatory time, on an hour-for-hour basis, for all hours worked exceeding 40 in a work week. Exempt employees may accrue a maximum of 1000 hours of compensatory time but shall not be eligible to accrue any additional compensatory time until the balance is reduced.

Exempt employees are not entitled to receive compensation for unused compensatory time at any time.

214.00 ON-CALL TIME

Employees required to be in an on-call status on the employee's regularly scheduled work day shall be compensated at the rate of \$11.00 per day. Employees required to be in an on-call status on the employee's regularly scheduled day off shall be compensated at the rate of \$26.00 per day. On-call status is defined to mean that the employee:

- is required to carry a pager or cellular phone,
- must be accessible to 9-1-1 dispatch or be accessible by telephone,
- must be available to report to work if called.

Any employee, exempt or non-exempt, who is called out and reports for duty in accordance with this section shall be paid premium pay at 1½ times their regular hourly rate.

215.00 PAYMENT UPON TERMINATION

In all cases, final payment upon termination will be made no later than the next regularly scheduled pay date after the employee's separation date.

216.00 HOURS OF WORK

The normal hours of work for full-time county employees shall be eight hours per day, and the normal work week shall be 40 hours, Sunday through Saturday. Employees must submit signed timesheets bi-weekly, accurately reflecting hours worked each work day and total hours worked each work week. Alternate timekeeping procedures must be approved by the Financial Services Department. Time will be recorded in increments of no less than 1/10 of an hour. Signing time sheets by the supervisor or department head constitutes final supervisory approval of all leave requests, overtime approval, and compensatory time accrual. Department heads shall be responsible for maintaining records and submitting accurate timesheets documenting employee attendance and hours of work.

216.10 ALTERNATE WORK SCHEDULES

Implementation of alternate work schedules is at the department head's discretion, based on the following considerations:

- Generally, county offices must be open from 8:00 a.m. to 5:00 p.m. daily and supervisors will ensure adequate staff coverage during those hours.
- Core hours shall be established when all employees normally work.
- The department head will determine what level of supervisory coverage is required during extended office hours.
- The department head may withdraw approval for alternate work schedules with five working days advance notice.

Nothing in this policy limits the authority of the department to establish or change work schedules as necessary to ensure successful operations.

217.00 TELE-WORKING

By agreement between the employee and the department head, an employee may arrange to work at an alternative location ("tele-work"). Tele-working arrangements are subject to the following guidelines.

- A) Before entering into a tele-working arrangement with an employee, the department head will evaluate the suitability of the arrangement by considering: (1) employee suitability, (2) job responsibilities, (3) equipment needs, (4) scheduling and work space issues, and (5) any other relevant criteria. All terms and conditions of the tele-working arrangement must be agreed upon in a written letter of agreement between the employee and supervisor.
- B) The employee will work at an alternative work location only during hours that are agreed upon by the employee and the department head. Any changes to the

employee's work schedule must be approved in advance by the employee's supervisor.

- C) An employee who participates in a tele-working arrangement must be available by telephone or modem during the agreed upon work schedule.
- D) The employer or employee may discontinue tele-working arrangements at any time.
- E) The employee's compensation, benefits, position classification, work responsibilities, type of appointment as provided in Section 309.00, and other terms and conditions of employment will not change solely because of the employee's participation in a tele-working arrangement.
- F) The employee will arrange for dependent care coverage during at-home work hours and is expected to take necessary measures to minimize interruptions.
- G) If an employee is prevented from working at home by injury, illness, or other conditions listed in Section 402.30, the provisions of Section 402.00 shall apply.
- H) An employee who is injured while working in a tele-working status must report the injury to the employer in accordance with Missoula County's workers compensation procedures.
- I) Supplies or equipment that the employer provides for tele-working must be used only by the employee and only for legitimate business purposes. Such equipment and supplies:
 - shall remain the property of the employer,
 - must be kept in a safe and hazard-free environment, and
 - must be returned to the employer immediately upon request.
- J) The employer assumes no liability for loss, damage or depreciation of supplies and equipment that are owned by the employee.
- K) Use of computer equipment in a tele-working arrangement is subject to information services policies and procedures and requires advance approval by that department.
- L) Department heads are responsible for monitoring, recording, and reporting hours worked by employees in a tele-working status in accordance with Section 215.00 of these policies. In accordance with Section 212.00 a department head may require that employees receive prior approval to work overtime.

218.00 EMERGENCY CLOSURE OF COUNTY OFFICES

If the Board of County Commissioners determines that the health or safety of employees is threatened by requiring them to report to work or remain at work, it may direct that county offices be closed. This policy outlines: (1) procedures for emergency

county office closures, and (2) employee compensation and leave during emergency offices closures.

218.10 PROCEDURES

If the Board of County Commissioners determines that county offices must be closed because of employee health or safety concerns, or in the interests of public safety, the decision will be announced through the local media as soon as is practicable. The announcement will include the effective time and date of the closure, and its anticipated duration.

Department heads will be responsible for ensuring that employees are notified of the decision, and may exercise one or more of the following options in response to an emergency county office closure:

- Employees may be directed not to report to work or remain at work.
- Employees may be required to report to an alternate work location.
- If the emergency closure prevents employees from performing their regular jobs, they may be assigned to perform other duties at the discretion of the department head. Department heads are responsible for ensuring the health and safety of employees who are required to perform these duties.
- Employees whose regular job duties involve emergency operations or support (i.e., sworn officers, detention officers, 9-1-1 dispatchers, emergency management personnel) may be required to report to work at their normal work locations, according to department policy.

The Board of County Commissioners shall announce through the local media: (1) the date and time on which county offices will reopen, and (2) any restrictions on work schedules or work assignments.

218.20 EMERGENCY CLOSURE: COMPENSATION AND LEAVE

- Employees who perform work during an emergency county closure will be compensated at their regular rate of pay for all hours up to 40 in a work week. Compensation for hours in excess of 40 shall be in accordance with Section 212.00.
- Employees notified at least one hour prior to their scheduled starting time not to report as a result of an emergency office closure may use accrued leave or take leave without pay.
- Employees who: (1) are not notified of the emergency closure and report to work, or (2) are notified of the emergency closure less than one hour prior to their scheduled starting time, but are not permitted to report to work or remain at work, will receive two hours of pay at their regular rate.
- If an emergency office closure occurs during an employee's regular working hours, the employee will be paid for all hours of work up to the announced time of closing, but in no case will the employee be paid for less than two hours.

300.00 PERSONNEL ADMINISTRATION

301.00 EQUAL EMPLOYMENT OPPORTUNITY

In order to fulfill the requirements of this article the Director of Human Resources is authorized to take all measures which are deemed necessary or effective to provide for equal employment opportunity in county employment, so long as they are consistent with applicable federal or state law, and county policies.

Missoula County is committed to providing equal employment opportunities by providing all individuals who have the required qualifications an equal opportunity to compete for employment and advancement. Missoula County will not refuse employment or discriminate in compensation, benefits, or the other terms, conditions and privileges of employment based upon: race, color, national origin, age, physical or mental disability, marital status, sexual orientation, religion, creed, gender (including on the basis of pregnancy, childbirth or related medical condition), or political belief unless that factor is a bona fide occupational qualification (BFOQ).

Day to day responsibility for the execution of both the letter and spirit of the policy will be the duty of each elected official, department head and supervisor. Any applicant for employment or employee who believes he or she has been subjected to discrimination, including harassment based upon any of these factors, should immediately contact the Human Resources Department and may also contact the Montana Human Rights Commission or the federal Equal Employment Opportunity Commission.

302.00 DIVERSITY AND NON-DISCRIMINATION

Missoula County's goals in regard to equal employment opportunity shall include eliminating artificial barriers in employment and striving to achieve a work force that reflects the diversity of the county's population.

Except as may be required by a BFOQ or compliance with a lawful affirmative action plan or for government reporting requirements, Missoula County will not elicit information from applicants for employment concerning race, color, national origin, age, physical or mental disability, marital status, sexual orientation, religion, creed, gender or political beliefs.

Missoula County will ensure that there exists no employment or personnel management practice or standards that would adversely affect persons of a protected group unless there is a BFOQ.

303.00 REASONABLE ACCOMMODATION

Any employee or applicant with a disability who is otherwise qualified for employment may request a reasonable accommodation. Information regarding such a request for an accommodation shall be considered confidential to the extent reasonably possible and such information shall not be released to anyone without the right or need to know.

Missoula County will consider all requests for reasonable accommodation from both applicants and employees with disabilities. Missoula County reserves the right to determine if accommodations are reasonable in accordance with state and federal guidance, and will provide reasonable accommodation unless an undue hardship would result.

Reasonable accommodation may include but is not limited to: providing or improving access; modifying work sites; modifying work schedules; reassigning non-essential functions; providing assistive devices; and retraining or reassigning employees to vacant positions.

Applicants for employment must submit a request for a reasonable accommodation in writing with their application. Employees may request a reasonable accommodation by contacting the supervisor, the department head, or the Department of Human Resources. Once a dialogue has been established between the employer and employee regarding the requested accommodation, the employee may be asked to submit the request in writing. Employees will be provided a written confirmation of an approved accommodation.

