

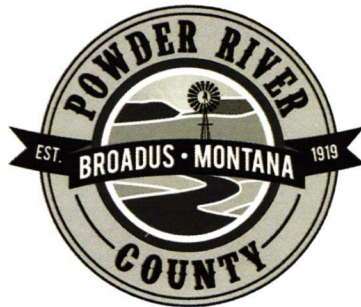
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# **POWDER RIVER COUNTY**



## **PERSONNEL POLICY HANDBOOK**



**December 2025**

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**POWDER RIVER COUNTY  
RESOLUTION 2025-25**

A RESOLUTION TO ADOPT THIS HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES, SUPERSEDING ALL OTHER PERSONNEL POLICIES AND PROCEDURES

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

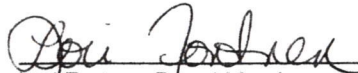
NOW, THEREFORE, BE IT HEREBY RESOLVED that this Handbook of Personnel Policies and Procedures be adopted, effective January 30, 2026.

DATED, this 31<sup>st</sup> day of December, 2025, in Broadus, Montana

POWDER RIVER COUNTY, MONTANA  
BOARD OF COUNTY COMMISSIONERS



Lee Randall, Chairman of the Board

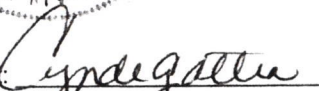


Lori Fortner, Board Member



John Olson, Board Member



Attest:   
Cynde Jo Gatlin  
Clerk & Recorder

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# **INTRODUCTION**

## **Welcome Statement**

Welcome to County employment and your important role in efficiently conducting the business of local government. You will be joining a dedicated group of individuals who have also chosen to serve the County with a career in public service. This Handbook is a general reference which will assist you in becoming familiar, as quickly as possible, with benefits and services available to you as a County employee and the policies and standards covering your employment.

Nothing in this Handbook should be construed as an expressed or implied employment agreement. We cannot anticipate every situation or answer every question about employment, and this Handbook is designed to provide guidance only.

In some places you will note citations to applicable state and federal laws, such as Montana Code Annotated (MCA) and the Code of Federal Regulations (CFR), which will lead you to further relevant information if you so desire it. If you need more information on any policy, you can contact your supervisor, Human Resources personnel, the Commissioners, and/or MACo General Counsel.

We are happy to have you with us in providing essential civic services, and we look forward to our working relationship.

## **Statement of Management Rights**

In order to achieve its mission, goals and objectives, the County retains the exclusive right to exercise the customary functions of management. These include, but are not limited to, the rights to manage and control County buildings, property, grounds, and equipment; to contract out work; to select, hire, promote, assign, layoff, and discipline employees; to determine and change starting times and quitting times; to transfer employees within programs/services to other departments and other classifications; to train employees; to determine and change the size, composition, and qualifications of the workforce; to establish and adopt new policies, rules and regulations; to determine and modify job descriptions and classifications; to establish or change criteria for performance appraisals according to the performance appraisal policy; and to carry out all other ordinary functions of management.

***Relevant Information: MCA 39-31-303***

## **Severability Statement**

If any part of this Handbook is found to be unenforceable, invalid, or in conflict with the law, the other provisions of this Handbook are still applicable and valid.

## **Changes to Personnel Policies and Procedures**

The County provides all employees with general information regarding employee benefits and established personnel policies and procedures through the issuance of this Handbook. However, it is not a contract and is subject to change at any time. Policies and procedures shall be added to, updated, or deleted as determined appropriate by the County. The County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. The policies are also not to be interpreted as promises of specific treatment.

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# EMPLOYMENT POLICIES

## Definitions

The following employment definitions apply to this Handbook:

- **Exempt employee** is one not subject to the overtime pay provisions of the federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e., employees exempt from the overtime pay provisions of the FLSA in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act. (See FLSA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>)
- **Non-exempt employee** means one who is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 as amended, and its regulations.
- **Full-time employee** means one who normally works 40 hours a week.
- **Part-time employee** means one who normally works less than 40 hours a week.
- **Permanent employee** means one who is assigned as permanent who has attained or is eligible to attain permanent status.
- **Seasonal employee** means a permanent employee designated by the County as seasonal who performs duties interrupted by the seasons and whom the County may recall without a loss of rights or benefits.
- **Short-term employee** is one hired by the County for an established hourly wage, who may not work for the County for more than 90 days in a continuous 12-month period, who is not eligible for permanent status, who the County cannot hire into another position without a competitive selection process, and who is not eligible to earn leave and holiday benefits.
- **Temporary employee** is one designated by the County as temporary for a definite period of time not to exceed 12 months, who performs temporary duties or permanent duties on a temporary basis, whose employment terminates at the end of the employment period, and who is ineligible to become a permanent employee without a competitive selection process.

### **Relevant Information: Definitions at MCA 2-18-101**

## Equal Employment Opportunity

The County is an equal employment opportunity employer (EEO). The County does not refuse employment or discriminate in compensation or the other terms, conditions, and privileges of employment based upon any protected category which include race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status. The County does not tolerate discrimination or harassment because a person is married to or associates with any of these protected categories.

The County shall follow all federal and state laws and regulations prohibiting discrimination.

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## **Preventing Harassment and Discrimination**

The County's policy is to provide employees with a work environment free of discrimination and harassment. Harassment of employees and any persons doing business with County government because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status is illegal and prohibited. Discrimination is a violation of civil rights law and is a prohibited practice subject to disciplinary and civil action.

### **A. Employee's Responsibilities**

The County will not tolerate sexual harassment or discrimination of any kind. All employees are encouraged to immediately report any such misconduct or violation to their supervisors or the first level of management not involved in the harassment or discrimination, County Human Resources or Equal Employment Opportunity personnel, or the County Commission. Employees who are responsible for harassment or discrimination may be subject to disciplinary action, up to and including termination. Sexual harassment or other illegal discrimination can result in immediate termination if an investigation substantiates it. The severity and extent of the harassment will ultimately guide the decision on how discipline will be determined.

### **B. Management's Responsibilities**

All supervisors and managers are responsible for following this policy. Members of management who witness discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to County Human Resources or Equal Employment Opportunity personnel, or the County Commission. Management shall review any report or complaint of harassment or discrimination and take appropriate action.

### **C. What Constitutes Harassment**

**Sexual harassment** may include a range of subtle or not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature when, for example:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws.

**The other protected categories listed above** can also be harassed. The County strictly prohibits harassment on the basis of any protected characteristic. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of a protected characteristic and which:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and/or written or graphic material that denigrates or shows hostility or aversion toward an individual or group and which is placed on walls or elsewhere on the employer's premises or is circulated in the workplace.

#### **D. Reporting Procedure**

##### **1. Employee's Responsibility**

An employee who believes he/she has been the victim of harassment or discrimination should report the incident or action as soon as possible after the alleged incident occurs. Early reporting is important, because management's ability to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any of the following:

- the harasser, and the employee can request that the action stop immediately; and/or
- the immediate supervisor or the first level of management not involved, County Human Resources or Equal Employment Opportunity personnel, or the County Commission.

The employee shall cooperate with the supervisor, manager, or other designated management representative in investigating and verifying the report.

##### **2. Management's Responsibility**

Any supervisor or manager who witnesses or receives a report of harassment or discrimination shall promptly inform County Human Resources or Equal Employment Opportunity personnel, the department head, or the County Commission. Upon receipt of a complaint alleging harassment or discrimination, the department head or the Commission shall take steps to prevent the alleged conduct from continuing, pending completion of an investigation.

The department head shall initiate an investigation or recommend another appropriate management representative to investigate the complaint. The County has the right to designate a representative of its choosing to perform any investigation. The factual report and final decision will remain confidential and be disseminated to only those persons having a need to know. The parties will be informed of the general results of the investigation. If the results establish that a policy violation occurred, appropriate action may be taken including, but not limited to, disciplinary measures, which may include termination.

## E. Retaliation

Neither the County nor any employee shall retaliate against any employee for filing a complaint or for participating in any way in a complaint investigation procedure under this policy. Any employee who suspects he/she is being retaliated against because he/she made a complaint or participated in an investigation should immediately report the actions, following the guidelines above. The report shall be investigated and dealt with appropriately.

All employees have the right to make a complaint under this policy, either internally or to an outside agency. It is unlawful for the County to retaliate against any employee for making such a complaint. The County will not retaliate against any employee for making such a complaint whether the complaint is eventually substantiated or not. To be retaliation, the adverse employment action must be **because the employee submitted a discrimination complaint, and not due to any valid performance concerns or policy violations by the employee.**

Examples of retaliation could include:

- Reprimanding an employee or giving a performance evaluation that is lower than it should be;
- Transferring an employee to a less desirable position;
- Engaging in verbal or physical abuse;
- Threatening to make, or actually making reports to authorities;
- Increasing scrutiny;
- Spreading false rumors, treating a family member negatively; or
- Making the person's work more difficult.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Employees are not excused from continuing to perform their jobs or follow the County's legitimate workplace rules just because they have filed a complaint or opposed discrimination.

Any employee that believes they have been retaliated against should report their concerns immediately to any supervisor, the Human Resource Department and/or the Commissioners. The matter will be investigated and the County will respond accordingly.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

***Relevant Information:* Montana Human Rights Act, Title 49, MCA; Discrimination Policy Acknowledgement Form (Appendix E)**

## Compliance with the Federal Genetic Information Nondiscrimination Act of 2008 (GINA)

GINA prohibits discrimination based on genetic information with respect to employment or group health plans. County managers may not request, require, or purchase genetic information about employees or their family members, or use genetic information to:

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- discriminate against an individual in hiring, discharge, compensation, terms, conditions, or privileges of employment;
- make decisions about admission to apprenticeship and training programs, including on-the-job training;
- limit, segregate, or classify an individual;
- fail or refuse to refer an individual for employment;
- deprive an individual of employment opportunities; or
- acquire health insurance or set premiums under the group health plan.

**Relevant Information: The Genetic Information Nondiscrimination Act of 2008**

## **Compliance with the Americans with Disabilities Act (ADA)**

The County is committed to complying fully with the Americans with Disabilities Act (ADA) and Montana Human Rights Act (MHRA). The County will ensure equal opportunity in employment for qualified persons with physical or mental disabilities. Reasonable accommodation is available to employees with disabilities to the extent required by law. An accommodation which creates an undue hardship on the County or which endangers health or safety is not a reasonable accommodation.

Any employee or job applicant may request an accommodation by contacting Human Resources personnel, and/or the Commissioners verbally or in writing. A request for accommodation is the first step in an interactive process between the individual and the County, to clarify the individual's request and to identify any appropriate reasonable accommodation. The County has the right to request reasonable documentation to support any accommodation request.

**Relevant Information: Americans with Disabilities Act**

## **Whistleblower Protections**

Neither the County, nor any employee shall retaliate against, condone or threaten retaliation, against any employee who, in good faith, alleges waste, fraud, or abuse by the County. For this section, retaliate means to take any of the below actions against an employee because of their good faith allegations of waste, fraud, or abuse:

- Terminate employment;
- Demote;
- Deny overtime, benefits, or promotion;
- Discipline;
- Decline to hire or rehire;
- Threaten or intimidate;
- Reassign to a position that hurts future career prospects;
- Reduce pay, work hours, or benefits; or
- Take another adverse personnel action.

Any employee who believes they have been retaliated against under this section and chooses to file a grievance must file one as outlined in **Employee Grievance** herein.

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**Relevant Information: MCA 2-2-145.**

## **Nepotism**

Nepotism is defined in state statute. In general, it prohibits the hiring and appointment of individuals within certain familial relationships. The County prohibits nepotism. If an employment situation relating to marital status poses a conflict with the nepotism policy, the involved employees must notify the County Commission so that reasonable steps can be instituted to ensure statutory compliance.

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

**Relevant Information: MCA 2-2-302 and 2-2-303**

## **Recruitment and Selection**

The County provides a fair, consistent, and competitive hiring process based on each applicant's qualifications and competencies. County department heads may recruit applicants internally or externally in the recruitment and selection process. The County will use a selection process that is designed to select the best candidate based on merit and qualifications. Temporary and short-term workers are not eligible to become permanent employees without a competitive selection process. All statutory preferences shall be provided as required by law.

**Relevant Information: MACo Recruitment and Selection Guidelines, MACo Personnel Services References, MCA 49-3-201**

## **Probationary Period**

It is the policy of the County that new employees shall complete a probationary period. The purpose of a probationary period is to provide a trial period to assess employees' abilities to perform their job duties, to assess their conduct on the job, and to determine if they should be retained beyond the probationary period and attain permanent status. All new employees shall be given a probationary period will be at twelve months, depending on the position. If an employee has one or more leave of absence during their probationary period, the time of each leave does not count as part of the probationary period unless the County affirmatively elects to include each leave.

The County may choose to extend an employee's probationary period prior to the expiration of the original period, but the original period plus the extension may not exceed 18 months. If the probationary period will be extended, the employee shall be notified of this in writing prior to the expiration of the original probationary period. After probation has been satisfactorily completed, the employee is considered a permanent employee. This policy does not apply to temporary staff or short-term workers, who cannot attain regular status.

The provisions of the **Employee Grievance** section of this Handbook do not apply to probationary employees.

