



Powell County

PERSONNEL POLICY & PROCEDURES HANDBOOK

October 7, 2013

RESOLUTION NO. _____

A RESOLUTION ADOPTING PERSONNEL POLICIES AND ADDENDA

(SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS)

WHEREAS, the Powell County Board of County Commissioners 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

Addenda be adopted, effective October 7, 2013.

BOARD OF POWELL COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RALPH E. MANNIX, JR, Presiding Officer

CELE POHLE, Member

DONNA YOUNG, Member

APPROVED AS TO FORM AND CONTENT

County Attorney

ATTEST:

Clerk and Recorder
Powell County

PERSONNEL POLICY & PROCEDURES HANDBOOK

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POWELL COUNTY PERSONNEL POLICY HANDBOOK

DEFINITIONS

ALLOCATION:

The assignment of a position to a specific status by the Board of County Commissioners through the formal budget process.

ANNIVERSARY DATE:

The date from which time is computed in order to determine eligibility for non-probationary status and salary increases. This date is usually the date of hire as a regular employee or the date of last promotion.

APPEAL:

The right of an employee to pursue redress from a higher authority as outlined in the grievance procedure.

APPOINTING AUTHORITY:

County officials who have the authority to appoint individuals to positions in the county service.

BOARD OF COUNTY COMMISSIONERS:

Board of Commissioners for Powell County.

COUNTY:

Powell County.

DEMOTION:

The assignment of an employee from a higher position to another with lower pay for one or more of the following reasons: work performance, at the request of the employee, or for administrative reasons.

DEPARTMENT HEAD:

A county official with the designated responsibility for the operation of a county or city/county department.

EMPLOYEE:

A person regularly occupying an allocated position in the county service or a person who is on authorized leave of absence and whose position is being held pending his/her return.

GRIEVANCE:

An employee complaint regarding any matter involving the interpretation of these policies and/or any matter involving an alleged violation of any provision of these policies.

HOURS OF WORK:

The hours established by the department head that an employee is regularly scheduled to be at

work.

IMMEDIATE FAMILY:

Spouse, parents, grandparents, siblings, children or grandchildren of the employee, son-in-law, or daughter-in-law, or step-family members of the employee.

INTERNALLY:

Within the entire County organization.

LAYOFF:

The involuntary separation of an employee due to lack of work, lack of funds, or the abolishment of a position.

MAY:

The word "may" shall be interpreted as permissive.

PAY RATE:

The specific dollar amount established for each employee.

PER ANNUM:

The twelve (12) month period of time between the employee's anniversary dates.

POSITION:

An aggregate of duties and responsibility to be performed by an employee as assigned by proper authority. A position may be filled or vacant.

PROBATIONARY PERIOD:

A designated period of employment during which a newly appointed or promoted employee is required to demonstrate his/her fitness for regular employment in that position.

PROMOTION:

The assignment of an employee to a position at a higher level in a vacant, budgeted position.

RECLASSIFICATION:

A reassignment of a position and/or employee from one position to a different position to recognize a significant change in the duties and responsibilities of a position and relevant factors applied to the position.

REEMPLOYMENT:

The action by which an employee, after separation from county service, is returned by the county under the same conditions as a new employee.

REINSTATEMENT:

Re-appointment after a break in service (within one (1) year) to a position in which status was

formerly held, under conditions comparable to those applicable to the employee prior to the separation.

SEPARATION:

The removal of an employee from county service for either voluntary or involuntary reasons.

TRANSFER:

The assignment of an employee from one position to another.

VACANCY:

A duly created position that is not occupied and for which funds have been specifically and duly authorized.

WORK WEEK:

The number of hours regularly scheduled to be worked during any seven (7) consecutive day period.

WORK DAY:

The number of hours regularly scheduled to be worked during one twenty-four (24) hour period.

1.00 PURPOSE AND DISCLAIMERS

The Powell County Commissioners have prepared this handbook to answer some of the questions concerning employment with Powell County (the County) and its policies and procedures. Please read it thoroughly and retain it for future reference.

These Personnel Policies and Procedures shall apply to all Powell County employees. Elected Officials and certain appointed officials may, however, be exempt from certain portions of these policies or be covered by alternate policies or agreements. The County Commissioners may approve exceptions to any policy where the policy is not mandated by law.

In the event of conflict between these rules and any contract for a specified term of employment, County resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail to the extent they differ.

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.

Powell 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 competent authority, the remaining provisions will be deemed to remain in full force and effect.

None of these provisions shall create a vested contractual right in any employee or to limit the power of the Powell County Commissioners to repeal or modify these rules.

2.00 EQUAL EMPLOYMENT OPPORTUNITY/ NON-DISCRIMINATION

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

1. providing and performing all services
2. distributing funds, providing grants, loans, other financial assistance administering training programs
3. granting, denying, or revoking licenses
4. contracting or subcontracting for construction of public buildings or for other public work or for goods or services
5. providing educational or on the job training opportunities.

As an equal employment opportunity employer, Powell 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, genetic history, marital status, religion, creed, sex, or political beliefs or ideas except where the reasonable demands of the job require a distinction to be made.

Any applicant for employment with Powell 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 Powell County Supervisor or County Commissioner. If the individual to whom you report the alleged discrimination does not take action within five business days, the applicant or employee should inform the supervisor's Department Head or any Powell County Commissioner.

Powell 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.

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, Powell County will not elicit information concerning race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs or ideas from applicants for employment.

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

PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

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

Powell 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:

1. All applicants for the same position are subjected to the examination regardless of the existence or severity of a disability.
2. 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.

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.

NEPOTISM

Powell County does not discriminate against applicants or employees based upon marital status, including relationship to current employees based on marriage, unless required to do so by the reasonable demands of the position. Marital status includes whether a person is married, divorced, separated or single and the identity and occupation of a person's spouse.

Compliance with Section 2-2-302 and 2-2-303 MCA, which prohibit nepotism in hiring and appointment, is not, however, defined as unlawful discrimination.

Sections 2-2-302 and 2-2-303 **MCA**, prohibit the appointment by any member of any board, bureau, or commission or department head of an individual to whom they are related by blood or marriage to employment with Powell County.

EQUAL PAY

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

REASONABLE ACCOMMODATION

Powell 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 Powell County becomes aware of any physical or mental disability which prevents an otherwise qualified applicant or employee from performing a job, prior to refusing employment or making a distinction in terms, conditions or privileges of employment because of the disability, Powell 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 Powell County or which endangers health or safety or hinders efficiency to an unreasonable degree is not a reasonable accommodation. Powell 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 employees with a disability who requires reasonable accommodation may inform the hiring official or their immediate Supervisor or a Powell County Commissioner 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 is 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.

