

PARK COUNTY

**PERSONNEL
POLICY & PROCEDURES
HANDBOOK**

November 2007

RESOLUTION NO. _____

A RESOLUTION ADOPTING PERSONNEL POLICIES AND ADDENDA

(SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS)

WHEREAS, the Park County Commission desires to establish uniform policies and procedures for personnel administration;

WHEREAS the attached personnel policies and addenda will supersede all previous personnel policies;

NOW, THEREFORE, BE IT HEREBY RESOLVED that these Personnel Policies and Procedures are adopted, effective November ____, 2007.

PARK COUNTY COMMISSION

Commission Chair

Commission

Commission

APPROVED AS TO FORM AND CONTENT:

Civil Attorney

ATTEST:

Clerk and Recorder

EMPLOYEE ACKNOWLEDGMENT

I hereby acknowledge that I have received and read my copy of the Park County Personnel Policies and Procedures Handbook dated March 18, 2008. In consideration of my continued employment, I agree to conform to the policies, procedures, rules and statements of the Handbook. I understand that the policies, procedures and statements contained in the Employee Handbook do not form a contract of employment between me and Park County. I further understand that the policies, procedures and benefits described herein may be modified by Park County at any time. This handbook supersedes all written, verbal or implied policies or benefits distributed prior to this date.

EMPLOYEE'S SIGNATURE

DATE

PERSONNEL POLICY & PROCEDURE HANDBOOK

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1. PURPOSE AND DISCLAIMERS

1.1 STATEMENT OF POLICY

This handbook answers questions concerning Park County and its policies and procedures. Please read it thoroughly and retain it for future reference.

1.2 SCOPE:

- A. These Personnel Policies and Procedures shall apply to all Park County employees, including Department Heads, Commission Direct employees and Elected Official employees. Elected Officials are exempt from certain portions of these policies including the hiring, time off, discipline and other provisions of these policies that may conflict with statutory, regulatory or other legal requirements, responsibilities or privileges. In the event of conflict between these rules and any collective bargaining agreement or contract for a specified term of employment, Park County resolution or rule, Sheriff's Operating Procedure, or state or federal law, the terms and conditions of that contract, operating procedure, regulation, rule or law shall prevail to the extent they differ. In all other circumstances these policies and procedures apply.
- B. In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes as of the effective date of the change.
- C. Park County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. To the extent that any provision of these policies is declared void or unenforceable by a competent authority, the remaining provisions will be deemed to remain in full force and effect.
- D. None of these provisions shall create a vested contractual right in any employee or to limit the power of the Commission to repeal or modify these rules.

2. EQUAL EMPLOYMENT OPPORTUNITY/ NON-DISCRIMINATION

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

2.2 STATEMENT OF POLICY:

It is the policy of Park County and its Elected Officials, Department Heads and employees to provide an environment free from all forms of intimidation, hostility, offensive behavior and unlawful harassment or discrimination. Where the reasonable demands of the job do not so require, Park County and its officers and employees shall not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental ability, pregnancy or national origin when:

- A. Providing and performing all services;
- B. Distributing funds, providing grants, loans, other financial assistance administering training programs;
- C. Granting, denying, or revoking licenses;
- D. Contracting or subcontracting for construction of public buildings or for other public work or for goods or services; and
- E. Providing educational or on the job training opportunities.

As an equal employment opportunity employer, Park County does not refuse employment or discriminate in compensation or the other terms, conditions and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or

political beliefs except where the reasonable demands of the job permit a distinction to be made. Please contact the Human Resource Manager for a copy of Park County's resolutions regarding non-discrimination.

Any applicant for employment with Park County or employee who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact any supervisor in the chain of command or the Human Resource Manager.

Park County will not discharge, expel, blacklist, or otherwise discriminate against an individual because he/she has, in good faith, opposed any discriminatory practices or because he/she has filed a complaint, testified, assisted, or participated in any manner in an investigation involving allegations of discrimination. This provision shall not, however, be construed to prohibit appropriate disciplinary action against employees who raise allegations they know or should know are untrue or that engage in violence, intimidation, insubordination or other inappropriate methods to exhibit their opposition to a particular circumstance.

2.3 PRE-EMPLOYMENT INQUIRIES

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

Park County will obtain information required for tax, insurance, social security, compliance with garnishment or immigration laws or other legitimate business purposes after employment.

2.4 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

Park County will require pre-employment medical examinations only when necessary to determine ability to perform the physical duties of a particular position and only after an offer of employment has been made. All members of that class of employment when offered employment must be required to perform a pre employment medical examination. Any pre-employment medical examination will be job-related and paid for by Park County.

Park County will require a pre-employment medical examination only after a conditional offer of employment has been made to a job applicant and only when the following requirements are met:

- A. All applicants for the same position are subjected to the examination regardless of disability.
- B. The results of the examination are maintained on separate forms and in separate files and are treated as confidential, except that supervisors and managers may be informed regarding necessary restrictions and accommodations and safety personnel may be informed if a disability might require emergency treatment.
- C. The results of the examination will not be used to refuse employment or to make a distinction in employment unless a medical evaluation establishes inability of the particular applicant to safely and efficiently perform the duties of the position with reasonable accommodation, if necessary.

2.5 NEPOTISM

- A. Park County does not discriminate against applicants or employees based upon marital status. Compliance with Section 2-2-302 and 2-2-303 MCA, which prohibit nepotism in hiring and appointment, is not discrimination.
- B. It is Park County policy that no person, member of a board or commission, Department Head or Elected Official shall hire or appoint any person related or connected by birth to them self within the fourth degree or by affinity within the second degree to any position in county government. For the purposes of this policy, a relative is any person who is related by blood or marriage or whose relationship with the employee is similar to that of persons who are related by blood or marriage.
- C. A person connected within the fourth degree of birth includes: parent, child, grandparent, brother or sister, grandchild, great grandparent, uncle or aunt, nephew or niece, great grandchild, great-great grandparent, great uncle or aunt, first cousin, grand nephew or niece, and great-great grandchild. A person connected within the second degree of affinity includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife's or husband's brother) and his wife, sister-in-law (wife's or husband's sister) and her husband and husband or wife of grandchild.
- D. The prohibition does not apply to sheriffs appointing cooks and/or attendants, employment of election judges, or the renewal of an employment contract for a relative initially hired before a related member assumed duties of the office.

2.6 EQUAL PAY

Park County does not pay any employee less than an employee of the opposite gender for work involving substantially equivalent skill, effort, and responsibility and which is performed under similar working conditions unless the disparity is based upon a factor other than gender.

2.7 REASONABLE ACCOMMODATION

Park County does not discriminate against any applicant or employee in hiring or in the terms, conditions and privileges of employment due to physical or mental disability. When Park County becomes aware of any physical or mental disability which prevents an otherwise qualified applicant or employee from performing the essential functions of a job, prior to refusing employment or making a distinction in terms, conditions or privileges of employment because of the disability, Park County will assess whether any reasonable accommodation would allow the person to perform the essential functions of the job. An accommodation which creates an undue financial hardship on Park County or which endangers health or safety or hinders efficiency to an unreasonable degree is not a reasonable accommodation. Park County will make any reasonable accommodation necessary to allow an otherwise qualified applicant or employee to perform the job.

Any otherwise qualified applicant for employment or employee with a disability who requires reasonable accommodation may inform the hiring official or their immediate supervisor or the Human Resource Manager of the nature of the disability and the accommodation requested. Employees with access to information about a candidate's or employee's medical condition or disability are obligated to maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to co-workers or others who do not have the right or need to know.

2.8 CHRONIC DISEASES

Certain chronic diseases, including AIDS, may be physical disabilities. Park County will not discriminate against any applicant for employment or employee based upon chronic disease unless

required to do so by the reasonable demands of the position. Prior to making any distinction based upon disease, Park County will evaluate:

- The nature of the risk;
- The duration of the risk;

- The severity of the risk; and
- The probability that the disease will be transmitted and/or cause harm to the employee or others in the workplace.
- The ability to mitigate the risk of transmission through reasonable accommodation.

Park County will evaluate these factors in consultation with qualified healthcare advisors.

2.9 RELIGION

Park County will make reasonable accommodation for religious beliefs. Any otherwise qualified applicant for employment or employee who requires reasonable accommodation may inform his or her immediate supervisor or Human Resource Manager of the religious accommodation required. All employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to anyone who does not have the right or need to know.

2.10 HARASSMENT

Harassment of employees and any other persons based on their gender, race, national origin or other protected class membership is prohibited. It is Park County's policy to provide employees with a work environment free of sexual, racial and other forms of unlawful harassment or similarly inappropriate behaviors.

Harassment includes unwelcome verbal or physical conduct when:

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

Any employee found guilty of making an accusation of harassment or discrimination they know or should know to be untrue will face appropriate disciplinary action.