**Regardless of the policy identified above, deputy sheriffs serve a probationary period of one year, pursuant to MCA 7-32-2105. Sheriff Deputy will receive a step rate increase per Sheriff authorization after Deputy has successfully participated and passed the MT Law Enforcement Academy, been employed for 1 year and successfully passed the Field Training Officer Course.**

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The County shall have the option of providing a performance appraisal system for use as part of its documentation in personnel decisions. If implemented, the system will provide for regular performance appraisals of permanent and seasonal full-time and part-time employees, wherein an employee's supervisor will monitor and assess the employee's performance. All managers and department supervisors will also receive an appraisal. An employee with unsatisfactory performance will be provided a specific plan for corrective action.

Employees transferring from one position to another within the county shall carry their current step wage to their newly hired position. *Resolution 2020-09*

## **A. Regularly Scheduled Performance Appraisals**

Normally, supervisors and employees have ongoing discussions about job performance. The primary purpose of an employee performance appraisal system is to provide an opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, reemployment, salary increases, and training. Completed appraisal forms shall be returned to the Payroll Clerk or Clerk and Recorder's Office by the department head.

### **Types of performance evaluations include:**

1. Probationary- during the first 12 months employment in a position. The employee will not be eligible for pay increase until probationary period of 12 months has been completed.
2. Annual- after completion of 2080 hours in pay status, employees are eligible for evaluation and pay increase.

## **B. Special Evaluations**

A special evaluation may be completed whenever there is a change either upward or downward in the employee's performance.

## **C. Employee's Right of Rebuttal**

The contents of a performance appraisal are not grievable. Employees who disagree with an appraisal have the right to submit, within ten working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

## **Employee Discipline**

County employees are subject to disciplinary action up to and including dismissal from employment. This may include informal and/or formal disciplinary actions, depending on the circumstances. This policy applies to employees who fail to perform job duties in a satisfactory manner, disrupt County operations or violate the County's procedures, policies, rules, or performance standards, or for any other legitimate business reasons. The following procedures shall apply:

- A.** Discipline shall be commensurate with the seriousness of the offense. For example, the County, at its discretion, may utilize corrective counseling or a verbal warning before more severe disciplinary action is taken. However, more significant disciplinary action, up to and including dismissal, can be taken for offenses without having prior verbal or written counseling, based on the severity of the offense. Before

taking action, management shall investigate and examine each case individually, considering the impact of the offense, the extent of the damage or disruption caused, and the circumstances of the offense.

- B.** Each of the following disciplinary actions is independent of the others and does not necessarily follow in the order listed. Consequently, an employee may be suspended without having been given a warning, or may be dismissed without having been either given a warning or suspended.
1. **Corrective counseling** is an informal action that may be used at the option of management prior to or in addition to formal discipline to deal with performance deficiencies or misconduct. It is not part of formal discipline and is not grievable.
  2. A **verbal warning** consists of the supervisor outlining the unsatisfactory job performance and the corrective measures that the employee needs to take. It is not part of formal discipline and is not grievable.
  3. A **written warning** should contain a description of the specific conduct for which the employee is being disciplined. Employees may provide a response to a written warning which will be attached to the warning and included with it in their file.
  4. A **suspension without pay** is for a specific work period. An employee who is suspended is to leave work for the period specified. A disciplinary suspension must include a description of the specific conduct or reason for which the employee is being suspended, and should be documented by the supervisor. Employees may provide a response to a suspension which will be attached to the documentation and included with it in their personnel file.
  5. The County retains the right to reassign (e.g., **demote or transfer**) an employee in conjunction with a corrective or disciplinary action (i.e., as an alternative to termination). A disciplinary demotion must include a description of the specific conduct or reasons for which the employee is being demoted or transferred, and should be documented by the supervisor. If appropriate, a disciplinary demotion or transfer may include a plan for improvement.
  6. A **dismissal** may not take place until an investigation of the employee's action has been undertaken and substantiated by the department head or County Commission.
  7. Department heads may place an employee on **administrative leave with pay** pending an investigation and consultation with the County Commission.

If a disciplinary decision is termination, the department head shall, at discharge or within fourteen days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures, and provide the discharged employee with a copy of the policy, as set forth below.

## Employee Grievance

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. It is also the policy of the County to provide employees who have attained permanent status an opportunity to resolve certain complaints/problems in relation to their job without fear of reprisal. The purpose of this policy is to secure, at the lowest possible administrative level, equitable solutions to grievances that may arise.

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Nothing contained herein should be construed as limiting the right of any employee to discuss any matter informally with an appropriate member of management. Every effort should be made to settle a grievance informally before a formal grievance is filed. For complaints alleging discrimination, employees should use the Reporting Procedure outlined in **Preventing Harassment and Discrimination** herein.

### **A. Acceptable Reasons for Filing Grievances**

An employee may file a grievance based on the application or interpretation of laws, written rules, and personnel policies and procedures which adversely affects the employee, unless such action is specifically prohibited in policy.

### **B. Preparing and Pursuing Grievances During Working Hours**

An employee may not use paid working time to prepare and/or pursue a grievance. A grievant may request to use personal leave or leave of absence without pay to prepare a grievance. A request for use of personal leave or leave of absence without pay must be consistent with the County's policy on leave requests. Time spent by the grievant attending a hearing or being interviewed by an investigative officer is considered paid working time, should take place during the grievant's regular work hours, and shall not exceed eight hours per day.

At the discretion of the County, an employee other than the grievant may be allowed to use work time to participate in an investigation or hearing. This time would be considered paid working time if the employee's participation is at the request of the County. Otherwise, an employee will need to request to use personal leave or leave of absence without pay to attend a hearing. All leave requests must be consistent with County policy regulating leave.

### **C. Grievance Filing Procedures**

All departments, including those which do not have their own procedures must provide at least the basic procedure outlined below. An employee must begin Step 1 of the procedure within seventeen working days of his/her knowledge of the situation.

*Step 1. Informal Resolution.* Employees should try to resolve their grievance informally whenever possible by discussing the situation and relevant information with their immediate supervisor.

*Step 2. Submission of Formal Grievance to Supervisor.* If the employee does not resolve the matter under the informal process, he/she should file a formal written grievance with his/her supervisor within ten working days from the supervisor's response to the attempt at informal resolution. In the grievance, the grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The supervisor should respond in writing within ten working days after receiving the formal grievance. If the employee does not accept the supervisor's response or there is no response from the supervisor within the ten-day period, the employee may then, within five working days, advance the grievance to Step 3.

*Step 3. Submission of Grievance to Department Head/Elected Official.* For a grievance not resolved in accordance with Step 2 above, the employee may prepare and file a formal grievance with his/her department head or elected official within five working days. The grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The department head or elected official must respond in writing within 15 working days. If the employee accepts the department head's or elected official's response or does not

advance the grievance to Step 4 within five working days of receiving the department head's or elected official's response, the grievance is resolved.

*Step 4. Submission of Grievance to County Commission.* An employee wishing to advance a grievance to this step must notify the County Commission within five working days of the department head's response. Then, within five working days of such notification, the employee must present to the Commission a written summary and the relevant evidence regarding the matter. The Commission, or its designated representative, shall review the matter and advise the employee in writing of its decision within 15 working days of receipt of the summary and evidence.

The County Commissioners may, at their discretion, designate a representative to perform their obligations under this policy.

At any step, the employee and the County can modify the time periods stated herein if done so by mutual agreement and placed in writing.

The County does not tolerate any form of retaliation against employees availing themselves of this policy and procedure. However, this policy does not prevent, limit, or delay the County from taking disciplinary action up to and including termination, when appropriate.

## **Time Sheets, Time Clock and Preparation of Payroll**

In order to prepare County payrolls, it is the policy of the County to have employees prepare and complete time sheets according to established guidelines. The time record will include:

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

In order to ensure appropriate and accurate payroll time calculations and time clock reporting, Powder River County shall pay in quarter hour increments. Excess/short minutes will be determined on a seven-minute unit. Employees using the time clock reporting system are required to clock in and clock out each workday using the time clock.

Employees are required to be at work on time for their scheduled shift. Employees should not clock in more than seven (7) minutes before their starting time or clock out more than seven (7) minutes after their quitting time unless approved to do so by their supervisor. The time will be rounded to the nearest fifteen (15) minutes interval.

If an employee neglects to clock in or out, or knows that an error has been made, they must notify the department or shift supervisor and complete a Missing Time Clock Punch Report (edit slip). It is the responsibility of the employee to initiate the correction by filling out the edit slip, putting the date and time on the slip and giving it to their supervisor for approval.

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An edit slip must also be used for sick, vacation, holiday or comp used and for work performed while off-site (for example, attending a training class). Off-site work must be pre-approved. Employees must fill edit slips out completely so it can be entered into the computer for payroll. If employees have any questions on how to complete an edit form, they should contact the payroll clerk in the Clerk and Recorder's office.

Should an employee need to leave the facility at any time, it must be with the knowledge and approval of the immediate supervisor. The employee must make appropriate clock-out and clock-in entries on the time clock.

Employees are not permitted to clock in or out for other employees. Falsification of a time record is a breach of County policy and may result in disciplinary action up to and including dismissal. In addition, a pattern of time clock errors may suggest dishonesty or negligence and may result in discipline, up to or including dismissal. Employees must clock in before performing work for the County.

Any combination of missed time clock punches (excluding sick, vacation, holiday, comp and off-site work) will result in disciplinary action. The following disciplinary procedures will be used when deemed appropriate by the supervisor. However, it should be understood that depending on the nature and circumstances of the situation, a supervisor may use any disciplinary measure deemed appropriate:

1. Three occurrences of a missed punch may result in a verbal warning.
2. Four occurrences of a missed punch may result in a written warning.
3. Five occurrences of a missed punch may result in a second written warning and three-day suspension without pay.
4. Six occurrences of a missed punch may result in termination.

Note: Occurrences are based upon a rolling twelve (12) month period.

Pay checks are available at 11:50 AM on the last working day of each month and will be distributed to the employee's department head unless other arrangements have been pre-approved. Direct deposits will be in the designated accounts by the end of the day on the last business day of each month. An employee's paycheck may be released to the employee's spouse, designated family member or another person only if authorized by the employee in writing. There shall be no pay advances under any circumstances.

When an employee is separated for cause or laid off from employment by the employer, final wages due the employee will be paid at the next regular payday or within 15 calendar days, whichever occurs first.

Payroll records shall be maintained by the Clerk and Recorder for the minimum amount required by law.

## **Employee Personnel Records**

The County limits access to employees' personnel records and medical information (physical or electronic) to protect private information. Individuals with authorized access to employee information are expected to preserve the confidentiality of this information.

### **A. Establishment of Procedures and Responsibilities for the Maintenance of Personnel Records**

1. The Clerk and Recorder, Human Resources personnel, or other individual designated by the County Commission is responsible for establishing and maintaining an official personnel file for each County employee.

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2. All employee personnel records are confidential, and access is restricted.
3. Department heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
4. Each employee is responsible for the verification of information contained in the personnel file. No materials in a personnel file may be removed from the personnel file.
5. Any employee wishing to review his/her personnel file may do so. The employee must request a review, and it shall be done at a mutually convenient time with the Clerk and Recorder or Human Resources personnel present. The employee will not be permitted to remove any information from the file but can obtain copies of desired documents.
6. Separate personnel files shall not be maintained by individual departments.

**B. Identification of Information to be Included in the Employee’s Personnel File**

The following permanent documents are retained in the folder throughout the association of an employee with the County:

- Employee application and résumé
- Job description and specification information
- Two forms of ID, one of which is a current driver’s license or State ID and Social Security Card
- Job performance ratings and evaluations
- Education/training information
- Personnel data
- Personnel action forms
- Documentation of disciplinary action or warning of same

**C. Medical or Other Confidential Personal Information**

The County maintains separate, confidential personal medical information files for employees.

**D. Employee’s Responsibility to Ensure that Files are Up to Date**

To ensure that an employee’s personnel file is up to date, the employee must notify Human Resources personnel or the Clerk and Recorder or designee of any changes in status including, but not limited to, beneficiary designations, scholastic achievements, and the individuals to notify in case of an emergency.

***Relevant Information:* U. S. Dept. of Health & Human Services, Health Insurance Portability and Privacy Act Information**

**Hours of Work, Meal Breaks, and Rest Breaks**

**A. Hours of Work and Meal Breaks**

County positions are vital to effectively managing County business during operating hours and, therefore, County employees shall follow established work schedules, receive prior approval from their supervisor

to deviate from normal schedules, and use proper procedures for notification of daily work hours in accordance with this policy and the policy set forth in **Timesheets and Preparation of Payroll** herein.

Except as otherwise provided by labor agreement, the normal working hours for administrative or office-based County employees are from 8:00 a.m. to 5:00 p.m., with a one-hour unpaid lunch period. This does not include personnel engaged in shift work. If a position is part of a collective bargaining unit (i.e., a union), the employee should refer to that agreement for information about hours of work, meal periods, and rest breaks. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Supervisors set individual work schedules depending on the work unit's needs.

Due to the nature of the work, hours for employees may vary from the normal office hours established above. Variances must be approved by the appropriate department head. Nothing in this policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

Employees should be taking a minimum of a 30-minute lunch break unless otherwise specified by supervisor.

