

*Fergus County
MACo/JPIA*

***OFFICIAL HANDBOOK
OF PERSONNEL
POLICIES AND
PROCEDURES***

Adopted February 20, 2008

FERGUS COUNTY POLICY HANDBOOK
TABLE OF CONTENTS

MESSAGE FROM THE COUNTY COMMISSIONERS.....	6
WORKPLACE SAFETY POLICIES.....	7
Violence Prohibited	7
Safe Workplace Commitment.....	7
Hazard Communication Program	7
Safety Committee.....	7
Reporting Potential Problems.....	8
PURPOSE AND DISCLAIMERS.....	9
EQUAL EMPLOYMENT OPPORTUNITY AND GRIEVANCE PROCEDURE	9
Pre-employment Inquiries	9
Pre-employment Physical Examinations	10
Equal Pay.....	10
Disability.....	10
Reasonable Accommodation	10
Religion	11
Sexual Harassment.....	11
HARASSMENT POLICY.....	12
GRIEVANCE PROCEDURE	12
PERSONNEL ADMINISTRATION	13
Personnel Appointments and Position Descriptions	13
Permanent.....	13
Seasonal.....	13
Temporary	13
Short-term.....	14
Recruitment and Hiring Process.....	14
Nepotism	16
Probationary Period.....	17
Performance Appraisal.....	17
Position Descriptions.....	18
EMPLOYMENT INFORMATION.....	18
Time Sheets / Preparation of Payroll.....	19
Employee Personnel Records.....	19
Sick Leave.....	21
Sick Leave Direct Grant Policy	24
Annual Vacation Leave	25
Military Leave	28
Jury Duty or Witness Leave	28
Maternity Leave.....	29
Leave Of Absence without Pay	30
Family and Medical Leave.....	31
Holidays and Benefits.....	33
Overtime and Compensatory Time.....	35
Workers' Compensation	36
Pay Policy	37
WORK RULES.....	37
Guidelines for Appropriate Conduct	37

Drug Free Workplace	39
Hours of Work	40
Personal Appearance.....	41
Personal Telephone Calls	41
COMPLAINT RESOLUTION PROCEDURE	41
EMPLOYEE SEPARATION	43
Reduction in Work Force	43
Internet/E-Mail Use Policy.....	44
Drivers License Requirement	48
Vehicle Use Policy	48
Transfer of Employee.....	50
ADDENDUM A.....	51
ADDENDUM B.....	52
ADDENDUM C.....	53
ADDENDUM D.....	61

RESOLUTION NO. _____

A RESOLUTION TO ADOPT THESE PERSONNEL POLICIES AND ADDENDA
SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS

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

NOW, THEREFORE, BE IT HEREBY RESOLVED that these Personnel Policies and Addenda are adopted, effective _____ and supersede and any and all previous resolutions and documents pertaining to personnel policies and personnel administration.

BOARD OF COUNTY COMMISSIONERS

FERGUS COUNTY, MONTANA

Ken Ronish, Chairman

John Jensen, Commissioner

Carl Seilstad, Commissioner

APPROVED AS TO FORM AND CONTENT

Thomas P Meissner, County Attorney

ATTEST:

Rana J. Wichman, Clerk and Recorder

ACKNOWLEDGMENT AND RECEIPT
OF
FERGUS COUNTY, MONTANA

OFFICIAL HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES

I acknowledge receipt of or have reviewed a copy of the Handbook of Personnel Policies and Procedures adopted by Fergus County. I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

Dated the _____ day of _____, _____

Employee's signature _____

Employee's hand printed name _____

Employee's work location _____

MESSAGE FROM THE COUNTY COMMISSIONERS

We welcome you as a member of the Fergus County team. We hope your association with Fergus County will be most pleasant for you and of benefit to both you and the County.

We wish to provide favorable opportunity and incentive for the growth and well being of all our employees and their families. Our future growth as a county and as individuals depends on our mutual respect and cooperation and on each of our contributions to the County's objectives. Our present position in our field is a direct testimonial to the contributions that many have made in the past. Together we can make tomorrow even better.

The Board of County Commissioners

Note: This edition of the Fergus County Employee Handbook replaces and voids all previous editions

WORKPLACE SAFETY POLICIES

Violence Prohibited

“Violence” is defined as physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons and threats or talk of violence.

We have a zero tolerance for violence. If you display any violence in the workplace or threaten violence in the workplace you are subject to immediate termination for cause. No talk or threat of violence will be tolerated.

Safe Workplace Commitment

We are committed to providing a safe environment for employees, customers and visitors. In order to provide a safe workplace we require:

Property Access – access to all property is limited to those with a legitimate business interest. All visitors must check in at the respective office.

Inspections – desks, telephones and computers used by County employees are Fergus County property. The Board of Commissioners or their designees and department heads reserve the right to enter or inspect your work area including, but not limited to, desks, lockers, computers, and computer storage disks, with or without notice.

Fax machines, copiers and mail systems, including e-mail, are for business purposes only.

Hazard Communication Program

Your safety in the work place is a priority to Fergus County. Your job may require working with a variety of hazardous chemicals. Material Safety Data Sheets (MSDS) shall be maintained for each office as required.

All employees of the County have a responsibility to educate themselves about the precautions to take when handling these hazardous chemicals, to know what to do if exposed or overexposed, and to report mislabeled or unlabeled chemicals to their respective department head.

Periodic training will be conducted that you will be required to attend regarding safety issues in the County.

Safety Committee

Fergus County has created a Safety Committee to help us provide a safe and healthy work environment. The objectives of the Committee are to develop safe work practices through employee training and awareness in order to reduce the frequency, severity, and lost work time due to accidents. The purpose of the Committee is to aid the County in complying with Federal, State, and local regulations; to help eliminate the causes of accidents and thereby reduce the cost of employee lost time and medical expenses; to periodically perform job hazard analysis; to help define the responsibilities of all

individuals to observe safe work practices and to respect the authority of supervisors/managers to enforce those practices; and to provide safe and healthy work environments and facilities for all employees, visitors and the public.

Periodic training will be conducted that you will be required to attend regarding safety issues in the County.

Reporting Potential Problems

It is everyone's responsibility to prevent violence in the workplace. You are encouraged to report any incident that may involve a violation of our policies, which are designed to provide a comfortable and safe workplace environment. Concerns may be presented to your department head, or a designated member of our Safety Committee. Often, you are in a better position than management to know what is happening to those you work with.

You should also report any suspicious person or circumstance to your department head, to a member of the Safety Committee, or the County Commissioners.

PURPOSE AND DISCLAIMERS

STATEMENT OF POLICY

Scope: These Personnel Policies and Procedures shall apply to all County employees. In the event of conflict between these rules and any collective bargaining agreement, County resolution, rule, county charter, or state or federal law, the terms and conditions of that contract, rule, county charter or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any resolution, rule, county charter or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

Fergus County specifically reserves the right to repeal, modify or amend these policies at any time, with notice. None of these provisions shall create a vested contractual right in any employee or limit the power of the Fergus County Commission to repeal or modify these rules

EQUAL EMPLOYMENT OPPORTUNITY AND GRIEVANCE PROCEDURE

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

STATEMENT OF POLICY

Fergus County is an equal employment opportunity employer. Fergus County does not refuse employment or discriminate in compensation or the other terms, conditions and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs. Any applicant for employment with Fergus County or employee, who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact any supervisor in the chain of command or a County Commissioner.

Pre-employment Inquiries

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

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

Pre-employment Physical Examinations

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

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

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

Equal Pay

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

Disability

Reasonable Accommodation

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

Any otherwise qualified applicant for employment or employee with a disability who requires reasonable accommodation may inform his or her immediate supervisor or the Fergus County Commissioners of the nature of the disability and the accommodation requested. Employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible

and shall not release the information to anyone who does not have the right or need to know.

Communicable diseases, including AIDS, are physical disabilities. Fergus County will not discriminate against any employee or applicant for employment based upon these diseases unless required to do so by the reasonable demands of the position.

Prior to making any distinction based upon communicable disease, Fergus County will evaluate:

- The nature of the risk
- The duration of the risk
- The severity of the risk
- The probability that the disease will be transmitted and cause harm.

Fergus County will evaluate these factors after obtaining the medical judgments of public health officials.

Religion

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

Sexual Harassment

Sexual harassment of employees and any other persons is prohibited. It is Fergus County's policy to provide employees with a work environment free of sexual harassment.