2.11 RETALIATION

Park County will not retaliate against any applicant, employee, or past employee for opposing discriminatory practices, filing a discrimination complaint, testifying or participating in any other manner in a discrimination investigation or proceeding.

2.12 GRIEVANCE PROCEDURE FOR DISCRIMINATION POLICY

- A. Any employee who believes he/she or another employee has been subjected to a violation of these Equal Employment Opportunity policies should immediately report the incident to his or her immediate supervisor. If the immediate supervisor is involved in the matter, the employee should inform his or her immediate supervisor's supervisor, or the Human Resource Manager.

- B. Any supervisor who observes or has knowledge of a violation of these policies shall promptly notify his/ her Department Head or Elected Official and the Human Resource Manager regardless of their perception of the merits of the report.
- C. The Human Resource Manager will cause an investigation of the complaint to take place. The investigation may be conducted by any person(s) deemed qualified to do so by the Human Resource Manager. The investigator (s) will make a confidential factual report to the Human Resource Manager and Commission as soon as possible after receiving notice of the alleged violation. The investigation shall include, but not necessarily be limited to, interviewing as many of those persons who have knowledge of the matter and reviewing any relevant documents. The factual report and final decision shall remain confidential and be disseminated only to persons having a right to know as determined by the Human Resource Manager after balancing the right to know against the right of privacy of the involved individuals and Montana state law.
- D. Upon receipt of a complaint alleging discrimination, including, but not limited to sexual harassment, the Human Resource Manager and Commission may take any steps deemed appropriate to prevent the alleged conduct from continuing while the investigation is being conducted.
- E. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, the Commission and Human Resource Manager will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the Human Resource Manager and Commission will take appropriate actions to mitigate the effects of the discrimination and to discipline any employees who were found to be in violation of these policies.

3. EMPLOYMENT PROCESS

3.1 PERSONNEL APPOINTMENTS AND POSITION DESIGNATIONS

A. PURPOSE: To establish a policy detailing employment categories for Park County employees,

B. STATEMENT OF POLICY

All County employees shall be assigned by the Human Resource Manager and Commission to an employment category (Section 2-18-601 MCA).

C. DEFINITIONS

The following definitions of employment classifications define employment status and benefit eligibility. If you have any question concerning your status, ask your immediate supervisor or the Human Resource Manager.

1. PERMANENT, TEMPORARY OR SHORT-TERM

A "Permanent Employee" is an employee who has completed their probationary period of employment and is assigned as to a position of indefinite duration that has been classified as "permanent." Permanent employees earn the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy. Permanent employees may be either full-time or part-time positions.

A "Temporary Employee" is an employee who is hired for a period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without

participating in a competitive selection process for the position they seek to hold. Temporary employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Temporary employees must complete any required waiting periods before they earn benefits as detailed in each policy.

A "Short-term Employee" works at an hourly rate of pay established by Park County for a period of not more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become permanent employees without a competitive selection process. Short-Term employees do not earn the holiday and paid time off benefits provided by these policies.

A "Seasonal Employee" is an employee, assigned as seasonal, who is assigned to a permanent position where the work is interrupted by the seasonal nature of the duties and is, therefore, not generally performed on a year-around basis. At the end of each seasonal period of employment, the employee is laid off. Seasonal employees may, at the discretion of Park County, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Seasonal employees earn vacation credits. However, seasonal employees must be employed for six qualifying months before they may use the vacation credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service. (Section 2-18-611, MCA).

2. FULL OR PART-TIME

Employees normally scheduled to work forty (40) hours per week are considered full-time employees. Those normally scheduled to work less than forty (40) hours per week are considered part-time.

3. EXEMPT/NON-EXEMPT

Employee positions are designated as either EXEMPT or NONEXEMPT from the minimum wage and/or overtime provisions of federal and Montana wage and hour laws. NON-EXEMPT positions are entitled to overtime pay under the provisions of federal and state laws while EXEMPT positions are excluded from the minimum wage and/or overtime requirements of law. However, they must meet the salary test of \$455 per week.

A list of current positions that meet these criteria are maintained by the Human Resource Manager. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Commission and in compliance with Montana and Federal law.

4. ELECTED

Elected officials are exempt from time off, compensation, discipline, and grievance policies. To the extent that the provisions of the statute under which the person has been elected provide for different terms and conditions of employment than provided by these policies, those statutes will take precedence.

3.2 RECRUITMENT AND HIRING PROCESS

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

B. PROCEDURE

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

1. Requests to fill all vacancies and newly created positions, whether through internal or external recruitment, must be made to the Commission as soon as an Elected Official or Department Head becomes aware of a possible vacancy. Upon receipt of notification and approval to fill the position, the selection process will begin. The selection process will be coordinated between the Human Resource Manager and the office affected.
2. A position description must be created or reviewed and updated as necessary. The creation and review of position descriptions shall be coordinated by, the Elected Official or Department Head and the Human Resource Manager. All position descriptions must be given to the Human Resource Manager.
3. A determination of minimum education and experience qualifications for the position must be established. These qualifications are normally expressed as the number of years and types of education and experience, which typically qualify a person to perform the specific duties of the job. These qualifications should be stated as the "typical qualifications" of persons qualified to perform the job and an allowance for candidates to establish their equivalent qualifications through alternate means should be made unless a qualification is required by applicable law, rule, regulation or contract.
4. A selection committee consisting of three or more (must be an odd number) members, must be appointed by the Department Head or Elected Official. All members of the selection committee must have received training regarding appropriate interview techniques. The selection committee, in conjunction with the Human Resource Manager and Elected Official or Department Head, will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy must be developed in advance of the job posting, including questions, model answers, assignment of test weights, and total points and minimum passing scores.
5. Selection strategy may include one or more of the following devices:
 - Applications/supplemental questionnaires or resumes;
 - Written, oral and/or performance tests;
 - Assessment centers, job simulation or job performance exercises;
 - Oral interviews; or
 - Reference checks

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

6. Park County will recruit simultaneously for vacant positions internally and externally. Positions will be posted internally for at least five (5) working days.
7. Park County will recruit externally by filing the listing with the Livingston Job Service and/or another job listing service. Internal applications that meet the minimum qualifications will be evaluated at the same time as external applications. Park County reserves the right to reject any and all applications for the position and re-advertise if there are not sufficient qualified applicants.

8. Park County may also utilize the pool of candidates created in recruitment for additional vacancies that may become vacant if the positions are sufficiently similar and the pool is within six months of the date of review, to allow the hiring of additional individuals from the same pool.
9. Applications for a posted position will not be accepted after the published closing and/or receipt date unless the position is advertised as "open until filled."
10. All external hiring will comply with veteran preference and disability preference requirements under Montana and Federal law. Please contact the Human Resource Manager for preference requirements.
11. Background checks, including criminal record checks, and reference checks must be done prior to making a position offer.
12. Position offers shall be made in writing by the Chair of the Commission and an appropriate Elected Official or Department Head. A position offer should specify whether the job is permanent, temporary, and seasonal or a short-term position; whether the job is full or part-time; and whether the position is exempt or non-exempt. The offer should also specify the position, title, grade, salary, work location, starting date and hours of work and any additional special information related to terms and conditions of employment (i.e., responsibility to acquire or maintain a license or certification, need to work rotating shifts, etc.). The terms of all position offers must be consistent with existing policy and provided to the Human Resource Manager.

3.3 PROBATION PERIOD

A. PURPOSE: To establish policy and procedure for a probation period for new employees.

B. PROCEDURE

1. Newly hired employees in full-time or part-time positions must work throughout a probationary period of at least six-month duration. Short-term workers and temporary employees are continually on probation. Deputy Sheriffs serve a probation period of one year pursuant to Section 7-32-2105 MCA
2. Evaluations may be conducted during the probation period to assess performance and to advise the probationary employee of expectations regarding performance. During the established probationary period, Park County reserves the right to terminate the probationary employee's service for any reason not prohibited by law or these policies.
3. A probationary employee, who is terminated, shall be notified in writing by the appropriate Department Head or Elected Official. A copy of the notification shall be retained in the probationary employee's personnel file.
4. If the probationary employee successfully completes the probation period, the appropriate Department Head or Elected Official shall inform he/she in writing.
5. The appropriate Department Head or Elected Official may extend the probationary period in writing prior to the expiration of the initial period.
6. Raises cannot be granted during a probationary period.

7. If a situation arises during an employee's probationary period for which a leave is granted, the probationary period will be extended by the length of the approved period of time off.
8. If a non-probationary employee is subsequently promoted or transfers into a new position, they do not serve another probationary period.

