

City of
Miles City

Personnel Policy Manual



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Safety Manual

SECTION 1

Employment Anti-Discrimination Practices



City of Miles City

 CITY OF MILES CITY PERSONNEL POLICY	Section 1:	Employment Anti-Discrimination Practices
	Effective:	9/23/2014
	Last Revised:	08/18/2014
Employment Anti-Discrimination Practices		
Resolution #3745		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that equal opportunity in employment is a moral and legal obligation. The City of Miles City is committed to providing equal opportunity for women, minorities, veterans, and person with disabilities in employment. The City of Miles City is further committed to upholding the multiple federal and state laws that prohibit discrimination on the basis of race, sex, age, religion, national origin, marital status, color, creed, disability (physical and mental), political beliefs, and veteran status.

POLICY

It is the policy of the City of Miles City to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

The City of Miles City respects, supports, and observes the laws, directives and regulations of the state and federal government that prohibit discrimination. The effect of these laws is to remove the barriers that prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. Therefore, no department may discriminate against a qualified individual with a disability on the basis of the disability in any aspect of the employment relationship, including:

- ✓ Recruitment, advertising, and job application procedures;
- ✓ Hiring, upgrading, promotion, award of tenure, demotion, transfer, reassignment, layoff, termination, right of return from layoff, and rehiring;
- ✓ Rates of pay or any other form of compensation and changes in compensation;
- ✓ Job assignment, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

- ✓ Leaves of absence, sick leave or any other leave;
- ✓ Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- ✓ Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- ✓ Activities sponsored by a covered entity including social and recreational programs; and,
- ✓ Any other term, condition, or privilege of employment.

AMERICANS WITH DISABILITIES ACT (ADA):

The City of Miles City is required to make a reasonable accommodation to known physical or mental limitations of an otherwise qualified individual unless to do so would impose an undue hardship on the employer. The ADA defines a qualified individual with a disability as an individual with a disability who satisfies the requisite skill, experience, education and other job related requirements of the position and who, with or without a reasonable accommodation, can perform the essential functions of the position.

A disability is a physical or mental impairment that substantially limits one or more major life activities. The term also applies to someone with a record of impairment or who is perceived or regarded as having a disability.

Essential functions mean the fundamental job duties of the position that are required to be performed by the employee either with or without an accommodation. A job function may be considered essential for several reasons including:

- ✓ The reason the position exists is to perform the function;
- ✓ There are limited number of employees available among whom the performance of that job function can be distributed; and/or
- ✓ The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Whether a function is essential is a factual determination that must be made on a case-by-case basis. Evidence of whether a particular function is essential includes, but is not limited to:

- ✓ The employer's judgment as to which functions are essential;
- ✓ Written job descriptions prepared before advertising or interviewing applicants for the job;
- ✓ The amount of time spent on the job performing the function;
- ✓ The consequences of not requiring the incumbent to perform the function;
- ✓ The terms of a collective bargaining agreement;
- ✓ The work experience of past incumbents in the job; and/or
- ✓ The current work experience of incumbents in similar jobs.

It is critical to know which of the duties of a job are essential functions, because it may determine whether a person is qualified under ADA. A person must be able to perform the essential functions of the job either with or without a reasonable accommodation.

An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodation:

1. Accommodations that are required to ensure equal opportunity in the application process;
2. Accommodations that enable employees with disabilities to perform the essential functions of the position held or desired; and,
3. Accommodations that enable employees with disabilities to enjoy benefits and privileges of employment as are enjoyed by employees without disabilities.

An employer is not required to provide an accommodation that will impose an undue hardship on the operation of the employer's business. An undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, or be disruptive. The Human Resources Officer should be contacted for information regarding undue hardship concerns.

The factors that are considered in determining whether an accommodation would impose an undue hardship include:

- ✓ The nature and net cost of the accommodation, taking into consideration the availability of tax credits and deductions, and/or outside funding;
- ✓ The overall financial Resources of the City, the number of persons employed at such facility, and the effect of expenses and Resources;
- ✓ The overall financial Resources of the employer, the overall size of the business with respect to the number of its employees, and the number, type and location of its facilities;
- ✓ The type of operation of the business, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- ✓ The impact of the accommodation upon the operation of the facility including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Applicants, employees and members of the public may file a grievance or complaint based on the application or interpretation of laws, written rules, personnel policies and procedures which adversely affects them, unless specifically prohibited from doing so by statute or rule. Nothing in the City's rules precludes an applicant, employee, or member of the public who is alleging unlawful discrimination from concurrently exercising any statutorily protected right to file a timely complaint with a civil rights enforcement agency.

CLOSING

The City of Miles City will continue to monitor both State and Federal laws and will inform employees of any policy changes. The City reserves the right to change its policy or to make appropriate revisions, additions, or corrections as needed.

EQUAL EMPLOYMENT OPPORTUNITY:

PURPOSE

It is the objective of this policy to establish minimum standards for the implementation of Equal Employment Opportunity/Affirmative Action programs for all City departments, in compliance with relevant State and Federal law or regulation and executive order.

POLICY

It is the policy of the City of Miles City that:

- ✓ Equal Employment Opportunity is a goal of City government;
- ✓ Discriminatory barriers to employment or services in City government based on race, color, religion, creed, sex, national origin, age, physical or mental disability, marital status, or political belief must be eliminated, in accordance with relevant State and Federal laws; and
- ✓ An effective City Equal Employment Opportunity program must be implemented and maintained.
- ✓ Compliance with 49-3-201MCA will be accomplished by:
 - Promulgating written directives to carry out EEO Policy and to guarantee equal employment opportunities in all levels of government;
 - Regularly reviewing personnel practices to assure compliance;
 - Conducting continuing orientation and training programs with emphasis on human relations and fair employment practices.

MAYOR AND HUMAN RESOURCES OFFICERS RESPONSIBILITIES:

The Mayor in conjunction with the Human Resources Officer has the responsibility to administer and implement the City's Equal Employment Opportunity.

At the minimum, the Mayor in conjunction with the Human Resources Officer shall perform the following functions:

- ✓ Develop EEO standards and guidelines, and administrative systems to support the City's EEO program;
- ✓ Provide for any EEO analysis and technical assistance needed;
- ✓ Review and approve all City affirmative action plans for compliance with Federal and State Law and with the requirements of Equal Employment Opportunity guidelines;

- ✓ Provide training for City departments.

CITY PROGRAM:


The Mayor in conjunction with the Human Resources Officer is responsible for the implementation of the City's equal employment opportunity. All City Departments are covered under this rule.

The program at a minimum shall include a policy statement and a plan of corrective measures described in this rule.

The City shall develop a written EEO Policy Statement for internal and external dissemination. The EEO policy statement shall include, at a minimum, the following elements:

- ✓ A statement that it is the policy of the City to provide equal employment opportunity (EEO) to all person regardless of race, color, religion, creed, sex, national origin, age, disability, marital status or political belief with the exception of special programs established by law
- ✓ The City will take action to equalize employment opportunities at all levels of agency operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity;
- ✓ The City will make a commitment to provide reasonable accommodations to any known disability that may interfere with a disabled applicant's ability to compete in the selection process or a disabled employee's ability to perform the essential duties of a job;
- ✓ The City will guarantee employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the filing of a Discrimination/Harassment Complaint, the initiation of an external administrative or legal proceeding or testifying in or participation in any of the above;
- ✓ Assign responsibility for coordinating the City program and for attempting to resolve employee EEO complaints to a designated EEO Officer and assigning responsibility for implement the program to all Department Directors and supervisors
- ✓ Mayor and Human Resources Officers signature and date.

When required, the Mayor in conjunction with the Human Resources Officer shall establish an EEO Action Plan, which is based on an analysis of current data, which identifies problem areas and establishing goals, timetables and action items to correct problem areas.

	CITY OF MILES CITY	Effective:	9/23/2014
		Last Revised:	8/18/2014
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT			

It is the policy of the City of Miles City to provide equal employment opportunity (EEO) to all persons regardless of race, color religion creed, sex, national origin, age, mental or physical disability, marital status, or political belief with the exception of special programs established by law.

The City of Miles City will take action to equalize employment opportunities to all levels of City operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity.

The City of Miles City makes a commitment to provide reasonable accommodation to any known disability that may interfere with a disabled applicant's ability to compete in the selection process or a disabled employee's ability to perform the duties of the job.

The City of Miles City guarantees employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the filing of a Discrimination/Harassment Complaint, the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

The designated EEO Officer of the City of Miles City and the person responsible for coordinating the City's program is the Human Resources Officer in conjunction with the Mayor. Human Resources Officer can be reached at City Hall or by phone at #874-8601.

Sustaining this policy is the responsibility of all who work for the City.

Mayor

Date

Human Resources Officer

Date

DISCRIMINATION COMPLAINT PROCESS:

If a City employee or other individual believes he/she has been discriminated against on the basis of race, creed, national origin, color, sex, religion, physical or mental disability, marital status, age or political belief, the individual may take action submitting the complaint to Human Resources'.

The complaint may also be submitted to any of the following levels:

- Department Director or Immediate Supervisor
- Human Resources'
- Mayor
- State of Montana Human Rights Commission within 180 calendar days of the alleged action or incident.

Complete confidentiality may be requested and will be complied with to the extent legally possible.

An individual is encouraged to first discuss their complaint with their Department Director or immediate supervisor, in an effort to settle the issue at the lowest possible level. Discussions should occur within 10 days of the incident.

If the complaint is not resolved at the Departmental level, the Discrimination/ Harassment Complaint and Investigation form shall be filed with Human Resources' within 30 days of the incident. The Mayor in conjunction with Human Resources' and the City's Attorney will investigate, with the goal of concluding the investigation within 45 days of the receipt of the complaint.

If the City of Miles City cannot resolve the complaint, then the complainant shall be notified of all appeal rights.

Should the complaint decide not to pursue the complaint, a signed withdrawal statement shall be obtained.



CITY OF MILES CITY

DISCRIMINATION / HARASSMENT COMPLAINT AND INVESTIGATION FORM

To be Completed by Complainant:

Last Name: _____ First Name: _____ MI: _____
Address: _____ City: _____ State/Zip: _____
Work #: _____ Home #: _____ Email: _____
Position: _____ Department: _____

BASIS OF COMPLAINT: ___ Race ___ Color ___ National Origin ___ Sex ___ Age
___ Disability ___ Creed ___ Religion ___ Marital Status ___ Political Belief

DETAILED STATEMENT OF THE COMPLAINT: ___ Attachment

INVESTIGATION PROCESS - Witnesses: (use additional sheet if necessary)

Last Name: _____ First Name: _____ MI: _____
Address: _____ City: _____ State/Zip: _____
Work #: _____ Home #: _____ Email: _____

COMPLAINANT SIGNATURE:


Signature: _____ Date: _____

SECTION 2-A

Recruitment and Selection



City of Miles City

 <p style="text-align: center;">CITY OF MILES CITY PERSONNEL POLICY</p>	Section 2A:	Recruitment and Selection
	Effective:	9/23/2014
	Last Revised:	03/10/2020
Recruitment and Selection		
Resolution #4314		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

This policy provides guidance for the recruitment and selection of applicants for the City of Miles City vacant positions.

POLICY

It is the policy of the City of Miles City to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

Each Department Director, supervisor and employee of the City of Miles City is responsible for conducting employment activities in support of and in compliance with this policy.

The City of Miles City respects, supports, and observes the laws, directives and regulations of the State and Federal Government that prohibit discrimination.

This Recruitment and Selection policy is related to but not limited to; recruitment, selection and testing. This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.

PROCEDURE

Personnel Requisition Form:

A "Personnel Requisition Form" will be filled out by the Department Director of the vacant/open position and forwarded to the Mayor for approval. The Department Director will then forward the form to the Human Resources Office to initiate recruitment procedures.

Recruitment and advertising may begin immediately when the Mayor has been notified in writing that a position is being left vacant/open.

Recruitment for an opening with the City of Miles City will progress through the sequence of checking for qualified laid-off workers (Job Registry), internal recruitment followed by external/public recruitment.

- ❖ **All advertisements must be reviewed and approved by the Mayor or the Mayor's designee prior to placement.**

Summary of Recruitment and Selection Policy:

1. Open positions start with the **Job Registry** for employees who have been laid off. Qualified, laid off employees receive the highest level of preference for filling openings, but do not have exclusive hiring rights.
2. Next, **Internal Recruitment** for current City of Miles City employees. The City of Miles City reserves the right to open all job searches outside the organization. Qualified internal applicants will be considered, but being an internal applicant is not exclusive criteria for selection.
3. Finally, **Open Recruitment Process**.

Step One – “Job Registry” Recruitment: (3 Working Days Maximum)

- A. Employees who have been laid-off through no fault of their own by the City of Miles City are eligible for inclusion on a recall list known as a Job Registry for a period of one (1) year. This registry along with other pertinent employee files will be maintained by the Human Resources Office and referred to as a first step when an opening occurs with the City of Miles City. Laid off employees who are contained on this Job Registry and identified by the Mayor as possessing the minimum qualifications are informed about the opening, and requested to apply if interested. Notification will be done by certified, return receipt mail to the laid off employee's last known mailing address. Registry applicants must apply for these vacancies within three (3) working days of this notification. In accordance with Section 39-71-317, MCA When an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities.
- B. The Human Resources Office will compare all openings to the Job Registry list for identification of potential applicants, and submit the list of potential applicants to the Mayor or the Mayor's designee. Qualified laid off employees of the City of Miles City will receive the highest level of preference in filling openings when possible. However, inclusion of a laid off employee(s) on the Registry list must not be interpreted as exclusive hiring rights.
- C. Registry members will be considered prior to Internal Recruitment. In circumstances

when a tie between two substantially equally qualified applicants exists on the Registry list, the applicant with longer *continuously active* City service will be selected.

- D. An employee's participation on the re-call list ends when:
 - An employee refuses a reinstatement offer;
 - An employee withdraws in writing from participation; or
 - One year has elapsed since the employee's effective date of lay off.
- E. Recruitment activities through recall list methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status or disability is not applicable.
- F. Human Resource Office shall notify all applicants determined qualified if a Job Registry applicant is selected; or, if the applicant(s) are not selected and that the City of Miles City intends on recruiting internally.
- G. Once the Human Resources Officer has determined that no qualified Registry applicants exist and notifications have been made or mailed, the process moves to Step 2.

Step Two – Internal Recruitment: (5 Working Days)

- A. Under the Internal method of recruitment all interested current staff are notified and those responding are considered for existing openings. Qualified Internal applicants will be considered in accordance with this policy, however, an "Internal Applicant" status must not be interpreted as the exclusive criteria for selection.
- B. An updated list of all current job openings will be posted internally. This list will indicate the date of opening, the position title, and a contact name for further inquiry. All internal applicants inquiring about open positions will be given an opportunity to apply; however, the City of Miles City reserves the right to hire applicants from outside when it determines, in its sole discretion, by and through the Mayor or the Mayor's designee that this approach is necessary or desirable.
- C. Interested employees must submit their application in the form of a memorandum to the Human Resources Office through their immediate supervisor. This memorandum should be prepared once the employee has reviewed the Job Description associated with the opening, and determined that he/she meets the minimum requirement of the position. Further applications will not be accepted beyond the designated closing date of the position.
- D. The Human Resources Officer will notify all internal applicants if selected or, if they are not selected and that the City of Miles City intends to recruit externally. Once the Mayor has determined that is in the best interest of the City to recruit externally, and notifications have been made or mailed, the process moves to Step 3.
- E. Recruitment activities through internal methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status or disability is not applicable.
- F. In the event an internal applicant meets minimum qualifications for the position, but the City of Miles City determines that it is in the best interest of the City to recruit externally, qualified internal applications will be carried over to Step 3.
- G. In the event the City of Miles City determines that it will consider internal applications without posting externally, the internal applicants will move through the hiring process

established herein, beginning at the paragraph titled “Application Screening” below. If at any time the internal applicants are removed from the selection process, or if the City of Miles City determines during the selection process that external recruitment would be in the City’s best interest, the process will revert to Step 3.

Step Three – General Public Recruitment: (10 Working Days)

- A. The Human Resources Office will post a vacancy externally to the general public if no qualified Registry applicant has been identified, and if no internal applicants have been selected. Vacancies posted to the general public will generally remain open for ten (10) working days when possible, but may be closed sooner, or extended at the discretion of the Mayor, in consultation with the Human Resources Officer.
- B. All City of Miles City vacancies subject to external procedures will be made known to the job seeking public. The Mayor may elect to utilize any of the following recruitment sources, Job Service listing, newspaper, the Internet, Community Colleges, or other appropriate sources. The Mayor, in consultation with the Human Resources Officer may also limit its recruitment to specific geographical areas, but will consider all applications received prior to closing date, irrespective of the applicant’s place of residence.
- C. All employment advertisements must be reviewed and approved by the Mayor prior to placement. Copies of all final ads will be retained for recordkeeping and compliance purposes. Recruitment sources will include both internal and external origins, as described above.

Application Screening:

- A. The Human Resources Officer will screen applications for basic qualifications, and will notify applicants directly if they do not possess these qualifications. All applicants must complete a City of Miles City employment application form.
- B. Applications will be forwarded to the Supervisor for consideration. The immediate supervisor will select the top applicants for interview based upon a review of qualifications and/or supplemental application questions. The Mayor must approve all applicants hired.
- C. All applications and/or resumes will be retained by the City of Miles City for three years, or as mandated by Federal and State laws.
- D. Applicants will be informed that if selected, they will be required to provide the City with specific documents establishing their identity and employment eligibility, in accordance with Immigration Reform and Control Act of 1986.

Application Screening Process:

- A. The purpose of the selection process is to identify potential employees who are best qualified to meet the specific work requirements and successfully perform the job duties of the open position.
- B. All applicants remaining in competition at each level of the selection process shall be

treated consistently with respect to:

- Contents of the procedure applied;
 - Persons involved in administering the process; and,
 - The maximum amount of time allotted when time procedures are utilized.
- C. However, consistent treatment should not imply identical treatment.
- D. Individuals involved with evaluating applicants' qualifications must be familiar with the position to be filled, and must use job related questions, suggested responses, and rating scales to evaluate applicants. This technique must permit accurate comparison of the applicant against the job requirements, as well as the applicant pool.
- E. Certain entities within the City government may be mandated to require specific qualifications, or use particular measuring guidelines (e.g. POST test) not necessarily pertinent to other departments.
- F. Any unsuccessful applicant claiming employment preference will be provided a written notice of the hiring decision.
- G. Provisions must be made for an annual review and update of this Recruitment & Selection Policy by the Human Resources Committee.

Personal Interview of Selected Applicants:

- A. The Mayor shall appoint a Hiring Committee, consisting of 3 or 4 members, one of which must be the immediate supervisor for the position being hired. The Human Resources Officer shall be an advisor to the Hiring Committee, and shall attend all meetings of, and interviews conducted by the Hiring Committee. The Hiring Committee, along with the Mayor, in the event the Mayor wishes to be present, shall conduct interviews of selected applicants. All questions asked in a personal interview must be job related and designed to help the interviewer identify the best qualified applicant for the position. The primary objective of the personal interview is to achieve the best match between the applicant's qualifications and the job requirements. Interviews are a reliable method of determining more about the capabilities of minimally qualified applicants. Although interviews are important, the other selection criteria, such as those listed under "Selection Devices" shall be considered. Follow-up questions, as long as they are job related, may be asked of the applicant. These follow-up questions may be based upon an answer to a previously asked question or based upon the application material that the applicant submitted. All follow-up questions and notes from the interviews must be captured for retention in the recruitment file. Further information on conducting interviews may be found in the "Employment Interview Guide" and the "Do's and Don'ts of Interview Questions".
- B. The Human Resources Officer is responsible for contacting applicants for interviews. If applicants are contacted by phone, they need to be informed of the date, time, and location of the interview. If the applicant cannot be contacted by phone, a letter should be sent and the aforementioned information shall be provided. Applicants who do not show up at the appointed time or applicants who withdraw from the interview process may be removed from the applicant pool.
- C. Internal applicants, for City vacancies, will be granted paid time to attend the interview. Once the interview is completed, the employee is expected to return to their work assignment and complete their respective shift.

- D. The Mayor and/or the Hiring Committee will utilize a “structured interview” method consisting of a certain number of pre-set, job related questions addressed to every applicant. The responses of the applicants to each question are scored 0-2 and ranked accordingly.
- E. The Mayor, with the advice of the Hiring Committee, shall select a person or persons who will be offered employment, and shall rank those who are acceptable for employment to determine the order in which employment shall be offered, subject to successful reference and background check.
- F. For a “Department Director” vacancy the Mayor may appoint, but will need the consent of the majority of the Council for finalization of the employment offer. (7-3-213, MCA)

Selection Devices:

The City recognizes many selection devices as long as they:

- Are job related
- Do not create an undue barrier to employment or advancement for protected classes
- Are in compliance with existing policies, bargaining contracts, and relevant State and Federal laws.

Selection devices must be defensible and must allow for the selection of the best applicant for the vacant/open position. Selection criteria must be applied equally to all applicants. Possible selection devices include any combination of the following items.

- Structured questions and suggested answers
- Behavioral questions and suggested answers
- Applicable job-related performance tests
- Relevant education and experience
- Supplemental questions
- Written interview questions.

Background Check:

- A. The City of Miles City conducts all reference and background checks through an outside vendor. A “Request for Investigation” will be completed by the Human Resources Office for the department hiring.
- B. All interviewed applicants will be required to consent to and sign an “Authorization to Release” form and “Acknowledgement” form. All interviewed applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”.
- C. Fire and Police officer positions which require a more extensive background process that may include the obtaining of fingerprints. Background checks for these positions will be conducted as outlined by the Montana Department of Justice and in accordance with MCA7-33-4107 “Qualifications of Firefighters” and MCA7-32-303 “Qualifications of Firefighters”.

Employment Confirmation:

- A. Once the final selection is made the successful applicant must be provided with an official Confirmation Letter from the Mayor's office.
- B. The Confirmation letter will address the following topics:
 - Title of job offered
 - Director's name and hiring department
 - Starting salary & benefits
 - Classification, i.e.; Exempt – Non Exempt status
 - Start date with initial work schedule and where to report to work
 - Probationary period information
 - Request for documentation regarding identity and employment eligibility
 - Any other terms and conditions of employment
 - Request for applicants' signature on confirmation letter
 - A deadline for return of said letter to the City.
- C. The Mayor shall establish a salary using the "Non-Union Employees Wage Scale" as a guideline, so long as the salary is within the amount budgeted for said position. If the Mayor deems that a deviation from the wage scale is necessary, such amount must be approved by the City Council.
- D. The Confirmation Letter must accentuate the point that the City of Miles City does not recognize any other offers or promises made to the applicant, and that no City employee other than the Mayor is authorized to modify the conditions of the offer or enter into any agreement with the applicant. The Confirmation Letter must indicate that the appointment is subject to the consent of the City Council, when applicable.

Unsuccessful Applicant Notification Letters:

Both internal and external unsuccessful applicants will be notified in writing by the Human Resources Officer. Additionally, internal applicants and interviewed applicants will receive a phone call from the Human Resources Officer prior to the written notification.

Document Retention:

The following materials shall be included among the documents to be saved, by Human Resources Office, for each selection and retained for a period of two years:

- Job description
- Vacancy announcement(s)
- A copy of advertisements and a list of all recruitment sources
- All applications, supplements, questionnaires and other application material
- A copy of all selection procedures and any criteria used to evaluate performance
- Names and titles of any persons who participated in the design or administration of the selection procedures
- Correspondence with applicants
- A copy of the hire letter.

Confidentiality and Access to Materials:

All applications and selection materials shall be confidential, unless otherwise stated on the vacancy announcement, and may not be released to any person not involved in administering the hiring process. Materials may be released upon the receipt of a properly executed administrative or judicial order. Human Resources may discuss, upon request from an applicant, the selection process and scores (if applicable) related to that individual. Information about other applicants is confidential and may not be released.

Prospective Full/Part Time Dispatcher Applicants:

The Recruitment and Selection Policy will be followed with exception to the following: The 911 Coordinator will conduct all criminal and driving background checks through CJIN/NCIC State system. All applicants will be required, consent to and sign an “Authorization to Release-Dispatch” form and “Acknowledgement” form upon completion of a City of Miles City application. All applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”. The 911 Coordinator will then conduct a preliminary interview of all qualifying applicants. Successful applicants will be forwarded to the Mayor for Applicant Screening.

Prospective Full Time Firefighters/EMTs Applicants:

The City is a member of the Montana Firefighters Testing Consortium (MFTC). Firefighter applications for employment will only be accepted from persons who have successfully completed MFTC testing and are currently on the MFTC eligibility list. Each time a vacancy occurs, all such persons on this list will be notified in writing and invited to submit an application.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an “Authorization to Release” form and an “Acknowledgement” form. All applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”. The selection process will consist of the Fire Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MFTC. The Fire Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Fire Chief and the Hiring Committee will conduct an oral interview with the applicant.

This policy does not preclude lateral transfers of qualified applicants from other Fire Departments.

Prospective Full Time Police Officer Applicants:


The City is a member of the Montana Law Enforcement Testing Consortium (MLETC). Police Officer applications for employment will be accepted from outside applicants, employment candidates must successfully complete MLETC testing.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an “Authorization to Release-Police” form and an “Acknowledgement” form. All applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting The selection process will consist of the Police Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MLETC. The Police Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education, and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Police and the Hiring Committee will then conduct an oral interview with the applicant. Upon successful completion of this process, the Police Chief and Hiring Committee will then recommend the applicant to be interviewed by the Miles City Police Commission for final approval.

This policy does not preclude lateral transfers of qualified applicants from other Police Departments.

CLOSING

Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

 CITY OF MILES CITY PERSONNEL POLICY	Section 2A:	Recruitment and Selection
	Effective:	9/23/2014
	Last Revised:	12/22/2015
<p style="text-align: center;">Nepotism</p> <p style="text-align: center;">Resolution #3874</p>		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To establish policy for the employment of immediate relatives in order to assure the reality and appearance of fairness in the best interest of the City of Miles City.

POLICY

All personnel matters carried out by the City of Miles City shall be administered on the basis of merit and through regular management procedures except:

- No one participating actively in the appointment or hiring of a position, (i.e., City Councilmembers, the Mayor, Department Directors, etc.) shall appoint any person related or connected by consanguinity within the 4th degree or by affinity within the 2nd degree.
- No one may be appointed or hired to a position within a City Department if related or connected by consanguinity within the 4th degree or by affinity within the 2nd degree to any person sitting on a board or commission representing or advising that department.
- No elected official or supervisor in a department may participate in the disciplinary process or other personnel or administrative action pertaining to any existing employee who is a relative of such elected official or supervisor, as the case may be. Such elected official or supervisor shall abstain from participation in such personnel or administrative action as it applies to such relative. In instances of a supervisor who is related to the employee, all authority shall be vested in the next higher level of supervisor or department head, or in the absence thereof, in the mayor. In instances where the mayor is related to the employee, all authority of the mayor as it pertains to the employee shall be vested in the employee's department head, who shall be independent and free from the control of the mayor in exercising such authority.

DEFINITIONS

CONSANGUINITY: Means blood relation.


- Degrees are determined as:
 1. A parent or child is 1st degree
 2. A grandparent, grandchild, brother or sister are 2nd degree
 3. An uncle, aunt, nephew, niece and great-grandparent or great grandchild are 3rd degree
 4. A first cousin, a great uncle or aunt, and great-great grandparents and grandchildren are 4th degree

AFFINITY: Means relationship by marriage.

- Degrees are determined as:
 1. Husband and wife are 1st degree
 2. Brothers, sisters, fathers, mothers-in-law and fathers-in-law are 2nd degree

CLOSING

Employment of relatives in the same area of an organization may cause conflict and problems effecting employee morale or could result in perceived favoritism and claims of partiality. The City will monitor and address any potential issues when direct supervision of employees involves consanguinity or affinity. The City may refuse to assign or reassign related employees when conflicts have occurred or are likely, or when the work environment may be strained.

 CITY OF MILES CITY PERSONNEL POLICY	Section 2A:	Recruitment and Selection
	Effective:	9/23/2014
	Last Revised:	8/18/2014
Employment Preference Guide		
Resolution #3745		

Veterans' Public Employment Preference:

It is the policy of the City of Miles City, to provide preference in employment to veterans, disabled veterans, and eligible relatives, as required in Title 39, Chapter 29, Part 101 MCA.

Whenever the hiring committee uses a scored procedure, a veteran who is an initial applicant for hiring with the City, must have added to his/her score the following percentage points of the total possible points that may be granted in the scored procedure:

- 5 percentage points for being a veteran; and
- 10 percentage points if the veteran is disabled or an eligible relative.

In order for a veteran, disabled veteran, or eligible relative to be eligible for the preference, the applicant must be:

- A United States citizen; and
- Meet the minimum qualifications for the position applied for. If no applicant meets the minimum qualifications and the hiring supervisor fills a training position, then veterans' preference must be applied.

A disabled veteran who receives 10 percentage points for being disabled does not receive an additional 5 points for just being a veteran. The maximum percentage points that can be earned by a veteran is 10.

If the hiring committee does not use a scored process, the hiring committee must give preference to a disabled veteran, eligible relative, or veteran, in that order, over any non-preferred applicant holding substantially equal qualifications.

Persons with Disabilities Employment Preference:

It is the policy of the City of Miles City to provide preference in employment to eligible person with disabilities and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions, as required by the Persons with Disabilities Employment Preference Act, Title 39, Chapter 30, Part 101 MCA.

If an applicant who is a person with a disability or eligible spouse meets the eligibility requirements and claims a preference, the City shall hire the applicant over any other applicant with substantially equal qualifications who is not a preference-eligible applicant when:

- The applicant has claimed a preference as required; and,
- The hiring is an initial hiring to employment covered.

A preference-eligible applicant who is a person with a disability shall be hired over any other preference-eligible applicant with substantially equal qualifications when the applicant also meets the requirements of this rule.

As provided for in Title 39, Chapter 30, Part 202, MCA; In order for a person to claim preference for a disability or eligible relative to claim preference, the applicant must be:

- A United States citizen;
- The individual has resided continuously in the state for at least 1 year immediately before applying for employment;
- The individual has resided for at least 30 days immediately before applying for employment in the city, town or county in which employment is being sought; and
- The individual meets those requirements considered necessary to successfully perform the essential duties of the position for which the individual is applying.