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

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

Sexual harassment also includes harassment directed toward a person because of gender.

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

- Propositions or pressure to engage in sexual activity
- Sexual assault
- Repeated intentional body contact
- Repeated sexual jokes, innuendos, or comments
- Constant staring or leering
- Inappropriate comments concerning appearance
- Display of magazines, books, e-mails, or pictures with a sexual connotation
- Pattern of hiring or promoting sex partners over more qualified persons
- Any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including, but not limited to, hazing employees working in nontraditional work environments.

HARASSMENT POLICY

Fergus County believes that every individual is entitled to be treated with respect, dignity and courtesy. We will not tolerate harassment of any of our employees. Any form of harassment related to an individual's race, creed, color, religion, national origin, sex, age, marital status or physical or mental disability is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term harassment includes slurs, and any other offensive remarks, jokes, other verbal, graphic or physical conduct.

RETALIATION

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

GRIEVANCE PROCEDURE

- A. Any employee who believes he/she or another employee has been subjected to a violation of these policies should immediately report the incident to his or her immediate supervisor or the Fergus County Commission. Grievances should be in writing. If the immediate supervisor is involved in the matter, the employee should inform his or her immediate supervisor's supervisor, or the Fergus County Commission.
- B. Any supervisor who receives a report of a violation of these policies shall promptly notify his or her department head and the Fergus County Commission.
- C. The department head shall promptly notify the Fergus County Commissioners, investigate the complaint, and make a factual report to the Commissioners as soon as practical after receiving notice of the alleged violation. The investigation shall include, but not necessarily be limited to, interviewing persons who have knowledge of the matter and reviewing any relevant documents. The factual report and final decision shall remain confidential and be disseminated only to persons having a right to know, which outweighs the privacy rights of the persons involved.

- D. Upon receipt of a complaint alleging harassment, including, but not limited to, sexual harassment, the Commissioners shall take steps to prevent the alleged conduct from continuing, pending completion of the investigation.
- E. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, the Commissioners will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the Fergus County Commissioners will take appropriate action, including, but not limited to, disciplinary measures pursuant to Fergus County's Guidelines for Appropriate Conduct Policy, which may include termination.
- F. Neither Fergus County nor any employee will retaliate against any employee for filing a discrimination grievance or for participating in any way in a grievance procedure.

PERSONNEL ADMINISTRATION

Personnel Appointments and Position Descriptions

PURPOSE: To establish a policy detailing employment categories for County employees

STATEMENT OF POLICY

All County employees shall be assigned by the appropriate County officer to one of the following employment categories (Section 2-18-601 MCA):

Permanent

“Permanent” means an employee, assigned as permanent, which has attained or is eligible to attain permanent status. Permanent employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

Seasonal

“Seasonal” means an employee, assigned as seasonal, who performs duties of a seasonal nature. Seasonal employees may, at the discretion of Fergus County, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

Temporary

“Temporary” means an employee, assigned as temporary, who performs temporary duties or permanent duties on a temporary basis for a period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without a

competitive selection process. Temporary employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

Short-term

“Short-term” means an employee, assigned as a short-term worker, who works at an hourly rate of pay established by Fergus County. Short-term workers may not work for a County department for more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become permanent employees without a competitive selection process.

Employment Classifications Adopted by Commissioners Resolution 27-2006 on August 23, 2006

Recruitment and Hiring Process

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

STATEMENT OF POLICY

It is the policy of Fergus County to recruit, select, and promote personnel without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin, except where a bona fide occupational qualification is reasonably necessary to a County operation.

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

- A. Requests to fill all vacancies, whether through internal or external recruitment, should be made to the Fergus County Commissioners as soon as the department head becomes aware of a vacancy. Upon receipt of notification and written approval to fill the position, the selection process will begin. The selection process will be coordinated between the Fergus County Commissioners and the department head affected; and including any governing board vested with hiring authority.
- B. A job description shall be reviewed or created. The job description should contain a description of the essential functions of the position.
- C. In the discretion of the department head or in the discretion of the Board of Commissioners if a department head is to be hired, or in the discretion of a governing board if such board is vested with discretion by statute, resolution, or ordinance; a selection committee consisting of three members should be appointed. The selection committee, in cooperation with the Fergus County Commissioners and/or department head and/or governing board will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, and may include questions, model answers, assignment of test weights, and total points and minimum passing scores.

- D. Selection strategy may include one or more of the following devices:
- a. County applications / supplemental questionnaires
 - b. Written, oral and/or performance tests
 - c. Assessment centers, job simulation or job performance exercises
 - d. Final interviews
 - e. Reference checks (It is suggested that only the top applicant should have his/her references checked. The reference check should be used to verify work history and academic records.)
 - f. Background Checks (Information obtained from such checks must be coordinated with the county commissioners, the county attorney and/or the MACo attorney)
 - g. The selection strategy may include posting notice or advertising with the Montana Job Service, or advertising in trade publications, or advertising elsewhere in the discretion of the hiring authority.
- E. The foregoing recruitment policy is not necessary for temporary or short term recruitment.
- F. If a situation exists in which a department head believes that it is appropriate to suspend application of the foregoing policies, the Fergus County Commissioners shall be consulted, and shall have the sole authority to suspend or modify the foregoing recruitment policy, in whole or in part. The Commissioners shall document the reasons for suspension or modification of the policy.
- G. Reasonable accommodations shall be made for disabled applicants to allow participation in the selection process.
- H. Fergus County may recruit for vacant positions internally before recruiting externally. Positions will be posted internally for at least five (5) working days. Position announcements should be posted on the board next to the Clerk and Recorder's office and copies of the announcement placed in each department's mailbox. Existing employees of Fergus County, who wish to be applicants, will be required to complete a job application and perform any testing, or complete any interview. An existing Fergus County employee may, at the discretion of the hiring authority, be hired without external advertising, provided any such employee meets the minimum job requirements.
- I. Fergus County may also recruit externally. When recruiting externally, internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants. Fergus County reserves the right to reject any and all applications for the position and re-advertise if the county wishes to expand the applicant pool.
- J. Applications (Addendum C) for a posted position will not be accepted after the published closing and/or receipt date.

- K. In initial hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. In all initial hiring, where a scored procedure is not used, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. (Section 38-29-102 MCA) Initial hiring means a personnel action for which applications are submitted from outside the ranks of current employees.
- L. In all initial hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications. Initial hiring means a personnel action for which applications are submitted from outside the ranks of current employees.
- M. The Fergus County Commissioners and appropriate department head, or board, shall make job offers in writing. A job offer will specify whether the job is permanent, temporary, and seasonal or a short-term position and whether the job is full or part-time; in accordance with Fergus County personnel polices. The offer should also specify the position, title, grade, salary, work location, starting date, hours of work, and the applicable probationary period.

The Fergus County Commissioners have the sole authority over setting starting wages, salaries, and increases.

Nepotism

PURPOSE: To comply with the Montana nepotism laws

STATEMENT OF POLICY

It is County policy that no person, member of a board or commission, or department head shall hire or appoint any person related or connected by consanguinity (blood) within the fourth degree or by affinity (marriage) within the second degree to any position in county government.

A person connected within the fourth degree of consanguinity includes: parent, child, grandparent, brother or sister, grandchild, great-grandparent, uncle or aunt, nephew or niece, great-grandchild, great-great-grandparent, great-uncle or aunt, first cousin, grand-nephew or niece, and great-great-grandchild.

A person connected within the second degree of affinity includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife's or husband's brother) and his wife, sister-in-law (wife's or husband's sister) and her husband and husband or wife of grandchild.

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

Probationary Period

PURPOSE: To establish policy and procedure for a probationary period for new employees and for current employees who transfer to new positions

STATEMENT OF POLICY

Employees, including transferred or promoted employees (except temporary employees and short-term workers), in full-time or part-time positions must serve 1,040 regular working hours of probation. Short-term workers and temporary employees are continually on probation. Deputy Sheriffs serve a probationary period of one year pursuant to Section 7-32-2105 MCA. An under-sheriff holds office at the pleasure of the sheriff.

During the established probationary period, Fergus County reserves the right to terminate the probationary employee's service on the basis of unsatisfactory performance or for other reasons deemed sufficient by Fergus County. An employee, whose work or actions are unsatisfactory, should be terminated as soon as possible. Early termination saves the County time and dollar investments and saves the employee possible embarrassment and frustration. A terminated probationary employee shall be notified in writing by the appropriate department head. A copy of the notification shall be retained in the personnel file.

