



MINERAL COUNTY EMPLOYEE POLICY MANUAL

**ADOPTED BY THE
COMMISSIONERS OF
MINERAL COUNTY, MONTANA
Adopted: May 31, 2019**

JUN 7 2019 PM12:05

0119459

119459 MISC

Pages: 1

STATE OF MONTANA MINERAL COUNTY

RECORDED: 06/07/2019 12:05 KOI: RESOLUTION

KELANN MCLEES CLERK AND RECORDER

FEE: \$0.00

BY: K. Mclees

TO: FILED IN OFFICE MINERAL COUNTY COURTHOUSE, COMMISSIONER

RESOLUTION NO. 05-31-2019

**RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF
MINERAL COUNTY, MONTANA,
ADOPTING A POLICY AND PROCEDURE MANUAL FOR MINERAL COUNTY**

WHEREAS the Board of Commissioners of Mineral County, Montana, believes it to be in the best interest of the County to adopt an updated Policy and Procedure Manual for Mineral County; and

WHEREAS the said Board of County Commissioners believes that such Policy and Procedure Manual may accomplish the following purposes:

1. Inform Employees as to their rights, duties, and obligations in relation to each other and their employer.
2. Inform Department Heads and other Supervisors of their obligations toward the employees and their right to the respect, loyalty, and obedience from the employees.
3. Encourage County Employees and Officials to serve in a courteous, efficient, and professional manner.
4. Encourage public service as a career.

NOW THEREFORE, be it resolved by the Board of the County Commissioners of Mineral County, Montana, that the attached Policy and Procedure Manual is hereby adopted as the Official Policy and Procedure Manual for Mineral County, Montana.

That any policies, procedures, rules or resolutions that are contrary to the attached Manual are superseded by the current Manual. If there is a conflict between the County Department Employee Policy Manual, the County Department Employee Policy Manual shall supersede unless otherwise determined by counsel.

That if there is a conflict between the terms of this Manual and State or Federal Laws or Regulations, the Laws and Regulations shall be followed.

If any provision of the Manual or this application of the provisions is deemed invalid or void, the remainder of the policies and procedures shall remain in force to the extent they are not invalid and void.

Dated this 31 day May of 20 19
MINERAL COUNTY COMMISSIONERS

Roman Zylawy, Chairman Roman Zylawy

Laurie Johnston, Member Laurie Johnston

Duane Simons, Member Duane Simons

**ACKNOWLEDGEMENT AND RECEIPT OF
HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES
FOR MINERAL COUNTY**

By my signature below, I verify that I have read the Mineral County Policy Manual. I understand my responsibility to read the contents and to seek clarification from my Department Head/Supervisor if I have any questions.

This Manual is issued to better inform employees of certain County policies. The County reserves all rights to manage its affairs, except as the provisions contained in this Manual may specifically provide restrictions.

I understand that from time to time the County may issue additional policies or updates, and that it is my responsibility to read them, to seek clarification from my supervisor if I have any questions, and to maintain them in the Policy and Procedure Manual I have been issued.

After you have signed and dated this form, please present it to your supervisor. It will be kept in your personnel file.

DATED this _____ day of _____.

Employee's signature: _____

Employee's hand-printed name: _____

MINERAL COUNTY MISSION STATEMENT

MINERAL COUNTY EXISTS TO:

1. Serve the citizens of Mineral County.
2. Assist the citizens of Mineral County to receive an excellent quality of life from County government, consistent with our resources and their willingness to provide those resources.
3. Ensure that the citizens of Mineral County are free to act and live their own lives, consistent with the laws of the United States and the great State of Montana.
4. Provide leadership, communication and delivery of cost effective services, which are responsive to the people's needs and geared to the future of Mineral County.
5. Provide a climate that will foster economic growth, recognizing that people are the key to our success.
6. Cooperate with other government entities to serve and protect the rights of our citizens.


TABLE OF CONTENTS

Resolution No.

Acknowledgement and Receipt of Handbook

Mineral County Mission Statement	1
1.0 INTRODUCTION	4
1.1 Welcome Statement.....	4
1.2 Statement of Management Rights	5
1.3 Severability Statement.....	6
1.4 Changes to Personnel Policies and Procedures	6
1.5 Collective Bargaining Agreements.....	6
2.0 EMPLOYMENT POLICIES.....	6
2.1 Definitions	6
2.2 Equal Employment Opportunity	7
2.3 Preventing Harassment and Discrimination	8
2.4 Compliance with the Federal Genetic Information Act of 2008 (GINA).....	11
2.5 Compliance with the Americans with Disabilities Act (ADA)	12
2.6 Whistleblower Protections.....	13
2.7 Nepotism	14
2.8 Recruitment and Selection.....	15
2.9 Physical Examination.....	17
2.10 New Employee Orientation	18
2.11 Probationary Period	19
2.12 Job Evaluations.....	20
2.13 Job Description	21
2.14 Personnel Appointments.....	22
2.15 Employee Discipline.....	24
2.16 Employee Grievance.....	26
2.17 Time Sheets and Preparation of Payroll.....	28
2.18 Employee Personnel Records	29
2.19 Hours of Work and Meal Breaks	31
2.20 Driver's License Requirement.....	32
2.21 Drug and Alcohol Free Work Place and Drug Testing	33
2.22 On-call Duty	35
2.23 Transfers Between Departments	36
2.24 Reduction in Workforce.....	37
2.25 Voluntary Termination, Resignation or Retirement.....	39
2.26 Continuation of Group Health Plan Coverage	40
2.27 Worksite Breastfeeding	41
2.28 Credit Cards and Travel Expenses.....	42
2.29 Use of County Equipment	44
2.30 Return of County Equipment	45
2.31 Purchase, Sale or Trade of Useable or junk items.....	46
2.32 Record Retention or Disposal.....	47
3.0 EMPLOYEE LEAVE	48
3.1 Sick Leave.....	48
3.2 Sick Leave Grant.....	52
3.3 Annual Leave	54
3.4 Holidays	57
3.5 Military Leave	59
3.6 Jury and Witness Duty Leave	61
3.7 Maternity Leave and Parental Leave	62

3.8 Leave of Absence Without Pay	63
3.9 Family and Medical Leave Act (FMLA)	64
4.0 EMPLOYEE CONDUCT	67
4.1 Prohibited Conduct and Guidelines for Appropriate Behavior	67
4.2 Ethics and Conflict of Interest Policy	71
4.3 Tobacco Free, Smoke Free Workplace	73
4.4 Personal Appearance and Proper County Representation	74
4.5 Personal Telephone Calls and Personal Communication Devices	75
4.6 Computers, Internet and E-mail	76
4.7 Social Media.....	78
4.8 Use of Scented Substances	79
4.9 Other Employment.....	80
5.0 Pay and Benefits.....	81
5.1 Overtime, Compensatory Time and Call Outs	81
5.2 Decedents Warrant or Pay Reissuance.....	83
5.3 Workers' Compensation.....	84
5.4 Health and Life Insurance	85
5.5 Retirement	87
5.6 Other Benefits	88
6.0 SAFETY	89
6.1 Workplace Safety Program	89
6.2 Accident Reports-Proper Reporting Procedures	90
6.3 Use of Vehicles and Equipment.....	91
6.4 Weapons on County Property and Workplace Violence Prevention	93
6.5 Data Breach Response Plan.....	95
APPENDICES.....	96
APPENDIX A: EQUIPMENT ACKNOWLEDGEMENT FORM	
APPENDIX B: ETHICS AND CONFLICT OF INTEREST ACKNOWLEDGEMENT FORM.....	
APPENDIX C: DRUG AND ALCOHOL FREE WORKPLACE ACKNOWLEDGEMENT FORM.....	
APPENDIX D: COMPUTERS, INTERNET, E-MAIL AND ELECTRONIC COMMUNICATION POLICY ACKNOWLEDGEMENT FORM.....	
APPENDIX E: DISCRIMINATION POLICY ACKNOWLEDGEMENT FORM	
APPENDIX F: DECEDENT'S WARRANT OR PAYCHECK DESIGNATION FORM.....	
APPENDIX G: MINERAL COUNTY OWNED PROPERTY AND RECREATIONAL AREAS TOBACCO FREE POLICY.....	

<p>MINERAL COUNTY POLICY MANUAL</p> 	<p>1.0 INTRODUCTION</p>	<ul style="list-style-type: none"> • 1.1 WELCOME STATEMENT • 1.2 STATEMENT OF MANAGEMENT RIGHTS • 1.3 SEVERABILITY STATEMENT • 1.4 CHANGES TO PERSONNEL POLICIES AND PROCEDURES • 1.5 COLLECTIVE BARGAINING AGREEMENTS <p>EFFECTIVE DATE: 05/31/2019 REVISION DATE:</p>
---	-----------------------------	--

1.1 Welcome Statement

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

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

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

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

1.2 Statement of Management Rights

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

1.3 Severability Statement


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

1.4 Changes to Personnel Policies and Procedures

The County provides all employees with general information regarding employee benefits and established personnel policies and procedures through the issuance of this Handbook. However, it is not a contract and is subject to change at any time. Policies and procedures shall be added to, updated, or deleted as determined appropriate by the County. The County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. The policies are also not to be interpreted as promises of specific treatment. Holders of the copies of the rules shall be responsible for inserting changes as they are issued and for keeping their respective copies of the policies current. Suggestions for amendments in the rules are welcome. Proposed amendments should be submitted in writing to the Board of County Commissioners.

1.5 Collective Bargaining Agreements

If you are a member of a collective bargaining unit subject to a Collective Bargaining Agreement (CBA), the CBA primarily governs your employment with the County. If your CBA does not address an issue, the personnel policies and procedures in this Handbook shall apply. In the event of a conflict between provisions in this Handbook and any CBA, State or Federal law, or resolution or rule of the County, the terms and conditions of such CBA, law, or County resolution, or rule shall prevail. All members of the CBA are required to provide a signed copy of the Acknowledgment and Receipt of Handbook of Personnel Policy and Procedures for Mineral County and the CBA to the Human Resource Office for the employee's Personnel File.

MINERAL COUNTY POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	•2.1 DEFINITIONS EFFECTIVE DATE: 05/31/2019 REVISION DATE:07/02/2021
--	----------------------------	---

The following employment definitions apply to this Handbook:

Exempt employee is one not subject to the overtime pay provisions of the Federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e., employees exempt from the overtime pay provisions of the FLSA in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act.

(See FLSA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>)

Full-time employee means one who normally works 40 hours a week.

Part-time employee means one who normally works 20 hours a week.

Non-exempt employee means one who is subject to the overtime provisions of the Federal Fair Labor Standards Act of 1938 as amended, and its regulations.

Seasonal employee means an employee designated by the County as seasonal who performs duties interrupted by the seasons and whom the County may recall without a loss of rights or benefits.


Short-term employee is one hired by the County for an established hourly wage, who may not work for the County for more than 90 days in a continuous 12-month period, who the County cannot hire into another position without a competitive selection process, and who is not eligible to earn leave and holiday benefits.

Temporary employee is one designated by the County as temporary for a definite period of time not to exceed 12 months, who performs temporary duties on a temporary basis, whose employment terminates at the end of the employment period, and who is ineligible to become a full-time employee without a competitive selection process.

Relevant Information: Definitions at MCA § 2-18-101

Permanent, temporary, and seasonal employees earn sick and annual leave along with holiday pay from the first day of employment as per MCA § 2-18-601 through 641


- An eligible student also known as a CERT student may be allowed to assist in the work place with proper approval from both the County Commissioners and the required documentation from the School District.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.2 EQUAL EMPLOYMENT OPPORTUNITY <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

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

The County shall follow all Federal and State laws and regulations prohibiting discrimination.

Relevant Information: Montana Human Rights Act, Title 49, MCA

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.3 PREVENTING HARASSMENT AND DISCRIMINATION EFFECTIVE DATE: 05/31/2019 REVISION DATE: 07/02/2021
---	-------------------------------	--

The County's policy is to provide employees with a work environment free of discrimination and harassment. Harassment of employees and any persons doing business with County government because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, or veteran's status is illegal and prohibited. The County also prohibits retaliation against any employee because he or she has made a report of alleged harassment or discrimination, or against any employee who has testified, assisted, or participated in any manner in an investigation of a report. Discrimination is a violation of civil rights law and is a prohibited practice subject to disciplinary and civil action.

Employee's Responsibilities

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

Management's Responsibilities

All Department Head/Supervisors are responsible for following this policy. Members of management who witness discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to Human Resources or Equal Employment Opportunity personnel, or the County Commission. Management shall review any report or complaint of harassment or discrimination and take appropriate action. Department Heads **must** follow the Commissioners' Directive to consult with MACo before any terminations can occur; departments will be responsible for the deductible if advice from MACo is not followed.

What Constitutes Harassment

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment constitutes discrimination and is illegal under Federal, State, and local laws.