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

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

## **B. Rest Breaks**

Employees may have a rest period of one 15-minute break, on the County's time, for each four-hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four-hour work period. Breaks cannot be combined or saved to be used for a paid lunch or to leave early.

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

## **Driver's License Requirement**

In order to use a County vehicle, County employees must have a valid Montana driver's license (appropriate for the type of vehicle to be used) and an acceptable use, which includes conducting business on behalf of the County, getting food and lodging when in a travel status, and certain other approved activities.

All new employees hired for work that entails the operation of a County vehicle as an essential function of their position may, as a condition of employment, be required to submit to a Montana State Division of Motor Vehicles driving record check. Department heads may conduct periodic checks of employees' driver's licenses through visual and formal Division of Motor Vehicles reviews. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Employees performing work which requires the operation of a County vehicle must immediately notify their immediate supervisor in all cases where their license is expired, suspended, or revoked and/or if they are unable to obtain an occupational permit from the State Division of Motor Vehicles.

## **Drug and Alcohol Testing**

To ensure a worker's fitness for duty and to maintain a safe working atmosphere, the County may adopt a qualified testing program for testing for controlled substances and alcohol.

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The following statement of policy and procedure is intended to inform all covered employees of their rights and obligations under the County's program, as well as to alert them to the possible consequences of violating these policies. Covered employees in safety-sensitive positions must sign the **Drug Testing Acknowledgement Form** (Appendix E herein).

This program applies to individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. All employees needing a Commercial Driver's License (CDL) to perform the essential functions of their position will be subject to testing pursuant to federal law.

Powder River County provides a safe work environment, and a safe, dependable transportation service. Powder River County employees are a valuable resource, and it is our goal to provide a healthy, satisfying work environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; and (3) encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

It is the policy of the County to enforce a strict "zero tolerance" policy for those individuals covered under this policy. No "second chance" consideration will be made for those individuals who have a positive alcohol or controlled substances test as outlined in this policy.

Powder River County policy includes required elements as set forth in 49 CFR Part 40 and Part 655 as amended. A complete copy of Powder River County Substance Abuse Policy can be obtained in the Clerk and Recorder's Office.

**Relevant Information: MCA 39-2-207 through 39-2-211**

**On-Call Duty**

The County recognizes that it may be necessary for various departments to require employees to be available on an on-call basis. It is the County's general policy that on-call assignments should be kept to a minimum. The following procedures and guidelines shall apply:

- A. Some employees shall be required by their supervisor to carry a pager, cell phone, or be able to be reached immediately while not at work, in the event it is necessary for them to respond or report to work within a specified period of time. Such on-call duty is necessary to deal with after-hours situations, emergencies, or as the workload of the department requires.
- B. On-call does not count towards the 2080 or health insurance qualifications.
- C. Compensation information for employees required to perform on-call duty shall be available from the Clerk and Recorder or County Payroll Department. Sheriff deputies are to be compensated for on-call hours pursuant to Section 7-4-2509, MCA.

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## **Reduction in Workforce**

If a reduction in the County workforce (layoff) becomes necessary, consideration will be given to the programs to be carried out by the County. Employees should be provided with notice of the reduction in force as much in advance of the reduction as is possible. A reduction in workforce requires department heads to continue meeting program services and objectives with fewer employees. The County will consider their program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors to decide the best way to conduct a reduction in workforce.

### **A. Temporary, Seasonal, and Short-Term Workers**

Temporary, seasonal, and short-term workers within the classification and department affected by the reduction in force shall be terminated before any permanent employees will be laid off.

### **B. Deciding Factors for Permanent Employees**

Permanent employees within the same job classification, department, and geographical area affected by the reduction in force will be evaluated for layoff based on program requirements, the employees' skills and qualifications necessary to meet these requirements, and other factors (e.g., other alternatives such as reduced work hours, furloughs, or employee seniority). Employee skills and qualifications may include education, experience, certification, and capabilities in relation to the continuing needs of the department or program; and employment history may include previous performance and disciplinary actions. If there is no documentable difference in employment history factors, an employee's length of continuous employment with the County shall be used as the criterion for retention, with the most senior employee being retained. "Continuous employment" means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days.

### **C. Veterans' Preferences**

A veteran, disabled veteran, or eligible relative shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications, and length of service. The preference in retention does not apply if a performance appraisal system is being used and the eligible employee has been rated unacceptable. (MCA 39-29-111). The preference in retention does not apply to a position covered by a Collective Bargaining Agreement.

### **D. Re-Staffing Preferences**

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

## **Voluntary Termination, Resignation, or Retirement**

### **A. Voluntary Termination or Resignation**

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

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

### **B. Retirement**

A qualified employee may retire in accordance with applicable state law. Employees who plan to retire are urged to provide the County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance coverage if the employee meets the criteria established in MCA 2-18-704, and the premium amounts are paid in accordance with policies established by the Plan Administrator.

***Relevant Information: MCA 2-18-704***

## **Worksite Breastfeeding**

The County supports and encourages the practice of breastfeeding, accommodates breastfeeding needs of employees, and provides facilities for breastfeeding or the expression of milk.

### **A. General Provisions and Management Responsibilities**

Counties shall provide lactating employees with a suitable space, other than a bathroom, that is clean, private, and reasonably close to the work area. The space will include lighting, seating, and electrical outlets for breast pumps. The County may provide an employee with the ability to store breast milk as requested.

The department head or direct supervisor shall provide lactating employees with time to breastfeed or express milk as needed, but the employee should plan to use break time whenever possible. Department heads will set up a schedule that works best for everyone.

### **B. Pay Stipulations for Exempt and Non-Exempt Employees**

If an employee is non-exempt from the FLSA, the County will not cover breastfeeding time that takes longer than the standard break period or number of breaks. Employees can use annual leave or compensatory ("comp") time to cover extra time or breaks, or the time will be unpaid. The County shall not reduce the wages of exempt employees for the time it takes to breastfeed or express milk. However, the employee may be required to use accrued leave time in certain cases.

## **Children in the Workplace**

The County does not permit employees to bring their child(ren) to work in lieu of childcare arrangements. Employees may use leave time when childcare issues arise. Employees may occasionally bring their child(ren) to work for a minimal amount of time with advanced approval from their supervisor. The employee's work site must be hazard free and the County reserves the right to ask children to leave if they become disruptive to the workplace.

## **Credit Cards and Travel Expenses**

Authorized County employees may be issued County credit cards or be allowed to have their expenses reimbursed if purchasing supplies or equipment or if traveling/lodging/dining is a requirement for their jobs. In either case, employees should be extremely prudent in incurring any debt that the County must pay for using its limited budget. Elected County Commissioners are subject to the meals, lodging, and traveling expense stipulations in MCA 2-18-501. The following guidelines regarding credit cards and County reimbursement procedures shall apply to all other County employees.

### **A. Credit Cards**

Only authorized persons may purchase supplies or cover travel and meal expenses in the name of the County. No employee whose regular duties do not include purchasing necessary supplies and equipment or traveling on County business shall incur any expense on behalf of the County by any promise or representation without written approval. If employees are using County-issued credit cards, they must ensure they have read and understood the Cardholder Responsibilities stated in policy.

### **B. Travel Expenses**

Traveling is a necessary operation of County government and may be a requirement of the job. Travel expenses are a major budget consideration, so employees must be conscientious, efficient, and economical with travel plans and activities.

When employees travel on official County business in connection with the job, the County will pay or reimburse employees for certain travel expenses if they properly complete and submit, in a timely manner, their travel expenses via the approved format. Employees must file for reimbursement within three months after incurring the expenses or the County cannot reimburse them.

### **C. Travel Time and Expense**

1. Employees should use County vehicles for work-related travel whenever possible. With pre-approval, employees may use their personal vehicles for County business when the department head or supervisor determine it is in the best interest of the County. Employees who are operating their personal vehicles during employment and receiving mileage reimbursement must have liability insurance and provide evidence of such to the County.

Time spent by an employee traveling away from home on county business while traveling or working is compensable work time. Time when an employee is not engaged in work including rest, meal and other non-work activities during travel away from home is not considered work time. The safety of County employees is paramount. Therefore, the County reserves the right to require overnight stay if there are safety concerns due to weather, the distance to be travelled, or anything else within the County's discretion. If the County requires an overnight stay for an employee and the employee travels, anyway, may result in disciplinary action.

When traveling, employees should keep their lodging expenses as low as possible by requesting a government rate and providing their county identification card as proof of County employment. Employees should also keep transportation costs as low as possible by using the most cost-effective means of travel, minimizing time away from the office, and minimizing time in a paid travel status. Employees may claim travel time and expenses for a reasonable time before and after the actual business activities that require travel. Supervisors may approve of travel costs only for activities that directly benefit the County.

Employees should make travel arrangements as far in advance as possible to get the best rates, available accommodation, and to reduce travel costs.

Mileage reimbursement for officers and employees traveling at county expense will be paid at the rate established by Sec. 2-18-503, MCA

Meal reimbursement will be paid at the rate established in 2-18-501 (1), MCA.

Lodging expense reimbursement for county employees will be paid at federal per diem room rates for Montana as shown on the US GSA page at [gsa.gov](http://gsa.gov).

Personal vehicle mileage will be calculated using the distance calculator on the Montana Association of Counties website at [mtcounties.org](http://mtcounties.org). and originate from worksite (Broadus). No mileage will be paid from employees' home to destination.

**Relevant Information: MCA 2-18-501**

## **Return of County Equipment**

Employees are responsible for all County property, materials, equipment, and written/digital information issued to them or in their possession or control. County employees must sign the **Equipment Form (Appendix A)** herein) before they are issued any County property. Any County equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit cards, digital files, or physical files must be returned to the County upon request or at the time of termination. In the event any County property is not returned by the employee, the County may take all action deemed appropriate to recover or protect its property.

Employees are also accountable for equipment located in their work area. Employees should report any missing equipment immediately to their supervisor or department head. Whenever equipment with a property tag is moved from one location to another or when new equipment is acquired, employees shall follow the appropriate documentation procedures and complete disposal/transfer forms with the Clerk and Recorder's Office.

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## **EMPLOYEE LEAVE**

### **Sick Leave**

The County follows Montana law on the qualification, accrual, and use of sick leave. Sick leave is an authorized paid leave of absence from work when an eligible employee or qualifying family member is sick or requires care. Accumulated sick leave credits are a valuable resource that maintains an employee's income during a period of personal illness or family emergency.

#### **A. Qualification and Calculation**

Employees are not entitled to use paid sick leave until they have been continuously employed for 90 days or work 480 hours. Permanent, temporary, and seasonal full-time employees 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. The provisions of MCA 2-18-618 govern sick leave for County employees. Short-term workers do not earn sick leave credits.

If an employee changes departments within the county without a break in service the receiving department assumes the liability for accrued sick leave credits for that employee.

An employee must request to use sick leave by first informing their supervisor of the need in a timely manner.

Sick leave may only be used as authorized in Section D below. It may not be used to supplement hours absent an authorized use. Misuse will result in disciplinary action.

For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .0462 by the number of hours worked, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment, or they may donate (if permitted) or otherwise utilize sick leave credits subject to the limitations in policy. Credits are to be recorded by rounding to four digits beyond the decimal point and carried in each employee's account in that configuration.

#### **B. Leave Without Pay, Holiday, or Vacation Stipulations**

Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the department head's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

#### **C. Payment Upon Termination**

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave. The pay attributed to the accumulated sick leave must be computed based on the employee's salary

or wage at the time the employee terminates employment with the County. Termination pay shall apply only to credits earned according to policy since July 1, 1971, per MCA 2-18-618.

#### **D. Use of Sick Leave Pay**

Sick leave pay is granted for:

- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability.
- maternity or pregnancy-related disability or treatment, including prenatal care, birth, or other medical care for either employee or child;
- doctor or dental appointments for treatment of the employee's illness, injury or preventive care. The employee's supervisor shall be notified as soon as possible in advance.
- parental leave as provided in MCA 2-18-606;
- quarantine resulting from exposure to contagious disease;
- consultation, examination, or treatment by a licensed health care provider;
- short-term attendance to an immediate family member or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; and
- Leave pay is granted for death or funeral attendance of an immediate\* family member, or at the employee's supervisor's discretion, another person, for a period of time not to exceed five (5) consecutive calendar days.

\* "Immediate" family means the employee's spouse and any member of the employee's household or any parent, child, grandparent, grandchild or corresponding in-law.

- Employees may only use sick leave hours that have been accrued; negative sick leave balances are not permitted.

#### **E. Reporting**

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

## **F. Abuse**

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time. The employee's supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

Sick time is not intended to supplement hours to meet a full-time schedule (40hour/week). Misuse may result in disciplinary action.

## **Medical Exam**

The employer may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the County has a reasonable belief, based on objective evidence, that the employee's ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others.

***Relevant Information: MCA 2-18-618 and 2-18-1311***

## **Grants of Sick Leave**

### **Prohibited Uses**

1. An employee shall not receive direct grants of sick leave:
  - a. if the employee is eligible for worker's compensation benefits
  - b. if the employee is no longer employed by the county
  - c. while the employee is on leave of absence without pay for a reason other than extensive illness or accident.
  - d. or until the employee has exhausted all of their accrued sick leave, annual vacation leave and compensatory leave.