Evaluations may be conducted during the probation period to assess performance and to advise the employee of expectations regarding performance. If the employee successfully completes the probationary period, he/she shall be informed in writing by the appropriate department head.

The probationary period may be extended in writing by the appropriate department head.

If a transferred or promoted employee fails to satisfactorily complete the new probationary period, the employee shall revert to his/her former position, if the position is unfilled and a selection process has not begun. If the former position has been filled or the selection process has begun, the employee is eligible to apply for other available positions, which are posted or advertised pursuant to Fergus County's recruitment and hiring process. The employee shall receive no preference in the selection process. A promoted or transferred employee reverted to his/her former position shall not be required to serve a new probationary period. A promoted or transferred employee reverted to another position shall be required to serve a new probationary period.

If a situation arises during an employee's probationary period for which a leave is granted, the time off will not be considered as time worked.

Performance Appraisal

PURPOSE: To provide an optional performance appraisal system for use as part of documentation in personnel decisions

STATEMENT OF POLICY

There may be performance appraisals, from time to time, of permanent and seasonal full-time and part-time employees.

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

A performance evaluation may be completed whenever there is a change in the employee's performance.

If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

Position Descriptions

PURPOSE: To provide for position descriptions for all County positions

STATEMENT OF POLICY

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

The position description does not constitute an employment agreement between Fergus County and employee. It is subject to change as the needs of Fergus County and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the department head.

A determination of minimum education and experience qualifications for the position should be established. These qualifications are normally expressed as the number of years and types of education and experience, which are necessary to allow a person hired to perform the specific duties of the job.

EMPLOYMENT INFORMATION

Time Sheets / Preparation of Payroll

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

STATEMENT OF POLICY

Time sheets are to be completed by all exempt and non-exempt employees except elected officials. The time sheet shall include:

- Employee name
- Employee number
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis into hours worked
- Holiday time
- Sick leave,
- Compensatory time
- Vacation
- Leave without pay, etc.
- Employee signature – Indication that the information submitted is accurate.
- Supervisor's signature.

Paychecks will be distributed to the employee's department head unless other arrangements have been pre-approved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.

Payroll records shall be maintained by Fergus County for a minimum of seven (7) years.

Employee Personnel Records

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

STATEMENT OF POLICY

- A. Establishment of procedures and responsibilities for the maintenance of personnel records
 - 1. The Clerk and Recorder or other department designated by the Fergus County Commissioners is responsible for establishing and maintaining an official personnel file for each County employee.
 - 2. All employee personnel records are confidential and access is restricted, except for an employee's title, dates and duration of employment and salary.

3. Access to the files will only be allowed if the Clerk and Recorder or a designated department finds that the merits of public disclosure override the individual's right to privacy.
4. Department heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
5. Each employee is responsible for the verification of information contained in the personnel file through periodic audit. A management representative must be present when the file is audited.
6. Individual departments shall not maintain separate personnel files.
7. No materials in a personnel file may be removed from the Clerk and Recorder's office or the office designated.

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

1. The following permanent documents are retained in the folder throughout the association of an employee with Fergus County:
 - a. Employee Application and resume
 - b. Job description and specification information
 - c. Job performance ratings and evaluations
 - d. Education / training information
 - e. Personnel data card
 - f. Personnel action forms
 - g. Documentation of disciplinary action or warning of same
 - h. Copies of any licenses necessary for the completion of job duties
 - i. Withholding authorizations.
 - j. Information of a confidential nature pertaining to medical information (This information is retained in a separate file, which is available only to the employee, department head and the commissioners.)
2. The following temporary personnel documents have limited retention of three (3) calendar years or less unless otherwise provided pursuant to labor agreement.
 - a. Administrative correspondence relating to leave / vacation requests
 - b. All other administrative documents of limited informational life span.

C. Establishment of procedures for the release and accessibility of information and audit of the personnel files

1. Personnel must treat as confidential all employee information except for requests to verify information relating to job title, department, salary, and dates of employment.

2. Access to information contained in the personnel file will be limited to the Fergus County Commissioners, County Attorney, personnel officer, respective department heads, immediate supervisor, the individual employee and labor representative in the company of the employee, employee's attorney, or attorney representing Fergus County regarding employment matters. The prospective gaining department head may review files pertaining to employees who are bona fide candidates of interdepartmental transfer or termination.

Sick Leave

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

STATEMENT OF POLICY

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

Qualification and Calculation

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

Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one (1) working day per month without restriction as to the number of working days which may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Sick leave credits shall not be used until they are earned and credited.

Permanent, temporary and seasonal part-time employees earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .046 x hours in a pay status. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Short-term workers do not earn sick leave credits.

During Leave without Pay, Holiday, or Vacation

Employees do not accrue sick leave credits during a leave of absence without pay.

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

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

Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

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 quarter (1/4) of the amount attributed to accumulated sick leave unless the employee has been terminated for abuse of sick leave. Termination pay will only apply to those credits earned since July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with Fergus County.

Use of Sick Leave

Employees may use sick leave credits in ½ hour increments for:

- A. Illness or injury of the employee
- B. Illness or injury in the employee's immediate family¹ requiring the employee's personal attendance
- C. Quarantine for contagious disease control, provided that certification is obtained from the attending physician
- D. Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either employee or child
- E. Doctor or dental appointments for treatment of the employee's illness, injury or preventive care (When possible, the employee's supervisor shall be notified at least 48 hours in advance.)
- F. To attend or make arrangements for a funeral of a member of the employee's immediate family for a period of time not to exceed eight (8) working days. Funeral leave for any other family members may be granted up to a maximum of five (5) working days by the department head, with such leave charged to sick leave. Under extraordinary circumstances in either of the previous cases, this leave may be extended by the department head with the employee using vacation leave, compensatory time, or leave without pay. Consideration shall be given by the department head that the office and county operations must remain open as outlined in state statutes and/or county resolutions.

Reporting

Absences, which will necessitate use of sick leave, shall be reported by the employee to the supervisor or department head as soon as practical. Failure to report such leave within two (2) hours of employee's regularly scheduled starting time may be considered absence without approved leave. Unapproved absences are grounds for disciplinary action.

¹ "Immediate family" means the employee's spouse and any member of the employee's household or any parent, child, grandparent, grandchild or corresponding in-law.

Abuse

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. The employee's supervisor may require an employee to submit a medical certification signed by a licensed medical professional to substantiate use of sick leave.

Medical Certification

When an employee is returning to duty following an illness or absence due to injury, or whenever the department head has reason to question the employee's ability to return to duty and perform his/her duties, the department head may require a medical certification of the employee's fitness to return to duty. The department head may also require medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others.

Sick Leave Direct Grant Policy

PURPOSE: To establish a sick leave grant policy and to provide for direct grants of sick leave to eligible employees who are suffering an extended illness or serious accident necessitating an extended time period away from work.

STATEMENT OF POLICY

A sick leave grant policy is established to allow County employees to share accrued sick leave between employees according to the procedures described in this policy. Shared sick leave may be available to a qualifying employee who suffers an extended illness or serious accident which necessitates an extended time period away from work.

Any employee of Fergus County who has accumulated sick leave hours in accordance with the sick leave policy, may grant to an eligible employee of Fergus County, sick leave hours which he or she has accumulated. Any such grants of sick leave shall be in accordance with the following terms:

1. All grants of sick leave to an eligible employee are voluntary and irrevocable, and
2. A completed Request to Transfer Sick Leave Form (Addendum D) submitted to the Clerk and Recorder
3. No employee is eligible to receive a grant of sick leave from another employee without approval of his or her department head.
4. To be eligible to receive a grant of sick leave from another employee, the employee must:
 - A. have met the ninety (90) day qualifying period to take sick leave as required by Section 2-18-618(1) MCA.
 - B. Suffer an extended illness or accident which results in absence from work for no less than ten (10) consecutive working days.
 - C. Exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time.
 - D. Provide to his or her department head a physician's certification of extended illness or accident.
5. An employee may not receive a grant of sick leave from another employee:
 - A. If the employee is eligible for and receives worker's compensation benefits.