Other protected categories can also be harassed. The County strictly prohibits harassment on the basis of any other protected characteristic. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sexual orientation, political beliefs, genetic information, veteran's status, or any other characteristic protected by law or that of his or her relatives, friends, or associates, and which:

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

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

Reporting Procedure

A. Employee's Responsibility

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

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

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

B. Management's Responsibility

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

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

Supervisory personnel have an obligation to:

1. Inform their employees of their right to a harassment-free environment. Employees must be aware of the procedure for reporting prohibited behavior.
2. Express strong disapproval of any type of harassment.
3. Make it clear that employees who engage in sexual harassment will be appropriately disciplined or discharged and that victims and informers will be protected from retaliation.
4. Be aware of activities in the workplace. If management is aware of or could have known of inappropriate conduct, the law requires that immediate corrective action be taken.

Retaliation

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

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

Examples of retaliation could include:

- reprimanding an employee or giving a performance evaluation that is lower than it should be;
- transferring an employee to a less desirable position;
- engaging in verbal or physical abuse;
- threatening to make, or actually making reports to authorities;
- increasing scrutiny;
- spreading false rumors, treating a family member negatively; or
- making the person's work more difficult


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

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

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

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


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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.4 COMPLIANCE WITH THE FEDERAL GENETIC INFORMATION NON- DISCRIMINATION ACT OF 2008 (GINA) <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	--	--

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

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


Relevant Information: The Genetic Information Nondiscrimination Act of 2008

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.5 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

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

Any employee or job applicant may request an accommodation by contacting Human Resources personnel, and/or the Commissioners verbally or in writing. A request for accommodation is the first step in an interactive process between the individual and the County, to clarify the individual's request and to identify any appropriate reasonable accommodation. The County has the right to request reasonable documentation to support any accommodation request. Anyone who believes he/she has a disability and needs an accommodation in order to interview or perform the essential functions of the job is encouraged to inform the Department Head/Supervisor, Human Resources, and/or the Commissioners of the need for accommodation.

Relevant Information: Americans with Disabilities Act


<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.6 WHISTLE BLOWER PROTECTIONS <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

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

- terminate employment;
- demote;
- deny overtime, benefits, or promotion;
- discipline;
- decline to hire or rehire;
- threaten or intimidate;
- reassign to a position that hurts future career prospects;
- reduce pay, work hours, or benefits; or
- take another adverse personnel action.

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


Relevant Information: MCA Title 2, Chapter 2, Part 1

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.7 NEPOTISM <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

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

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

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.8 RECRUITMENT AND SELECTION <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 07/02/2021</p>
--	------------------------------------	--

The County provides a fair, consistent, and competitive hiring process based on each applicant's qualifications and competencies. County Department Heads/Supervisors may recruit applicants internally or externally in the recruitment and selection process. The County will use a selection process that is designed to select the best candidate based on merit and qualifications. All statutory preferences shall be provided as required by law. Preference shall be granted to the disabled pursuant to § 39-30-201 MCA. Point preference shall be granted to Veterans pursuant to § 39-29-102- MCA.

Recruitment Process

Notice of vacancy: At such time as a position vacancy occurs, or a new position is created in any Department of County government, Human Resources shall be notified of such vacancy. Department Heads shall work with Human Resources to create or change a job description to be presented to the commissioners; Human Resources will place the Department Head on the commissioners' agenda for approval to fill the vacancy. At this time, the Department Head/Supervisor, Human Resources and commissioners will collaborate to develop an appropriate offer of employment (including position title, compensation, etc.).

Upon approval, Human Resources will post the job vacancy to all departments within the County and shall also post on the County bulletin board/website in order to provide accessibility to all employees. The notice of vacancy may be listed with the State Employment Service and/or the media.

All applications will be mailed or turned in to the Human Resources Office.

The Human Resources Department will submit applications to the Department Head/Supervisor. The Department Head/Supervisor will identify the most appropriate/qualified candidates for Interviewing; Human Resources may conduct reference and background checks and schedule interviews.

Selection Process

1. The Department Head/Supervisor will select a committee to conduct interviews; Human Resources and at least one commissioner (if available) will be present during the interview.
2. Upon final selection, the Department Head/Supervisor or Human Resources will extend the verbal offer of employment to the candidate selected and Human Resources will prepare a written offer letter of employment for the candidate; candidates not chosen will be called.
3. Upon receipt of an offer letter signed by the candidate, the Human Resources Department will close the vacancy.
4. Human Resources will send a letter to candidates not chosen for an interview and will contact those candidates who were interviewed but not selected.

Responsibility

The Human Resources Department is responsible for the overall management of the recruitment process, including employment-related agency relations, and processing new requisitions.

Contracted Services Job Applicants

When a vacancy falls under contracted services, the Commissioners may advertise in local newspapers, professional organizations, and/or list with State Employment Services.


Policy on In-House Job Applicant:

A current employee of Mineral County receiving a monthly Mineral County payroll check, on a regular basis, will be eligible to apply for any in-house position after he or she has successfully completed his or her probationary period.

Only One Application:


If there is only one applicant who has applied for any position either in-house, contracted, or recruited, the County has the right to re-start the selection process. The County shall not be required to select the only applicant based upon the pool if the applicant is not qualified to perform the job duties.

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.9 PHYSICAL EXAMINATION <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:01/27/2020</p>
--	------------------------------------	--

A department may require a post-offer physical, psychological test or background investigation, subject to relevant state and federal laws. Prior consultation with Human Resources is required.

Criminal conviction and/or criminal citations during employment as a Detention Officer must be reported to the employer within 5 days of occurrence; failure to follow this policy could be reason for dismissal.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.10 NEW EMPLOYEE ORIENTATION EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	--

"Orientation" is the process of familiarizing new employees with their organizational assignments, introducing them to the staff, explaining benefits and relating their work to organization goals and objectives. The orientation program is intended for all new County employees.

Guidelines

1. Promote employee identification with the County.
2. Encourage a high level of motivation by integrating the interests and goals of the County with those of the individual.
3. Promote mutually satisfying interpersonal relationships between present employees and the new employee.
4. Acquaint the new employee with the position responsibilities.
5. Initiate the employee into the probation period.
6. Review the Employee Safety Manual.

Procedure


The employee's Department Head/Supervisor has the primary responsibility for an orderly and systematic orientation process of introducing the new employee to co-workers, explaining job responsibilities, touring office facilities, providing adequate supplies and materials, and discussing organizational responsibilities.

The Department Head/Supervisor must insure that the employee receives the appropriate safety training, including specialized job safety training as it pertains to the position and the work performed by the employee. The Department Head/Supervisor shall also provide the new hire:

- Risk-Specific Training – Risk-specific competencies are identified according to the type of work being conducted (e.g., first aid, hazardous substance awareness, ergonomics, etc.).
- Task-Specific Training – Task-specific competencies are the skills and knowledge needed by an employee in order to perform their work safely (e.g., applying safe work procedures when operating a machine or piece of equipment, etc.).

Employee Sign- Up:


On the first day of hire, the new hire shall meet with HR to complete all necessary pre-employment paperwork, review in detail all employee benefits and review Employee Policy and Safety Manual contents. HR will take the new hire to other departments that will be involved in the new hire process (payroll, etc.) If a person has worked for the City, State, or County Government somewhere else in Montana, he/she should bring written documentation on how many hours worked, or length of time, to the Payroll Clerk. Those prior hours worked will be added on for vacation leave only. The HR Administrator will review with each new employee the Policy and Procedure Manual, which the employee will sign.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.11 PROBATIONARY PERIOD <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 4/16/201</p>
--	------------------------------------	---

It is the policy of the County that new employees shall complete a probationary period. The purpose of a probationary period is to provide a trial period to assess employees' abilities to perform their job duties, to assess their conduct on the job, and to determine if they should be retained beyond the probationary period and attain permanent status. All new employees shall be given a twelve-month probationary period. The County may choose to extend an employee's probationary period by three months (not to exceed six months), providing that the Department Head/Supervisor, Human Resources and the employee have completed a written improvement evaluation. If the probationary period will be extended, the employee shall be notified of this in writing prior to the expiration of the initial probationary period. After probation has been satisfactorily completed, the employee is considered a full-time or part-time employee. This policy does not apply to temporary staff, short-term workers, or contractors who cannot attain regular status. In the event the employee does not perform satisfactorily as determined by the Department Head/Supervisor and Human Resources, the employee shall, at any time during the probationary period at the discretion of the Department Head/Supervisor, be either terminated or notified in writing of the deficiency.

Raises will be considered after successful completion of the twelve-month probationary period. Any and all other raises will be brought forth at budget time.

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.12 JOB EVALUATIONS <p>EFFECTIVE DATE: 05/31/2019 REVISION DATE: 5-20-2020</p>
--	------------------------------------	---

Department Heads/Supervisors may conduct a Job Evaluation. If an evaluation is completed, each employee in your office must receive the same evaluation. The signed evaluation form is returned to Human Resources.

Regularly Scheduled Performance Appraisals


Normally, Department Heads/Supervisors and employees have ongoing discussions about job performance. The primary purpose of an employee job evaluation system is to provide an opportunity for the employee and the Department Head/Supervisor to discuss the employee's job performance to communicate job goals and objectives. Job evaluations or documented discussions may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, reemployment, salary increases, and training. Completed appraisal forms/discussions shall be returned to the Human Resource Office by the Department Head/Supervisor for filing in the employee's personnel file.

Special Evaluations

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

Employees Right of Rebuttal

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


<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.13 JOB DESCRIPTION <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

Each January the Department Head/Supervisor and employee may need to review the employee's job description. If changes are made a copy shall be provided to Human Resources to update the personnel file.

New Job Descriptions for Employees:

The Department Head/Supervisor will be required to complete the following steps:

1. Complete a proposed description of duties for the new position.
2. Forward description of duties to County Commissioners for review.
3. County Commissioners will give reviewed draft to the Department Head/Supervisor.
4. Department Head/Supervisor will review and approve or note any corrections and return to the County Commissioners to be forwarded Human Resources.
5. County Commissioners will approve the job description before the position is filled during the recruitment and hiring process.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.14 PERSONNEL APPOINTMENTS EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	--

Types of Appointments:

All County employees shall be appointed to one of the following categories: (Sec. 2-18-101 through 2-18-621 MCA).

Full-Time: A full-time employee is one who has completed a probationary period and is regularly scheduled to work forty hours a week, is accorded or offered all employee benefits and will only be separated for cause or as provided in Reduction in Work Force Policy of this handbook.

Part-Time: A part-time employee is one who is regularly scheduled to work less than forty hours a week on a continuous basis. Part-time employees regularly scheduled to work less than forty hours, but twenty or more hours in a work week, shall be entitled to employee benefits pro-rated in proportion to hours worked. Those scheduled to work less than twenty hours a week shall be entitled to vacation and sick leave on a pro- rated basis, but to no other benefits, except P.E.R.S., which is optional.

Temporary Employee: Temporary employee means an employee who:

1. is designated as temporary for a definite period of time not to exceed 12 months;
2. performs temporary duties on a temporary basis;
3. is terminated at the end of employment period; and
4. is not eligible to become an employee without a competitive selection process.

Temporary appointments shall be coordinated with and must be approved by the Board of County Commissioners. Temporary appointees shall not be entitled to employee benefits except as required by State law.

Seasonal Employee: Seasonal employee means an employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without loss of rights or benefits accrued during the preceding season.

Short-Term Employees: A Short- Term Employee means an employee who is hired by a department for an hourly wage and will be employed for no more than 90 days in a continuous twelve-month period. A Short-Term employee may not be hired into another position with the County without a competitive selection process. Such employees may be on an on-call list and have the option of accepting one day work assignments. Short-Term employees shall receive no county benefits.

Individual Employment Contract: When the County believes it would be beneficial to the County and is appropriate to the circumstances, it may employ an individual using the Individual Employment Contract, in which case the provisions of that contract shall supersede all provisions of policy, rules and supervisory statements unless specifically provided for by the contract. All employment contracts are subject to State and Federal language.


Department Head/Supervisor: A Department Head/Supervisor is a County employee who is responsible for managing the budget of two or more line items contained in the Mineral County Budget. Their duties may or may not include the following; reporting and accounting to an appointed Board or the Board of Commissioners, attending Department Head meetings, training and supervising staff (paid from their responsible line items), and ensuring their department is in compliance with policy and procedures as set forth.

Multiple Positions

Employees may be simultaneously employed in more than one part-time position within one or more departments of the County. The Department Head/Supervisors, the Commissioners and Human Resources must agree to this in writing. The written statement must include hours to be worked in each position. A percentage will be calculated to determine each budget's responsibility for holiday and leave time, unless otherwise agreed to. For any hours over 40 hours in a workweek, the overtime paid will be applied to the department whose time sheet it reflects. The employee may not use accrued annual vacation leave for one position, while in a pay status for that time, in the other position. A full-time employee may be employed in other positions with the County for certain limited work, provided it does not interfere with his/her full time position. Such employment must be approved by the Department Head/Supervisors and the Commissioners. Vacation time or unpaid leave, used for the full time position while performing work in the second position will not be allowed unless both Department Heads/Supervisors have agreed in writing.