## **A. Eligibility To Make a Direct Grant**

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

3. An employee may make a direct grant of sick leave to an eligible employee in any County department.
4. No employee is eligible to receive direct grants of sick leave without the approval of the department head or designee.

## **B. Eligibility To Receive a Direct Grant**

1. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous 12-month period in direct grants. Leave granted to a part-time employee shall be prorated. The maximum allowable benefit in any 12-month period is 160 hours.
2. The 12-month period is calculated from the first day the employee takes sick leave which is a direct grant.
3. No employee is eligible to receive direct grants of sick leave without the approval of the department head or designee.
4. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.
5. No employee is eligible to receive direct grants of sick leave until the employee has exhausted all sick leave, annual vacation leave and compensatory leave.

**Relevant Information: MCA 2-18-618 and 2-18-1311**

## **Annual Leave**

Annual vacation leave or annual leave is an authorized paid absence from work. Permanent, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (180 days) of continuous employment to use annual leave or to cash it out upon termination.

### **A. Procedures for Calculating Annual Leave, Accumulating Credits, Scheduling, and Termination**

Annual leave is calculated and credited each pay period based on years of service with any state agency or political subdivision as illustrated in the chart below, and an employee can use it only after earning it. If an employee is part-time, he/she earns annual leave on a prorated basis (for example, if an employee works 20 hours per week, or half-time, he/she will earn leave at half of the full-time rate). An employee does not accrue leave for hours in an unpaid status or based on hours in an overtime status.

<b>Rate Earned Schedule</b>	
<b>Years of Employment*</b>	<b>Working Days Credit Per Year</b>
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

\*Years of service need not be consecutive, and prior public or military service may apply.

If an employee changes departments within the county without a break in service and as long as the employee is employed by the county, the receiving department assumes the liability for accrued annual leave credits for that employee.

An employee must request to schedule annual leave. Employee shall give a two (2) weeks request in advance to the department head. Shorter notice may be authorized by the department head. Scheduling of annual vacation leave shall be accomplished by an agreement between the supervisor and employee, giving consideration to the best interests of the County and employee. Approval or denial of leave is based on the departments and employee's interests, and management reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

An employee may accumulate an annual leave balance of up to two times the eligible accrual rate per year. Balances exceeding this limit are "excess." Except as provided in this policy, excess annual vacation leave may be forfeited unless used within 90 calendar days from the last day of the calendar year in which the excess leave was earned.

Department heads are responsible for actively managing annual vacation leave for employees by providing reasonable opportunities for an employee to use rather than forfeit accumulated annual vacation leave as provided in MCA 2-18-617. To avoid forfeiture of annual leave, management is encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace period or at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

Employees are responsible for making a reasonable written request to use excess annual leave during the 90-day grace period. Agency management may approve all, some, or none of the employees' request by written response. If the original request is not approved, management and the employee may negotiate alternate leave dates during the 90-day grace period. If management denies all or any portion of the written request, management and the employee must work together to ensure that the employee may use the excess annual leave before the end of the calendar year. Any excess annual leave not used by the end of the calendar year in which the grace period was extended must be forfeited.

If an employee terminates employment after the eligibility period, he/she can receive cash compensation at the regular rate, or can transfer or donate unused annual leave balance, unless the termination was for a reason reflecting discredit on the employee.

Annual vacation leave cannot be used to delay the effective date of termination/resignation.

Employees may only use vacation leave hours that have been accrued; negative vacation leave balances are not permitted.

## **B. Permanent Full-time Employees**

Permanent full-time employees earn annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months.

## **C. Permanent Part-time Employees**

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months. Prorated annual vacation leave credits are calculated using the following schedule multiplied by the hours in pay status in the pay period. Prorated annual vacation leave credits are to be reported by rounding to four digits beyond the decimal point and carried in each employee's account in that configuration.

<b>Rate Earned Schedule</b>	
<b>Years of Employment</b>	<b>Hours in the Pay Status in the Pay Period</b>
1 day through 10 years	.0577 x # of hours
10 years through 15 years	.0692 x # of hours
15 years through 20 years	.0808 x # of hours
20 years or more	.0923 x # of hours

## **D. Temporary Full-time Employees**

Temporary full-time employees earn the same annual vacation leave credits as permanent full-time employees but may not use the credits until after working for 6 qualifying months.

## **E. Temporary Part-time Employees**

Temporary part-time employees earn the same prorated annual vacation leave credits as permanent part-time employees but may not use the credits until after working for 6 qualifying months.

## **F. Seasonal Full-time Employees**

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Seasonal full-time employees earn the same annual vacation leave benefits as permanent full-time employees but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service.

### **G. Seasonal Part-time Employees**

Seasonal part-time employees earn the same annual vacation leave benefits as permanent part-time employees but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately reported back to work when operations resume.

### **H. Short-term Employees**

Short-term workers do not receive annual vacation leave credits.

**Relevant Information: MCA 2-18-611**

## **Holidays**

### **A. Eligibility and Holiday Benefits Calculations**

Holiday leave is a paid absence from work provided to eligible permanent, seasonal, and temporary employees on legal state holidays. To be eligible, employees must be in a paid status the last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday. If the observed holiday falls on a regularly scheduled day off, except Sunday, the employee is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday, whichever allows a day off in addition to the employee's regularly scheduled days off.

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

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

### **B. The County Observes the Following Holidays:**

- New Year's Day, January 1
- Martin Luther King Day, the third Monday in January
- Lincoln's and Washington's Birthday, 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
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25
- State General Election Day, on even numbered years

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### **C. Holidays Falling on Weekends**

If any holiday falls on a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

### **D. Full-time Benefits**

If an employee is hired with a Full-time status, employee will receive 8 hours holiday pay.

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight hours of holiday benefits. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday, or on another day following the holiday in the same pay period, or as requested by the employee and approved by the supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off (MCA 2-18-603).

### **E. Part-time Benefits**

If an employee is hired with a Part-time status, employees will receive prorated holiday pay.

Part-time employees receive holiday benefits on a prorated basis (MCA 2-18-603).

Holiday benefits are based on an average of the employee's regularly scheduled work hours. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by the number of working days in a pay period. Holiday benefits shall not exceed eight hours.

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

If a part-time employee usually receives the holiday off but the County requires a part-time employee to work on the day a holiday is observed, the employee shall be compensated for all hours actually worked on a holiday and holiday benefits as provided in the next paragraph.

### **F. Pay for Work Performed on a Holiday**

An employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked. In addition, under the benefit provided for in this policy, the employee shall receive either a paid day off at the regular rate or premium pay as described below, at the County's discretion.

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

- If the holiday benefit is to be paid, but no day off is provided, the employee shall receive premium pay at twice the regular rate (regular rate × 2) for the first eight (8) hours worked on the holiday. If the employee works more than eight hours, any remaining hours shall be paid at the regular rate of pay.
- If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive premium pay (regular rate X 2) for the first eight (8) hours worked on the holiday. If the employee works more than eight hours, any remaining hours shall be paid at the regular rate of pay.

An employee shall not receive both premium pay and overtime pay for the hours worked on a holiday. An employee shall receive overtime or compensatory time for actual hours worked that exceed 40 in a work week, in compliance with the overtime policy.

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

Equivalent paid time off for work performed on a holiday shall be taken within the same pay period as the holiday occurs. Employee must request prior approval from their supervisor. When an employee requests to take the hours off, but the interest of the County requires the employee's attendance, the County's interest overrides that of the employee.

An employee shall receive overtime or compensatory time for actual hours worked that exceed 40 in a work week, in compliance with the overtime policy. An employee who is exempt from the FLSA and who receives approval to work on the holiday may receive paid time off equivalent to the number of hours worked (banked hours).

In the case of both non-exempt and exempt employees, when they request to use banked time but the interest of the County requires the employees' attendance, the County's interest overrides that of the employee.

**Relevant Information: MCA 1-1-216 and 2-18-603; The Fair Labor Standards Act,  
U.S. Department of Labor**

## **Longevity Plan**

A longevity pay plan is effective for Powder River County employees, supervisors, and elected officials effective July 1, 2004. Longevity pay will be in addition to an elected official or employee's base salary. Longevity is based on 1% of the employee, supervisor or official's base salary. Only the most recent continuous employment with Powder River County will be considered for calculation of years of service. This policy does not apply to Sheriff, Deputy Sheriff and Undersheriff for whom longevity is set by state statutes.

Longevity for elected officials will be calculated at 1% per year for each year of uninterrupted service as an elected official. Longevity for elected officials will be calculated on base salary. Officials who served as deputy in the same department immediately prior to becoming an elected official will be eligible for longevity for the same number of years that he/she would be eligible for as deputy. (This does not apply to sheriff deputies for whom longevity is set by state statutes.)

Salaried employees including Nursing Home Administrator and Physician Assistant will be paid longevity pay each year after ten (10) years of service and passed the hire date.

Employees who have reached the top of their pay scale and who have completed ten years of service, met the 20,800 hours and passed their hire date and will be paid for longevity at 1% of their base pay interrupted. The longevity service date will be set as the first day of the month following completion of all three required qualifications. Years of service for full-time employees is calculated using the anniversary date of their employment. Years of service for part time employees or part time elected officials will be calculated on 2080 hours of regular service being equal to one year. Leaves of absence without pay will not be included in calculating years of service. However, approved leave of absence will not be considered a break in service for calculation of longevity pay.

Employees who transfer from one county department to another without a break in service from county employment will carry over those years of service for calculation of longevity for the new position. Exception: If the employee's pay in the new position provided that he/she is eligible for annual step increases according to the county pay scale longevity will not be paid. Employees are not eligible to receive both step increases and longevity at the same time. Step increases will be paid according to the pay plan, then applicable longevity will apply.

## **Military Leave**

### **A. Procedures under the Montana Military Service Employment Rights Act**

The Montana Military Service Employment Rights Act (MMSERA) provides paid military leave for eligible County employees. This benefit supports employees in fulfilling military obligations and compensates employees for loss of income due to time spent performing military service.

Employees who are members of the Montana Army, Air National Guard or Armed Forces Reserves (active or inactive duty), and are permanent, or seasonal employees or student interns become eligible for paid military leave after *six continuous months* of employment. Time spent in a leave of absence without pay status does not count toward the six-month requirement.

Eligible full-time employees earn 120 hours of paid military leave each calendar year (prorated for part-time employees). Employees cannot earn more than 120 hours of paid military leave per calendar year and cannot accrue more than 240 hours (prorated for part-time employees). Once employees reach the maximum, they do not accrue additional paid military leave until their balance drops below 240 hours (or the prorated limit for part-time employees). Employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty. The County does not cash out unused military leave when employees terminate employment.

Employees must provide their supervisor with a copy of the orders that direct them to report for duty and should give as much advance notice as possible (i.e., as soon as they learn of the need to take military leave).

Employees may also use paid military leave intermittently with leave without pay while performing military service. Supervisors may grant paid military leave only for hours the employee normally works and may deny paid military leave if it results in overtime. When employees are taking authorized paid military

leave, they shall receive regular salaries and benefits. If active duty is more than 31 days, employees need to evaluate options regarding benefits and complete an Active-Duty Benefits Election Form and an Active-Duty Reinstatement Form.

Employees who are eligible to be reemployed must be returned to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state military duty unless:

- the member is no longer qualified to perform the duties of the position, subject to the provisions of MCA 49-2-303 prohibiting employment discrimination because of a physical or mental disability;
- the member's position was temporary, and the temporary employment period has expired;
- the member's request to return to employment was not done in a timely manner, as defined in MCA 10-1-1007(3).;
- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected.
- the member's return to employment would cause the employer an undue hardship.
- the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or
- the member enlisted in the state's organized militia or another state's national guard during the course of employment with the employer and did not inform the employer of the enlistment.

## **B. Uniformed Services Employment and Reemployment Rights Act Procedures**

An employee ordered to federally funded military service is entitled to all of the rights provided pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees have the right to be reemployed in their last County job, or the job they would have attained had they not been absent for military service, if they:

- leave that job to perform service in the uniformed service and they provide advance written or verbal notice of the service.
- have five years or less of cumulative service in the uniformed services while with the County;
- have not been separated from service with a disqualifying discharge or under other than honorable conditions.

***Relevant Information: MCA 10-1-1001 through 10-1-1009***

## **Jury and Witness Duty Leave**

Jury and witness duty leave provide paid time off for permanent, seasonal, and temporary County employees who receive a legal summons or subpoena to serve on a jury or as a witness.

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## A. Notification and Leave Request

An employee shall request leave using the request procedures established by their department. An employee must inform their supervisor of the date(s) and anticipated length of the absence as soon as possible after receiving a summons or subpoena and provide a copy of the summons or subpoena with the leave request.

## B. Pay Options

If an employee is subpoenaed or summoned, they have two choices regarding pay and expenses:

- Use accrued annual leave or compensatory time for the time away from work, and keep the fees and allowances paid for service as a juror or witness; or
- Receive regular pay and benefits while on approved jury duty or witness leave, and remit the fees and allowances received for service as a juror or witness to the Clerk and Recorder within three days of receipt.

Employees must notify their supervisor of their choice upon requesting leave. A part-time employee shall receive prorated compensation for those hours the employee is scheduled to work.