Notice and Claim of Preference:	VETERAN	39-29-103 MCA
	DISABLED	39-30-206 MCA


The City of Miles City shall, by posting or with the application form, give notice of the hiring preferences.

A job applicant who believes that the applicant has an employment preference shall claim the preference in writing before the time for filing applicants for the position involved has passed. Failure to make a timely employment preference claim for a position is a complete defense to an action in regard that that position under 39-29-104 MCA, and 39-30-207 MCA.

If an applicant for a position makes a timely written employment preference claim, the public employer shall give written notice of its hiring decision to each applicant claim preference.

Enforcement of Preference:	VETERAN	39-29-104 MCA
	DISABLED	39-30-207 MCA

Further information regarding Enforcement of Preference may be requested from the Human Resources Office.

 CITY OF MILES CITY PERSONNEL POLICY	Section 2A:	Recruitment and Selection
	Effective:	9/23/2014
	Last Revised:	8/18/2014
Employment Interview Guide & Do's and Don'ts of Interview Questions		
Resolution #3745		

The Interview Process

The following guidelines are provided as an aid in complying with City of Miles City policy and procedures and with federal and state laws. Before the interview, take a few minutes to study the job application and supplemental materials. Never write on the original application or resume; your comments, "squiggles," highlighting, etc., could be used in legal proceedings if a subpoena is issued for the application materials. The application can be your interview map--keep it visible during the interview to keep you on track.

Create a relaxed interview setting:

The interview setting should be quiet, comfortable, and free of distraction from telephones and any other kind of interruption. If you must use an office, arrange that all phone calls be forwarded to another line. Keep on schedule, as applicants become apprehensive when asked to wait.

Ask each applicant to arrive 10 to 15 minutes before the interview. Give him/her a copy of the position description and any other materials you feel are important before the interview. Allow at least 15 minutes between interviews to permit applicant to come and go without overlap, and to allow the Hiring Committee members to evaluate an applicant's responses to questions while the answers are still fresh in their minds.

Follow a logical sequence:

Keep the same format for each applicant and allow an equal amount of time for each applicant to answer questions. Introduce the applicant to the rest of the committee and invite him or her to be seated. Provide information regarding the expected timeframe for filling the position and what the interview is meant to accomplish. You can briefly define the job responsibilities.

Let the applicant do the talking:

After defining the job responsibilities, let the applicant "do the talking." It is extremely important to listen and concentrate on what he/she is saying. The applicant should carry 80-85% of the total conversation. The Hiring Committee members' input should be limited to asking questions, probing deeper, and keeping the applicant on track. The panel should clear up points on the application form, asking follow-up questions that encourage the applicant to talk. Ask only questions that are directly related to the job. Use "W" questions--who, what, when, where, and why; also, how? Several types of questions are useful:

- **Direct questions** are easy to understand, and are more likely to yield concise answers and specific information. Example: *"Why did you apply for this position?"*
- **Open ended questions** often produce unexpected and valuable information, it may reveal attitudes and feelings, and can indicate how well an applicant can organize his/her thoughts. Example: *"Tell us about your job at XYZ Corp."*
- **Behavioral questions** are encouraged. These types of questions require applicant to analyze a situation and can reveal the extent of his/her experience. Example: *Describe an experience when you...* These questions must be specifically related to the job functions discussed in the position description.
- **Probing questions**, such as *"Could you explain what you mean by ...?"* can further clarify the applicant's views.

Allow silence after asking a question so that you don't interrupt the applicants thinking process. Encourage the applicant with: *"Take your time, we want you to be specific."*

Be mindful of your questions:

Formulate questions that indicate whether or not an applicant meets the requirements you have established for the position. Keep three rules in mind:

- Ask questions that focus on past employment performance. Avoid questions that address the applicant's personal lifestyles or habits.
- Ask questions that relate to your listed skill, ability, knowledge or experience requirements.
- Ask the same questions of all applicants.

Avoid:

- Closed questions that require merely a yes or no response
- Multiple questions that require several answers
- "Loaded" questions that force a choice between two alternatives
- Questions that are illegal and dealing with areas that are not factors for job performance, such as **gender** (if you would not ask a question of a man, do not ask it of a woman, and vice versa), **age**, **race**, **religion**, **veteran status**, **marital status**,

political belief, medical conditions (do not make medical judgments or disqualify an **applicant** on factors that are purely medical in nature), and disability (it is illegal to ask about the nature and/or severity of the disability, the condition causing the disability, if the applicant will need treatment or special leave because of the disability, or about any prognosis or expectation regarding the condition or disability). Contact your Human Resources Officer if you have questions.

Take Notes:

Taking notes will help you remember details of the interview; however, writing notes during the interview could be distracting and upsetting to an applicant. If you plan to take notes, explain before the interview starts that you will be taking notes of the applicant's responses to interview questions so that you will not have to rely on memory. This should help reduce suspicion and nervousness. Make sure you maintain some eye contact while you are writing.

Close on a proper note:

After the Hiring Committee members have explored all performance factors, they can ask the applicant if he or she has any questions, needs clarification, or anything to add. Thank the applicant for coming, and explain your notification process--when a decision will be made, whether a second interview will be conducted, and how applicants will be notified. Remember to smile, shake hands, and lead the applicant to the door.

Note: Keep the process the same for all applicants.

Do's & Don'ts of Interview Questions

The rule of thumb: if a question is job related, it is usually appropriate to ask. If it isn't job related, caution is in order. Any questions involving race, religion, gender, marital status, and so on must be avoided in application forms and during interviews.

YOU MAY ASK	QUESTIONS & STATEMENTS TO AVOID
AGE	<p>Are you 18 years or older?</p> <p>How old are you?</p> <p>When did you graduate from high school?</p> <p>How do you feel about working for a person younger than you?</p> <p>You must be getting close to retirement age....</p>
GENDER	<p>Do you have responsibilities other than work that will prevent you from performing specific job requirements such as traveling?</p> <p>What hours and days can you work?</p> <p>Have you ever worked under a different name?</p> <p>Do you have plans for having children?</p> <p>Childcare is so hard to get. Do you have any babysitting problems?</p> <p>What is your maiden name?</p> <p>How would you feel working for a man/woman? Our customers sometimes prefer to be served by men. I hope you don't have a problem with that.</p> <p>Do you think your women's intuition would come in handy on this job?</p> <p>Tell me...how did a man come to be interested in this kind of work?</p>
ARRESTS	<p>It is best to only ask about <i>convictions</i> for crimes related to the job.</p> <p>Have you ever been arrested?</p>
RACE	<p>None</p> <p>There aren't very many minorities in our department. Will that be a problem for you?</p> <p>You look like you have an interesting family history.</p> <p>How would you define your race?</p>
SEXUAL ORIENTATION	<p>Request the name of a person to contact only after the individual is employed.</p> <p>What is the name of a relative to be notified in case of an emergency?</p> <p>Are you married?</p> <p><i>You people</i> are so creative; you'd be just perfect for the job.</p> <p>This is a real family oriented department. Is that okay with you?</p>

YOU MAY ASK

QUESTIONS & STATEMENTS TO AVOID

NATIONAL ORIGIN	<p>Are you legally eligible to work in the United States?</p> <p>After making a conditional offer, an employer may inform the applicant that they will have to produce documents for work eligibility.</p>	<p>Where were you born?</p> <p>Of what country are you a citizen?</p> <p>Yablonski, what kind of name is that?</p> <p>I see you speak Spanish. Did you learn that in your native country or in school?</p>
RELIGION	<p>Will you be available to work the required schedule?</p>	<p>What church do you attend?</p> <p>Will you need to take time off from work to observe (name of particular religious holiday)?</p>
EDUCATION	<p>Do you have a high school diploma or equivalent?</p> <p>Do you have a university degree?</p>	<p>When did you graduate from high school or college?</p>
MILITARY	<p>What type of education, training, and experience did you receive in the military?</p>	<p>What type of discharge did you receive?</p>
WORKER'S COMP	<p>None</p>	<p>Have you ever filed for worker's compensation?</p> <p>Have you had any prior work injuries?</p>
DISABILITY	<p>Are you able to perform the duties of the job with or without accommodation?</p> <p>If the applicant indicates that she/he can perform the tasks with an accommodation, you may ask:</p> <p>What accommodation would you need in order to perform the tasks?</p> <p>Now that you have heard the hours, leave policies, and other requirements of this position, do you feel you will be able to meet these requirements?</p> <p>An employer may make medical inquiries or require a medical examination of all applicants at the stage a conditional job offer is made.</p>	<p>Do you have any disabilities?</p> <p>Are you in good health?</p> <p>Do you have any physical defects that prevent you from performing certain kinds of work?</p> <p>That's a noticeable limp....</p> <p>Those are very thick glasses...How severe is your disability?</p> <p>What is the prognosis for your condition?</p> <p>Will you require a special leave because of your disability or its treatment?</p> <p>Please list any conditions or diseases you were treated for in the last 3 years.</p> <p>How many days were you absent last year because of illness?</p> <p>Have you ever been treated by a psychiatrist or counselor?</p> <p>Do you have any family members or relatives who are disabled?</p>

SECTION 2-B

Recruitment and Selection Forms



City of Miles City



City of Miles City

Employment Application

- ✓ Please complete this application by typing or printing in ink. **INCOMPLETE** applications will not be considered.
- ✓ We are an equal opportunity employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status, disability, or political belief
- ✓ Do you need an accommodation to participate in the application or interview process? ____Yes ____No_

Job #: _____ Job Title: _____

Personal Data

Name: _____ E-Mail Address: _____

Present Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Message Phone: _____

Driver's License Type: Operator___ CDL Type___ Endorsements _____

Education

High School Diploma or Equivalent ____ Yes ____ No Post Secondary Degree? _____

Name of school beyond High School: _____

Training Length: _____ Date Completed: _____

Major: _____ Minor: _____

Apprenticeship Level: _____ In which trade? _____

Work Experience (list most recent work experience first)

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used) _____

Dates: From _____ To _____ Reason for leaving: _____

Work Experience

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used)

Dates: From _____ To _____ Reason for leaving: _____

Work Experience

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used)

Dates: From _____ To _____ Reason for leaving: _____

Additional information that could help you qualify for this position

Examples include: Classes (include dates), certificates, current licenses, specific equipment and other skills.

List References (preferably persons who know about your work/training)

Name	Address	Phone Number
------	---------	--------------

<hr/>	<hr/>	<hr/>
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<hr/>	<hr/>	<hr/>

The information that you provide on this application is subject to verification. Falsifications or misrepresentations may disqualify you from consideration for employment or, if hired, may be grounds for termination at a later date. Do you want to be informed before we contact your present employer? _____Yes _____No

With my signature below (typed or written), I certify that all information on this and all attached pages is true, correct and complete to the best of my knowledge and contains no willful falsifications or misrepresentations. I authorize all former employers to release job-related information they may have about me and I release all persons or companies from any liability or responsibility for providing such information.

Signature: _____ Date: _____

APPLICANT SURVEY

Title VII of the U.S. Civil Rights Act requires the State of Montana to “make and keep records relevant to the determinations of whether unlawful employment practices have been or being committed”. This is also a requirement of the Montana Human Rights Act and state and federal laws providing employment opportunities for veterans and person with disabilities. The following survey helps to fulfill these requirements.

This applicant survey will be seperated from your application. The City of Miles City is subject to certain governmental record keeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites applicants to voluntarily self-identify their race and ethnicity. Submission of this information is voluntary. Refusal to provide it will not subject you to any adverse treatment. The information will be kept confidential and will be used in accordance with the provisions of applicable laws, executive orders and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.

Position Closing Date: _____

___ Male ___ Female

Are you 18 years or older? ___ Yes ___ No

Name: _____

Job Applied For: _____ Department: _____

How did you first learn of this position?

___ Newspaper ad or journal ad ___ Telephone Job Line ___ Career/Job Fair
___ Job Service ___ A friend/employee ___ Posted at City Hall
___ Female, miniority, or handicapped referral organizaton ___ Other (specify):

RACE/ETHNICITY – Please check the ONE box that best describes your race/ethnicity:

___ **Hispanic or Latino** – a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origins regardless of race

___ **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North American

___ **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa

___ **Native Hawiian or Other Pacific Islander (Not Hispanic Or Latino)** - A person having origins in any of the Hawaii, Guam, Samoa, or other Pacific Islands

___ **Asian (Not Hispanic or Latino)** -A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

___ **American Indian or Alaska Native (Not Hispanic or Latino)** –A person having origins in any of the original peoples of North and South America (Including Central America), and who maintain tribal affiliation or community attachment.

___ **Two or More Races (Not Hispanic or Latino)** – All persons who identify with more than one of the above five races

MILITARY STATUS – Please check the ONE box that best describes your military status:

___ No Military Service ___ Inactive Reserve ___ Vietnam Veteran
___ Active Reserve ___ Retired ___ Other Veteran

___ **DISABLED VETERAN**

___ **DISABLED PERSONS' EMPLOYMENT PREFERENCE**

EMPLOYMENT PREFERENCE FORM

Name: _____ Position Applied for: _____

Employment preference allows applicants to claim a preference under the Veterans' Public Employment Preference Act or the Persons with Disabilities Public Employment Preference Act. Applying for a preference is voluntary. All information related to a preference will be kept confidential and used only during the hiring process. Applicants hired by the City of Miles City will have this information placed in a separate confidential selection file.

Contact your local Job Service Workforce Center for details on veterans' preference. Contact your local Montana Vocational Rehabilitation Services Office, Department of Public Health and Human Services (DPHHS) for details on obtaining persons with disabilities preference certification.

1. To claim **Veterans' Employment Preference** you must be a U.S. Citizen and (check one of the boxes below):

☐ **A Veteran, if**

- 1) You were separated under honorable conditions, **AND** you served more than 180 consecutive days of active federal military duty other than for training in the Army, Air Force, Navy, Marines, or Coast Guard or were a member of the reserves who served on federal military duty during a period of war or in a campaign or expedition for which a campaign badge is authorized.
- 2) You are or were a member of the Montana Army or Air National Guard who satisfactorily completed a minimum of 6 years service in armed forces, the last 3 of which have been served in the Montana Army or Air National Guard.

☐ **A Disabled Veteran, if**

- 1) You were separated under honorable conditions from military 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 or 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 disabled, **OR** you are unremarried widow of the father of the veteran

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

☐ **A person with a disability** certified by DPHHS, **OR**

☐ **The spouse** of a totally (100%) disabled person certified by DPHHS **AND** have 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 your eligibility for employment preference.**

- | | |
|---|--|
| <input type="checkbox"/> DD-214 showing the character of discharge | <input type="checkbox"/> Service-connected disability letter |
| <input type="checkbox"/> DPHHS Disability Certification | |
| <input type="checkbox"/> A document issued by the Office of the Adjutant General of the Montana National Guard certifying service | |

SIGNATURE (typed or written):

DATE SIGNED:



CITY OF MILES CITY

PERSONNEL REQUISITION FORM

To be Completed by Requesting Department

Department: _____ Date of Request: _____

Date Needed: _____ Position to be Filled: _____

Position Type:

____ Full-Time
____ Part-Time

____ Temporary
____ Seasonal

____ Replacement
____ New Position

Budgeted Position (circle one): Yes No If no, please explain:

Brief Description of Essential Functions:

☐ Check if Position Description is attached

Specific Qualifications/Requirements Not Indicated in Position Description :

Department Head Signature: _____

☐ Approved

Date Hired: _____

☐ Not Approved

Mayors Signature: _____ Date: _____

Human Resource Officer: _____ Date: _____



CITY OF MILES CITY

APPLICANT SCREENING FORM

To be Completed by Interviewer

Applicant: _____ Position Interviewed: _____

Scoring

Applicant evaluation forms are to be completed by the interviewer to rank the applicants overall qualifications for the position. Under each heading the interviewer should give the applicant a numerical rating and write specific job related comments in the space provided. The numerical rating system is based on the following:

0-Below Average 1-Average 2-Above Average

Education	Rating:	0	1	2	_____
Experience	Rating:	0	1	2	_____
Question 1	Rating:	0	1	2	_____
Question 2	Rating:	0	1	2	_____
Question 3	Rating:	0	1	2	_____
Question 4	Rating:	0	1	2	_____
Question 5	Rating:	0	1	2	_____
Question 6	Rating:	0	1	2	_____
Question 7	Rating:	0	1	2	_____
Question 8	Rating:	0	1	2	_____
Question 9	Rating:	0	1	2	_____
Question 10*	Rating:	0	1	2	_____

*More than 10 questions may be used

Total: _____

Add 5 points Veteran Status or 10 points Disabled Veteran or Spouse _____

A disabled veteran who receives 10 points for being disabled does not receive an additional 5 points for being a veteran. The maximum points that can be earned by a veteran are 10 points.

Date Available _____ **Grand Total:** _____

Comments _____

Recommended for Hire: YES NO NOT SURE

Interviewer Signature: _____ Date: _____



CITY OF MILES CITY

REQUEST FOR INVESTIGATION

To be Completed by Requesting Department

To: _____
Fax: _____
Telephone: _____

From: City of Miles City
Fax: 406-234-2903

Department: _____ Director: _____

Please conduct an investigation as outlined below on the following individual. **(please print)**

Name: _____ Date: _____

Please check all that apply:

- ____ Montana Criminal Check
- ____ Montana Sexual/Violent Offender Check
- ____ Montana Professional Licensing Check: _____ (profession)
- ____ Montana Driving Record, License#: _____
- ____ Out of State Criminal Check in: _____ (states)
- ____ Out of State Sexual/Violent Offender Check in: _____ (states)
- ____ Out of State Professional Licensing Check in : _____ (states)
- ____ Out of State Driving Record in: _____ states) License #: _____
- ____ Social Security Number Verification
- ____ Federal Court Check
- ____ Credit Report: Current Address: _____
- ____ Education/Degree Verification: (indicate school, course of study and date of graduation if known): _____

____ Reference Checks (2 references) Please indicate the position the prospective employee has applied for: _____

- ____ Package 1- Montana Criminal Check & 2 Reference Checks
- ____ Package 2- Montana Criminal Check, Montana Sexual/Violent Offender Check, Social Security Number Verification, Federal Court Check
- ____ Commercial Database Check
- ____ Other Investigations: (please be specific): _____



CITY OF MILES CITY

AUTHORIZATION TO RELEASE INFORMATION

To be Completed by Applicant

I authorize the City of Miles City, Montana through their agent, _____, to obtain information related to past employment, employers, school activities, verification of education, criminal justice agencies, motor vehicle/registration departments, credit checks, professional licensing registries, or relevant sources of information. This information may include, but is not limited to, information about my academic achievement, performance, attendance, disciplinary, employment history, criminal history record information, credit screening, and driving and motor vehicle record.

I authorize _____ to disclose the record of my background investigation to the City of Miles City. I authorize custodians of records and other sources of information pertaining to me to release such information to _____.

I believe to the best of my knowledge that all information I have provided is accurate, true, and correct and that I fully understand the terms of this release. In consideration of the City's acceptance and consideration of my intent I hereby, release and forever discharge the City, _____, and all affiliated entities from all claims, demands, damages, actions and causes of action pertaining to or arising out of the City's consideration of my application for employment and use, so long as not malicious, or all information obtained in the course or as a result of all inquiries made into my personal history.

By my signature below, I also acknowledge that the City of Miles City has provided me with a summary of my rights under the Federal Fair Credit Reporting Act (attached copy).

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature

Date

Full Name: _____ DOB: _____

Other Names Used: _____ Place of Birth: _____

Current Address: _____

Other State(s)/Cities of Residency last 10 Years: _____

Home Phone: _____ Work/Cell Phone: _____

SS#: _____ Driver's License Number & State: _____



CITY OF MILES CITY

AUTHORIZATION TO RELEASE INFORMATION

FOR OFFICAL USE BY THE MILES CITY POLICE DEPARTMENT

To be Completed by Applicant

I am an applicant for a position with the **Miles City Police Department**, hereinafter referred to as **MCPD**. I acknowledge that the department needs to thoroughly investigate my employment background and personal history to evaluate my qualifications to hold the position for which I applied, and that it is in the public's best interest that all relevant information concerning my personal and employment history be disclosed.

I authorize the City of Miles City, Montana through their agent, any representative of the **MCPD**, bearing this release, to obtain any information in your files pertaining to my employment records and I hereby direct you to release such information upon request of the bearer. I do hereby authorize a full review of and full disclosure of all records, or any part thereof, concerning myself, by and to any duly authorized agent of the **MCPD**, whether said records are public, private, or confidential nature. The intent of this authorization is to give my consent for full and complete disclosure. I reiterate and emphasize that the intent of this authorization is to provide full and free access to the background and history of my personal life, for the specific purpose of pursuing a background investigation that may provide pertinent data for the **MCPD** to consider in determining my suitability for employment in that department. It is my specific intent to provide access to personnel information, however personal or confidential it may appear to be. I direct you to release such information upon request of the duly accredited representative of the **MCPD** regardless of any agreement I have made with you previously to the contrary. The **MCPD** will discontinue processing my application if you refuse to disclose the information requested.

I consent to your release of all public and private information that you may have concerning me, my work record, my background and reputation, my military service records, my financial status, my criminal history record, including any arrest records, any information contained in any investigatory files, efficiency ratings, complaints or grievances filed by or against me, the records or recollections of attorneys at law, or other council, whether representing me or another person in any case, either criminal or civil, in which I presently have, or have had an interest, attendance records, polygraph examinations, and any internal affairs investigations and discipline, including any files which are deemed to confidential, and/or sealed.

I hereby release you as the custodian of such records, your organization, including its officers, employees, or related personnel both individually and collectively, and all others, from any liability or damages that may result from furnishing the information requested, including any liability or damage pursuant to any state or federal laws. It is my intent to authorize all former employers and all other public and private concerns, including but not limited to: schools, colleges and all scholastic institutions, Consumer reporting agencies, and similar entities, to release any and all information maintained by any such employer or educational entity, agency, person, including, but not limited to: my personal, employment and salary history and condemnations. I understand that should information of a serious criminal nature surface as a result of this investigation, such information may be turned over to the proper authorities.

By my signature below, I acknowledge that the **MCPD** has provided me a copy of the summary of my rights under the Federal Fair Credit Reporting (attached copy) and I understand my rights under Title 5, United States Code, Section 552a, the Privacy Act of 1974, and with regard to access and disclosure of records, and I waive those rights with the understanding that the information furnished will be used by the **MCPD** in conjunction with employment procedures.

This waiver is valid for a period of one year from the date of my signature. Should there be any questions as to the validity of this release, you may contact me at the address listed on the form.

I agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature of Applicant

Date

Print Name of Applicant

Social Security Number

Street Address/P.O. Box

Date of Birth

Signed and subscribed to before me this
____ day of _____ 20____.

Notary Public for the State of Montana
Residing at _____
My commission expires _____.



CITY OF MILES CITY

AUTHORIZATION TO RELEASE INFORMATION

FOR OFFICAL USE BY THE MILES CITY DISPATCH CENTER

To be Completed by Applicant

I hereby authorize any representative of the **City of Miles City, Montana** through their affiliated agency **Miles City Dispatch Center** to obtain information related to past employment, employers, school activities, verification of education, criminal justice agencies, motor vehicle/registration departments, credit checks, professional licensing registries, or relevant sources of information. This information may include, but is not limited to, information about my academic achievement, performance, attendance, disciplinary, employment history, criminal history record information, credit screening, and driving and motor vehicle record.

I believe to the best of my knowledge that all information I have provided is accurate, true, and correct and that I fully understand the terms of this release. In consideration of the City's acceptance and consideration of my intent I hereby, release and forever discharge the **City of Miles City**, and all affiliated entities from all claims, demands, damages, actions and causes of action pertaining to or arising out of the City's consideration of my application for employment and use, so long as not malicious, or all information obtained in the course or as a result of all inquiries made into my personal history.

By my signature below, I also acknowledge that the City of Miles City has provided me with a summary of my rights under the Federal Fair Credit Reporting Act (attached copy).

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature

Date

Full Name: _____ **DOB:** _____

Other Names Used: _____ **Place of Birth:** _____

Current Address: _____

Other State(s)/Cities of Residency last 10 Years: _____

Home Phone: _____ **Work/Cell Phone:** _____

SS#: _____ **Driver's License Number & State:** _____



CITY OF MILES CITY

ACKNOWLEDGMENT

To be Completed by Applicant

I have provided the foregoing Authorization to Release Information by reason of my intent to become employed with the City of Miles City, Montana, and acknowledging that by my employment, I may come into contact with information which could be deemed confidential.

I understand that inquiries made under the foregoing authorization may include credit history, criminal and driving records, past behavior, character and reputation, and other related matters.

It is my intent to authorize all former employers and all other public and private concerns, including but not limited to: schools, colleges and all scholastic institutions, Consumer reporting agencies, and similar entities, to release any and all information maintained by an such employer or educational entity, concern, agency, person, including, but not limited to: my personal, employment and salary history and condemnations. I understand that any or all of these investigations or inquiries can be performed prior to and periodically throughout the duration of my employment. I further authorize my supervisors and other work associates to disclose their opinions and observations of my work habits, qualities, competency and skills. Furthermore, I authorize full disclosure of any and all substance abuse testing results.

I understand that if I am not selected for employment in whole or in part due to the information contained in a consumer report obtained from a consumer reporting (or similar) agency, that I will be entitled to receive from the City the name and address of the consumer reporting agency or agencies from which the report was obtained.

APPLICANT:

Print Full Name: _____

Signature: _____ Date: _____

WITNESS ATTEST:

Print Full Name: _____

Signature: _____ Date: _____



CITY OF MILES CITY

Summary of Your Rights Under the Fair Credit Reporting Act

To be Given to Applicant

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - ✓ a person has taken adverse action against you because of information in your credit report;
 - ✓ you are the victim of identity theft and place a fraud alert in your file;
 - ✓ your file contains inaccurate information as a result of fraud;
 - ✓ you are on public assistance;
 - ✓ you are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:


TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Consumer Help (FRCH) P O Box 1200 Minneapolis, MN 55480 Telephone: 888-851-1920 Website Address: www.federalreserveconsumerhelp.gov Email Address: ConsumerHelp@FederalReserve.gov
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation , Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture

SECTION 3

Employment Information



City of Miles City

 <p>CITY OF MILES CITY PERSONNEL POLICY</p>	Section 3:	Employment Information
	Effective:	10/14/2014
	Last Revised:	6/1/2018
Employee Orientation		
Resolution #4159		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that employee orientation is critical for new employees. The orientation process familiarizes new employees with the City of Miles City policies, procedures, regulations, people and the department layout.

POLICY

It is the policy of the City of Miles City that all new employees will meet for general orientation with the Human Resources Officer on his or her first day of work.

New employees will be required to sign an acknowledgement form that he/she received a copy of the Personnel Policy Manual and Safety Manual and will be responsible for reviewing all the materials therein. New employees will be given the option of receiving these manuals in paper or electronic formats.

All employees new to the City of Miles City will be required to present documentation regarding identity and employment eligibility within three (3) days of hire.

PROCEDURE

A. Employee Orientation:

On the first day of employment, the Human Resources Officer shall conduct an orientation session with the new employee to complete necessary employment documents, review key City policies and compensation terms, organizational structure, position description, explain City benefits, and provide any other human resource and payroll related information needed to orient and integrate the

employee into the City of Miles City service. The topics covered shall be documented on the “Orientation Checklist” form.

During the first week of employment, the employee’s Department Director and/or supervisor shall review with the employee the Department organizational structure job content, performance and safety standards, working conditions, and any other matters of operational importance needed to orient and integrate the employee into City of Miles City service. Any documents used to incorporate the employee into his or her department should be signed by the employee and the Department Director and/or supervisor and shall be provided to the Human Resources Office to be placed in the employees personnel file.

The Human Resources Officer, Department Director and Supervisors should ensure that new employees are given adequate time to gain a clear understanding of the information they have been provided and have the opportunity to ask questions.

CLOSING

Prior to the new employee’s first payday, the Human Resources Officer will provide him/her with the following information:

- Personnel Policy and/or Union Contract Review
 - Harassment
 - Job Classifications
 - Overtime
 - Position Description
 - Workers’ Compensation
- Employment date
- Longevity date
- Eligibility date for use of sick leave
- Eligibility date for use of vacation leave
- Probationary Wage
- Any applicable stipends/incentives
- Standard Deduction List
 - ✓ Federal Income Tax (FIT)
 - ✓ State Income Tax (SIT)
 - ✓ Retirement (if applicable)
 - ✓ Medicare (if applicable)
 - ✓ Social Security (if applicable)
 - ✓ Union dues (if applicable)
 - ✓ Association/Fund dues (if applicable)
- Voluntary Employee Deductions
 - ✓ Medical Insurance
 - ✓ Deferred Compensation
 - ✓ Other.