County Employee by Virtue of Grant Monies

Any class of employee who is funded by Federal grant monies will remain a County Employee only for the duration of the grant period. These employees shall earn and accrue all benefits as specified in the grant including wage increases.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.15 EMPLOYEE DISCIPLINE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	---

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

Investigation

When a Department Head/Supervisor learns of an alleged violation of any policy, provision of an applicable Collective Bargaining Agreement, or Department Head/Supervisor instruction, the employee will be notified of the allegations and an investigation shall be initiated which shall include allowing the employee an opportunity to respond to the allegations.

Procedures


Discipline shall be commensurate with the seriousness of the offense. For example, the County, at its discretion, may utilize corrective counseling or a verbal warning before more severe disciplinary action is taken. However, more significant disciplinary action, up to and including dismissal, can be taken for offenses without having prior verbal or written counseling, based on the severity of the offense. Before taking action, Human Resources and the Department Head/Supervisor shall investigate and examine each case individually, considering the impact of the offense, the extent of the damage or disruption caused, and the circumstances of the offense.

Each of the following disciplinary actions is independent of the others and does not necessarily follow in the order listed. Consequently, an employee may be suspended without having been given a warning, or may be dismissed without having been either given a warning or suspended.

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

If a disciplinary decision is termination, the Department Head/Supervisor shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures. HR will provide the discharged employee a copy of the Grievance policy/procedures.

All actions taken should be documented by using the appropriate form obtained from the Human Resources Office. Original documentation of all actions taken will be given to Human Resources to be placed in the Employees Personnel File.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.16 EMPLOYEE GRIEVANCE <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. It is also the policy of the County to provide employees, no longer on probation, an opportunity to resolve certain complaints/problems in relation to their job without fear of reprisal. The purpose of this policy is to secure, at the lowest possible administrative level, equitable solutions to grievances that may arise.

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

Acceptable Reasons for Filing Grievances

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

Preparing and Pursuing Grievances During Working Hours

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

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

Grievance Filing Procedures

All departments, including those which do not have their own procedures or those governed by the grievance policy in a CBA, must provide at least the basic procedure outlined below. An employee must begin Step 1 of the procedure within ten working days of his/her knowledge of the situation.

Grievance Procedure within departmental employees:

Step 1. Informal Resolution: When a grievance occurs between employees, employees should try to resolve their grievance informally whenever possible by discussing the situation and relevant information with their Department Head/Supervisor.

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

Step 3. Submission for formal grievance to Human Resources: If the Department Head/Supervisor is unable to resolve the problem to the employee's satisfaction, he/she should contact Human Resources.

- a. Within ten working days, Human Resources shall meet with all parties involved to try to resolve the issue(s).
- b. If the issue is unable to be resolved by the group, then a written statement by both parties and the Department Head/Supervisor shall be given to the County Commissioners.
- c. Within ten working days the County Commissioners shall set up a meeting with both parties and Department Head/Supervisor, to hear the grievance.
- d. Within five working days the County Commissioners shall give their judgment. The County Commissioners decision will be final.

When a grievance is against a Department Head/Supervisor or between Department Heads, the employee shall, after first attempting to solve the problem by discussing it with the Department Head/Supervisor, shall contact Human Resources. Human Resources shall meet with all parties within ten working days. Human Resources shall make a report to the County Commissioners. If a resolution was unable to be reached, the Commissioners shall review the report and issue a judgment within five working days. The County Commissioners decision is final.


When the grievance is against the County Commissioners, a meeting shall be set up within ten working days with Human Resources. Human Resources shall recommend a resolution.

No employee shall be subjected to termination, demotion, or any form of punishment or harassment as a result of initiating a grievance unless there is sufficient evidence that the filing and/or processing of a grievance or grievances is for the purposes of harassment or intimidation.

The County Commissioners may, at their discretion, designate a representative to perform their obligations under this policy. At any step, the employee and the County can modify the time periods stated herein if done so by mutual agreement and placed in writing.

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

The Commissioners will be the final appeal authority on a grievance.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.17 TIME SHEETS AND PREPARATION OF PAYROLL <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 07/02/2021</p>
--	------------------------------------	--

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

- employee name
- department
- pay period
- hours to be compensated will be broken down on a daily basis into hours worked, to be calculated at the quarter of an hour (.25, .50, .75)
- holiday time
- sick leave
- compensatory time
- vacation
- leave without pay or other designated leave (e.g., FMLA, etc.)
- employee signature
- supervisor's signature

A copy of the time sheet can be obtained from the Payroll Clerk or Clerk and Records office.


Please see pay calendar provided by Payroll Clerk as to due dates for timesheet submission. Payroll is processed on a bi-weekly schedule.

Failure to complete your timecard correctly and submit timely may result in a standard hours worked status based on your personnel appointment.

Payroll may be distributed by direct deposit with proper authorization from the employee. (e.g. money is electronically transferred into an employee's checking or savings account). Direct Deposit is an important employee benefit. If you are enrolled in direct deposit you may only request to change your status before the next payroll is processed. If there is an issue with the information you have provided you may be reimbursed after the proper information has been received from your bank. After payroll is processed a direct deposit sheet is created. All direct deposit sheets will be e-mailed to your County e-mail address unless another e-mail is requested.

Paychecks will be distributed to the employee's Department Head/Supervisor unless other arrangements have been preapproved. 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. All paychecks that have not been picked up by 3:00 pm will go out in the mail unless directed to hold by the employee or other authorized person.

Change in Personal Data: Whenever there is a change in personal data, the employee shall notify the Payroll Clerk and Human Resources.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.18 EMPLOYEE PERSONNEL RECORDS <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

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

Establishment of Procedures and Responsibilities for the Maintenance of Personnel Records

- A. Human Resources is responsible for establishing and maintaining an official personnel file for each county employee. Human Resources warehouses each official employee personnel file.
- B. All employee personnel records are confidential, and access is restricted.
- C. Department Head/Supervisors are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
- D. Each employee is responsible for the verification of information contained in the personnel file. No materials in a personnel file may be removed. An employee may submit a request for removal of a document which may be removed at the discretion of Human Resources and the County Commissioners.
- E. Any employee wishing to review his/her personnel file may do so. The employee must request a review, and it shall be done at a mutually convenient time with Human Resources personnel present. The employee will not be permitted to remove any information from the file but can obtain copies of desired documents. The requested employee must sign a form to obtain copies of records.

Identification of Information to be Included in the Employee's Personnel File

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

- employee application and résumé
- job description and specification information
- job performance ratings and evaluations
- education/training information
- personnel data
- personnel action forms
- documentation of disciplinary action or warning of same
- copy of "Designation of Person Authorized to Receive Decedent's Warrants" if applicable
- any records pertaining to hiring, promotion, transfer and selection for training or apprenticeship
- copies of any documentation for licenses or certification for any applicable positions

- longevity computation, certification form and any documentation of previous employment that affects employee benefits
- any other information the County feels is necessary and important

Financial:

- all copies of payroll forms affecting employee's pay and/or status
- W-4 forms
- employee leave record, time and attendance reports, which may be kept separately for ease of access, but will be combined with personnel file upon termination
- authorizations to deduct money from paycheck such as health insurance premiums, credit union, and/or deferred compensatory deductions, etc.

Confidential:

- performance related information
- disciplinary matters
- personal matters

Documents of Separation:

- copy of termination form
- signed copy of letter of resignation


Medical or Other Confidential Personal Information

The County maintains separate, confidential personal medical information files on each employee. Those files are with Human Resources.

Employee's Responsibility to Ensure that Files are Up to Date

To ensure that an employee's personnel or medical files are up to date, the employee must notify Human Resources or designee of any changes in status including, but not limited to, number of dependents, beneficiary designations, scholastic achievements, and the individuals to notify in case of an emergency.

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.19 HOURS OF WORK, MEAL AND REST BREAKS <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

Hours of Work and Meal Breaks

County positions are vital to effectively managing County business during operating hours and, therefore, County employees shall follow established work schedules, receive prior approval from their supervisor to deviate from normal schedules, and use proper procedures for notification of daily work hours in accordance with this policy and the policy set forth in **Timesheets and Preparation of Payroll** herein.

Except as otherwise provided by labor agreement, the normal working hours for administrative or office- based County employees are from 8:00 a.m.to 5:00 p.m., with a one-hour unpaid lunch period (lunch is not to be eaten at the employee's workstation, if at all possible). This does not include personnel engaged in shift work. If a position is part of a collective bargaining unit (i.e., a union), the employee should refer to that agreement for information about hours of work, meal periods, and rest breaks. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Department Head/Supervisors set individual work schedules depending on the work unit's needs. The sheriff, the county clerk, the clerk of district court, the treasurer, and the county attorney shall keep their offices open for transaction of business every day in the year except legal holidays and Saturdays.

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


A reasonable amount of overtime may be expected of any employee, although no employee will perform any work before or after his or her specific work schedule without prior permission of his or her Department Head/Supervisor except in case of an emergency.

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

Rest Breaks

Employees may have a rest period of 15 minutes, on the County's time, for each four hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four-hour work period. Abuse will be subject to disciplinary action.

Relevant Information: MCA § 7-4-2211

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.20 DRIVER'S LICENSE REQUIREMENT <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---


In order to use a County vehicle, County employees must have a valid Montana driver's license (approved for the type of vehicle to be used).

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

Employees performing work which requires the operation of a County vehicle must immediately notify their immediate Department Head/Supervisor and the Department Head/Supervisor will in turn notify Human Resources, in all cases where their license is expired, suspended, or revoked and/or if they are unable to obtain an occupational permit from the State Division of Motor Vehicles. Violation citations, fines or other actions taken by any law enforcement jurisdiction against any employee while in violation of this rule shall be the responsibility of the employee and may be cause for disciplinary action. Also, when operating a County vehicle and an employee receives a violation while operating the County vehicle, the Department Head/Supervisor shall be notified properly.

Employees who are required to have a Commercial Driver's License to perform their duties for Mineral County must have such a license. If a physical examination is required to obtain such a license, the County will pay for the examination for all current employees and for those obtaining the license after being tendered an employment offer. Testing pursuant to federal law.

All employees operating County equipment must follow the operating Manual and perform required training provided by the safety coordinator. Failure to do so may result in the inability to operate such machinery.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.21 DRUG AND ALCOHOL FREE WORK PLACE & DRUG TESTING <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

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

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

The following statement of policy and procedure is intended to inform all covered employees of their rights and obligations under the County's program, as well as to alert them to the possible consequences of violating these policies.

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

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

Prohibitions

All County employees are absolutely prohibited from:

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

Disciplinary Action

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

Reporting Convictions of Drug Statute Violations

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

Exceptions- Prescription Drugs

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


Co-Worker, Supervisor Obligations

Any employee or Department Head./Supervisor who has observed or has personal knowledge that another employee is using or possessing illegal drugs or alcohol in violation of this policy may choose to make a good faith report to a Department Head/ Supervisor based upon reasonable suspicion. The employee shall refrain from discussing the matter with anyone except appropriate management personnel.

Possession of Alcohol on County Premises

Employees may not possess or use alcohol in any County facility with the exception of an authorized function (alcohol consumption at the Beer Gardens during regularly scheduled events at the County Fairgrounds while the employee is off duty) under the control of the holder of a valid liquor license.

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.22 ON-CALL DUTY <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 6/23/2021</p> <p>07/02/2021; 7/30/2021</p>
--	------------------------------------	--

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


Some employees shall be required by their Department Head/Supervisor to carry a pager, cell phone, or be able to be reached immediately while not at work, in the event it is necessary for them to respond or report to work within a specified period of time. Such on-call duty is necessary to deal with after-hours situations, emergencies, or as the workload of the department requires.

Call-out Compensation:

A call out of a non-exempt employee while the employee is on "off duty" status shall be paid a stipend of \$75.00 plus hours worked.

No more than one call out in a 24-hour period will be accepted unless prompted by distinct and separate events. The date and time called will be explained in the overtime explanation box.


An exempt employee, who is called out and reports for duty, will be eligible for compensatory time in lieu of pay for the extra hours.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.23 TRANSFERS BETWEEN DEPARTMENTS & RETURNING EMPLOYEES <p>EFFECTIVE DATE: 05/31/2019</p> <p>Revision Date: 07/02/2021</p>
--	------------------------------------	---

If an employee transfers from one department to another without a break in service, his/her longevity shall transfer with him/her and their anniversary date shall also transfer. A letter from the Commissioners approving the transfer will be provided to the employee for signature and acknowledgement of transfer. A Job Transfer Form, which is available from HR or the Payroll Clerk, shall be completed when an employee transfers from one department to another.