## C. Expense Claims and Return to Work

Employees who serve as a juror may submit a claim for expenses. If they serve as a witness, they may submit a claim for expenses only if the appearance was for work-related reasons. Employees who receive payment from the court or a third party for the same expenses must return such dual payments to the County. If they use their personal vehicles and receive a mileage allowance from the court, they may keep the funds. If a county vehicle is used, they must return any mileage allowance to the County.

Employees who receive a subpoena to testify in connection with their official duties in a civil action where the County is not a party may be required by management to reimburse such funds for the compensation and benefits paid from the person or entity requesting issuance of the subpoena.

Employees who take leave to serve on a jury or as a witness must return to work on the next regularly scheduled shift upon release from duty. If the shift is in progress at the time of release, they must either return to work immediately or arrange with their supervisor to return at a later specified time

**Relevant Information: MCA 2-18-619**

## Maternity Leave and Parental Leave

The maternity and parental leave policy provides for unpaid leave for eligible employees associated with the birth or placement of a child. It is unlawful for the County to terminate a woman's employment because of her pregnancy. Even if she is ineligible for sick leave or FMLA leave, a woman is still eligible for maternity leave; and she may also be eligible for parental leave.

Maternity or parental leave must be requested in accordance with the procedures established by the employee's department. Employees should give at least 30 days' advance oral or written notice of the need for leave, or as soon as practical when advance notice is not possible.

## A. Maternity Leave

Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery. Montana law requires female employees receive a reasonable leave of absence for maternity leave. "Reasonable leave" is determined case-by-case and is based upon the employee's ability to perform her job. The Montana Human Rights Bureau provides guidance regarding what is reasonable leave, stating that an employee is entitled to a reasonable leave of absence for the temporary disabilities associated with childbirth, delivery, and related medical conditions. The employer may not place restrictions on the leave which would not apply to leaves of absence for any other valid medical reason.

In the case of normal pregnancy and delivery, the state assumes a minimum of six calendar weeks after the birth of a child as a reasonable period for recovery. Leave may be longer if the employee is unable to perform her job prior to delivery or if additional leave after delivery related to the pregnancy is needed and reasonable. Employees are not required to obtain medical certification of temporary disability for the initial negotiated leave following the birth of a child. Employees may voluntarily return to work before their agreed-to maternity leave expires, if they desire and inform the County.

## B. Parental Leave

Parental leave applies to both male and female employees. If the employee has FMLA leave available, that leave shall be used instead of parental leave. However, if no FMLA leave is available, parental leave is an unpaid leave of absence for permanent, seasonal, and temporary employees not to exceed 15 working days immediately following the birth or placement of a child (e.g., if the employee is adopting a child or is a birth father). Department heads may approve less than 15 working days if they determine the length of leave requested is unreasonable. The department head must provide a written response explaining why the request is unreasonable and include the length of leave considered reasonable and approved. Employees may be required to provide documentation for the use of parental leave.

Both maternity and parental leave are unpaid. However, employees may request to use accrued paid leave concurrently with maternity or parental leave, according to County policy applicable to the type of leave requested.

For eligible employees, paid sick leave, vacation leave, and FMLA shall run concurrently with any maternity or parental leave.

***Relevant Information: Montana Human Rights Bureau: Rights of Pregnant Employees, MCA 49-2-310 and -311; Parental Leave for State Employees, MCA 2-18-606***

## Leave of Absence without Pay

A leave of absence without pay is a period of unpaid absence from employment provided by the County that does not result in a break in service. Typical requests for leave without pay are in situations where an employee has exhausted all applicable leave balances and needs to be absent from work for personal reasons. Leaves of absence without pay are contingent on the approval of the employee's department head on a case-by-case basis.

## **A. Requests, Qualifications, and Procedures**

Requests for leave of absence without pay shall be in writing and specifically state the reasons for the request, the date the employee wishes to begin the leave, and the return-to-work date. The request shall be submitted by the employee to the affected department head. The department head shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any departmental procedures and applicable state and federal laws.

A department head may grant a permanent, temporary, or seasonal full-time or part-time employee a leave of absence without pay not to exceed 90 calendar days. An extension of the approved leave, not to exceed 90 calendar days, may be approved by the department head. No sick leave, holiday, annual vacation benefits, or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, but the employee must pay 100% of the premiums in a manner prescribed by the Plan Administrator. Employees may be required to use all appropriate accrued leave or compensatory time before a leave of absence without pay. However, the County may not require an employee to exhaust annual leave balances for reasons of illness unless he/she agrees.

## **B. Returning to Work**

Upon expiration of the approved leave of absence, the employee is not guaranteed to be placed in the same position but shall be placed in a position at the needs of the County. If an employee fails to comply with the return-to-work requirement and does not arrange for an approved extension of leave, he/she may lose reinstatement rights, and be subject to termination.

## **C. Other Leaves That Take Precedence Over Leave of Absence Without Pay**

Employees taking a leave of absence without pay shall have FMLA or military leaves taken concurrently. Those policies take precedence over this policy to the extent there are differences.

***Relevant Information: MCA 10-1-1006***

## **Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons, and up to 26 weeks to care for a covered service member with a serious injury or illness sustained in the line of duty.

### **A. Eligibility**

To be eligible for FMLA leave, the employee must have worked for the County for a total of 12 months minimum, and for at least 1,250 hours during the 12-month period immediately preceding the leave.

### **B. Duration**

Eligible employees may take up to 12 weeks of leave within a 12-month period. The 12 weeks of leave may be taken in a single block of time or, if medically necessary, on an intermittent basis or a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

### **C. Qualifying Reasons for FMLA Leave**

Under the FMLA, the County must grant 12 weeks of unpaid leave, or paid contingent upon available leave balances and employee authorization to use that leave, for any of the following reasons:

- The birth of a son or daughter and to care for the newborn child.
- Placement with the employee of a son or daughter for adoption or foster care.
- To care for the employee's spouse, son, daughter, or parent with a serious health condition.
- A serious health condition that renders the employee unable to perform the functions of his/her job.
- Any qualifying exigency (e.g., short-notice deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other events which arise out of the covered member's active duty or call to active duty status) arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- To care for a covered service member with a serious injury or illness sustained in the line of duty on active duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

### **D. Serious Health Condition Qualifications**

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

- An illness that requires the person to be hospitalized.
- An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a healthcare professional during that period.
- An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment.
- Any period of incapacity due to pregnancy or childbirth.
- A permanent or long-term problem supervised by a physician where there is no effective treatment, such as Alzheimer's Disease, severe stroke, terminal stages of disease, etc.
- Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness).

- Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), or kidney disease (dialysis).

## E. Notice and Certification

- Employees are required to provide advance notice of leave requests whenever possible and may be required to provide medical certification. Taking of leave may be denied if requirements are not met. 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 following the County's normal requirements for requesting leave and providing enough information so the County can determine whether the FMLA may apply to the leave request. The County must promptly (within five business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. If the request is approved, the County should formally designate the leave as FMLA. Sample designation and medical certificate forms are available on the FMLA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>

The County may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work. The County may contact the employee's health care provider for clarification and authentication of the medical certification (whether initial certification or recertification) after the employee has been given the opportunity to cure any deficiencies in the certification. Some examples of deficiencies might be when the certification does not provide necessary information such as the duration of the leave, the nature of the restrictions, or the medical necessity of the leave or restrictions. In these instances, correspondence with the employee and health care provider shall be coordinated through County Human Resources personnel or other appropriate designee, and the contact on behalf of the County will be made by a health care provider, a Human Resources professional, a leave administrator, or a department head (when he/she is not a direct supervisor of the employee), and shall not be made by the direct supervisor.

## F. Supervisor's Responsibilities

If a department head or supervisor becomes aware of an employee taking leave for a potentially qualifying event (e.g., those described in the **Qualifying Reasons** paragraph above), or if the employee is absent from work on sick or unpaid leave for three days or more for reasons including health conditions, care of a family member, or in conjunction with a qualified military status, he/she will immediately notify Human Resources personnel or the department head, who will complete the FMLA Notice & Designation Form.

## G. Use of Paid Leave

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

## H. Reinstatement

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

# EMPLOYEE CONDUCT

## Prohibited Conduct and Guidelines for Appropriate Behavior

Standards of conduct provide ethical and behavioral guidance for public employees. As an integral member of the County team, employees are expected to accept certain responsibilities and adhere to acceptable conduct and business practices.

This not only involves demonstrating respect for the rights and feelings of others but also demands that employees refrain from any behavior that might be detrimental to themselves, their co-workers, and/or the County. Employee conduct reflects on the County. Consequently, employees are encouraged to observe the highest standards of professionalism at all times.

County employees are expected to accept certain responsibilities, protect the public from harm, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times.

### A. Prohibited Conduct

Listed below are types of prohibited workplace conduct and behavior. This list should not be viewed as being all-inclusive. Actions the County deems inappropriate and that will lead to disciplinary action include, but are not limited to:

1. Falsifying employment or other County records or making false statements.
2. Violating the County's policy on **Equal Employment Opportunity**, which prohibits refusing employment or discriminating in compensation or other terms, conditions, and privileges of employment based on race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status.
3. Harassment of employees, or any person doing business or interacting with the County, because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status. (See **Preventing Harassment and Discrimination** herein.)
4. Sexual or other unlawful or unwelcome harassment. (See **Preventing Harassment and Discrimination** herein.)
5. Violating the Montana Code of Ethics statute (MCA 2-2-101) which prohibits using public time, facilities, or resources for private business or political purposes; acts that create a conflict of interest between public and private interests; accepting substantial gifts; and violating other standards and requirements outlined in **Ethics and Conflict of Interest** herein.

6. Violating the nepotism statute (MCA 2-2-304). Nepotism is an unfair practice that occurs when hiring is based on personal connections rather than ability or merit and is further addressed in **Nepotism** herein.
7. Establishing a pattern of absenteeism or tardiness. Powder River County believes in offering any employee who has missed three (3) or more days of work due to absenteeism without notification, the opportunity to explain the absences to the employee's supervisor. The employee's supervisor will attempt to contact the employee, employee family members and friends after the first missed shift to verify the employee's well-being. If no response is returned from the employee to Powder River County satisfaction, a pre-termination letter will be sent to the employee. Employee's failure to respond to the pre-termination letter will be considered grounds for immediate termination.
8. Powder River County reserves the right to term employees who have not been actively working within a 13-month period. It is in the best interests of county to remove them from payroll and clear out their sick and vacation.
9. Use of County equipment, vehicles, supplies, time, or facilities for private purposes or any other violation of the **Vehicle and Equipment Use** policy herein which includes, but is not limited to, failing to operate County vehicles and equipment safely or in the proper manner, abusing vehicles or equipment, or operating County vehicles or equipment while under the influence (as defined in MCA 61-8-401).
10. Violating the Drug Free Workplace Act described in **Drug- and Alcohol-Free Workplace** herein, including, but not limited to, reporting to work intoxicated or under the influence of unprescribed drugs, testing positive for drug and/or alcohol use, bringing or using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business away from County property. This includes possessing or using alcohol or unprescribed drugs in County vehicles or private vehicles being used for County business.
11. Threatening, fighting, or causing or performing violent acts in the workplace or any other violation outlined in **Workplace Violence Prevention** herein.
12. Theft of property from County employees, the County, or the public, including removal from the premises, without proper authorization, of food, company property or property of other employees, customers, and the general public.
13. Possessing dangerous, unauthorized materials such as firearms or explosives on County premises, in County vehicles, or while on County business. See **Weapons on County Property** herein.
14. Disregarding safety or security regulations as outlined in **Workplace Safety Program** herein.
15. Engaging in insubordination, which is the refusal to follow a direct order by the supervisor.
16. Failing to maintain the security of confidential information.
17. Failing to perform duties in a satisfactory manner, behavior that is disruptive of the County's operations, or material or repeated violations of an express provision of the County's written policies.

18. Violating the **Smoke/Vape-Free Workplace** policy herein, which adheres to the Montana Clean Indoor Air Act. The MCIAA bans smoking in all enclosed workplaces in Montana. Smoking is prohibited in all County facilities and vehicles.
19. Violating the **Personal Telephone Calls and Personal Communication Devices** policy herein by using County telephones inappropriately or using personal communication devices such as cell phones, smart phones, tablets, etc., to communicate, Email, text, view inappropriate material or interact with social media sites (Facebook, Twitter, etc.) during work hours.
20. Violating the **Computers, Internet, and Email** policy herein, which prohibits improper use of these products and services including, but not limited to; altering or installing unauthorized software or hardware, revealing pass codes and files without authorization, using the County Internet and Email systems for non-County business-related purposes, and creating, transmitting, or viewing any offensive or inappropriate material, data, or images that may be construed to violate the County's **Preventing Harassment and Discrimination** or **Equal Employment Opportunity** policies herein.
21. Using abrasive, impolite, or offensive conduct, gestures, or language toward the public, County officials, or other employees.
22. Abusing break times and/or lunch period as outlined in the **Hours of Work, Meal Breaks, and Rest Breaks** policy herein.
23. Misrepresenting travel expenses and/or using County credit cards inappropriately or without authorization as set forth in the **Credit Cards and Travel Expenses** policy herein.
24. Violating drug and alcohol rules and regulations established for employees required to have Commercial Driver's Licenses.
25. Failing to appear or dress in a manner acceptable for the position, including use of personal protective equipment (PPE) as needed.
26. Failure to return County equipment or property upon termination of employment. (See **Return of County Equipment** herein.)
27. Failure to respond or conduct County business appropriately while performing on-call duties.
28. Gambling on County time.
29. Conviction of a felony.
30. Refusing to adhere to the **Use of Scented Substances** policy herein, after a supervisor request that an employee not come to work wearing a perfume, lotion, moisturizer, etc., about which a fellow employee has complained.
31. Any other act, failure to act, failure to adhere to any policy, or negligence which is injurious to the County, its employees, or the general public.