Missoula County will provide reasonable accommodation for the religious beliefs of employees or prospective employees provided it does not constitute an undue hardship for the department.

304.00 RECRUITMENT AND SELECTION

It is the policy of Missoula County to:

- recruit, select, and promote personnel for all positions, except as provided in Section 309.40, on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, gender (including on the basis of pregnancy, childbirth or related medical condition), age, marital status, sexual orientation, physical or mental disability, or national origin, except where a bona fide occupational qualification is reasonably necessary to a department's operation;
- establish minimum standards to assure fair and consistent treatment of applicants and employees in recruitment and selection in accordance with applicable federal and state law and administrative rules.

304.10 RECRUITMENT

Requests to fill all vacancies, whether internally or externally, shall be made to the Department of Human Resources as soon as the department head becomes aware of a current or pending vacancy. Upon receipt of notification and approval to fill the position, the Human Resources Department will initiate recruitment actions.

The Department of Human Resources will work with the department head to determine the recruitment method to be used to fill a vacant position. The Department of Human Resources will prepare a vacancy notice and will place the notice with the applicable recruitment sources (including promotional announcements within a department).

Vacancy notices shall be formally posted a minimum of four working days prior to the application deadline.

A department head may opt to promote a current employee without posting a position internally, provided department employees are informed of the vacancy and are considered for the position if qualified.

304.20 SELECTION PROCEDURES

- A) The Department of Human Resources will receive and review all applications. Only those applicants meeting minimum qualification requirements will be referred to the department head for further consideration. If no applicants meet the posted minimum qualifications, at the department head's discretion, those applicants may be evaluated to determine if they have a combination of education and experience equivalent to those minimum qualifications. The Department of Human Resources and all department heads and supervisors shall apply selection criteria and procedures consistently for all applicants.
- B) The Human Resources Department will work with the department head to determine selection criteria prior to reviewing applications. The Department of Human Resources shall work with the department head to determine the selection procedures that will be used to fill a new or vacant position. This process may include one or more of the following evaluation tools:
- county application and supplemental questionnaires, resumes, or other written materials;
 - written, oral, or performance tests;
 - assessment centers or job simulation exercises;
 - physical and agility exams, where they directly relate to job duties;
 - assessment of training, education and experience which may include college transcripts;
 - background investigation, criminal history, driving record, or reference checks.
- C) If oral interviews are included in the selection process the Department of Human Resources will assist in developing interview questions. HR staff may at HR's discretion or at the request of the department participate in interviews.
- D) The Department of Human Resources shall make job offers and oral or written commitments to salary levels and employee benefits. HR shall determine employee pay rates in accordance with applicable policies.

305.00 INTERVIEW AND MOVING EXPENSES

With approval of the department head, job applicants or new employees may be reimbursed for interviewing and moving expenses. These expenses shall be paid by the employing department and the terms of such reimbursement shall be communicated in writing at the time they are offered.

306.00 VETERANS' EMPLOYMENT PREFERENCE

It is the policy of Missoula County to provide preference in employment to eligible disabled veterans, other veterans, and certain relatives as required in 39-29-101, et seq., MCA. It shall be the responsibility of the Department of Human Resources to administer preference when filling vacancies.

307.00 DISABILITY EMPLOYMENT PREFERENCE

It is the policy of Missoula County to provide preference in employment to eligible individuals with disabilities and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions as required in 39-30-101, et seq., MCA. It shall be the responsibility of the Department of Human Resources to administer preference when filling vacancies.

308.00 NEPOTISM

No one may be refused employment or terminated solely because another member of that individual's immediate family is employed by the county. However, no employee will be permitted to hire or otherwise directly supervise an immediate family member if the county determines that it would create a conflict of interest.

309.00 TYPES OF APPOINTMENTS

All county employees shall be appointed to one of the following categories as allocated in the adopted county budget:

309.10 REGULAR FULL-TIME EMPLOYEE

Employees are in regular full-time status when they:

- have successfully completed a probationary period;
- are regularly scheduled to work 40 hours per week on a continuous basis;
- are eligible for all employee benefits; and
- do not have a specified termination date at the time of hire.

309.20 REGULAR PART-TIME EMPLOYEE

Employees are in regular part-time status when they:

- have successfully completed a probationary period;
- are regularly scheduled to work less than 40 hours per week on a continuous basis; and
- do not have a specified termination date at the time of hire.

A regular part-time employee who is scheduled to work less than 20 hours per week shall not be entitled to employee benefits other than those required by State or federal law.

309.30 REGULAR ON-CALL EMPLOYEE

Employees are in a regular on-call status when they:

- do not serve a probationary period;
- do not have a regular schedule;
- are called to work intermittently as workload, absences, or emergency situations may require;
- are compensated at the entry level rate for their position unless otherwise approved by the Director of Human Resources; and
- do not have a specified termination date at the time of hire.

On-call compensation as provided for in Section 213.00 of these policies does not apply to employees appointed as regular on-call workers.

309.40 SHORT-TERM WORKER

A short-term worker is an employee who is hired to meet an unanticipated need for a period of time not to exceed 720 hours in a continuous 12-month period. Short-term workers may be hired without going through the normal county recruitment process, subject to approval by the Department of Human Resources. A short-term worker may not be hired into a regular position by any county department without going through a competitive hiring process; however, at the request of the department head a short-term worker may be considered in an internal recruitment.

Short-term workers are not eligible to receive benefits, including insurance benefits, paid leave, or holiday benefits. If hired into another position at Missoula County, time served in a short-term appointment does not count toward the qualifying periods for use of sick and vacation time.

309.50 TEMPORARY EMPLOYEE

Temporary employees are those who are hired, either on a part-time or full-time basis, for a specified period of time not to exceed 12 months. Requests to hire temporary employees must be approved by the Department of Human Resources. Temporary employees are not eligible for benefits except as required by state law or specifically provided in these policies. A temporary employee may be terminated at any time at the discretion of the department head.

309.60 SEASONAL EMPLOYEE

A seasonal employee is a regular employee who performs work that is interrupted by the seasons, and who may be recalled to work without losing rights or benefits accrued during the previous season. A seasonal employee is placed in active employment status during the seasonal activity and is then placed in inactive status until the succeeding season. Seasonal employees shall not be entitled to employee benefits except as required by state law and as specifically provided in these policies.

309.70 INTERNS

An employee may be hired as an intern when the following conditions apply:

- the employee is currently a student; and
- the appointment is of a temporary or short-term duration; and
- the work provides supervised practical experience in a professional field; or
- the work contributes to the educational coursework or credits in their field.

Internships that are paid through a university are not subject to the terms and conditions of these policies.

310.00 PROBATION PERIOD

Probation is a designated period of at-will employment during which a newly hired employee is required to demonstrate satisfactory job performance. Probation is used to determine if the employee should be retained beyond the probationary period and attain regular status. A probationary period shall not include time served by the employee in a temporary, short-term, or a regular on-call appointment and shall not include time in a leave without pay status.

Employees shall serve a probationary period of at least six months when they are newly hired, re-employed, or employed in an additional part-time position. A department head may request the Director of Human Resources to approve a longer probationary period for a position with an extensive training period or due to other extenuating circumstances. Except in the case of an approved extension, a probationary period will not exceed one year.

One extension of up to three months may be made at the department head's discretion. Additional extensions must be requested in writing by the department head and approved by the Department of Human Resources. When the probationary period is extended, the department shall notify the employee and the Department of Human Resources in writing on or before the end of the established probationary period that the probationary period has been extended and shall specify the length of the extension.

In the event a new employee does not satisfactorily complete the probationary period, as determined by the department head, the employee shall be terminated. When a probationary employee is terminated, a written notice will be provided to them. Probationary employees who are terminated in accordance with this section shall not have access to the grievance procedure contained herein.

An employee who has not completed the probationary period and is promoted shall be required to complete a new probationary period.

311.00 EMPLOYEE PERSONNEL RECORDS

The personnel files of all active county employees will be maintained exclusively by the Department of Human Resources. Upon termination of employment, personnel files will be handled in accordance with county records retention policy.

Employees shall notify HR whenever there is a change in their name, address, telephone number or other personal data necessary for county business purposes.

311.10 PERSONNEL FILE DOCUMENTS

An employee's personnel file will include:

- all items that define or change status, classification, conditions of employment, pay or benefits;
- original application and resume for employment;
- performance evaluations;
- written comments relative to the employee's performance that have been acknowledged by initial or signature by the employee and supervisor;
- performance-related information which an employee has requested be placed in the personnel file with approval of the supervisor;
- documentation of any disciplinary action or warning. (This material may be removed in accordance with Section 313.10);
- information of a confidential nature pertaining to employee benefits, medical information, and withholding authorizations. This information is kept in a separate file which is available only to the employee and to the staff of the Department of Human Resources.

311.20 PERSONNEL FILE ACCESS

An employee's personnel file is available only to the employee and to appropriate supervisory personnel. Access to a personnel file by persons other than the employee, appropriate supervisory personnel, and the Department of Human Resources staff must be authorized in writing by the employee or by court order. No materials in a personnel file may be removed from the HR Department. Employees may make a written request for removal of documents from their file to the Human Resources Director. Removal will be at the sole discretion of the Human Resources Director. Access to files of terminated employees will be at the sole discretion of the Human Resources Director or by court order.