Layoffs: The longevity of an employee who is separated because his/her position is eliminated for reasons other than cause, performance problems or because of the termination of his or her individual employment contract, and who is rehired in any Department within Mineral County within two years after the layoff, shall retain the same longevity. If rehired more than two years after layoff, longevity must begin again.

Quit or Fired: If an employee is rehired after quitting or being fired, or any instance other than a layoff, he/she will lose all longevity and their longevity shall begin again.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.24 REDUCTION IN WORKFORCE <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

The following policy shall be adhered to whenever layoffs may become a necessity. No reduction in the work force shall be instituted until reasonable alternatives to accomplish the desired objective have been considered and exhausted.

- A. If it is necessary to achieve a reduction in the work force, consideration must be given to the programs to be carried out by the department and the staff structure, which, after the reduction, will most expeditiously achieve program objectives. Accordingly, employees will be retained giving consideration to the importance of the following qualities possessed by the work force: skill, proximity of retirement, and tenure.
- B. At the time of the layoff, all wages will be paid within 15 days.
- C. An employee may exercise the option of withdrawing retirement contributions.
- D. Any employee on health insurance may stay under the program for eighteen months, and shall be responsible to pay insurance premiums in full. See the Payroll Clerk for more information on health insurance.
- E. An employee must be given written notice a minimum of ten working days preceding the effective date of the layoff through use of the prescribed standard form, except in case of an emergency or a lack of funding.

If a position is part of a collective bargaining unit (i.e., a union), the provisions of the agreement regarding reduction in force takes precedence over this policy.

Temporary, Seasonal, and Short-Term Workers

Temporary, seasonal, and short-term workers within the classification and department affected by the reduction in force shall be terminated before any active current full-time/part-time employees will be laid off.


Veterans' Preferences

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. (MCA 39-29-111). The preference in retention does not apply to a position covered by a Collective Bargaining Agreement.

Re-Staffing Preferences

In the event the County should establish a position or require more employees in an already established position it may advertise the position. It shall also issue an offer to an individual who was laid off within the past 12 months. Providing that individual remains available and qualified, worked in the same position for at least three months in the previous three years, and the individual was not disciplined during such previous three year period. If such individual does not notify the County in writing of the acceptance of the offer within seven calendar days, and/or if the individual does not actually report for work as assigned, the individual will become ineligible for any further recall offers. In the event there are two or more individuals qualified for recall, the County will select the person to be recalled based on performance evaluations and the needs of the County, unless there are no significant differences in which case seniority with the County will prevail.

Relevant Information: MCA § 39-29-111

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.25 VOLUNTARY TERMINATION, RESIGNATION OR RETIREMENT EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	--

Employees desiring to voluntarily terminate their employment relationship with the County in good standing should notify the County in writing at least two weeks in advance of their intended termination. The written resignation notice should preferably be given to the Department Head/Supervisor and Human Resources. On the final day of employment, the employee shall give to the Department Head/Supervisor a signed and completed time sheet. Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.


Exiting Procedures

- A. The Payroll Clerk and Commissioners shall be notified immediately to allow for the processing of the payroll. Unpaid wages, including vacation and sick credits, for employees separated from employment for cause or laid off, will be paid on the employee's next regular payday for the pay period or fifteen days from the date of separation, whichever occurs first.
- B. Prior to scheduling the exit interview, matters such as return of property and finalizing projects should be considered.
- C. Human Resources shall conduct the exit interview with the exiting employee and shall insure all County property is returned. At exit interview hand out, Grievance Policy and COBRA information and obtain signature for receipt. Send by postal mail and certified mail if there is no exit interview.
- D. Personnel records of the departing employee shall be transferred to the inactive file for such a period of time as deemed necessary for proper records management, not less than five years.


Retirement

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

Relevant Information: MCA § 2-18-704

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.26 CONTINUATION OF GROUP HEALTH PLAN COVERAGE <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

Under COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1986, an employee, the spouse and dependent children who qualify, may elect to continue group health coverage for up to eighteen months or thirty-six months, depending on the reason for eligibility. Contact the current health insurance provider for such continuation under COBRA.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	2.0 EMPLOYMENT POLICIES	<ul style="list-style-type: none"> 2.27 WORKSITE BREASTFEEDING EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	--

The County shall provide nursing mothers suitable space, privacy, and time to breastfeed or express milk for at least one year after the nursing child's birth.

General Provisions and Management Responsibilities


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

The Department Head/Supervisor shall provide nursing mothers with time to breastfeed or express milk as needed, but nursing mothers should plan to use break times whenever possible. Department Head/Supervisors will set up a schedule that works best for everyone.

Pay Stipulations for Exempt and Non-Exempt Employees

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

Relevant Information: MCA § 39-2-215 through § 39-2-217

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.28 CREDIT CARDS AND TRAVEL EXPENSES <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

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

Credit Cards

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

Travel Expenses

Travel should be scheduled within the employee's regular workday whenever possible for non-exempt employees. Travel time is compensable whenever it is necessary to conduct official business authorized by the County. Such travel should be in accordance with a preferred travel plan established by the employer. Travel time does not include time spent for meals and/or lodging.

Traveling is a necessary operation of County government and may be a requirement of the job. Travel expenses are a major budget consideration, so employees must be conscientious, efficient, and economical with travel plans and activities. When employees travel on pre-approved official County business in connection with the job, the County will pay or reimburse employees for certain travel expenses if they properly complete and submit, in a timely manner, their travel expenses via the approved format. Employees must file for reimbursement within three months after incurring the expenses or the County cannot reimburse them.

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


Employees should make travel arrangements as far in advance as possible to get the best rates, available accommodations, and to reduce travel costs. If an employee regularly travels, he/she should obtain a County issued credit card to minimize travel advances for expenses such as air travel, lodging, and out-of- state vehicle rentals. Such employees should contact their Department Head/Supervisor about getting a County issued credit card. If an employee is a member of a collective bargaining unit (i.e., a union) and their CBA provides for travel reimbursement, that agreement supersedes this policy.

Travel Compensation

Travel compensation for County officers and employees traveling at County expense will be paid pursuant to § 2-18-503, MCA, and § 24.16.1010 Administrative Rules of Montana. (see also Ag opinion vol. 35 # 16.)

- In-State Travel: The rates shall be set by the County Commissioners at the beginning of each calendar year. These rates may be obtained from the Clerk and Recorder's Office. If State rates cannot be obtained, it is necessary to have prior Commissioner approval for full reimbursement. Meal reimbursement shall be the same as State rates. Lodging reimbursement shall be the same as State rates plus tax. A receipt must accompany the travel voucher. Travel by other means (airlines, train, bus, etc.) will be reimbursed at the actual cost not to exceed the amount allowed for mileage. However, exceptions may be granted in cases of Federal or State grants being used. A receipt for ticket must accompany travel voucher.
- Out-of-State Travel: The rates shall be set by the County Commissioners at the beginning of each calendar year. Check with the Clerk and Recorder's Office for rates. Out-of-state travel reimbursement shall be the same as State allowance for out-of-state travel. All out-of-state travel expenses are up to the discretion of the County Commissioners and permission must be obtained in advance or only in-state travel rates will be paid.
- Recording Travel Time on Time Sheet: Travel time shall be recorded on the employee's time sheet as working time. It shall include time spent traveling from work site to work site. Meal period time is not to be included in travel time.
- Travel expenses will be paid through a claim and includes: business related lodging expenses, meal expenses, business mileage using personal vehicle and **a copy of the agenda** in which meal reimbursement are being included.
- Except as provide in subsections (2) and (4), and employee is eligible for the meal allowance provided in 2-18-501, only if the employee is in a travel status for more than 3 continuous hours during the following hours:
 - For the morning meal allowance, between the hours of 12:01am and 10 am;
 - For the midday meal allowance, between the hours of 10:01 am and 3 pm,;
 - For the evening meal allowance, between the hours of 3:01 pm and 12 midnight
- An eligible employee may receive:
 - Only one of the three meal allowances provided, if the travel was performed within the employee's assigned travel shift; or
 - A maximum of two meal allowances if the travel begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours
- "Travel shift" is that period of time beginning 1 hour before and terminating 1 hour after the employee's normally assigned work shift.

Relevant Information: MCA § 2-18-501-502

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.29 USE OF COUNTY EQUIPMENT <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	--

General Property Use


An employee shall not, directly or indirectly, use or allow the use of County property, supplies or equipment, either owned or leased, for purposes other than the official conduct of County business and activities.

Telephones

Telephones are for the conduct of County business. Under no circumstances are long distance or toll calls of a personal nature to be made on the County telephone system. Necessary local calls of a personal nature may be made during business hours on County phone equipment, provided that these are kept to a minimum in time and frequency. Incoming personal calls are discouraged.

Installation of Telephone Equipment


Installation of telephones and allied equipment must be approved by the Board of County Commissioners and IT before installation.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.30 RETURN OF COUNTY EQUIPMENT <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

Employees are responsible for all County property, materials, equipment, and written/digital information issued to them or in their possession or control. County employees must sign the **Equipment Form** (Appendix A herein) before they are issued any County property. Any County equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit cards, digital files, or physical files must be returned to the County upon request or at the time of termination. Where permitted by applicable laws, the County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The County may also take all action deemed appropriate to recover or protect its property.


Employees are also accountable for equipment located in their work area. Employees should report any missing equipment immediately to their Department Head/Supervisor. Whenever equipment with a property tag is moved from one location to another or when new equipment is acquired, follow the appropriate documentation procedures.

Relevant Information: Equipment Form (Appendix A); MCA § 39-2-102


<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.31 PURCHASE, SALE OR TRADE OF USABLE OR JUNK ITEMS <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 6/19/2020</p>
--	------------------------------------	--

Prior approval from the County Commissioners must be given before purchases of more than \$2500 are made. When making purchases the County will use NASPO whenever possible.

Prior approval from the County Commissioners must be given before sales or trade of County property, be it useable or junk. Any sale item of \$2500.00 or more must be appraised and noticed for public auction. Trades must be at or of a greater value to the County. Proceeds from sale of all useable or non- usable items or junk must be deposited into the County budget. Items of less than \$2500.00 may be disposed of or given away without public advertising. A current inventory must be maintained. An inventory form must be filled out and filed with the Clerk and Recorder's Office for any sale or transfers between departments, or any vehicle trade-in's or discarded items.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>2.0 EMPLOYMENT POLICIES</p>	<ul style="list-style-type: none"> 2.33 RECORD RETENTION OR DISPOSAL <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	------------------------------------	---

Prior to disposing of any records, the “**Request and Authorization for Records Disposal or Destruction**” form, must be completed and forwarded to the Montana Local Government records committee for approval. Upon receipt of approval from this committee, records may be disposed of or destroyed.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.00 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.1 SICK LEAVE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	------------------------	---

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

Definitions:

As used in this policy, the following definitions apply:

Break in service: Absence from County employment for more than five working days or 40 consecutive working hours in a row without an approved leave of absence or resulting from termination or resignation.

Continuous employment (for purposes of the qualifying period): Working for the County without a break in service or without a continuous absence without pay of more than fifteen working days.

Immediate family: The employee's spouse, member of the employee's household, parent, child, grandparent, grandchild, brother, sister, or corresponding in-law.

Qualifying period: A 90 day period during which an employee must be continuously employed to be eligible to use sick leave credits.

Sick leave: A leave of absence with pay for a medical condition of the employee, for a medical condition or death of an immediate family member, and for funeral attendance.

Sick leave credits: The earned number of sick leave hours an employee is eligible to use upon completion of qualifying period.

Transfer: A department-to-department employment change without a break in service.

Qualification and Calculation

Employees accrue sick leave credits from the first day of employment and are not entitled to use paid sick leave until they have been continuously employed for the qualifying period of 90 days. Permanent, temporary, and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction as to the number of working days which may be accumulated. The provisions of MCA § 2-18-618 govern sick leave for County employees. Short-term workers do not earn sick leave credit.

For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .046 by the number of hours worked, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment, or they may donate (if permitted) or otherwise utilize sick leave credits subject to the limitations in policy. There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed. Employees may use only the credits available at the end of the last pay period. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

1. An employee simultaneously employed in two or more positions in different departments will accrue sick leave credits in each position according to the number of hours worked, except overtime hours; and
2. May only use credits from the position in which the credits are earned and with approval of the Department Head/Supervisor or appropriate authority for that position.

Emergency, contracted employees and elected officials are exempt from earning and accruing sick leave credits.

Unaccrued sick leave credits may not be advanced, nor may sick leave credits be used before an employee has been employed for the qualifying period.