## **B. Guidelines for Appropriate Behavior**

In accepting employment with the County, the employee assumes certain duties, responsibilities, and relationships which are to be observed during his/her tenure of employment. Upon hiring, all employees

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shall agree and accept the following responsibilities and work rules as a condition of continued employment. The employee agrees to:

1. Work conscientiously toward achieving the objectives of the County in compliance with its philosophy, policies, rules, procedures, and performance standards.
2. Perform assigned duties in a satisfactory manner and within specified guidelines.
3. Work with other staff members in a sincere, tactful, and positive manner.
4. Be punctual and utilize working hours in their most effective and productive way; notify his/her supervisor, in accordance with applicable policy, when the employee is unable to show up for work; refrain from excessive tardiness or absences; and refrain from leaving the work station early without prior approval.
5. Respect the confidentiality of County citizens' and employees' information, and not disclose confidential information and/or administrative matters.

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

6. Immediately report in writing any accident occurring at work, whether or not there is immediate evidence of personal injury.
7. Immediately report any unsafe condition observed at the work site.
8. Use the County's property in a responsible and appropriate manner. Employees shall not provide unauthorized access to County facilities to any individual. Employees shall protect the County's property from damage and refrain from taking or using County property for personal use.
9. Be constantly mindful that the County and its staff have an obligation for the welfare and wellbeing of citizens served through its programs.
10. Respect co-workers and maintain appropriate conduct during work hours. If employee calls or use of a personal communication device causes disruptions or loss in productivity, the employee shall become subject to disciplinary action per County policy. Cell phones shall be turned off or silenced during meetings, conferences, and in the office or other locations where incoming calls may disrupt normal workflow.
11. Refrain from and report any witnessed embezzlement; theft; insubordination; unsatisfactory work performance; harassment or discrimination; falsifying or using falsified records, materials, requisitions, passes, time sheets, or other documents used by the County; violation of County policies and procedures; and misuse or neglect of County benefits, property, co-workers, suppliers, vendors, contractors, or citizens.
12. Refrain from and report any conduct which may endanger the safety of others, which is disruptive of the County's operation, or impairs the ability of others to accomplish their work.
13. Refrain from interfering with or obstructing investigations and the investigator when suspected or alleged violations of any work rules, procedures, or policies may require investigation by or on behalf of management. Should the need for investigation arise, employees are expected to be open and cooperative in assisting the investigator.

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Employees are advised that in no circumstances are these rules and policies to be interpreted as limiting the employee's ability to discuss workplace policies and procedures. However, policies and procedures are ultimately a management right.

### C. Disciplinary Action

Violations of the above standards or other County, state, or federal rules, or conduct which is injurious to the County's interests or those of its employees, may result in disciplinary action which can include written or oral warnings, suspension, demotion, termination\*, or other appropriate discipline. In cases involving a potential loss of pay, an employee subject to disciplinary action shall be informed by the department head of the alleged violations and employer's evidence, and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

\*If the disciplinary decision is termination, the department head shall, at discharge or within fourteen days of the date of discharge, notify the discharged employee in writing or electronically of the existence of the County's Employee Grievance policy and procedures, and shall provide a copy of such.

Termination may automatically accompany any third written counseling within a six-month period, or any infraction of a serious nature that warrants immediate termination, provided that due process is followed.

#### ***Relevant Information: MCA 2-2-101 et. seq. and 2-2-304***

### Ethics and Conflict of Interest Policy

County employees serve the people of the County and owe them a duty to uphold their trust and maintain their confidence in the integrity of public employees. These principles require employees to avoid conflicts of interest, bias and favoritism, and the appearance of impropriety (i.e., acts that appear illegal or wrongful to the average citizen). County employees must conduct themselves in adherence to the rules of conduct stipulated for public employees in MCA 2-2-104. The general provisions are outlined in subparagraph 'A' below. All employees must sign the **Ethics and Conflict of Interest Acknowledgement Form** found in **Appendix B** of this Handbook.

Every county enforces a minimum set of standards that all employees must follow. Please refer to the section above on **Prohibited Conduct and Guidelines for Appropriate Behavior** for a more comprehensive, yet not all inclusive, list of inappropriate conduct, as well as appropriate conduct and behavior to which all county employees must adhere. Failure to abide by or comply with any of the items in those policies or this **Employee Ethics Policy** is a basis for disciplinary action up to and including termination.

#### **A. In General, County Ethics Standards Prevent Employees From:**

- using public time, facilities, or resources for private business or political purposes (unless authorized by law);
- acts that create a conflict between public and private interests (MCA 2-2-101), which may include major financial transactions with someone an employee regulates or supervises, performing official acts to harm private competitors, performing official acts to benefit an employee's own business interests, and other conflicts of interest;
- disclosing or using confidential information for personal economic benefit;

- accepting payment for helping people to obtain a contract, claim, license, or economic benefit from the County;
- taking payment for overlapping hours in two or more public jobs;
- requesting or accepting employment with a person the employee regulates without notifying department heads; and
- accepting substantial gifts or economic benefits (i.e., generally anything more than \$50.00) that could influence or reward official actions.

The list above includes only some of the ethical standards and requirements that County employees must follow.

Violations of this Code of Ethics may not only result in disciplinary action, but may result in the County Attorney bringing a civil action in district court or criminal charges which may be prosecuted to the full extent of the law (MCA 2-2-144).

## **B. Conflict of Interest**

County employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative or other party of interest (as described below) as a result of the County's business dealings.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to a supervisor or department head as soon as possible the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County. An employee shall not accept or solicit anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which may appear to influence his/her official conduct pursuant to Section 2-2-104(1)(b), MCA.

County financial resources are not authorized for gift-related expenditures. All county funds must be used strictly for official purposes that serve the public interest and comply with state and county financial policies.

## **C. Seeking Guidance on Ethical Dilemmas or Issues**

Before doing anything that might create an ethical problem, employees should ask their department head for guidance. Employees should also report ethical concerns to supervisors, who can advise them on how to avoid or resolve potentially serious problems. After an employee notifies a department head of a possible violation, they can also file a complaint through established County protocols.

***Relevant Information:* MCA 2-2-101, et. Seq.; Appendix B: Ethics and Conflict of Interest Acknowledgment Form**

## Drug and Alcohol-Free Workplace

It is the policy of the County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The illegal use of controlled substances is inconsistent with the behavior expected of our employees, subjects all employees, citizens, and visitors to unacceptable safety risks and undermines the County's ability to operate effectively and efficiently.

The purpose of this policy is to ensure worker fitness for duty; to protect our employees and the public from the risks posed by the use of illegal drugs, controlled substances, or alcohol; and to maintain a safe working atmosphere conducive to effect operations. As stated in the **Prohibited Conduct Policy**, employees are subject to disciplinary action, which may include immediate discharge for consumption, use, or being under the influence of alcohol or controlled substances while on County premises.

County employees must sign the **Drug and Alcohol Free Workplace Acknowledgement Form** (located in **Appendix C** of this Handbook) and abide by this policy as a condition of employment.

### A. Prohibitions

All County employees are absolutely prohibited from:

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812, Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants, and hallucinogens. The County does not accommodate the use of medical marijuana in the workplace.
2. Reporting for duty, remaining on duty, or operating County vehicles or personal vehicles on County business while under the influence or impaired by alcohol or a controlled substance.
3. Drinking alcohol at any time during work hours.
4. The illegal or unauthorized use of prescription drugs.

### B. Disciplinary Action

Violations may result in disciplinary action up to and including termination. Violating the drug and alcohol prohibitions in the policy for **Use of Vehicles and Equipment** is also subject to disciplinary action up to and including termination, whether the employee is operating County vehicles or equipment on County-owned property or anywhere else. Any use of illegal drugs or driving while intoxicated shall also be reported to the proper authorities for criminal prosecution.

### C. Reporting Convictions of Drug Statute Violations

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform his/her immediate supervisor of such conviction within five days after the conviction. The supervisor must inform the department head of any such communication immediately.

### D. Exceptions – Prescription Drugs

The only exceptions to this policy are possession or use of a controlled substance as prescribed by a licensed physician, if the employee has given his supervisor or department head prior notice of such use

and/or possession. Employees using medication prescribed by a licensed physician may be required to provide management with proof that such medication was prescribed. Employees taking prescribed or over-the-counter medications will be responsible for talking to a doctor and/or pharmacist about whether the medications may interfere with their ability to perform their job safely. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty, notify supervisor, etc.) to avoid unsafe work practices. The County has the sole discretion as to whether or not it will be safe for those employees to remain on duty. As stated above, it is a violation of our **Alcohol and Drug Free Workplace** policy to intentionally misuse prescription medications. Appropriate disciplinary action shall be taken if job performance deteriorates and/or accidents occur.

#### **E. Searches**

The County reserves the right, at all times, while employees are entering, departing, or on the premises, properties, and work areas; when circumstances warrant; or when reasonable cause exists, to have properly authorized personnel conduct unannounced reasonable searches and inspections of County facilities.

Searches may be initiated without prior notice and conducted at reasonable times and locations as deemed appropriate by the County. At no time will employees or others be touched without their consent.

#### **F. Co-Worker, Supervisor Obligations**

Any employee or supervisor who has observed or has personal knowledge that another employee is using or possessing illegal drugs or alcohol in violation of this policy may choose to make a good faith report to a supervisor or department head. The employee shall refrain from discussing the matter with anyone except appropriate management personnel.

#### **G. Possession of Alcohol on County Premises**

Employees may not possess or use alcohol in any County facility with the exception of an authorized function, under the control of the holder of a valid liquor license. Some county departments may have more stringent policies and requirements regarding drug testing. Please see the department head or County Human Resources personnel for more information in this regard.

**Relevant Information: U.S. Department of Justice, Title 21 USC, Controlled Substance Act; MCA 39-2-205, et seq.; Appendix C: Drug and Alcohol Free Workplace Acknowledgment Form**

### **Smoke-Free – Vape Free Workplace**

#### **A. Smoking Prohibitions**

In compliance with the Montana Clean Indoor Air Act (MCIAA), which bans smoking/vaping statewide in all enclosed workplaces in Montana, smoking/vaping is prohibited in ALL County vehicles and in ALL County facilities. The County recognizes the need of many of its employees to work in an environment free of tobacco smoke. Smoking/vaping is not permitted inside of any County building.

## **B. Designated Smoking Areas**

The County also respects the rights of employees who choose to smoke or vape to make personal decisions without interference, as long as these decisions do not interfere with the rights of other workers or local or state laws. Employees may smoke/vape in designated outdoor smoking areas.

Powder River Manor facilities and property shall be designated a smoke/vape and tobacco-free campus pursuant to policy dated January 25, 2015.

***Relevant Information: Montana Department of Health and Human Resources,  
Montana Clean Indoor Act – MCA 50-40-101, et. Seq.***

## **C. Animal Restrictions**

No dogs or any other animals (except service animals and trained law enforcement dogs) shall be allowed in any county work areas or vehicles. Exceptions are made for visitors at Powder River Manor.

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

## **Personal Appearance and Proper County Representation**

### **A. Proper Representation of the County to the Public**

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

### **B. Proper Personal Appearance While at Work**

County employees should be dressed in a manner suitable for the public service environment and to reflect favorably on the County's image. County employees should wear clothing appropriate to ensure their safety in the workplace. Supervisors may develop specific rules appropriate to their workplace. Such policies should be coordinated with Human Resources personnel or the County Attorney.

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

### **C. Personal Protective Equipment (PPE)**

Employees in positions needing the use of PPE are required to wear the appropriate PPE.

## **Public Speech**

Employees shall not express anything in any public forum as an official County position without specific permission to do so. If an employee wishes to speak in their official capacity on a matter related to County business, their statements must be approved in advance. More restrictive rules may apply to law enforcement personnel.

This policy does not prevent or prohibit an employee from expressing an opinion or idea involving concerted activity regarding their wages or other terms and conditions of employment.

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## **Personal Telephone Calls and Personal Communication Devices**

### **A. Personal Telephone Calls Using County Telecommunication Systems**

County-provided phones are to be used for County business and may be used for personal business on a limited basis only. The use of telecommunications equipment for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business.

In the event an employee has to make an essential long distance or cellular phone call (using a County-provided cell phone), the call must be collected, charged to a third-party number, or charged to a personal credit card, or the employee must make arrangements to reimburse the County for any charges. It is the employee's responsibility to ensure that no cost to the County results from personal phone calls.

### **B. Personal Communication Devices**

The use of personal communication devices such as cell phones, smart phones, tablets, PDA devices, etc., to communicate, Email, text, or interact with personal social media sites (Facebook, Twitter, etc.) during work hours is prohibited. The use of cell phones for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business. Personal communication devices such as cell phones may be used for the purposes of conducting County business if necessary.