- B. If the employee is no longer employed by Fergus County.
 - C. While the employee is on a leave of absence without pay for a reason other than an extended illness or accident.
 - D. For the purpose of providing care or attendance to an immediate family member.
6. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period. Leave granted to a part-time employee shall be prorated. The twelve (12) month period is calculated from the first day the employee takes sick leave which has been granted by another employee.
7. To be eligible to make a direct grant of sick leave to another employee, an employee shall have:
- A. completed the ninety (90) day qualifying period to take sick as required by Section 2-18-618(1) MCA and shall have a balance of forty (40) hours of accrued sick leave credited to the grantor employee's account. The minimum balance for a part-time employee shall be prorated.
 - B. An employee may directly grant a maximum of forty (40) hours of accrued personal sick leave in any continuous twelve (12) month period to another employee. The twelve (12) month period is calculated from the first day an employee makes a grant of sick leave.
 - C. If the employee's leave balance falls below forty (40) hours, the employee will not be eligible to make a grant of sick leave.
8. An employee may make a grant of sick leave to an employee in any County department.

Annual Vacation Leave

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

STATEMENT OF POLICY

Employees earn annual vacation leave credit as follows:

- A) From the first full day of employment through ten (10) years of service at the rate of fifteen (15) working days.
- B) From eleven (11) years through fifteen (15) years of service at the rate of eighteen (18) working days.

- C) From sixteen (16) years through twenty (20) years of service at the rate of twenty one (21) working days.
- D) After twenty-one (21) years of service to the end of employment at the rate of twenty four (24) working days.

For calculating annual vacation leave credits, only regular hours shall be considered and 2,080 hours shall equal one year. Proportionate annual vacation leave credits shall be earned and credited at the end of each pay period. Annual vacation credits shall not be used until they are earned and credited.

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

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

Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess annual vacation leave shall be forfeited if not taken within ninety (90) days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to use the excess annual vacation leave prior to March 30th of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess annual vacation leave. It is the responsibility of Fergus County to ensure that the employee may use the excess annual vacation leave before the end of the calendar year in which the leave would have been forfeited.

Persons employed in two or more positions shall accrue annual vacation leave in each position according to the number of hours worked. Leave shall be used only from the position in which earned in proportion to the number of hours normally scheduled and must be approved by the department head in authority over the position.

Payment on Termination

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

Scheduling

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

Permanent Full-Time

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

Permanent Part-Time

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

<u>Years of Employment Completed</u>	<u>Less Than 80 Hours in Pay Status</u>
0-10 years	.058 x number of hours
11-15 years	.069 x number of hours
16-20 years	.081 x number of hours
21+ years	.092 x number of hours

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.

Temporary Full-Time

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

Temporary Part-Time

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

Seasonal Full-Time

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

Seasonal Part-Time

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

Short-Term

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

Military Leave

PURPOSE: To provide for military leave of absence with pay for training or encampments and to provide for reinstatement

STATEMENT OF POLICY

An employee who is a member of the organized militia of the State of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months shall be given a leave of absence with pay for a period of time not to exceed fifteen (15) working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. Military leave shall not be used for weekend drills. This leave will not be charged against the employee's annual leave. Reinstatement privileges of an employee who has been inducted into military service as provided for under State and/or Federal law will be followed.

Jury Duty or Witness Leave

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

STATEMENT OF PURPOSE

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

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

An employee on authorized jury duty or witness leave shall receive his/her normal daily wage. The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Clerk and Recorder. The employee shall retain any expense or mileage allowance paid by the court.

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

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

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror, the employee is expected to contact the supervisor and report to work as instructed.

Maternity Leave

PURPOSE: To provide a policy for the uniform administration of maternity leave

STATEMENT OF POLICY

Fergus County does not discriminate against any applicant or employee in hiring or in the terms, conditions and privileges of employment based upon pregnancy, childbirth, or related medical conditions.

Fergus County will not terminate any employee due to pregnancy or childbirth.

A reasonable leave of absence for maternity is leave for that period of time during which a female employee is incapable of performing normal job duties due to maternity. Fergus County may require medical verification of disability.

If absenteeism due to pregnancy becomes excessive or if a pregnant employee is incapable of performing normal job duties, Fergus County may require the employee to take maternity leave until the employee is capable of performing normal job duties on a regular basis. Prior to requiring maternity leave, Fergus County will assess whether Fergus County can make any reasonable accommodation, which will allow the pregnant employee to continue to work.

Fergus County will reinstate an employee who has taken a reasonable leave of absence for maternity to their original job or to an equivalent job with equivalent pay, and accumulated seniority and other benefits.

An employee requiring maternity leave shall provide Fergus County with reasonable notice of the expected date of leave. An employee returning from maternity leave shall provide Fergus County with reasonable notice of her intent to return to work. When Fergus County receives notice of intent to return to work, Fergus County will reinstate the employee as soon as reasonably possible.

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

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

- A. Terminate a woman's employment because of her pregnancy
- B. Refuse to grant an employee a reasonable leave of absence for such pregnancy

- C. Deny an employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties
- D. Require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave, except that eligibility for maternity leave shall not require employment for any specified period of time.

It is the expressed intent of Fergus County to work in accordance with the Family Medical Leave Act (FMLA).

Leave Of Absence without Pay

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

STATEMENT OF POLICY

Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave and the date of return. The request shall be submitted by the employee to the affected department head. The department head or elected official after consulting the Fergus County Commission, shall make a decision based upon the best interest of Fergus County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and Federal laws.

A department head or elected official after consulting the Fergus County Commission and with their approval may grant a permanent, temporary or seasonal full-time or part-time employee a leave of absence without pay not to exceed ninety (90) calendar days. An extension of the approved leave, not to exceed ninety (90) calendar days may be approved by the department head with approval from the Fergus County Commissioners. 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 Fergus County's insurance plan; however, 100% of the premiums are to be paid by the employee in a manner prescribed by the Plan Administrator unless the employee qualifies for the Family Medical Leave Act (Refer to Family and Medical Leave Section of this handbook for situations involving the Family and Medical Leave Act of 1993.)

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

Employees who fail to return to work on the next working day following the expiration of the approved leave are subject to disciplinary action including termination.

Family and Medical Leave

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

STATEMENT OF POLICY

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

Eligibility

To be eligible for FMLA leave, the employee must have worked for Fergus County for a minimum total of twelve (12) months and for at least 1,250 hours during the twelve (12) month period immediately preceding the leave. If Fergus County employs fewer than fifty (50) employees at the worksite or within 75 miles, an employee is not eligible for leave.

Duration

Eligible employees may take up to twelve (12) weeks of leave within a twelve calendar month period, which begins January 1 of each year. The twelve weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced schedule. 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.

Purpose of Leave

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

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

Serious Health Condition

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

- A. An illness that requires the person to be hospitalized
- B. 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
- C. An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment
- D. Any period of incapacity due to pregnancy or childbirth

- E. A permanent or long-term problem supervised by a physician where there is not effective treatment, such as Alzheimer's, severe stroke, terminal stages of disease
- F. 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)
- G. 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. Thirty (30) days notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the department head and may require completion of Form WH-380 (Addendum B). The department head must promptly (within two (2) business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. The department head should use Form WH-381. (Addendum B)

Use of Paid Leave

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

Health Benefits

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

Reinstatement

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

Holidays and Benefits

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

STATEMENT OF POLICY

Legal holidays shall be observed by County employees without loss of pay.

The following are legal holidays:

New Years Day -----	January 1
Martin Luther King, Jr. Day-----	Third Monday in January
Lincoln's and Washington's Birthday -----	Third Monday in February
Memorial Day -----	Last Monday in May
Independence Day -----	July 4
Labor Day-----	First Monday in September
Columbus Day -----	Second Monday in October
Veterans' Day -----	November 11
Thanksgiving Day -----	Fourth Thursday in November
Christmas Day-----	December 25
State General Election Day-----	November, even numbered years

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.

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

Benefits and Eligibility Requirements

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

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

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits.

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

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

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

Full-Time Employee Benefits

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight (8) hours of holiday benefits. The employee usually receives the holiday off; however, Fergus County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

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

(Section 2-18-603 MCA) If a day off cannot be provided, Fergus County will provide eight (8) hours of pay at the regular rate.

Part-Time Employee Benefits

Part-time permanent, temporary or seasonal employees receive holiday benefits on a prorated basis. (Sec. 2-18-603 MCA)

Holiday benefits shall be an average of the employee's hours in a pay status in the pay period. Holiday benefits shall not exceed eight (8) hours.