3.4 POSITION DESCRIPTIONS

A. PURPOSE: To provide for position descriptions for all Park County positions

B. PROCEDURE:

1. Position descriptions and job specifications shall be maintained by the Human Resource Manager for all permanent full-time, permanent part-time, temporary, seasonal and short-term worker positions.
2. Duties listed in a position description are intended only as illustrations of the various types of work assigned as of the point in time the description was created or last updated and therefore the description does not constitute an employment agreement between the Park County and the employee. Each position description shall include the wording "other duties as assigned."
3. Park County reserves the right to assign duties to any competent employee except where doing so would violate the terms of an applicable law, policy or contract. Position descriptions are subject to change as the needs of Park County and the duties and responsibilities assigned to the position change. Duties may be added or deleted from position descriptions.
4. Each employee's position description is maintained as part of his/her personnel file with the Human Resource Manager. Additional copies of position descriptions may be requested through the Human Resource Manager.

3.5 WAGE AND COMPENSATION

A. PURPOSE: Park County believes in equitable and fair compensation of its employees. To implement those goals, the following policies have been established.

B. PROCEDURE:

Raises, or increases in base pay, will normally be given at the start of the new fiscal year. (Park County fiscal year (or budget year) runs from July 1 to June 30.) At the time of hire, the employee will normally be placed at the starting or introductory pay grade for that specific position, unless experience or qualifications justify otherwise.

Any other pay increases not addressed in this handbook are dependent solely upon performance or requirements of the specific position. Merit raises may only be granted after a performance appraisal substantiating performance, justifying a merit raise and if the raise can be accommodated within that fiscal year's department budget. There are classification requirements within the specific position descriptions, which more clearly define wage compensation rates. Minimum pay grades are reviewed and adjusted if necessary by resolution of the Commission. If you have specific questions or to review a copy of the Salary Administration Plan, please contact the Human Resource Manager.

3.6 TIME SHEETS / PREPARATION OF PAYROLL

A. PURPOSE: To establish guidelines for preparation of employee time sheets and Park County payrolls

B. PROCEDURE:

1. Time sheets are to be completed and signed by all non-exempt and exempt employees, excluding Elected Officials. The Commission may modify time sheet formats and the method of recording time.
2. Non-Payroll related activity reports may be required of exempt individuals where it is necessary to record time spent on various activities to comply with funding requirements or it is deemed desirable by the Commission.

3.7 WORK WEEK/PAYCHECKS

A. PURPOSE: To establish guidelines for reporting hours worked each pay period.

B. STATEMENT OF POLICY

1. The Park County workweek for non-emergency service personnel begins at 12:01 am Saturday and ends at midnight on the following Friday. Emergency service personnel may be placed on an alternate workweek as provided for by 29 CFR 553.
2. All employees classified, as NON-EXEMPT will receive overtime pay for all hours worked over 40 in this 168-hour workweek. Time for which an employee has been paid but did not work (vacation, holidays, etc.) is not considered time worked for the purpose of calculating overtime. All overtime must be pre-approved by the employee's immediate supervisor. Working unauthorized overtime may result in disciplinary action.
3. Except as otherwise provided by labor agreement or approved by the Commission, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday, with one (1) unpaid hour lunch period. This does not include personnel engaged in shift work. In the case of emergency or whenever it is deemed necessary, employees may be directed to work in excess of eight hours per day.
4. With the approval of the employees or their duly constituted representative, the Commissions may establish a 40-hour week consisting of 4 consecutive 10-hour days for the Road and Bridge Departments. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.
5. Employees shall have a rest period of fifteen (15) minutes, on paid time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period.
6. Daily attendance records will be maintained by each department; including date and time absent and reason for absence. Unauthorized tardiness or other attendance irregularities may be cause for disciplinary action.
7. Hours for employees may vary from the normal office hours established above due to the nature of the work. The appropriate Department Head or Elected Official must approve variances, with concurrence of Commission.

8. Nothing in this Policy limits Park County from establishing or changing work schedules as necessary for the successful operation of Park County programs.
9. A copy of the time sheet currently in use by Park County is available from the Human Resource Manager. All actual hours worked should be reported accurately. Exempt employees must report time off on this time sheet time worked, including vacation and sick leave time.
10. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.
11. An employee who separated from employment for cause or laid off from employment will be paid all unpaid wages on the next regular payday for the pay period during which the employee was separate from employment or within 15 days from the separation, whichever occurs first.

3.8 OVERTIME AND COMPENSATORY TIME

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

B. STATEMENT OF POLICY

1. 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 and the Montana Minimum Wage and Overtime Compensation Act) may receive overtime compensation for hours worked in excess of forty (40) hours per week at the rate of 1½ times the regular rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, holiday leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments.

2. NON-EXEMPT COMPENSATORY TIME

Non-exempt employees may receive compensatory time off in lieu of overtime payment if mutually agreed upon in writing between the employee and the Elected Official or Department Head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of forty (40) hours per week and must be reported on the employee's time sheet. Employees may accrue up to a maximum balance of forty (40) compensatory time hours (representing approximately 26 hours time worked). 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 Park County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time that has been reported on their time sheets.

The Department Head or Elected Official shall have the authority to approve overtime and compensatory time. Compensatory time must be recorded on timesheets. No employee shall work overtime or compensatory hours without the prior knowledge and approval of the Elected Official or Department Head.

3. RECORD KEEPING

Department Heads or Elected Officials shall ensure that all overtime earned and compensatory time used is recorded on the employee's time card as it occurs and is submitted to the payroll office.

3.9 PERFORMANCE APPRAISAL

A. PURPOSE: To provide a performance appraisal system for use as part of documentation in personnel decisions.

B. PROCEDURE:

1. There may be performance appraisals, from time to time, of permanent and seasonal full-time and part-time employees. The performance appraisal format must be reviewed and approved by the Human Resource Manager before being provided to the employee
2. The primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, re-employment, salary increases (see Section 3.5 Wages and Compensation, 8. Procedure), and training. Completed appraisal forms shall be returned by the Elected Official or Department Head to the Human Resource Manager to be filed in the employee's file.
3. A special evaluation may be completed at any time it is deemed appropriate by a manager or supervisor.
4. If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal to his/her supervisor with copy to the Human Resource Manager, which will be attached to and filed with the appraisal document.

3.10 EMPLOYEE PERSONNEL RECORDS

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

B. STATEMENT OF POLICY

1. The Human Resource Manager and/or any other individual designated by the Commission are responsible for establishing and maintaining an official personnel file for each county employee.

Personnel records are considered confidential and access is restricted in accordance with Montana state law. An employee's title, dates and duration of employment and salary is, however, considered public information and may be released to any person upon request.

Access to files by the public or a person other than the employee or the employee's supervisor, through the Human Resource Manager, will be in compliance with Montana state law.

Department Heads and Elected Officials are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department. Department Heads or Elected Officials may keep duplicative employee files but all original documents must be forwarded to the Human Resource Manager.

Each employee is responsible for the verification of information contained in the personnel file through periodic audit requested through the Human Resource Manager.

Personnel files are the property of Park County. No materials in a personnel file may be removed unless in compliance with Montana state law.

2. Identification of information to be included in the employee's personnel file

The following permanent documents are retained in the employee personnel file in compliance with Montana state law:

- Employee application and resume;
- Position description and specification information;
- Position performance ratings and evaluations;
- Education / training information;
- Personnel action forms;
- Documentation of disciplinary action or warning of same;
- Information of a confidential nature pertaining to medical information and withholding authorizations. (This information may be retained in a separate file which is available only to the employee, Department Head or Elected Official and those whose job functions require access.); and
- Establishment of procedures for the release and accessibility of information and audit of the personnel files.

Personnel must treat all employee information as confidential except for requests authorized by the employee, public information requests in compliance with Montana state law, or requests to learn or to verify information relating to job title, department, salary, and dates of employment.

Access to any information contained in the personnel file, will go through the Human Resource Manager and any other official designated by the Commission. The Human Resource Manager will determine who is legally entitled to review information in a personnel file.

Files pertaining to employees who are bona fide candidates of interdepartmental transfer or termination, may be reviewed by the prospective gaining Elected Official or Department Head.

3.11 TRAVEL REQUESTS AND REIMBURSEMENTS

A. POLICY:

It is the policy of Park County to require employees to request pre-authorization for travel relating to their position and to insure that the use of county vehicles and reimbursement requests are consistent with Montana law. All travel related to county business must be approved using the Park County Travel Authorization Form. When request for reimbursement is processed, a copy of the approved form must be attached. Paid time out of the office should be noted on time sheets. All requests for reimbursement will be given to the Accounting Office who may note any questioned reimbursements for the Park County Commission when they are presented during the next claims cycle. The Park County Commission will contact the appropriate Department Head and determine the correct amount of reimbursement.