Records of employment that are available to the public include, but are not limited to, the employee's name, position, date of hire and pay rate.

312.00 PERFORMANCE EVALUATION

Supervisors shall evaluate the performance of all regular employees on an annual basis. Supervisors and department heads are responsible for ensuring that performance evaluation is carried out within their departments or work units.

312.10 EVALUATION

Performance evaluation is an important tool for:

- communication between supervisors and employees regarding work planning and work issues;
- promoting professional development; and
- discussing and documenting work accomplishments and needed improvements.

Written guidance on performance evaluation is available from the Department of Human Resources. Performance appraisal may assist supervisors in making decisions regarding various employment actions, such as promotions, demotions, termination and training.

312.20 REBUTTAL

If an employee disagrees with a written performance evaluation, the employee may respond to the appraisal in writing. If the employee submits a copy of the response to the Department of Human Resources within 30 days of the date of the appraisal, it will be attached to the appraisal and placed in the employee's personnel file.

313.00 DISCIPLINARY ACTION

It is the policy of Missoula County that county employees who violate these policies, who fail to perform their jobs in a satisfactory manner, or who engage in misconduct shall be subject to disciplinary action. When appropriate, department heads and supervisors will refer employees to the employee assistance program as an alternative to, or in conjunction with, disciplinary action.

Discipline shall be conducted in accordance with the principles of good cause and due process. Progressive discipline shall be applied when appropriate; however, specific disciplinary action will be determined by the severity of the misconduct, the employee's disciplinary record, and other relevant criteria.

313.10 PROCEDURES

Informal disciplinary action may include:

- coaching and counseling
- oral reprimand

Formal disciplinary action may include:

- written performance improvement plan
- written warning
- suspension (with or without pay)
- demotion
- termination

An employee may be suspended, demoted, or terminated immediately and without prior notice for certain types of misconduct including but not limited to: insubordination, theft,

drinking or being under the influence of alcoholic beverages or illegal drugs while on duty, physical misconduct, abusive or criminal behavior, or abandonment of duties.

Prior to engaging in formal disciplinary action, the supervisor will meet with the employee to discuss the performance problem or misconduct and to provide the employee an opportunity to respond.

Written disciplinary notices shall be reviewed with and approved by the Human Resources Department prior to being presented to the employee. At the request of the supervisor, a member of the HR office staff will be present during disciplinary meetings or hearings.

It is the responsibility of the department head or supervisor to maintain accurate and complete documentation to support formal and informal disciplinary actions. All signed notices of formal discipline will be submitted to Human Resources to be placed in the employee's personnel file. The employee shall have the right to make a written response to written disciplinary notices to be placed in their personnel file. Employees have the right to grieve and appeal all formal disciplinary actions.

Written disciplinary notices which do not result in suspension, demotion, or dismissal may be removed from the employee's personnel file after 18 months from date of issuance, provided that there has been no subsequent disciplinary action and that the document is not relevant to any pending hearing or litigation. Current employees may request removal of such letters in writing to the Director of Human Resources.

313.20 WRITTEN WARNING

The supervisor may issue a written warning when a violation, misconduct or performance problem is so serious that it requires formal discipline, but not so serious as to warrant suspension or termination. The supervisor shall meet with the employee to provide the written warning notice.

313.30 SUSPENSION

Suspension is the temporary separation of an employee from county service for disciplinary reasons or pending the outcome of an investigation involving the employee. A suspension may be paid or unpaid; however, FLSA-exempt employees, as identified in Addendum B of these policies, may not be subject to an unpaid suspension of less than one full work week.

The supervisor shall meet with the employee and provide the employee written notice of the suspension that includes the reasons for the action, the total length of the suspension and dates for the suspension. When it is necessary to immediately remove the employee from the work place, suspension may be initiated by oral notice followed by a written suspension notice.

313.40 DISCIPLINARY DEMOTIONS

Demotion for cause is the movement of an employee from their current position to a position in a lower pay grade. A demotion may be appropriate when an employee's performance has not been satisfactory in the current position but it is anticipated they may perform at a satisfactory level in a different position. The supervisor shall meet with the employee and provide the employee written notice of the demotion stating the reasons for the disciplinary action.

313.50 INVOLUNTARY TERMINATION

A probationary employee may be terminated in accordance with Section 310.00 of these policies, with or without good cause.

A regular employee may be terminated with good cause when other corrective action has failed or when the violation is serious enough to warrant immediate termination.

The supervisor shall meet with the employee and provide a written termination notice setting forth the reasons for the termination and the effective date. The employee shall have the right to make a written response.

Final payment for wages shall be in accordance with Section 214.00.

400.00 EMPLOYEE LEAVE AND BENEFITS

Missoula County provides both paid and unpaid leave benefits to employees under the conditions set forth in this policy. While it is Missoula County's policy to provide these leave benefits, it is also Missoula County's policy that:

- employees are expected to attend work on a regular and consistent basis;
- excessive absenteeism, for any reason, is grounds for corrective or disciplinary action; and
- failure to provide adequate notice for using any leave benefits set forth in this policy is also grounds for corrective or disciplinary action.

401.00 VACATION

401.10 QUALIFYING

An employee must be continuously employed for the qualifying period of six calendar months to be eligible to use earned vacation leave or to be eligible for a lump sum payment for unused vacation leave credits upon termination.

401.20 ACCRUAL

As provided by State law, each employee shall earn vacation credits as follows:

- from the first full day of employment through 10 years of employment at the rate of 15 working days for each year of service;
- after 10 years through 15 years of employment at the rate of 18 working days for each year of service;

- after 15 years through 20 years of employment at the rate of 21 working days for each year of service;
- after 20 years of employment at the rate of 24 working days for each year of service.

Proportionate leave credits shall be earned and credited at the end of each pay period. Years of employment used to adjust the accrual rate will be calculated using the employee's service date. Employees may be credited for prior Montana public employment by submitting the required documentation to the Department of Human Resources.

Regular and temporary full-time and part-time employees and regular on-call and seasonal employees shall earn vacation leave credits on a pro-rated basis according to the actual number of hours worked in a pay period

Short-term workers are not eligible for annual leave benefits and do not accrue vacation leave credits.

Advancing vacation leave credits prior to their accrual is expressly prohibited.

Vacation credits shall not accrue during a leave of absence without pay.

401.30 MAXIMUM ACCUMULATION

Annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time shall be forfeited if not taken within 90 days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to the supervisor to use the excess vacation leave prior to March 30 of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess vacation leave. Notice of such denial must be provided to the Department of Human Resources by March 31.

Employees shall be responsible for monitoring their vacation leave balances to avoid losing accrued hours. Supervisors shall be responsible for providing reasonable opportunities for employee to use such leave.

401.40 SCHEDULING VACATION OR SICK LEAVE ON HOLIDAYS

Scheduling of vacation shall be accomplished by cooperation between the employee and the supervisor, giving consideration to the employee's needs and the needs of the county. The supervisor has the discretion to approve or deny leave requests.

Absence from work on a legal holiday shall be recorded as holiday leave and shall not be charged to an employee's vacation leave for that day.

Absence from employment by reason of illness may be charged against vacation leave credits only upon request by the employee and with the approval of the supervisor.

401.50 PAYMENT ON TERMINATION

Upon termination of employment with the county, any employee who has worked the qualifying period will be paid for unused vacation leave credits at the rate of pay in effect at the time of termination, in accordance with state law, MCA 2-18-617.

402.00 SICK LEAVE

Sick leave benefits shall be provided to Missoula County employees in accordance with state law.

402.10 QUALIFYING

An employee must be continuously employed for the qualifying period of 90 calendar days to be eligible to use earned sick leave or to be eligible for payment for unused sick leave credits upon termination in accordance with Section 402.50.

402.20 ACCRUAL

Each employee, with the exception of short-term workers, shall earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction as to the number of working days which may be accumulated. Proportionate sick leave credits shall be earned and credited at the end of each pay period.

Part-time, intermittent/on-call and seasonal employees shall earn sick leave credits on a prorated basis. An employee shall not accrue sick leave credits during a leave of absence without pay.

Advancing sick leave credits prior to their accrual is expressly prohibited.

402.30 USE OF SICK LEAVE, SICK LEAVE ON HOLIDAYS OR ON VACATION

Sick leave credits may be used for:

- A) illness or injury of the employee;
- B) illness, injury, or death in the employee's immediate family requiring the employee's personal attendance. Immediate family shall mean spouse or domestic partner, parents, grandparents, siblings, children or grandchildren of the employee or spouse of the employee, son-in-law, or daughter-in-law.
- C) quarantine for contagious disease control, provided that certification is obtained from the attending physician;
- D) maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either the employee or child;
- E) doctor or dental appointments for treatment of the employee's illness, injury, or preventive care. When possible, the employee's supervisor shall be notified at least 48 hours in advance.

F) to attend or make arrangements for a funeral of a member of the employee's immediate family or, at the department head's discretion, another closely related individual, for a period of time not to exceed 10 consecutive working days;

G) for the placement of a child for adoption or foster care of a child.