CITY OF MILES CITY

17 N 8th Street, PO Box 910

Miles City, MT 59301

New Hire Checklist

Resolution #4159

Applicant Name: _____

Date: _____

Pre-hire forms

- ☐ Employment Application (completed and signed)
- ☐ Reference form signed by applicant
- ☐ References verified and signed by authorized employee
- ☐ Certifications verified (CDL, etc.)
- ☐ Motor Vehicle Record check completed (Drivers only)
- ☐ Job title and description explained to and signed by applicant
- ☐ Subsequent Injury Fund form provided to applicant
- ☐ Background check release form signed by employee

At-time of hire forms

- ☐ Pre-Placement Physical Disclaimer signed
- ☐ Employee contract or letter of hire signed by employee and employer
- ☐ Form I-9 completed, proof of citizenship status with original documentation
- ☐ Tax forms
 - ☐ W-4 Employee's Withholding Allowance Certificate (Federal & State)
- ☐ State New Hire Form
- ☐ Direct Deposit Form with voided check attached, if direct deposit is desired
- ☐ Employee Data Sheet (emergency contact information)
- ☐ Proof of auto insurance, required for employees driving on the job (current proof must be on file)

Required policy communications/trainings

- ☐ Mission statement (Cannot find a mission statement for the City)
- ☐ Personnel Policy Manual with receipt acknowledgement
- ☐ Union Contract – Local 283A, Local 283B, Local 600
- ☐ Safety Orientation
- ☐ Policy highlights from Personnel Policy & Procedure Manual to be especially noted
 - ☐ Harassment, outside activities, confidentiality, drug-alcohol, standards of conduct, political activities and smoke-free workplace
 - ☐ Working hours, pay periods, timesheets, current holiday schedule, expense forms, performance evaluation, grievance policy
 - ☐ Exempt or non-exempt status; compensatory time and/or overtime eligibility
- ☐ Staff list with position titles, personnel directory information

Benefits

- ☐ Eligibility: regular, temporary, or seasonal; full-time, part-time
 - ☐ Eligible for all benefits
 - ☐ Eligible for prorated benefits
 - ☐ Not eligible for benefits
- ☐ Benefit enrollment/declination form (Employees working 30 hours on a permanent basis)

- ☐ Paid time off
 - ☐ Annual leave
 - ☐ Sick leave
 - ☐ FMLA
 - ☐ Other leave
 - ☐ Leave Form
- ☐ Employer subsidized health insurance coverage
 - ☐ Health insurance coverage benefit summary statement
 - ☐ Eligibility Date of Employment – Employee only
 - ☐ Cost: “pretax”/employer contribution – Spouse, Children, or Family
 - ☐ Insurance benefit package: health, dental, and vision
- ☐ Health insurance coverage application form
- ☐ Employee Assistance Program
- ☐ PERS, FURS or MPORS retirement plan:
 - ☐ Retirement plan summary statement
 - ☐ Eligibility date
 - ☐ Employee “pretax”/employer contribution
 - ☐ Retirement benefit brochures defining custodian and custodial account investment options
 - ☐ Retirement plan application form (beneficiary names and social security numbers)
- ☐ Flexible benefits summary plan description
- ☐ Supplemental insurance information
 - ☐ Group life insurance information
 - ☐ Disability insurance (short and long term)
 - ☐ Cancer insurance
 - ☐ 483(b) Retirement - Nationwide

On behalf of the City of Miles City, I have discussed these items with, provided materials to, and received all required documents from the new employee.


Authorized employer signature

Date

I certify that I have received the documents, forms, and information listed above

New employee signature

Date

 CITY OF MILES CITY PERSONNEL POLICY	Section #: 3	Employment Information
	Effective:	03/10/2020
	Last Revised:	03/10/2020
Employee Identification Cards		
Resolution #4315		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

The City of Miles City strives to develop and implement workplace policies and practices that create and maintain a working environment that is safe for employees as well as the citizens we serve. A system of identification is one part of a credible public facility security system.

This policy is meant to provide direction and clarification on the issuance and handling of City employee identification cards for the purpose of ongoing identification of those individuals that are employees and those of the general public. City-issued identification cards may also serve other functions in addition to identification.

SCOPE: This policy applies to all City of Miles City employees (including permanent, temporary and contracted employees).

APPLICATION OF CITY IDENTIFICATION CARDS: The City of Miles City will issue an identification card to each new employee upon commencement of employment. Employees must complete a “Employee Identification Card Form” and submit the completed form to the City of Miles City Human Resources Department. In order to be issued a City identification card, employees must verify their identification by means of driver’s license or another valid document.

The front of the City employee identification shall include the following: photograph of the employee; employee’s first name and last name; employee’s department; employee’s title; employee number and issue date

REPLACEMENT CARDS: If a replacement card is issued due to a change in information, the card will be reissued at no cost to the employee. It is the responsibility of the card holder to immediately report a lost or stolen identification card to his/her supervisor. Replacement cards will be issued once without a fee and after that for a \$5.00 fee. The Identification Card shall not be altered.

FRAUDULENT USE OF ID CARDS: Fraudulent use of a City employee identification card will result in disciplinary action, up to and including termination. Fraudulent use includes using or permitting the use of a card by a person other than the individual to whom it was issued, and

using identification cards as a means of securing funds, donations, gratuities, or other items of values or as means of receiving a discount or altering responsibility for one's actions.

CONFIDENTIALITY OF CARD PHOTO IMAGES AND PERSONAL INFORMATION: The photo image and other card holder-related information will be used exclusively for official City business and will not be made available electronically or otherwise for any other purpose. Photo images will be released only if the card holder has submitted a signed consent through the City of Miles City Human Resources Department.

STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: Records collected for creation of the identification card are stored in a computerized system, retrievable by the employee's name. Access to the system is safeguarded by password and is restricted to employees who have a need to access the system in the performance of their duties. Identification card records of employees may be maintained for up to seven years after termination of employment.

RETURN OR DEACTIVATION OF CARDS: Employee identification cards are considered City property and must be returned directly to the employee's supervisor upon resignation or termination of employment along with all other City property.

COMPLIANCE WITH THE EMPLOYEE IDENTIFICATION CARD POLICY: The identification card shall be displayed by employees during all work hours; except in emergency or non-emergency situations when a safety risk is poised to the employee. Elected Officials and/or Department Heads shall have responsibility for ensuring that all assigned employees possess identification cards per the guidelines of this policy



**CITY OF MILES CITY
HUMAN RESOURCES
EMPLOYEE IDENTIFICATION CARD FORM**

Employee Name: _____ **Employee ID#:** _____

Department: _____ **Job Title:** _____

Date of Hire: _____ **ID Issue Date:** _____

Employee Classification:

FT _____ **PT** _____ **Temp** _____

ID Card Type

New Hire _____ **Replacement** _____ **Other** _____

Issuance Authorization:

Employee's Acknowledgement of Policy Receipt

By signing this form, you confirm that you understand the information contained with the ID Card Policy.

Employee Signature

Date

Human Resources Signature

Date



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Probationary & Trial Period

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that an employee should have time to adjust to new surroundings, assume an increasing workload and prove that he or she is the proper person for the position.

POLICY

The City of Miles City's policy for a newly hired employee is that he or she is subject to a probationary period.

PROCEDURE

A. Probationary Period:

1. All newly hired employees must serve a period of initial probation. Police Officers, Firefighters and Dispatchers serve a probationary period of one year; all other employees serve a minimum of six months' probation, unless otherwise defined by a Collective Bargaining Unit.
2. The "Employment Confirmation Letter" received by the employee, signed by the Mayor, and shall state length of probationary period.
3. The probationary period is designed to give the employee time to learn the position and to give the Department Director/Supervisor time to evaluate the employee's potential and performance. Probationary employees will be formally evaluated at three (3) months of employment and one (1) month prior to completion of their probationary period, using the City's "Employee Performance Appraisal" form. During the established initial probationary period, the City reserves the right to terminate the probationary employee's service with or without cause, provided; however, the employer shall not discharge or otherwise discipline an employee for protected union activity, public policy or written policies.

4. Rejected probationers shall be notified of such action in writing by the Department Director at any time during the initial probationary period, and copies of said notifications shall be retained in their personnel files.
5. At the end of the initial probationary period, the employee is formally evaluated and provided written documentation of progress. Other evaluations, as noted above, will be conducted during the course of the probationary period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency(ies) shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention for the person as a permanent employee.
6. Under unusual circumstances, the initial probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Department Director. The Department Director must notify the employee in writing on or before the end of the established probationary period that it will be extended, and the department must inform the employee of the length of the extension.
 - ✓ An employee whose probationary period has been extended does not attain permanent status until the employee successfully completes the additional probationary period.
 - ✓ Provisions of the City Discipline Handling Policy, the Grievance Policy and the Reduction in Work Force Policy do not apply to a probationary employee.
7. The Department is permitted, but not required, to credit time in an approved leave of absence without pay toward completion of a probationary period. This includes leaves of absence between seasons for a seasonal employee. Employees returning from an approved leave of absence without pay are not required to begin a new probationary period.
8. If the employee successfully completes the probationary period, the Department Director will notify the Human Resources/Payroll Office. The Human Resources/Payroll Office will complete a "Payroll Change" sheet to be signed by the Department Director and Mayor. A "Longevity Letter" will then be sent to the employee by the Human Resources/Payroll office informing the employee that he or she has successfully completed his or her probationary period and is now a permanent employee.

B. Confirmation of Firefighters and Police Officers:

The City Council will confirm all permanent appointments of Police Officers and Firefighters on probation.

1. The Police Chief will review with the Human Resources Committee the performance history of each probationary Police Officer at least thirty (30) days prior to the end of the employee's probationary period. Based on this review, the Committee shall then make a recommendation to City Council regarding the confirmation or non-confirmation on each probationary employee. Confirmation is subject to the vote of the entire City Council.

2. The Fire Chief will make a written recommendation to the Mayor for appointment of a Probationary Firefighter. The Mayor may nominate and, with the consent of the City Council, appoint the Firefighter.

C. Trial Period:

1. After an employee has attained permanent status, a trial period may be established upon promotion, reassignment or reclassification, which shall be used to determine if the employee will be retained in the new position or returned to the former or equivalent position. The trial period shall not exceed six (6) months.
2. Whenever a trial period is a condition of an employee's promotion, reassignment, or reclassification, the Mayor or Department Director will inform the employee at the time the employment offer is made.
3. The immediate supervisor shall conduct a performance appraisal prior to the end of the trial period, using the "Employee Performance Appraisal" form.
4. During the trial period, the Department may return an employee to the former or approximately equivalent position.
5. Any employee who will not be retained in the new position will be so notified in writing by the Mayor or Department Director, with the concurrence of the Human Resources Committee prior to the end of the trial period.
6. The policy on trial periods does not obligate the City to return an employee to a former position or equivalent in lieu of other personnel actions that could be taken in accordance with the City Reduction-in-Force or Discipline Handling Policies.
7. A department may require an employee who has not attained permanent status and who is promoted or reassigned within the department to successfully complete the remaining time of his or her probationary period in the new position.

CLOSING

Vacation and sick leave are accrued during the initial employment period. Sick leave may be used after ninety (90) days of continuous employment and vacation leave may be used after six months of continuous employment.

Employees terminating from the City prior to three (3) months or six (6) months will not receive sick or vacation payout, respectively.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Payroll Processing Guidelines

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that employees should be paid uniformly and in a timely manner.

POLICY

The City of Miles City distributes paychecks semi-monthly; on the 15th of every month, unless the 15th falls on a weekend; then the employee is paid on the Friday before the 15th; and the last working day of the month. There are 24 pay periods in each year. A Payroll Calendar that specifies payroll cut-off dates and paydays will be provided to every new employee and to every employee prior to the start of the new year.

It is the goal of the Human Resources Office that each employee receives correct paychecks.

PROCEDURE

A. Payroll Processing:

Employees are responsible for completing their timecards and giving them to their Department Director at the end of the pay period. Employees should make sure that their timesheets are correct before they sign them.

Department Directors are responsible for certifying that time reports are correct by signing every timesheet and submitting them to the Human Resources/Payroll Office.

Timesheets are due in the Human Resources/Payroll Office within two (2) days after the Payroll Calendar indicates the payroll cutoff date.

Paychecks are distributed by the Human Resources/Payroll Office.

[Type text]

Employees are strongly encouraged to have their paychecks electronically transmitted to the bank of their choice through the Direct Deposit Program (available to all employees). Employees enrolled in Direct Deposit may choose one of the following:

- a hard copy of their payroll stub and an itemized list of payroll deductions;
- email their payroll stub and itemized list of payroll deductions to any desired email account the employee requests (preferred method).

❖ “Direct Deposit” and “Email Direct Deposit” forms may be obtained from the Human Resources/Payroll Office.

If an incorrect paycheck is issued (either overpayment or underpayment), the Department Director should notify the Human Resources/Payroll Office as soon as possible. All adjustments due to errors will be promptly corrected.

CLOSING

FINAL PAYMENT OF WAGES AT SEPERATION

39-3-205. Payment of wages when employee separated from employment prior to payday –exceptions (1)

Except as provided in subsection (2) or (3), when an employee separates from the employ of any employer, all the unpaid wages of the employee are due and payable on the next regular payday for the pay period during which the employee was separated from employment or 15 days from the date of separation from employment, whichever occurs first, either through the regular pay channels or by mail if requested by the employee.

(2) Except as provided in subsection (3), when an employee is separated for cause or laid off from employment by the employer, all the unpaid wages of the employee are due and payable immediately upon separation unless the employer has written personnel policy governing the employment that extends the time for payment of final wages to the employee’s next regular payday for the pay period or to within 15 days from the separation, whichever occurs first.

(3) When an employee is discharged by reason of an allegation of theft of property or funds connected to the employee’s work, the employer may withhold from the employee’s final paycheck an amount sufficient to cover the theft if:

- (a) the employee agrees in writing to the withholding; or
- (b) the employer files a report of the theft with the local law enforcement agency within 7 business days of the separation from employment, subject to the following conditions:
 - (i) If no charges are filed in a court of competent jurisdiction against the employee for the alleged theft within 30 days of the filing of the report with a local law enforcement agency, wages are due and payable upon the expiration of the 30-day period
 - (ii) If charges are filed against the employee for theft, the court may order the withheld wages to be offset by the value of the theft. If the employee is found not guilty or if the employer withholds an amount in excess of the value of the theft, the court may order the employer to pay the employee the withheld amount plus interest.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Deductions from Salary

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City is committed to following Federal and State laws. The City of Miles City believes that offering employees options regarding additional payroll deductions meets the needs and desires of a diverse workforce.

POLICY

Examples of “required” and “optional” deductions are below (this list is not all inclusive):

Required Deductions: Federal and State Withholding Taxes: Federal and State withholding taxes are deducted according to an employee’s filing status, the number of claimed dependents and salary earned.

Social Security and Medicare: Social Security and Medicare taxes are deducted from employee earnings according to U.S. Government regulations. (Uniformed Police Officers and Firefighters do not contribute to Social Security)

Insurance Plans: Insurance contributions are made through payroll deduction.

Retirement Contributions: Retirement contributions to the employee’s respective retirement system will be deducted each pay period as per State Law.

Deferred Contribution Plans: Deferred Contribution Plans through Nationwide and Ameriprise Financial are offered through payroll deduction, if desired.

Optional Deductions: AFLAC, Colonial Life and Legal Shield (formally Pre-Paid Legal): deductions which allow employees to participate in select coverage(s) are offered through payroll deduction, if desired.

Union Deductions: Each member belonging to a Union may pay “union dues” in accordance with their Union Contract and may be made through payroll deductions.

Organizations/Memberships: Fireman’s Association, Fireman’s Fund and Montana Police Protection Association are memberships for uniformed Police Officers and Firefighters and may be made through payroll deductions.


Wage Garnishments/Child Support Payments: Mandatory deductions will be made in compliance with Federal and State Laws until paid in full or a Release of Execution is received.

❖ **39-2-302, MCA: Discharge or layoff of employee because of attachment or garnishment prohibited.** No employer shall discharge or lay off an employee because of attachment or garnishment served on the employer against the wages of the employee.

PROCEDURE

Federal and State Withholding Taxes: a W-4 Form must be completed and must be submitted to the Human Resources/Payroll Office.

The Human Resources/Payroll Office must receive written authorization from the employee if he/she desires to participate in optional payroll deductions. If an employee wishes to cancel any optional payroll deductions, he/she may obtain a “Cancellation of Payroll Deductions” form from the Human Resources/Payroll Office.

 <p style="text-align: center;">CITY OF MILES CITY PERSONNEL POLICY</p>	Section 3:	Employment Information
	Effective:	10/14/2014
	Last Revised:	10/25/ <u>20</u> 16
Basic Employee Classification		
Resolution #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

The basic employment classifications of City employment are:

1. **Probationary Employee:** A newly hired employee during the initial period of employment. All newly hired City employees are on a probationary status which, unless provided otherwise in union agreements or other documents, extends for six (6) months, or in certain cases, one (1) year from their date of hire. Probationary periods may be extended under special circumstances.
2. **Permanent Full-Time Employee (regular):** An employee who has successfully completed the initial probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which totals no less than 2080 hours per year.
3. **Permanent Part-Time Employee (regular):** An employee who has successfully completed the initial probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours per week.
4. **Temporary Full-Time Employee:** An employee whose work assignment is limited in duration to twelve months or less and works a shift schedule which on an annual basis would total no less than 2080 hours.
5. **Temporary Part-Time Employee:** An employee whose work assignment is limited in duration to six months or less and works a shift schedule which, on an annual basis would total less than 2080 hours.
6. **Seasonal Employee:** An otherwise permanent employee designated by the City as seasonal,

who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

7. **Short-term Employee:** An employee whose work assignment is limited in duration to ninety (90) days or less, without regard to the number of hours worked, who is not eligible for permanent status, and who may not be hired into another position by the City without competitive selection process.
8. **Transitional Employee:** A City employee who has been temporarily reassigned to duties other than his normal duties under the City's Reasonable Accommodation and Early Return to Work policies.
9. **Part-Paid Employee:** An otherwise permanent employee designated by the City as Part-Paid, who performs duties on an on-call basis for an indefinite duration.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

02/09/2021

Last Revised:

02/09/2021

Position Descriptions Resolution 4390

- This policy supersedes all previous policies and/or handbooks published by the City of Miles City.
- Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

POLICY

It is the policy of the City of Miles City (“City”) that all City positions shall have a current Position Description, and that all Position Descriptions shall be maintained by the Human Resources Office.


PURPOSE

- To establish a framework for developing standardized Position Descriptions for all City of Miles City positions;
- To clarify and publicize the duties, expectations and qualifications of each City position;
- To support determination of the appropriate position/job classification and grade for each position.

PROCEDURE

1. All City position descriptions (PD) shall be written in a standardized format, using the approved PD template.
2. Each PD shall be written as a cooperative effort between the appropriate Department Director, the Human Resources (HR) Director and City Council HR Committee.
3. Each PD must be approved for use by the City Council HR Committee.
4. An approved PD shall include the following elements:
 - a. Position title
 - b. Job Class
 - c. Fair Labor Standards Act (FLSA) Status
 - d. Department

- e. Immediate Supervisor/Accountable To
 - f. Summary of Work (brief)
 - g. Essential Accountabilities and Expected Outcomes
 - h. Minimum Requirements
 - i. Desirable Qualifications
 - j. Performance Standards
 - k. Working Conditions
 - l. Physical Requirements
 - m. Approval Signatures
 - n. Effective Date
 - o. Revised Date when revisions are made
- 5. Each current position description will be reviewed annually and recommendations for updates and changes noted in writing by the Department Director.
 - a. The Department Director will communicate the completion of the annual review and all recommendations for updates and changes to the HR Officer in writing.
 - 6. When a new position is requested by a Department Director, the Department Director will draft a new PD using the approved tool, and submit it along with a written explanation about the need for the PD to the HR Officer.
 - 7. The HR Officer will transmit requests for updates and changes to current PDs, and requests for new PDs, to the Human Resource Committee of the City Council for review and approval.
 - 8. Employees may review and/or secure copies of their position description at their request. There will be no charge to obtain a copy. Requests may be made through the Human Resources Office.
 - 9. Employees may request changes be made to their position description at any time.
Making a request is not a guarantee of a change being made.

 <p style="text-align: center;">CITY OF MILES CITY</p> <p style="text-align: center;">Position Description</p> <p style="text-align: center;"><i>Position Title</i></p>	Last Revised	
	Effective	
	FSLA Exempt	
	Job Class	
	Department	
	Accountable to	

SUMMARY OF WORK

ESSENTIAL ACCOUNTABILITIES AND EXPECTED OUTCOMES

- 1.
- 2.
- 3.
- 4.
- 5.

MINIMUM REQUIREMENTS

Education (knowledge)

Experience (skills, abilities)

Certificates/Licenses

DESIRABLE QUALIFICATIONS

Knowledge:

Skills:

Abilities:

PERFORMANCE STANDARDS

Individual performance evaluation shall be based on the following elements:

- Quality – The extent to which an employee’s work is completed thoroughly and correctly following established process & procedures.
- Productivity/Independence/Reliability – The extent to which an employee produces a significant volume of work efficiently in a specified amount of time. Ability to work independently with little or no direction/follow-up to complete task / job assignment.
- Job Knowledge – The extent to which an employee possesses and demonstrates an understanding of work instructions, processes, equipment and material required to perform the job. Employee possesses the practical and technical knowledge required of the job.
- Interpersonal Relationships/Cooperation/Commitment – the extent to which an employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, and/or outside contacts. Employee accepts and responds to change in a positive manner. Accepts job assignments willingly, takes responsibility for own performance and job assignments.
- Attendance – The extent to which an employee is punctual, observes prescribed work breaks/lunch hours and has an acceptable overall attendance record.
- Adherence to Policy – The extent to which an employee follows City policies, procedures and work conduct rules. Complies with and follows all safety rules and regulations.
- Overall Performance

WORKING CONDITIONS

Stand

Sit

Lift

Noise

Hazardous materials exposure

Travel

Other

PHYSICAL REQUIREMENTS

I attest that this City of Miles City Position Description accurately reflects the major duties of this position.

Position Immediate Supervisor: _____ Date: _____
Signature

This City of Miles City Position Description has been reviewed and is recommended by City Human Resource Officer.


HR Officer: _____ Date: _____
Signature

This City of Miles City Position Description has been reviewed and approved by City Human Resource Committee.

HR Committee Chair: _____ Date: _____
Signature

I, _____, acknowledge I have received and reviewed the Miles City Position Description; this position description will become part of my personnel file.

Employee: _____ Date: _____
Signature

 <p style="text-align: center;">CITY OF MILES CITY PERSONNEL POLICY</p>	Section 3:	Employment Information
	Effective:	02/09/2021
	Last Revised:	10/7/2014
Performance Appraisal – Non-Probationary Employees Resolution 4389		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that performance appraisals are an important tool in assisting Directors / Direct Supervisors and employees in evaluating job performance and strengths, as well as identifying areas for improvement.

POLICY

It is the policy of the City of Miles City to utilize a performance appraisal program to maximize an employee's overall job performance and professional development. Performance appraisals will be conducted annually by Department Directors / Direct Supervisor for all permanent full time/part time employees.

Performance appraisals provide both Department Directors / Director Supervisor and employees the opportunity to discuss job tasks, identify developmental needs, encourage and recognize strengths and discuss positive and purposeful approaches to meeting goals. In summary, the objective of the performance appraisal is to:

- Determine if training is needed
- Identify areas where improvement may be needed
- Revise or update individual goals
- Evaluate job performance in terms of meeting goals and job responsibilities.

PROCEDURE

A. The Department Director / Direct Supervisor shall strive to make an evaluation upon the following occasions:

1. Each anniversary date of employment, or at least annually.
2. After 90 days when the employee is transferred or promoted to a new position.

The Human Resources Office will notify Department Directors / Direct Supervisors of any pending anniversary dates.

All Department Directors / Direct Supervisors will use the “Employee Performance Appraisal” form. Independent forms will be used by the Police, Fire and Dispatch Departments, as they have special criteria in rating job performance. The Mayor will perform evaluations on all Department Directors, also using an independent appraisal form.

Each employee shall be evaluated on job performance as related to their position description, as well as the attainment of a set of objectives or goals. Factors to be considered in the performance evaluation include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, dependability, attention to safety, respect for property, punctuality, work habits, initiative and other factors. At the time of evaluation, each position description is to be reviewed to ensure that an accurate description accompanies each position.

In preparing for and conducting an employee’s performance appraisal, Department Directors / Direct Supervisors should be guided by the following principles:

1. Allot adequate time for the meeting and arrange for as much privacy as possible.
2. Tell the employee in advance about the appraisal interview. This will give the employee a chance to prepare for the discussion.
3. Give the employee ample time to talk about any problems that may be impeding progress or job satisfaction. Listen attentively.
4. Encourage the mutual establishment of specific goals for improvement in the coming period.

Each written evaluation shall be signed by the Department Director and reviewed and signed by the Mayor. The evaluation will then be submitted to the Human Resources Office to be placed in the employees personnel file.

The employee will be provided with a copy of the completed evaluation and reviewer’s comments, if any.

If the written evaluation contains an unfavorable comment or rating which the employee believes is unfair and/or unjustified, the employee may submit a written response to the evaluation. The response shall be submitted to the employee’s Department Director / Direct Supervisor within five (5) working days and will be retained with the performance appraisal in the employee’s personnel file.

CLOSING

No employee may file a grievance based on the content of a performance appraisal. Procedural errors which are subject to the filing of a grievance are failure of an evaluator to:

1. Inform an employee of the performance management plan at the start of an evaluation period or changes to the plan made during the evaluation period.
2. Provide an employee with a copy of the completed evaluation and reviewer’s comments.
3. Advise an employee of the right to submit a written response.



CITY OF MILES CITY

Employee Performance Appraisal

To be Completed by Department Director / Director Supervisor

Name: _____ Date: _____ Dept: _____

Job Title: _____ Date of Hire: _____ Position Date: _____

Annual Review ☐ 90 Day Review ☐ Probationary: ☐ 3month ☐ 6 month Other ☐ _____

Date of Last Review: From: _____ To: _____ Review Period: From: _____ To: _____

Performance Rating Categories: Consider the employee's performance in each category and designate the level of performance that most accurately describes his/her job performance.

O – Outstanding: Employee consistently exceeds position expectations with virtually no detected preventable/controllable errors, requiring little or no supervision.

E- Exceeds Expectation: Results clearly exceed position requirements on a regular basis. Performance is of high quality and is achieved on a consistent basis

M – Meets Expectation: Competent & dependable performance level. Meets the performance standards and objectives of the job without constant follow-up / direction.

I – Improvement Needed: Employee does not meet performance objectives on a regular basis and has difficulty following through with tasks. Requires constant follow-up and/or supervision.

U – Unsatisfactory: Performance consistently fails to meet the job requirements. **N/A – Not applicable** or too soon to rate

COMMENTS MUST JUSTIFY THE RATING GIVEN

1. **Quality** – The extent to which an employee's work is completed thoroughly and correctly following established process & procedures:

• Rating: _____ Comments: _____

2. **Productivity/Independence/Reliability** – The extent to which an employee produces a significant volume of work efficiently in a specified amount of time. Ability to work independently with little or no direction/follow-up to complete task / job assignment:

• Rating: _____ Comments: _____

-
3. **Job Knowledge** – The extent to which an employee possesses and demonstrates an understanding of work instructions, processes, equipment and materials required to perform the job. Employee possesses the practical and technical knowledge required of the job:

• **Rating:** _____ **Comments:** _____

4. **Interpersonal Relationships/Cooperation/Commitment** – The extent to which an employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, and/or outside contacts. Employee accepts and responds to change in a positive manner. Accepts job assignments willingly, takes responsibility for own performance and job assignments:

• **Rating:** _____ **Comments:** _____

5. **Attendance** – The extent to which an employee is punctual, observes prescribed work breaks/lunch hours and has an acceptable overall attendance record:

• **Rating:** _____ **Comments:** _____

6. **Adherence to Policy** – The extent to which an employee follows City policies, procedures and work conduct rules. Complies with and follows all safety rules and regulations:

• **Rating:** _____ **Comments:** _____

Overall performance: Rate employees overall performance: _____

a. Accomplishments or new abilities demonstrated since last review: _____

b. Specific areas that need improvement: _____

c. Recommendations for professional development: _____

Employee Comments: _____

Follow-up Requested ☐ Yes ☐ No

Date Discussed/Reviewed with employee: _____

Next Scheduled Review: _____

Employee may submit a written response to the evaluation. The response shall be submitted to the employee's Department Director within five (5) working days and will be retained with the performance appraisal in the employee's personnel file.

Directors Signature: _____ Date: _____

Employees Signature: _____ Date: _____

Mayors Signature: _____ Date: _____



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

07/01/2021

Last Revised:

04/27/2021

NON-UNION WAGE SCALE MATRIX

Resolution #4399

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To establish a wage scale matrix for non-union staff to aid in the retention of staff.


POLICY

The City of Miles City shall provide step increases for non-union staff as described in the matrix once each fiscal year as the health of the City budget allows.

PROCEDURE

Step Increases

1. On initial employment an employee will be placed on the schedule at the beginning probationary wage.
 - a. A current City employee transferring to a new position will either be placed at the probationary wage or a step commensurate with education and experience.
2. Each fiscal year, in conjunction with the performance evaluation process the step increase may be recommended when the individual performs at a satisfactory level.
3. When an employee has progressed to the last step of the schedule for that position no further increases will be granted.
4. The Human Resources Committee forward recommendations to the Finance Committee by June 1, each year.
5. The Human Resources Committee recommendations shall be tracked on the Wage Increase Requests – Signature Sheet & Tracking Form.

 <p style="text-align: center;">CITY OF MILES CITY PERSONNEL POLICY</p>	Section #: 3:	Employment Information
	Effective:	02/01/2021
	Last Revised:	02/01/2021
NON-UNION STAFF COST OF LIVING INCREASES		
Resolution #4387		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To support the retention of experienced, highly-qualified City staff.

POLICY

The City of Miles City will provide all non-union staff, including department managers and supervisors, a cost of living adjustment (COLA) once each fiscal year when the City's budget is sufficient to fund it.

PROCEDURE

1. A COLA may be provided when budgetary constraints permit them. The City is not required to provide a COLA every fiscal year.
2. A COLA increases every salary/wage in the Non-Union Salary/Wage Schedule by the same percentage, irrespective of individual position.
3. In determining the amount of a COLA, the following may be considered: published Consumer Price Index, State's cost of living recommendation, cost of living increases in the local, regional and national economies, the City's current and projected budgetary restraints, and the City's overall financial health.
4. The Human Resources (HR) Committee will consider the amount of COLA adjustments during the fourth quarter of each fiscal year (April, May June). The Mayor may participate in the consideration of the amount of any COLA.
5. HR Committee's COLA recommendations will pertain to the City's upcoming fiscal year. Adjustments are not retroactive to the current or prior fiscal years.

6. The HR Committee will forward its COLA recommendation to the Chair of the Finance Committee by June 1 of each fiscal year for its consideration.
7. The Finance Committee will make a final recommendation concerning a COLA to the City Council by including its recommendation in its Draft Budget for the Fiscal Year beginning July 1.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

06/27/2017

Last Revised:

04/27/2021

Wage Increase Requests Resolution #4400

- This policy supersedes all previous policies and/or handbooks published by the City of Miles City.
- Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

POLICY

It is the policy of the City of Miles City (“City”) that all requests for wage increases by staff who are represented by a Union shall be made to the City Council through the elected Union representative, in accordance with the policies and procedures of that Union.

It is the policy of the City of Miles City (“City”) that all staff requests for a wage increase that is not related to a COLA or step increase afforded all City employees shall follow the process detailed below.

PURPOSE

- To ensure that wage increases for unionized City staff are presented and requested by the elected Union representative;
- To establish a standardized process for City staff and directors to request staff wage increases other than a COLA or step increase.