B. VEHICLE POLICY:

Park County vehicles will be used for Park County business at all times and persons not employed by Park County or not on official Park County business are not allowed in Park County owned

vehicles without prior written permission from the Park County Commission. Park County vehicles do not have to be used in the following instances:

1. The Park County Commission pre-approves the use of personal cars.
2. The use of a county vehicle is for more than two days. In this instance, a personal car will be used and mileage will be paid to the individual.

C. TRAVEL EXPENSE REIMBURSEMENT:

Park County employees are reimbursed for travel expenses as stated in Montana law and in accordance with prevailing state rates for mileage, meals and motels, as amended. Prevailing state rates for mileage will be paid for the use of personal vehicles as stated in B. VEHICLE POLICY and shall be paid according to the shortest and most reasonable route to and from the destination, according to the mileage calculator on the State of Montana travel web site. An employee must furnish a reason and receive approval from the employee's supervisor for additional mileage. Eligible reimbursement will be paid upon completion of a Park County travel voucher form with the Park County Travel Authorization Form attached.

If an employee lives in another community and travels to a regular place of work to begin work, the employee is not in travel status and cannot claim a meal allowance unless the employee is required to stay overnight.

D. TRAVEL ADVANCES:

Advance travel reimbursement will be allowed when submitted thirty (30) days in advance of the travel, in compliance with travel expense claim procedures.

3.12 EMERGENCY OPERATIONS

If a formal declaration of an emergency and/or disaster in Park County is made, any exempt employee who works additional hours because of the declaration will not receive compensatory time. Timesheets submitted by the exempt employee must include notation of hours worked over forty hours per week and state the emergency and/or disaster.

3.13 REDUCTION IN WORK FORCE

A. PURPOSE: To establish policy and procedure for reductions in Park County work force.

B. STATEMENT OF POLICY:

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

C. PROCEDURE:

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

2. The forgoing procedure will be utilized in all cases unless a performance appraisal system is being used. If a performance appraisal system is being used, a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications and length of service. (Section 39-29-111 MCA)
3. Employees should be provided with notice of the reduction in force, as much in advance of the reduction as is possible.
4. In the event Park County decides to re-staff the position as it had prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of lay off. In the event Park County decides to fill the position within the one calendar year period, the laid off individual will be sent a written notice at his/her last known address. The individual shall have five (5) working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

4. LEAVE POLICIES

4.1 SICK LEAVE

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

B. STATEMENT OF POLICY:

Accumulated sick leave credits are a valuable income continuation “insurance” that maintains an employee's income during a period of personal illness or family emergency. Sick leave credits should be carefully guarded and not dissipated or abused.

C. PROCEDURE:

1. QUALIFICATION AND CALCULATION:

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

2. PERMANENT AND TEMPORARY FULL-TIME EMPLOYEES earn sick leave credits from the first full day of employment at the maximum rate of one (1) working day per month without restriction as to the number of working days that may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Sick leave cannot be used until the pay period following the pay period in which it was earned and credited.

3. PERMANENT PART-TIME EMPLOYEES earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .046 x hours in pay status. Credits are to be recorded by rounding to two digits beyond the decimal point and

carried in each employee's account in that configuration. Sick leave cannot be used until the pay period following the pay period in which it was earned and credited.

4. **SHORT-TERM WORKERS:** Do not earn sick leave credits.
5. **LEAVE-WITHOUT PAY:** Employees do not accrue sick leave, holiday, or vacation credits.
6. **SICK LEAVE WHILE ON VACATION:** With the Department Head or Elected Official approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. (See section E. Reporting below).
7. **ADVANCING SICK LEAVE:** Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.
8. **PAYMENT UPON TERMINATION:** Upon termination, an employee who has worked the qualifying probationary period shall be entitled to a lump sum payment in an amount equal to one quarter (1/4) of the amount attributed to accumulated sick leave. Termination pay will only apply to those credits earned since July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with Park County.

D. USE OF SICK LEAVE

Employees may use sick leave credits for

- Illness or injury of the employee;
- Illness or injury in the employee's immediate family or household requiring the employee's personal attendance;
- Quarantine for contagious disease control, provided that certification is obtained from the attending physician;
- Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either employee or child and must be coordinated with the Family Medical Leave Act; Doctor or dental appointments for treatment of the employee's illness, injury or preventive care (When possible, the employee's supervisor shall be notified at least 48 hours in advance.); or
- To attend or make arrangements for a funeral of a member of the employee's immediate family or household for a period of time not to exceed four (4) consecutive calendar days except that such leave may be extended to five (5) consecutive calendar days if the funeral which the employee attends is more than 500 miles from the workplace.

E. REPORTING

Absences which will necessitate use of sick leave shall be reported by the employee to the supervisor, Elected Official, or Department Head as soon as practical. Failure to report such leave within three (3) hours of employee's regularly scheduled starting time may be considered absence without approved leave. An employee must report each day the employee is sick unless directed otherwise by the employee's supervisor, Elected Official, or Department Head. Sick leave absences longer than five (5) workdays may require physician's verification in writing. Unapproved absences can be 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. The employee's supervisor may require an employee to submit appropriate medical certification to substantiate use of sick leave. Sick leave may not be used to delay the effective date of termination, whether voluntary or involuntary.

G. MEDICAL RELEASE TO RETURN TO WORK

When an employee is returning to duty following an illness or absence due to injury, or whenever the Department Head or Elected Official has reason to question the employee's ability to return to duty and safely and/or efficiently perform his/her duties without being a direct threat to the health or safety of himself/herself or others, the Department Head or Elected Official may require an employee to obtain a medical release to return to work.

4.2 DIRECT GRANTS OF SICK LEAVE TO CO-WORKERS

A. ELIGIBILITY TO MAKE A GRANT

To be eligible to make a direct grant of sick leave to a another Park County employee, an employee shall have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA) and shall have a minimum balance of forty (40) hours of accrued sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated.

An employee may directly grant a maximum of forty (40) hours of accrued personal sick leave in any continuous twelve (12) month period to another Park County employee. The twelve (12) month period is calculated from the first day an employee makes a direct grant. If the employee's leave balance falls below forty (40) hours either before or as a result of the direct grant, the employee will not be eligible to make a direct grant.

B. ELIGIBILITY TO RECEIVE DIRECT GRANTS

An employee must have been employed continuously with Park County for 90 days.

An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in direct grants. The maximum allowable benefit in any twelve (12) month period is 160 hours. Leave granted to a part-time employee shall be prorated.

The twelve (12) month period is calculated from the first day the employee takes sick leave, which is a direct grant. No employee is eligible to receive direct grants of sick leave without the approval of the Elected Official, Department Head or designee.

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.

4.3 ANNUAL VACATION LEAVE

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

B. STATEMENT OF POLICY:

Employees earn annual vacation leave credit as follows:

- From the first full day of employment through ten (10) years of service at the rate of fifteen (15) working days.

- From ten (10) years through fifteen (15) years of service at the rate of eighteen (18) working days.
- From fifteen (15) years through twenty (20) years of service at the rate of twenty-one (21) working days.
- After twenty (20) years of service at the rate of twenty-four (24) working days.

C. PROCEDURE:

1. For calculating annual vacation leave credits, only regular and benefit hours (not over time hours) shall be considered and 2,080 hours shall equal one year. Proportionate annual vacation leave credits for all employees shall be earned and credited based on actual hours at the end of each pay period, but not to exceed the maximums noted above.
2. Annual vacation leave credits shall not accrue during a leave of absence without pay. Annual vacation leave taken on a legal holiday shall not be charged to an employee's annual vacation leave for that day. Absence from employment because of illness shall only be charged against annual vacation leave credits at the employee's request and with appropriate approval.
3. Annual vacation leave credits shall not be advanced after an employee's vacation leave credits have been exhausted. Annual vacation leave cannot be used until the pay period after the annual vacation leave has been earned and credited.
4. Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period following the end of each calendar year. If leave is not taken within ninety (90) days from the last day of the calendar year in which the excess was accrued, the leave is forfeit in accordance with the provisions of Section 2-18-617 MCA. If, however, the employee submits a reasonable request to use the excess annual vacation leave prior to March 30th of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess annual vacation leave

D. PAYMENT ON TERMINATION:

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

E. SCHEDULING

Scheduling of annual vacation leave shall be accomplished by an agreement between the supervisor and employee, giving consideration to the best interests of Park County and the employee. A vacation request form is available from the Human Resource Manager. Vacation requests must be at least two weeks in advance of the vacation time period, unless an emergency situation exists as determined by the supervisor.

F. PERMANENT FULL-TIME

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

G. PERMANENT PART-TIME

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

Years of Employment Completed (*Less Than 80 Hours Per Pay Period*)

0-10 years-	.058 x number of hours
10-15 years-	.069 x number of hours
15-20 years-	.081 x number of hours
20+ years-	.092 x number of hours

Prorated annual vacation leave credits are to be reported by rounding to three digits beyond the decimal point and carried in each employee's account in that configuration.