All personal communication devices must have any tones inaudible to other employees and members of the public. Employees whose jobs require public interaction are not permitted under any circumstances to use a personal communication device while interacting with and servicing members of the public.

Utilizing a computer or personal device that connects with the Internet to visit an offensive site or inappropriate material during work hours or break periods is prohibited and subject to disciplinary action. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, veteran's status, or any other category protected by law.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule (See **Employee Personnel Records**) regarding the safeguarding of confidential information, County employees must refrain from the use of Instant Messaging, cell phones, texting, unprotected Email, or any other unsecured communication (e.g., unsecured Bluetooth interfaces or unsecured Internet conferencing) to transmit confidential information regarding County employees or citizens.

***Powder River Manor Employees: See Powder River Manor Employee Handbook***

## **Computers, Internet, and Email**

All County business equipment, hardware, software, network equipment, communications systems, Internet, Email, and data are the property of the County, and employees can use these only for authorized purposes such as conducting County business. Please see the department head or coordinate with the Information

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Technology (IT) department for instructions (and when troubleshooting is necessary) about the operation of computers, telecommunication systems, or other electronic devices used on the job. Employees must operate all IT equipment according to manufacturers' user instructions and County policy. All employees must sign the **Computers, Internet, and Email Policy Acknowledgement Form** found in **Appendix D** of this Handbook.

## A. Computers

Employees shall not install, modify, or remove any software operating on County computers. Employees may request review of additional software applications that may enhance or improve existing systems. In order to protect the County computer systems from viruses, all diskettes, flash drives, software, etc., should be reviewed and approved by the IT department prior to installation. The IT department is responsible for the overall operation of the County computer systems; and all installation, modification, or removal of software, hardware, or data should be reviewed and approved by the IT department.

Employees shall not use or disseminate codes, access a file, or retrieve any stored communication, other than where authorized, unless there has been prior clearance by the supervisor or department head. All computer passwords are the property of the County and will not be shared with other individuals.

## B. Internet and Email

Employees should not expect any privacy with County Internet and Email use. The County may monitor Internet use for planning and managing network resources, performance, troubleshooting, and suspected or potential abuse. All messages' employees create, send, or retrieve over the County's systems are the property of the County.

County Internet and Email use are available for conducting County business. County employees may not use the County-maintained Internet, intranet, and related services for activities not related to County business. The County recognizes that sometimes an employee may use County computers and Internet for essential types of personal use; however, this must be kept to a minimum and not be excessive.

The creation, transmission, or viewing of any data or images that may be construed to violate the County's **Preventing Harassment and Discrimination Policy** or **Equal Employment Opportunity Policy** is strictly prohibited. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, veteran's status or any other category protected by law. None of the County's information technology resources may be used to transmit critical or derogatory statements regarding employees, political figures, or any other persons.

Internet access is provided by the County to assist employees in obtaining work-related data and technology. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the County and, as such, is subject to disclosure to law enforcement or other third parties. Employees may also be held personally liable for any violations of this policy.

## C. Social Media

Social media is web-based technology that allows interactive dialogue and includes, but is not limited to, blogs, collaborative projects, content communities, and social networking sites and apps.

Content contributed to social media by County employees may not:

- Claim to represent the County; or
- Include statements that are inappropriate because they are discriminatory, threaten violence, are obscene or otherwise disparage members of the public or co-workers.

An employee's online conduct that adversely affects their job performance, the performance of fellow employees or otherwise adversely affects the County's legitimate business interests may result in disciplinary action up to and including termination. All instances must be judged on a case-by-case basis.

Nothing in this policy should be construed as prohibiting an employee's right to engage in concerted activity or to discuss the terms and conditions of their work as permitted by the NLRA.

Employees are prohibited from accessing social media platforms while at work. Social media platforms, including messaging, may not be used to complete work tasks.

**Relevant Information: Appendix D: Computers, Internet, and Email Policy Acknowledgment Form**

## Use of Scented Substances

The ability to perform one's job may be adversely affected by scented substances, i.e., perfume, lotion, oil, and scented deodorants. Staff members are encouraged to inform their supervisor or department head if a reasonable accommodation is required regarding their reaction to a scented product. The County may request reasonable documentation to support the accommodation request. The County may instruct County employees to stop coming to work with scented substances that bother their fellow employees. Also, see Guidelines for Appropriate Behavior on this subject.

## Teleworking

Teleworking or remote work at home will not be allowed by any county employee. No county employee will have the opportunity for teleworking or remote working under any circumstances without prior authorization from the Board of Powder River County Commissioners.

# PAY AND BENEFITS

## Overtime and Compensatory Time

### A. Non-Exempt Overtime Pay

Non-exempt employees (an employee in a position not meeting the definition of *exempt* as defined by the Fair Labor Standards Act, Montana Minimum Wage and Overtime Compensation Act) may receive overtime compensation for hours worked in excess of 40 hours per week at the rate of 1½ times the regular hourly rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments or compensatory time earned.

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## **B. Non-Exempt Compensatory Time**

Non-exempt employees may receive compensatory time off in lieu of overtime payment if this is mutually agreed upon in writing 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 hours per week. Employees may accrue a maximum of 40 compensatory time hours. Employees who have accrued compensatory time and request use of this compensatory time shall be permitted to use the time off within a reasonable time after making the request, if the use does not unduly disrupt the operations of the County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

The department head shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and written approval of the department head. An authorization form will be required for overtime and compensatory hours worked.

## **C. Exempt Employees**

Exempt employees are identified using the criteria listed in The Federal Labor Standards Act (FLSA). Exempt employees do not receive overtime pay. If authorized by the County Commission, exempt employees may receive compensatory time off for hours worked in excess of 40 hours per week at the rate of one hour for each hour worked in excess of 40. Exempt employees may accrue a maximum of 40 compensatory hours. The department head shall give prior written authorization for all hours worked in excess of 40 per week. No compensation for unused compensatory time shall be allowed at any time.

Absences while in a leave status (e.g., annual leave, sick leave, personal leave, holiday, etc.) shall not be considered hours worked for the purpose of calculating compensatory time.

## **D. Record Keeping**

Department heads shall ensure that all overtime and compensatory time earned and used is recorded appropriately on the employee's time card as it occurs.

***Relevant Information:*** Fair Labor Standards Act (FLSA); Code of Federal Regulations (CFR), Title 29-Labor

## **E. Decedent's Warrant or Paycheck Reissuance**

Employees may file a designation of a person who, notwithstanding any other provision of law, is entitled, on the death of the employee, to receive all warrants or paychecks that would have been payable to the decedent. The employee may change the designation from time to time. A designated person shall claim the warrants or paychecks from the county clerk, and on sufficient proof of identity, the county clerk shall reissue the warrant or paycheck in the name of the designated person and deliver the warrant or paycheck to the designated person.

***Relevant Information:*** MCA 7-4-2521; Appendix F: Decedent's Warrant

## **Workers' Compensation**

As required by law, the County pays to cover employees with workers' compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease.

Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. After they file a claim, the County's workers' compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers' comp benefits apply only toward medical conditions directly related to the industrial injury or occupational disease claim.

When an insured employee is injured on the job payment of the insurance premiums will be paid by the County for the first sixty (60) days. After sixty (60) days, the premiums will be the responsibility of the employee during the remainder of time the employee is on Worker's Compensation Leave of Absence unless the employee becomes eligible for FMLA. This policy only applies to employees who have been employed by the County for less than one year.

### **A. Reporting Provisions**

Every work-related injury should be reported immediately to the injured employee's supervisor.

### **B. Benefits**

Benefits for compensable injuries are governed by state law and include wages, medical, hospital and related services, and other compensation. Wage loss benefits begin after a 4-day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the 4-day waiting period.

### **C. Fraud**

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

***Relevant Information: MCA 39-71-101, et. Seq.***

## **Health and Life Insurance**

Group health and life insurance programs are described more fully in documents that are issued to each employee once he/she is eligible to participate. A complete description of the group health insurance programs can be obtained from County Human Resources personnel, the payroll department, or the Clerk and Recorder's office. These personnel can explain the provisions in master insurance contracts and help employees choose the best options.

In the event of any contradiction between the information appearing in this policy, other County documents, and the information that appears in the master contracts or master plan documents, the master contracts and documents shall govern in all cases. Employees may request all benefit forms and information from County Human Resources personnel, the payroll department, or the Clerk and Recorder's office. Employees will be responsible for notifying the benefit plan personnel of any change of status that may affect their

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benefits. Employees must meet eligibility requirements (e.g., qualifying events) of the benefit program in order to change benefit elections.

## **A. Health Insurance**

The County offers eligible employees a competitive health insurance program that may include medical and dental and vision care. Usually, employees are eligible for health insurance if they are permanent employees regularly scheduled to work at least 30 hours per week or 130 hours per month. Each eligible County employee shall be given a copy of the health insurance plan selected. The ruling authority of the plans is the providing company, and it makes final determinations of claims. An appeal procedure is a part of the plan.

Open enrollment period is from May 1 through June 15 each year with all changes becoming effective July 1. Open enrollment allows employees to enroll, to add family members or make other changes in coverage. Other circumstances which allow for change in coverage is a change in employee's status such as marriage, death, divorce, birth or change in hours, etc. The employee is eligible for coverage on the first of the month after 30 days from the date of hire. Family coverage may be included at the time of initial eligibility and is the responsibility of the employee.

Payment of premiums is based on the status of the employee. For permanent full-time employees working 30 hours per week or 130 hours per month, the county will pay the entire premium for the employee's health insurance up to the county designated limit. For permanent full-time employees who fall under the 30 hours per week or 130 hours per month eligibility, insurance coverage will be terminated the first day of the following month. The employee must re-establish eligibility for 30 days and insurance coverage will then become effective the first of the next month following the 30-day qualifying period.

If an employee qualifies for benefits under the Family and Medical leave Act (FMLA), payment of health insurance premiums will be based on the applicable FMLA policy.

A part-time employee who does not qualify for the health insurance coverage, who then later becomes eligible due to an increase in hours worked, will be considered eligible for payment of premiums based on the date he/she became eligible to enroll in the health insurance program. The employee must be eligible for 30 days and becomes effective the first of the next month.

A copy of the group agreement is available in the Clerk and Recorder's Office for employee review. If an employee goes on an approved Leave of Absence, it is his/her responsibility to arrange with the Clerk and Recorder's Office for payment of the premium for the period.

## **B. Life Insurance**

The County offers eligible employees a competitive life insurance program that will help alleviate the financial burdens left to beneficiaries should an unfortunate loss of life occur. Under this program, employees may purchase life insurance at discounted rates, and the employee is responsible for those charges. Life insurance benefits terminate on the day the employee's employment with the County terminates; however, there are conversion provisions if the employee desires.

## C. Other Insurance

Insurance plans separate from the county health insurance plan are available to employees and include such benefits as accident, disability, intensive care and cancer coverage. Enrollment is optional and the employee pays 100% of the cost. Premiums are deducted from the salary of employees who are enrolled. For further information, contact the Clerk and Recorder's office.

## Retirement

The County offers a retirement program guaranteed by the Montana Constitution through the Public Employees Retirement System (PERS). Participation includes contributions from both the employee and the County.

### A. Eligibility

Employees are eligible for participation in PERS beginning on their date of hire, and have 12 months from the first month the County reports the employee to the Montana Public Employees Retirement Administration (MPERA) to file a choice of retirement plans, as described below.

### B. Retirement Plan Options

New County employees may choose between two retirement plan options, either the Defined Benefit Retirement Plan (DBRP) or the Defined Contribution Retirement Plan (DCRP). A description of each option can be obtained from PERS.

MPERA provides regular Retirement Plan Choice webinars that employees can attend at their convenience from their own computer. MPERA also offers workshops at different locations around the state throughout the year.

Retirement plan choices are irrevocable (i.e., it cannot be changed later), and if an employee does not file a retirement plan election by the end of the 12-month election window, state law will default their choice to the PERS DBRP. The County strongly encourages employees to make the election to ensure they are in the retirement plan that best meets their and their family's needs.

The County also offers a deferred compensation plan such as a 457(b) account. Participation includes contributions from employee only.

***Relevant Information : MCA 19-3-101, et seq.;***  
**Montana Public Employee Retirement Administration**

## SAFETY

### Workplace Safety Program

The County has a workplace safety program established to maintain a safe and healthy work environment for County employees and the citizens they serve. The success of the safety program depends on the alertness and personal commitment of all. The department shall provide information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, email, memos, or other written communications.

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## **A. Contributing Suggestions and Reporting Concerns**

Excellent safety improvement ideas often come from employees, since they are the ones who are most familiar with their work environment. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, department head, safety supervisor, or Human Resources personnel (or someone designated by the County as a safety officer or member of an internal safety committee). Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal. Most counties also have a safety officer who is an expert on, and has a vested interest in, creating a safe working environment throughout their county.

## **B. Reporting Violations and Disciplinary Action**

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or (where appropriate) remedy such situations may be subject to disciplinary action, up to and including termination of employment. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefit procedures.