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

With the department head's approval, an employee may substitute sick leave for vacation leave if the employee becomes sick while using approved vacation leave.

402.40 REPORTING

Absences that necessitate use of sick leave shall be reported by the employee to the supervisor or department head as soon as practical. Failure to report such leave within two hours of the employee's regularly scheduled starting time may be considered absence without approved leave and a deduction from the employee's pay will be made for the period of such leave. Such absences are grounds for disciplinary action, including dismissal.

402.50 PAYMENT ON TERMINATION

Upon termination, an employee who has worked the qualifying period shall be paid an amount equal to $\frac{1}{4}$ of the amount attributed to the accumulated sick leave. Payment for accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of separation from the county.

402.60 ABUSE OF SICK LEAVE

Abuse of sick leave may be indicated by sick leave that is frequent, habitual, excessive, suggests a pattern of usage, or if the department head has reason to believe the employee may be misrepresenting reasons for using sick leave. Abuse of sick leave may be cause for dismissal or other disciplinary action including forfeiture of payment for any accumulated sick leave.

402.70 MEDICAL CERTIFICATION

Medical certification may be required at any time to substantiate usage of sick leave by the employee, with the approval of the Department of Human Resources and the department head. When an employee is returning to duty following an illness of more than three days or an absence due to injury, or whenever the department head or supervisor has reason to question the employee's ability to return to duty and perform all duties without restrictions or without risk of injury to self or others, the Department of Human Resources may require medical certification of the employee's fitness to return to duty. All medical certification information will be maintained by the Human Resources Department and treated as confidential.

403.00 SICK LEAVE GRANTS

The purpose of this policy is to allow Missoula County employees to donate sick leave benefits to another employee who experiences an extended absence due to a specific illness or injury and who has insufficient earned leave to remain in a pay status during such absence.

403.10 QUALIFYING

To be eligible to receive a direct grant of sick leave an employee: must have worked a qualifying period of at least 90 calendar days; have an illness, injury or other qualifying condition as described in Sections 402.30 or 405.00 of the personnel policies that results in an absence of at least three working days; must have exhausted all other accrued paid leave and compensatory time; and must have the department supervisor's approval for the leave. The Department of Human Resources may require medical certification.

An employee may receive a direct grant of sick leave unless that employee is:

- eligible for Worker's Compensation benefits;
- under current corrective or disciplinary action for excessive absenteeism or abuse of sick leave;
- in a leave without pay status granted for a reason other than extended illness,
- in a lay-off pool.

403.20 PROCEDURE

Direct grants of sick leave will be administered by the Department of Human Resources.

To be eligible to make a grant of sick leave an employee must have worked at least 90 days and have a minimum balance of 40 hours of sick leave remaining after the contribution. Minimum balances will be prorated for part-time employees. An employee may contribute up to 40 hours of sick leave during the calendar year.

A regular full time employee may receive up to 240 hours of granted sick leave during a calendar year. Total grants of sick leave allowed will be prorated for regular part time employees. Requests for an exception to this limit may be made to the Director of Human Resources in writing and are subject to Board of County Commissioner approval.

A supervisor or other employee may seek a direct grant of sick leave on behalf of a qualifying employee.

Applications for direct grants of sick leave will be made to the Director of Human Resources on forms provided by that office. The director will determine an employee's eligibility for the grant program.

Grants will be made on a voucher provided by the Department of Human Resources. In cases where the recipient is ineligible, has exceeded the maximum allowable number of

hours, or where that recipient refuses to accept a contribution, that voucher will be voided and returned to the contributing employee.

404.00 MATERNITY

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

In determining the standard of a reasonable leave, the department head shall apply standards at least as inclusive as those applied to any other valid medical reason. Employees may qualify for a minimum of 12 weeks of paid and unpaid leave for the birth of a child and to care for the newborn child, in accordance with federal law and Section 406.00 of these policies.

In accordance with state and federal law, the employer:

- A) shall not terminate a woman's employment because of her pregnancy;
- B) shall not refuse to grant to the employee a reasonable leave of absence for such pregnancy;
- C) shall not deny to the employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties;
- D) shall not require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave provided for herein, except that eligibility for maternity leave shall not require employment for any specified period of time.
- E) shall not refuse to hire, discharge from employment or discriminate in compensation or other terms, conditions and privileges of employment an employee who expresses milk in the work place unless based upon a bona fide occupational qualification;
- F) shall support any employee choosing to continue breastfeeding after return from maternity leave and accommodate such efforts upon request by the employee, including providing unpaid breaks and a space suitable for breastfeeding and breast pumping.

405.00 FAMILY LEAVE

Employees may request the use of annual vacation leave, personal leave, sick leave, compensatory time or other appropriate paid leave, or family and medical leave or leave without pay, for necessary absences for purposes such as adoption, paternity leave, infant or child care, elder care, or care of other members of the employee's immediate family.

406.00 FAMILY AND MEDICAL LEAVE

Missoula County provides the benefits required under the Federal Family and Medical Leave Act of 1993 (FMLA), and as expanded on by these policies, to all eligible employees. Employees who are eligible may receive up to 12 weeks of paid or unpaid leave for certain family and medical reasons.

406.10 ELIGIBILITY

To be eligible for FMLA leave, the employee must have worked for Missoula County for a minimum of 12 months and for at least 1,040 hours during the 12 month period immediately preceding the leave. Eligible part-time employees will receive pro-rated leave based on the average weekly hours worked.

406.20 DURATION

Eligible employees may take up to 12 weeks of leave within a 12 month period. At the time an employee requests FMLA leave, records for the previous 12 months will be reviewed to determine if FMLA leave has previously been used and the amount of leave an employee is eligible to receive.

The 12 weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced work schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to employer approval. FMLA taken for the birth or placement of a child must be within one year (12 months) of the birth or placement.

406.30 PURPOSE OF LEAVE

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

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

406.40 SERIOUS HEALTH CONDITION

A serious health condition is one that includes illness, injury, or mental condition involving any of the following:

- incapacity or treatment in connection with inpatient care in a hospital, hospice, or residential medical facility;
- a period of incapacity requiring an absence of longer than three days and involving continuing treatment or supervision by a health care provider;
- continuing treatment or supervision by a health care provider for a chronic or long-term health condition or for prenatal care.

406.50 NOTICE AND CERTIFICATION

Employees are required to provide advance notice of leave requests whenever possible. Thirty days notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the Director of Human Resources.

Medical certification from a health care provider may be required to support a request for FMLA leave due to the employee's own serious health condition or that of a family member. Medical certification reflecting fitness for duty will be required when an employee returns to work from FMLA leave due to the employee's own serious health condition.

406.60 PRIOR USE OF PAID LEAVE

Except if prohibited by Montana Workers Compensation law, employees are required to use all available accrued paid sick leave prior to using FMLA leave. An employee may, with supervisory approval, use accrued vacation leave, personal leave or compensatory time prior to taking a qualified FMLA absence. Any absence which qualifies as an FMLA leave and is covered by Missoula County's maternity or family leave policies will run concurrently with FMLA leave.

406.70 HEALTH BENEFITS

An employee's health and life insurance coverage will be continued and the employer will continue to pay premiums at the same level during FMLA leave as prior to the employee's use of FMLA leave. Employees who pay for dependent coverage for health benefits or for supplemental insurance coverage including life, disability, and long term care are required to continue to pay those costs to maintain coverage during the FMLA leave.

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

406.80 REINSTATEMENT

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

407.00 LEAVE WITHOUT PAY

Leaves of absence without pay (LWOP) may be granted to employees for up to 90 calendar days. Extensions of approved leave will be considered. Requests for leave without pay for medically related reasons will first be considered under Section 406.00 of these policies.

Requests for leave of absence without pay shall be submitted in writing by the employee to the department head stating the reason for the leave and the approximate length of time off requested. Approved leave requests shall be forwarded to the Department of Human Resources for appropriate action.

No employee benefits shall accrue during a leave without pay. The employee may retain county insurance coverage, upon advance approval by the Director of Human Resources, provided that 100% of premiums are paid by the employee in a manner prescribed by the plan administrator. If an employee takes a LWOP of less than a full pay period and works or uses paid leave for a minimum of 40 hours in that pay period, insurance benefit status will not change.

Upon return to duty, the employee shall be placed in the same class and rate of pay to which the employee was entitled prior to the leave unless otherwise agreed to by the employee, the department, and approved by the Director of Human Resources.

408.00 HOLIDAYS

Legal holidays, except Sundays, defined in 1-1-216, MCA, shall be observed by county employees without loss of pay. The following are legal holidays:

- New Years Day, January 1;
- Martin Luther King Jr. Day, the third Monday in January;
- Lincoln's and Washington's Birthdays, the third Monday in February;
- Memorial Day, the last Monday in May;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day, the second Monday in October;
- Veterans' Day, November 11;
- Thanksgiving Day, the fourth Thursday in November;
- Christmas Day, December 25;
- State General Election Day (on even numbered years).

408.10 HOLIDAYS FALLING ON WEEKENDS

If a legal holiday falls on a Sunday, the following Monday will be considered the holiday. If a legal holiday falls on a Saturday, the preceding Friday will be considered the holiday. When a legal holiday falls on a regular employee's scheduled day off the employee shall treat either the last preceding or the next following workday as the holiday, unless otherwise mutually agreed by the employee and department head.