CHRONIC DISEASES

Certain chronic diseases, including AIDS, may be physical disabilities. Powell 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, Powell County will evaluate the nature, duration and severity of the risk; as well as the probability that the disease will be transmitted and/or cause harm to the employee or others in the workplace.

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

RELIGION

Powell 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 a Powell County Commissioner 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.

HARASSMENT

Harassment of employees and any other persons based on their gender, race, national origin or other protected class membership is prohibited. It is the 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:

1. submission to the conduct is implicitly or explicitly made a term or condition of employment,
2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or
3. 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.

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

- Propositions or pressure to engage in sexual activity
- Sexual assault
- Repeated intentional body contact
- Repeated jokes, innuendos, or comments that contain sexual, religious, racial or other inappropriate content or innuendos
- Constant staring or leering
- Inappropriate comments concerning appearance, and individual's religion or religious beliefs, ethnicity or national origin
- Display of magazines, books, or pictures with a sexual, racial or other prohibited content
- The hiring or promoting sex partners over more qualified persons
- Any harassing behavior directed toward a person because of the person's gender, race, national origin, religion, disability or other protected class status including, but not limited to, hazing employees working in nontraditional work environments.

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

RETALIATION

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

DISCRIMINATION GRIEVANCE PROCEDURE

1. 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 any Powell County Commissioner.
2. Any supervisor who observes or has knowledge of a violation of these policies shall promptly notify his or her Department Head. If the Department Head has not initiated action within five working days, or if the Department Head impartiality is in question, the supervisor should notify a Powell County Commissioner. Such reports must be made, regardless of the supervisor's or Department Head's perception of the merits of the information being reported.
3. The Powell County Commissioners 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 Commissioners. The investigator (s) will make a confidential factual report to the Commissioners as soon as practical after receiving notice of the alleged violation. The investigation shall include, but not necessarily be limited to, interviewing as many 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 Powell County Commissioners after balancing the right to know against the right of privacy of the involved individuals.

4. Upon receipt of a complaint alleging harassment, including, but not limited to, sexual harassment, the Commissioners may take any steps deemed appropriate steps to prevent the alleged conduct from continuing while the investigation is being conducted.
5. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, the Commissioners will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the Powell County Commissioners 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.

Neither Powell County nor any employee will retaliate against any employee for filing a discrimination grievance **in good faith** or for participating in any way in a grievance procedure.

3.00 EMPLOYMENT CLASSIFICATIONS

All Powell County employees are assigned to one of the following employment classifications in each group by the appropriate County officer at the time of initial hire. Changes to employment classification can only be made by Department heads with the approval of the County Commissioners.

PERMANENT, SEASONAL, TEMPORARY OR SHORT TERM

Permanent Employee - is an employee who has completed their probationary period of employment and is assigned to a position of indefinite duration that has been classified as "permanent." Permanent employees may work full-time (40 hours per week) or as part-time (normally working less than 40 hours per week). Permanent employees earn the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

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 laid off. Seasonal employees may, at the discretion of Powell 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 must complete a probationary period of employment and earn a prorated share of the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

Short-term Employee - work at an hourly rate of pay established by Powell County for a period of no more than ninety (90) working days (regardless of hours worked) in a continuous twelve (12) month period. When hiring a short-term worker, the hiring official must look at the days worked in the 12 months prior to the date of hire and may not employ the person for more than the number of days that remain when subtracting the number of days worked in the prior 12 months from the maximum 90 days of work eligibility. 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.

- Example: If an employee worked for 20 days in August of a given year and the following January was assigned to another short-term worker position, the employee would be eligible for a maximum of 70 more days of work (90-20) from the date of the second offer.

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 a probationary period of employment and earn some of the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

FULL-TIME OR PART-TIME

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

Part-Time Employees - employees who are scheduled to work less than 40 hours per week.

EXEMPT OR NON-EXEMPT

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

Non-Exempt Employees - employees paid 1-1/2 times their normal pay rate when they work overtime (defined by the Fair Labor Standards Act).

PROBATIONARY OR PERMANENT EMPLOYEE

Probationary Employee - All newly hired County employees in permanent positions serve a probationary period. During this period, the County will assess your ability to perform the duties assigned to your position. Your conduct and performance on the job are critical in determining whether you will be retained beyond your probationary period.

Your initial probationary period will be six months to one year unless otherwise provided by law. Under certain circumstances, your probationary period may be extended for an additional period of time. Department Heads may, with the advice and consent of the Commission, establish probationary periods for positions within their Department.

All persons employed by the County are subject to these policies. To the extent that the provisions of the statute or ordinance under which the person has been elected or appointed to their position provide for different terms and conditions of employment than provided by these policies, those statutes or ordinances will take precedence.

If an employee has questions concerning their status, they should ask their immediate supervisor or a Department Head.

4.00 RECRUITMENT AND HIRING PROCESS

It is the policy of Powell County to recruit, select, and promote personnel without regard to race, color, religion, creed, political beliefs or ideas, sex, age, marital status, physical or mental handicap, genetic history or national origin, except where the reasonable demands of the job require a distinction to be made.

As provided by 7-4-2110 (5), MCA, the following procedures should be adhered to by all departments in filling positions except where otherwise provided by law:

1. Requests to fill all vacancies, except those position where an elected official has a statutory right to appoint, whether through internal or external recruitment, shall be made to the Powell County Commissioners 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 Powell County Commissioners and the office affected.
2. A job description should be created or reviewed and updated as necessary.
3. A determination of minimum education and experience qualifications for the position should 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 two or more members should be appointed. The selection committee, in cooperation with the Powell County Commissioners and/or the appropriate 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 should be developed in advance of the job posting, including questions, model answers, assignment of relative importance of each job factor, and total points and minimum passing scores.
5. Selection strategy may include one or more job related selection procedures including, but not limited to, oral interviews, review of application materials, references checks, performance tests or other valid screening devices.

Powell County may recruit for vacant positions internally before recruiting externally or internal recruitment may run concurrently with external recruitment. Positions will generally be posted internally/externally for at least five (5) working days.

All positions for which applications are solicited from outside the ranks of the current employees must be listed with the Montana Job Service. The hiring official may request that the Job Service collect applications and review them for completeness before forwarding them to the hiring official. Additional recruitment may be conducted where it is believed appropriate to obtain sufficient numbers of qualified applicants.

The County reserves the right to reject any and all applications for the position and re-advertise or extend the deadline for receipt of applications if there are not sufficient qualified applicants. Unless otherwise approved by the County Commissioners, Department Heads and other designated positions (except elected officials) must reside at locations where they can report to their assigned work site within 30 minutes of receiving an emergency call in notification.