H. TEMPORARY FULL-TIME

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

I. TEMPORARY PART-TIME

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

J. SEASONAL FULL-TIME

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

K. SEASONAL PART-TIME

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

L. SHORT-TERM

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

4.4 MILITARY LEAVE

A. PURPOSE: To provide for military leave of absence and to provide for reinstatement and to provide for pay continuation for periods of training or encampments.

B. STATEMENT OF POLICY

An employee who is a member of a military reserve unit that is called to active federal military duty will, upon request, be granted the amount of time necessary to perform military service.

Upon request, the employee must produce a copy of the official military orders directing the employee to report for duty or separation documentation.

C. PROCEDURE:

At the time that the employee is released from military duty, you have a period of time as shown below within which the employee is required to return to work or, in the case of longer absences, apply for reinstatement.

PERIOD OF ABSENCE	RETURN TO WORK REQUIREMENT
Less than 31 days	The employee must report to work no later than your next scheduled shift following release from service plus travel time and an eight-hour rest period.
31-180 days	The employee must reapply within 14 days of release from service.
181 days to five years	The employee must reapply within 90 days of release from service.

Reinstatement rights for members of the National Guard who perform state ordered active duty are similar. For more information, contact the Human Resource Manager.

If you comply with the requirements shown plus additional requirements contained in the applicable federal or state reinstatement laws, you will be reinstated as soon as possible. Should you not return to work, or to make application for re-employment as required by law, you will be considered to have voluntarily terminated your employment. Additional statutory requirements and exceptions are applicable to military leaves of absence. Additional information about military leaves of absence is available from your supervisor upon request.

D. PAY FOR PARK COUNTY RESERVISTS:

A Park County employee who is a member of the organized militia of the State of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months shall be given a leave of absence with pay for a period of time accruing not to exceed fifteen (15) working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. This leave will not be charged against the employee's annual leave. Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year.

4.5 JURY DUTY OR WITNESS LEAVE

A. PURPOSE: To establish guidelines for jury duty and for witness leave.

B. PROCEDURE:

1. Park County employees shall be eligible to serve as a witness or on jury duty when properly subpoenaed or summoned.
2. An employee who receives notice of jury duty or witness service must notify his/her supervisor as soon as possible in order that arrangements may be made to cover the position.
3. An employee on authorized jury duty or witness leave shall receive his/her normal daily wage. The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Treasurer's Office. The employee shall retain any expense or mileage allowance paid by the court.
4. If an employee elects to charge juror or witness time off against annual leave or compensatory time, the employee shall not be required to remit to Park County any fees or allowances paid by the court.
5. A part-time employee will receive prorated compensation for those hours the employee is scheduled to work.
6. If only partial daily service is performed, the employee is required to either report for the remainder of the employee's regularly scheduled work shift or contact the employee's supervisor for instructions.

4.6 MATERNITY LEAVE

A. PURPOSE: To provide a policy for the uniform administrations of maternity leave.

B. STATEMENT OF POLICY

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

Under Montana law (Section 49-2-310), it is unlawful for an employer to:

- Terminate a woman's employment because of her pregnancy;
- Refuse to grant an employee a reasonable leave of absence for such pregnancy;
- Deny an employee who is temporarily disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties; or
- Require that an employee take a mandatory maternity leave for an unreasonable length of time.

Maternity leave shall be treated the same as any other leave, except that eligibility for maternity leave shall not require employment for any specified period of time.

4.7 LEAVE OF ABSENCE WITHOUT PAY

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

B. STATEMENT OF POLICY

Any un-worked time for which an employee does not have sick leave or has not complied with the Family Medical Leave Act is automatically considered to be a leave of absence without pay and the employee must pay the employee's insurance benefits for the period of leave time to Park County. An employee cannot request a leave of absence if the employee is on leave under the Family Medical Leave Act. A leave of absence may be for reasons other than illness.

C. PROCEDURE:

1. Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave and the date of return. The request shall be submitted by the employee to their Department Head or Elected Official. The Department Head or Elected Official shall make a decision based upon the best interest of Park County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and Federal laws.
2. A Department Head or Elected Official may grant a permanent, temporary or seasonal full-time or part-time employee a leave of absence without pay not to exceed ninety (90) calendar days. The Elected Official or Department Head may approve an extension of the approved leave, not to exceed an additional ninety (90) calendar days at a time. No sick leave, holiday, annual vacation benefits or any other fringe benefits shall accrue while an employee is on leave of absence without pay unless otherwise required by law. An employee may continue to participate in Park County insurance plan, however 100% of the premiums incurred during the leave are to be paid by the employee in a manner prescribed by the Human Resource Office. (Refer to Family and Medical Leave Section of this handbook for situations involving the Family and Medical Leave Act).
3. Upon expiration of the approved leave of absence, the employee shall be reinstated to the same class and rate of pay, unless otherwise mutually agreed to by Park County and the employee.
4. Park County reserves the right to consider any employee who fails to return to work on the next working day following the expiration of the approved leave to have voluntarily terminated.

4.8 FAMILY AND MEDICAL LEAVE

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

B. STATEMENT OF POLICY:

Park County has adopted the following policy to establish the procedures and criteria for providing family and medical leave under the Federal Family and Medical Leave Act (FMLA). Eligible employees receive up to twelve weeks of paid or unpaid, job protected, leave for certain family and medical reasons.

C. ELIGIBILITY:

To be eligible for FMLA leave, the employee must:

- Have worked for Park County for a minimum of twelve (12) months and;
- During the twelve (12) month period immediately preceding the leave, have worked for at least 1,250 hours; and

- Work at an eligible work site.

D. DURATION

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

E. PURPOSE OF LEAVE

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

- For the birth, placement for adoption or foster care of a child and/or to care for the newborn child who has been born, adopted or placed within the previous twelve months;
- For the care for a spouse, child or parent with a serious health condition; or
- For a serious health condition that makes the employee unable to perform the functions of the employee's job.

F. SERIOUS HEALTH CONDITION

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

- An illness that requires an employee or eligible relative to be hospitalized;
- An illness that keeps an employee or eligible relative person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period;
- An illness of an employee or eligible relative lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment;
- Any period of incapacity of the employee or spouse due to pregnancy or childbirth;
- A permanent or long-term problem supervised by a physician where there is not effective treatment, such as Alzheimer's, severe stroke, terminal stages of disease;
- 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); or
- 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).

G. NOTICE AND CERTIFICATION

Employees are required to provide advance notice of leave requests whenever possible. Thirty (30) days notice is required when the need for leave is foreseeable unless the leave qualifies under a paid leave policy that has a shorter notice requirement. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the Department Head or Elected Official. The Department Head or Elected Official must promptly (within two (2) business days, absent extenuating circumstances) notify the employee of Park County's response to the request for FMLA leave. The Department Head or Elected Official should use the US department of Labor's Form WH-381.

Park County may designate any period of qualifying absence as family or medical leave and charge the absence to the employee's FMLA eligibility. For example, if an employee is absent to due to a workers' compensation related injury and the absence qualifies as FMLA leave, Park County may designate the absence as FMLA

H. USE OF PAID LEAVE

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

I. HEALTH BENEFITS

An employee's health insurance coverage will be continued at the same level he/she had prior to the use of FMLA leave. Employees who pay a portion of the contribution costs for dependent coverage for health benefits or other insurance coverage are required to self-pay those costs to maintain coverage during the FMLA leave. If an employee fails to return to work following an FMLA leave, the employee may be liable for repayment of health benefits contributions paid by Park County during the employee's unpaid FMLA leave.

Repayment may be waived in situations where the continuing serious health condition or circumstances beyond the control of the employee prevents the employee from returning to work.

J. REINSTATEMENT

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

5. BENEFITS

5.1 HOLIDAYS AND BENEFITS

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

B. STATEMENT OF POLICY

Legal holidays shall be observed by County employees without loss of pay. The following are legal holidays:

- New Years Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Lincoln's and Washington's Birthday (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4th)
- Labor Day (First Monday in September)
- Columbus Day (2nd Monday in October)
- Veterans' Day (November 11th)
- Thanksgiving Day (4th Thursday in November)

- Christmas Day (December 25th)
- State General Election Day (November, even numbered year)

C. PROCEDURE:

1. HOLIDAYS FALLING ON WEEKENDS

If any holiday falls upon a Sunday, the following Monday will be observed as the 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.

The employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual (not the observed) holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday. The employee will receive either holiday benefits for working on the day the holiday is observed or for working on the actual holiday, but not both.

2. BENEFITS AND ELIGIBILITY REQUIREMENTS

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

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

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits. An employee shall not be eligible to receive holiday benefits if 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 re-employed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment the day after the holiday is observed.