PROCEDURE

1. When an employee is not represented by a union and believes a substantial change in duties, certifications/formal education, accountabilities or expected outcomes justifies a wage increase which is separate and distinct from the City’s COLA or step increase, the employee shall submit to his/her immediate supervisor a written request for a wage increase which includes:
 - the dollar value of the increase requested;
 - a complete copy of the current Position Description;
 - a draft revised Position Description recommended by the Director;
 - the most recent performance evaluation (completed within the past year).

2. Upon receipt of a staff request for a wage increase and all of the required supporting documentation, the immediate supervisor will:
 - review the request and supporting documentation;
 - provide a written recommendation concerning the request, sign and date it;
 - forward the request and all supporting documentation to the Department Director.
3. Upon receipt of the request and all of the required supporting documentation, the Department Director shall:
 - review the request and all supporting documentation;
 - provide a written recommendation concerning the request, sign and date it;
 - forward the request and all supporting documentation to the Mayor.
4. Upon receipt of the request and all required supporting documentation, the Mayor shall:
 - review the request and all supporting documentation
 - make a written recommendation for action to the City Council Human Resources (HR) Committee, sign and date it;
 - all documentation shall be submitted to the Human Resources Officer by May 1;
 - forward the request and all supporting documentation to the HR Committee.
5. Upon receipt of the request and all supporting documentation, the HR Committee shall:
 - a. review the request and all supporting documentation;
 - b. take action on the request, sign and date it;
 - when the action includes a recommendation of a wage increase, whether the same as or different from the increase requested, the HR Committee will forward the request and all supporting documentation to the City Finance Committee for action. The recommendations of the HR Committee and City Finance Committee will be sent to City Council for final approval.
 - When the action does NOT include a recommendation for a wage increase, the HR Committee provides a written copy of its action to the Mayor. The Mayor will then communicate the action to the Department Director; Director will inform the immediate supervisor; immediate supervisor will inform the requesting staff.
 - Notes: a change in Position Title only is not adequate justification for an increase in wage rate.
6. No wage increase will be paid without following this established procedure.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Employee Personnel Records

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City defines the “personnel file,” describes its contents and defines rights to access.

DEFINITION: The official record relating to an individual City of Miles City employee maintained centrally in the Human Resources/Payroll Office. The personnel file includes, but will not be limited to; letters of appointment, job descriptions, employment application and resume, hiring records, change in pay records, testing documents used to make employment decisions, records relating to promotions or demotions, reference checks, transcripts, signed acknowledgements, training records and certificates, letters of recognition, performance evaluations, formal disciplinary notices or documents, termination records, safety training records, as well as, other records that may be considered public information under State or Federal Law.

POLICY

1. The Human Resources/Payroll Officer will establish, maintain and control access to personnel files of current and former City employees. The information in the employee’s personnel file relates specifically to the employee’s work assignments, qualifications, commendations, promotions, compensation, supervisor performance evaluations and any formal disciplinary action. Personnel files will be maintained in a locked file cabinet located in the City vault, or other location within the City HR/Payroll Office. The Mayor and Human Resources/Payroll Officer will have sole access to the files. Keys will be maintained by Human Resources/Payroll Officer. Access to Personnel Files by any other person is prohibited, except under lawful circumstances on a need to know basis and under the direction of the City Attorney.
2. Certain records and documents are considered confidential, and will not be included in the personnel file. Such documents will be maintained in separate files in a secure and

confidential manner by the Human Resources/Payroll Officer. Access will be prohibited, except under lawful circumstances on a need to know basis and under the direction of the Mayor. Examples of such documents include, but are not limited to: medical records, benefits and insurance records, immigration forms, veteran records, child support or garnishments records, internal investigation records, litigation records, drug testing records, and any records that are considered confidential under State or Federal law.

PROCEDURE

A. Access:

1. Employees may examine their personnel files in the presence of the Mayor or Human Resources/Payroll Officer during normal working hours. Employees may request to obtain a copy of their personnel files at the expense of the City. All requests will be made in writing on a form provided by the Human Resources/Payroll Office. No one else will have access to an employee's personnel file, except those with express written permission of the employee or those City personnel with a "need to know" such as the employee's supervisors and City Attorney. Requests to examine personnel files, or request for copies of documents contained therein, by any other person or entity shall be referred to the City Attorney. The City Attorney will consider the request, review the file and determine what information, if any, shall be disclosed.

B. Records added or removed from file/retention:

1. City Department Directors, supervisors or other administrative staff members shall forward all employment records that should be included in the personnel file to the Human/Resource Payroll Office as soon as practical. The records will then be placed in the employee's personnel file.
2. Records within the personnel file will be retained while the employee is employed with the City, and will not be removed unless upon a court order or directed to do so by the City Attorney.
 - (i) At the request of the employee and on the recommendation of the employee's Director, with final approval from the Mayor, a negative document will be removed from the official Personnel Record after three (3) years, but not if the document may be used to document an on-going problem.
 - (ii) At the discretion of the Director, a negative document may designate a target date for removal, so long as no further incidents have occurred prior to the target date. Upon reaching the target date, and at the written request of the employee, the Director must review the document and then he or she may remove it from the personnel file. If the situation referred to in the document is still relevant, the Director may decide not to remove the negative document and may then assign another removal date in a separate writing, to be attached to the negative document in the personnel file.

3. After employment is terminated, personnel records will be kept and destroyed in accordance with the City's retention schedule.

C. Records not included in the Personnel File:

1. An employee's medical records, including worker's compensation records, will be maintained by the Human Resources/Payroll Office in a separate file, contained in a locked file cabinet located in the City vault, or other location within the City HR/Payroll Office. These records are considered confidential, and access will be limited to the employee, the Human Resources/Payroll Officer, the Mayor and the City Attorney. Information will only be released in accordance with law on a need to know basis.
2. Time sheets, vacation and sick leave records, continuing payroll records, retirement records, and other employment records not considered part of the personnel file will be maintained by the Human Resources/Payroll Office.
3. Investigative records related to internal investigations or criminal investigations will be maintained by the appropriate Department Director, Human Resources/Payroll Officer, the Mayor, or other designated City official. Informal records which may constitute discipline, but may be used as a basis for further formal disciplinary action, such as notices of counseling, will be maintained by the appropriate supervisor or Department Director. These records are considered confidential and will be released only upon authorization of the City Attorney.
4. Upon termination from employment these records will be maintained with the employees personnel file, but treated as separate files.

CLOSING

A written reprimand or greater disciplinary document may not be placed in the personnel file without the employee having been first notified of said complaint and given a copy. Only documents contained in the employee's personnel file or documents which the employee has verified by his or her signature that he or she has read and/or received, can be used against the employee. An employee may author a rebuttal to any derogative document, within ten (10) working days of said action, which will be filed together with such document.

In order to maintain up-to-date files, employees must notify the Human Resources/Payroll Officer of any changes in address, telephone number, name, educational accomplishments, recent skill developments, and emergency contacts. All information contained in this file is open for the employee's inspection and review by stopping in the Human Resources/Payroll Office during office hours.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Reduction in Force

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City defines “Reduction in Force” and describes the process to follow in the event that layoffs are necessary in the workforce.

POLICY

It is the policy of the City of Miles City that the Mayor and/or his/her designee have authority to determine if City workload, funding or other business decisions are such that terminations via Reduction-in-Force are required.

A. Definitions

1. **Reduction in Work Force (RIF):** means a City management action taken for non-disciplinary reasons in which an employee is laid off from employment.
 - a. The RIF may take place for reasons including, but not limited to:
 - Elimination of programs;
 - Reduction in full time employees (FTEs) by the City Council;
 - Lack of work;
 - Lack of funds;
 - Expiration of grants;
 - Reorganization of a City department;
 - Privatization of a service normally or traditionally provided by employees of the department.
2. **Effective Date of RIF:** means the date determined by the City to be the end of employment for an employee, allowing adequate time for appropriate notice of RIF.
3. **Termination Date:** means the date the employee is actually removed from the payroll.
4. **Notice of Anticipated RIF:** means a written notice informing an employee that the City anticipates the employee will be laid off. The notice shall provide a tentative effect date of RIF.
5. **Skill:** means an assessment of qualifications and experience

PROCEDURE

A. Consideration of Reduction in Force:

It is the policy of the City of Miles City to consider any or all of the following when Reduction in Force is necessary.

1. Qualifications and experience to perform the duties of a specific position which will be retained.
 2. General qualifications and experience beneficial to future achievement of City goals and objectives.
 3. The performance on specific, related tasks to those required by the position, which will be retained
 4. General performance history.
 5. Veteran preference to comply with the provisions of Section 39-29-111, MCA.
- Skill shall be applied first. If skill does not differentiate between employees, length of service with the City will then be considered.
 - Temporary, seasonal and short-term workers within the affected department(s) will be terminated before any permanent employees will be laid off.

B. Notification requirements of an anticipated RIF:

An employee should be counseled as much in advance of the anticipated RIF as possible regarding available options and reason for RIF. At the time of counseling, an employee shall be given a written notice of anticipated RIF, which will provide a tentative effective date of lay-off.

- A written notice must be provided to an employee at least fourteen (14) calendar days prior to a reduction in force.
- If a reduction in force is anticipated to last longer than fifteen (15) calendar days, the employee shall be terminated.

A RIF may not be used as an alternative to discharging an employee for cause or disciplinary purposes. Unsatisfactory employees should be terminated subsequent to complete and appropriate evaluation, review and documentation. If an unsatisfactory employee is laid off without appropriate evaluation, review and documentation, the employee must be treated the same as any other RIF'd employee.

C. Recall and Reinstatement Rights of the RIF'd Employee:

If a vacancy occurs within the City within one (1) year of the employee's effective date of lay-off, that employee shall be reinstated to the same or equivalent position.

Employees who have been laid off from the City shall be offered reinstatement on a “last-out/first-in” basis. Specific reinstatement offers must be made to the employee in writing, at the last address provided by the employee to the City, with notice by certified mail and return receipt requested.

- Employees must keep the City informed of the address and telephone number where they can be contacted in the event of a recall. Employees are directed to contact the Human Resources/Payroll Office with any changes.
- If the City is unable to contact an employee within seven (7) working days of the recall, the employee will be eliminated from the recall list and the City will have no further obligation to recall that employee.

The employee shall accept or reject the reinstatement offer, in writing, within seven (7) working days following receipt of the offer.

- If the employee rejects a reinstatement offer, the employee loses all rights to the employment offered and loses all rights to participate in future internal recruitment.
- The City is not required to make subsequent reinstatement offers to the employee.
- The City will comply with Section 7-32-4106, MCA with regards to Police Department and Section 7-33-4126, MCA with regards to Fire Department.

Acceptance of permanent, seasonal or temporary employment with the City does not end the reinstatement right for one (1) year from the effective date of RIF.

An employee is eligible to be considered as an “Internal Applicant” for job vacancies in the City department from which the employee was laid off for one (1) year from the effective date of lay-off.

An employee who is terminated due to a RIF with a City department is entitled to notice of announcements for jobs for which the employee may qualify that arise within the terminating City department, or within the City government, for one (1) year from the effective date of lay-off. The Human Resources/Payroll Office will distribute the external/internal notices to the RIF’d employees.

CLOSING

An employee may file a grievance under the City’s grievance policy based on the receipt of a written notice of layoff due to a reduction in force.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:

Employment
Information

Effective:

10/14/2014

Last Revised:

10/7/2014

Employee Separation

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that an advance notice regarding resignation and an exit interview is an important and courteous action.

POLICY

It is the policy of the City of Miles City to utilize an established procedure for employee termination with the City by service, disability retirement, resignation, discharge, probation period termination, or layoff. The procedures are designated to provide the least disruption and inconvenience to the employee and the City.

Definitions:

1. **Resignation:** Resignation is a termination action which is initiated by the employee.
2. **Retirement:** Retirement is a termination action which is initiated by an employee who meets the basic eligibility requirements of his or her appropriate retirement system.
3. **Discharge:** Discharge is a termination action which is a result of employee misconduct.
4. **Reduction-in-Force:** Reduction-in-Force is a termination action which is a result of insufficient funds or other business reasons and is not a disciplinary action.

PROCEDURE

- A. Employees who are voluntarily resigning from the City are requested to give a written notice with a minimum of two (2) weeks. Employees will be provided their final paycheck within 15 days or the next scheduled pay period, whichever is sooner.
- B. Depending on the circumstances surrounding the resignation, employees who resign from the City may be eligible for re-employment. Employees who have separated from employment from the City of Miles City, will be required to complete an application and proceed through the regular hiring procedure as other applicants. A former employee who is re-hired by the City will be considered a new employee and required to complete the

applicable probationary period. Date of service, for seniority purposes, will be the date of instatement of the subsequent hiring. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable Federal and State laws.

- C. Employees terminated by the City will have a letter issued stating the reason and the effective date of the termination. Employees who are on their initial probation may be discharged, with or without cause as the City deems appropriate, within the six (6) or twelve (12) month probationary period, as appropriate.
- D. The City will follow the procedure outlined in the Employee Discipline section to terminate a non-probationary employee. An employee terminated for cause does not retain his or her job or benefits pending any grievance appeal, but if he or she wins the grievance, such salary and benefits may be restored retro-actively.
- E. An employee who has passed the 90-day qualifying period and who separates employment from the City of Miles City shall be entitled upon termination to cash compensation pay-out for any unused sick leave credits equal to one-fourth the accumulated sick leave. The payout will be based upon the employee's salary at the time of termination.
- F. An employee who has passed the 180-day qualifying period and who separates employment from the City of Miles City shall be entitled upon termination to cash compensation pay-out for all unused vacation credits. The payout will be based upon the employee's salary at the time of termination.

Exit Interview:

Prior to leaving, Human Resources will conduct an exit interview using the "Retirement – Exit Checklist" or Employee-Exit Checklist" form.

The exiting employee may choose to fill out the "Employee - Exit Interview & Questionnaire" form.

CLOSING

The Human Resources/Payroll Office will work in conjunction with the insurance company and/or its designee to ensure relevant benefit information is forwarded to the employee at his or her last known address.

Employees must return all City property (keys, uniforms, etc.) to their immediate supervisors prior to being issued their final check from Human Resources/Payroll Office.

The Human Resources/Payroll Office will provide a copy of the City Grievance procedures to all employees who leave employment with the City.





CITY OF MILES CITY

EMPLOYEE – EXIT Checklist

To be Completed by HR/Payroll Office

Name: _____ Date of Resignation/Termination: _____

The following is information that employees leaving the City of Miles City need to be informed about:

- **FINAL PAYCHECK** with accrual payout – Issue Date: _____
 - ☐ **Sick Leave Hours:** _____ * cash compensation pay-out for the unused leave equal to one-fourth the accumulated sick leave
 - Must be employed with the City 3 months to be eligible
 - ☐ **Vacation Hours:** _____
 - Must be employed with the City 6 months to be eligible
 - ☐ **Comp Hours:** _____
- **INSURANCE-** Health, Dental, Vision, Life Insurance: MMIA will send you COBRA information
 - ❖ Date Coverage Ends: _____
 - ❖ Current Address: _____
- **RETIREMENT: Public Employees Retirement Administration Refund Application:**
 - ☐ Not Applicable
 - ☐ **PERS – MPORS – FURS:** As a resigned/terminated employee, you have some decisions to make regarding your account. Please follow the detailed instructions on the application.
- **DEFERRED COMPENSATION**
 - ☐ Deferred Compensation Information/
 - ☐ Optional Deductions: _____
 - On a monthly basis the City updates elected deferred compensation/optional deduction vendors of changes in enrollment
- **EXIT INTERVIEW**
 - ☐ Any feedback regarding your employment with the City is appreciated
 - ❖ Date Completed: _____ Date Declined: _____
- **GRIEVANCE PROCEDURE**
 - ☐ You are receiving this notice of your rights under the Grievance Procedure

❖ I ACKNOWLEDGE RECEIPT OF THIS INFORMATION

Signature: _____ Date: _____



CITY OF MILES CITY

RETIREMENT – EXIT Checklist

To be Completed by HR/Payroll Office

Name: _____ Date of Retirement: _____

The following is information that employees leaving the City of Miles City need to be informed about:

- **FINAL PAYCHECK** with accrual payout – Issue Date: _____
 - ☐ **Sick Leave Hours:** _____ * cash compensation pay-out for the unused leave equal to one-fourth the accumulated sick leave
 - ☐ **Vacation Hours:** _____
 - ☐ **Comp Hours:** _____
- **INSURANCE-** Health, Dental, Vision, Life Insurance (*eligible if under 65 & not on SS Disability*):
 - ☐ **NO to Retiree Insurance Coverage**
 - ✓ Coverage Ends: _____
 - ☐ **YES to Retiree Health:** \$ _____/mo
 - ☐ **YES to Dental** \$ _____/mo
 - ☐ **YES to Vision** \$ _____/mo
 - ☐ **YES to Life** \$ _____/mo
 - ☐ **YES to Additional Life** \$ _____/mo
 - **TOTAL** \$ _____/mo
 - Payment due on: _____
 - MPERA Health Insurance Authorization form provided
- **RETIREMENT**
 - ☐ Not Applicable
 - ☐ **PERS** (form provided): _____
 - ☐ **FURS** (form provided): _____
 - ☐ **MORPS** (form provided): _____
- **MISC**
 - ☐ Deferred Compensation Information
 - ☐ Optional Deductions: _____
 - ☐ Exit Interview: Any feedback regarding your employment with the City is appreciated
 - ☐ **GRIEVANCE:** *Procedure for your group*

❖ I ACKNOWLEDGE RECEIPT OF THIS INFORMATION

Signature: _____ Date: _____



CITY OF MILES CITY

EMPLOYEE - EXIT Interview & Questionnaire

To be Completed by Resigning Employee: Optional

Name: _____ Job Title: _____

Department: _____ Date of Resignation/Termination: _____

Reason for Termination:

☐ Another position ☐ Personal Reasons ☐ Relocation ☐ Retirement

☐ Other: _____

Employee Comments: _____

Interviewer Comments: _____

Questionnaire:

1. What are your primary reasons for leaving? _____

2. What did you find most satisfying about your job? _____

3. What did you find most frustrating about your job? _____

4. As an employee were you given all of the information you needed to perform your job? _____

5. How did you feel about the quality of training you received in your job?_____
- _____
- _____
6. How did you feel about the Department Director/Supervisor in your department?_____
- _____
- _____
7. What was the most common complaint of fellow employees?_____
- _____
- _____
8. How did you feel about your rate of pay in relation to the type of work you did?_____
- _____
- _____
9. Would you refer your friends to the City of Miles City?_____
- _____
10. Is there anything the City of Miles City could have done to prevent you from leaving?_____
- _____
- _____

Employees Signature:_____ Date:_____

Interviewer Signature:_____ Date:_____

SECTION 4

Employee Benefits



City of Miles City



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Health Insurance

Resolution #3756

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that providing health insurance is an important benefit for employees.

POLICY

The City of Miles City maintains a self-funded insurance plan through Montana Municipal Interlocal Authority (MMIA) for full-time employees, retirees, and eligible dependents. Allegiance Benefit Plan Management (Allegiance) is responsible for medical claims administration. The City of Miles City presently, at the date of the adoption of this policy, pays 100% of the premium for the “Madison Plan” for the employee only. The City of Miles City reserves the right to enroll in a different plan of substantial similarity at any time. The Human Resources/Payroll Officer oversees administration of the plan.

PROCEDURE

Insurance coverage begins the 1st day of employment for new hires. Employees may be required to make premium contributions, depending on the dependent coverage the employee chooses. Any deductions will be made directly through payroll, and payments will be split equally between the semi-monthly payroll cycles.

Retirees pay their own premiums, either by making payment directly to the Human Resources/Payroll Office by the 1st of the month, or by authorizing deduction of health insurance premiums from their retirement benefits (preferred method). Authorization forms and deduction changes for retirees must be initiated through the Human Resources/Payroll Office.

If an employee waives coverage for dependent(s) during the initial enrollment, the employee's next opportunity to elect coverage for dependent(s) will be during the open enrollment period of May 15th through June 15th, unless there is a change in family status during the year (birth, death, marriage, divorce, adoption) or loss of coverage.

All employees will receive a "Health Information" packet from the Human Resources/Payroll Office detailing health insurance coverage and expense.

When Coverage Ends:

If an employee terminates before the 15th of the month, coverage is extended to the last day of that month. Employees who terminate after the 15th of the month will have coverage through the last day of the following month.

MMIA will send COBRA benefit information to employees who have resigned or have been terminated from the City.

CLOSING

The Human Resource/Payroll Officer will carefully review plan eligibility for all employees who work less than 40 hours per week.

Employees should contact the Human Resources/Payroll Office for more detailed information regarding insurance coverage during a leave of absence.

Employees who come in with questions about claims will be directed to the customer service department of Allegiance. The City of Miles City cannot handle private health information for its employees. Privacy laws under the Health Insurance Portability and Accountability Act (HIPAA) does enforce violations of private health information breeches and will fully investigate complaints.



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Dental Insurance

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that providing dental insurance is an important benefit for employees.

POLICY

The City of Miles City maintains a self-funded insurance plan through Montana Municipal Interlocal Authority (MMIA). Delta Dental is responsible for dental claims administration for full-time employees, retirees, and eligible dependents. The City of Miles City presently, at the date of the adoption of this policy, pays 100% of the premium for the “Dental Plan I” for the employee only. The City of Miles City reserves the right to enroll in a different plan of substantial similarity at any time. The Human Resources/Payroll Officer oversees administration of the plan.

PROCEDURE

Dental insurance coverage begins the 1st day of employment for new hires. Employees may be required to make premium contributions, depending on the dependent coverage the employee chooses. Any deductions will be made directly through payroll, and payments will be split equally between the semi-monthly payroll cycles.

Retirees and employee dependent(s) are not required to be on the medical insurance plan to be eligible to participate in this coverage, if minimum participation requirements are met.

Retirees pay their own premiums, either by making payment directly to the Human Resources/Payroll Office by the 1st of the month, or by authorizing deduction of dental insurance premiums from their retirement benefits (preferred method). Authorization forms and deduction changes for retirees must be initiated through the Human Resources/Payroll Office.

If an employee waives coverage for dependent(s) during the initial enrollment, the employee's next opportunity to elect coverage for dependent(s) will be during the open enrollment period of May 15th through June 15th, unless there is a change in family status during the year (birth, death, marriage, divorce, adoption) or loss of coverage.

All employees will receive a "Health Information" packet from the Human Resources/Payroll Office detailing dental insurance coverage and expense.

When Coverage Ends:

If an employee terminates before the 15th of the month, coverage is extended to the last day of that month. Employees who terminate after the 15th of the month will have coverage through the last day of the following month.

MMIA will send COBRA benefit information to employees who have resigned or have been terminated from the City.

CLOSING

The Human Resource/Payroll Officer will carefully review plan eligibility for all employees who work less than 40 hours per week.

Employees should contact the Human Resources/Payroll Office for more detailed information regarding dental insurance coverage during a leave of absence.

Employees who come in with questions about claims will be directed to the customer service department of Delta Dental. The City of Miles City cannot handle private health information for its employees. Privacy laws under the Health Insurance Portability and Accountability Act (HIPAA) does enforce violations of private health information breeches and will fully investigate complaints



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Vision Insurance

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that providing vision insurance is an important benefit for employees.

POLICY

The City of Miles City maintains a self-funded insurance plan through Montana Municipal Interlocal Authority (MMIA). VSP Vision Care is responsible for vision claims administration for full-time employees, retirees, and eligible dependents. The City of Miles City presently, at the date of the adoption of this policy, pays 100% of the premium for the "Vision Plan C" for the employee only. The City of Miles City reserves the right to enroll in a different plan of substantial similarity at any time. The Human Resources/Payroll Officer oversees the administration of the plan.

PROCEDURE

Vision insurance coverage begins the 1st day of employment for new hires. Employees may be required to make premium contributions, depending on the dependent coverage the employee chooses. Any deductions will be made directly through payroll, and payments will be split equally between the semi-monthly payroll cycles.

Retirees and employee dependent(s) are not required to be on the medical insurance plan to be eligible to participate in vision coverage, if minimum participation requirements are met.

Retirees pay their own premiums, either by making payment directly to the Human Resources/Payroll Office by the 1st of the month, or by authorizing deduction of vision insurance premiums from their retirement benefits (preferred method). Authorization forms and deduction changes for retirees must be initiated through the Human Resources/Payroll Office.

If an employee waives coverage for dependent(s) during the initial enrollment, the employee's next

opportunity to elect coverage for dependent(s) will be during the open enrollment period of May 15th through June 15th, unless there is a change in family status during the year (birth, death, marriage, divorce, adoption) or loss of coverage.

All employees will receive a “Health Information” packet from the Human Resources/Payroll Office detailing vision insurance coverage and expense.

When Coverage Ends:

If an employee terminates before the 15th of the month, coverage is extended to the last day of that month. Employees who terminate after the 15th of the month will have coverage through the last day of the following month.

MMIA will send COBRA benefit information to employees who have resigned or have been terminated from the City.

CLOSING

The Human Resource/Payroll Officer will carefully review plan eligibility for all employees who work less than 40 hours per week.

Employees should contact Human Resources/Payroll Office for more detailed information regarding vision insurance coverage during a leave of absence.

Employees who come in with questions concerning claims will be directed to the customer service of department of VSP. The City of Miles City cannot handle private health information for its employees. Privacy laws under the Health Insurance Portability and Accountability Act (HIPAA) does enforce violations of private health information breeches and will fully investigate complaints



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Life Insurance

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that providing life insurance is an important benefit for employees.

POLICY

The City of Miles City maintains a self-funded insurance plan through Montana Municipal Interlocal Authority (MMIA). UNUM Life Insurance Company is responsible for life insurance claims administration for full-time employees, retirees, and eligible dependents. The City of Miles City presently, at the date of the adoption of this policy, pays 100% of the premium for “Basic Life and Accidental Death and Dismemberment (AD&D) Plan” for the employee, and 100% for the “Dependent Life Plan”. The City of Miles City reserves the right to enroll in a different plan of substantial similarity at any time. The Human Resources/Payroll Officer oversees the administration of the plan.

PROCEDURE

Life insurance coverage begins the 1st day of employment for new hires.

The employee may obtain Additional Voluntary Term Life and AD&D benefits for themselves and/or dependent child(ren) with premiums paid 100% by the employee. Any deductions will be made directly through payroll and payments will be split equally between the semi-monthly payroll cycles.

Retirees and employee dependent(s) are not required to be on the medical insurance plan to be eligible to participate in life insurance coverage, if minimum participation requirements are met.

Retirees pay their own premiums, either by making payment directly to the Human Resources/Payroll Office by the 1st of the month, or by authorizing deduction of life insurance premiums from their retirement benefit (preferred method). Authorization forms and deduction

changes for retirees must be initiated through the Human Resources/Payroll Office. All employees will be required to submit beneficiary information when completing a life insurance enrollment form. It is the employee's responsibility to report any changes in beneficiary information to the Human Resources/Payroll Office.

If an employee waives coverage for dependent(s) during the initial enrollment, the employee's next opportunity to elect coverage for dependent(s) will be during the open enrollment period of May 15th through June 15th, unless there is a change in family status during the year (birth, death, marriage, divorce, adoption) or loss of coverage.

All employees will receive a "Health Information" packet from the Human Resources/Payroll Office detailing life insurance coverage and expense.

When Coverage Ends:

If an employee terminates before the 15th of the month, coverage is extended to the last day of that month. Employees who terminate after the 15th of the month will have coverage through the last day of the following month.

MMIA will send COBRA benefit information to employees who have resigned or have been terminated from the City.

CLOSING

The Human Resource/Payroll Officer will carefully review plan eligibility for all employees who work less than 40 hours per week.

Employees should contact Human Resources/Payroll Office for more detailed information regarding life insurance coverage during a leave of absence.

Employees who come in with questions concerning claims will be directed to the customer service of department of UNUM. The City of Miles City cannot handle private health information for their employees. Privacy laws under the Health Insurance Portability and Accountability Act (HIPAA) does enforce violations of private health information breeches and will fully investigate complaints.



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Employee Assistance Program

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes in assisting employees in identifying personal problems, which affect work performance and/or their private life and wellness.

POLICY

The City of Miles City maintains a self-funded insurance plan through Montana Municipal Interlocal Authority (MMIA). MMIA has contracted with Reliant Behavioral Health (RBH) to offer this completely confidential Employee Assistance Program (EAP). The EAP can help an employee to privately resolve problems that may interfere with work, family, and life in general. EAP is provided for free to employees and dependents, living at or away from home, as well as household members, related or not. EAP services are always confidential

PROCEDURE


24-Hour Crisis Help – toll-free access for employees or family members experiencing a crisis: #866-750-1327

In-Person Counseling – up to 6 face-to-face counseling sessions for each new issue. For access to qualified local counselors who can help an employee with a variety of problems such as family, parenting, relationship, stress, anxiety and other challenges: #866-750-1327

Online Consultations – convenient access to online consultations with licensed counselors through RBH eAccess at: [www. MyRBH.com](http://www.MyRBH.com)

CLOSING

All employees will receive a “Health Information” packet from the Human Resources/Payroll Office, with detailed information concerning EAP services.

 <p style="text-align: center;">CITY OF MILES CITY PERSONNEL POLICY</p>	Section 4:	Employee Benefits
	Effective:	10/14/2014
	Last Revised:	10/7/2014
Retirement		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To provide an outline of retirement programs and benefits available to the employees of the City of Miles City.

POLICY

It is the policy of the City of Miles City that participation in the retirement system will be made in accordance with the rules and regulations of retirement plans, as well as all applicable Federal and State laws.