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

The employee usually receives the holiday off; however, Fergus County reserves the right to require a part-time employee to work on the day a holiday is observed. The employee shall receive holiday benefits as provided in this rule and shall be compensated for work performed on a holiday as provided in the next paragraph.

Pay for Work Performed on a Holiday

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

- A. If the holiday benefit is a paid day off to be taken at a later date, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- B. If the holiday benefit is to be pay, but no day off, the employee shall also receive premium pay (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.

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

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

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

Overtime and Compensatory Time

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

STATEMENT OF POLICY

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 and listed in Addendum A) may receive overtime compensation for hours worked in excess of forty (40) hours per week at the rate of 1½ times the regular hourly rate of pay. Absences, while in a leave status (e.g., annual leave, sick leave, compensatory time, personal leave, etc. not including holidays) shall not be considered hours worked for the purpose of calculating overtime payments.

Non-exempt Compensatory Time

Non-exempt employees may receive compensatory time off in lieu of overtime payment if mutually agreed upon in writing between the employee and the department head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for

each hour worked in excess of forty (40) hours per week. Employees may accrue a maximum of eighty (80) compensatory time hours. Any compensatory time in excess of eighty (80) hours, will be paid at the overtime rate. Employees, who have accrued compensatory time and requested use of this compensatory time, shall be permitted to use the time off within a “reasonable time” after making the request, if the use does not “unduly disrupt” the operations of Fergus County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

Exempt Compensatory Time

Exempt employees may receive compensatory time off for hours worked in excess of forty (40) hours per week at the rate of one hour for each hour worked in excess of forty (40). Exempt employees may accrue a maximum of eighty (80) compensatory hours. The immediate supervisor shall give prior written authorization for all hours worked in excess of forty (40) hours per week. Tracking compensatory hours will be done on the Exempt Employees Time Sheet. No compensation for unused compensatory time shall be allowed at any time. (Exempt employees as identified in Addendum A of these policies.)

The employee’s immediate 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 their supervisor.

Record Keeping

An employee’s supervisor shall ensure that all overtime and compensatory time earned and used is recorded on the employee’s time card as it occurs.

Workers’ Compensation

PURPOSE: To inform employees of workers’ compensation coverage and benefits

STATEMENT OF POLICY

Fergus County provides every employee with wage supplement and medical benefits for work-related injury or disease covered under the Montana Workers’ Compensation Act or the Occupational Disease Act.

Every work-related injury should be reported immediately to the injured employee’s supervisor. Further reporting requirements maybe required as set forth by the Fergus County Safety Committee.

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 six (6) day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the six-day waiting period.

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

Pay Policy

Paydays occur within ten (10) days from the last working day of the month, and usually occur on the 5th of the month following the end of a pay period as pursuant to 39-3-204 MCA. If the 5th falls on a Saturday or Sunday, payment will usually occur on the preceding Friday or following Monday.

Employees shall complete the monthly time report at the end of each week and turn it in at the end of the month.

Each employee on the first day of work is required to fill out a W-4 for Federal Income Tax Withholding, an I-9 Form, and any other employee data information as necessary for payroll. Full time employees are required to complete and return to the clerk and recorder's office all benefit package information before receiving their first paycheck.

Compensation for all employees is set by the County Commissioners annually, and with respect to any appropriate or necessary collective bargaining negotiations.

WORK RULES

Guidelines for Appropriate Conduct

PURPOSE: To establish a policy to inform management and employees of behavior and conduct which is prohibited and can lead to disciplinary action

STATEMENT OF POLICY

As an integral member of Fergus County team, employees are expected to accept certain responsibilities and adhere to acceptable business practices. This not only involves sincere respect for the rights and feelings of others but also demands that in public life employees refrain from any behavior that might be harmful to self, co-workers, and/or Fergus County or that might be viewed unfavorably by the public at large.

Employee conduct reflects on Fergus County. Employees, consequently, are encouraged to observe the highest standards of professionalism at all times.

Listed below are types of performance, behavior and conduct, which are prohibited. This list should not be viewed as being all-inclusive. Types of performance, behavior and conduct Fergus County considers inappropriate and which shall lead to disciplinary action include, but are not limited to, the following:

1. Falsifying employment or other County records or making false statements
2. Violating Fergus County's Equal Employment Opportunity Policy
3. Violating the Montana Code of Ethics (Section 2-2-101 / 1-1-304 MCA)
4. Establishing a pattern of absenteeism or tardiness
5. Use of County equipment, vehicles, supplies, time or facilities for private purposes (MCA 2-2-121)
6. Reporting to work intoxicated or under the influence of illegal drugs

7. Violating the Drug Free Work Place Act including, but not limited to, testing positive for drug use
8. Bringing or using alcoholic beverages on County property or using alcoholic beverages while engaged in County business away from County property. However, where alcohol is being served at work related activities such as meetings, conferences, dinners, or similar activities, reasonable consumption of alcohol is permitted. Recognizing that employees have a responsibility to represent the County in a favorable manner, Fergus County employees and agents shall not be intoxicated beyond the standards established by Section 61-8-401, MCA, while attending work related activities, such as meetings, conferences, dinners, or similar activities, as such behavior is of no benefit to the County, is a deviation from work-related activities, and is outside the scope and course of employment.
9. Fighting or causing or performing violent acts in the workplace.
10. Theft of property from County employees or Fergus County
11. Possessing unauthorized firearms on County premises or while on County business
12. Disregarding safety or security regulations
13. Engaging in insubordination
14. Operating county vehicles or equipment while under the influence, as defined in Section 61-8-401 MCA
15. Failing to perform duties in a satisfactory manner
16. Using offensive conduct, gestures or language towards the public, County officials or other employees
17. Abusing break times and/or lunch periods
18. Misrepresenting travel expenses
19. Failing to possess or maintain a driver's license, commercial drivers license or other license, when the license is necessary for performance of job duties
20. Possessing or using alcohol or illegal drugs in County vehicles or private vehicles being used for County business
21. Violating drug and alcohol rules and regulations established for employees required to have commercial drivers licenses
22. Failing to operate County equipment safely or in the proper manner
23. Abuse of or failure to properly maintain County equipment or property
24. Any other act, failure to act, or negligence, which is injurious to Fergus County, Fergus County employees or the general public.
25. Disclosure of confidential information is prohibited
26. No county official or employee may accept gifts, benefits, or other compensation of a substantial value, usually \$50.00.
27. No solicitation will be allowed on any county premises
28. County officers or employees may not use public time, facilities, equipment, supplies, personnel, or funds for any campaign activity, or any activity affecting a political decision, unless the use is:
 - a. Authorized by law
 - b. Properly incidental to another activity required or authorized by law such as the function of an elected public official, the official's staff, or the legislative staff in the normal course of duties.

Violations of the above standards or other county, state or federal rules, or conduct which is injurious to Fergus County's interests or its employees' interests, shall result in disciplinary action which can include oral or written warnings, suspension, demotion,

termination² or other appropriate discipline. No Elected Official/department head may discipline an employee without first communicating with the commissioners, the commissioner's designee, and/or the MACo attorney.

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

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

Any employee who fails to follow this policy will be subject to disciplinary action, which may include immediate termination.

Drug Free Workplace

PURPOSE: To comply with the Federal Drug Free Workplace Act

STATEMENT OF POLICY

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

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

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

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform the employee's immediate supervisor of

² Deputy Sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties". (Smith v Roosevelt County, 242Mt.27)

such conviction within five (5) days after the conviction. The supervisor must inform the department head of any such communication immediately.

Hours of Work

PURPOSE: To establish a policy setting uniform hours of work for employees

STATEMENT OF POLICY

Except as otherwise provided by labor agreement, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

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

In accordance with 39-2-217 MCA, Fergus County shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's child, as provided in 39-2-215 and 39-2-216 MCA, if breaks are currently allowed. The break time must, if possible, run concurrently with any break time already provided to the employee. A public employer is not required to provide break time under this section if to do so would unduly disrupt the public employer's operations.

Each department will maintain daily attendance records, including date and time absent and reason for absence. Tardiness or other attendance irregularities shall be cause for disciplinary action.

Hours for employees may vary from the normal office hours established above due to the nature of the work. Variances must be approved by the appropriate department head, with concurrence of the Fergus County Commissioners.

The workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight the following Saturday. Because starting and leaving times vary with different departments and assignments, your particular schedule will be given to you by your department head who will also specify the time you will go for coffee breaks and lunch. The Fergus County employee will report to work as scheduled.