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

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight (8) hours of holiday benefits. The employee usually receives the day off, however, the County reserves the right to require the employee to work on the day a holiday is observed. The employee shall be compensated at straight time for the work performed on the 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. (Section 2-18-603 MCA) If an alternate day off cannot be provided, Park County will provide eight (8) hours of pay at the regular rate.

Holiday benefits paid to a part-time permanent, temporary or seasonal employees shall be an average of the employee's hours regularly scheduled of work during the pay period in which the holiday falls. To calculate the average, the number of hours regularly scheduled to work in the pay period in which the holiday falls shall be divided by ten (the number of working days in a pay period). Holiday benefits shall not exceed eight (8) hours. If, however, the pay period in which the holiday falls is not characteristic of the employee's regular schedule, Park County has the discretion to average hours over a longer period of time to calculate the holiday benefit.

3. PAY FOR WORK PERFORMED ON A HOLIDAY

While employees usually receive the holiday off, Park County reserves the right to require any employee to work on days holidays are observed. If an employee is required to work, the employee shall be compensated at their normal regular straight time rate for work performed on a holiday. In addition to the holiday benefits provided by this policy, 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 will receive either an alternate paid day off at the regular rate or pay as described below, at Park County's discretion.

- If the holiday benefit is a paid day off to be taken at a later date within the same pay period, 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, the employee shall also receive holiday premium pay (regular rate x 1.5) for all hours worked on the holiday in addition to the holiday benefit itself.
- If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour work on the holiday.
- An employee who is exempt from the FLSA and who receives approval to work on the holiday will receive paid time off equivalent to the number of hours worked.
- The non-exempt employee, by the approval of the supervisor, may take at a later date but within the same pay period upon request, equivalent paid time off for work performed on a holiday. When an employee requests to take the hours off and where the interest of Park County requires the employee's attendance, Park County's interest overrides the employee's.

5.2 WORKERS' COMPENSATION

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

B. STATEMENT OF POLICY

Park County provides every employee with wage supplement and medical benefits for work-related injuries or diseases covered under the Montana Workers' Compensation Act.

C. PROCEDURE:

1. Every work-related injury should be reported immediately to the injured employee's supervisor, and be reported to Park County's Workers' Compensation Insurer within thirty (30) calendar days after the notice to the supervisor.

2. Benefits for compensable injuries are governed by state law, and include wages, medical, hospital and related services and other compensation.
3. Wage loss benefits begin after a four (4) day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the four-day waiting period.
4. Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers' compensation benefits to which the person is not entitled.

5.3 OTHER BENEFITS

A. PURPOSE: To inform employees of available benefits.

B. STATEMENT OF POLICY

Not all benefits are available to the employee at all times. Each employee is urged to read the entire program for the individual benefit to determine if they qualify both in terms of length of service and the employee's eligibility for the individual plan as well as their own individual and financial need. Employees of Park County should also be aware that any one or all of these benefit programs may be modified or even discontinued at any time by Park County. The offer of this benefit package to individual employees should never be construed as a guarantee of coverage under the benefit by Park County. If you have questions, please contact the Human Resource Manager about the individual plan.

C. BENEFITS:

1. HEALTH INSURANCE:

Park County provides a group health insurance plan available to all permanent full-time and part-time employees who work a minimum of 20 hours. Employees who are classified as Permanent Full-Time employees are eligible for coverage after 30 days of employment to receive a contribution towards the premium for health insurance in an amount set from time to time by the Commissioners. Permanent Part-Time employees regularly scheduled to work at least 20 hours a week are eligible to receive a contribution towards health insurance on a pro-rated basis depending on the number of hours they are regularly scheduled to work on a weekly basis. Please review the individual plan currently in force to determine if you qualify and the details of coverage. If you have questions, please speak with your immediate supervisor or the Human Resource Manager.

Permanent Full-Time and Permanent Part-Time employees may elect to cover dependents on their Health Insurance plans at their own expense through payroll deduction.

Park County also offers FLEX accounts to all employees. Park County manages these accounts, which allow employees to accumulate funds for allowable expenses on a pretax basis annually.

Health insurance program are available to all qualifying Park County employees. Information on this program is sent out to all employees at the beginning of each fiscal year.

2. LIFE AND DISABILITY INSURANCE:

Park County offers life and disability insurance coverage to eligible employees. Eligibility is determined by the employment classification and completion of the introductory period. Additional eligibility requirements may occur under the individual benefit plan. Please see the Human Resource Manager for information.

3. RETIREMENT:

Park County employees who work more than 960 hours in any 12 month period are required to enroll in the Montana Public Employees Retirement System (MPERS) or Sheriffs Retirement System (SHRS). Both the employee and Park County make a contribution based on a formula established by law. Please see the Human Resource Manager for information and forms to enroll in the plan.

6. EMPLOYEE CONDUCT

6.1 GUIDELINES FOR APPROPRIATE CONDUCT

A. PURPOSE: To establish a policy to inform management and employees of behavior and conduct that is prohibited and can lead to disciplinary action up to and including suspension, demotion and termination.

B. STATEMENT OF POLICY

Park County employees have a responsibility to accept and adhere to acceptable business practices and standards of conduct. This not only involves sincere respect for the rights and feelings of others but also demands that in public life employees refrain from any behavior that might be harmful to self, co-workers, and/or the public at large might view Park County or that unfavorable.

C. GENERAL CONDUCT:

Listed below are examples of the types of performance, behavior and conduct, which are considered inappropriate and are therefore prohibited. This list should not be viewed as being all-inclusive.

- Falsifying employment or other Park County records or making false statements such as misrepresenting travel expenses
- Violating Park County's Equal Employment Opportunity Policy
- Violating the Montana Code of Ethics (Section 2-2-101 / 1-1-304 MCA)
- Violating the Government Code of Fair Practices (Sections 49-3-101, et. seq. MCA)
- Establishing a pattern of unauthorized absenteeism or tardiness or abusing break times and/or lunch periods
- Theft of or use of Park County equipment, vehicles, supplies, time or facilities for private purposes
- Reporting for work or working while intoxicated or under the influence of prescriptive or non-prescriptive drugs whether on or off Park County owned property; operating Park County vehicles or equipment while under the influence, as defined in Section 61-8-401 MCA; possessing or using alcohol or non-prescription drugs in Park County vehicles or private vehicles being used for Park County business and/or violating drug and alcohol rules and regulations established for employees required to possess a commercial driver's license.

- Violating the Drug Free Work Place Act including, but not limited to, testing positive for drug use.
- Bringing or using alcoholic beverages on Park County property
- Fighting or causing or performing violent acts in the workplace or threatening citizens or co-workers
- Possessing unauthorized firearms on Park County premises or while on Park County business
- Disregarding safety or security regulations
- Engaging in insubordination
- Failing to maintain the confidentiality of Park County and/or employee/personnel information
- Making oral or written false statements about Park County employees with a reckless disregard for the truth or veracity of the information.
- Failing to perform duties in a satisfactory manner
- Using offensive conduct, gestures or language towards the public, Park County officials or other employees
- Failing to possess or maintain any required driver's license, commercial drivers license or other license
- Failing to operate or maintain Park County equipment or property safely or in the proper manner
- Failure to adhere to any federal, state or local ordinance applicable to the duties and responsibilities of the employee's position or profession
- Allowing employee, Department Head or Elected Official children in Park County vehicles or to use Park County computers
- Any other act, failure to act, or negligence, which is injurious to Park County, County employees or the general public.

Violations of the above standards or other county, state or federal rules, or conduct which is injurious to Park County's interests or its employees' interests, may result in appropriate disciplinary action up to and including termination on the first offense.

In all cases, an employee subject to disciplinary action shall be informed by the Department Head or Elected Official of the alleged violations and employer's evidence and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

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

Deputy Sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties".

D. ATTENDANCE, PUNCTUALITY AND DEPENDABILITY:

It is extremely important to the general operation and good customer service of Park County that all employees be at their desks and ready to begin work at the start of their shift. Normal working

hours at Park County are 8:00 am to 5:00 pm, Monday through Friday. Absenteeism and tardiness place a burden on other employees as well as Park County. If you find you are unable to report to work on time and as scheduled due to illness or other emergencies, you are expected to personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence or within two hours past your scheduled time. If you are unable to report due to an emergency, please have another person call for you.

When you are absent for more than one day, keep your supervisor informed on a daily basis (unless you have been otherwise instructed) as to when you may be expected to return to work. Failure to report for work or call to notify of an absence can result in disciplinary action or, if the absence is in excess of five (5) working days it is considered as an abandonment or resignation from employment.

Poor attendance and excessive tardiness may lead to disciplinary action up to and including termination of employment.