- A. Public Employees' Retirement System (PERS):** is administered by Montana Public Employee Retirement Administration (MPERA):
- Membership is Mandatory for all regular full-time employees in a PERS-covered position.
 - Membership is Mandatory if an employee is currently an active or inactive member of PERS and have current contributions on file.
 - Membership is Optional for an employee working 960 hours or less in a PERS-covered position.
 - Membership is Optional if elected to a local government position.
 - If an employee is a retired member of PERS, the working retiree restrictions apply: Section 19-3-1106, MCA.
- ❖ The City and the employees contribute a percentage of Income to the fund as determined by the plan administrator.
- B. Municipal Police Officers' Retirement System (MPORS)** is administered by Montana Public Employee Retirement Administration (MPERA):
- Membership is Mandatory for all Police Officers or eligible employees

- ❖ The City and the employee contribute a percentage of the employee's Base Salary as determined by the plan administrator.
- C. **Firefighters' Unified Retirement System (FURS):** is administered by Montana Public Employee Retirement System (MPERA):
- Membership is Mandatory for all Firefighters or eligible employees
 - Membership is Optional for Part-Paid Firefighters
- ❖ The City and the employee contribute a percentage of the employee's Base Salary as determined by the plan administrator.
- D. **Social Security (FICA):**
- Contributions are Mandatory by all employees, regardless of employment status, with the exception of:
 - ✓ Police Officers and Firefighters hired prior to March 31, 1986
 - ✓ Police Officers and Firefighters hired after March 31, 1986
 - ❖ The City and the employee contribute a percentage of the employee's Gross Wages.
- E. **Medicare:**
- Contributions are Mandatory by all employees, regardless of whether or not they are subject to Social Security taxes.
 - ❖ The City and the employee contribute a percentage of the employees Gross Wages.
- F. **Creditable Time:** As provided by Montana State law, the time an employee has worked for City, County or State Government in the State of Montana, including the Montana National Guard, may be counted towards retirement. Employees may "buy back" military time for inclusion towards retirement.

PROCEDURE

The Human Resources/Payroll Office has on file a copy of each handbook for the Public Employees' Retirement System (PERS), the Montana Firefighters Unified Retirement System (FURS), and the Municipal Police Officers Retirement System (MORPS). New employees will be provided a handbook for their respective retirement. New Employees will be required to complete all necessary retirement paperwork during their "Employee Orientation" process.

CLOSING

Retirement Process: Employees who wish to retire should inform the Human Resources/Payroll Office as soon as possible to receive exit counseling.

All terminating employees will receive information regarding their respective retirement during the "Exit Checklist" process.

Please contact the Human Resources/Payroll Office for information concerning:

- ✓ Purchase Service
- ✓ Withdraw of Funds
- ✓ Update Beneficiary Information
- ✓ Update any other information



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Workers Compensation

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City provides Workers' Compensation Insurance to all City employees to provide a remedy for injuries that occur in the course and scope of employment.

POLICY

The City of Miles City maintains a self-funded Workers Compensation Insurance Plan through Montana Municipal Interlocal Authority (MMIA). Workers Compensation is a no fault, sole remedy insurance. The main objective for the City of Miles City is to return an employee who has suffered a work-related injury or disease return back to work as soon as possible.

Workers Compensation Information:

- A. Injuries and Occupational diseases are covered
- B. An exposure is not covered by workers' compensation unless:
 - ✓ an injury occurs with the exposure; or
 - ✓ a disease is proven to have been caused by the exposure.
- C. An Injury is normally caused by an accident which is:
 - ✓ an unexpected traumatic incident or unusual strain;
 - ✓ identifiable by time and place of occurrence;
 - ✓ identifiable by member or part of the body affected;
 - ✓ caused by a specific event on a single day or during a single work shift.
- D. An Occupational Disease is a disease or medical condition that is not caused by an accident:
 - ✓ arises out of employment or is contracted in the course and scope of employment;
 - ✓ condition established by objective medical findings;
 - ✓ events occurring on more than a single day or work shift are the major contributing cause of the disease or medical condition.

PROCEDURE

Reporting:

Although the Montana Workers' Compensation statutes allow for injuries to be reported to an employer within thirty (30) days of the occurrence, it is strongly recommended that an employee report all injuries to his or her immediate Supervisor and Department Director within twenty-four (24) hours or as soon as possible. An employee has one (1) year to report an occupational disease (once symptoms appear). It is also strongly recommended, whether or not an employee receives medical treatment, that the employee report minor injuries to his or her immediate Supervisor and/or Department Director.

Employees are responsible for reporting all injuries to their immediate supervisor and Department Director within twenty-four (24) hours, or soon as possible. Once an employee has reported his or her injury, a First Report of Injury and/or Occupational Disease form will be completed by the Human Resources/Payroll Office, signed by the employee and submitted to the workers' compensation insurance carrier within six (6) days of the report.

Claims must be completed by the Human Resource/Payroll Officer with assistance from the employee involved and only:

- When paid medical treatment will be necessary (beyond on-the-job first aid).
- When there is lost time from work (with a note from treating physician).
- When the employee requests a claim to be filed.

Benefits:

Worker's Compensation benefits consist of two parts:

- Medical Benefits
- Wage Loss Benefits

The medical benefits cover allowable medical cost associated with the injury.

Wage loss benefits begin after the injured employee has been unable to work for thirty-two (32) scheduled work hours or four (4) days, whichever comes first. An employee is eligible for compensation starting with the fifth (5) day. If the employee is totally disabled and unable to work in any capacity for twenty-one (21) days or longer, compensation must be paid retroactively to the first day of total wage loss. An employee who is entitled to receive retroactive compensation benefits, but took sick leave may elect to repay the City the amount of salary for the sick leave received, or waive the retroactive payment of benefits.

The employee will receive compensation benefit equal to the average actual earnings for the four pay periods immediately preceding the injury. An exception is if the term of employment for the same employer is less than four pay periods, the employee's wage is the hourly rate times the number of hours in a week for which the employee was hired to work.

- The rate is based on 66 2/3% of the employee's average weekly wage at the time of injury.
- The maximum weekly compensation benefits may not exceed the state's average weekly

- wage at the time of injury.
- Usage of vacation leave by a worker may not affect the worker's eligibility for temporary total disability benefits.
- Augmentation of temporary total disability benefits with sick leave by an employer pursuant to a collective bargaining agreement may not disqualify a worker from receiving temporary total disability benefits.

Specific to Police Officers and Firefighters: Pursuant to MCA 7-32-4132 and 7-33-4133, Police Officers and Firefighters who are injured in the line of duty will receive additional compensation from the City in an amount equal to the difference between compensation paid by workers' compensation and his or her regular net pay. Police Officers and Firefighters continue to accrue sick and vacation leave credits while off work due to a work related injury or disease.

- The calculations on the above City payment will be done by subtracting the workers' compensation payment from the Officer's or Firefighters adjusted gross salary (less taxes and retirement).
- All other personal payment obligations that the Police Officer or Firefighter may have authorized as payroll deduction payments will be the responsibility of the employee.
- This additional compensation is only payable until the disability has ceased, as determined by workers compensation, or for a period not to exceed one (1) year, whichever occurs first.

The employee will be responsible to remain in close contact with his or her Department Director, and furnish the Director with current physician's reports on his or her physical condition.

CLOSING

Employees will be carried in "employment status" for a period of three (3) months while on Workers' Compensation leave. Extensions of this time may be granted by the Mayor upon submission of evidence from the treating physician that the employee will be able to return to work within a reasonable time and be able to perform the essential functions of the position. If the employee's physician does not release the employee to return to his or her former position within this time frame, the City may elect to terminate the employee.

- An injured worker who was terminated in accordance with this policy, is capable to return to work within two (2) years from the date of injury, has received a medical release to return to work, will be given a preference over other applicants for a comparable position that becomes vacant, provided the position is consistent with the workers physical condition and work abilities.

Whenever possible, light duty will be made available to the employee upon authorization of the physician. Please reference the City of Miles City "Early Return to Work" policy.



CITY OF MILES CITY PERSONNEL POLICY

Section 4:

Employee
Benefits

Effective:

10/14/2014

Last Revised:

10/7/2014

Early Return to Work

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes providing an Early Return to Work Program is a benefit to City employees who suffer work-related injuries or occupational diseases so that they may return to work as soon as medically appropriate to a temporary position with modified work duties.

POLICY

The City of Miles City strives to promote a successful recovery from a work-related injury or illness and has set up these guidelines for Department Directors to follow when a position may be temporarily modified to accommodate the injured employee's physical limitations, thereby allowing him or her to return to work at the earliest medically appropriate date.

PROCEDURE

The Department Director, Human Resources/Payroll Officer and the injured employee working in conjunction with the employee's physician shall, if medically appropriate, strive to implement a program that will meet the needs of the injured employee and the needs of the City that will permit the employee's return to a transitional employment position. At no time will an employee be assigned to perform work that could pose a safety and/or health risk to the employee or others.

For the injured employee to be authorized to participate in the Early Return to Work program, the employee shall obtain a return-to-work recommendation from his or her physician detailing:

- Physical Limitations;
- Estimated return to work date for both full duties and modified duties.

Upon receipt of the physician's recommendation, the Department Director and Human Resources/Payroll Officer shall work to develop a transitional employment program, if medically feasible. This may include reducing the number of hours worked in a shift or redesigning duties to create safe, meaningful and productive work for the employee.

Transitional employment: includes only short-term duties having some or all of the following

characteristics:

- Limited physical ability requirements;
- Can be taught to the injured employee quickly;
- May be subject to a flexible work schedule, including shortened workdays;
- Will minimize exposure of the worker to further injury and will not slow down the worker's recovery time.

Steps in Transitional Employment:

1. The job duties of the transitional position shall be communicated to the employee. The employee shall have the opportunity to suggest adjustments to accommodate the employee's needs and restrictions.
 - As the employee's condition improves, job duties shall be reviewed and modified.
2. Once the job description is approved, the offer of transitional employment shall be extended to the injured employee.
 - a. Transitional employment is temporary and must have a designated start date and end date set at the time of the employee's return to work.
 - b. The end date may be extended if the employee requires additional time to recover, or the employee may be assigned to other transitional duties with a specific start and end date.
 - c. Transitional employment assignments will normally not exceed a term of forty-five (45) days. In extra ordinary cases, the temporary assignment may be extended for an additional forty-five (45) days.
 - d. At any time it appears the employees are not showing sufficient improvement in their condition, they are to be returned back to sick leave to allow them additional recovery time.
3. The employee must notify the Worker's Compensation Claims Adjuster of the offer so any adjustment to wage benefits may be made. This adjustment occurs whether the employee accepts the offer of employment or not.
4. The City will notify the Claims Adjuster when the employee accepts or refuses the offer for the purpose of calculating wage benefits adjustments.
 - If the injured employee refuses an offer of transitional employment, it is possible that the employee may lose wage benefits paid by Worker's Compensation.

CLOSING

Department Directors and Supervisors are key players in promoting safety at work, encouraging workers to return to their jobs, keeping costs associated with accidents and work-related illnesses low, and managing the work so productivity is not lost while the employee is temporarily disabled.

All information, including medical information that is obtained by an injured worker to participate in this Return to Work program, is confidential. This information will not be used or disclosed for any purpose other than:


- Providing return to work program services to the injured worker;
- Managing and administering the return to work program by the City of Miles City;
- Advising the City's workers compensation carrier for purposes of administering workers' compensation benefits for the injured worker.

SECTION 5

Leave Administration



City of Miles City

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	3/18/2015
Vacation Leave		
Resolution #3788		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that vacation time is earned based upon years of service and is an important benefit to City employees.

POLICY

It is the policy of the City of Miles City to administer and grant annual vacation leave in accordance with Title 2, Chapter 18, Part 6 of the Montana Code Annotated.

A. Eligible Employees: Employees who have by statute met the six (6) month qualifying period and are considered:

1. Regular Full-Time Employees;
2. Regular Part-Time Employees (hours earned pro-rated);
3. Temporary Full-Time Employees;
4. Temporary Part-Time Employees (hours earned pro-rated);
5. Seasonal Employees (hours earned pro-rated).

- Short term employees do not earn leave or time toward the rate earned.

Employees must be employed with the City of Miles City for six (6) consecutive or qualifying months before the employee can use earned vacation. Part-time employees are entitled to pro-rated vacation benefits if they have regularly scheduled work assignments and have worked six (6) consecutive months.

B. Vacation Leave Credits: The earned number of vacation hours an employee is eligible to use upon completion of the qualifying period.

PROCEDURE

A. Calculation of Vacation Leave Credits:

Vacation leave credits shall be earned at a yearly rate calculated in accordance with the following schedule, in which one (1) year equals 2,080 hours of work:

VACATION RATE EARNED SCHEDULE		
YEARS OF SERVICE	VACATION HOURS PER YEAR	WORKING DAYS CREDIT PER YEAR
1 day up to 10 years	120 hours	15
10 years up to 15 years	144 hours	18
15 years up to 20 years	168 hours	21
20 years or more	192 hours	24

*Overtime hours are not counted in the calculation of vacation credits earned.

B. Rules Applied to Vacation Leave:

- Employees begin earning leave credits the first day of employment.
- Vacation leave credits earned are credited at the end of each pay period.
- No vacation time leave with pay shall be granted in advance of credits earned.
- An employee may not accrue vacation leave credits while in a leave-with-out pay status.
- An employee must continuously be employed for the qualifying period of six (6) months to be eligible to take or receive cash compensation for vacation leave upon termination.
- An employee is only required to serve the qualifying period once.
 - However, in the event of a break in service, an employee must again complete the qualifying period to be eligible to use vacation leave.
- Seasonal employment: accrued vacation leave credits may be carried over to the next season. If annual vacation leave credits are carried over, employment in two (2) or more seasons is continuous employment and can be counted toward the six (6) month qualifying period.
- Vacation leave taken over a holiday may not be charged to an employee's vacation leave for that day.

C. Vacation Leave Requests:

Prior to the date of requested leave, employees will submit all vacation leave requests on a "Leave Time Authorization" form to their Department Director for approval.

The dates when employee's vacation leave shall be granted shall be determined by agreement between each employee and his or her Department Director, with regard to the best interest of the City, as well as the best interests of each employee. Where the interest of the City requires the employee's attendance, the City's best interest overrides the employee's interest.

D. Transferred Employees:

If an employee is transferred between departments, the employee will not be entitled to a lump sum pay for accrued vacation leave credits. The department receiving the transferred employee

shall assume the liability for the accrued vacation credits earned.

E. Prior Service with another Montana Agency:

To be eligible to claim prior employment hours from another Montana Agency (meaning any legally-constituted department, board or commission of State, County, or City Government or any political subdivision thereof), towards an employee's vacation accrual rate, an employee must fill out a "Certification of Prior Employment Hours for Annual Vacation Leave Rate Earned" form and submit it to the Human Resources/Payroll Office.

F. Leave of Absence:

If an employee who has not worked the qualifying period required for use of annual vacation leave takes an approved continuous leave of absence without pay exceeding fifteen (15) working days, the amount of time on leave of absence will not count toward completion of the qualifying period.

A leave of absence exceeding fifteen (15) days is not a break in service and the employee will not lose any accrued annual leave credits or lose credit for time earned toward the qualifying period.

An approved continuous leave of absence without pay of fifteen working days or less will be counted as time earned toward the 6 (six) month qualifying period.

CLOSING

A. "Use it or Lose it":

The maximum accumulation of vacation leave allowed is twice the number of days the employee earns annually as of the end of the first pay period of the next calendar year. Excess vacation time is not forfeited if taken within ninety (90) days from the last day of the calendar year in which the excess was accrued. (March 31st)

Max Vacation Hours prior to "Use it or Lose it"		
YEARS OF SERVICE	VACATION HOURS PER YEAR	MAX ACCUMULATION OF VACATION HOURS
1 day up to 10 years	120 hours	240 hours
10 years up to 15 years	144 hours	288 hours
15 years up to 20 years	168 hours	336 hours
20 years or more	192 hours	384 hours


Department Directors are responsible for actively managing vacation leave for department employees by providing reasonable opportunity for an employee to use, rather than forfeit, accumulated vacation leave. Directors are encouraged to work with an employee who has an excess vacation leave balance as early as possible in the ninety (90) day window (or at any time the employee's leave balance exceeds two (2) times the annual vacation accrual rate) in order to

allow the employee to avoid forfeiture of excess leave.

- ✓ Department Directors will receive “Vacation Accrual” reports every payroll cycle.
- ✓ The Human Resources/Payroll Office will send out “Use it or Lose It” notices to all employees with excess vacation time, with a copy to and their Directors, on or before December 1st.

B. Lump Sum Payment Upon Separation:

Upon separation from the City, an employee who has worked the qualifying period, will receive a lump sum payment of the pay attributed to unused vacation leave. The payment will be computed at the employee’s rate of compensation at the time of termination.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	10/25/2016
Sick Leave		
Resolution #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that sick leave is earned based upon months of service, and is an important benefit to City employees.

POLICY

It is the policy of the City of Miles City to administer and grant sick leave in accordance with Title 2, Chapter 18, Part 618 of the Montana Code Annotated.

- A. Eligible Employees:** Employees who have by statute met the ninety (90) day qualifying period and are considered:

1. Regular Full-Time Employees;
2. Regular Part-Time Employees (hours earned pro-rata);
3. Temporary Full-Time Employees;
4. Temporary Part-Time Employees (hours earned pro-rata);
5. Seasonal Employees (hours earned pro-rata).

- Short term employees do not earn leave or time toward the rate earned.

- A. Sick Leave Credits:** The earned number of sick leave hours an employee is eligible to use upon completion of the qualifying period.

PROCEDURE

- A. Conditions of Use of Sick Leave:**

- Illness;
- Injury;
- Medical disability;
- Maternity-related disability: including prenatal care, birth, miscarriage or other medical care for either employee, child or spouse;
- Parental Leave;
- Quarantine resulting from exposure to contagious disease;
- Medical, dental or eye examination or treatment;
- Necessary care or attendance to an immediate family member (or, at the Department Director's discretion, another relative) for the above reasons until other attendance can reasonably be obtained; and
- Death or funeral attendance for an immediate family member or, at the Department Director's discretion, another person.

B. Calculation of Sick Leave Credits:

Sick leave credits shall be earned at a yearly rate calculated in accordance with the following schedule, in which one (1) year equals 2,080 hours of work.

C. Rules Applied to Sick Leave:

- Employees begin earning leave credits the first day of employment.
- Full-time employees earn sick leave at a rate of eight (8) hours per month.
- Part time employees earn sick leave on a pro-rated basis, depending on how many hours are worked.
- Sick leave credits earned are credited at the end of each pay period.
- No sick time leave with pay shall be granted in advance of credits earned.
- An employee may not accrue sick leave credits while in a leave-without-pay status.
- An employee must continuously be employed for the qualifying period of three (3) months to be eligible to take or receive cash compensation for sick leave upon termination.
 - Cash compensation pay-out for unused sick leave is equal to one-fourth the accumulated sick leave credits.
- An employee is only required to serve the qualifying period once.
 - However, in the event of a break in service, an employee must again complete the qualifying period to be eligible to use sick leave.
- Seasonal employment: accrued sick leave credits may be carried over to the next season, or paid out as a lump-sum when the season is over, provided the employee has served the qualifying time.
- There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability.
- Sick leave taken over a holiday may not be charged to an employee's sick leave for that day.

D. Sick Leave Requests:

An employee shall notify his or her Supervisor and/or Department Director of the need to use sick leave as soon as possible prior to the commencement of his or her shift, or as soon as possible thereafter in the case of an emergency.

Employees will submit all sick leave requests on a "Leave Time Authorization" form to their Department Directors as soon as they return.

E. Sick Leave in Excess of Three (3) Continuous Working Days:

- A written medical certification from a qualified physician or healthcare provider which states that the employee is unable to work as a result of a sickness, injury or qualifying medical condition may be requested by the employee's Department Director for any sick leave in excess of three (3) continuous working days.
 - Sick leave records will be forwarded to the Human Resource/Payroll Office to be filed in the employee's confidential medical file.
- At the City of Miles City request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure that the employee can complete the necessary functions of the position.

F. Transferred Employees:

If an employee is transferred between departments, the employee will not be entitled to a lump sum payout for accrued sick leave credits. The department receiving the transferred employee shall assume the liability for the accrued sick credits earned.

G. Sick Leave Substituted for Annual Leave:

At the Department Director's discretion, an employee who experiences an appropriate use of sick leave as defined in the policy while taking approved vacation leave may be allowed to substitute accrued sick leave credits for vacation leave credits.

A. Leave of Absence:

If an employee who has not worked the required qualifying period for use of sick leave and takes an approved continuous leave of absence without pay exceeding fifteen (15) working days, the amount of time for the leave of absence will not count toward completion of the qualifying period.

A leave of absence exceeding fifteen (15) days is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period.

An approved continuous leave of absence without pay of fifteen working days or less will

be counted as time earned toward the 3 (three) month qualifying period.

B. Abuse of Sick Leave:


The Department Director has the responsibility to monitor the use of sick leave in his or her department.

- Misrepresentation of the actual reason for charging an absence to sick leave, or chronic, persistent or patterned use of sick leave, constitutes abuse of the sick leave benefit. Abuse is subject to progressive discipline, up to termination and forfeiture of the lump sum payment.
- Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the City.

CLOSING

A. Lump Sum Payment Upon Separation:

Upon separation from the City, an employee who has worked the qualifying period will receive a lump sum payment equal to one-fourth of the pay attributed to unused sick leave. The payment will be computed at the employee's rate of compensation at the time of termination.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	9/23/2014
	Last Revised:	9/17/2014
Sick and Vacation Leave Donations		
Resolution #3746		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that donation of sick and vacation leave is an important benefit to City employees.

POLICY

It is the policy of the City of Miles City for employees who are eligible to use their accrued sick and vacation leave to donate hours to be used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness, injury, medical disability or a maternity-related disability, including prenatal care, birth, miscarriage or other medical care for either the employee, child, or spouse.

PROCEDURE

A. Eligibility Requirements for an Employee to Receive Donations of Sick Leave Credits:

1. An employee must continuously be employed for the qualifying period of three (3) months to be eligible to receive sick leave donation
2. An employee, child or spouse must have an illness, injury or other qualifying condition that results in an employee's absence of at least ten (10) working days.
3. An employee must have exhausted all of their accrued sick leave time.
4. An employee must not be eligible for Workers' Compensation benefits.
5. Employees must have their Department Director's approval for the leave and the receipt of the sick leave donation.
 - ➔ The Department Director shall require medical certification be submitted to the Human Resources/Payroll Office prior to the receipt of donated hours.

B. Donation of Sick Leave Credits:

1. The donation is based on the number of hours (credits), not on rate of pay.
2. One donated credit will be subtracted from the donating employee's sick accruals for every one credit added to the recipient employee's sick leave.
3. Donating employees must have a minimum balance of one-hundred twenty hours (120) hours sick leave credits remaining after the donation.
4. Employees may donate up to forty (40) hours of sick leave to an individual employee during a twelve (12) month period.
5. Employees may receive a total of four hundred eighty (480) credit hours of donated sick leave per twelve (12) month period.
6. Donation of credits, once made, cannot be rescinded by the donating employee, subject to the qualification in 7 below.
7. Donated credits used by the recipient employee will be used on a first donated first used basis and paid each pay period. Credits not used by the recipient are not deducted from donors' sick leave accrual.

C. Receipt of Sick Leave Credits:

1. One sick leave credit will be added to the recipient employee's sick leave account for every sick leave credit donated.
2. An employee may receive a total of four hundred and eighty (480) credit hours of donated leave credits per twelve month period.

D. Eligibility Requirements for an Employee to Receive Donations of Vacation Leave Credits:

1. An employee must continuously be employed for the qualifying period of six (6) months to be eligible to receive vacation leave donation.
2. An employee, child or spouse must have an illness, injury or other qualifying condition that results in an employee's absence of at least ten (10) working days.
3. An employee must have exhausted all of their accrued sick leave time.
4. An employee must not be eligible for Workers' Compensation benefits.
5. Employees must have their Department Director's approval for the leave and the receipt of the vacation leave donation.
→ The Department Director shall require medical certification be submitted to the Human Resources/Payroll Office prior to the receipt of donated hours.

E. Donation of Vacation Leave Credits:

1. The donation is based on the number of hours (credits), not on rate of pay.
2. One donated credit will be subtracted from the donating employee's vacation accruals for every one credit added to the recipient employee's vacation leave.

3. Donating employees must have a minimum balance of eighty (80) hours vacation leave credits remaining after the donation.
4. Employees may donate up to sixty (60) hours of vacation leave to an individual employee during a twelve (12) month period.
5. Employees may receive a total of four hundred eighty (480) credit hours of donated vacation leave per twelve (12) month period.
6. Donation of credits, once made, cannot be rescinded by the donating employee, subject to the qualification in 7 below.
7. Donated credits used by the recipient employee will be used on a first donated first used basis and paid each pay period. Credits not used by the recipient are not deducted from donors' vacation leave accrual.

F. Sick & Vacation Leave Donation Form:

1. To make a sick or vacation leave donation, employees must fill out the "Sick Leave Donation" form or "Vacation Leave Donation" forms and submit it the Human Resources Payroll Office.

CLOSING

Employees terminating their employment with the City of Miles City shall not be entitled to a cash payout of any donated sick or vacation leave credits.



CITY OF MILES CITY SICK LEAVE DONATION FORM

To be Submitted to the Human Resources/Payroll Office

Information for Donating Employee:

1. To make a SICK leave donation, complete and sign "Section I".
2. You may donate up to 40 hours of your sick leave to an individual City employee during a 12 month period.
*You must have a sick leave balance of 120 hours remaining after you make the donation.
3. If some or your entire donation is not needed, those hours will be returned to your sick leave balance.

SECTION I: To be completed by Donating Employee

I wish to donate _____ hours of sick leave to: _____

Donating Employee's Signature

Date

SECTION II: To be completed by the Human Resources/Payroll Office

Pursuant to the Sick Leave Donation Policy, I certify the above named donor employee has a sick leave balance of at least 120 hours after making this donation and that the employee has not contributed more than 40 hours of sick leave in the past 12 months to this individual employee.

The sick leave balance has been debited by: _____ hours on pay period ending: _____.

The recipient has been given: _____ sick hours in the last 12 months.

Human Resources/Payroll Officer

Date

SECTION III: To be completed by Department Director

Pursuant to the Sick Leave Donation Policy, I certify the above named recipient employee is eligible to receive a sick leave donation and is on an approved Leave of Absence.

Department Director

Date

_____ *hours of sick leave have not been used and will be credited back to the donor's account.*

Human Resources/Payroll Officer

Date



CITY OF MILES CITY

VACATION LEAVE DONATION FORM

To be Submitted to the Human Resources/Payroll Office

Information for Donating Employee:

1. To make a VACATION leave donation, complete and sign "Section I".
2. You may donate up to 60 hours of your vacation leave to an individual City employee during a 12 month period.
*You must have a vacation leave balance of 80 hours remaining after you make the donation.
3. If some or your entire donation is not needed, those hours will be returned to your vacation leave balance.

SECTION I: To be completed by Donating Employee

I wish to donate _____ hours of vacation leave to: _____

Donating Employee's Signature

Date

SECTION II: To be completed by the Human Resources/Payroll Office

Pursuant to the Vacation Leave Donation Policy, I certify the above named donor employee has a vacation leave balance of at least 80 hours after making this donation and that the employee has not contributed more than 60 hours of vacation leave in the past 12 months to this individual employee.

The vacation leave balance has been debited by: _____ hours on pay period ending: _____.

The recipient has been given: _____ vacation hours in the last 12 months.

Human Resources/Payroll Officer

Date

SECTION III: To be completed by Department Director

Pursuant to the Vacation Leave Donation Policy, I certify the above named recipient employee is eligible to receive a vacation leave donation and is on an approved Leave of Absence.


Department Director

Date

____ hours of vacation leave have not been used and will be credited back to the donor's account.

Human Resources/Payroll Officer

Date

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	3/18/2015
Holiday Leave		
Resolution #3788		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that Legal State holidays are an important benefit to City employees.

POLICY

It is the policy of the City of Miles City to observe the following Legal State holidays:

Legal State Holiday	Date
New Year's Day	January 1 st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25 th
Every day in which a General Election is held throughout the State of Montana	

If any of the above holidays fall on a Sunday, the following Monday is a holiday. If the holiday falls on a Saturday, the preceding Friday is a holiday.


PROCEDURE

A. Holiday Benefits and Eligibility Requirements:

1. An employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday. The employee will receive either holiday benefits for working on the day the holiday is observed or for working on the actual holiday, but not both.
2. All full-time regular or seasonal status employees shall receive regular scheduled work hours off with pay for days observed as legal holidays or authorized proclaimed workdays off, provided they are in an active pay status on either the last regularly scheduled working day prior to the holiday or the first regularly scheduled working day after the holiday. Employees whose first day of work is the day after a holiday are not eligible for holiday pay. If an employee's last day of work is the day before a holiday he or she will not receive holiday pay.
3. All part-time regular or seasonal status employees shall receive holiday pay on the following prorated basis:
 - Average less than 20 hours per week in previous pay period = 2 hours
 - Average 20-24 hours per week in previous pay period = 4 hours
 - Average 25-29 hours per week in previous pay period = 5 hours
 - Average 30-34 hours per week in previous pay period = 6 hours
 - Average 35-39 hours per week in previous pay period = 7 hours
4. A short-term worker is not eligible to receive holiday benefits.
5. Non-Exempt employees who are called to work or required to work by their Directors on a legal holiday for which they would regularly be scheduled a day off with pay, shall be eligible to receive payment at a rate of one and one half times their normal pay rate for the hours worked.
6. Exempt employees who are required to work on a legal holiday, for which they are entitled to a day off with pay, shall be eligible to receive compensatory time at a rate of one hour earned for one hour worked.

CLOSING

The Mayor or Department Directors reserve the right to require an employee to work on the day a holiday is observed.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	3/18/2015
Jury Duty and Witness Leave		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that it is the civic duty of each City employee to serve on a jury or testify in a Court proceeding if the employee is properly summoned or subpoenaed.

POLICY

It is the policy of the City of Miles City that a City employee shall be eligible to serve as a witness in court, judicial proceeding, administrative proceeding, or serve jury duty when properly subpoenaed or summoned.

PROCEDURE

A. Notification:

1. An employee shall complete an employee leave request form and inform his or her Department Director of the date and anticipated length of absence as soon as possible after being summoned or subpoenaed.
2. An employee will be required to furnish a copy of the summons or subpoena with the leave request form.

B. Rate of Compensation:

1. Employees may take leave with pay (without use of vacation or compensatory credits) and forward any payment received from the court to the Human Resources/Payroll office within three (3) working days of receiving said payment.
 - Expenses such as reimbursement for parking, mileage and meals are excluded.
2. Employees may keep all costs associated with court proceedings, but must take vacation leave credits or compensatory credits during their absence from the City.