408.20 ELIGIBILITY

To be eligible for holiday pay an employee must be in pay status on the last regularly scheduled working day immediately before the holiday or on the first regularly scheduled working day immediately after the holiday. An employee is NOT eligible for holiday benefits when:

- the employee is a new employee to Missoula County reporting for the first day of work on the day immediately following a holiday;
- the employee is separating from Missoula County with the last day of work on the day immediately before the holiday;
- the employee is a short-term worker in accordance with 309.40;
- the employee is recalled from layoff or is called back to work to a seasonal position on the day immediately following a holiday.

An employee returning from a leave of absence without pay, including family and medical leave, on the day immediately following a holiday shall be entitled to holiday pay based on their regular schedule upon return to work.

408.30 CALCULATION

1) FULL-TIME EMPLOYEES

All eligible full-time employee working 40 hours in a week shall be entitled to eight hours of holiday pay for each legal holiday listed in 408.00. Generally, the employee will have the day off and will receive eight hours pay for that day. Missoula County reserves the right to require an employee to work on a holiday. Employees who are required to work on a holiday shall be compensated in accordance with Section 408.40 of these policies.

2) PART-TIME EMPLOYEES

All eligible part-time employees (including regular part-time, regular on-call, temporary, seasonal) shall be entitled to holiday pay on a prorated basis using the average number of hours worked for two full pay periods preceding the holiday (see illustrative example below). Generally, the employee will have the day off and will receive prorated holiday pay for that day. Missoula County reserves the right to require an employee to work on a holiday. Employees who are required to work on a holiday shall be compensated in accordance with Section 408.40 of these policies.

Illustrative Example:

To calculate the number of hours of holiday pay an employee may receive:

Add the total number of regular hours paid in the previous two pay periods and divide the sum by 160 and multiply the result by 8.

Regular hours paid PP1 + regular hours paid PP2 / 160 x 8 = Holiday Pay

32 hours (PP1) + 56 hours (PP2) / 160 x 8 = 4.4 hours Holiday Pay

The pro-ration formula for part-time employees may result in the employee's total hours for the pay period being more or less than normal. When the calculation results in

additional hours, the department head may require the employee to take off an equivalent amount of time without pay in the work week to maintain a consistent paycheck. When the calculation results in fewer hours, the department head may assign additional hours in the work week or allow the employee to use accrued annual leave or compensatory time to maintain a consistent paycheck.

3) HOLIDAYS AND ALTERNATE WORK SCHEDULES

Employees working alternate schedules (i.e., four 10-hour days) shall only receive eight hours of paid holiday leave. Vacation or personal leave may be used to make up the hours of lost time or otherwise these hours will be considered to be leave without pay.

408.40 PAY FOR WORK ON A HOLIDAY

All hours worked by a regular employee on a legal holiday will be included in hours worked for determining eligibility for overtime compensation in accordance with Section 212.00 of these policies.

409.00 PERSONAL LEAVE

Missoula County employees are eligible for personal leave under the guidelines set forth below.

Regular full-time employees and regular part-time employees who are scheduled to work at least 1040 hours annually are eligible for personal leave. Elected officials, temporary employees, short-term workers and seasonal employees are not eligible for personal leave.

Personal leave is paid leave that may be used by an eligible employee for any purpose. An employee must request to use personal leave, and such requests are subject to approval by the employee's supervisor.

At the beginning of each fiscal year, Missoula County will credit eligible full-time employees with personal leave so that their total personal leave balance equals eight hours. If an employee has unused personal leave hours from a previous fiscal year, personal leave hours will be added to existing hours so that the total number of personal leave hours equals eight. Personal leave hours will be pro-rated for eligible part-time employees.

Employees who terminate employment will be paid for any unused personal leave hours.

410.00 JURY DUTY AND WITNESS LEAVE

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

An employee on authorized jury duty or witness leave shall receive their normal daily wage. A part-time employee will receive compensation for those hours the employee is normally scheduled to work.

The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the accounting office. Employees serving on jury duty or as a witness in state, federal, or municipal court should inform the clerk of the court of their employment status, precluding the payment of fees by the court. Any expense or mileage allowance paid by the court shall be retained by the employee.

If an employee elects to charge juror or witness time off against annual leave or compensatory time, the employee shall not be required to remit to the county any fees paid by the court. Employees serving on jury duty on a normal day off will not receive additional compensation for those hours.

The department head may request the court to excuse employees from jury duty if they are needed to ensure county operations are not interrupted.

411.00 MILITARY LEAVE

It is the policy of Missoula County to comply with state law and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides job protection and rights of reinstatement to employees who participate in the uniformed services, including service in the National Guard and Reserve.

Employees who have worked for at least six months shall be provided paid military leave for up to 15 working days in a calendar year. This leave will not be charged against the employee's annual leave. Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year. Upon request employees shall be granted an unpaid leave of absence to participate in uniformed military training and service.

Employees in active duty status may request to use any accrued paid leave including vacation, compensatory time, personal leave or accrued holiday leave. Employees who become ill while using paid leave may request to use sick leave.

If military leave is requested for an absence of more than 30 days, the employee will be required to provide documentation of valid military orders. Cumulative leave under these provisions will not exceed five years for an employee not including exclusions identified in USERRA.

Employees are requested to provide 30 days advance notice of the need for military leave, unless precluded by military necessity, or as much advanced notice as possible.

Reinstatement privileges of an employee who has been inducted into military service will be in accordance with state and federal law.

412.00 FUNERAL LEAVE: MISSOULA COUNTY EMPLOYEE

Employees who receive supervisory approval to attend local funeral services for a Missoula County employee shall be allowed a reasonable period of time to attend such services without loss of pay and without being required to use paid leave.

413.00 EDUCATION/TRAINING

Missoula County supports and encourages training and education for employees in areas related to job duties, professional development, safety, personal growth and educational advancement.

The county shall provide training and education opportunities to benefit employees and the county while maintaining county services at a maximum level and while ensuring the maximum benefit is derived from education and training dollars.

Supervisors are encouraged to explore, participate in and extend county training and educational opportunities to all regular employees. Employees may request training and with the supervisor's consent shall be permitted to participate in the county's training and educational opportunities during the work day.

Reimbursement will be in accordance with IRS requirements and may be subject to tax.

413.10 EDUCATION LEAVE/TUITION REIMBURSEMENT

Requests for education leave and tuition reimbursement must be approved by the supervisor and the Department of Human Resources prior to enrollment. The Board of County Commissioners reserves the right to limit the number of enrollees which may be allowed during any fiscal year.

Any regular (non-probationary) full-time or part-time employee who works at least 1040 hours annually, may be granted time off with pay to attend job-related courses at an accredited post-secondary education institution, including approved vocational education centers. Part-time employees will receive benefits provided by this policy on a pro-rated basis. Time off with pay shall not exceed nine quarter credit hours or six semester credit hours per fiscal year. Upon receiving evidence of satisfactory completion of courses previously approved as outlined in this policy, along with original receipts, the employee shall be reimbursed for the cost of books and tuition up to a maximum of \$600.00 per fiscal year.

Employees who enroll in classes for professional development, personal growth or educational advancement which are not directly job related and which meet at times other than during the employee's regularly scheduled working hours may not claim such hours as compensable. Employees attending courses on their own time shall not be permitted work time off as a method of compensation. All outside class work must be accomplished on the employee's own time.

413.20 TRAINING LEAVE

Regular, non-probationary employees may attend training seminars, workshops, or conferences related to professional development, safety, personal growth and educational advancement without charging related time off against annual leave and without losing any part of their salary for attendance within regularly scheduled working hours. Attendance must be approved in advance by the supervisor or department head.

The department may provide reimbursement for reasonable registration fees and other related expenses such as lodging, per diem, and travel in accordance with the Missoula County travel policy. Payment must be approved by the supervisor or department head in advance of the employee attending the training event

Compensation for time spent in travel status for training will be in accordance with state and federal wage and hour law. If compensable, work time for air travel will commence no earlier than one hour prior to scheduled departure.

414.00 INSURANCE BENEFITS

The county shall make group insurance benefits available to regular full-time employees and regular part-time employees scheduled to work at least 1040 hours per fiscal year. Short-term and temporary employees, including interns, working for a period of less than 12 months are not eligible for group insurance benefits.

Insurance premiums for employees will be based on regular hours worked:

- full-time rates are offered to employees scheduled to work at least 32 hours per week on a continuous basis;
- $\frac{3}{4}$ time rates are offered to employees scheduled to work at least 26 hours but less than 32 hours per week on a continuous basis; and
- $\frac{1}{2}$ time rates are offered to employees scheduled to work at least 20 hours but less than 26 hours per week on a continuous basis.

Employees who are regularly enrolled and receiving insurance benefits and who subsequently have a temporary status change for at least 90 days will be given the corresponding benefit rate for the duration of the temporary assignment.

415.00 WORKERS' COMPENSATION

Missoula County provides eligible employees insurance coverage for benefits in accordance with Montana's Workers Compensation Act.