The County reserves the right to reassign current County employees to positions without a competitive selection process when necessary to implement an accommodation, reorganization or for other legitimate business reasons.

The County may also utilize the pool of candidates created in a recruitment effort for additional vacancies that may become vacant if the positions are sufficiently similar and the pool is sufficiently current to allow the hiring of additional individuals from the same pool.

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."

In all external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. Where a scored procedure is not used in an external hiring, **Powell County shall provide preference first to a disabled veteran, then to a person with a disability, a veteran, an eligible relative as defined in 39-29-101, and an eligible spouse as defined in 39-30-103, in that order, over any applicant that does not have preference eligibility and that has substantially equal qualifications.**

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

Job offers shall be made in writing. Unless otherwise specified at the time of granting permission to recruit, the Department Head may extend the offer of employment to the successful candidate. Copies of the signed and accepted job offer shall be placed in the employee's personnel file.

A job offer should specify whether the job is permanent, temporary, and seasonal or a short-term position and whether the job is full- or part-time. 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.) that may be appropriate to be included. The terms of all job offers must be consistent with existing policy and practice unless an exception has been pre-approved by the Powell County Commissioners or other appropriate hiring official.

5.00 NON-DISCLOSURE

The protection of confidential information is vital to the interests and success of Powell County and its residents. Such confidential information includes, but is not limited to, the following examples:

- Confidential criminal justice information
- Confidential employee information
- Confidential/sealed court files
- Attorney work product
- Personal medical information

All employees will be required to complete the County's Non-disclosure Agreement form. 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.

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 Powell County and those of another, such as a customer, supplier or competitor. Employees unsure as to whether a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with their immediate supervisor or the Powell County Commissioners.

6.00 NEPOTISM

It is state law and County policy that no person, member of a board or Commission, or Department Head 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.

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 marriage includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife's or husband's brother) and his wife, sister-in-law (wife's or husband's sister) and her husband and husband or wife of grandchild.

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

The employment of relatives in the same area of an organization can cause conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over in to day-to-day working relationships.

Although Powell County has no prohibition against employing relatives of current employees to work in the same area as current employees, we will monitor these situations. In case of actual or potential problems, Powell County will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

7.00 PROBATION PERIOD

Newly hired employees in full-time or part-time positions must work throughout a probationary period of at least a six-month duration. Short-term workers are continually on probation. Deputy Sheriffs serve a probation period of one year pursuant to Section 7-32-2105 MCA.

During the established probationary period, Powell County reserves the right to terminate the probationary employee's service for any reason not prohibited by law or these policies.

A probationary employee shall be notified of their termination in writing by the appropriate Department Head. A copy of the notification shall be retained in the personnel file. Evaluations may be conducted during the probation period to assess performance and to advise the employee of expectations regarding performance. If the employee successfully completes the probation period, he/she shall be informed in writing by the appropriate Department Head. The probationary period may be extended in writing by the appropriate Department Head prior to the expiration of the initial period.

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.

Pay increases, including annual COLA increases, will only be awarded to those employees who have successfully completed their probationary period.

Employees must successfully complete the probationary period prior to the beginning of a new fiscal year to be eligible for COLA increase for that fiscal year.

8.00 PERFORMANCE APPRAISAL

The County may periodically conduct formal performance appraisals of employees.

Where conducted, the primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, re-employment, salary increases and training. Completed appraisal forms shall be returned by the Elected Official or Department Head to the Finance Department to be filed in employee file.

A special evaluation may be completed at any time it is deemed appropriate by a manager or supervisor.

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 a copy to the County Commissioners, which will be attached to and filed with the appraisal document. Employees may not grieve appraisals unless the information is used to support an adverse action affecting the employee.

9.00 POSITION DESCRIPTIONS

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

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 County and employee.

Powell 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. Job descriptions are subject to change as the needs of Powell County and the duties and responsibilities assigned to the job change.

Each employee's position description is maintained as part of his/her personnel file.

10.00 EMPLOYEE PERSONNEL RECORDS

The Powell County Commissioners are responsible for establishing and maintaining an official personnel file for each County employee. Unless a Department has been authorized to maintain personnel records locally, all personnel files shall be maintained in the **Clerk & Recorder's office**. All employee personnel records are confidential and access is restricted. 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 the files is limited to the employee and others whose assigned job responsibilities require access to the record as identified below. Access will only be allowed to individuals other than the employee if the County Attorney or a designated individual finds that the merits of public disclosure override the individual's right to privacy.

Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department. No personnel records should exist in a Department unless the original is included in the official personnel record.

Personnel files are the property of Powell County. No materials in a personnel file may be removed from the Clerk and Recorder's Office without the approval of the County Commission. The following procedures apply to the release and accessibility of information contained in employee personnel files:

1. Personnel must treat all employee information as confidential except for requests authorized by the employee or requests to learn or to verify information relating to job title, department, salary, and dates of employment
2. Access to information contained in the personnel file will be limited to:
 - a. Powell County Commissioners,
 - b. County employees whose job duties require access
 - c. Outside legal counsel and/or consultants,
 - d. The employee's immediate supervisor and others in a direct line of authority over the supervisor,
 - e. The individual employee and representatives authorized by the employee to have access,
 - f. State or County auditors,
 - g. Other Powell County employees whose jobs require access to information contained in the file such as payroll clerks or benefits administrators.
3. 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.
4. Powell County reserves the right to withhold those portions of personnel files that may affect the confidentiality of third parties such as reference check materials provided by previous employers, investigatory reports, etc. unless disclosure is required by law.

11.00 EMPLOYEE COMPENSATION & BENEFITS

Raises, or increases in base pay, if given, will normally be given at the start of the new fiscal year. (The 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 wage for that specific position. Any other pay increases not addressed in this handbook are dependent solely upon performance or requirements of the specific position.

WORK WEEK

The Powell County workweek for non-emergency service personnel begins at 12:01 am Sunday and ends at midnight on the following Saturday. Emergency service personnel may be placed on an alternate work week as provided for by 29 CFR 553.

All employees classified as NON-EXEMPT will receive overtime pay or compensatory time for all hours worked over 40 in this 168-hour workweek. All work over forty hours in a work week must be pre-approved by a supervisor. Working unauthorized overtime may result in disciplinary action. Any hours for which an employee is paid but did not actually work, are not counted when determining if overtime pay is due.

Except as otherwise approved by the Powell County Commissioners or required by the special operating requirements of a position, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. Personnel engaged in shift work may be assigned other working hours. In the case of emergency or whenever it is deemed necessary, employees may be required to work in excess of eight hours per day or on days they are not regularly scheduled to work.