CLOSING

An employee who is properly serving as a witness in court, judicial proceeding, administrative proceeding, or serving jury duty will continue to earn and accrue all benefits that the employee would normally earn.

The Mayor or Department Directors reserve the right to request the court to excuse their employees from jury duty if they are needed for the proper operation of a department.



CITY OF MILES CITY PERSONNEL POLICY

Section 5:

Leave
Administration

Effective:

3/24/2015

Last Revised:

10/25/2016

Military Leave

Resolution #3999


- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

The City of Miles City shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

 <p>CITY OF MILES CITY PERSONNEL POLICY</p>	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	3/18/2015
Disaster and Emergency Leave		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To establish uniform procedures for managing leave during a disaster or emergency for employees of the City of Miles City.

POLICY

It is the policy of the City of Miles City to grant leave in the event of a disaster or emergency in compliance with this policy and with policies or laws relating to military leave, annual vacation leave, sick leave, leave of absence without pay and compensatory time.

PROCEDURE

A. Declared Disaster or Emergency:

The Governor, through executive order, may authorize temporary paid time off to employees when a worksite is closed because of a local disaster or emergency as provided in Title 10, Chapter 3, Parts 1 -4, MCA. Additionally, agencies may authorize, with approval by the governor, paid time off to employees when faced with a temporary localized worksite closure due to a situation not rising to the level of a disaster or emergency declared by the Governor. Finally, agencies are authorized to grant employees up to 15 (fifteen) days per calendar year of paid leave to participate in specialized disaster relief services for the American Red Cross (2-18-627, MCA).

Employees will receive approved paid time off only for regularly scheduled hours.

B. Affected Employees and Paid Time Off:

When the Governor declares a disaster or emergency pursuant to 10-3-302 & 303, MCA, and authorized temporary paid time off to employees, those affected shall receive paid time off. The time off shall not be deducted from employees' accrued leave time or compensatory time.

Typically, employees are affected by a disaster or emergency when their lives and the lives of immediate household members, or their personal property, is endangered during a declared disaster or emergency. A City employee who is a member of the Montana National Guard and who is ordered to active Federal or State service by competent authority is not an affected employee under this policy.

Following a declaration of a disaster or emergency by the Governor, each Department Director shall decide on a case-by-case basis whether employees are affected and the period of time for which employees should receive paid time off, consistent with the terms of the executive order. Employees requesting emergency leave under this policy must state the reasons why they are “affected by” the emergency.

Employees who are not affected and report for work and perform regular duties and responsibilities during a declared disaster or emergency will be paid their normal salary.

C. Worksite Closure and Paid Time Off:

- 1. Closure of City-Controlled Facilities:** A Department Director may declare an affected worksite closed when the site is under his or her authority and with the approval of the Mayor or his or her designee.
- 2. Close of Non-City-Controlled Facilities:** In some cases, employees may be temporarily or permanently assigned to a worksite that is not a City-Controlled Facility. These facilities may be ordered closed by the appropriate authorities without seeking the Mayors approval.

A. Paid Time Off:

When facilities are ordered closed by those with the authority to do so, and under circumstances similar to those described in this policy, affected employees may receive paid disaster and emergency leave with the approval of the Mayor or his or her designee.

In the event of an approved worksite closure, Department Directors may choose to temporarily reassign employees to alternate worksites or approve paid disaster and emergency leave. The Department Director or Mayor shall determine which employees are affected by the worksite closure and which will be reassigned to alternate worksites.

Employees will receive paid time off only for regularly scheduled work hours occurring during a worksite closure.

Employees who voluntarily report for work and perform their regular duties during the closure of an affected worksite will be paid their normal salaries.

Employees will earn compensatory time in addition to their normal salary if management requires they remain at work or requires they report to work to perform essential services during the closure of an affected worksite. This provision applies to exempt and non-exempt positions. All

overtime provisions also apply.

B. Personal Disaster or Emergency:

Situations may occur when employees are affected by a personal disaster or emergency that does not rise to the level of a declaration by the Governor. In these cases, employees may take approved annual leave, compensatory time or a leave of absence without pay. Employees may only use sick leave for reasons qualifying under the Sick Leave Policy.

C. Volunteer Services:

- **Certified American Red Cross Disaster Volunteer:** A member of the Red Cross Disaster Services Human Resources System (DSHRS) who has completed the American Red Cross specialized training program for disaster volunteers and is certified by the American Red Cross as a disaster service technician, specialist, coordinator, or officer.

During a disaster or emergency, employees may wish to volunteer their time towards the recovery effort. Employees must receive Department Director approval prior to taking disaster and emergency leave for volunteer purposes.

Employees who wish to provide volunteer service during a disaster or emergency and who are not certified American Red Cross disaster volunteers may request to take annual vacation leave, accrued compensatory time, or leave of absence without pay. Employees may only use sick leave for reasons qualifying under the Sick Leave Policy. If requested by agency management, an employee must provide written verification of participation in the emergency recovery.


Under the provisions of 2-18-627, MCA, full time employees who are certified American Red Cross Disaster Volunteers may request up to 15 (fifteen) days (or a total of 120 hours) paid time off annually. The paid time off shall not be deducted from the employees' accrued leave if they are called upon by the American Red Cross to provide specialized disaster relief services. This leave may not be "saved" or carried over from year to year.

Employees must include verification of the request for services from the American Red Cross when requesting leave.

Employees on approved leave as certified American Red Cross Disaster Volunteers shall be paid their regular rate for regularly scheduled hours without loss of longevity, pay, accrued leave or compensatory time. Employees on approved leave are not eligible for overtime, regardless of the number of hours volunteered. The City of Miles City is not liable for employee expenses associated with the volunteer effort.

CLOSING

Any questions concerning employees' rights should be directed to the Human Resources/Payroll

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	10/25/2016
Maternity and Parental Leave		
Resolution #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

POLICY

It is the policy of the City of Miles City to grant unpaid leave of absence for maternity and parental leave:

- Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery.
- Parental leave is an unpaid leave of absence not to exceed fifteen (15) working days available to birth fathers or permanent employees who are adopting a child.

Eligible employees taking maternity or parental leave concurrently with Family and Medical Leave Act (FMLA) leave must follow the FMLA Leave Policy (*Family and Medical Leave Policy*) requirements. The FMLA Leave Policy takes precedence over this policy.

PROCEDURE

A. Requesting Leave:

1. Employees requesting maternity or parental leave should give at least give a 30-day advance oral or written notice of the need to take leave, or as soon as practical when advance notice is not possible.
 - The leave request should include the anticipated length of absence and the employee's intended use of accrued paid leave while on maternity or parental leave.

B. Maternity Leave Use:

1. A reasonable leave is determined case-by-case and is based up on the employee's ability to perform her job. In the case of normal pregnancy and delivery, Department Directors must grant a minimum of six (6) calendar weeks after the birth of a child as a reasonable period for recovery.

2. Leave may be longer if the employee is unable to perform her job prior to delivery or if there are complications like illness or surgical delivery. If the Department Director and the employee cannot agree on a reasonable period for maternity leave, the Mayor, in consultation with the Human Resource Officer, should rely on the judgment of the employee's medical provider.
3. An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of leave following the birth of a child. However, the Mayor, in consultation of the Human Resource Officer, may require the employee to provide medical certification to extend the maternity leave beyond the minimum six (6) calendar week period. The certification should state that the employee is unable to perform her employment duties and give the estimated duration of the extended leave.
4. The employee is responsible for providing timely, complete, and sufficient medical certification. The employee must provide the certification within fifteen (15) calendar days after the Department Director's request, unless it is not practicable to do so despite an employee's diligent, good-faith effort.
5. Department Directors should not ask employees probing questions regarding their medical conditions that may elicit genetic information about an employee or an employee's family members.

C. Parental Leave Use:

1. Parental leave is available to birth fathers, and non-birthing mothers who are in the same sex marriage, immediately following a child's birth, or to permanent employees who are adopting a child.
2. The employee's Department Director must approve a reasonable leave of absence, not to exceed fifteen (15) working days, for parental leave immediately following the birth of a child or placement of a child with the employee for adoption.
3. The employee's Department Director, in consultation with the Human Resource Officer, may approve less than fifteen (15) working days, if he or she determines the length of leave requested is unreasonable. The Department Director, in consultation with the Human Resource Officer, must provide the employee with a written response explaining why the request is unreasonable. The written notice must also include the length of leave considered reasonable and approved.

D. Accrued Paid Leave Use:

1. Both maternity and parental leaves are unpaid. However, employees may use accrued paid leave concurrently with maternity or parental leave. Employees must request the use of additional leave consistent with City policy applicable to the type of leave requested.
2. The City limits the use of sick leave to fifteen (15) days for birth fathers and adoptive parents, unless the absence qualifies for the use of sick leave for another reason and the City has

chosen to treat non-birthing mothers in a same sex marriage the same as birth fathers for purposes of this policy.

E. Concurrent FMLA Leave:

1. Eligible employees may take up to twelve (12) weeks of FMLA leave for the birth or adoption of a child. Maternity and parental leave run concurrently with FMLA leave. Maternity and parental leave should count towards an eligible employee's FMLA leave entitlement. Employees may not use maternity or parental leave to extend the length of FMLA-leave entitlements.
2. When eligible employees take maternity or parental leave concurrently with FMLA leave, the FMLA policy requirements take precedence over this policy. Department Directors and the employee must follow all medical certification procedures and timelines required by the FMLA Leave Policy and Federal regulations.

F. Reinstatement:

1. Employees returning to work at the end of a reasonable leave of absence for a maternity or parental leave must be reinstated to their original job or to an equivalent position with equivalent pay and accumulated longevity, retirement, and leave benefits.

CLOSING

Prohibited Acts:

1. As provided in 49-2-310, MCA, it is unlawful to:
 - a. Terminate employment because of pregnancy;
 - b. Refuse to grant the employee a reasonable leave of absence for the pregnancy;
 - c. Deny the employee who is disabled as result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued, provided that the employer requires the disability to be verified by medical certification indicating the employee is not able to perform employment duties; or
 - d. Require an employee to take a mandatory maternity leave for an unreasonable length of time.

Nothing in this policy prohibits an employee from voluntarily returning to work sooner than six (6) calendar weeks after the birth of child.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	2/14/2023
FAMILY MEDICAL LEAVE (FMLA)		
Resolution #4495		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that Family Medical Leave is an important benefit to City employees. This policy provides the framework under which the Family and Medical Leave Act (FMLA) will be administered by the City of Miles City. This policy also provides employees information about FMLA entitlements and outlines any obligations employers and employees may have during such leaves.

Eligibility

An eligible employee can take up to 12 weeks of leave per year if he/she has worked for at least 1,250 hours within the previous 12 months and have been employed for 12 months. These months need not be consecutive. For an employee to be eligible for FMLA the employer must employ 50 or more employees within 75 miles of the worksite.

Types of Leave Covered

Family or Medical Leave can be taken for the following reasons:

- ☐ The birth of a child and in order to care for that child;
- ☐ The placement of a child for adoption or foster care and to care for the newly placed child;
- ☐ To care for a spouse, child or parent with a serious health condition (described below);
- ☐ The serious health condition (described below) of the employee;
- ☐ Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty;
- ☐ Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

Employees are required by law to provide at least a 30-day notification of intent to use Family or Medical Leave whenever possible. Employees will be required to use their paid sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave.

It is the practice of the City of Miles City to designate an eligible employee who is out for more than three days, due to a work place injury or illness under FMLA. Worker's Compensation and FMLA will run concurrently when necessary and when the employee is eligible.

Amount of Leave

Employees will only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example: If an employee took 12 weeks leave beginning July 1, 1996 and requested to take 12 weeks leave beginning May 1, 1997, the request would be denied because the employee used 12 weeks looking back from May 1, 1996 through April 30, 1997.)

Employees can take up to 26 weeks for FMLA circumstance related to military caregiver leave during a single 12 month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. This leave will also be based on a look back period.

If both spouses work for the City of Miles City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the spouses may only take a total of 12 weeks of leave.

Certification of Medical Condition

Upon request of your supervisor, Human Resource Officer, and/or the Mayor, employees must provide certification explaining the serious health condition or the family member's condition. It should detail:

- ☐ the date on which the condition began
- ☐ the probable duration of the condition
- ☐ appropriate medical facts regarding the condition
- ☐ a statement that the employee is needed to care for a spouse, parent or child
- ☐ a statement that the employee's own health condition makes it impossible for him or her to work

If the City of Miles City is not satisfied with the certification, it may require a second opinion at our expense. In the event of conflicting opinions, a third provider will be retained, also at our expense, to render a binding decision.

Employee Status and Benefits During Leave

While an employee is on leave, the City of Miles City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company may require the employee to reimburse the city/town the amount it paid for the employee's health insurance premium during the leave period.


The employee is required to continue to pay their share, if any, of premiums for health benefits. If in a paid status, these will continue to be taken from paychecks, if in a leave without pay status, the employee will be required to submit the payment to the Human Resource Officer in person or by mail. The payment must be received by the 5th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide notice prior to the loss of coverage.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider before returning to work. Generally an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefit and other employment terms.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the company. If a person designated as "key" still takes family leave, the City of Miles City will pay the health care premiums, but no guarantees are made about returning them to the positions they left.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor. Providing false or misleading information or reasons to justify a FMLA absence may result in discipline, up to and including termination. FMLA provisions indicate that at the City of Miles City discretion, health care premiums may be recovered from employees who do not return to work.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	3/24/2015
	Last Revised:	3/18/2015
Leave Without Pay		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that having a policy that establishes uniform procedures for managing employee leaves of absence with pay provides important information for all City employees.

POLICY

It is the policy of the City of Miles City to establish procedures by which an employee may request a voluntary leave of absence from employment with the City. As well as establish conditions under which approved requests for voluntary leaves of absence are administered.

PROCEDURE

Voluntary Leaves without Pay- Employee:

- a. Request for a voluntary 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 normally be submitted by the employee to the affected Department Director. The Department Director shall recommend to the Mayor whether the request should be granted, modified, or denied. The Mayor shall then make a decision based upon the best interest of the City, giving due consideration to the reasons given by the employee, and the requirements of any applicable State and Federal laws.
- b. The Mayor may grant a full-time regular employee a leave of absence without pay not to exceed ninety (90) days for non-medical purposes. Non-medical leave is unpaid leave time for career advancement, personal or family situations. Such leaves may be granted after vacation accrual has been exhausted. Sick leave accruals may not be used for non-medical leaves of absence without pay.
- c. No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay.
- d. All time in leave of absence without pay is credited toward an employee's service time for the purpose of determining their earning rates. Service to the City is not interrupted by authorized leave of absence without pay.


- e. Time on leave of absence without pay is not allowed in computing service time for retirement purposes under Public Employees' Retirement System.
- f. Any employee on an approved leave of absence without pay may continue his or her medical, dental and optional insurance coverage by paying the full cost to the City in advance for each month or portion thereof for which he or she is absent, subject to limitations set by the insurance carrier.
- g. Upon expiration of the leave of absence, without pay, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position.
- h. Upon extenuating circumstances, the Mayor may grant an extension of a leave without pay period upon written request by the employee. Such extension may not exceed three (3) months and will be based on departmental as well as employee considerations.
- i. Employees who fail to return to work on the date specified in the leave without pay request, without receiving an extension in advance, is subject to disciplinary action up to and including termination.

CLOSING

"Absence without leave" is defined as any period of time away from an employee's job which is not approved by the employee's Department Director or Mayor.

Employees are required to notify their Directors or other appropriate Department Authority of the reason for absences as soon as possible. Failure to follow this policy is grounds for disciplinary action.

Extended absence without leave is considered to be abandonment of position, and an employee will be terminated. "Extended Absence" shall be defined as four (4) consecutive working days for purposes of this policy.

 CITY OF MILES CITY PERSONNEL POLICY	Section 5:	Leave Administration
	Effective:	10/25/2016
	Last Revised:	10/25/2016
PUBLIC OFFICE LEAVE		
Resolution #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The City of Miles City will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

SECTION 6

Workplace Standards



City of Miles City

ALTERNATE WORK SCHEDULES POLICY

Policy and Objective

It is the policy of the City of Miles City that at a city department's discretion and with the Mayor's approval, a system of alternate work schedules may be implemented for department employees. It is the objective of this policy to establish the criteria, which a department must consider when implementing a system of alternate work schedules.

Definitions

- A. "Alternate work schedule" means a work schedule requested by an employee which allows the entire work day and work week schedule to start and end at an earlier or later time than the work schedule established by the department. A department may approve alternate work schedules when they comply with written guidelines established by the city and when they do not conflict with department objectives.
- B. "Department established work schedule" means the standard 8:00 a.m. to 5:00 p.m. Monday through Friday schedule or another work schedule established by department management to effectively operate the agency's programs and meet objectives.

Eligibility

- A. Implementation of alternate work schedules in a department work unit is at the department's discretion. Employees working in a work unit where alternate work schedules are implemented may request an alternate schedule based on the procedures established by the department to administer such schedules.
- B. Provisions of this policy apply only to alternate work schedules requested by the employee and not to work schedules established by management. Nothing in this policy limits the authority of the department to establish or change work schedules as necessary for the successful operation of department programs.
- C. An alternate work schedule should be considered when a department is required to make a reasonable accommodation to a known physical or mental limitation of an otherwise qualified individual with a disability unless to do so would impose an undue hardship on the department.
- D. A department may withdraw approval for an alternate work schedule on 24-hours' notice.

Alternate Schedule Limitations

- A. Core hours shall be established when all department employees normally work, regardless of schedule; for example, a block of time from 7:00 a.m. to 4:00 p.m. or 8:00 a.m. to 5:00 p.m.
- B. Outside limits on the workday shall be established, for example, a starting time no earlier than 7:00 a.m. and an ending time no later than 6:00 p.m.
- C. Limits on the time range during which an employee may take a lunch break shall be established, for example, 11:00 a.m. to 2:00 p.m. or 11:30 a.m. to 1:30 p.m.
- D. Each employee on an alternate schedule should determine, with the approval of the immediate supervisor, a regular lunch period schedule, which may range from one-half hour to one and one-half hours.


- E. A department shall adopt a procedure to deal with requests for long-term change of alternate work schedules which establishes how far in advance an employee must request a change, and how long the employee must remain on the new schedule.

Criteria for Alternate Schedules

- A. Where appropriate, supervisory staff shall be scheduled so that someone with supervisory authority is in the general work area at all times during the extended day. Because four, 10-hour days create special problems of supervisory coverage, such a schedule shall not be approved for a supervisor, unless the entire work unit supervised shifts to this schedule or unless alternate supervision is approved.
- B. City offices must be open from 8:00 a.m. to 5:00 p.m. daily, as required by 2-16-117, MCA. Approval of alternate work schedules must be contingent on maintaining adequate staff coverage during those hours.
- C. When establishing alternate work schedules, the department must assure coverage of essential functions during regular work hours, such as a receptionist's duties, which are contingent on an 8:00 a.m. to 5:00 p.m. schedule or for other employees who provide assistance to persons outside the department who would expect to contact them during regular business hours.
- D. Where an employee's duties require considerable or frequent interaction with other employees in order to perform required tasks, an alternate work schedule which significantly reduces the amount of this cooperative work time will not be approved. The four, 10-hour days' schedule specifically can result in a significant loss of cooperative work time.


Closing

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

 CITY OF MILES CITY PERSONNEL POLICY	Section 6:	Workplace Standards
	Effective:	10/25/2016
	Last Revised:	10/25/2016
BREASTFEEDING IN THE WORKPLACE		
Resolution #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the city of Miles City will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217 will be complied with.

 CITY OF MILES CITY PERSONNEL POLICY	Section 6:	Workplace Standards
	Effective:	10/25/2016
	Last Revised:	02/13/2018
Discipline & Discharge		
Resolution #4115		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

Policy

Non-probationary employees shall be disciplined or discharged only for good cause, which is defined in accordance with state statute as reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the City's operation, or other legitimate business reason, and only after an investigation which provides credible evidence. Evidence of good cause may come from a single event, a series of related or unrelated events, and/or performance evaluations.

Objective

It is the objective of this policy to establish procedures for taking formal disciplinary action or discharge.

Definitions

- A. "Non-probationary employee" means an employee who has satisfactorily served his or her six month probationary period.
- B. "Employee" means any employee except temporary and short-term employees, independent contractors and elected officials.
- C. "Good Cause" means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of City operations, or other legitimate business reason. Good cause includes, but is not limited to, poor performance, a violation of a statute, policy, ordinance, labor agreement, supervisory instructions, or rules/regulations.

Investigation

The City of Miles City, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state or local laws, Miles City ordinances, rules and/or regulations, and/or policies, employee conduct/behavior/performance standards, or other conduct not in the best interests of the City of Miles City. The supervisor may informally investigate any allegation of improper conduct to the extent necessary and issue an oral reprimand. In the alternative the Supervisor may report to the Mayor that a full investigation into the matter is appropriate. If the Mayor determines that a full investigation is appropriate, an employee may be placed on administrative leave (with or without pay) in the discretion of the Mayor pending the investigation. The investigation shall be completed at the direction of the Mayor or a designee appointed by the Mayor as investigator, and the final step of the investigation shall include an interview with the employee. The full investigation will be completed and report issued within 30 days, unless the mayor determines a reasonable amount of additional time is

needed to complete the investigation and report and report to the Mayor.

Upon conclusion of the investigation, the investigator shall submit a detailed report to the Mayor who may request additional information if the Mayor deems necessary. The employee will be provided the final report of the investigation, and an interview between the Mayor and the employee will be scheduled. The employee being interviewed may request an attendee of the employee's choosing to be present at the interview. However, such attendee will be permitted to observe only and will not be permitted to participate in the interview. At the beginning of the interview, the employee will be given the following warning: "You are being asked to provide information as part of an internal and/or administrative investigation. This is a voluntary interview and you do not have to answer questions if your answers would tend to implicate you in a crime. No disciplinary action will be taken against you solely for refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you do choose to provide may be used as evidence in criminal and/or administrative proceedings."

Following the interview the Mayor will decide whether discipline is appropriate and, if so, at what level. The employee will be notified in writing of the Mayor's decision.

Discipline Actions

Discipline may be imposed in one of the following forms. This is not a progressive discipline policy.

A. Oral Reprimand

The supervisor and/or Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations moving forward and the consequences should the employee not conform or comply with the stated expectations. This conversation will be summarized in writing. The employee and the supervisor or Mayor will sign the summary, which attests that the meeting took place, that the employee understood the problem and any corrective action. The employee will be given the opportunity to provide a written response to the oral reprimand, which must be received by the supervisor and/or the Mayor within 10 days. The Mayor or supervisor will make note on the summary should the employee refuse to sign. The summary along with the timely written response will be placed in the employee's personnel file.

B. Written Reprimand

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations moving forward or corrective action required and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s) discussed at the meeting and the expectations or corrective action required will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the written reprimand, which must be received by the supervisor and/or the Mayor within 10 days. The letter along with the timely written response will be placed in the employee's personnel file.

C. Suspension Without Pay

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the dates and conditions of the suspension will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the suspension without pay, which must be received by

the supervisor and/or the Mayor within 10 days. The letter along with the timely written response will be placed in the employee's personnel file.

D. Demotion - Loss of Duty

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the specific conditions of the demotion will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the demotion – loss of duty, which must be received by the supervisor and/or the Mayor within 10 days. The letter along with timely written response will be placed in the employee's personnel file.

E. Termination

If the Mayor determines that the appropriate disciplinary action is termination of employment, Non-Probationary employees will receive a letter that documents the issue(s) and problem(s). The investigative report will be attached. The letter will detail the cause and reason for the discharge decision and date of discharge. The letter shall also include a copy of the Grievance Procedure Policy. The Mayor will meet with the employee and provide him/her with the letter of termination which shall be placed in the employees personnel file.


DRESS CODE

Policy

- A. It is the policy of the City of Miles City that employees shall dress in a professional and appropriate manner at all times. A professional and appropriate manner is defined as a manner, which will present a positive public image, is conducive to worker safety and ensures that the general population is comfortable in our presence.
- B. Each Department within the City may issue a dress code or uniform requirement as they determine. If no department policy exists, then it is expected that employees will dress in accordance with local community standards and use their own common sense to adjust clothing for the day's work.
- C. All employees should understand that the City reserves the right to discuss appropriate dress to require necessary adjustment to styles of dress should an individual not conform to department policy or should an individual employee not show appropriate judgement if a department policy does not exist.


Closing

This policy shall be followed unless it conflicts with negotiated labor contracts, which shall take precedence to the extent applicable.

 CITY OF MILES CITY PERSONNEL POLICY	Section 6:	Workplace Standards
	Effective:	10/25/2016
	Last Revised:	06/22/2021
DRUG AND ALCOHOL FREE WORKPLACE		
Resolution #4415		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

In compliance with the Drug-Free Workplace Act of 1988, (Title 41-10-701 through 707, U.S.C. as amended), the City of Miles City is committed to providing an alcohol-free and drug-free workplace. The City of Miles City prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance, marijuana, including medical marijuana or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the Mayor and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Mayor and/or their designee is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action.

 CITY OF MILES CITY PERSONNEL POLICY	Section #: 6	Employment Standards
	Effective:	02/01/2007
	Last Revised:	06/22/2021
Drug and Alcohol Testing		
Resolution #4416		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risks posed by the use of alcohol and prohibited substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs. The Federal Highway Administration of the U.S. Department of Transportation has enacted 49 CFR Part 382, 391, 392 and 395, as amended, that mandate urine drug testing and breath alcohol testing for persons who are subject to Commercial Drivers License requirements and perform safety-sensitive functions.

This policy is also intended to comply with the Montana Workforce Drug and Alcohol Testing Act §39-2-205 through 39-2-211, MCA.

POLICY

Our employees are our most valuable resource. Therefore, it is our goal to prevent accidents and injuries resulting from the misuse of alcohol and prohibited substances, as well as to provide a healthy and safe working environment.

In meeting these goals, it is our policy to:

- A. Assure employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- B. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances;
- C. Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;
- D. Recognize drug and alcohol abuse as a treatable illness and encourage employees to seek professional assistance any time alcohol or drug dependency adversely affects their ability to perform their duties;

- E. Maintain a work environment and promote work habits that foster public confidence; and,
- F. Strive to continually improve the service we provide the public and recognize the key role our city plays in public safety.

Applicability

Effective January 1, 1996, this policy applies to all employees who are subject to commercial driver's license requirements and perform safety-sensitive functions (hereafter referred to as covered positions). It applies to on-duty time as well as off-site breaks and lunch periods when an employee is scheduled to return to work. (See Attachment II)

Designated Employer Representative (DER)

Name: Linda J. Wilkins
Physical Address: 17 S 8th Street
Mailing Address: P. O. Box 910
Miles City, MT 59301

Alternate Designated Employer Representative (DER)

Name: N/A
Physical Address: N/A
Mailing Address: N/A

Collection Facility

Name: Checkers, Inc.
Physical Address: 223 N. Central Ave
Mailing Address: P. O. Box 899
Sidney, MT 59270

Medical Review Officer (Chief MRO)

Name: A. A. Armstrong, MD
Company: Western Pathology Consultants, Inc. (WPCI)
Physical Address: 1124 Broadway, Suite A
Mailing Address: P. O. Box 1936
Scottsbluff, NE 69363

Consortium/Third Party Administrator (C/TPA)

Name: Western Pathology Consultants, Inc. (WPCI)
Physical Address: 1124 Broadway, Suite A
Mailing Address: P. O. Box 1936
Scottsbluff, NE 69363

Prohibited Substances

- A. Prohibited substances" addressed by this policy include the following:
 - a. Illegally Used Controlled Substances or Drugs
 - b. Illegal use of controlled substances or drugs, which include marijuana, amphetamines, opiates, phencyclidine, and cocaine is prohibited.
 - c. Illegal use also includes the misuse of legally prescribed drugs and use of illegally obtained prescription drugs.
- B. Marijuana, Including Medical Marijuana
- C. The City of Miles City acknowledges marijuana as an illegal drug which is identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812). Therefore, it will not accommodate Marijuana, including Medical Marijuana.
- D. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to the supervisor, and medical advice should be sought, as appropriate, before performing safety-sensitive functions.

A legally prescribed drug means that the employee has a prescription or other written approval, from a physician for the use of a drug in the course of medical treatment; and, the physician advises the employee that the substance does not affect the driver's ability to safely operate a commercial motor vehicle. It must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.

- E. Alcohol

The use of beverages or substances, including medication, containing alcohol while performing safety-sensitive functions is prohibited. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. An employee who possesses alcohol will be subject to disciplinary action and will be removed from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours. The employee will also be referred to the Substance Abuse Professional (SAP), with completion of a return-to-duty alcohol test indicating an alcohol concentration of less than 0.02. Follow-up testing may be required. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device (EBT). See CFR Part 40, as amended.

Pre-Employment Testing

The successful applicant for a covered position will be required to undergo urine drug testing and breath alcohol testing after an offer of employment has been made. The employment offer must be conditioned on receipt of a negative drug test and a confirmed alcohol test indicating alcohol concentration of less than 0.02.

Prior to hire, the prospective employee must provide a written release so that the City of Miles City can obtain from previous employers for the last two (2) years the required information as provided in 49 CFR Part 382, Section 382.413. This information must be obtained from employers for whom the prospective employee operated a commercial motor vehicle. If this information is not provided to the City of Miles City within fourteen (14) calendar days from the date the employment begins, the employee must be removed from performing safety-sensitive functions unless the City of Miles City can document contact was made with the previous employer, the results of that contact, and why the information was not obtained.

A prospective employee with a confirmed positive drug or alcohol test will be disqualified from consideration for the position being filled. This will not prevent this individual from being considered for any subsequent vacancy.

A prospective employee with a confirmed alcohol test result of 0.02 up to 0.04 must complete a second (2nd) test within twenty-four (24) hours with an alcohol concentration test result of less than 0.02. Failure to achieve these test results will disqualify the person for consideration for the position.

Reasonable Suspicion Testing

Employees in covered positions may be subject to a fitness-for-duty evaluation which includes urine and breath testing when there is reason to believe that drug or alcohol use is a potential factor in affecting job performance.

A reasonable suspicion determination will be made by a supervisor who has been trained in reasonable suspicion and who believes that the employee has violated the prohibitions of these regulations based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Reasonable suspicion determinations must be documented within twenty-four (24) hours of observation and by test results received. A description of the behaviors that led to the determination must be signed by the person who made the determination.