All schedule changes that deviate from the normal 8-5 operation, must be pre-approved by the Commissioners.

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

Personal Appearance

PURPOSE: To establish general guidelines related to personal appearance of County employees

STATEMENT OF POLICY

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

County employees should always be well groomed and professionally dressed in a manner suitable for the public service environment and to reflect favorably on Fergus County's image.

Fergus County department heads may develop personal appearance policies applicable to their department with approval by the Board of Commissioners.

Personal Telephone Calls

PURPOSE: To provide for control of incoming and outgoing personal telephone calls

STATEMENT OF POLICY

County phones are to be used for County business and may be used for personal business on a limited basis only.

Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

When a toll call must be placed, the call is to be billed to the employee's home number or called collect.

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

COMPLAINT RESOLUTION PROCEDURE

(For complaints alleging discrimination, employees should use the "Grievance Procedure" outlined in the Equal Employment Opportunity Policy.)

PURPOSE: To establish a policy and procedure to resolve employee complaints involving the interpretation of these Policies or an alleged violation of these Policies, which is to be used in all situations except for discrimination complaints.

STATEMENT OF POLICY

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

STEP 1

The employee shall informally discuss the situation and relevant evidence with the department head.

STEP 2

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

STEP 3

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the department head, present a written summary and evidence regarding the matter to the Fergus County Commissioners for review³. The Commissioners will review the matter and will normally advise the employee in writing of its decision within thirty (30) working days of receipt of the written summary and evidence. The Commissioners' decision shall be final.

Fergus County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying Fergus County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the "Guidelines for Appropriate Conduct Policy" are present.

A department head/elected official may not resolve a grievance contrary to our Policy or resolve a grievance where no policy is defined. To do so, infringes on the Commissioners ultimate authority to develop and interpret County policy.

³ If the grievance involves a disciplinary termination, the employee may request a hearing before the Fergus County Commissioners. At the hearing, the employee may be represented by counsel and may present evidence and examine and cross-examine witnesses.

EMPLOYEE SEPARATION

Voluntary Termination / Resignation / Retirement

PURPOSE: To specify notification dates for employee voluntary termination and resignation

STATEMENT OF POLICY

Voluntary Termination / Resignation

Employees desiring to voluntarily terminate their employment relationship with Fergus County should notify Fergus County at least two weeks in advance of their intended termination. The notice should preferably be given in writing to the supervisor and department head. Proper notice generally allows Fergus County sufficient time to calculate all accrued benefits as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

An employee's voluntary resignation is irrevocable.

Retirement

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

Reduction in Work Force

PURPOSE: To establish policy and procedure for reductions in the County work force

STATEMENT OF POLICY

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

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

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

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

In the event Fergus County decides to staff the position as it had prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of lay off. In the event Fergus County decides to fill the position within the one calendar year period, the laid off individual will be sent a written notice at his/her last known address. The individual shall have five (5) working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

Internet/E-Mail Use Policy

Don't say, do, write, view, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are laid bare.

Scope: This policy applies to all County employees.

Policy Statement: Internet, Intranet and E-Mail access provided by the County is intended for business use, but limited access for personal use is allowed. The County encourages the use of the Internet, Intranet and E-Mail, because they make communication and research more efficient and effective. Use of the County time, facilities, equipment or supplies for an employee's private business, either for profit or non-profit, is statutorily prohibited and is a misdemeanor crime, Section 2-2-121, MCA. Every employee and contractor has a responsibility to maintain and enhance the County's image and to use the Internet, Intranet and E-Mail in a productive manner. To ensure that all employees and contractors are responsible, the following guidelines have been established for use of the Internet, Intranet and E-Mail.

Acceptable Use: Internet, Intranet and E-Mail use is intended for County business purposes but employees may use these services for personal use with certain restrictions. Personal use may be permitted at the discretion of the employee's supervisor. Personal use of the Internet is not considered part of an employee's paid work time. The supervisor determines at what times during the day the Internet, Intranet and E-Mail may be accessed for personal use by their employees. The supervisor may prohibit employees from using the Internet at any time.

Misuse of Computer Resources:

The County-provided Internet, Intranet and E-Mail access may not be used **at any time** for:

- Transmitting, retrieving or storing any communication of a discriminatory or harassing nature, or materials that are offensive, obscene or x-rated. Examples of offensive, obscene or x-rated materials include but are not limited to: items, pictures, movies or text, which describe or depict nudity, sexual activity, sexual offenses against individuals or other situations involving a sex act, or which describe or depict other bodily functions or situations which are inappropriate in business setting. All incoming e-mail messages received that are of a questionable nature (bad jokes, pornographic pictures, etc.) will not be held against the employee if the information was not solicited through the system.
- Knowingly transferring or allowing to be transferred to, from or within the agency, textual or graphical material commonly considered child pornography.
- Any purpose which is illegal, or is against state or department policy.
- For-profit and non-profit business activities including activities for service organizations not related to the job.
- Excessive use for private, recreational or personal activities.
- Gambling.
- Raising funds for political candidates or issues.
- Promoting political candidates in any way.
- Promoting personal political issues.
- Gathering information for furtherance of a crime.
- Circulating chain letters.
- Using computer resources to create, access, download, or disperse derogatory, racially offensive, sexually offensive, harassing, threatening or discriminatory materials.
- Downloading, installing, or running security programs or utilities which reveal weaknesses in the security of the county's computer resources unless a job specifically requires it.
- Use of computers and User IDs for which there is no authorization, or use of User IDs for purposes outside of those for which they have been issued.
- Attempting to modify, install or remove computer equipment, software, or peripherals without proper authorization. ***This includes installing any non-work related software on State/County-owned equipment.***
- Accessing computers, computer software, computer data information, or networks without proper authorization, regardless of whether the computer, software, data, information, or network in question is owned by the County. (This means, if you use the networks to which the County has access or the computers at other sites connected to those networks for which you do not have authorization, the County will consider this matter an abuse of your computing privileges, and violation of this policy.)
- Circumventing or attempting to circumvent logon procedures, and security regulations, or exceeding the system's capacity limits by downloading excessive materials.
- The use of computing facilities, User IDs, or computer data for purposes other than those for which they are intended or authorized.
- Breaking into another user's E-Mailbox, or unauthorized personnel reading someone else's E-Mail without permission.
- Sending fraudulent electronic transmissions, including but not limited to statements intended to mislead the receiver and are known to be untrue,

fraudulent requests for confidential information, fraudulent submission of electronic purchase requisitions or journal vouchers, or fraudulent electronic authorization of purchase requisitions or journal vouchers.

- Violating any software license agreement or copyright, including copying or redistributing copyrighted computer software, data, or reports without proper, recorded authorization.
- Taking advantage of another user's naiveté or negligence to gain access to any User ID, data, software, or file that is not your own and for which you have not received explicit authorization to access.
- Physically interfering with other users' access to the County's computing facilities.
- Encroaching on or disrupting others' use of the County's shared network resources by creating unnecessary network traffic (for example, playing games or sending excessive messages); excessive use of using memory, bandwidth and disk space resources; interfering with connectivity to the network; modifying system facilities, operating systems, or disk partitions without authorization; attempting to crash or tie up a County computer; damaging or vandalizing County computing facilities, equipment, software, or computer files).
- Disclosing or removing proprietary information, software, printed output or magnetic media without the explicit permission of the owner.
- Reading other users' data, information, files, or programs on a display screen, as printed output, or via electronic means, without the owner's explicit permission. This does not prohibit supervisors having access to their employees' computers.

Generating, Receiving and Maintaining Electronic Records: All messages created, sent or retrieved over the County's system are the property of the County.

Employees do not have any expectation of privacy for any messages. In drafting or sending E-Mail messages, employees should not include anything that would not be appropriate for dissemination to the public. E-Mail communication must reflect professional and respectful business correspondence. Electronic communications will be monitored for performance, trouble-shooting purposes, and detection of abuse. In addition, employees should use their best judgment in sending messages that contain information required by law to be confidential.

Fergus County may monitor and report any access to a site or class of sites that does not appear to be work related and that is of sufficient volume that may be a potential capacity issue to network management.

Communication sent or received by the E-Mail system may be considered "documents" under Article II, Section 9 of the Montana Constitution or public records under section 2-6-101, MCA, and may be subject to public disclosure. Therefore, care should be taken in generating and maintaining these records. Release of information to a member of the public regarding an employee's use of the Internet or E-Mail, or requests from law enforcement for records not otherwise available to the public involving an employee's Internet or E-Mail records can only be approved by the County Commissioners.