With the approval of the employees, the County Commissioners may establish a 40 hour week consisting of 4 consecutive 10-hour days for specific work units. Where an employee is authorized to work an alternate work schedule, their use of paid time off shall be based on the authorization by the County Board of Commissioners. Such authorization will generally not reduce the hours of service to citizens nor will it result in more benefits being provided to individuals on alternate work schedules than those provided to individuals on a traditional five day a week, eight hours a day schedule. Any authorization to work an alternate schedule may be discontinued by the County. Where possible any such change in working schedule will be announced to the affected employees in advance of the effective date of change.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

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

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.

Hours for employees may vary from the normal office hours established above due to the nature of the work.

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

A copy of the time sheet currently in use by Powell County is available from the Finance Officer or the Clerk and Recorder's Office. All actual hours worked should be reported accurately.

Exempt employees also must report days worked and vacation and sick leave days (8 hours) used on the County's time sheets.

12.00 TIME SHEETS / PREPARATION OF PAYROLL

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

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

All county officers and employees will be paid once a month, out of the county funds, or upon order of the Board of County Commissioners. Paychecks or direct deposit information will be available in the Clerk and Recorder's office on the last working day of the month. 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.

Payroll records shall be maintained by the County for a minimum of seven years.

13.00 ATTENDANCE, PUNCTUALITY AND DEPENDABILITY

It is extremely important that all employees be at their work station and ready to begin work at the start of their shift. Absenteeism and tardiness place a burden on other employees as well as the County. If an employee is unable to report to work on time and as scheduled due to illness or other emergencies, they are expected to personally notify their supervisor as soon as possible in advance of the anticipated tardiness or absence or within one half hour past their scheduled start time unless Departmental policy provides for a different notification standard. If an employee is unable to report due to an emergency, they should have another person call for them. A supervisor has the right to require documentation to support the use of sick leave when sick leave has not been previously approved.

When absent for more than one day, an employee must keep their supervisor informed on a daily basis (unless they have been otherwise instructed) as to when they may be expected to return to work. Failure to report for work or call to notify of an absence for more than five (5) working days is considered as an abandonment or resignation from employment.

14.00 PAID LEAVES OF ABSENCE

SICK LEAVE

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.

Employees are not entitled to be paid sick leave until they have been continuously employed for ninety (90) days. Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment at the maximum rate of one (1) working day per month. There is no restriction as to the number of working days which may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits are earned and credited to the employee at the end of each pay period based on the number of hours in a pay or paid leave status (excluding overtime hours).

Permanent and seasonal part-time employees earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .046 x hours worked. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration. Short-term workers do not earn sick leave credits.

With the Department Head's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave.

Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited. Employees may, however, qualify for sick leave donations if they meet the program qualifications.

Employees may use sick leave credits for:

1. Illness or injury of the employee
2. Illness or injury in the employee's immediate* family requiring the employee's personal attendance
3. Quarantine for contagious disease control, provided that certification is obtained from the attending physician
4. Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either employee or child
5. To attend the birth of a child in the employee's immediate family
6. 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.)
7. To attend or make arrangements for a funeral of a member of the employee's immediate* family for a period of time not to exceed five (5) working days, unless a longer period of

leave has been approved by a County Commissioner. Additional periods of leave may be requested under the vacation leave or leave without pay policies.

- * "Immediate" family means the employee's spouse and any member of the employee's household or any parent, child, brother or sister, grandparent, grandchild or corresponding in-law (mother-in-law, father-in-law and grandparents-in-law). .

Absences which will necessitate use of sick leave shall be reported by the employee to the supervisor or Department Head as soon as practical. Failure to report such leave within one-half (½) hour of employee's regularly scheduled starting time (unless the Department has an alternate notice requirement) may be considered absence without approved leave.

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 signed by a licensed physician to substantiate use of sick leave. **Such certification may be required for reasons including but not limited to when an absence from duty for illness occurs frequently or habitually or in such manner as to suggest a pattern of usage or if the department head has reason to believe the employee may be fraudulently using sick leave.**

When an employee is returning to duty following an illness or absence due to injury, or whenever the Department Head 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 may require an employee to obtain a medical release to return to work.

Additional information on sick leave may be obtained from the Family and Medical Leave policy.

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 Powell County.

DONATION OF SICK LEAVE

An employee may donate accumulated sick leave to another under the following conditions:

1. An application for the transfer must be completed on the Direct Grant of Sick Leave Form and submitted to the Finance Office for approval. All information and approvals must be completed before the application is complete.
2. Both the Donor and the proposed recipient must provide the number of hours involved in the transfer for the Finance Office who will certify whether the proposed donor is eligible to transfer the number of hours requested.

3. The donor must retain 80 hours of sick leave at the beginning and throughout the donation period. If the donor's retained sick leave drops to 80 hours, the grant will be terminated immediately.
4. A donee may receive an unlimited number of hours of sick leave.
5. To be eligible to receive donated sick leave, an employee:
 - a. Shall reduce all personally accrued sick leave and annual leave to no more than 10 hours each.
 - b. Shall provide his/her Supervisor with a physician's certification of the illness or accident necessitating absence from work. Such certification shall be provided as requested by the Supervisor or County Commissioners not more than once a week.

ANNUAL VACATION LEAVE

All employees (except Short-Term Workers) 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. Full-time employees earn annual vacation leave credit as follows:

1. From the first full day of employment through ten (10) years of service at the rate of fifteen (15) working days per year.
2. From ten (10) years through fifteen (15) years of service at the rate of eighteen (18) working days per year.
3. From fifteen (15) years through twenty (20) years of service at the rate of twenty one (21) working days per year.
4. After twenty (20) years of service at the rate of twenty four (24) working days per year.

Part-time employees earn prorated annual vacation leave credits from the first day of employment. Prorated annual vacation leave credits are calculated from the following schedule multiplied by the hours worked:

Years of Employment Completed	Amount of Annual Leave Earned 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.

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

For calculating annual vacation leave credits, only regular and benefit hours (based on the number of hours in a pay or paid leave status, excluding overtime 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.

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

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

Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period 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 forfeited in accordance with the provisions of 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.

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

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

HOLIDAYS

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

- A. New Years Day (January 1)
- B. Martin Luther King, Jr. Day (Third Monday in January)
- C. Lincoln's and Washington's Birthday (Third Monday in February)
- D. Memorial Day (Last Monday in May)
- E. Independence Day (July 4th)
- F. Labor Day (First Monday in September)
- G. Columbus Day (2nd Monday in October)

- H. Veterans' Day (November 11th)
- I. Thanksgiving Day (4th Thursday in November)
- J. Christmas Day (December 25th)
- K. State General Election Day (November, even numbered years)

If any holiday falls upon a Sunday, the Monday following 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.