Extended Leave

An employee who isn't eligible for FMLA but requires leave of more than five consecutive working days or 40 consecutive working hours for medical leave shall inform the Department Head/Supervisor of the absence as soon as practical and not wait until she/he returns to work, unless advance notice is not possible; and

An employee shall receive approval in advance for medical, dental, and eye examination appointments, and shall be required to supply the Human Resources Department with certification from the doctor for all sick leave more than five consecutive working days or 40 consecutive working hours. For further details with regards to proper notification please refer to **policy 3.9 Family and Medical Leave Act (FMLA)**.

The Department Head/Supervisor must review and approve the use of accrued sick leave credits, either at the time the employee submits the request or at the end of each pay period.

The Department Head/Supervisor and Human Resources:

1. May require medical certification of sick leave charged against any sick leave credits in the form of a physician's statement;
2. Must inform the employee before he/she returns to work if a physician's statement is required; and

Employees are eligible to receive a Sick Leave Grant – **see policy 3.2 Sick Leave Grant**.

Leave Without Pay, Holiday, or Vacation Stipulations

Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the Department Head's/Supervisor's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave, by submitting a doctor's note stating the employee was ill. Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

Transfers

As required by 2-18-618 (6), MCA, if "an employee transfers between departments, the employee may not receive cash compensation for unused sick leave credit transferred with the employee."

If a break in service occurs during a transfer between departments, the employee must receive a lump sum payment for accrued sick leave credits earned after July 1, 1971, and must begin anew the qualifying period in the new department.

Payment Upon Termination

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave provided the employee has worked the qualifying period. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the County. Termination pay shall apply only to credits earned according to policy since July 1, 1971, per MCA 2-18-618.

As required by 2-18-618 (7), MCA, "an employee who receives lump sum payment and is again employed by the County shall not be credited with any sick leave for which the employee has previously been compensated." The computation value of unused sick leave is based on the employee's salary rate at the time of termination. As provided in 2-18-618(6), MCA, "accrual of sick leave credits for calculating the lump-sum payment begins July 1, 1971."

The payment is the responsibility of the last employing department from which the employee is terminating.

Use of Sick Leave

Sick Leave pay is granted for:

- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;
- maternity or pregnancy-related disability or treatment, including prenatal care, birth, or other medical care for either employee or child;
- parental leave as provided in MCA § 2-18-606;
- quarantine resulting from exposure to contagious disease;
- consultation, examination, or treatment by a licensed health care provider;
- short-term attendance to an immediate family member or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the FMLA of

- 1993;
- death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

Reporting

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


Abuse

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time. The employee's Department Head/Supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave. Any charges of sick leave abuse that results in an employee's dismissal and forfeiture of the lump-sum payment is subject to the County grievance procedure.

Medical Exam

The employer may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the County has a reasonable belief, based on objective evidence, that the employee's ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others. The employee's Department Head/Supervisor may also require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.00 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.2 SICK LEAVE GRANT EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	------------------------	---

A sick leave grant allows County employees to share accrued sick leave between employees according to the following procedures. Shared sick leave may be available to a qualifying employee who suffers an extensive illness or accident.

Requesting Sick Leave Grant:

Eligibility requirements: To be eligible to receive a sick leave grant, an employee must:

1. have met the qualifying period of 90 days to take sick leave;
meet the conditions for use of sick leave, which results in absence from work
2. exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time
3. receive approval from Department Head/Supervisor to receive a sick leave grant
4. notify Human Resources along with providing a physician's certificate
5. complete section I on **Giving a Sick Leave Grant** form

Certifying eligibility: The recipient's Department Head/Supervisor must certify that the employee is eligible to receive a sick leave grant and notify Human Resources along with providing physician's certification.

Maximum sick leave grant: An employee may receive up to 240 hours of sick leave in a continuous twelve month period. The twelve-month period is calculated from the first day an employee takes sick leave from the sick leave grant.

Part-time employees will receive a sick leave grant in proportion to the hours of sick leave earned in a month compared to the hours of sick leave earned in a month by a full-time employee.

Giving a Sick Leave Grant:

1. **Eligible employees:** Employees who work full-time or part-time positions may donate hours to an employee requesting a sick leave grant.
2. **Obtaining forms:** If an employee wishes to donate hours for a sick leave grant, the Payroll Clerk will provide the **Sick Leave Grant** form.
3. **Completing Section A:** The donor employee completes Section A, then turns the form in to the Human Resource Administrator.
4. **Completing Section B:** Human Resources will work with the Payroll Clerk to complete Section B. This certifies that the employee meets the eligibility requirements listed below to make a sick leave grant.
5. **Eligibility requirements to make a sick leave grant are:**
 - a. completion of the qualifying period of 90 days to use sick leave
 - b. a minimum balance of forty hours of sick leave remaining on the donating employee's account after the donated hours are subtracted
 - c. contributions of not more than forty hours of sick leave in a continuous twelve-month period. The twelve-month period is calculated from the first day the employee makes a sick leave grant
 - d. no employee is eligible to receive or give direct grants of sick leave without the


- approval and signature of the Commissioners
- e. if an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee

Prohibited Uses

An employee shall not receive direct grants of sick leave:

1. If the employee is eligible for workers' compensation benefits;
2. If the employee is no longer employed by the County or;
3. While the employee is on a leave of absence without pay for a reason other than extensive illness or accident.

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.0 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.3 ANNUAL LEAVE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-----------------------	---

Annual vacation leave or annual leave is an authorized paid absence from work. Full-time, part-time, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (1,040 hours) of continuous employment to use annual leave or to cash it out upon termination.

An employee simultaneously employed in two or more positions in the same or in different departments:

1. Will accrue vacation leave credits in each position according to the number of hours worked, except overtime hours;
2. Must use vacation leave credits only from the position in which the credits are earned and with approval of the Department Head/Supervisor for the position; and
3. Will forfeit credits which exceed the maximum allowed on an apportioned basis, in proportion to the balance of vacation credits for each position.

Emergency, contracted employees and elected officials are exempt from earning and accruing vacation time.

Procedures for Calculating Annual Leave, Accumulating Credits, Scheduling, and Termination

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

Rate Earned Schedule	
Years of Employment*	Working Days Credit Per Year
1 day through 10 years	15 (10 hours per month)
10 years through 15 years	18 (12 hours per month)
15 years through 20 years	21 (14 hours per month)
20 years or more	24 (16 hours per month)

*Years of service need not be consecutive, and prior public or military service may apply. As required by § 2- 18-614, MCA, the period of absence from employment with the County for military service during a war or national emergency, including ninety days thereafter, shall be honored for computing years of employment for purposes of the rate earned schedule.

An employee must request to schedule annual leave. To request annual leave an employee must submit the request to the Department Head/Supervisor in advance of the leave, whenever practical. Approval or denial of leave is based on the department's and employee's interests, and management reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

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

Department Head/Supervisors are responsible for actively managing annual vacation leave for employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated annual vacation leave as provided in MCA § 2-18-617. To avoid forfeiture of annual leave, once a year, an employee must be notified of the amount of vacation leave credits accrued and used, and verify that the balance is accurate. Department Head/Supervisors are encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace period or at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

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

Vacation leave taken over a legal holiday may not be charged to an employee's vacation leave for that day. Unused vacation leave credits may not be used when absence from employment is due to illness, unless the employee approves in writing. If employee is absent from work on vacation leave and becomes sick, sick leave shall not be used; the employee will remain on vacation leave, unless a doctor's note is submitted stating the employee was ill during the vacation leave.

If an employee transfers between departments, the employee may not receive cash compensation for unused vacation leave credits. In such a transfer, the receiving department assumes the liability for the accrued vacation leave credits transferred with the employee. If a break in service occurs during a transfer between departments, the employee must receive a cash-out for vacation leave credits and begin anew the qualifying period, for use of leave at the new department.

If an employee terminates employment after the eligibility period, he/she can receive cash compensation at the regular rate providing the employee has worked the qualifying period or unless the termination was for a reason reflecting discredit on the employee.

Permanent Full-Time Employees

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

Permanent Part-Time Employees

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

Rate Earned Schedule	
Years of Employment*	Working Days Credit Per Year
1 day through 10 years	.058 x # of hours
10 years through 15 years	.069 x # of hours
15 years through 20 years	.081 x # of hours
20 years or more	.092 x # of hours

Temporary Full-Time Employees

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

Temporary Part-Time Employees

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

Seasonal Full-Time Employees

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


Season Part-Time Employees

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

Short-Term Employees

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

Relevant Information: MCA § 2-18-611

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.0 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.4 HOLIDAYS EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-----------------------	---

Eligibility and Holiday Benefits Calculations

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

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

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

The County Observes the Following Holidays:

- New Year's Day, January 1
- Martin Luther King Day, the third Monday in January
- President's Day, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25
- State General Election Day, on even numbered year

*State primary election days are not County holidays.

Holidays Falling on Weekends

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

Part-Time Benefits

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

Holiday benefits are based on an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by ten (the number of working days in a pay period).

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

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

Pay for Work Performed on a Holiday

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 holiday pay based on their weekly work schedule. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed.


A full-time employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours worked. In addition, under the benefit provided for in this policy, the employee shall receive either a paid day off at the regular rate at a later date (banked holiday) or overtime pay as described below, at the County's discretion. A banked holiday must be taken within that pay period.

- If the holiday benefit is a banked holiday, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- If the holiday benefit is to be paid, but with no banked holiday, the employee shall receive overtime pay or compensatory time (regular rate x 1.5) for all hours 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. An employee shall receive overtime or compensatory time for actual hours worked, which exceed 40 hours in a week, in compliance with the overtime policy. An employee who is exempt from the FLSA and who receives approval to work on the holiday may receive paid time off equivalent to the number of hours worked.

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

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>3.0 EMPLOYEE LEAVE</p>	<ul style="list-style-type: none"> • 3.5 MILITARY LEAVE <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	-------------------------------	--

Procedures and the Montana Military Service Employment Rights Act

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

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

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

Employees must request military leave in writing to the Department Head/Supervisor. Employees must provide their Department Head/Supervisor with a copy of the orders that direct them to report for duty, and should give as much advance notice as possible (i.e., as soon as they learn of the need to take military leave). Verification for the military service time needed shall be provided to the Department Head/Supervisor in advance of the service. Military leave may not be charged against the employee's annual vacation time. Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year.

Employees may also use paid military leave intermittently with leave without pay while performing military service. Department Head/Supervisors may grant paid military leave only for hours the employee normally works, and may deny paid military leave if it results in overtime. When employees are taking authorized paid military leave, they shall receive regular salary and benefits. If active duty is more than 31 days, employees need to evaluate options regarding benefits and complete an **Active Duty Benefits Election Form and an Active Duty Reinstatement Form**.

Employees who are eligible to be re-employed must be returned to employment with the same seniority status,

rate of pay, pay health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state military duty unless:


- the member is no longer qualified to perform the duties of the position, subject to the provisions of MCA § 49-2-3063 prohibiting employment discrimination because of a physical or mental disability;
- the member's position was temporary and the temporary employment period has expired;
- the member's request to return to employment was not done in a timely manner, as defined in MCA § 10-1-1007(3).
- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected;
- the member's return to employment would cause the employer an undue hardship;
- the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or
- the member enlisted in the state's organized militia or another state's National Guard during the course of employment with the employer and did not inform the employer of the enlistment.

Uniformed Services Employment and Re-employment Rights Act Procedures

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

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

Relevant Information: MCA §10-1-1001, et seq., and 10-1-1007; Uniformed Services Employment and Reemployment Rights Act. (USERRA), U. S. Dept. of Labor Compliance Assistance

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.0 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.6 JURY AND WITNESS DUTY LEAVE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-----------------------	--

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

Notification and Leave Request

The employee shall make proper notification to the Department Head/Supervisor of a Summons received. An employee shall request leave using the request procedures established by his/her department. An employee must inform his/her Department Head/Supervisor of the date(s) and anticipated length of the absence as soon as possible after receiving a Summons or Subpoena, and provide a copy of the Summons or Subpoena with the leave request.

Pay Options

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

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


Employees must notify their Department Head/Supervisor of their choice upon requesting leave. A part-time employee shall receive prorated compensation for those hours the employee is scheduled to work. Time taken off for jury duty must be recorded on the employee's regular time sheet.

Expense Claims and Return to Work

Employees who serve as a juror may submit a claim for expenses. If they serve as a witness, they may submit a claim for expenses only if the appearance was for work-related reasons. Employees who receive payment from the court or a third party for the same expenses must return such dual payments to the County. If they use their personal vehicles and receive a mileage allowance from the court, they may keep the funds. If a County vehicle is used, they must return any mileage allowance to the County. Employees who receive a subpoena to testify in connection with their official duties in a civil action where the County is not a party may be required by management to reimburse such funds for the compensation and benefits paid from the person or entity requesting issuance of the Subpoena.