Post-Accident Testing

Employees in covered positions will be required to undergo urine and breath testing if they are involved in an accident with a commercial motor vehicle which occurs on a public road and, EITHER

- involves a fatality; OR,
- a moving violation is issued to the commercial motor vehicle driver; AND,
- EITHER involves injury to a person who, as a result of injury, immediately receives medical treatment away from the scene of the accident; OR,
- one or more of the motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be towed away by a tow truck or other vehicle because, if it were to be driven it would incur additional damage.

(Note: Disabling damage means that which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It does NOT include damage to tires (even if a spare is unavailable), headlight or taillight, turn signal, horn or windshield damage.)

The employee will be tested within two (2) hours of the accident. If this cannot be done, reasons for non-testing must be documented. Attempts to test will cease after eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

Any employee in a covered position involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate explanation prior to submission to drug and alcohol testing will be considered to have refused the test. This will be considered a positive test.

Random Testing

Employees in covered positions will be subject to random, unannounced testing.

The selection for random testing will be made by a scientifically valid method, and each employee shall have an equal chance of being tested each time selections are made. A random number of those tested for drugs will also be subject to alcohol testing.

Drug testing may occur at any time during on-duty time. Alcohol testing will be performed before, during, or after the employee is performing safety-sensitive functions. In accordance with the regulations, the minimum annual percentage rate for alcohol testing will be completed for twenty-five percent (25%) of the average number of covered positions. Drug testing will be completed for fifty percent (50%) of the average number of covered positions. The City of Miles City is in a pool with other employers; the actual percentage of City employees may be higher or lower.

Return-to-Duty and Follow-Up Testing

Employees who previously had a confirmed positive on a drug or alcohol test must have a negative test and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to perform safety-sensitive functions for the City of Miles City.

Employees will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the Substance Abuse Professional (SAP). This will consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the employee's return to duty.

Additionally, employees with a second (2nd) occurrence of a confirmed alcohol concentration test of 0.02 or greater will be required to complete a return to-duty test and also be evaluated by the Substance Abuse Professional (SAP) before returning to work as indicated in Section 6 above.

Employee Requested Drug Testing

An employee who questions the results of a confirmed positive drug test may request an additional test be conducted. This test must be conducted at a different certified testing laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a re-test must be made to the medical review officer within seventy-two (72) hours of notice of the initial test result. Requests after the seventy-two (72) hours

will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. All costs for a retest on the split sample will be paid by the employee unless the second (2nd) test invalidates the original test.

Testing Compliance Requirements

Employees in covered positions will be subject to urine drug testing and breath alcohol testing.

Any employee or prospective employee who refuses to sign any required release(s) for release of information relative to test results or required follow-up evaluations by the Substance Abuse Professional (SAP), fails to comply with a request for testing, provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be considered as having a positive test.

Refusal includes an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. (Note: If the employee or prospective employee is unable to provide the required amount of urine for drug testing, he/she will be instructed to drink not more than twenty-four (24) ounces of fluids and, after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container with the original insufficient specimen discarded.) Refusal to submit to testing and not being available for post-accident testing, unless injury prevents testing, will be considered insubordination and a positive test. Disciplinary action will be taken, which could include termination.

Testing for Prohibited Substances

Employees in covered positions will be subject to the following tests: pre-employment; post-accident; random; reasonable suspicion; return-to-duty and follow-up. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities that have been approved by the U.S. Department of Health and Human Services. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The City of Miles City will protect individual dignity, privacy and confidentiality throughout the testing process.

Drug Testing

Drug testing may occur at any time during on-duty time. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines (including methamphetamines) and phencyclidine.

An initial drug screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds in 49 CFR Part 40, as amended.

The following actions will occur as a result of a confirmed positive drug test:

- **First Occurrence** - removal from performing safety-sensitive functions; and subject to long-term disciplinary suspension without pay (ten (10) or more working days), disciplinary demotion, or recommendation to the supervisor for termination. Unless a recommendation is

made to the supervisor for termination, the employee will be referred to the Substance Abuse Professional (SAP) for evaluation and a determination of what assistance, if any, the employee needs in resolving problems associated with controlled substances use; released to duty by the Substance Abuse Professional (SAP); and completion of a return-to-duty controlled substances test with a verified negative result for controlled substances use.

- **Second Occurrence** - removal from performing safety-sensitive functions; suspension without pay; and recommendation made to the supervisor for termination.

If the City of Miles City determines that an employee will undergo reasonable suspicion testing, the employee shall be removed from performing safety-sensitive functions until the City is notified of acceptable test results.

Alcohol Testing

Alcohol testing shall be performed only when the employee is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions. (See the six numbered items under the definition of on-duty time.)

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT).

If the initial-test indicates an alcohol concentration of 0.02 or greater, a second (2nd) test will be performed to confirm the results of the initial test.

A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test, and is prohibited conduct under 49 CFR 382.

The following actions will occur:

A. Confirmed alcohol concentration of 0.02 up to 0.04:

- **First Occurrence** - Removal from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test; and completion of a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.02.
- **Second and any Additional Occurrences** - Removal from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The employee will be referred to the Substance Abuse Professional (SAP) for evaluation to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and be released to duty by the Substance Abuse Professional (SAP), with completion of a return-to-duty alcohol test indicating an alcohol concentration of less than 0.02.

B. Confirmed alcohol concentration of 0.04 up to 0.10 (positive test):

- **First Occurrence** - Removal from performing safety-sensitive functions, and subject to long-term disciplinary suspension without pay (ten (10) or more working days), disciplinary demotion or a recommendation to the supervisor for termination. Unless a recommendation is made to the supervisor for termination, the employee will be referred to the Substance Abuse Professional (SAP) for evaluation to determine what assistance, if any, the employee needs in

resolving problems associated with alcohol misuse and be released to duty by the Substance Abuse Professional (SAP), with completion of a return-to-duty alcohol test indicating an alcohol concentration of less than 0.02 and subject to follow-up testing as outlined in Section 6, Paragraph G, below.

- **Second Occurrence** - Removal from performing safety-sensitive functions; suspension without pay; and recommendation to the supervisor for termination.

C. Confirmed alcohol concentration of 0.10 or greater (positive test):

- **First Occurrence** - Removal from performing safety-sensitive functions suspension without pay, and recommendation made to the supervisor for termination.

Employee Assessment

Any employee who has a confirmed positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended will be evaluated by the Substance Abuse Professional (SAP) designated by the City of Miles City. The employee must sign a release so that the City can obtain information on the rehabilitation program duration, completion and follow-up requirements.

The Substance Abuse Professional (SAP) will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited use or abuse of drugs or alcohol, recommended a rehabilitation program and follow-up schedule and determine if the rehabilitation program has been successfully completed. The Substance Abuse Professional (SAP) will also determine if and when the employee can be released to return to duty.

If an employee is released to return to duty, he/she must properly follow the rehabilitation program prescribed by the Substance Abuse Professional (SAP) and have a verified confirmed negative return-to-duty test result as indicated in Section 6 above. Failure to follow the program will result in a recommendation to the supervisor for termination of employment.

Proper Application of Policy

The City of Miles City is dedicated to assuring fair and equitable application of this policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and Impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to a subordinate, shall be subject to disciplinary action up to and including termination.

System Contact

Any questions regarding this policy or any other aspects of the drug-free and alcohol-free City of Miles City program should contact the Mayor of the City of Miles City.

ADOPTED this 22ND day of JUNE, 2021.

CITY OF MILES CITY COUNCIL

ATTACHMENT I

Definitions

Accident - An occurrence involving a City of Miles City commercial motor vehicle operating on a public road: AND EITHER involves a fatality; OR a moving violation is issued to the commercial motor vehicle driver; AND EITHER involves injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; OR one (1) or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be towed away by a tow truck or other vehicle because if it were to be driven, it would incur additional damage. (Note: Disabling damage means that which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It does NOT include damage to tires (even if a spare is unavailable), headlight or taillight, turn signal, horn or windshield damage.)

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol Use - The drinking or swallowing of any beverage, mixture, or preparation, including any medication containing alcohol.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

Chain of Custody – Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, the procedures shall require that an appropriate drug testing custody form (see CFR 49 part 40.23(a)) be used from time of collection to receipt by the laboratory and that upon receipt the laboratory an appropriate laboratory chain of custody forms account for the sample within the laboratory.

Collection Site – A place designated by the employer where individuals present themselves for the purpose of providing specimen of their urine to be analyzed for the presence of drugs.

Commercial Driver's License – A license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, authorizing an individual to operate a class of commercial motor vehicle (CMV). The individuals required to have a CDL under 49 CFR part 383 are subject to controlled substances and alcohol testing. Individuals who are required to possess CDLs by virtue of State or local law or by employer policy, but not by Federal regulation, are not subject to the provisions of 49 CFR parts 382 and 383.

Commercial Motor Vehicle (CMV) - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- has a gross combination weight of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight (GVW) rating of more than 10,000 pounds; or
- has a gross vehicle weight rating of 26,001 or more pounds; or

- is designed to transport 16 or more passengers, including the driver; or is of any size and is used in the transportation of hazardous materials requiring placards.

Confirmation Test - For alcohol testing, this means a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration.

For controlled substances testing, this means a second analytical procedure to identify the presence of a specific drug or metabolite determined by Gas Chromatography/Mass Spectrometry (GC/MS) which is independent of the screen

test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Consortium/Third Party Administrator – A service agent that provides or coordinates one or more drug and/or alcohol testing services to employers. C/TPAs typically provide or coordinate the provision of a number of such service and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes but is not limited to, groups of employers that join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not employers.

Controlled Substance – Any drug or other substance that impairs the ability or alertness of an employee performing a safety-sensitive function, regardless of whether the substance is legal or illegal. Legally, a controlled substance is a drug or other substance, or immediate precursor, listed in 21USC 812 (Controlled Substance Act). The term does not include distilled spirits, wine, malt beverages, or tobacco.

Covered Positions - Positions that are subject to Commercial Driver's License (CDL) requirements and perform safety-sensitive functions. (See ATTACHMENT II).

Designated Employer Representative (DER) – An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the City. Service agents cannot serve as DERs.

Driver - Any person (volunteer or paid) who operates a CMV and is required to have a CDL. For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

Employee – An individual designated in law or regulation as subject to drug testing and/or alcohol testing. As used in this policy, "employee" includes an applicant for employment.

Evidential Breath Testing Device (EBT) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's September, 1993, or later "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the NHTSA, Office of Alcohol and State Programs. As of October 1, 1997, EBTs are considered evidentiary

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program, who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an

individual's confirmed positive test result, together with his or her medical history, and any other relevant biomedical information.

Negative Test - For drugs, a test with the amounts present that are at or below the minimum thresholds in 49 CFR Part 40, as amended. For alcohol, a concentration below 0.04.

On-duty Time - All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. On-duty time shall include:

1. All time at the city shop, city facilities or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved from duty by the city.
2. All time inspecting to make sure that the parts, accessories and emergency equipment are in good working order and ready for use or otherwise inspecting, servicing, or conditioning any commercial vehicle.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Performing a Safety-Sensitive Function - Means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function. See items 1-6 above in the definition of on-duty time.

Positive Test - For a drug test, an amount above the minimum thresholds in 49 CFR Part 40, as amended. For an alcohol test, a breath alcohol concentration at 0.04 or greater.

Refuse to Submit - (to an alcohol or controlled substances test) means that a driver:

- Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
- Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or,
- Engages in conduct that clearly obstructs the testing process.

Reasonable Suspicion - Belief that the employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Safety-Sensitive Functions - Employees who exercise a Commercial Driver's License (CDL employees), who also have additional regulations which apply to them, Employees who operate City Vehicles?

Screening Test - (Also known as initial test) - in alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism, and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

ATTACHMENT II

City of Miles City Positions Requiring a Commercial Driver's License

All employees who are, or may, operate equipment in excess of 26,000 pounds gross vehicle weight (GVW.)

ATTACHMENT III

EMPLOYEE ACKNOWLEDGMENT

Of Receipt of Drug and Alcohol Policy

The undersigned, an employee of the City of Miles City, hereby certifies that he/she has received a copy of the City of Miles City's Drug and Alcohol Policy. The undersigned also certifies that he/she has reviewed and read said policy, understands the contents thereof and agrees to abide by its terms.

EMPLOYEE

Employee's Signature
(Print Name)

Date

Witness' Signature
(Print Name)

Date

EDUCATION AND TRAINING

Policy: The purpose of this policy is to ensure that to the extent reasonable possible and determined appropriate by the City, employees are provided with training to maintain and enhance essential work competencies, and to developing career growth potential.

General Principles: It is the policy of the City of Miles City to provide education and training for it's employees provided that the City determines that there is value to the City in such education and training, under one or more of the following criteria:

1. the education or training develops, maintains or improves job related competencies (knowledge, skills, abilities, behaviors) which will enable employees to perform their current or prospective duties more effectively,
2. the education or training Improves coordination of work between city departments or between the City and other agencies,
3. the education or training provides cross training within the work unit, department or City,
4. the education or training maintains or enhances supervisory, managerial and/or communications skills of supervisors,
5. the education or training enhances employee communication or customer service skills with respect to internal and/or external customers,
6. the education or training assists in achieving affirmative action objectives,
7. the education or training assists employees with career advancement or upward mobility in the department.

Requests: All requests for education and training will be approved in advance. When management requires an employee to attend training, or determines that the approved education or training is directly related to the employee's current job duties, all time spent in such training, except study time, shall be considered as time worked.

Paid time: The department may pay all the costs, some of the costs, or may refuse to pay any of the costs, based upon the cost/benefit analysis and funds available to the department for training.

Plan: Each Department will establish a department training plan that will address training needs that are department-wide in nature. This plan will be reviewed yearly and submitted to the Mayor each year in time for budget considerations. Each

department Director will manage the department's training program within the following minimum guidelines:

1. Documentation of individual employee training needs assessments will be done yearly as part of the individual employee's performance appraisal.
2. Process Request for Training Forms (attached facsimile) in accordance with this policy. Register department employees for approved training and make arrangements with the City Clerk for payment. Insure that records of training completion are maintained on each individual employee.
3. Insure that the performance appraisal process used within their respective departments includes links to training identified as developmental for the employee in job performance or in career growth.
4. The employee will be responsible to provide input into the assessment of training needs during the performance appraisal process, and will initiate Request for Training Forms.
5. Insure that documentation is placed in the individual employee's Personnel File which reflects training completions & a training history for the employee.

Approval: Any training requests which fits into any one or more of the following conditions must be approved by the Mayor:

1. involves out-of-state travel,
2. requires an employee's absence from work for more than 5 days,
3. the combined cost of tuition/fees/travel/per diem exceeds \$350.00 per individual per training.

ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGY

Policy

This policy is intended to provide City employees with effective and consistent standards with regards to the use of electronic mail system (e-mail) and information technology made available by the City. This policy applies to all employees of the City at all locations.

I. General Usage

A. City owned automation equipment and/or communication links will normally be used for City business purposes. Any use, which may not be perceived to meet this criterion, should be cleared with the Department Director.

B. Under no circumstances may an employee, whether in a paid status or outside work hours, use City owned equipment or communication links to pursue personal business interests, or private for profit enterprises, nor may an employee allow any other individual to use City equipment for such purposes. Employees may not use City equipment, nor allow any other individual to use City equipment for any unethical or illegal activities. The burden of responsibility is on the employee to inquire, prior to use, when any question exists regarding the propriety of the intended use.

C. Confirmed violators of this usage policy will be subject to discipline, up to and including termination & legal action.

II. Electronic Communications Policy Statement

The employee is hereby advised that he or she has no right to privacy in any electronic communication be it through telephone, e-mail, radio or other forms of electronic communication. Further, the City considers all electronic communications and stored information transmitted, received, or archived in its information system to be its property. Consequently the City reserves the right to access and disclose all messages sent by email.

The following guidelines should be adhered to:

- A. Respect the privacy of others, and observe the legal protection provided to software and/or data by copyrights and licenses.
- B. Refrain from any use of the network or the system that may project a poor reflection on the City as a whole. Specifically, employees will not access web sites or locations that are not specific to City business and under no circumstances will they access inappropriate locations such as sites involving sexually explicit materials.
- C. Business-related email should follow the same formality as a business letter. It should be treated as a formal document consistent with proper business standards. Spelling, grammar and punctuation should be checked.
- D. Follow the proper communication channels. Do not "copy to" or jump management levels unless absolutely appropriate.
- E. Use professional language. Never send abusive, offensive, harassing, threatening or ethnically oriented messages, even in jest.

- F. Practice common sense about how you respond or what you send, you cannot control who will ultimately read your messages. Confidentiality is a misnomer and the privacy does not exist. A good rule of thumb is "never write anything to email that you would not want to become public knowledge."
- G. Any employee who wishes to send out an email message to "All Employees", must first have the message approved by the Mayor.
- H. Review and critique your message before you send it. A sentence that might be clear to someone talking to you face to face might come across quite differently without the tone of your voice or the facial expressions.
- I. Think before you send email to more than one person - respect other employees' time. Do those additional people really need or want to see the message? The recipients often feel obligated to respond, or would want to express their own opinion. This will then turn into a "chat" session.
- J. Practice good housekeeping rules. Storage space on the computer is critical.
- K. Create folders for received and sent messages. Use folders to save important information but make it a regular habit to review all folders and delete old or outdated material. Delete unimportant messages as you read them.
- L. Keep your "in" and "sent" boxes clean. It is recommended that all employees purge their files every 60 days.
- M. When you send a message and get a response with your original message attached, you begin to have several layers. You only need to save the last one. Do not reply with attachments or use "reply all" unless the response requires it.
- N. Use professional courtesy and business etiquette.
- O. Always use a short informative subject line. This gives the receiver some indication of the importance of the message.
- P. Be careful when using sarcasm and humor. Without the personal interaction, your joke could be viewed as criticism.
- Q. Do not type in all caps and keep paragraphs short and concise.
- R. Generally focus on one subject per message.

III. Documentation and Backup of Systems

- A. Department Directors shall be responsible for the PC systems in their Departments to ensure that all critical business functions are adequately protected. To maintain an adequate record of the systems and the data they contain, all systems shall have documentation and back up.
- B. Department Directors will insure that the department has documented, a written description of what the system does and how it works. It should also include any technical documentation provided by programmers and operating procedures for the system.
- C. Department Directors who have oversight of systems needing backup, will maintain a written description of the back up procedures for their systems and data including what is being backed-up, who is responsible, the frequency of backup, how often the back-up data is tested, and how and where off-site backup will be kept.

IV. Software

A. Only software ~~purchased~~ or obtained for the use of the City of Miles City may be used and/or loaded on City equipment. Any employees who wish to us and/or load software not purchased/obtained by the City, whether for use with City applications or for personal use, shall seek prior approval and authorization from the Department Director before installation.

B. Software licenses are recognized as individual to each product. Proper use and duplication of software will be governed by the specific agreement accompanying the software. The purchase of software represents a license for use as specified by the producer and/or seller. Unauthorized use or duplication is understood to violate the U.S. copyright law and applicable state and federal law.

C. City Department Directors will insure that all licensed software and documentation used by that Department is used in a manner consistent with each agreement. No unauthorized use is allowed.

V. Computer Viruses

A. Department Directors will insure the use of some kind of commercial virus detection program upon installation of any new programs to PC hard drives or to the City network as well as insuring protection from viruses potentially spread through the e-mail system.

VI. Computer Hardware Protection

A. All computer hardware and peripherals will be protected from electrical power surges or spikes with surge protectors. Surge protectors will be connected in line between the power source and the hardware being protected.

B. Computer hardware will also be protected as far as possible from environmental hazards, the most common being employee food or drinks. Food or liquid foodstuffs will not be placed on top of computer hardware. Similarly, Department Directors will ensure that computer hardware is not placed in locations where damage from rain, water pipes or liquid hazards is possible.

Closing

Confirmed violators of this policy will be subject to discipline, up to and including termination and legal action.

EMPLOYEE SAFETY & HEALTH

Policy

- A. The City of Miles City has an internal Safety Culture Committee established on behalf of all employees in accordance with Montana's Safety Culture Act.
- B. The objectives of the Committee and the Safety Program are to provide to the best of our ability:
 - 1. A safe work environment; and,
 - 2. Reduction of costs associated with accident losses.
- C. The achievement of these objectives is based upon good planning and ensuring that safety is an integral part of day-to-day operations and work procedures. This can only be accomplished if all City employees take an active interest and participate in the safety program and abide by applicable federal, state, and city rules and regulations.
- D. All employees should become familiar with the City's Safety Manual. A copy can be obtained by contacting the City Administrative Assistant.

Seat Belt Use

Motor vehicles purchased by the City are equipped with seat belts in compliance with Federal motor vehicle standards. The City requires all employees and non-employees riding as passengers with employees to use available seat belt equipment in City-owned vehicles or in private vehicles during scheduled shifts. The use of restraint devices reduces the possibility of death or serious injury in an accident.

Restricted Areas


In the interest of safety and security, some City facilities may be restricted to authorized personnel only. Such areas will be clearly marked.

Smoking Policy

The City's policy prohibits among other things, tobacco smoking in public places and places of employment. The City Council has adopted this policy to protect public health and welfare and to guarantee the right of non-smokers to breathe smoke free air and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke. Smoking is prohibited in all enclosed public places within the City including but not limited to elevators, vehicles, restrooms, libraries, sports arenas, polling places, and any room, chamber, place of meeting, or public assembly under the control of any board, council, commission, or agency of the City.

Driver's License & Driving Record Requirements

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to the City insurer. Employees should report any changes in driving record or status to their supervisor immediately. Failure to do so may result in disciplinary action and possible dismissal. Employees whose jobs require a Commercial driver's License (CDL) are subject to and need to meet additional federal & state established license requirements.

 CITY OF MILES CITY PERSONNEL POLICY	Section 6:	Workplace Standards
	Effective:	10/25/2016
	Last Revised:	03/13/2018
GRIEVANCE POLICY		
Resolution #4125		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

It is the policy of the city of Miles City that employees who have attained permanent status may file a grievance provided in these rules, unless the employee is covered by a grievance procedure provided under a collective bargaining agreement or a statutory grievance procedure.

Objective

It is the objective of this policy to provide for the procedure to be used to adjust grievances filed by eligible employees not covered by a collective bargaining agreement.

- A. Incidents of harassment must be reported using the procedure in the harassment prevention policy. If a claim is filed before the Montana Human Rights Bureau this claim against harassment ceases.
- B. Incidents that are alleged to be in violation of American with Disabilities Act (ADA) of 1990 must be reported using an ADA compliant resolution procedure. Otherwise, the employee shall proceed under this policy.

Definitions

- A. "Employee" means:
 - a. Any City employee except those covered by a collective bargaining agreement
 - b. Or an employee who has not completed a probationary period or a probationary period is extended and the employee has to attain permanent status;
 - c. When an employee is hired as a temporary employee or short-term worker or an employee is temporarily hired into a permanent position for less than 12 months and is not eligible to attain permanent status.
- B. Contracts sets up obligations. "Grievance" means a complaint or dispute by an employee regarding the application or interpretation of written laws, rules, personnel policies or procedures, City codes and City ordinances, which adversely affects the employee.
- C. "Grievant" means an employee who has filed a formal grievance.

Employee Grievance

- A. An eligible employee may file a grievance based on the application or interpretation of laws, City codes and City ordinances, written rules, personnel policies and procedures which adversely

affects the employee, unless specifically prohibited from doing so by statute or rule.

- B. An employee other than the grievant may, at the City's discretion, be given working time off to participate in an investigation or hearing. This time may be paid working time, if the employee's participation is at the City's request. Other employees may request to use appropriate paid leave, leave of absence without pay or accrued compensatory time to attend a hearing. Use of leave or compensatory time shall be requested and approved consistent with City policies relating to type of leave requested.

Grievance Procedure

- A. Step I is the informal resolution. Both the employee and supervisor are encouraged to resolve the grievance informally whenever possible. Supervisor will document the reason for the grievance meeting and outcome of the discussion will be submitted to the Human Resource Officer and provided to the Mayor HR Committee and/or City Council as provided for below.
- B. Step II is the formal grievance, which shall be filed with the Mayor using the City's grievance form. A formal grievance:
 - a. shall be filed in writing within 15 calendar days from the occurrence of the grieved event. The formal grievance shall be filed with the Mayor.
 - b. shall state specifically the facts of the grievance, the law, written rule, policy, and/or procedure violated; when the action occurred, and the remedy desired by the grievant.
 - c. shall be responded to, by the Mayor, in writing within 15 calendar days from the date it is filed.
 - d. is resolved at Step II if the grievant accepts the Mayor's response, or if the grievant fails to advance the grievance to Step III within 15 calendar days of the receipt of the Mayor's response.
- C. Step III is the review by the City's Human Resource Committee.
 - a. If a grievant wishes to advance the grievance to Step III, the grievant shall notify the Mayor in writing. The grievant shall notify the Mayor within 15 calendar days of receipt of the Mayor's response at Step II.
 - b. If the subject of the grievance is suspension without pay for more than 10 working days, disciplinary demotion, or discharge, the Mayor shall order a hearing of the City Council. All other grievances shall advance to final review by the Human Resource Committee.
- D. As part of the final review of the Human Resource Committee may:
 - a. review the written grievance, review the Mayor's response, and/or review the record or report of any investigation;
 - b. authorize an additional investigation;
 - c. conduct a discussion with the grievant;
 - d. order a hearing before the Human Resource Committee; or
 - e. any combination of the above.
- E. Following the final Human Resource Committee review the Chairperson shall issue the final committee decision on the grievance either:
 - i. within 20 calendar days of completion of the final review;
 - ii. within 15 calendar days of receipt of a hearings summary, if applicable; or,
 - iii. the Human Resource Committee chairperson shall notify the grievant and Mayor

concerning any additional actions which could delay the decision and when the decision will be issued.

- F. The Human Resource Committee's final decision shall be issued in writing. This is the final step of this grievance procedure.

Hearing

A hearing shall be conducted by the City Council at Step III, if the grievance is filed as the result of a suspension without pay for more than 10 working days, a disciplinary demotion, or a discharge. Within 10 working days of advancement of the grievance to Step III, the Mayor informs the grievant of the hearing date in front of the City Council; which shall be scheduled no later than 60 days from date of issuance of termination or suspension letter.

- A. At the hearing both parties shall have:
- a. the right to introduce evidence;
 - b. the right to cross examine;
 - c. the right to be represented; and,
 - d. the right to a recommendation for resolution based on the recorded evidence and matters officially noticed.
- B. The City shall pay all costs of:
- a. physical arrangements for a hearing; and,
 - b. Mayor's witnesses and evidence.
- C. The grievant shall pay fees and expenses of:
- a. the grievant representative; and,
 - b. the grievant witnesses and evidence, unless the witness also is a Mayor's witness.
- D. All witnesses will testify under oath. A recording shall be made of the hearing. The party requesting the transcript shall bear the cost. If both parties request a transcript, they will share the cost.
- E. The City Council will issue a final decision within 15 calendar days of the hearing, and the grievant shall be notified on the decision by letter from the Mayor.

Failure to Act

- A. If the employee fails to respond within the time frames established for a step, the grievance is considered resolved in favor of the last response given by the Mayor. The employee may not refile the grievance.
- B. If the Mayor fails to respond within the time frames established for a step, the grievant may proceed to the next appropriate step of the procedure.

Waivers

Any step of the procedure and timeframes in the procedure may be waived upon written agreement of both parties.

Grievance Resolved


A grievance is resolved when:

- A. the grievant requests in writing that the grievance be withdrawn or signs a waiver that a resolution has been achieved;
- B. the grievant leaves City employment, unless discharged;
- C. the grievant dies, unless the grievance involves pay or fringe benefits;

- D. the grievant fails to advance the grievance in the required time frames;
- E. the final steps of the grievance procedures are completed.

Closing

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

 CITY OF MILES CITY PERSONNEL POLICY	Section 6:	Workplace Standards
	Effective:	10/25/2016
	Last Revised:	10/25/2016
Harassment Prevention and Reporting		
RESOLUTION #3999		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

It is the policy of the City of Miles City that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative and respectful manner to all contacts.

It is the policy of the City of Miles City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner that the action is perceived as inappropriate and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor, the Mayor OR the Human Resource Officer.

The City of Miles City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

Definitions of Harassment

Sexual Harassment: According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal or visual conduct of a sexual nature.

Other Harassment: Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability

Retaliation

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment;
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Please report any retaliation to your supervisor, the Mayor or Human Resource Officer. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the City's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

OUTSIDE EMPLOYMENT

Policy

Employees of the City of Miles City may hold outside employment except where such outside employment poses an administrative or ethical conflict. Violators of this policy will be subject to disciplinary action up to and including discharge.

Administrative Conflicts

- A. The hours of any outside employment must not conflict with the employee's regularly scheduled working hours in the City.
- B. Any requests for vacation or leave without pay in order to engage in outside employment will be handled in the same manner as other requests for leave for personal purposes.

Ethical Conflicts

- A. An employee may not receive a fee or other compensation for assisting any person or agency to obtain a contract, claim, license, or other economic benefit from the City of Miles City.
- B. An employee may not receive a contingent fee for obtaining a contract, claim, license or other economic benefit from any other City department.
- C. An employee may not use city time, facilities, or equipment for a private business. Equipment includes but is not limited to office supplies, telephones, facsimile machines, personal computers, and photocopiers. Employees may not use city telephones to make or receive calls related to outside employment.
- D. An employee may not engage in a substantial financial transaction for private business purposes with a person whom that employee supervises or inspects in the course of his/her employment with the City.
- E. An employee may not perform an official act directly and substantially benefiting a business or other undertaking in which the employee has a substantial financial interest or is engaged as counsel, consultant, representative or agent.
- F. An employee may not use information about another individual, which was obtained during the course of employment with the City for any private business purpose without prior written approval from his/her supervisor.
- G. An employee who is subpoenaed to testify as an expert witness in the employee's official capacity as a City employee may receive regular pay and will remit any witness pay to the City, or the employee may request vacation leave and keep the witness pay.
- H. If an employee is hired as an expert witness based upon some general knowledge, the employee must request leave in the same manner that the employee would request leave for any other personal purpose. The employee must not testify or imply that the testimony is presented on behalf of the City. The employee may keep the witness pay.