An 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.

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 regardless of the number of hours an employee is scheduled to work on a daily basis.

Holiday benefits are calculated based on an employee's regular schedule. For example, if an employee is a full-time employee, they would receive eight (8) hours of holiday pay, regardless of whether they are scheduled to work 8 or 10 hours on that day. 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 both their last regularly scheduled working day before and their 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:

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

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

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.

Holiday benefits paid to a part-time permanent, temporary or seasonal employee shall be an average of the employee's hours regularly scheduled of work. To calculate the average, the number of hours regularly scheduled to work in the **work week** in which the holiday falls shall be divided by **five (the number of working days in a week)**. 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, Powell County has the discretion to average hours over a longer period of time to calculate the holiday benefit.

While employees usually receive the holiday off, Powell County reserves the right to require any employee to work on days holidays are observed or on the actual holiday. 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 of pay as described below, at Powell County's discretion:

1. 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.
2. If the holiday benefit is to be paid, but no day off, the employee shall receive straight time pay for all hours worked on the holiday in addition to the holiday benefit.
3. If a non-law enforcement employee is called out on an unscheduled basis on a holiday, they will receive premium pay at the rate of one and a half hours of pay for each hour worked on the holiday

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 worked on the holiday.

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

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

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

EMPLOYEE APPRECIATION DAY

Powell County Employees will be granted one paid day off each anniversary year. This paid day off is not a legal holiday and must be taken on a day that is mutually acceptable to the employee and the County. An unused employee's appreciation day is not compensable upon termination.

15.00 LEAVES OF ABSENCE WITHOUT PAY

Employees may request a leave of absence for reasons including but not limited to those listed below. Unless otherwise indicated, these absences are unpaid. Employees must, unless otherwise provided by law, exhaust any available accrued paid leaves before taking unpaid leave under this policy. Employees must give their supervisor at least thirty days notice of the need for leave whenever the need is foreseeable.

Requests for leave of absence without pay must be submitted in writing and must specifically state the reasons for the request, the date they are requesting to begin the leave and the date of anticipated return to work. The request must be submitted by the employee to their Department Head. The Department Head shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and Federal laws.

A Department Head may grant any employee one or more periods of a leave of absence without pay for a period of up to ninety (90) calendar days. 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 the Powell County insurance plan; however 100% of the premiums are to be paid by the employee in a manner prescribed by the Plan Administrator. (Refer to Family and Medical Leave Section of this handbook for situations involving the Family and Medical Leave Act of 1993.)

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

Powell 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.

If an employee has any paid leave credits the County reserves the right to require the employee exhaust those paid leaves prior to approving any period of leave without pay under this policy.

MILITARY LEAVE

Any Powell County employee who is a member of a military reserve unit or that is called to active state or 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 them to report for duty or separation documentation.

At the time of release from federal military duty, an employee has a period of time as shown below within which they are 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 the 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, employees should contact their Department Head.

If the employee complies with the requirements shown plus additional requirements contained in the applicable federal or state reinstatement laws, the employee will be reinstated as soon as possible. Should the employee not return to work, or make application for re-employment as required by law, the employee will be considered to have voluntarily terminated their employment.

Additional statutory requirements and exceptions are applicable to military leaves of absence. Additional information about military leaves of absence is available from any supervisor upon request.

A Powell 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 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. Employees that have not completed six (6) months employment with Powell County are entitled to the time off without pay. Unused leave will be carried over to the next calendar year to a maximum of thirty (30) days in a calendar year. This leave will not be charged against the employee's annual leave.

JURY DUTY OR WITNESS LEAVE

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

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

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

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

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

If only partial daily service is performed, the employee is required to either report for the remainder of their regularly scheduled work shift or contact their supervisor for instructions.

MATERNITY LEAVE

If an employee is pregnant, she will be granted unpaid leave beginning at delivery or at such time as her physician states she is unable to perform the duties of her job with or without reasonable accommodation. She will be automatically eligible for up to six weeks of unpaid leave to recover from childbirth or related complications. If additional time off for recovery is needed (beyond the six weeks) due to a maternity-related disability or related medical complications, and the leave does not qualify as parental leave under the Family and Medical Leave Policy she may be asked to provide certification from her physician showing the additional time is medically necessary. FMLA eligible employees may take Family and Medical Leave for periods of maternity or paternity leave. For additional information, see the Family and Medical Leave Policy.

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

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

1. Terminate a woman's employment because of her pregnancy;
2. Refuse to grant an employee a reasonable leave of absence for such pregnancy;
3. 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;
4. 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.

FAMILY AND MEDICAL LEAVE

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

To be eligible for FMLA leave, the employee must:

1. have worked for Powell County for a minimum of twelve (12) months and;
2. must, during the twelve (12) month period immediately preceding the leave, have worked for at least 1,250 hours and;
3. must work at a work site that employs fifty (50) or more employees at the work site or within 75 miles of the work site.

Depending on the reason for the leave, eligible employees may take up to twelve (12)/twenty-six weeks (26) weeks of leave per calendar year. The twelve weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced schedule.

Leave taken for childbirth or placement of a child for adoption or foster care on a less than full time basis must be approved by a Department Head or elected official.

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

1. 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, or;
2. for the care for a spouse, child or parent with a serious health condition, or;
3. for a serious health condition that makes the employee unable to perform the functions of the employee's job.
4. due to the occurrence of a "qualifying exigency" relating to the active-duty status or call to active-duty in the armed forces of an employee's spouse, son, daughter, or parent of the employee, including those contingencies set forth in the applicable regulations, summarized as follows:
 - a. short-notice deployment;
 - b. military events and related activities;
 - c. to arrange for childcare, or provide childcare on an urgent basis, or for school activities;
 - d. to make financial or legal arrangements;
 - e. to attend counseling;
 - f. to spend time with the service member while on short-term leave;
 - g. for post-deployment activities; and
 - h. for other activities in accordance with the regulations.

An eligible employee will be granted up to twenty-six (26) weeks of FMLA leave to:

1. care for a family member or next of kin who is a member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status on the temporary disability retired list, for a serious injury or illness or who is otherwise eligible under the regulations set forth at 29 CFR 825.