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

Relevant Information: MCA § 2-18-619

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.0 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.7 MATERNITY LEAVE AND PARENTAL LEAVE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-----------------------	---

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

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

Maternity Leave


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

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

Parental Leave

Parental leave applies to both male and female employees. If the employee has FMLA leave available, that leave shall be used instead of parental leave. However, if no FMLA leave is available, parental leave is an unpaid leave of absence for permanent, seasonal, and temporary employees not to exceed 15 working days immediately following the birth or placement of a child (e.g., if the employee is adopting a child or is a birth father.)

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>3.0 EMPLOYEE LEAVE</p>	<ul style="list-style-type: none"> 3.8 LEAVE OF ABSENCE WITHOUT PAY <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	-------------------------------	--

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

Requests, Qualifications, and Procedures

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


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

Other Leaves That Take Precedence Over Leave of Absence Without Pay

Employees taking a leave of absence without pay shall have FMLA (if qualifying period has been met for FMLA) or military leaves taken concurrently. Those policies take precedence over this policy to the extent there are differences. **Relevant Information:** MCA §10.1.1006

Returning to Work

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	3.0 EMPLOYEE LEAVE	<ul style="list-style-type: none"> 3.9 FAMILY AND MEDICAL LEAVE ACT (FMLA) EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-----------------------	--

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

Eligibility

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

Duration

Eligible employees may take up to 12 weeks of leave within a 12-month period. At the time an employee requests FMLA leave, records for the previous twelve months will be reviewed to determine if the FMLA has previously been used and the amount of leave an employee is eligible to receive. The 12 weeks of leave may be taken in a single block of time or, if medically necessary, on an intermittent basis or a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

Qualifying Reasons for FMLA Leave

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

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

Serious Health Condition Qualifications

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

- an illness that requires the person to be hospitalized;
- an illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period;
- an illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment;
- any period of incapacity due to pregnancy or childbirth;
- a permanent or long-term problem supervised by a physician where there is no effective treatment, such as Alzheimer’s Disease, severe stroke, terminal stages of disease, etc;
- any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness);
- treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), or kidney disease (dialysis).

Notice and Certification

Employees are required to provide advance notice of leave requests whenever possible and may be required to provide medical certification. Taking of leave may be denied if requirements are not met. A thirty day notice is required when the need for leave is foreseeable. The County may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made following the County’s normal requirements for requesting leave and providing enough information so the County can determine whether the FMLA may apply to the leave request. The Department Head/Supervisor must promptly notify Human Resources, so that the employee is notified promptly of the employer’s response to the request for FMLA leave. If the request is approved, the County should formally designate the leave as FMLA. Sample designation and medical certificate forms are available on the FMLA website: <http://www.dol.gov/compliance/laws/comp-flsa.htm>

The County may contact the employee’s health care provider for clarification and authentication of the medical certification (whether initial certification or recertification) after the employee has been given the opportunity to cure any deficiencies in the certification. Some examples of deficiencies might be when the certification does not provide necessary information such as the duration of the leave, the nature of the restrictions, or the medical necessity of the leave or restrictions. In these instances, correspondence with the employee and health care provider shall be coordinated through Human Resource personnel or other appropriate designee, and the contact on behalf of the County will be made by a health care provider, a Human Resource professional, or a Department Head/Supervisor (when he/she is not a direct supervisor of the employee), and shall not be made by the direct supervisor.

Supervisor's Responsibilities

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

Use of Paid Leave

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

Health Benefits

An employee's health insurance coverage will be continued at the same level he or 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 the employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefit contributions paid by the County during the employee's unpaid FMLA leave. Repayment may be waived in situations where the continuing serious health condition or circumstances beyond the control of the employee prevents the employee from returning to work. An employee on FMLA leave may elect to alter his or her contributions to the flexible benefits plan for qualifying events.

Reinstatement


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

Remote Work Hours and FMLA

The Mineral County Commissioners afford an employee the option of working some of their hours remotely when out of office on FMLA for a qualified family member. Remote work during Intermittent Leave must be approved by the Department Head/Supervisor and Commissioners.

The employee must complete a written request form (provided by HR), to be placed in their personnel file.

Department Head/Supervisors are responsible for tracking hours worked during intermittent leave.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.1 PROHIBITED CONDUCT AND GUIDELINES FOR APPROPRIATE BEHAVIOR <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	---------------------------------	--

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

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

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

Prohibited Conduct

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

1. Falsifying employment or other County records or making false statements
2. Violating the County's policy on **Equal Employment Opportunity**, which prohibits refusing employment or discriminating in compensation or other terms, conditions, and privileges of employment bases on race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, or veteran's status
3. Harassment of employees, or any person doing business or interacting with the County, because of a person's race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, or veteran's status
4. Sexual or other unlawful or unwelcome harassment
5. Violating the Montana Code of Ethics statute (MCA § 2-2-101) which prohibits using public time, facilities, or resources for private business or political purposes; acts that create a conflict of interest between public and private interests; accepting substantial gifts; and sets forth other standards, prohibitions, and requirements outlined in **Ethics and Conflict of Interest** herein
6. Violating the nepotism statute (MCA § 2-2-304). Nepotism is an unfair practice that occurs when hiring is based on personal connections rather than ability or merit, and is further addressed in **Nepotism** herein
7. Establishing a pattern of absenteeism or tardiness
8. Use of County equipment, vehicles, supplies, time, or facilities for private purposes or any other violation of the **Use of Vehicle and Equipment** policy herein which includes, but is not limited to, failing to operate County vehicles and equipment safely or in the proper manner, abusing vehicles or equipment, or operating County vehicles or equipment while under the influence (as defined in MCA § 61-8-401)
9. Violating the Drug Free Workplace Act described in **Drug and Alcohol Free Workplace** herein including, but not limited to, reporting to work intoxicated or under the influence of non-prescribed drugs, testing

positive for drug and/or alcohol use, bringing or using alcohol beverages on County property, with the exception of fair time, or using alcoholic beverages while engaged in County business away from County property. This includes possessing or using alcohol or non-prescribed drugs in County vehicles or private vehicles being used for County business

10. Threatening, fighting or causing or performing violent acts in the workplace or any other violation
11. Theft of property from County employees, the County or the public, including removal from the premises, without proper authorization, of food, company property or property of other employees, customers and general public
12. Possessing dangerous unauthorized materials such as firearms or explosives on County premises, in County vehicles or while on County business described in **Weapons on County Property** herein
13. Disregarding safety or security regulations as outlined in **Workplace Safety Program** herein
14. Engaging in insubordination, which is the refusal to follow a direct order from the Department Head/Supervisor
15. Failing to maintain the security of confidential information
16. Failing to perform duties in a satisfactory manner
17. Violating the **Tobacco Free Smoke-Free Workplace** policy herein, which adheres to the Montana Clean Indoor Air Act. The MCIAA bans smoking in all enclosed workplaces in Montana. Smoking is prohibited in all County facilities and vehicles
18. Violating the **Personal Telephone Calls and Personal Communication Devices** policy herein.
19. Violating the **Computers, Internet, and E-mail** policy herein
20. Using abrasive, impolite, or offensive conduct, gestures, or language toward the public, County officials or other employees
21. Abusing break times and/or lunch periods as outlined in the **Hours of Work, Meal Breaks and Rest Breaks** policy herein
22. Misrepresenting travel expenses and/or using County credit cards inappropriately or without authorization as set forth in the **Credit Cards and Travel Expenses** policy herein
23. Violating drug and alcohol rules and regulations established for employees required to have a CDL
24. Failing to appear or dress in a manner acceptable for the position, including use of personal protective equipment (PPE) as needed
25. Failure to return County equipment or property upon termination of employment as outlined in **Return of County Equipment** herein
26. Failure to respond or conduct County business appropriately while performing on-call duties.
27. Gambling on County time
28. Conviction of a felony
29. Refusing to adhere to the **Use of Scented Substances** policy herein, after a Department Head/Supervisor requests that an employee not come to work wearing a perfume, lotion, moisturizer, etc., about which a fellow employee has complained
30. Any other act, failure to act, failure to adhere to any policy, or negligence which is injurious to the County, its employees or the general public

Guidelines for Appropriate Behavior

In accepting employment with the County, the employee assumes certain duties, responsibilities, and relationships which are to be observed during his/her tenure of employment. Upon hiring, all employees shall agree and accept the following responsibilities and work rules as a condition of continued employment. The employee agrees to:

1. Work conscientiously toward achieving the objectives of the County in compliance with its philosophy, policies, rules, procedures, and performance standards

2. Perform assigned duties in a satisfactory manner and within specified guidelines
3. Work with other staff members in a sincere, tactful, and positive manner
4. Be punctual and utilize working hours in their most effective and productive way; notify his/her supervisor, in accordance with applicable policy, when the employee is unable to show up for work; refrain from excessive tardiness or absences; and refrain from leaving the work station early without prior approval
5. An employee may receive personal visitors provided that these are kept to a minimum in time and frequency and do not impede the employee or other County employees from performing their jobs in an acceptable manner
6. Respect the confidentiality of County citizens' and employees' information, and not disclose confidential information and/or administrative matters
7. Immediately report any accident occurring at work to your Department Head/ Supervisor and to Human Resources, whether or not there is immediate evidence of personal injury.
8. Immediately report any unsafe condition observed at the work site
9. Use the County's property in a responsible and appropriate manner. Employees shall not provide unauthorized access to County facilities to any individual. Employees shall protect the County's property from damage and refrain from taking or using County property for personal use
10. Be constantly mindful that the County and its staff have an obligation for the welfare and well-being of citizens served through its programs
11. Employees shall be courteous, considerate and prompt in dealing with and serving the public
12. Respect co-workers and maintain appropriate conduct during work hours. If an employee's call or the use of a personal communication device causes disruptions or loss in productivity, the employee shall become subject to disciplinary action per County policy. Cell phones shall be turned off or silenced during meetings, conferences, and in the office or other locations where incoming calls may disrupt normal workflow
13. Refrain from and report any witnessed embezzlement; theft; insubordination; unsatisfactory work performance; harassment or discrimination; falsifying or using falsified records, materials, requisitions, passes, time sheets, or other documents used by the County; violation of County policies and procedures; and misuse or neglect of County benefits, property, co-workers, suppliers, vendors, contractors, or citizens
14. Refrain from and report any conduct which may endanger the safety of others, which is disruptive of the County's operation, or impairs the ability of others to accomplish their work
15. Refrain from interfering with or obstructing investigations and the investigator when suspected or alleged violations of any work rules, procedures, or policies may require investigation by or on behalf of management. Should the need for investigation arise, employees are expected to be open and cooperative in assisting the investigator
16. Employees shall carefully distinguish between public statements made as an individual and those made as a representative of the County government. Failure to do so may be subject to disciplinary action


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

Disciplinary Action

Violations of the above standards or other County, State, or Federal rules, or conduct which is injurious to the County's interests or those of its employees, may result in disciplinary action which can include written or oral warnings, suspension, demotion, termination*, or other appropriate discipline. In all cases, an employee subject to disciplinary action shall be informed by the Department Head/Supervisor of the alleged violations and employer's evidence, and the employee shall be allowed to present evidence orally and/or in writing before discipline, if appropriate, is imposed.

*If the disciplinary decision is termination, the Department Head/Supervisor shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the **County's Employee Grievance Policy and Procedures**, and shall provide the discharged employee with a copy of the policy on **Employee Grievance**.

Relevant Information: MCA § 2-2-101 and § 2-2-304

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.2 ETHICS AND CONFLICT OF INTEREST POLICY <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	---------------------------------	--

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

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

In General, County Ethics Standards Prevent Employees From:

- using public time, facilities, or resources for private business or political purposes (unless authorized by law);
- acts that create a conflict between public and private interests (MCA § 2-2-101), which may include major financial transactions with someone an employee regulates or supervises, performing official acts to harm private competitors, performing official acts to benefit an employee's own business interests, and other conflicts of interest;
- disclosing or using confidential information for personal economic benefit;
- accepting payment for helping people to obtain a contract, claim, license, or economic benefit from the County;
- taking payment for overlapping hours in two or more public jobs;
- requesting or accepting employment with a person the employee regulates without notifying Department Head/Supervisors; and
- accepting substantial gifts or economic benefits (i.e., generally anything more than \$50.00) that could influence or reward official actions.

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

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

Conflict of Interest


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

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to a Department Head/Supervisor as soon as possible the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

Seeking Guidance on Ethical Dilemmas or Issues

Before doing anything that might create an ethical problem, employees should ask their Department Head/Supervisor for guidance. Employees should also report ethical concerns to Department Head/Supervisors, who can advise them on how to avoid or resolve potentially serious problems. After an employee notifies a Department Head/Supervisor of a possible violation, they can also file a complaint through established County protocols. The County Attorney's Office may be a resource for legal opinions and guidance.