Employees should consider the following to better manage E-Mail activities:

- Employees should delete items from their in-tray and out-tray when they are no longer needed. If a mail item needs to be retained it should be moved to an archive folder, a disk, or be printed. Items placed in an employee's archive should be evaluated after six months to determine if they should be retained.

- Unsolicited mail should be deleted immediately.
- Employees should check their E-Mail with a frequency appropriate to their jobs and as directed by the supervisor. Employees who will be absent for more than one day should utilize the "out of office" feature, or make arrangements for a supervisor or co-worker to check for messages that need attention.
- It is possible to receive a virus when receiving E-Mail, and some viruses are embedded in attachments. If you receive a suspicious E-Mail, do not open it.
- Some computer features increase E-Mail traffic, and employees should strive to keep message and attachment sizes as small as possible. Avoid the use of graphics in auto-signatures or other parts of the message or attachments. Use of stationary should be avoided, as well as moving graphics and/or audio objects as they consume more disk space, network bandwidth, and detract from the message content.
- Users must log off the network at the end of each day and power off their workstations.
Department resources should be logged off when not in use.
- Users leaving their computers unattended for more than 15 minutes should consider logging off the network.

Reporting Violations: Users will cooperate with Fergus County Network Administrator concerning requests for information regarding computing activities; follow County procedures and guidelines in handling diskettes and external files in order to maintain a secure, virus-free computing environment; follow procedures and guidelines for backing up data and making sure that critical data is saved to an appropriate location; and honor the Acceptable Use policies of any other networks accessed.

Users will report unacceptable use and other security violations to their immediate supervisor.

Each employee is responsible for the content of all text, audio or images that they place or send over Internet, Intranet or E-Mail. No E-Mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on the Internet, Intranet or E-Mail system should contain the employee's name.

Copyright Issues: County employees must honor copyright laws regarding protected commercial software or intellectual property. Duplicating, transmitting, or using software not in compliance with software license agreements is considered copyright infringement. Employees shall not make copies of software or literature in violation of copyright laws without the full legal right to do so. Unauthorized use of copyrighted materials or another person's original writings is considered copyright infringement. Copyrighted materials belonging to others may not be transmitted by staff members on the Internet without permission. Users may download copyright material from the Internet, but its use must be strictly within the agreement as posted by the author or current copyright law. Copyrighted County information used on web sites must be clearly labeled as such.

Internet Use Agreement: All County employees having access to the Internet and E-Mail must acknowledge that all network activity is the property of the County and should not consider any Internet activity to be private. Each user is required to read and understand the computer policy and acknowledge by completing the form.

Security: The County reserves the right to access and monitor any messages or files. Employees should not assume that electronic communications are private and should transmit highly confidential or personal information another way rather than by electronic means. Users are responsible for controlling the access to their computers, properly logging on and off the network, and not using another employee's User ID.

Violations of this policy may result in disciplinary action up to and including termination of employment with the County.

Drivers License Requirement

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

STATEMENT OF POLICY

Employees whose work requires that they drive County vehicles must hold a valid Montana State Drivers License, including a Montana Commercial Drivers License if applicable.

All new employees who will be assigned work entailing the operation of a County vehicle will be required to submit to a Montana State Division of Motor Vehicles driving record check as a condition of employment. Department heads may make periodic checks of employee driver's licenses through visual and formal Division of Motor Vehicles review. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

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

Vehicle Use Policy

Purpose

To provide guidelines to personnel for the appropriate use of County vehicles

Statement of Policy

Any employee of the County who is required to operate a County owned vehicle in the course of their employment shall be subject to the following conditions and restrictions:

1. Periodic record checks at the Bureau of Motor Vehicles
2. Use of seat belts by the driver and all passengers

3. Immediately notify his/her immediate supervisor of any moving violations
4. In the event of a license revocation, suspension, or traffic offense conviction such as DUI, County employees will be subject to disciplinary action, which may include termination of employment
5. Must comply with all laws and safe driving practices

Employees, county officers, or persons performing business for Fergus County must use assigned County vehicles for the purpose(s) authorized and must not permit unauthorized (a person that is a non-County employee or officer) passengers in county vehicles. Reimbursement for necessary emergency road service and repairs, parking charges require appropriate receipts for reimbursement. Employees are responsible for paying any and all fines associated with any driving violations incurred as a result of using a County or personal vehicle for County business.

Employees of the county who are assigned a County vehicle for duty to domicile travel may be subject to Internal Revenue Service (IRS) rulings regarding such usage. The use of such a vehicle for commuting is considered by the IRS to be a taxable benefit except under limited circumstances. A value must be established and the total annual amount reported to the IRS on each employee's Form W-2. Exceptions to this paragraph are: Fergus County law enforcement departments. The purpose of this exception is due to the fact that such departments are involved with public safety and are on call 24 hours per day 7 days per week.

Employees whose job description requires that they possess a valid Commercial Drivers License (CDL) are subject to the regulations and requirements of Montana and Federal Law. The CDL requirements are in addition to, not in lieu of, the above-listed requirements for the use of County vehicles. In the event an employee's CDL is revoked or not renewed, the employee may be subject to discipline, including termination.

Any employee involved in an accident while in the course of employment for the County is to report the accident immediately to his or her supervisor and to the appropriate law enforcement agency. An employee is not to leave the scene of an accident prior to the police taking an accident report except to seek medical treatment. All accidents shall be reported regardless of whether a County-owned or an employee owned vehicle is involved. Reporting is necessary for insurance purposes.

Upon reporting the accident to the employee's immediate supervisor, the employee will be required to provide full information so that the accident can be reported to the County Commissioners and the County's insurance carrier. The employee's supervisor shall conduct an investigation as to the cause of the accident. After the supervisor's investigation, the employee may be counseled and trained to prevent further accidents. In the event the accident is the result of the employee's negligence, the employee may be subject to the disciplinary procedures set forth herein.

Transfer of Employee

Purpose: To establish a uniform process for the internal transferring of Fergus County employees.

Statement of Policy:

Fergus County will allow the transferring of employees between positions and departments with the following criteria:

- a. The employee is required to complete a job application and perform any testing, and/or complete any interview.
- b. The transferring employee must meet the minimum job qualifications for the position
- c. The transferring employee will be required to follow the probationary period guidelines as outlined in the Fergus County Policy and Procedures Manual.
- d. Upon acceptance to the new position, the transferring employee will remain at their current rate of pay or receive the starting wage for the position, which ever is greater, with the authorization of the hiring authority and final approval by the board of commissioners
- e. Transfers are only permissible where pay status is the same (i.e.: full-time to full-time) or greater (i.e.: part-time to full-time). Transfers at the current rate of pay are not admissible if the employee was appointed to fill a position at a higher rate of pay as defined in state statute (i.e.: Deputy Clerks) or positions where pay is in part paid by special contract.
- f. The hiring authority will follow all other necessary hiring procedures as outlined in the Fergus County Policy and Procedures Manual

ADDENDUM A

EXEMPT POSITIONS

All Elected Officials	Executive/Professional/Administrative
County Nurse	Professional
Deputy County Attorneys	Professional
Disaster & Emergency Services Coordinator	Administrative
Fair Manager	Executive
Road & Bridge Supervisor.....	Executive
Undersheriff	Administrative
<u>Central Montana Health District</u>	
Sanitarian	Administrative
PHEP Nurse	Professional

ADDENDUM B

FMLA Forms

Certification of Health Care Provider Form WH-380 may be obtained from the following web address:

<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>

Employer's Response to FMLA request by employee may be obtained from the following web address:

<http://www.dol.gov/esa/forms/whd/WH-381.pdf>

ADDENDUM C

Fergus County Job Application

Dear Applicant:

If there is a closing date for this position, faxing or e-mailing your completed application is acceptable for meeting that deadline, if necessary. However, your faxed or e-mailed materials must be received on or prior to the specified closing date, **and** you must also submit your signed original application, **postmarked by the closing date**, in order to receive consideration for this position.

PLEASE READ INSTRUCTIONS CAREFULLY

Do not return this page.

1. Save application to your computer, complete by navigating fields using your tab button, print completed application and mail or fax by deadline.

OR

Print out application, complete and mail or fax by deadline.