Employees shall provide notice to their supervisor or department head of every work-related accident, injury or occupational disease. Any actual knowledge of the injury or accident by the supervisor or department head is the equivalent of receiving notice. As soon as possible upon receipt of notice, but no later than 30 days after the occurrence of the accident or injury, the supervisor or department head shall submit a "Supervisors Notice of Injury/Exposure" form to the Department of Human Resources.

Benefits for compensable injuries may include: wages; medical, hospital, and related services; and other compensation. In accordance with state law, eligibility for wage loss benefits begins after a qualifying period in accordance with state law. Employees may use accrued leave, including annual or sick leave benefits, to cover wage loss during the waiting period.

During an absence due to a work-related injury:

- annual leave may be used in accordance with state law;
- family and medical leave (FMLA) may be used in accordance with federal law and these policies; and
- leave without pay (LWOP) may be used in accordance with these policies.
- Absent such provision in a collective bargaining agreement, employees may not use paid sick leave benefits while receiving workers compensation benefits.

Employees may retain county insurance coverage during approved LWOP or FMLA in accordance with the provisions of those policies.

Medical certification reflecting fitness for duty will be required when an employee returns to work from a work related illness or injury, or when an illness or injury prohibits the employee from performing all the essential functions of their position as listed on the job description. When an employee is not able to return to the duties they were performing at the time of their injury, but are anticipated to make a full recovery, a transitional work assignment may be considered. The Department of Human Resources will coordinate transitional work assignments with the department head or supervisor of the position to which the employee will be returned.

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

416.00 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Missoula County Employee Assistance Program (EAP) has been implemented in order to retain valued employees, to increase effectiveness on the job and to encourage a positive work environment by assisting employees in coping effectively with personal or job-related problems.

The purpose of the EAP is to provide this assistance through special arrangements with outside, professional counseling resources. The program is designed to deal with a broad range of issues such as emotional, behavioral, family, marital, chemical dependency, financial, legal, and other personal problems.

416.10 ELIGIBILITY

This benefit is available to all regular full-time and part-time employees working at least 1040 hours per fiscal year and their families. EAP provides problem assessment, consultation, short-term counseling and referral. Cost for this service is covered by Missoula County. The employee or family member shall be responsible for the costs of services provided upon referral to other resources. Some of these expenses may be eligible for payment by the employee's health insurance.

416.20 REFERRAL

Participation in the EAP is voluntary and will not jeopardize an employee's job security or promotional opportunities.

- Self-referral to the EAP is encouraged.
- It is the responsibility of all levels of management to refer employees to the EAP when appropriate to assist in resolving employee job performance problems. Supervisors and managers will base referrals to the EAP strictly on the basis of job performance and work behavior in accordance with county policy and procedures.
- If an employee initiates discussion of a personal problem with a supervisor, the supervisor may recommend that the employee use the EAP.

416.30 CONFIDENTIALITY

Employee referral to and participation in the EAP, as well as all records and discussions of personal issues, will be handled in accordance with strict confidentiality regulations. Records will be kept by the designated counseling resource and will not become part of an employee's personnel file.

EAP's policy of confidentiality allows information to be released only:

- with written and informed consent of the client;
- when the EAP staff determines that there is a clear and imminent risk to the client or to the community; or
- when required by a court order.

In addition, child abuse must be reported in accordance with state law.

When an employee is referred to the EAP in lieu of discipline or discharge, the Department of Human Resources may require that the employee authorize verification of attendance at EAP sessions.

417.00 RETIREMENT

County employees shall participate in the Public Employees Retirement System (PERS) in accordance with state law and regulations. The PERS is administered by the Public Employees' Retirement Board.

County employees may elect to make contributions to an individual retirement account under the county's deferred compensation plan. Terms and conditions of participation in the public employees deferred compensation program are set out in the Missoula County Deferred Compensation Plan Document.

500.00 WORK RULES

The following work rules apply to all county employees. Substantiated violations of this policy may result in disciplinary action, including termination, criminal prosecution or both. Department heads and supervisors are jointly responsible for administering and enforcing the work rules listed in this policy.

501.00 WORK RULES

The following rules are not intended to be all inclusive.

- A) Employees are required to maintain the minimum qualifications for the position in which they are employed, (e.g. licensure, certification, etc.).
- B) Employees shall not disregard safety or security policies, or behave in an unsafe or discourteous or disrespectful manner toward other employees or members of the public.
- C) Employees shall not be insubordinate by refusing to follow a direct order from a supervisor, related to legitimate business needs.
- D) Employees shall not engage in unlawful activity while on the job.
- E) Employees shall not engage in partisan political activity while on the job.
- F) Employees shall not engage in unapproved soliciting while on the job.
- G) Employees shall not use their position inappropriately to coerce others.
- H) Employees shall not possess unauthorized firearms or weapons on county premises, including parking areas provided by or controlled by the county.
- I) All Missoula County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances while at work or on county premises.
- J) Employees shall not possess, use or be under the influence of alcohol or intoxicating beverages while at work or on county premises.
- K) Employees shall not falsify records, reports, or claims of any kind.
- L) Employees shall not, directly or indirectly, maintain employment which conflicts with the interest of the county or which interferes with the employee's ability to discharge county duties in full. Outside employment may be determined to be a conflict of interest if:
 - it interferes with or affects the performance of normal duties with the county;
 - it is conducted or solicited on county time;
 - any county-owned equipment or facilities are used to perform the outside interest; or
 - the nature of the duties with the county place the employee in a position to exercise influence which may enhance the outside interest.
- M) Employees shall not disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests. Employees shall not use their position for personal gain; shall not have any

financial interests in the profits of any contract, service, or other work performed by the county; and shall not personally profit directly or indirectly from any contract, purchase, sale, or service between the county and any person or company.

- N) Employees shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift. Substantial value shall mean a value of \$50 or more for an individual. MCA 2-2-102(3)
- O) No employee of Missoula County shall operate any motor vehicle belonging to Missoula County or any other motor vehicle within the scope of employment of Missoula County while the driver's license of the employee is canceled, suspended, or revoked.
- P) Employees shall provide honest, accurate and complete responses to questions or requests for information that pertain to employer investigations or inquiries.
- Q) Employees shall not engage in any other behavior or conduct that is prohibited elsewhere in these policies or is negligent or injurious to the county, county employees, or the general public.

502.00 VIOLENCE IN THE WORKPLACE

It is the policy of Missoula County to promote a safe environment for its employees, free from violence, threats of violence, intimidation or other disruptive behavior. Missoula County will not tolerate any type of workplace violence committed by or against employees.

The following behaviors, while not inclusive, are examples of conduct that Missoula County will not tolerate:

- causing physical injury to another person;
- making threatening statements, remarks, gestures or expressions;
- engaging in aggressive or hostile behavior that communicates a direct or indirect threat of physical harm or creates a reasonable fear of injury to another person;
- possessing a weapon while at work; and
- writing threatening notes, letters or e-mail.

Individuals who commit such acts may be removed from the workplace and may be subject to disciplinary action (including termination), criminal prosecution, or both.

Employees who observe or experience violence in the workplace should immediately report it to a supervisor or department head. Supervisors or department heads who receive such reports should contact the Department of Human Resources regarding investigating the reports and initiating appropriate corrective action. Threats or assaults that require immediate attention should be reported to 9-1-1.

503.00 WORKPLACE HARASSMENT

503.10 POLICY

Missoula County is committed to providing a work environment in which all people are treated with respect and dignity. It is the policy of Missoula County to protect the rights of employees to work in an environment free of all forms of illegal discrimination and harassment based on race, color, national origin, gender, religion, age, marital status, sexual orientation, political belief, physical or mental disability. The provisions of this policy apply in all county work places and at all employer sponsored activities. Missoula County will respond to allegations of illegal discrimination by conducting a good faith investigation and responding to the complainant.

503.20 SEXUAL HARASSMENT

The Montana Human Rights Act and Title VII of the Civil Rights Act of 1964 prohibit discrimination in employment based upon sex. Sex discrimination includes sexual harassment. It is the policy of Missoula County as an employer:

- to provide a working environment free from sexual harassment for all county employees and for visitors to the county's workplaces;
- to communicate the county's sexual harassment policy and reporting procedures to employees and supervisors;
- to recognize the sensitive nature of complaints of sexual harassment, to encourage early reporting by employees, and to resolve complaints promptly;
- to prohibit retaliation against any employee reporting alleged sexual harassment or who has acted as a witness for such a report.

503.30 DEFINITIONS AND EXAMPLES

Harassment refers to behavior that is not welcome, is personally offensive and interferes with an employee's effectiveness and work environment. Sexual harassment generally involves unwelcome sexual advances, requests for favors and other verbal, physical and visual contact of a sexual nature when:

- submission is made either explicitly or implicitly a term or condition of employment;
- submission or rejection by an employee is used as a basis for employment decisions affecting the employee;
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or an otherwise offensive work environment.

The following are examples of possible sexual harassment.