E. CONFLICT OF INTEREST AND NON-DISCLOSURE OF CONFIDENTIAL INFORMATION:

1. CONFIDENTIAL INFORMATION

Confidential information includes, but is not limited to, the following examples:

- Confidential criminal justice information;
- Confidential employee/personnel information;
- Confidential/sealed court files;
- Attorney work product; and
- Confidential medical records.

Improper use or disclosure of confidential information may result in disciplinary action, up to and including termination of employment and legal action, even if the violator of this policy does not actually benefit from the disclosed information.

2. CONFLICT OF INTEREST

Employees are expected to devote their best efforts and attention to the full-time performance of their jobs. A conflict of interest exists when the employee's loyalties or actions are divided between Park County and those of another, such as a customer's supplier or competitor or the conflict is defined under Montana law. Employees should not be employed or contracted as a consultant or expert relative to any matter which requires Park County review. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Human Resource Manager.

F. DRUG FREE WORKPLACE

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

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

controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

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

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official Park County business must inform the employee's immediate supervisor of such conviction within five (5) days after the conviction. The supervisor must inform the Human Resource Manager of any such communication immediately.

All Park County refuse, road and weed employees are subject to the specific terms of the Park County Drug and Alcohol Testing Policy as adopted and amended.

G. PERSONAL APPEARANCE

Your personal appearance affects co-workers and public relations. It can create a favorable or unfavorable impression of you and Park County. Park County employees are expected to dress in a manner suitable to the job duties assigned to them. Clothing that is excessively soiled, is in need of repair, or that might create a safety hazard is considered inappropriate and is prohibited. Dress, hairstyle, cosmetics and jewelry, which might reasonably be considered by the public or other county employees to be extreme, offensive, not in good taste, revealing or distracting, are inappropriate and unacceptable.

H. PERSONAL TELEPHONE CALLS and USE OF COUNTY EQUIPMENT

1. PERSONAL TELEPHONE CALLS

Park County phones are to be used for Park County business and may be used for personal business on a limited basis only. Telephone calls received during business hours (including calls received or placed on personal cell phones) must be held to both a minimum number and time limit and must not interfere with the employee's work.

When a toll call must be placed, the call is to be billed to the employee's home number or called collect. It is the employee's responsibility to ensure that no cost to Park County results from personal phone calls.

2. PERSONAL USE OF PARK COUNTY EQUIPMENT

All employees must turn off lights and equipment and lock office doors, outside doors and windows at the close of office hours.

All employees who utilize Park County equipment in the performance of their jobs must operate such equipment in a safe and prudent manner, keep it properly maintained, and follow operating procedures for equipment control.

Use of Park County equipment for personal reasons is prohibited, except as stated for personal telephone calls. Employees should take all precautions in maintaining the highest level of security to protect County property.

3. SUPPLIES AND SERVICES

All property, supplies, and services purchased with Park County funds must be used only in the operation of the business of Park County, except as stated for personal telephone calls.

4. KEYS

The Commission will issue all keys for Park County buildings, offices, and other facilities to employees upon request. Lost keys must be reported immediately to the employee's supervisor.

5. VEHICLES

All vehicles owned, leased, rented, or otherwise under the authorized control of Park County are considered Park County vehicles. Elected Officials and employees who use Park County vehicles must ascertain and assure that they are properly authorized and currently licensed to do so. Person's assigned responsibility for managing Park County owned vehicles are responsible to assure that they are maintained in a safe operating condition and are properly licensed and identified. Only Park County employees or persons on authorized Park County business are allowed in Park County vehicles.

Official travel includes travel from hotel or motel for meals (reasonable distance) and to conferences or conventions. The driver must follow all appropriate procedures and guidelines provided to them by the Park County, obey all statutes pertaining to the operation of a vehicle, and use caution and care.

6. COUNTY OWNED COMPUTERS

A. Overview

The policy is intended to outline the acceptable and unacceptable computer equipment use during your employment at Park County. These rules are in place to protect the employee and Park County. Inappropriate use exposes Park County to potential risks including virus attacks, compromise of network systems and services and legal issues. It is intended to provide general guidelines for determining acceptable and unacceptable computer uses, but is in no means exhaustive. Some issues may arise that are not explicitly spelled out in this policy, which will be handled on a case-by-case basis using this Policy as a general guide. Park County's computing equipment is to be used for legitimate business purposes, as determined by Park County.

B. Scope

This policy applies to employees, independent contractors, consultants, temporaries and other workers at Park County, including all personnel associated with third parties. This policy applies to all computer and network equipment that is owned, leased or otherwise used by Park County. Violation of the Acceptable Computer Use Policy will result in corrective action and may result in termination of employment with Park County.

C. General Use and Ownership

Data used or created on Park County's systems remains the property of Park County. Park County cannot "guarantee" the confidentiality of information stored on any network device belonging to Park County.

Computers, other related technological computing devices, their software and Park County network are to be used for legitimate business purposes only, as determined solely by Park County. All data and information stored on County equipment is the property of Park County. All computers and data are subject to being monitored and reviewed by your Department Head or Elected Official, at any time, at their discretion and without your consent. All employees must provide their supervisor with the password to their computer and all software programs and/or networks.

Examples of Unacceptable Computer Uses:

Employees must not use Park County computing devices to view, create or distribute adult or sexually explicit materials at any time.

- Employees must not use Park County computing devices to participate in any gambling activity at any time.
- Employees must not use Park County computing devices or network to download illegal or copyright protected music off the Internet at any time.
- Employees must not use Park County computing devices or network to participate in non-business related, “chat rooms” or instant messaging.
- Employees must not use Park County computing devices or network for any illegal activities at any time; such as violation of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by Park County. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources or copyrighted music.
- Employees must not use Park County computing devices or network to put forth personal opinions publicly in any forum without the express written consent of the Commission.

D. Personal Equipment

Park County related business is to be conducted on Park County owned equipment. Using personally owned equipment to perform Park County work is not acceptable without the express written consent of the Commission. All Park County owned equipment, information and data in your possession at the time employment ends shall be returned to Park County immediately.

E. E-mail

All email and attachments that are sent, received and/or stored via Park County equipment on county e-mail systems is the property of Park County and may be public information, (See Public Record Policy, Resolution 913). All email is subject to being monitored and reviewed by Park County management, at any time, at their discretion and without employee consent.

Unacceptable Email Activities

Send unsolicited email messages, including the sending of “junk mail” or other advertising material to individuals who did not specifically request such material (email spam).

- Any form of illegal harassment and illegal discrimination via email, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of email header information.

- Solicitation by email for any other email addresses with the intent to harass or to collect replies.
- Creating and forwarding “chain letters”, “Ponzi” or other “pyramid” schemes of any type
- Use of unsolicited email originating from within Park County’s network.
- Posting the same or similar non-business related messages to large numbers of Usenet newsgroups (newsgroup spam).
- Deleting e-mails except for e-mails tagged as junk or spam e-mails.
- Using improper e-mail etiquette such that the e-mail is written in an offensive or threatening manner.

F. Network and Internet Access

Employee’s network and internet access is subject to being monitored and reviewed by your Department Head or Elected Official, at any time, at their discretion and without your consent. The IT supervisor may also monitor and review e-mail as directed by a Department Head, Elected Official or the Commission.

G. Software

All software installed and used on Park County computing equipment must be legally owned, leased and/or licensed by Park County, unless the department has express authority to use software owned by another agency. Employees are not to install software on their computer unless approved by Park County’s IT manager. Typically Park County’s IT manager or designee will install and maintain software so that they can ensure that the software is installed correctly and is properly licensed. Unlicensed software must never be used on Park County computing devices.

H. Retention of Company Data

All information, data and your work remains Park County property and they must not be knowingly removed in the event that either you plan to leave your employment at Park County or your employment at Park County is terminated for any reason. This includes e-mails.

I. Statement Regarding Illegal Harassment and Illegal Discrimination

An employee must not use Park County’s computing devices and their related software in any way that may be deemed to be in violation of Park County’s harassment and discrimination policies.

J. Security

Park County maintains high security standards related to their data and intellectual property and you should never access computing systems or data that you are not authorized to access. If an employee finds, by accident, that the employee is able to access information that the employee is not authorized to access, then the employee must bring it to the attention of the employee’s supervisor or the Commission immediately. An employee must never try to knowingly breach the security measures that are currently in place at Park County.

K. Personal Use

Computers may not be used for personal use or purposes.

6.2 POLICIES AFFECTING CONDUCT

A. DRIVERS LICENSE REQUIREMENT

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

2. **STATEMENT OF POLICY**

Employees whose work requires that they drive Park County vehicles must hold a valid Montana State Drivers License, including, if applicable, a Montana Commercial Drivers License that is valid for the type of vehicle(s) operated.