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 continuing treatment by a health care provider. "Serious health conditions" include:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a. A period of incapacity (i.e., inability to work or perform other regular daily activities due to a serious health condition, treatment therefore, or recover there from) of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (i.e., physical therapist) under order of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a health care provider
 - b. Any period of incapacity of the employee or spouse due to pregnancy, prenatal care or childbirth
 - c. Any period of incapacity or treatment for such incapacity to a chronic serious health condition. A chronic serious health condition is one which:
 - i. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii. continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. may cause episodic rather than a continuing period of incapacity (i.e., asthma, diabetes, epilepsy, etc.)
 - d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

- e. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Employees are required to provide thirty (30) days notice 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. The Department Head must promptly (within five (5) business days, absent extenuating circumstances) notify the employee of the County's response to the request for FMLA leave. The Department Head should use Form WH-381. (Addendum B)

Powell 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 due to a workers' compensation related injury and the absence qualifies as FMLA leave, the County may designate the absence as FMLA.

Employees must use any available accrued sick leave concurrently with Family and Medical Leave, if the leave meets the conditions of the Powell County Sick Leave Policy. Employees may use accrued annual vacation leave time or non-exempt compensatory time concurrently with the Family and Medical Leave Act leave. Any paid leave hours used will also be counted against the employee's Family and Medical Leave Act entitlement.

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 Powell 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. If an employee decides during their leave of absence that they will not return to work at Powell County, health insurance coverage may be discontinued at that time.

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.

LEAVE FOR VOLUNTEER EMERGENCY SERVICES

County Employees who are members of the Powell County Volunteer emergency service organizations such as Fire Departments, Ambulance, Quick Response Units or Search and Rescue units, may be released from work with pay for up to 20 hours per fiscal year to respond to calls received during scheduled working hours. A release is subject to the following conditions:

1. The absence will not result in a life or health threatening situation for residents, members of the public or other employees.
2. The absence will not substantially impair the Department's ability to provide public services.
3. The absence is approved by the employee's supervisor. Approval will normally be granted unless it would result in a violation of this policy.
4. If the employee is called during non-working hours, the employee must contact the supervisor for permission when it becomes clear that the absence might extend into scheduled working hours.

If an employee receives pay from another organization, the employee will not be compensated for the same time provided that if the employee receives an amount less than their County pay rate, the County will pay the difference in pay for up to 20 hours per year.

16.00 OVERTIME AND COMPENSATORY TIME

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 hourly rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, holiday leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments.

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 work week and must be reported on the employee's time sheet. No employee may accrue up to a maximum balance of more than 120 compensatory time hours (representing 80 hours time worked). Individual Departments may set differing maximum accrual limits with the approval of the County Commissioners.

Employees, who have accrued compensatory time and requested 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 Powell County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time that has been reported on their time sheets.

A Department Head shall have the authority to approve overtime and compensatory time consistent with this policy and budgetary requirements. No employee shall work overtime or compensatory hours without the prior knowledge and written approval of the Department Head. An authorization form will be required for overtime and compensatory hours worked.

Department Heads shall ensure that all overtime earned and compensatory time used is recorded in the applicable time keeping system as it occurs and is submitted to the Finance Department along with the supervisor's justification for the overtime/compensatory time worked.

17.00 Workers' Compensation

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

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

Benefits for compensable injuries are governed by state law, and include wages, medical, hospital and related services and other compensation. Wage loss benefits begin after a four (4) day waiting period. If an employee remains off work more than 21 days, the benefits may be paid retroactively to the first day of the workers' compensation covered absence. Employees may use accrued annual or sick leave benefits to cover wage loss during the four-day waiting period.

Employees engaged in certain recreational activities may not be covered by Workers' Compensation benefits. Similarly, certain accidents that occur off Powell County property or that occur as a result of the use of medical marijuana may not be covered.

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

18.00 INSURANCE BENEFITS

Employees are urged to contact the Finance Department for information on current insurance benefits and eligibility 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 Powell County should also be aware that any one or all of these benefit programs may be modified or even discontinued at any time by the County. The offer of this benefit package to individual employees should never be construed as a guarantee of coverage under the benefit by Powell County. If employees have questions, they should contact the Finance Department about the details of the plan.

HEALTH INSURANCE

Powell County provides a group health insurance plan available to all eligible permanent full-time and part-time employees scheduled to work at least 30 hours per week beginning on the first of the month following a ninety (90) day waiting period. **Effective January 1, 2014, employees regularly scheduled to work week at least 30 hours per week will be eligible for group health insurance.**

Eligible employees may elect to cover dependents on their Health Insurance plans at their own expense through payroll deduction.

If an employee terminates employment, they may, depending on the reasons for separation, be eligible for continuing coverage under the federal COBRA law. See the Finance Office for information on continuing coverage.

The County will maintain medical insurance for eligible employees for a period of not more than six (6) months if the employee is injured or disabled on the job and protected by workers' compensation insurance.

All leave paid or unpaid (including on the job injury leave) runs concurrently with the Family Medical and Leave Act leave except for non-exempt (non-salaried) compensatory time. If any employee requests use of non-exempt (non-salaried) compensatory time for FMLA reasons, the absence may not be counted against the employee's FMLA leave entitlement.

Cafeteria benefits are offered through the insurance carrier.

RETIREMENT PLAN

Membership in the Public Employee Retirement System (PERS) is mandatory for all county employees according to Section 19-3-101 MCA, except elected officials and sworn officers of the Sheriff's department. Membership in the Sheriff Retirement System is mandatory for all sworn officers of the Sheriff's department according to Section 19-7-301 MCA.

Powell County makes a contribution into each eligible employee's accounts based on the current legislatively established contribution rate. Please see the Finance Officer for information on

current contribution rates and forms to enroll in the plan.

DEFERRED COMPENSATION

The County offers its employees an individually funded deferred compensation plan.

The plan is in association with the National Association of Counties (NACO) and administered by PEBSCO. The plan allows the employee to plan ahead for retirement with a monthly deduction not to exceed approximately twenty-three percent (23%) of their annual salary. The moneys are then invested either in a fixed account or aggressive growth funds, growth funds, money market fund, income funds, etc. The employee has the option of deciding what percentage he/she will invest in the funds. The moneys that are deducted from payroll are not taxable income until the employee either is separated from county employment or retires and starts to withdraw the moneys from their deferred compensation plan.

SOCIAL SECURITY:

The County will deduct the amount required by law from each employee's gross salary for federal Social Security coverage. The county contributes an equal amount to the employee's Social Security account.

UNEMPLOYMENT INSURANCE:

The County pays for unemployment insurance for all employees, except elected officials, which allows employees to accrue wage credits qualifying them for unemployment insurance. Detailed information is available from the Employment Security Division of the State of Montana.

MISCELLANEOUS INSURANCES:

The County allows various other insurances such as AFLAC, New York Life and Colonial Life to be deducted through payroll.