- sexual advances which are unwanted (this may include situations which begin as reciprocal attractions but later cease to be reciprocal);
- leering or sexual gestures;
- displaying sexually suggestive objects, pictures, cartoons, or posters;
- verbal abuse of a sexual nature, sexually oriented jokes, innuendoes or obscenities; sexually suggestive letters, notes or invitations;
- reprisals or threats after a negative response to sexual advances;

- actions affecting employment benefits in exchange for sexual favors (this may include situations where a third party is treated less favorably because others have agreed to sexual advances);
- physical conduct such as assault, attempted rape, impeding or blocking movement or touching;
- hazing, including daring or asking an employee to engage in unsafe work practices, especially as applied to women in nontraditional work environments.

503.40 REPORTING RESPONSIBILITY

All supervisory personnel have an obligation to:

- be aware of activities in the workplace;
- inform employees of their right to a harassment free environment and to provide training for employees regarding both the prevention and reporting of sexual harassment;
- express strong disapproval of any type of harassment;
- make it clear that employees who engage in sexual harassment will be appropriately disciplined and that victims and informers will be protected from retaliation;
- conduct a good faith investigation and take immediate corrective action if sexual harassment occurs.

Employees have a responsibility to:

- report all incidents or actions as soon as possible after the alleged harassment occurs to the direct supervisor, department head, EEO Officer, or Director of Human Resources.
- make it known to the harasser or supervisor that the behavior in question is unwelcome, offensive, or inappropriate and request that the action stop immediately;
- keep written records of the dates and facts of all incidents of sexual harassment and the names of witnesses.

Employees may file a complaint through the Department of Human resources through the grievance procedure found in Section 800.00 of these policies, or through the Human Rights Commission, Department of Labor, Helena, Montana.

504.00 DRUG-FREE WORKPLACE

Missoula County employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

Violations of this policy will result in disciplinary action up to and including termination. Missoula County may require employees who violate this policy to participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

To assist employees in overcoming drug-abuse problems the county provides an employee assistance program (EAP) and medical benefits for substance-abuse

treatment. Conscientious efforts to seek such help will not jeopardize an employee's job status.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official, county business must inform his immediate supervisor of such conviction within five days. That supervisor must inform the Department of Human Resources of any such communication immediately.

505.00 DRUG AND ALCOHOL TESTING

Missoula County will engage in drug and alcohol testing of employees, including random and pre-employment testing, only in accordance with state and federal law. An employee may be asked to voluntarily submit to drug or alcohol testing at the request of a supervisor and with approval of the Human Resources Director, if the supervisor observes and documents employee behavior that creates a reasonable suspicion that the employee is under the influence of alcohol or drugs. Missoula County is dedicated to assuring fair and equitable application of all drug and alcohol testing.

The purpose of this policy is to assure worker fitness for duty and to protect county employees and the public from the risks associated with the use of alcohol and controlled substances by employees. This policy is in addition to the drug-free workplace policy. The entire text of the policy and procedural guide for drug and alcohol testing of employees subject to CDL (Commercial Driver's License) requirements is available at the Department of Human Resources.

506.00 ELECTRONIC COMMUNICATIONS POLICY

It is the policy of Missoula County to authorize use of all means of electronic communications for legitimate business purposes. The county will not tolerate the unauthorized access or use of the systems described below, and such unauthorized access or use will be subject to corrective or disciplinary action.

Missoula County will not monitor these systems as a routine matter; however, the county reserves the right to access any of these systems and disclose any and all of their contents. This policy also applies to password protected messages. Any access of password protected messages without the consent of the sender or recipient must be done with executive or management approval.

506.10 DEFINITIONS

Systems governed by this policy include:

- "Local Area Network (LAN)" means a multi-computer system connecting file servers and work stations.
- "E-mail" means written, electronic communication. The county's e-mail systems consist of internal e-mail, including the bulletin board system (BBS), e-mail to the city, and internet e-mail.
- "Internet browsing" means access to the "World Wide Internet Web."

- “Voice mail” means electronic communication provided through the county phone system.
- “Faxing” means written and electronic means of communications. The county’s fax systems consist of external fax machines and faxing using computer software through the county’s LAN servers.

506.20 PROVISIONS

An employee should not transmit anything in a fax or e-mail message, whether internal or external, that he or she would not appropriately include in a letter or memorandum using county letterhead. Employees will not access any information or data stored on paper, film, fiche, or any electronic form unless specifically authorized to do so for business purposes.

All faxes, e-mail, voice mail, and internet browsing capabilities are provided to employees at the county’s expense to assist internally in the conduct of company business and externally in communicating for legitimate business purposes.

Missoula County will not knowingly permit any of these systems to be used for unlawful purposes. This specifically includes, but is not limited to, the offering or solicitation of illegal substances, the offering or solicitation of illegal activities, such as computer crimes or hacking, the offering or solicitation of computer files which are protected by copyrights, trademarks, or other creative rights.

These systems may not be used to download or transmit information or messages that reasonably may be considered offensive, pornographic, discriminatory, defamatory, disparaging, or threatening to any employee or any other person or entity. The county’s policies against sexual or other forms of harassment apply fully to the use of these systems.

When using the internet and visiting host servers, the user is required to respect the conventions, courtesies, and rules of use which govern communications on the internet. Examples include, but are not limited to, refraining from harassing, threatening or tormenting any other user or group of users. Users will not use internet e-mail for the posting or transmitting to or from the internet any unlawful, offensive, inflammatory or prohibited communication material of any kind. Users may not use the internet to encourage, conduct, or agree to any activity that would constitute a criminal or civil offense.

These systems are provided to facilitate the county’s business communications. The use of such systems for outside business ventures, to leak confidential or privileged information, or for political or religious causes is prohibited. The excessive or inappropriate use of these systems for personal business is also prohibited.

By using these systems, employees consent to this policy and the county’s right to monitor and access these systems in accordance with applicable state and federal laws. Employees who misuse or abuse these systems or policies set forth above may be subject to discipline up to and including discharge.

600.00 EMPLOYEE SEPARATION

Employee separation means the removal of an employee from county service for either voluntary or involuntary reasons. Paid leave may not be used to delay the effective date of separation. With department approval, employees may use paid leave prior to the date of separation, provided the employee returns to work for at least one full work day prior to termination.

601.00 RESIGNATION

An employee may resign in good standing by submitting a written resignation to the department head stating the reasons and the effective date of resignation at least two weeks prior to the effective date, unless extenuating circumstances require a shorter period. Failure to comply with this requirement may be cause for denying future re-employment with the county.

602.00 LAYOFF OR PERMANENT REDUCTION IN HOURS

A layoff is the involuntary termination of an employee because of a lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive for budgetary reasons. A permanent reduction in hours occurs when either funding for a position is permanently reduced, but the position is not eliminated from the budget, or when there is insufficient work to fill the budgeted hours for the position.

602.10 PROCEDURE FOR LAYOFF OR PERMANENT REDUCTION IN HOURS

In selecting employees for layoff or permanent reduction in work hours, the employer will first determine which combination of positions will best enable a department to meet its objectives after a layoff or funding reduction. Should the employer determine that a particular position is to be reduced or eliminated the employer will provide the affected employee(s) with as much advance notice as is practicable.

If two or more employees occupy a particular job classification that is to be reduced as part of a layoff or budget reduction within a county department, the employer will carry out these reductions as follows.

Temporary, Short-Term and Probationary Employees

- The employer will layoff or reduce hours for temporary employees and short-term workers before laying off or reducing hours for probationary or regular employees.
- The employer will layoff or reduce hours for probationary employees before laying off or reducing hours for regular employees.

Regular Employees

If two or more regular (non-probationary) employees occupy positions in a particular job classification that is to be reduced or eliminated as part of a budget reduction within a county department, the employer will retain the employees who, at the employer's discretion, are most qualified and capable of performing the assigned work. If

employees' qualifications and capabilities are substantially equal, the employer will retain employees based on their length of continuous service with Missoula County in that job classification.

602.20 LEAVE BENEFITS FOR LAID OFF EMPLOYEES

An employee who is laid off may defer cash payment for unused sick and vacation leave for up to one year from the effective date of the layoff. If the employee defers cash payment and is recalled into the same position or hired into another Missoula County position within the one-year period, the employee will have the leave balances available. The employee must decide whether to defer cash payment for accrued leave at the time of separation. If a laid off employee opts for cash payment, such payment shall be made in accordance with the applicable sick and vacation leave policies.

602.30 RECALL

Employees who are laid off under this section shall have their names placed on a recall list for a period of one year from the effective date of layoff. In the event that the position from which an employee was laid off is reinstated, the employer will mail a recall notice to the employee at the employee's last known mailing address. The employee will have five working days to accept reinstatement to the employee's former position. If the employee declines reinstatement or fails to respond to the recall notice, the employee's name shall be removed from the recall list and the employee shall have no further reinstatement privileges. The employee is responsible for ensuring that an accurate and up-to-date mailing address is on file.

An employee who is recalled under this policy will be considered as continuously employed for purposes of calculating vacation leave, sick leave or any other benefits set forth in these policies that are based on length of continuous service with Missoula County. The employee will not accrue additional leave benefits for any time during which the employee was laid off prior to reinstatement. The salary for an employee who is recalled under this policy shall be established at the same relative percentage within the pay range for the employee's position as it was on the date of the layoff.