## **Workplace Violence Prevention**

The County is committed to preventing workplace violence and to maintaining a safe work environment. The County has adopted guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. All County employees contribute to the type of environment in which they work, and it is therefore essential to follow these guidelines, treat fellow workers with dignity and respect, and immediately report any violations or untoward behavior.

### **A. Guidelines, Definitions and Reporting**

- All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, roughhousing, or any other conduct that may be dangerous to others.
- Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, veteran's status or any other category protected by law.
- All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the immediate supervisor or any other member of management. The County shall promptly and thoroughly investigate all reports of threats or (or actual) violence and of suspicious individuals or activities.

## Use of Vehicles and Equipment

Employees whose jobs require them to travel using County vehicles or equipment to perform their duties for the County are expected to treat such County property with the utmost degree of care and respect. The vehicles and equipment owned by the County are essentially paid for by County citizens; and as public servants, employees' actions should reflect positively upon the County by doing everything possible to maintain well-functioning, carefully maintained, and clean vehicles and equipment to ensure longevity. This also includes safe operation according to all relevant laws. This policy also covers situations when an employee uses a personal vehicle to conduct County business. The following guidelines shall be observed.

### A. Vehicle Use Guidelines

1. Employees are to use County vehicles for business purposes. Only those individuals who are county employees or are conducting County business are allowed as passengers. Authorized drivers may use County vehicles to conduct business on behalf of the County and to respond to medical or other emergency situations. Using County vehicles or equipment for personal convenience is prohibited and will result in disciplinary action. Certain employees (emergency response, on-call, etc.) may be authorized by their department head to take County vehicles home. Employees are not allowed to transport family members in County vehicles.
2. To use a County vehicle, an employee must have an acceptable use. Acceptable uses include conducting business on behalf of the County as stated above, getting food and lodging when in a travel status, and certain other activities that may be up to the department head's discretion. Employees can park a County vehicle at their home overnight if they must begin travel the next day or if they are subject to other off-shift duty related to County employment.
3. County employees are expected to travel in an efficient and cost-effective manner. The rules of the road and established safety practices must be practiced at all times. Any abuse of County vehicles when in an employee's possession or violations of safety practices or traffic laws during work hours may result in disciplinary action.
4. Some job descriptions require employees to have a valid driver's license or a Commercial Driver's License. The ability to legally operate a vehicle is an essential job duty for some positions. Employees who, as part of their job, have to operate County vehicles are required to have an acceptable driving record. A copy of the employee's current, valid driver's license must be on file with the Clerk and Recorder's Office or designee before they may operate a County vehicle.
5. Employees should use County vehicles for work-related travel whenever possible. With pre-approval, employees may use their personal vehicles for County business when the supervisor determines it is in the best interest of the County. Employees who are operating their personal vehicles during the course of employment and receiving mileage reimbursement must have liability insurance and provide evidence of such to the County.
6. An employee who drives his own vehicle on authorized County business shall be reimbursed at the federal mileage rate. However, when an employee is authorized to travel by motor vehicle and chooses to use a privately owned motor vehicle even though a County-owned or leased motor vehicle is available, the employee may be reimbursed only at the rate of 48.15% of the mileage rate allowed by the United States internal revenue service for the current year. The federal mileage reimbursement rate is to cover auto expenses, which include personal auto insurance. The County's insurance does not cover any damage to the employee's vehicle if an accident occurs while used for

business. Employees are also responsible for deductibles and co-insurance payments under their personal vehicle policies. If employees drive their personal vehicles for County business, they must maintain it according to the manufacturer's specifications and have current registration.

7. County employees who use vehicles in the course of their jobs shall maintain a current, valid licensure or certification (a Montana driver's license or CDL, as required by the job). Employees whose personal vehicles are used for County business are responsible for immediately notifying their supervisor of any change in the status of their driver's license, any convictions affecting their driving record, and any changes in personal vehicle liability coverage.
8. County employees are required to secure seat belts while driving or riding in County-owned vehicles or when using personal vehicles for County business.
9. Employees must operate vehicles in a careful and prudent manner at all times to avoid endangering other people and property. Employees are prohibited from operating a vehicle for County business if they are under the influence of alcohol, illegal drugs, improperly used prescription drugs, or legally prescribed drug if that drug affects their ability to safely operate the vehicle. Employees taking prescription drugs are responsible for notifying their medical providers if they are required to operate a vehicle for County business, and they must notify their supervisor of any restrictions on operating a vehicle.
10. In compliance with the Montana Clean Indoor Air Act (MCIAA) and the County's Smoke-Free Workplace Policy which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in all County facilities.
11. Neither employees nor any passengers can have an alcoholic beverage container in the passenger compartment of a County-owned, leased, or loaned vehicle.
12. Employees are prohibited from using personal communication devices while driving a vehicle on County business. Texting is prohibited by the driver at all times while the employee driver is seated in the driver's seat. Use of a cell phone while driving is prohibited unless calls can be made using hands-free devices.
13. Employees must follow established County procedures regarding the care, maintenance, and cleaning of County vehicles. Employees must immediately report any problems or issues to their department head and/or the County maintenance department to ensure that all problems are fixed promptly and vehicles safely operate at maximum efficiency for as long as possible.

**Relevant Information: MCA 2-18-501**

## **Weapons on County Property**

The County strives to provide a safe and healthy working environment for all employees. As part of this effort, the County has a policy limiting the possession and storage of dangerous weapons in County-owned buildings and vehicles.

### **A. Dangerous Weapons**

Possession of dangerous weapons such as explosives, large knives, swords, etc., and/or any other weapon deemed inappropriate by the County is prohibited in all County buildings and in County vehicles

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DATE:  
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except if permitted by statute or necessary to perform county business and the employee has obtained authorization from the County Commission.

## APPENDICES

### IMPORTANT NOTE

In addition to the Acknowledgement and Receipt of Handbook on page 1, which holds all employees responsible for complying with the terms and conditions of every policy contained in this Handbook, employee signatures are required on the forms provided in **Appendices A through E**.

**ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK**

**ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK OF PERSONNEL  
POLICIES AND PROCEDURES FOR POWDER RIVER COUNTY**

I acknowledge receipt of a copy of the Handbook of Personnel Policies and Procedures adopted by Powder River County. I have had an opportunity to review this Handbook during duty hours and I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**Employee Name  
(Please Print)**

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Employee's Work Location**

\_\_\_\_\_  
**Employee Position Title**

EFFECTIVE:  
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DATE:  
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# **POWDER RIVER MANOR EMPLOYEES ONLY**

## **POWDER RIVER MANOR ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK**

### **ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES FOR POWDER RIVER COUNTY**

I acknowledge receipt of a copy of the Handbook of Personnel Policies and Procedures adopted by Powder River County. I have had an opportunity to review this Handbook during duty hours and I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

<b>Employee Name (Please Print)</b>	<b>Employee Signature</b>
<b>Employee's Work Location</b>	<b>Employee Position Title</b>

EFFECTIVE:  
APPROVAL:

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# APPENDIX A: Equipment Acknowledgement Form

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## POWDER RIVER COUNTY

I acknowledge that while I am working for the County, I will take proper care of all County equipment with which I am entrusted. I shall abide by all the guidelines set forth in **Use of Vehicles and Equipment** in this Handbook including, but not limited to; using equipment lawfully, safely, and cost-effectively; for its designed purpose; for County business only; and according to the manufacturer's specifications.

I understand that, while County equipment is in my possession, any abuse, violations of safety practices, or disregard for the proper care and maintenance of such equipment may result in disciplinary action, up to and including termination.

I further understand that, upon termination, I shall return all property of the County and that the property will be returned in proper working order. This agreement includes, but is not limited to, the following: laptops, cell phones, pagers, IT equipment, tools, personal protective gear, and any other equipment the County has provided for use with my job.

I understand that failure to return equipment shall be considered theft and will lead to criminal prosecution by the County.

---

**Employee Name  
(Please Print)**

---

**Employee Signature**

---

**Date**

---

# APPENDIX B: Ethics and Conflict of Interest Acknowledgement Form

---

## POWDER RIVER COUNTY

By my signature below, I acknowledge that I have received a copy of the **Ethics and Conflict of Interest Policy**. I understand it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this Policy. I understand that I am responsible for abiding by the County Code of Ethics contained in this Policy as I conduct my assigned duties during my term of employment.

I understand that if I am found to be in violation of the provisions set forth in the **Ethics and Conflict of Interest Policy**, that I am subject to discipline, suspension, termination, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

---

**Employee Name  
(Please Print)**

---

**Employee Signature**

---

**Date**

---

# APPENDIX C: Drug and Alcohol-Free Workplace Acknowledgement Form

---

## POWDER RIVER COUNTY

As an employee of the County, I certify that I shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while on County property or while conducting any activity involving the County.

By my signature below, I acknowledge that I have received a copy of the Drug and Alcohol Free Policy of the County. I understand that it is my obligation to read, understand, and comply with the procedures and provisions contained within this Policy.

I understand that if I am found to be in violation of the provisions set forth in the **Drug and Alcohol Free Workplace Policy** in this Handbook, I am subject to suspension, termination, participation in a drug rehabilitation program, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

---

**Employee Name  
(Please Print)**

---

**Employee Signature**

---

**Date**

---

# APPENDIX D: Computers, Internet, and Email Policy Acknowledgement Form

---

## POWDER RIVER COUNTY

By my signature below, I acknowledge that I have received a copy of the **Computers, Internet, and Email Policy**. I understand that it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this policy.

Further, I understand that this policy governs my use of all County technology and, under certain circumstances, my own technology that I might bring into the County (See **Personal Telephone Calls and Personal Communication Devices**).

Additionally, I understand that if I violate the policy, I am subject to discipline from the County, including suspension, termination, and/or such other action as the County deems appropriate. I also understand that some violations of this policy could result in actions against me both civilly and criminally and in both federal and state courts. I also understand that I have no expectation of privacy in any of the technology referenced in the policy, due to the access and interception rights reserved by and granted to the County.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

---

**Employee Name  
(Please Print)**

---

**Employee Signature**

---

**Date**

---

# APPENDIX E: Discrimination Policy Acknowledgment Form

---

## POWDER RIVER COUNTY

By my signature below, I acknowledge that I have received a copy of the Preventing Harassment and Discrimination Policy. I acknowledge that this policy was reviewed with me and I was given the opportunity to ask any questions I had regarding the policy. I understand that it is my obligation to comply with the stipulations, procedures, and provisions contained within this policy.

I understand that this policy provides employees with a work environment free of discrimination and harassment because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, vaccination status, or veteran's status.

I understand that if I believe I have been the victim of harassment or discrimination, I should report the incident or action as soon as possible after the alleged incident occurs and the County will investigate my complaint.

I further understand that I shall cooperate with the supervisor, manager, or other designated management representative in investigating and verifying the report and that failure to do so may result in disciplinary action.

I certify that I have read and understand the above statements and acknowledge that this form will be placed in my personnel file.

---

**Employee Name  
(Please Print)**

---

**Employee Signature**

---

**Date**

# APPENDIX F: Decedent's Warrant or Paycheck Designation Form

## LEGAL DESIGNATION OF PERSON AUTHORIZED TO RECEIVE DECEDENT'S CHECK(S)

1. Complete the Primary & Contingent Beneficiary Designation portion of this form. This form must be typed or printed legibly in ink.
2. Provide designee's full legal name (example "Mary Lynn Smith"). The designee name cannot be "Mrs. John E. Smith" or "To the Estate of Jane Smith".
3. No erasures or corrections in the designee's name can be accepted. If an error is made, complete a new form.
4. Inform the County Clerk & Recorder when designee's address changes.
5. Sign this form in ink and submit to the County Clerk & Recorder
6. Designee may be changed at any time by completing another form and submitting to the County Clerk & Recorder or Human Resources Department. You are requested to update your designee every calendar year.

### BENEFICIARY DESIGNATION FOR DECEDENT'S FINAL CHECK(S)

Pursuant to §2-18-412, MCA, I hereby designate the following person who, notwithstanding any other provision of law, shall be entitled upon my death to receive all payroll checks excluding payment of death benefits and refund of employee retirement contributions, payable to me as a result of my employment with the \_\_\_\_\_ County had I survived.

**Primary Beneficiary Information – All Information is Required**

**Name of Designee:** \_\_\_\_\_  
*First* *Middle* *Last*

**Mailing Address:** \_\_\_\_\_  
*Street or PO Box* *City* *State* *Zip Code*

**Social Security Number:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Contingent Beneficiary Information – All Information is Required**

*\*In the event that your primary beneficiary does not survive you, your check(s) will be issued to your contingent beneficiary.*

**Name of Designee:** \_\_\_\_\_  
*First* *Middle* *Last*

**Mailing Address:** \_\_\_\_\_  
*Street or PO Box* *City* *State* *Zip Code*

**Social Security Number:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

My signature on this document indicates that 1) I understand this is a legally binding document, 2) I hereby revoke any previous designation filed by me, 3) if the above-named designees cannot be contacted within sixty days after the date of my death, the designation shall be void and the check will be reissued to my estate, and 4) this designation will remain in full force and effect until revoked by me in writing.

<b>Employee Name (Please Print)</b>	<b>Social Security Number</b>
<b>Employee Signature</b>	<b>Date</b>

EFFECTIVE:  
APPROVAL:

DATE:  
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