3. **PROCEDURE:**

All persons offered employment with the county in a position requiring the operation of a county vehicle will be required to submit to a Montana State Division of Motor Vehicles driving record check as a pre-condition of employment. Persons with numerous minor traffic citations/convictions or serious traffic convictions may not be offered employment that requires them to operate a county vehicle. Park County will annually, or more frequently, conduct checks of employee driver's licenses through visual and/or formal review by the Division of Motor Vehicles. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

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

B. SAFETY IN THE WORKPLACE

1. **PURPOSE:** To establish a policy for safety and freedom from violence of employees in the workplace.

2. **STATEMENT OF POLICY**

To assist in providing a safe and healthful work environment for employees, customers and visitors, Park County has established a workplace safety program. The Montana Safety Culture Act requires that a safety committee be formed which includes members from management and line staff. This program is a top priority for Park County. The designated Safety Officer has the responsibility for implementing, administering, monitoring and evaluating the safety program, but the overall success will depend on the individual employee's alertness and personal commitment to safety.

3. **PROCEDURE:**

Monthly safety meetings will be held with the safety committee and the Safety Officer. Minutes of this meeting will be prepared and circulated through the office mail for each employee to sign off on as having read and understood the items discussed.

New employees will receive workplace and equipment training with their orientation. Additional training will be provided with new equipment as needed.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear to be, you should immediately notify your supervisor, Safety Officer or the Human Resource Manager. This is necessary to comply with laws and initiate insurance or worker compensation benefits procedures.

C. SMOKE-FREE WORKPLACE:

In compliance with the Montana Clean Indoor Air Act, Park County offices, county-owned vehicles and all Park County buildings are non-smoking sites. Employees wishing to use lawful tobacco products may do so in their own vehicles or outside the building in smoking designated areas on regularly scheduled breaks or lunches only.

D. SEAT BELT USE:

Employees and their passengers operating any Park County vehicles will use seat belts and all other safety equipment as provided on the equipment. Failure to do so will be considered a disciplinary action and depending on the severity of such action may result in termination.

E. REPORTING ACCIDENTS

Employees involved in an accident while operating Park County vehicles must immediately report damages and injuries to their supervisor, Safety Officer or Human Resource Manger. Any traffic citations received while operating Park County vehicles must be reported immediately to the supervisor, Safety Officer or the Human Resource Manager. Payment of fines resulting from a citation while operating a Park County vehicle is the sole responsibility of the employee. Citations resulting from an accident or negligent operation of a vehicle or other equipment, or being under the influence of drugs or alcohol may result in suspension or termination.

F. VIOLENCE AND VIOLENT BEHAVIOR IN THE WORKPLACE

1. PURPOSE: To protect Park County employees in the workplace. Please see Ordinance available from the Human Resource Manager.

2. STATEMENT OF POLICY

It is the intent of this policy to address violence in the workplace. Park County has adopted the following policy regarding confrontations between co-workers, customers and guests.

Park County has a "ZERO TOLERANCE" attitude regarding violence in our workplace. No weapons of any kind are allowed on any Park County premises. This includes knives, guns, bows and arrows and any other weapon of force.

Additionally, threats of violence, use of vulgar language and other threatening or potentially threatening behavior will not be tolerated.

Anyone, employee, customer or visitor, entering Park County carrying weapons as designated above or exhibiting threatening or abusive language or manner will be asked to leave the

premises immediately. Failure to do so immediately will result in law enforcement being called to the premises to have the individual removed and criminal charges may be filed.

Aggressive behavior exhibited between employees, whether in a direct or indirect manner, on the premises will absolutely not be tolerated, whether on company time or not, or attending a function on company property. Immediate disciplinary steps will be taken which may include suspension or termination

G. RECORDS RETENTION

1. PURPOSE: To provide a policy for countywide records retention.

2. STATEMENT OF POLICY: The Commission may appoint a Records Retention Committee. The Records Retention Committee will develop procedures and policy for countywide records retention in accordance with Montana law.

H. POLITICAL ACTIVITY/HATCH ACT

1. PURPOSE: To comply with federal political activities/Hatch Act Laws.

2. STATEMENT OF POLICY

Employees of a Park County department which is financed in whole or in part by federal funds are subject to the provisions of the Hatch Act, Title 5 USC 1501.

Prohibited activities: A county officer or employee who is subject to the provisions of the Hatch Act may not:

- Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- Directly or indirectly coerce, command, or advise a county officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes;
- Be a candidate for public elective office in a partisan election (candidacy for political party office is not prohibited).

I. VOLUNTARY TERMINATION / RESIGNATION

Employees desiring to voluntarily terminate their employment relationship with Park County should notify Park County in writing at least two weeks in advance of their intended termination. The notice should be given to the supervisor and Department Head or Elected Official. Proper notice generally allows Park 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 Park County.

Payout of benefits and withdrawal of funds from the Public Employees Retirement System will indicate that the employee has completed voluntary termination even though formal written notice may not have been given. Any employee who terminates in this fashion or voluntarily at any time

and is then rehired at a later date, will, for the purposes of longevity, begin time served with Park County as any other new employee. Prior time employed will not be counted in the calculation for longevity.

J. RETIREMENT

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

7. COMPLAINT RESOLUTION PROCEDURE

7.1 COMPLAINT RESOLUTION PROCEDURE

A. PURPOSE:

To establish a policy and procedure to resolve employee complaints involving the interpretation of these Policies or an alleged violation of these Policies, this is to be used in all situations except for discrimination complaints. (For complaints alleging discrimination, employees should use the "Grievance Procedure" outlined in the Equal Employment Opportunity Policy.)

B. STATEMENT OF POLICY

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

PROCEDURE:

STEP 1

The employee shall informally discuss the situation and relevant evidence with the Department Head or Elected Official.

STEP 2

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

STEP 3

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the Department Head or Elected Official, present a written summary and evidence regarding the matter to the Human Resource Manager for review. The Human Resource Manager and Commission will review the matter and will normally advise the employee in writing of its decision within thirty (30) working days of receipt of the written summary and evidence. The decision of a majority of the Commission shall be final.

7.2. RETALIATION

Park County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying Park County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the "Guidelines for Appropriate Conduct Policy" are present. If the grievance involves a disciplinary termination, the employee may request a hearing through the Human Resource Manager before the Commission. At the hearing, the employee may be represented by counsel (at their expense) and may present evidence and examine and cross-examine witnesses.

7.3 DISCIPLINE HANDLING.

Violations of the above standards or other county, state or federal rules, or conduct which is injurious to Park County's interests or its employees' interests, may result in appropriate disciplinary action up to and including termination on the first offense.

In all cases, an employee subject to disciplinary action shall be informed by the Department Head or Elected Official of the alleged violations and employer's evidence and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

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

7.4 DEPUTY SHERIFFS

Deputy Sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties".

SUPPLEMENTS TO THE HANDBOOK.

A . GLOSSARY

B. OTHER REFERENCES FOR EMPLOYEES.

1. Fair Labor Standards Act
2. Montana Minimum Wages and Overtime Compensation Act
3. Existing Approved Union Contracts

(Please see Human Resource Manager for copies of these documents)

Addendum A. -

GLOSSARY.

Base Salary or Base Pay - excludes overtime, shift differential, incentive or bonus pay.

Commission – Park County Commission

Disability - any illness or injury of a physical nature, including disability resulting from childbirth, which prevents an employee from performing normal work duties.

Exempt Employees - employees who work in executive, administrative or professional capacity and are not paid overtime (defined by Fair Labor Standards Act).

Full-Time Employees - employees who are scheduled to work 40 or more hours per week.

Immediate Family Members - employee's spouse, family of the employee and the employee's spouse including grandparents, parents, sisters, brothers, children, grandchildren and their spouses.

Length of Continuous Service - number of continuous years worked for Park County on a full-time basis without interruption by any termination lasting 6 months or more.

Non-Exempt Employees - employees paid 1-1/2 times their normal pay rate when they work overtime (defined by the Fair Labor Standards Act). Non-exempt employees are required to maintain and record time worked on a time card or time sheet.

Part-Time Employees - Those normally scheduled to work less than forty (40) hours per week are considered part-time.

Permanent Employees - is an employee who has completed their probationary period of employment and is assigned as to a position of indefinite duration that has been classified as “permanent.” Permanent employees earn the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

Reinstatement - manager's guarantee to the employee of the same job or a job of like status and pay upon return from leave or disability. A guarantee of reinstatement does not protect an employee from a position elimination should that become necessary for business reasons. Employees on leave or short-term disability will be considered in the same manner, as employees not on leave or disability should position eliminations become necessary.

Seasonal Employees - employees, assigned as seasonal, who perform duties of a seasonal nature. Seasonal employees may, at the discretion of Park County, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working 40 hours per week) or as part-time (normally working less than 40 hours per week.)