602.40 PREFERENCE FOR OTHER VACANT POSITIONS

A laid-off regular employee may apply for other vacant county positions. If a laid-off regular (non-probationary) employee is qualified and capable of performing the duties and responsibilities of another vacant county position, the employee shall have a preference for that position.

This preference is effective beginning on the date on which an employee is notified in writing of the employee's impending layoff, and extends for a period of one year from the effective date of the employee's layoff. During this preference period, the employer will mail notices of all vacant county positions to laid-off employees at their last known mailing address. An employee who fails to provide an up-to-date mailing address waives any preference rights set forth in this policy.

The salary for an employee who is placed in another county position under this policy shall be established in accordance with applicable policy on compensation administration.

603.00 RETIREMENT

A qualified employee may elect to retire in accordance with applicable state law.

A retired employee may continue county health insurance coverage, provided that premium amounts are paid in accordance with policies established by the plan administrator.

604.00 INVOLUNTARY TERMINATION

Involuntary termination is covered in Section 313.50 of these policies.

605.00 SEPARATION PROCESS

It shall be the responsibility of the supervisor to notify the Department of Human Resources of employee separation as soon as possible in order that the separation process can be completed prior to the employee's last scheduled day of employment. Employees will be advised to contact the Human Resources Department prior to departure to complete all necessary documents and receive information on post employment insurance and other issues.

700.00 JOB DESCRIPTIONS & JOB CLASSIFICATION

The Director of Human Resources shall administer the development of job descriptions and position classification, where applicable, for all county positions.

Responsibilities shall include but are not limited to: developing, reviewing and revising job descriptions; determining job titles; conducting position classification to assign pay ranges; and approving and conducting classification reviews proposed by department heads.

701.00 JOB DESCRIPTIONS

The Department of Human Resources shall establish and maintain written job descriptions for all county positions. Supervisors and the Human Resources Department will work together to ensure the accuracy of job descriptions. Job descriptions will be updated whenever a new position is created, a vacant position is filled, or significant changes are made to the existing duties and responsibilities.

702.00 POSITION CLASSIFICATION

The Department of Human Resources shall determine the pay classification for all county positions using a formal position classification system. The classification system does not apply to elected officials or other county positions for which pay levels are established by state law, or employees covered by individual employment agreements. Position classification for bargaining unit positions is subject to applicable contract language.

703.00 DEFINITIONS

A “position” refers to the aggregate duties and responsibilities assigned to one employee, to be performed within the designated budgeted hours for that position. Positions must be approved in the annual budget process or through a budget amendment request. A position will be designated by a job title and assigned a job description.

A “job description” is the written summary of duties and responsibilities assigned to a position. Job descriptions generally include:

- the job title;
- a summary of essential job duties;
- a description of the supervision received and exercised;
- the typical working relationships with others;
- the physical and environmental demands of the job;
- required knowledge, skills and abilities to perform the job; and
- minimum qualifications needed to be hired into the job.

“Position classification” refers to the formal method by which each position is assigned a job title, job description and a pay range.

“Reclassification” refers to any change in the assignment of a position to a new job description, or change in assignment of any job description to a new pay range as a result of a classification review.

704.00 JOB DEVELOPMENT – CLASSIFICATION REVIEW

Department heads will notify the Department of Human Resources of their intent to create new positions including grant funded positions. No new position will be filled before a job description is developed and classified and Human Resources has verified that a budgeted position is available. Department heads will notify the Department of Human Resources of their intent to change existing job descriptions or to assign an employee significant responsibilities outside of the existing job description prior to making the change. Department heads will submit a written request for a classification review when necessary.

Supervisors will be responsible to ensure that employees are assigned work within the established job description, or to work with the department head to request a classification review to ensure the employee is being compensated in the appropriate pay range for work being performed. If a request for classification review is initiated by the employee, the supervisor and department head must approve the request before submitting it to the Department of Human Resources.

Reclassifications that result in pay increases must be accomplished within the department’s current budget. Changes that require budget amendments or budget enhancements will require the approval of the department head, Chief Financial Officer and Board of County Commissioners.

800.00 GRIEVANCE PROCEDURE

Temporary, short-term, and seasonal employees are eligible for only those rights and privileges expressly provided in these policies and shall not have access to the grievance procedure.

801.00 POLICY

A grievance shall be defined as any controversy involving the interpretation of these policies or an alleged violation of any provision of these policies.

It is the policy of Missoula County to treat all employees equitably and fairly in matters affecting their employment. The presentation of a grievance shall be considered the right of each employee without fear of reprisal. The following grievance procedure shall apply to all county employees covered by these policies

Failure to file or advance the grievance according to the established procedures and times shall cause that party to waive the right to respond to that step. If the employee fails to respond, the grievance will be canceled. If management fails to respond, the employee may proceed to the next step of the procedure. Time limits or procedural steps may be waived upon mutual, written agreement by both the employee and the Director of Human Resources.

In the event that a supervisor or department head receives a grievance (formal or informal) from an employee the department head shall contact the Department of Human Resources to assist in handling the grievance and ensure compliance with these policies.

802.00 INFORMAL PROCEDURE

Within 10 working days of knowledge of the alleged violation, the employee shall talk to his supervisor about the complaint. The supervisor shall be given five working days to attempt to resolve the grievance. If the supervisor fails to respond within five working days, or if the supervisor's response does not resolve the grievance, the employee may submit the complaint to writing and begin the formal grievance procedure below.

803.00 FORMAL PROCEDURE

If a formal grievance is received, written responses at all levels of the grievance procedure will first be reviewed with the Director of Human Resources.

STEP 1: DEPARTMENT HEAD

If the grievance is not resolved informally, the employee may submit the grievance, in writing, to the employee's department head within five working days of the informal response by the immediate supervisor or, if the immediate supervisor fails to respond, within 10 days of the date the employee discusses the grievance with the immediate supervisor. The grievance shall set forth, in as much detail as possible, the alleged violation that has given rise to the grievance, the circumstances surrounding the alleged violation and shall specifically address the type and scope of corrective action

requested. The department head shall have 10 working days from receipt to respond to the grievance.

STEP 2: BOARD OF COUNTY COMMISSIONERS

If the department head's response does not resolve the grievance, the employee may appeal the department head's decision, in writing, to the Board of County Commissioners within five working days of completion of Step 1. The decision of the Board of County Commissioners shall be rendered within 30 calendar days of receipt and shall be final.

804.00 ALTERNATIVE DISPUTE RESOLUTION

Nothing in this policy precludes the employee and the employer from mutually agreeing to engage in alternative dispute resolution, including but not limited to mediation, fact-finding, or binding arbitration. Should the employee and the employer agree to engage in alternative dispute resolution, related costs shall be split equally between the parties.

900.00 CLOSING

These policies shall be controlling unless they conflict with negotiated collective bargaining agreements or specific state or federal law, which shall take precedence to the extent applicable.

ADDENDUM A

Exempt from Personnel Policies in Accordance with Section 212.10

Elected Officials
Chief Administrative Officer
Chief Financial Officer
Director of Human Resources
Facilities Manager
Risk Manager
Director, Office of Planning & Grants
Health Department Director
Partnership Health Center Director
Director of Missoula Public Library
Western Montana Fair Manager
Director of the Historical Museum at Fort Missoula
County Extension Agent
Director of Public Works
Director of Information Services
Director of the Office of Emergency Management

Exempt from pay, termination and grievance provisions of the Personnel Policies.

Chief Civil Deputy County Attorney
Chief Criminal Deputy County Attorney
Chief Deputy Clerk of Court
Chief Deputy Auditor
Chief Deputy Treasurer
Chief Deputy Clerk & Recorder
Chief Deputy Justice of the Peace
Undersheriff

ADDENDUM B

FLSA Exempt Positions (Revised 6/07)

Assistant Administrator, MCDF	Nine One One Manager
Assistant Library Director	
Attorney	PHC Administrative Director
Assistant PW Director, Road & Eng	PHC Financial Manager
Assistant PW Director, Surveying	PHC Pharmacy Manager
	PHC Pharmacist
Building Official	PHC Physician
	PHC Physicians Assistant
Captain, Sheriff's Department	PHC Dentist
Chief Administrative Officer	PHC Dental Hygienist
Chief County Extension Agent	Principal Grants Administrator
Chief Deputy Auditor	Principal Planner
Chief Deputy Clerk & Recorder	Public Health Advanced Practice Nurse
Chief Deputy County Attorney	Public Health Nurse
Chief Deputy Treasurer	Public Health Nutritionist
Chief Deputy Justice of the Peace	Public Works Director
Chief Financial Officer	
	Risk Manager
Director, Office of Planning & Grants	
Director, Emergency Management	Senior Attorney
Director, Msla City County Health Dept	Senior Grants Administrator
Director of Environmental Health	Senior Human Resources Analyst
Director of Health Promotion	Senior Planner
Director of Health Services	Support Services Administrator (SO)
Director, Human Resources	
Director, Information Services	Undersheriff
Director, Missoula Public Library	Unit Supervisor – EHS
	Unit Supervisor – Nursing
Elected Officials	Unit Supervisor - W.I.C.
Executive museum Manager, HM@FM	
	Western Montana Fair Manager
Human Resources Analyst	