Relevant Information: MCA § 2-2-101, et. seq.; Appendix B: Ethics and Conflict of Interest Acknowledgement Form

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	4.0 EMPLOYEE CONDUCT	<ul style="list-style-type: none"> • 4.3 TOBACCO FREE • SMOKE FREE WORKPLACE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

Mineral County is committed to providing safe and healthy environments. Tobacco use is the leading cause of preventable death and disease in the U.S. Mineral County believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all Mineral County owned properties and recreation areas serves to protect the public's health, safety and welfare, as found in the **Mineral County Owned Properties and Recreational Areas Tobacco Free Policy** found in **Appendix H**.

Smoking Prohibitions

In compliance with the Montana Clean Indoor Air Act (MCIAA), which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in ALL County facilities or on County properties. The County recognizes the need of many of its employees to work in an environment free of tobacco smoke.


Designated Smoking Areas

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

Enforcement

Signage will be posted at strategic locations to inform the community, employees, and recreational area users about the policy. The success of this policy depends on the consideration and cooperation of all. Enforcement of the policy is a shared responsibility of Mineral County employees and recreational area users. Mineral County employees violating this policy may be subject to disciplinary action.

Relevant Information: Appendix H; Montana Dept. of Health and Human Resources, Montana Clean Indoor Act - MCA § 50-40-101, et. seq.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	4.0 EMPLOYEE CONDUCT	<ul style="list-style-type: none"> 4.4 PERSONAL APPEARANCE AND PROPER COUNTY REPRESENTATION EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

Proper Representation of the County to the Public

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

Proper Personal Appearance While at Work

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

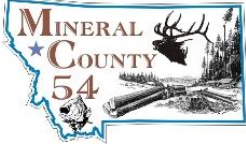
Personal Protective Equipment (PPE)

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

Public Speech

Employees shall not express anything in any public forum as an official County position without specific permission to do so. If an employee wishes to speak in his/her official capacity on a matter related to County business, his/her statements must be approved in advance.

This policy does not prevent or prohibit employees from expressing opinions or ideas involving concerted activity regarding their wages or other terms and conditions of employment.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	4.0 EMPLOYEE CONDUCT	<ul style="list-style-type: none"> 4.5 PERSONAL TELEPHONE CALLS AND PERSONAL COMMUNICATION DEVICES EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	----------------------------	--

Personal Telephone Calls Using County Telecommunication Systems

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

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


Personal Communication Devices

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

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

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

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

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.6 COMPUTERS, INTERNET AND E- MAIL <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	---------------------------------	---

All County business equipment, hardware, software, network equipment, communications systems, internet, e-mail, and data are the property of the County, and employees can use these only for authorized purposes such as conducting County business. The County will not tolerate the unauthorized access or use of the systems described below and documented abuses will be subject to disciplinary action. Please see the Department Head/Supervisor or coordinate with the contracted Information Technology (IT) department for instructions (and when troubleshooting is necessary) about the operation of computers, telecommunication systems, or other electronic devices used on the job. Employees must operate all IT equipment according to manufacturers' user instructions and County policy. All employees must sign the **Computers, Internet, and E-mail Policy Acknowledgement Form** found in **Appendix D** of this Handbook.

Mineral County will not monitor these systems as a routine matter, however the County reserves the right to access any of these systems and disclose any and all of their contents. This policy also applies to password protected messages. Any access of password protected messages without the consent of the sender or recipient must be done with executive or management approval. Also, in the course of normal system maintenance county employees may discover violations of this policy, which will be reported.

Computers

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

Employees shall not use or disseminate codes, access a file, or retrieve any stored communication, other than where authorized, unless there has been prior clearance by the Department Head/Supervisor. All pass codes are the property of the County. No employee may use a pass code that is unknown to the County. Pass codes shall not be written down where they can be found by unauthorized personnel, and will not be shared with other individuals.

Internet and E-mail

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


County internet and e-mail use are available for conducting County business. County employees may not use the County-maintained internet, intranet, and related services for activities not related to County

business. The County recognizes that sometimes an employee may use County computers and internet for essential types of personal use; however, this must be kept to a minimum and not be excessive.

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

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

Relevant Information: Appendix D: Computers, Internet, and E-mail Policy Acknowledgement Form

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.7 SOCIAL MEDIA <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	-------------------------------------	--

Social Media


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

Content contributed to social media by County employees may not:

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


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

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


<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.8 USE OF SCENTED SUBSTANCES <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	-------------------------------------	---

Use of Scented Substances

The ability to perform one's job may be adversely affected by substances, i.e., perfume, lotion, oil, and scented deodorants. Staff members are encouraged to inform their Department Head/Supervisor if a reasonable accommodation is required regarding their reaction to a scented product. The County may request reasonable documentation to support the accommodation request. The County may instruct County employees to stop coming to work with scented substances that bother their fellow employees.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>4.0 EMPLOYEE CONDUCT</p>	<ul style="list-style-type: none"> 4.9 OTHER EMPLOYMENT <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE :</p>
--	-------------------------------------	---

Employees shall not, directly or indirectly, maintain employment outside the official hours of duty, if such outside employment conflicts with the interest of the County or which interferes with the ability to discharge job duties in full. Outside employment may be determined to be a conflict of interest if it interferes or affects the performance of normal job duties with the County; is conducted or solicited on County time; uses any County owned equipment or facilities are used to perform an outside interest; or the nature of duties with the County places the employee in a position to exercise influence which may enhance any outside employment interest.

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>5.0 PAY AND BENEFITS</p>	<ul style="list-style-type: none"> 5.1 OVERTIME, COMPENSATORY TIME AND CALL OUTS <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE: 07/30/2021</p>
--	---------------------------------	--

Non-Exempt Overtime Pay

Non-exempt employees (an employee in a position not meeting the definition of *exempt* as defined by the Fair Labor Standards Act, Montana Minimum Wage and Overtime Compensation Act) may receive overtime compensation for hours worked in excess of 40 hours per week at the rate of 1½ times the regular hourly rate of pay. Employees shall obtain pre-approval for planned OT from their Department Head/Supervisor, for permission to work in excess of 40 hours per workweek. Pre-approval for Department Head/Supervisor personnel shall be obtained from the Board of Commissioners. Absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments or compensatory time earned.

Non-Exempt Compensatory Time

Non-exempt employees may receive compensatory time off in lieu of overtime payment if this is mutually agreed upon in writing between the employee and the Department Head/Supervisor. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of 40 hours per week hours. Employees may accrue a maximum of 40 compensatory time hours. Employees who have accrued compensatory time and request use of this compensatory time shall be permitted to use the time off within a reasonable time after making the request, if the use does not unduly disrupt the operations of the County. Compensatory time may be transferred with the employee to another department provided the new Department Head/Supervisor agrees in writing. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

The Department Head/Supervisor shall have the authority to approve overtime and compensatory time. No employee shall work compensatory hours without the prior knowledge and approval of the Department Head/Supervisor.

Exempt Employees

Exempt employees are identified using the criteria listed in The Federal Labor Standards Act (FLSA). Exempt employees do not receive overtime pay. If authorized by the County Commission, exempt employees may receive compensatory time off for hours worked in excess of 40 hours per week at the rate of one hour for each hour worked in excess of 40. Exempt employees may accrue a maximum of 40

compensatory hours. The Department Head/Supervisor shall give prior written authorization for all hours worked in excess of 40 per week. No compensation for unused compensatory time shall be allowed at any time.

Holiday time of eight hours for any paid holiday shall count toward hours worked. However, absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating compensatory time.

The Department Head/Supervisor shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and written approval of the Department Head/Supervisor.

No time off or compensatory time is allowed for elected officials and attorneys.


Call Out Pay

A call out of an employee while the employee is on "off duty" status shall be paid a stipend of \$75.00. No more than one call out in a 24 hour period will be accepted unless prompted by distinct and separate events. The date and time called will be explained in the overtime explanation box.

Record Keeping

Department Head/Supervisors shall ensure that all overtime and compensatory time earned and used is recorded appropriately on the employee's time card as it occurs. The use of accumulated compensatory time must also be reported on the employee's time sheet. Department Head/Supervisors shall designate on the employee's time sheet if overtime is to be paid or compensatory time accumulated.


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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	5.0 PAY AND BENEFITS	5.2 DECEDENT'S WARRANT OR PAYCHECK REISSUANCE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

Decedent's Warrant or Paycheck Reissuance

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

Relevant Information: Appendix G: Decedent's Warrant; MCA § 7-4-2521

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	5.0 PAY AND BENEFITS	5.3 WORKERS' COMPENSATION EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

As required by law, the County pays to cover employees with workers' compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease. Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. After they file a claim, the County's workers' compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers' comp benefits apply only toward medical conditions directly related to the industrial injury or occupational disease claim.

Reporting Provisions

Every work-related injury should be reported **immediately** to the injured employee's Department Head/Supervisor and HR, who shall follow proper reporting procedures.

Benefits

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

Employees may retain County insurance coverage during approved leave without pay or FMLA at the expense of the employee.


Medical Certification

Medical certification reflecting fitness for duty will be required when an employee returns to work from a work related illness or injury (certification must be received and approved before the employee returns to any work). When employees are not able to return to the duties they were performing at the time of their injury, but are anticipated to make a full recovery, transitional work assignments may be considered. The Department Head/Supervisor will coordinate transitional work assignments with the employee.

Fraud

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

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	5.0 PAY AND BENEFITS	5.4 HEALTH AND LIFE INSURANCE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

The Commissioners shall from time to time determine the insurance carrier, the level and type of benefits, and the portion of the insurance premiums it will contribute on behalf of each eligible and participating employee. When a carrier and/or benefit level and type are determined by the provisions of a collective bargaining agreement, such will apply to all eligible and participating County employees. In the event there are two or more collective bargaining units, the carrier, level and type of benefits shall be consistent. The County may make different contributions toward insurance premiums for different types of non-organized employees and for different bargaining units. The County is not an insurance carrier, and shall not be deemed responsible for the payment of any claim under any circumstances.

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

In the event of any contradiction between the information appearing in this policy, other County documents, and the information that appears in the master contracts or master plan documents, the master contracts and documents shall govern in all cases. Employees may request all benefit forms and information from the payroll department. Employees will be responsible for notifying the benefit plan personnel of any change of status that may affect their benefits. Employees must meet eligibility requirements (e.g., qualifying events) of the benefit program in order to change benefit elections.

Health Insurance

The County offers eligible employees a competitive health insurance program that may include medical, dental and vision care.

- a. **Eligibility:** Employees working thirty (30) or more hours per week are eligible.
- b. **Costs:** An employee is eligible for County contributions, amounts designated by the County, as long as the employee is employed by the County and in a pay status.
- c. **Employee Benefits:** A retiree may stay on Mineral County's group insurance plan if he/she is drawing from either a State retirement system or Social Security retirement benefits and pay his/her own monthly premium. They may not have a break in coverage. Once a retiree waives coverage they are not eligible to rejoin the group at a later date.


Flex Plan

For pre-tax group insurance premiums, only eligibility is the same as the group health eligibility waiting period.

For Health/Dependent care flexible spending plans, enrollment in the flex plan is available to all new hires during the annual open enrollment with an effective date of July 1 of each benefit year.

Life Insurance

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	5.0 PAY AND BENEFITS	5.5 RETIREMENT EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	-------------------------	---

The County offers a retirement program guaranteed by the Montana Constitution through the Public Employees Retirement System (PERS) and Sheriff Retirement System (SRS). Membership in PERS/SRS is mandatory for all County employees with the following exceptions: it is optional for employees not working the equivalent of 960 work hours per year; new employees who were sixty years of age before they were employed by the County; and other exclusions listed in Section 19-3-403 MCA, and amendments. Participation includes contributions from both the employee and the County.

Retirement Plan Options

New County employees may choose between two retirement plan options, either the Defined Benefit Retirement Plan (DBRP) or the Defined Contribution Retirement Plan (DCRP) beginning on their date of hire, and have 12 months from the first month the County reports the employee to Montana Public Employees Retirement Administration (MPERA), to file a choice of retirement plans. A description of each option can be obtained from PERS.

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

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

The County also offers a deferred compensation plan such as a 457(b) account which will be paid by the employee.


Termination Prior to Retirement

Upon termination of employment with the County, an employee is entitled to a refund of his/her contributions to the PERS fund plus accrued interest (less a penalty for early withdrawal).

Credit for Past Service

If a new County employee previously worked for the County or any other agency subject to the regulations of the Public Employee's Retirement System, credit for past service can be established through repayment of the amount of contribution, plus interest, previously withdrawn from the fund. Additional information may be obtained from the Payroll Clerk.

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	5.0 PAY AND BENEFITS	5.6 OTHER BENEFITS <ul style="list-style-type: none"> • UNEMPLOYMENT INSURANCE • SOCIAL SECURITY • CLOTHING ALLOWANCE • FEDERAL, STATE AND SOCIAL SECURITY WITHHOLDING • OTHER EFFECTIVE DATE: 05/31/2019 REVISION DATE: 07/02/2021
---	-------------------------	--

Unemployment Insurance

Employees are covered by unemployment insurance and eligibility is determined by the Unemployment Insurance Program, for compensation under this program, in the event of discharge from County service. Full premiums are paid by the County.