19.00 GUIDELINES FOR APPROPRIATE CONDUCT

Powell 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 Powell County or that might be viewed unfavorably by the public at large.

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.

1. Falsifying employment or other County records or making false statements such as misrepresenting travel expenses.
2. Violating any Powell County Policy.
3. Violating the Montana Code of Ethics (Section 2-2-101 / 1-1-304 MCA).
4. Establishing a pattern of unauthorized absenteeism or tardiness or abusing break times and/or lunch periods.
5. Theft of or use of County equipment, vehicles, supplies, time or facilities for private purposes.
6. Possessing or using alcohol or non-prescription drugs in County vehicles or using alcohol in private vehicles being used for County business.
7. Violating drug and alcohol rules and regulations established for employees required to have commercial driver's licenses.
8. **Bringing or using alcoholic beverages on County property or when on duty.**
9. **Fighting or causing or performing violent acts in the workplace or threatening citizens or co-workers.**
10. **Possessing unauthorized firearms on County premises or while on County business.**
11. Disregarding safety or security regulations.
12. Engaging in insubordination.
13. Being under the influence of any drug or alcohol- whether prescribed or not- that impairs the ability to work safely or efficiently.
14. Failing to maintain the confidentiality of County information.
15. Failing to perform duties in a satisfactory manner.
16. Using offensive conduct, gestures or language towards the public, County officials or other employees.
17. Failing to possess or maintain any driver's license, commercial driver's license or other license required to perform the duties and responsibilities of the employee's position.
18. Failing to operate or maintain County equipment or property safely or in the proper manner.
19. Failure to adhere to any federal, state or local ordinance applicable to the duties and responsibilities of the employee's position or profession.
20. Any other act, failure to act, or negligence which is injurious to Powell County, County employees or the general public.

20.00 DISCIPLINE HANDLING

Any employee who has been found to:

- have violated generally accepted standards of workplace behavior or other applicable policies or procedures, or;
- have refused to carry out the instructions of a person in a position of authority, or;
- not met our standards of job performance or conduct,

is subject to disciplinary actions up to and including termination of their employment.

When deciding the appropriate actions taken by the County in any situation, the County will consider the seriousness of the offense and the employee's prior employment record. Violations 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 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 any disciplinary action is imposed.

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

21.00 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, Powell County has adopted the following policy.

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

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

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

22.00 PERSONAL APPEARANCE

An employee's personal appearance affects co-worker and public relations. It can create a favorable or unfavorable impression of them and Powell County. 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.

It will be up to the department head to approve or disapprove an employee's attire.

23.00 PERSONAL TELEPHONE CALLS

County phones are to be used for County business and may be used for personal business on a limited basis only. Telephone calls received during business hours (including calls placed or received on personal cell phones) must be held to both a minimum number and a maximum of three (3) minutes to keep phone lines available for business use and to avoid excessive loss of work time.

When a toll call must be placed, the employee must make arrangements to reimburse the County for the cost of any personal calls made on county telephones.

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

24.00 USE OF COUNTY EQUIPMENT

Powell County property or equipment may not be used for personal reasons. Employees that have been found to have used County property or equipment for personal reasons may be subject to appropriate disciplinary action up to and including termination. Only the County Commissioners may authorize the sale of property listed on the Powell County Fixed Assets Inventory.

All messages, documents, programs and software on County owned computers are the property of Powell County. No employee may destroy, alter or delete any public record (as that term is defined in 2-6-401 MCA) without the expressed permission of their immediate supervisor. As provided by Montana law, the term "public records" includes: any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:

- (A) has been made or received by any local government to document the transaction of official business;
- (B) is a public writing of the local government pursuant to [2-6-101\(2\)\(a\)](#); and
- (C) is designated for retention by the local government records committee established in [2-6-402](#); and (all other records or documents required by law to be filed with or kept by any local government in the state of Montana, except military discharge certificates filed under [7-4-2614](#)).

The term includes electronic mail sent or received in connection with the transaction of official duties. The term does not include any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, a preliminary draft, a telephone messaging slip, a routing slip, part of a stock of publications or of preprinted forms, or a superseded publication.

Messages stored on the County's electronic equipment (voice mail, e-mail, computer files, etc.) are subject to inspection regardless of the use of a personal password. Powell County reserves the right to access any electronic file when necessary. All employees must provide any computer, voice mail, program or file passwords to their immediate supervisor.

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

All property, supplies, and services purchased with Powell County funds should be used only for official purposes.

All keys for County buildings, offices, and other facilities will be issued by the County to employees where the employees' duties require access to the building or office outside of regular office hours.

Powell County provides offices, desks, computers and other property and equipment for use while employed by the County. Powell County reserves the right to open and inspect any County owned or furnished office, desk, computer, file cabinet or other County property at any time, with or without reason, notice or consent. Employees should avoid using their County voice mail or email for personal messages since their privacy cannot be guaranteed.

Computers, smart phones and other equipment not purchased by the County will not be supported by the County.

VEHICLES AND DRIVERS LICENSE REQUIREMENT

All vehicles owned, leased, rented or otherwise under the authorized control of the County are considered County vehicles. Employees whose work requires that they drive Powell County vehicles must hold a valid Montana State Driver's License, including a Montana Commercial Driver's License if applicable. An employee who drives as a part of their job duties must present a valid and current license upon assignment to a driving position and as requested thereafter.

All new employees who will be assigned work entailing the operation of a County vehicle will be required to submit to a driving record check as a condition of employment. Powell County may, during employment, periodically conduct checks of employee driver's licenses through visual and formal reviews. 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 required permit from the State Division of Motor Vehicles.

25.00 SAFETY IN THE WORKPLACE

To assist in providing a safe and healthful work environment for employees, customers and visitors, Powell 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 Powell 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.

The County may provide each permanent work site copies of new or updated policies dealing with such things as fire, flood, equipment safety and health issues for posting on the bulletin boards.

- Quarterly 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, employees should immediately notify their Supervisor, Safety Officer or Finance Office. This is necessary to comply with laws and initiate insurance or workers' compensation benefits procedures.

26.00 SMOKE-FREE WORKPLACE

In compliance with the Montana Clean Indoor Air Act, Powell County offices, County-owned vehicles and all Powell County buildings and other enclosed spaces are non-smoking sites. Employees wishing to use lawful tobacco products may do so on regularly scheduled breaks or lunches only. Employees will not be provided additional breaks to smoke outdoors.

27.00 REPORTING ACCIDENTS

Employees involved in an accident while operating Powell County vehicles must immediately report damages and injuries to their supervisor, Safety Officer or **Clerk & Recorder's Office** using the form provided by the County. Any traffic citations received while operating Powell County vehicles must be reported immediately to their supervisor, Safety Officer or **Clerk & Recorder's Office**. Payment of fines resulting from a citation while operating a company 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.