OR

Save application to your computer, complete by navigating fields using your tab button and e-mail as an attachment by deadline.

2. An original hard copy containing your signature is required in our office in order for you to receive consideration for this position.
3. Make sure all required information from the job description is included.
4. Sign and date your application.
5. Make sure any attachments needed are included.
6. Attach all the application materials required by the job description.

Please return all materials by deadline to:

Lewistown Job Service Workforce Center
300 1st Ave. North
Lewistown MT 59457
Email: ce1932@mt.gov Fax: 406-538-7249

Date: / /

Fergus County, Montana

712 West Main Street
Lewistown MT 59457

Application for Employment

An Equal Opportunity Employer

PERSONAL INFORMATION

Full Name:		Social Security #: - -	
Street Address:		Phone: - -	
City:		State:	Zip:
Alternate Phone Number (message phone):			

EDUCATIONAL BACKGROUND

Type of School	School Name and Address	Last Year Completed	Did you Graduate	Major Course of Study and Degree Granted
High School		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> Yes	
		<input type="checkbox"/> 3 <input type="checkbox"/> 4	<input type="checkbox"/> No	
College or Technical School		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> Yes	
		<input type="checkbox"/> 3 <input type="checkbox"/> 4	<input type="checkbox"/> No	
Post Graduate Courses		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> Yes	
		<input type="checkbox"/> 3 <input type="checkbox"/> 4	<input type="checkbox"/> No	

Related Career Education (Additional Courses, Trade Schools, Seminars, etc.)

Briefly describe courses, length of program, and when completed:

PREVIOUS EMPLOYMENT (List Most Recent Position First)

Name of Employer:			Phone: - -	
Address:		City:	State:	Zip:
Date Hired: /	Date Terminated: /	Final Salary: \$	<input type="checkbox"/> hourly <input type="checkbox"/> monthly	<input type="checkbox"/> bi-monthly <input type="checkbox"/> yearly
Position Title:				
Description of Duties:				
Reason for Leaving:				
Name of Employer:			Phone: - -	
Address:		City:	State:	Zip:
Date Hired: /	Date Terminated: /	Final Salary: \$	<input type="checkbox"/> hourly <input type="checkbox"/> monthly	<input type="checkbox"/> bi-monthly <input type="checkbox"/> yearly
Position Title:				
<u>Description of Duties:</u>				
Reason for Leaving:				
Name of Employer:			Phone: - -	
Address:		City:	State:	Zip:
Date Hired: /	Date Terminated: /	Final Salary: \$	<input type="checkbox"/> hourly <input type="checkbox"/> monthly	<input type="checkbox"/> bi-monthly <input type="checkbox"/> yearly
Position Title:				
Description of Duties:				
Reason for Leaving:				

PLACEMENT INFORMATION

Type of Position Desired:	
Salary expected to start: \$	per <input type="checkbox"/> hour <input type="checkbox"/> month <input type="checkbox"/> year
Earliest Date Available: / /	Status Desired: <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Either

Related Technical Skills (list only skills or licenses pertinent to position applying for):

EMPLOYMENT REFERENCES

List three (3) previous supervisors or co-workers whom we can immediately contact:		
Name:	Phone: - -	
Former Relationship to You:		
Current Company Name:	City:	State:
Name:	Phone: - -	
Former Relationship to You:		
Current Company Name:	City:	State:
Name:	Phone: - -	
Former Relationship to You:		
Current Company Name:	City:	State:

GENERAL INFORMATION

<p><u>Please describe the skills and aptitudes that you feel qualify you for a position with us. (You may wish to include activities and position held in civic, community and school organizations, professional societies, special training and skills.) Organizations that would reveal race, ethnic or any other protected status need not be listed.</u></p>

Have you been convicted of any felonies other than minor traffic violations during the past seven years? Yes No (A criminal record or a conviction will not automatically bar employment, but will be considered only as it reasonably relates to your fitness to perform in the position for which you are applying.)
If yes, please explain; include date, place, and nature of crime.

PLEASE READ CAREFULLY

The information provided on this application is accurate to the best of my knowledge and subject to verification. I understand that proof of U.S. permanent residency or authorization to work in the U.S. will be required upon employment. I also understand that if I do not, I may be refused employment or separated if I am a current employee.

If employment results from this application, I understand that additional personal data will be required to determine if I am eligible for benefits and for statistical/government reporting purposes.

I understand and acknowledge that prior to and/or during employment, I may be required to submit to medical testing for alcohol and/or illicit and/or controlled substances when commercial drivers license is required for my position and I hereby consent to such testing.

I authorize all previous employers and listed reference to furnish whatever information they may have regarding my employment and my reason for leaving.

I understand that a background investigation may be conducted.

I understand that if I am not bondable by a surety company, I may not be offered employment.

Date: ___ / ___ / ___

Signature: _____

APPLICANT – DO NOT WRITE BELOW THIS LINE.

AUTHORIZATION TO RELEASE INFORMATION

TO: _____

I am an applicant for a position with Fergus County Montana. As a part of that process, I am required to furnish information which the County may use in determining my moral, physical, mental and financial qualifications. For this purpose, I hereby expressly authorize you to release to Fergus County any and all information which you may have concerning me, including information of a confidential or privileged nature.

I hereby release Fergus County, and any organization, company, institution, or person furnishing information to the County as expressly authorized above, from any liability for damage which may result from furnishing the information requested.

Date _____ Signature _____

Print Full Name _____

Present Address _____

Street

City

St

Zip

Date of Birth _____ Social Security No. ____ - ____ - _____

Name _____

Social Security Number _____

Position Applied For _____

Job Title

Position No.

Department Name

To claim preference under the **Montana Veterans' Employment Preference Act** or the **Montana Handicapped Persons' Employment Preference Act**, complete the following. Providing the following information is voluntary but must be included with the application in order to claim employment preference. This information will be kept confidential and will only be used during the hiring process to provide the applicant employment preference. Applicants hired by the state will have this information placed in a separate confidential file.

1. Veterans' Employment Preference provides the addition of 5% points or 10% points to the applicant's score when a numerically scored selection procedure is used. To claim **Veterans' Employment Preference** you must be a U. S. Citizen and (check one of the boxes below):

A Veteran, if

1. You have been separated under honorable conditions, AND
2. you have served more than 180 consecutive days of active duty other than for training in the Army, Air Force, Navy, Marines, or Coast Guard (not including National Guard or Reserves) or a member of the reserves who served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized.

A Disabled Veteran, if

1. you have been separated under honorable conditions from active duty, AND
2. you have an established Armed Forces, service-connected disability OR are receiving compensation, disability retirement benefits, or pension from the U.S. Department of Veterans Affairs or military department, OR you have received a Purple Heart.

The spouse of a disabled veteran if the veteran's disability prevents him/her from working.

The unremarried surviving spouse of a veteran or disabled veteran.

The mother of a veteran, if

1. THE VETERAN died under honorable conditions while serving in the Armed Forces, OR THE VETERAN has a service-connected, permanent, and total disability, AND
2. YOUR SPOUSE is totally and permanently disabled, OR YOU are the unremarried widow of the father of the veteran.

2. To claim **Montana Handicapped Persons' Employment Preference** you must be (check one of the boxes below):

A person with a disability certified by SRS, OR

The spouse of a totally (100%) disabled person certified by SRS, AND Resided continuously in Montana for at least 1 year immediately before applying for employment.

3. **In the box below, check the attachment you have included to document the preference request.**

DD-214

SRS Certification

Other _____

(Specify)

SIGNATURE _____

DATE SIGNED _____

ADDENDUM D
Request to Transfer Sick Leave

I, _____, Hereby request that _____ hours of my sick time be transferred to the following employee for their benefit. I understand that this transfer is subject to the approval of the employee, the department head, and the Board of Commissioners.

Signed: _____ Date: _____
Employee # _____

I, _____, hereby accept _____ hours of sick time transferred to me. I understand that I will be responsible for all personal withholdings on this benefit. During the duration, I will be listed as an employee of the transferring employee's department.

Signed: _____ Date: _____
Employee # _____

I, _____, Head of Department # _____, accept the transferring of employee _____ to my department for a period of _____ hours. I understand that the payroll liability of this individual will be charged to my current salary budget. This includes salary and benefits.

Signed: _____ Date: _____
Department Head

I, _____, for the Board of Fergus County Commissioners agree to the above transfer of employee and sick time as outlined above.

Signed: _____ Date: _____