Social Security

All employees shall be covered by Social Security. The County and employee contribute an amount determined by Federal law to the employee's social security account.

Clothing Allowance

County departments may provide a clothing allowance for those positions requiring special uniforms. These allowances shall be at the discretion of the County Commissioners and funded through the department's budget. Sheriff Deputies and Detention Officers will receive their first-year clothing allowance on their first paycheck. If employment terminates within the first year, the clothing allowance will be deducted from the final paycheck on a pro-rated basis. All other clothing allowances will be paid quarterly.


Federal, State and Social Security Withholding:

These taxes are withheld from your salary to meet your tax obligations. After the end of the year, a W-2 form will be sent totaling taxes withheld for the past year.

Other Optional Insurance and Deductions

1. Nationwide 457 Plan
2. AFLAC/FLEX
3. Legal Shield

See Payroll Department for more information.


MINERAL COUNTY EMPLOYEE POLICY MANUAL 	6.0 SAFETY	6.1 WORKPLACE SAFETY PROGRAM EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	------------	--

Workplace Safety Program

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

Contributing Suggestions and Reporting Concerns

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

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	6.0 SAFETY	6.2 ACCIDENT REPORTS – PROPER REPORTING PROCEDURE EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	---------------	--


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

Reporting Procedures

1. Employees **must** report every work-related injury/accident or disease immediately to the Department Head/Supervisor and HR.
2. The Department Head/Supervisor must notify HR immediately (for an injury/accident that does not involve medical treatment, notification can be made to HR on the next business day).
3. The employee must complete Section I of the County Incident/Accident Injury Report with HR. If the employee is unable to complete the form the Department Head/Supervisor may complete it with HR for the employee.
4. The Department Head/Supervisor must complete Section 11 of the form within 24 hours/next business day and submit the form to HR.

All accidents, personal or vehicular, regardless of their magnitude, shall be reported to the HR. Failure to report will result in disciplinary action.

Please see the Mineral County Employee Safety Manual with regards to further detailed safety policies and practices.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	6.0 SAFETY	6.3 USE OF VEHICLES AND EQUIPMENT EFFECTIVE DATE: 05/31/2019 REVISION DATE: 07/02/2021
---	------------	--

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

Vehicle Use Guidelines

Employees are to use County vehicles for business purposes. Authorized drivers may use County vehicles to conduct business on behalf of the County and to respond to medical or other emergency situations. Using County vehicles or equipment for personal convenience is prohibited and will result in disciplinary action. Certain employees (emergency response, on-call, etc.) may be authorized by their Department Head/Supervisor to take County vehicles home.

To use a County vehicle, an employee must have an approved use. Acceptable uses include conducting business on behalf of the County as stated above, getting food and lodging when in a travel status, and certain other activities that may be up to the Department Head/Supervisor's discretion. Employees can park a County vehicle at their home overnight if they must begin travel the next day or if they are subject to other off-shift duty, if approved, related to County employment.

County employees are expected to travel in an efficient and cost-effective manner. The rules of the road and established safety practices must be practiced at all times. Any abuse of County vehicles when in an employee's possession or violations of safety practices or traffic laws during work hours may result in disciplinary action.

Some job descriptions require employees to have a valid driver's license or a Commercial Driver's License (CDL). Jobs requiring a driver's license must have a current valid driver's license before they may operate a County vehicle. A copy of the employee's current, valid driver's license must be on file with Human Resource personal before they may operate a County vehicle.

An employee who drives his own vehicle on authorized County business shall be reimbursed at the State mileage rate. The County's insurance does not cover any damage to the employee's vehicle if an accident occurs while used for County business. Employees are also responsible for deductibles and co-insurance payments under their personal vehicle policies. If employees drive their personal vehicles for County business, they must maintain it according to the manufacturer's specifications and have current registration and insurance.

Employees who are operating their personal vehicles during the course of employment and receiving mileage reimbursement must have liability insurance and provide such evidence to HR. County employees who use vehicles in the course of their jobs shall maintain a current, valid license or certification (a Montana driver's license or CDL, as required by the job). Employees whose personal vehicles are used for County business are responsible for immediately notifying the Department Head/Supervisor and Human Resources, of any change in the status of their driver's license, any convictions affecting their driving record, and any changes in personal vehicle liability coverage (refer to policy 2.20 – Driver's License Requirement). Violations, citations, fines or other actions taken by any law enforcement jurisdiction against any employee while in violation of this rule shall be the responsibility of the employee and may be cause for disciplinary action. Any employee of the County who misuses, abuses County vehicles or other equipment, or uses them for any reason other than approved County purposes, or takes a vehicle home when not approved by the Department Head/Supervisor, shall be subject to appropriate disciplinary action, including dismissal. Employees who require a CDL for their position will be subject to testing pursuant to Federal law.

County employees and passengers are required to secure seat belts while driving or riding in County owned vehicles or when using personal vehicles for County business.

Employees must operate vehicles in a careful and prudent manner at all times to avoid endangering other people and property. Employees are prohibited from operating a vehicle for County business if they are under the influence of alcohol, illegal drugs, improperly used prescription drugs, or legally prescribed drug if that drug affects their ability to safely operate the vehicle. Employees taking prescription drugs are responsible for notifying their medical providers if they are required to operate a vehicle for County business, and they must notify HR of any restrictions on operating a vehicle.


In compliance with the Montana Clean Indoor Air Act (MCIAA) and the County's Tobacco Free, Smoke-Free Workplace Policy which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles.

Neither employees nor any passengers can have an alcoholic beverage container in the passenger compartment of a County owned, leased, or loaned vehicle or private vehicle being used to conduct County business.

Employees must follow established County procedures regarding the care, maintenance, and cleaning of County vehicles. Employees must immediately report any problems or issues to their Department Head/Supervisor to ensure that all problems are fixed promptly and vehicles safely operate at maximum efficiency for as long as possible. Upon returning a County vehicle, the employee is to insure the County vehicle has been properly fueled.

An employee who uses a company-supplied/personal device or a company supplied/personal vehicle is prohibited from using a cell phone, hands on or hands off or similar device while driving. The prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to e-mail, checking for phone messages, or any other County or personally related activities not named here while driving. Use of County owned vehicles or devices for personal business is prohibited. See IRS Code 274d.

Relevant Information: Appendix A: Equipment Acknowledgement Form

<p>MINERAL COUNTY EMPLOYEE POLICY MANUAL</p> 	<p>6.0 SAFETY</p>	<p>6.4 WEAPONS ON COUNTY PROPERTY AND WORKPLACE VIOLENCE PREVENTION</p> <p>EFFECTIVE DATE: 05/31/2019</p> <p>REVISION DATE:</p>
--	-----------------------	---

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

Firearms

Employees on County business may not carry a firearm on their person or carry or store a firearm in a County-owned or County-leased building or vehicle, unless they are:

1. Specifically authorized by State or Federal law to carry a firearm as a condition of employment;
2. In actual service as a member of the National Guard; or
3. Engaged in firearm instruction or field work in which the employee carries a firearm for conducting official County business

The County may grant an individual employee or job class a written exception to this policy.

Dangerous Weapons

Possession of other dangerous weapons, explosives, large knives, swords, etc., and/or any other weapon deemed inappropriate by the County is prohibited in all County buildings and in County vehicles except if permitted by statute or necessary to perform County business, and the employee has obtained authorization from the County Commission.


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

Workplace Violence Prevention

All employees, including Department Head/Supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, roughhousing, or any other conduct that may be dangerous to others. It is important to note that employees with different back grounds might have very different ideas about what is innocent tomfoolery and what seems to be threatening and intrusive. Work is not the place for it.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by Federal, State, or Local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the immediate Department Head/Supervisor, HR, or any other member of management. The County shall promptly and thoroughly investigate all reports of threats or (or actual) violence and of suspicious individuals or activities.

MINERAL COUNTY EMPLOYEE POLICY MANUAL 	6.0 SAFETY	6.5 DATA BREACH RESPONSE PLAN EFFECTIVE DATE: 05/31/2019 REVISION DATE:
---	---------------	---

Response Plan for data breach either physical or digital shall be handled in a manner as efficiently and quickly as possible and under the advisement of the County Attorney's office.

Once an employee or affected Department Head/Supervisor realize there is such a breach they shall contact the following in the manner subscribed by the County Attorney:

1. Notify the Commissioners
2. Notify the County Attorney
3. Notify Law enforcement
4. Notify the financial institution
5. Notify any affected employees or members of the public
6. Contact support to clean or repair affected devices

Departments that are HIPAA covered entities shall adhere to Federal regulation regarding the handling of private medical information. Breaches that fall under HIPAA regulations shall be reported and handled internally by the covered entity, per protocol.

APPENDICES

IMPORTANT NOTE

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

APPENDIX A: Equipment Acknowledgement Form

Mineral County

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

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

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

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

Employee Name (please print)

Employee Signature

Date

APPENDIX B: Ethics and Conflict of Interest Acknowledgement Form

Mineral County

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

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

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

Employee Name (please print)

Employee Signature

Date

APPENDIX C: Drug and Alcohol Free Workplace Acknowledgement Form

Mineral County

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

By my signature below, I acknowledge that I have read the **Drug and Alcohol Free Workplace Policy** set forth in this Handbook of the County. I understand that it is my obligation to read, understand, and comply with the procedures and provisions contained within this Policy.

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

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

Employee Name (please print)

Employee Signature

Date

**APPENDIX D: Computers, Internet, E-mail and Electronic Communication Policy Acknowledgement
Form**

Mineral County

By my signature below, I acknowledge that I have read the **Computers, Internet, E-mail Policy** set forth in this Handbook. I understand that it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this policy.

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

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

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

Employee Name (please print)

Employee Signature

Date

**APPENDIX E: Discrimination Policy
Acknowledgment Form**

Mineral County

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

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

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

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

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

Employee Name (Please Print)

Employee Signature

Date

APPENDIX F: Decedent's Warrant or Paycheck Designation Form

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

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

BENEFICIARY DESIGNATION FOR DECEDENT'S FINAL CHECK(S)

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

Primary Beneficiary Information – All information is required

Name of Designee _____
First Middle Last

Mailing Address _____
Street or PO Box City State Zip Code

Social Security Number _____ Date of Birth _____ Phone# _____

Contingent Beneficiary Information – All information is required

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

Name of Designee _____
First Middle Last

Mailing Address _____
Street or PO Box City State Zip Code

Social Security Number _____ Date of Birth _____ Phone# _____

My signature on this document indicates:

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

Employee Name _____
First Middle Last

Social Security Number _____ Date _____

Signature _____

**APPENDIX G Mineral County Owned Properties and Recreational Areas
Tobacco FREE Policy**

1.1. Mineral County is committed to providing safe and healthy environments.

1.2. Tobacco use is the leading cause of preventable death and disease in the U.S.

1.3. Exposure to secondhand smoke has negative health impacts and the U.S. Surgeon General has determined there is no risk-free level of exposure to secondhand smoke.

1.4. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use (1) closely resembles and purposefully mimics the act of smoking, (2) produces an aerosol or vapor of undetermined and potentially harmful substances, (3) is increasing among both adults and youth, (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and (6) creates confusion and leads to difficulties enforcing smoking prohibitions.

1.5. Cigarettes consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishing the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources.

1.6. The tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation.

1.7. Mineral County believes parents, coaches, leaders, and elected officials involved county business and recreation are role models for youth and can have a positive effect on the lifestyle choices they make.

1.8. Mineral County believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all Mineral County owned properties and recreation areas serves to protect the public's health, safety and welfare.

Section 2: Definitions

2.1. All times means 24 hours a day, seven days a week.

2.2. Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.

2.3. Recreational areas means all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by Mineral County for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, beaches, and aquatic areas.

2.4. County owned properties means all county owned property including but not limited to the courthouse campus, health department, extension office, library, museum, road department, fairgrounds, airport, parks and county owned vehicles.

2.5. Smoke or smoking means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar cigarette, pipe, or any other tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.

2.6. Tobacco or tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

2.7. Tobacco use means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form.

Section 3: Policy

3.1. Tobacco use is prohibited at all times in or on all county property including recreational areas.

3.2. It is not a violation of this policy to use tobacco in or on recreational areas as part of a Native American spiritual or cultural ceremony. Approval from Mineral County administration must be requested and received prior to the ceremony.

Section 4: Enforcement

4.1. Signage will be posted at strategic locations to inform the community, employees and recreational area users about the policy.

4.2 Mineral County Employees will be notified about this policy through the employee Manual.

The success of this policy depends on the consideration and cooperation of all. Enforcement of the policy is a shared responsibility of Mineral County Employees and recreational area users.

4.4 Mineral County Employees found violating this policy may be subject to disciplinary action.