28.00 VIOLENCE AND VIOLENT BEHAVIOR IN THE WORKPLACE

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

Powell County has a "ZERO TOLERANCE" attitude regarding violence in our workplace. This policy prohibits but is not limited to the following types of conduct:

- injuring another person physically;
- engaging in behavior that creates a reasonable fear of injury to another person;
- engaging in behavior that subjects another individual to extreme emotional distress;
- possessing, brandishing, or using a weapon that is not required by the individual's position while on County premises or engaged in County business;
- intentionally damaging property;
- threatening to injure an individual or to damage property;
- committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
- retaliating against any employee who, in good faith, reports a violation of this policy.
- Violent acts of employees occurring outside the workplace also may be grounds for disciplinary action, up to and including termination of employment if the violent conduct committed has an adverse impact on the employee's ability to perform the assigned duties and responsibilities or that it undermines the effectiveness of the County's activities.

Note: Employees may be authorized by their agencies to possess weapons in the workplace if they are required as a part of employees' job duties with the County.

Employees violating this policy will be subject to disciplinary action up to and including termination, based on the situation.

29.00 GRIEVANCE PROCEDURE

PURPOSE: To establish a policy and procedure to resolve employee complaints involving the interpretation or application 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 "Discrimination Grievance Procedure" outlined in the Equal Employment Opportunity 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 shall be allowed to present the matter to management by using the following procedure.

It is our goal to attempt to resolve job-related problems whenever possible through informal discussions between you and your immediate supervisor.

If you have made an attempt to correct the problem through informal discussions and you believe the problem has not been resolved, you may file a written grievance using the formal procedure described below. If you are a probationary employee, you are not eligible to use this procedure unless you are alleging unlawful acts on the part of management.

An employee must begin Step 1 of the formal grievance process described below within ten (10) business days of his/her knowledge of the situation giving rise to the complaint. Grievances from terminated employees will begin at step two of the procedure below.

The time frames established in this procedure may be extended upon written mutual agreement of the parties. The term "day" as used in this policy refers to work days, Monday through Friday, which are not observed as holidays by the County.

The employee filing the complaint carries the burden of moving the grievance forward within the time period specified for that step. Failure of the grievant to advance the grievance to the next step of the procedure within the allotted time frame may result in dismissal of the grievance.

FORMAL PROCEDURE

STEP ONE

You must submit your complaint in writing to your immediate supervisor within 10 days of knowledge of the alleged incident. In your complaint, you must describe your complaint including a description of how you believe an established policy, procedure, law or rule was violated, and indicate what action(s) you believe the County should take to resolve your complaint.

The supervisor will have 10 working days to investigate as may be necessary and respond to the employee's written grievance.

STEP TWO

If within five days of the date the response was received or was due, you may notify management in writing of your desire to go to step two of the procedure. You should submit the complaint along with any supporting materials, and a copy of the response, if any, received in Step One to the Head of the Department to which you are assigned. The Department Head or his/her designee may interview those involved in the dispute and may conduct any investigation he/she believes is necessary to render a proper decision.

The Department Head has 30 working days from the receipt of your appeal to issue a decision.

STEP THREE

If the employee is not satisfied with the Department Head's decision, the employee may appeal an issue to the County Commissioners within ten (10) days of receipt of the Department Head's decision or the date the decision was due.

The County Commissioners have thirty working days to consider the complaint and render a decision that is final and binding upon the County.

Powell 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 Powell County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the "Guidelines for Appropriate Conduct Policy" are present. If the grievance involves a disciplinary termination, the employee may request a hearing before the Powell County Commissioners. At the hearing, the employee may be represented by counsel (at their expense) and may present evidence and examine and cross-examine witnesses.

30.00 VOLUNTARY TERMINATION / RESIGNATION/ RETIREMENT

Employees desiring to voluntarily terminate their employment relationship with Powell County should notify Powell County in writing at least two weeks in advance of their intended termination. The notice should be given to the Supervisor and Department Head. Proper notice generally allows Powell County sufficient time to calculate all monies to which the employee may be entitled and to include such monies in the final paycheck.

All voluntarily and involuntarily terminating employees will receive their final paycheck on the next regularly scheduled payday following the date of termination. Termination paperwork (available in the Clerk and Recorder's office) and recovery of County owned records or property will be conducted by the terminating employee's Department Head. **Completed paperwork must be submitted to the Clerk and Recorder.**

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

Payout of benefits and withdrawal of funds from the Public Employees Retirement System will indicate that the employee has voluntarily terminated even though formal written notice may not have been given. Any employee who has voluntarily terminated at any time and is then rehired at a later date, for the purposes of longevity, begin as any other new employee with Powell County would with same waiting periods on benefits etc.

Any unearned uniform and equipment allowances previously paid to the employee during the fiscal year in which they are terminating will be reimbursed to the County on a pro-rata via a deduction from the employee's final paycheck.

RETIREMENT

Most County employees are covered by a retirement plan administered by the State of Montana. Employees who plan to retire are urged to provide Powell 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 policies established by the Plan administrator.

REDUCTION IN WORK FORCE

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

Permanent employees within the same classification and department and geographical area will be retained, giving consideration to the general employment history of the employee with the County. The general employment history may include qualifications, experience, capabilities and

disciplinary actions. If no documentable difference in employment history can be determined, an employee's length of continuous service with the county will be used as the criterion for retention, with the most senior employee being retained. "Continuous service" means that the employee's service has not been interrupted by a termination of employment. An employee who has been reinstated shall not be credited with previous service time regardless of the length of the break in service.

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

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

In the event the County decides to staff the position as it had prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of lay off. In the event the County decides to fill the position within 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.

RECEIPT OF POWELL COUNTY EMPLOYEE HANDBOOK

I hereby acknowledge I have personally received a copy of Powell County's Employee Handbook (Handbook) **and have been given an hour of paid time to read and review it.** I understand I am responsible for reading the Handbook and being aware of, understanding, and adhering to what is outlined in its contents. I further understand the policies, procedures, and benefits described in the Handbook are subject to plan benefit documents, applicable law, and, at the sole discretion of the Powell County Commissioners, the policies, procedures, and benefits may be changed at anytime. My continuing employment with Powell County represents the consideration for and my acceptance of the provisions of this Handbook and any amendments and changes adopted in the future.

Please sign, date, and return this page to the Clerk and Recorder's Office for placement in your personnel file.

Employee's Printed Name	Position
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Employee's Signature	Date
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Witness Signature	Date
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