Questions

Decisions about whether a particular activity constitutes a conflict of interest often must be made on a case-by-case basis. Employees or department directors should bring questions to the attention of the Mayor who will consult with city legal services for a decision, if this policy does not address the situation.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:

Workplace
Standards

Effective:

10/25/2016

Last Revised:

10/25/2016

OVERTIME AND COMPENSATORY TIME NON-BARGAINING UNIT

Resolution #3999

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

It is the policy of the City of Miles City to comply with the Fair Labor Standards Act (FLSA) relative to overtime and compensatory time practices. While some collective bargaining agreements provide additional "premium" pay formulas, all nonexempt employees are subject to overtime and compensatory time under the provisions of the Federal act. Unless otherwise noted by the position description, the workweek is defined as 12:00 A.M. Sunday through 11:59 P.M. on Saturday.

I. NONEXEMPT POSITIONS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

Nonexempt positions which are subject to overtime and compensatory time but are not covered by a collective bargaining agreement are subject to compensatory time credits as described in the following policy.

COMPENSATORY TIME POLICY FOR NONEXEMPT POSITIONS

1. All need for hours worked in excess of the normal work day for the positions will be anticipated by the employee to the extent possible and approved by the immediate supervisor prior to the occurrence or immediately after the incurrence if it is unanticipated, on a time and attendance form approved by the City.
2. Hours worked in excess of the normal workday will be accounted for and reported to the nearest increment of one-quarter hour (15 minutes).
3. If it is anticipated that an employee will work in excess of forty hours in any work week as a result of working unscheduled or extended hours during the week, the supervisor may allow the employee to take time off during the same week to prevent the employee from exceeding 40 hours of work during said week.
4. An employee who works more than 40 hours in a work week shall be compensated at the

rate of 1.5 times their hourly rate for “overtime” hours. In lieu of receiving pay for overtime hours, the *employee* may choose to receive credit in the form of compensatory time for overtime hours worked as set forth herein.

5. Not more than 120 hours of work over 40 in standard workweeks may be credited by the City to compensatory time. Compensatory time is credited at time and one-half the hours worked over 40 in standard workweeks, and are available to use as time off with pay by the employee. The employee may use accumulated compensatory time credits with sufficient prior notice except in the case of an emergency. All requests shall be on the standard leave request form, and shall be submitted to the employee's immediate supervisor. The City reserves the right to refuse use of compensatory time when, in the opinion of the City, such use would disrupt City operations. The employee has the right to accumulate 120 hours of compensatory time, the City may from time to time cash out any or all of an employee's accumulated compensatory time credits. Should the employee have credits remaining upon termination, he/she shall be paid in cash for all such time at his/her regular rate of pay at the time of termination.

II. EXEMPT POSITIONS

Exempt employees are those who, according to the Fair Labor Standards Act (FLSA) are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Human Resource Officer for details).

COMPENSATORY TIME POLICY FOR EXEMPT POSITIONS

While these employees do not qualify for overtime or compensatory time under FLSA, the City believes that some compensatory time is appropriate in order to recognize hours worked substantially beyond those of nonexempt employees. Following are the guidelines for accrual of Compensatory Time for Exempt Positions:

1. Time required for attendance at a City Council Meeting to address an agenda item or at the Mayor and/or President of the Council request will be considered part of the normal work duties for exempt positions and will not count towards compensatory time.
2. Time for emergency call-outs outside of normal workday will not be counted towards compensatory time unless the situation requires leaving one's domicile to assess the situation or to directly supervise workers in the emergency.
3. All need for hours worked in excess of the normal work day for the positions will be anticipated by the employee to the extent possible and a discussion about the need will occur with the supervisor and approved by the immediate supervisor prior to the occurrence or immediately after the incurrence if it is unanticipated.
4. Any compensatory time will also be accounted for on a time and attendance form approved by the City. A narrative entry by the employee, regarding pertinent information about the reason for the compensatory time will be included.
5. Hours worked in excess of the normal workweek will be accounted for and reported to the nearest increment of one-quarter hour (15 minutes) and on a straight-time basis, i.e., not time and one-half.

6. For each hour of compensatory time, the employee may with the prior permission of his or her supervisor take one hour off during the employee's regular work schedule.
7. An employee's running total of accumulated compensatory time may not exceed 120 hours at any one time unless the Mayor authorizes a higher cap after discussions with the individual employee.
8. The employee may use accumulated compensatory time with sufficient prior notice except in the case of an emergency. All requests shall be on the standard leave request form, and shall be submitted to the employee's immediate supervisor. The City reserves the right to refuse use of compensatory time when, in the opinion of the City, such use would disrupt City operations. The employee has the right to preserve compensatory time, except that the City may from time to time cash out any or all of an employee's accumulated compensatory time. The rate for such cash outs shall be determined by dividing the employee's annual salary by 2,080.
9. At the time an employee separates from City employment, any remaining accumulated compensatory time shall be cashed out under the formula established in item 8, above.

POLITICAL ACTIVITIES

Policy

- A. No person shall be refused employment because of a political belief nor will any employee be discriminated against in term, condition, or privilege of employment because of a political belief. This policy, however, prohibits certain political activities, which are a violation of state or federal law.
- B. Employees who do engage in political activities, which are permitted by this policy, must NOT do so on City time or at City expense.
- C. Employees may request a leave to engage in permissible political activities. The determination whether to grant such a leave will be made in accordance with City leave policies and with 2-18-620, MCA which requires employers to grant employees who are elected or appointed or appointed to a public office in the city, county, or state, a leave of absence not to exceed 180 days while performing public service.

Running for Office

- A. Permissible activities:
 - 1. Any employee may be a candidate for office in a nonpartisan election.
 - 2. An employee who works in a program which is not financed in whole or in part by federal loans or grants may be a candidate for any public office, partisan or non-partisan.
 - 3. Any employee may campaign for and hold elective office in political clubs and organizations.
- B. Prohibited activities:
 - 1. An employee who works for a program which is financed in whole or in part with federal loans or grants may not be a candidate for public office in a partisan election.

Campaigns and Contributions

- A. Permissible Activities
 - 1. Any employee may actively campaign for candidates for public office in both partisan and non-partisan elections and may contribute money to political organizations and attend political fund-raising functions.
- B. Prohibited Activities
 - 1. An employee may not use official authority to influence or interfere with or affect the results of an election or nomination of a candidate for public office.
 - 2. An employee may not directly or indirectly coerce contributions of money or any other thing of value or service from co-workers in support of political parties or candidates.
 - 3. An employee may not coerce or require co-workers to support or oppose any political part, candidate or ballot issue.
 - 4. An employee may not exhibit or distribute to other employees any handbill, placard, sign or notice containing threats or promises in order to influence their political opinions or actions. Examples include threats that a work will cease

completely or in part or that salaries will be reduced or promises that work will be continued or salaries increased.

5. An employee may not solicit support for or opposition to a political party, candidate, committee or ballot issue while at the work place. An employee may place a bumper sticker on his/her private vehicle, however, an employee may not wear campaign buttons or place buttons, bumper stickers, posters, placards, or other such political materials on walls, desks, bulletin boards, or other city property or distribute political pamphlets or flyers in the workplace.
6. An employee may not promise to appoint employees to other positions in the City nor promise to secure a contract, grant or other consideration from the City to induce any person to vote for or refrain from voting for any political party, committee, candidate or ballot issue.

Lobbying

A. Permissible Activities

1. An employee may lobby on behalf of the City if the employee has been so designated by the City and is registered as a lobbyist.
2. An employee may, as a private citizen, promote or oppose the introduction or enactment of legislation before the legislature or members of the legislature. An employee acting solely on his/her behalf need not be registered as a lobbyist.

REST BREAKS

Background

Nothing in Montana law or rule provides for rest breaks by city employees. The Fair Labor Standards Act does not require employers to give rest breaks. However, employers who allow rest periods must adopt policies to control their use.

Policy

- A. Full-time employees of the City of Miles City will be allowed two rest breaks each day, usually one mid-morning and one mid-afternoon.
- B. Rest breaks are duty free and are limited to 15 minutes.
- C. Shorter breaks at more frequent intervals will not substitute for a fifteen-minute break. A Department Director or Supervisor may authorize exceptions.
- D. Employees who work half-days will be allowed one rest break.
- E. Breaks not taken will be forfeited. Breaks may not be accumulated from morning to afternoon or day-to-day to provide a longer break.
- F. Breaks may not be taken in conjunction with the lunch hour to provide a longer lunch hour.
- G. Breaks may not be taken at the beginning or end of a shift to delay the start of work or to leave work early.

Closing

This policy will be followed unless it conflicts with negotiated labor contracts, which shall take precedence to the extent applicable.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:

Workplace
Standards

Effective:

1/1/2023

Last Revised:

12/13/2022

STAFF REPORTS TO CITY COUNCIL RESOLUTION #4492

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City.**
- **Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

POLICY

It is the policy of the City of Miles City that the following appointed city officers: Chief of Police, Chief of Fire, Grant Writer, Public Works Director, Public Utilities Director, Building Inspector, City Clerk, and City Attorney, or their designees should said officer be unable to attend in person (hereinafter “designated staff”), will attend City Council meetings in-person, and said officers shall provide written monthly reports to Council pertaining to the officer’s department.

City Code Section 2-50(f) states that the City Council shall have the power “to require from an officer at any time a report in detail of the transactions in that office or any matter connected with that office.” It is the City Council’s position that both verbal and written reports fall within the purview of the powers granted by said City Code section. All positions subject to this policy are identified as appointed city officers in City Code Section 2-86.

PURPOSE

- To improve communication between City Council Members and designated staff.
- To improve City Council elected representatives’ ability to track important projects underway and plans for future projects.
- To improve documentation and understanding of budget variations and staff requests for funding changes as needed.

PROCEDURE

1. Pursuant to City Code Section 2-50(f), designated staff are required to attend at least one regularly scheduled City Council meeting each month to provide a staff report to Council, and to answer questions from City Council members pertaining to the designated staff member’s department. In extenuating circumstances, the Mayor may excuse such required attendance. Attendance at said meeting(s) shall be considered hours worked for said designated staff.

2. Pursuant to City Code Section 2-50(f), designated staff shall submit on not less than a monthly basis a brief written report to the City Clerk for inclusion in the next scheduled Council meeting packet. Reports will become a part of the Council meeting minutes.
3. The written report should provide City Council members with relevant information pertaining to the designated staff member's department concerning:
 - a. Primary focus of current work underway throughout the City and challenges related to it.
 - b. Status of all contracted work underway throughout the City and challenges related to it.
 - c. Status of projects in the planning phase.
 - d. Information about State, County and utilities projects throughout the City.
 - e. Budget variations exceeding current budgeted ceilings, including overtime expenditures.
 - f. Major equipment purchases anticipated in the next 6 months.
 - g. Performance improvement measures primarily selected by the Officer.
 - h. A generic form is available for use, but not required to be used

NOTE: "The information contained in this report is for City performance improvement activities only. It is NOT to be used for disciplinary or punitive purposes."

STANDARDS OF CONDUCT

Policy

The purpose of this policy is to convey the Code of Ethics required of public employees by the Montana Constitution and to establish standards of conduct for all City of Miles City employees.

References

Employees should be aware of the following sources of information regarding conduct and ethics in public employment:

- A. Section 2-2-101, et seq., Montana Code Annotated.
- B. The Montana Constitution requires a Code of Ethics for public employees, which prohibits conflict between public duty and private interest.
- C. Title 44, Part 7 of Montana Codes Annotated discusses public employee actions, which may be deemed criminal and includes such areas as threats and improper influence, bribery, compensation for past official action, gifts to public servants and official misconduct.
- D. Each City Department is required to establish a Code of Conduct for departmental employees that may address other departmental concerns. Employees should consult with their Department Director about department Code of Conduct.
- E. City employees are required to disclose any conflicts they may have to their Department Director relative to this policy.

Montana Standards of Conduct Law

This law discusses standards of conduct for public employees in four major categories:

- A. GIFTS. A city employee may not:
 1. Accept a gift or economic benefit, generally more than a value of \$50.00, that:
 - a. would tend to influence you to depart from a faithful and impartial discharge of public duties; or,
 - b. a reasonable person would know is a reward for official action taken.
- B. SELF-DEALING. A city employee may not:
 1. Disclose or use confidential information acquired in the course of public employment for personal financial gain.
 2. Acquire an interest in any business or undertaking that may be directly and substantially affected to its economic gain by actions taken by the City of Miles City.
 3. Perform an official act, which directly and substantially harms a business when the public employee has a substantial personal interest in a competing business.
 4. Engage in a substantial financial transaction for a public employee's private business with a person whom the public employee inspects or supervises in the course of their official duties.
 5. Assist a person for a fee or other compensation in obtaining a contract, chain, license, or other economic benefit from the City.

6. Perform an official act, which directly and substantially provides an economic benefit to a business in which a public employee has a substantial financial interest or for which the public employee is engaged as a counsel, consultant, representative or agent.
- C. UNWARRANTED PRIVILEGES. A city employee may not:
1. Engage in any activity, including lobbying, on behalf of an organization to which the public employee belongs while doing their official duties.
 2. Participate in a proceeding before the City, that is within the scope of a public employee's job duties, when an organization of which the employee is an officer or director is involved, or attempt to influence a local, state, or federal proceeding in which the employee represents the city.
 3. Within 12 months following voluntary termination, obtain employment taking advantage, unavailable to others, with which the employee was directly involved. Such matters include rules, which the employee helped formulate, and applications, claims, or contested cases in which the employee was actively involved.
 4. Within 6 months of termination, contract or be employed by someone who contracts with the City involving matters which the employee was directly involved during employment with the City. This does not apply to contracts awarded to low bidder based upon a competitive process. It does not apply to an employee terminated due to a reduction in force.
- D. PUBLIC PROPERTY FOR PRIVATE BUSINESS PURPOSES. A city employee may not:
1. Receive two salaries as a public employee for work during overlapping hours except if the duplicate pay for one job consists totally of accrued leave and/or compensatory time during the overlapping period.
 2. Use public time, facilities, equipment, supplies, personnel or funds for private business purposes.

Personal Phone Calls

Personal phone calls will be kept to a minimum; they can not interfere with work. Generally, reception point phones should not be used for personal phone calls as these phones are an office's main connection to the customer. Limited local area calls on City phones for essential personal business are allowed. Do not abuse the privilege. Emergency calls regarding family illness or injury, changed family plans, or similar calls may be made at any time. Incoming urgent calls will be directed to employees.

Mail

Do not use the City's address as a personal mailing address and do not use City postage or letterhead for personal correspondence. To do so constitutes theft. Department directors have the discretion to set policy in each department for the procedure of opening mail. Generally, the City considers any piece of mail addressed to any employee as City property and public record. Staff assigned to open and/or route mail in each department may open general mail so that it may be date stamped. Letters marked confidential should not be opened, but given directly to the addressee or the department director.

Theft

The City will not tolerate property theft. Property theft is considered to be the unauthorized use of City services, facilities or equipment, or the taking of City property for personal use. The following list of examples is not all inclusive, but provides illustrations of activities that are considered theft:

- a. Use of City Copy machine for personal use.
- b. Use of computers and printers for personal use.
- c. Use of fax machines for personal use.

Borrowing or the taking of City Property


No item purchased or supplied by the City should ever be removed from City premises without the express authorization of the Department Director. Unauthorized possession or removal of City property is a very serious offense. Any violation may result in immediate discipline.

Confidential Information

City employees may become knowledgeable of or involved with important and/or sensitive information relating to employees or customers. City employees are expected to identify and appropriately administer confidential information. The City encourages all employees to maintain this confidentiality even after terminating their position. Violations of confidentiality seriously injure the City's reputation and effectiveness. Employees who are concerned about the appropriateness of releasing information are obligated to receive guidance from their supervisor.

Closing

All City employees should familiarize themselves with 2-2-101, et seq., MCA as well as any individual department Code of Conduct for complete information about on-the-job conduct. Violators of this policy may face not only criminal penalties provided by Title 44, Part 7 of MCA but also may be subject to the City's disciplinary policy including discharge from employment.

 <p>CITY OF MILES CITY PERSONNEL POLICY</p>	Section #6	Workplace Standards
	Effective:	03/24/2015
	Last Revised:	10/22/2019
Travel		
Resolution # 4293		

This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

Introduction

Traveling is a necessary operation of city government. However, city departments should always remember that travel expense could be a major budget consideration if it is not properly managed. Departments must always be aware of the need for efficiency and economy in travel. The responsibility for adhering to the laws and providing effective managerial control rests with each employee. Unless covered by a separate section of statute, all elected officials, appointed members of boards, commissions, or councils, department directors and all other city employees are subject to this policy. To the extent practical, the City policy mirrors the travel policy in place for employees of the State of Montana.

Travel Requirements

When considering travel the following requirements apply:

- A. The Mayor must approve all out-of-state travel in advance.
- B. The employee's immediate supervisor must approve all other travel.
- C. Each department shall hold to the absolute minimum the number of personnel attending a function requiring travel.
- D. Lodging expenses are to be kept as low as possible and every effort will be made to obtain government rates.
- E. Transportation costs will be kept as low as possible and time away from regular work will be minimized as much as possible.
- F. The least expensive class service available for all commercial air travel will be used.
- G. Employees traveling by car will adhere to all applicable traffic laws.
- H. The Department Director or the Mayor will approve all travel plans, in advance.
- I. If an employee travels each day from home to work, that is not considered a travel status for the purposes of this policy.

Commercial Airline

- A. Travel by commercial airline is allowed if the cost of such travel is less than by ground transportation and /or if it is a situation where the time away from the worksite for the employee needs to be kept to a minimum.
- B. Department Directors or the Mayor will approve all commercial air travel.

Use of City-Owned or City-Leased Vehicles

- A. Employees subject to emergency call out because they work in a 24-hour, seven day per week Department will be allowed to take city-owned vehicles home.
- B. City owned vehicles may be available for out-of-town travel and city fuel card shall be used for fuel purchases.
- C. The employee who is in charge of the city-owned vehicle is responsible for insuring that proper maintenance is completed on the vehicle.

Use of Personal Vehicles

- A. Employees will receive a mileage reimbursement for use of a personal vehicle for City business when:
 - 1. No city owned vehicle is available for travel; and,
 - 2. The use of a personal vehicle is considered to be in the best interest of the City.
- B. Exceptions:
 - 1. An employee may opt to use his or her own vehicle when a city-owned vehicle is available but ~~is~~ in that case will receive ~~will receive~~ one-half the current approved state rate, as reimbursement.
 - 2. Department employees who are subject to emergency call out and work in a 24-hour, 7 day per week Department, may opt to use their own vehicle for city work. In this case the employee will receive a monthly stipend based upon an average number of work miles driven per month. That average will be reviewed yearly and will be based upon a log kept for a specified period of time as mutually agreed to by the Mayor and employee. The stipend will be based upon the approved state mileage rate and will not include mileage between the work place and home.
- C. Employees who choose to use a personal vehicle for city business and there is reimbursed mileage, the employee must comply with liability protection provisions of Section 61-6-3, MCA, and must be aware of personal vehicle usage liability.
- D. City mileage rates will be adjusted when the State of Montana changes their mileage rates.

Private Rental Agency Vehicle Contract

These costs are not allowed by the city unless it is a road emergency, and then reimbursed only following contact and approval by department director.

Meal Allowances

- A. To be eligible for a meal allowance while traveling on City business, the employee must be in a travel status for more than 3 continuous hours and be at least 15 miles from the work site or home, whichever is closer.
- B. May not request reimbursement for meals included in the cost of a conference/training registration that is paid by the City or for meals provided by the City or another governmental entity.
- C. Meal Allowance Time ranges. In order to claim a meal allowance, the employee must be in a travel status for more than three continuous hours within one of the following time ranges:

<u>Time Range</u>	<u>Meal Allowed</u>
12:01 a.m. to 10:00 a.m.	Morning Meal
10:01 to 3:00 p.m.	Midday Meal
3:01 p.m. to Midnight	Evening Meal

D. Each time range must be considered separately when applying the more-than-three-continuous-hour rule. More than three continuous hours in any one-time range is at least 181 minutes.

E. Reimbursement will be at state meal rates as published.

Reimbursement for Receipted Lodging

- A. The City adopts the state reimbursement for actual out-of-pocket lodging expenses, including room tax, up to the maximum amounts set by this policy, for in-state and out-of-state travel and changes those rates when the state amends their rates.
- B. The following costs are allowed for reimbursement. In order to claim reimbursement, original receipts must be attached from a licensed lodging facility to the City Travel expense voucher. Other receipts, such as credit card receipts, are not acceptable.
- C. If an employee is traveling with their non-city-employed spouse, the lodging rate claimed must reflect only the rate for one person. The single-occupant rate should be noted and marked as such on the receipt.

In-state Travel - Receipted Lodging

- A. The maximum lodging reimbursement rate for in-state travel is not to exceed standard state lodging rate as published, unless lodging is in one of the high cost areas. Current rates are to be obtained at the following website: <https://sfsd.mt.gov/SAB/EmployeeTravel>
- B. Exceptions, when lodging is secured at the convention or training site, the prevailing room rate for that site, will be paid by the city.

Out-of-State Travel Receipted Lodging

The maximum lodging reimbursement rate for out-of-state travel is not to exceed the standard in-state lodging rate as obtained under the "In-state Travel - Receipted Lodging" section above unless the city is in a high cost area. The out of State high cost areas are available on the federal GSA website. If the city is not listed on this table but the county is, the lodging rate listed applies in the entire county. If neither the city nor the county in which the city is located are listed, then the standard rate should be used for that area. To find the GSA website go to: <https://sfsd.mt.gov/SAB/EmployeeTravel> Click on the "Federal Lodging Rate Guidelines" and select the state you will be visiting.

Reimbursement for Non-Receipted Lodging

It is the policy of the City of Miles City that it will not reimburse an employee in a non-receipted facility.

Exceptions:

In some instances; lodging is provided at no charge. In these instances, you can claim lodging expenses of \$12.00 per night. Examples include:

- E. Lodging is provided on campus for industry or government seminars;
- F. Lodging is included in the registration fee.
- G. Employee stays with family or friends.

Use of City Credit Cards in Travel

- A. City credit card will be used for lodging purchases only.
- B. City fuel card will be used for fuel when traveling in a City vehicle

Travel Advances

- A. Travel advances are available by completing the Travel Advance Request and detailing the travel plans and costs, with proof of registration attached.
- B. Total costs must be at least \$50.00
- C. The Travel advance form must be received by the City Clerk's office at least ten days before it is needed.

Travel Voucher Process After Travel

- A. A Travel Expense voucher will be completed and signed by the employee after travel ends. The voucher must have the agenda of the conference/training attached if a travel advance was not requested.
- B. The voucher will be reviewed and approved by the Department Director or Mayor.
- C. No more than two vouchers will be processed per month.
- D. Reimbursements due the city will accompany the voucher.

USE OF CITY VEHICLES

Definitions

- A. "Approved Use" is use of a city-owned or leased vehicle that is necessary for or arises from the ~~conduct of city~~ business or is an emergency travel related situation or exceptional circumstance.
- B. "Unauthorized Use" is use that would be unlawful in a private vehicle or violates this policy or a supervisor's instructions.
- C. "City Vehicle" is any vehicle, truck and or specialized unit owned or leased by the City of Miles City.
- D. "Travel Status" is when an employee, as a condition of employment, is required to travel outside his/her normal work area and/or stay overnight at locations other than permanent headquarters, or when an employee is assigned a city vehicle on a seven day, 24 hour basis, for emergency response purposes.
- E. "Recreation" is diverting activity conducted in off-duty hours when in a travel status and when a city vehicle is used for transportation.
- F. "Reasonable Distance" is the distance an employee in a travel status might drive from a work or overnight lodging location for meals or recreation. The distance driven from a work location for a noon meal will be reasonable and prudent and fit the travel circumstances.

Approved Uses

- A. During Work.
 - 1. Employees may use a city vehicle or leased vehicle for the conduct of city business provided they have a valid Montana driver's license and follow all posted traffic regulations.
 - 2. Employees may use a city-owned or leased vehicle for medical or dental emergencies, if no other vehicle is available. This does not apply to regular, non-emergency medical or dental appointments.
 - 3. Employees in a travel status may use a city vehicle for transportation for meals. Use of a city vehicle specifically for the purpose of going for a meal when an employee is not in a travel status is an unauthorized use.
 - 4. If employees are unexpectedly placed in a travel situation during a normal non-travel shift, a city vehicle may be used to obtain personal travel items such as clothes, funds, etc.
 - 5. Employees may use city-owned vehicles or leased vehicles for transportation of personal items (those typically allowed by common carrier) while traveling for official business. Using a city vehicle specifically for transportation of personnel, goods, or other items not related to travel is unauthorized use.
 - 6. Employees may transport other city employees, individuals who are attending the same meeting or training and can be described as business associates on official city business, and persons who require transportation for emergency services. Non-city employees such as family members are NOT authorized to be transported by a city vehicle.

- B. After work, when not in a travel status.
 - 1. City vehicles may be taken to a private residence, including being parked overnight, when such action is in the best interest of the city and facilitates the conduct of official business. Authorization for such use is limited to and is at the discretion of the City Council and is subject to Internal Revenue Code.
- C. After work, when in a travel status.
 - 1. A city vehicle may be used during non-working hours for transportation for medical emergencies or for meals, lodging and or recreation activities that:
 - a. are within reasonable distance from a lodging location.
 - b. would be considered acceptable by the general public and might include going to a mall, bowling, swimming, golfing, etc. Generally, either the activity or the location where the vehicle is parked should not result in criticism of the employee or the city.
 - 2. Employees should make every effort to obtain lodging in close proximity to work activities and desired recreation activities so as to minimize or eliminate the use of a city vehicle during non-working hours.
 - 3. Under no circumstances shall recreation activities result in damage or accelerated wear to the city vehicle.
 - 4. Under no circumstances shall firearms be carried in a non-police city-owned vehicle.
 - 5. Consumption of alcohol or illegal drugs in a city-owned or leased vehicle is prohibited.

Policy Violation

Employees who violate this policy will be subject to discipline, up to and including discharge.

CITY OF MILES CITY

EMPLOYEE

SAFETY MANUAL

Revised August 2009

City of Miles City Safety Policy

CITY OF MILES CITY

EMPLOYEE SAFETY MANUAL

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EMPLOYEE'S STATEMENT

I acknowledge receipt of the City of Miles City=s Employee Safety Manual, which contains suggestions for:

- * Safe work procedures.
- * Personal protective equipment, when required.
- * Maintaining a workplace that is orderly and free of any recognizable hazard
- * Actions to correct or modify potentially unsafe or hazardous conditions.
- * Documenting safety training.

I have read the Employee Safety Manual and clearly understand all it=s contents.

Signature: _____

Date: _____

Instructions: Sign both copies. Turn one in to your supervisor for placement in your personnel file and keep the other in this - **your copy** of the City of Miles City Employee Safety Manual.

This statement does not constitute a waiver of any rights guaranteed by the laws of the State of Montana, nor any provisions negotiated by collective bargaining.

RESPONSIBILITY FOR SAFETY

Safety Culture Committee

The responsibilities of the Safety Culture Committee shall be as follows:

1. To organize, coordinate, and implement a Safety Program.
2. Hold regularly scheduled meetings, minimum quarterly, to hear reports on current Workers' Compensation claims, accidents, near misses, hazardous conditions, and inspections of the City of Miles City's work sites.
3. To investigate any reported accident, near miss, or unsafe condition; and to recommend corrections of these situations as they are identified; and to follow up on the progress of these recommended corrections.
4. To recommend specific programs or courses of action for the Department Heads to follow in order to improve safety awareness.
5. To recommend that corrective action be taken when the actions (or lack of actions) by a responsible party is found to contribute to a hazardous condition. Such a hazardous condition need not necessarily result in an accident, nor is the responsibility for an accident limited to the party injured.

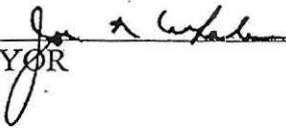
Department Heads

The responsibilities of the Department Heads and their designated representatives are to:

1. Insure that their department and its employees understand safety related procedures and policies in regard to accident reporting, employee safe-working practices, and corrective actions. To achieve this end, safety meetings with the supervisors shall be scheduled once every three months to discuss and record the following:
 - a) Recent accidents
 - b) Near misses
 - c) Employee suggestions to the Department Head for improving workplace conditions, as regards health or safety concerns
 - d) Results of inspections by the Department Head and/or designated safety officer

MANAGEMENT SAFETY POLICY

In recognition of the responsibility of Miles City's administration to prevent occupational accidents and injuries involving employees, it is this administration's intent to develop and implement an effective, formal loss control program. An accident resulting in personal injury, or property and equipment damage represents needless waste. The success of our loss control program can be measured directly by its ability to prevent unnecessary loss. It is our earnest request that all employees pro-actively devote their serious attention and effort towards making this program an integral part of day-to-day work activities.


MAYOR

DECEMBER 17, 2010
DATE

- e) Corrective actions performed in response to hazardous conditions which have been identified
- f) Questions pertaining to the Safety Program, policies, and actions of the Safety Culture Committee

2. Investigate accidents for the Safety Culture Committee, and carry through with recommended action, as directed by the Committee.
3. Insure that their designated safety officer shall enforce safety rules, report any accidents to the Safety Coordinator, and keep records of near misses for the review of the Department Head and Safety Coordinator.
4. Request from the Safety Coordinator such training, literature, or other information to ensure that supervisors and employees understand accident reporting procedures, safe work practices, and other safety concerns.
5. Organize, maintain, and summarize records of the City of Miles City for permanent reference as concerns:
 - a) Accident reports, investigations, claims filed against the City of Miles City, along with other documentation;
 - b) Departmental summaries of its scheduled meetings;
 - c) Reports and notes from consultations and inspections made at worksites;
 - d) Suggestions from employees and supervisors concerning unsafe or hazardous conditions which need to be corrected;
 - e) Safety Culture Committee minutes and any documents that were distributed during the Committee meeting;
 - f) Reports and citations resulting from inspections by the State of Montana Safety Bureau;
 - g) Employee personnel records of safety related material, including:
 - 1) A signed statement from the employee acknowledging receipt of the Employee Safety Manual
 - 2) Accident Reports; investigations, claims filed for workers' compensation, and other documentation

- 3) Records of any corrective action taken when an employee was found to have violated any department or city-wide safety policy.
- 4) Any safety certification and/or training required for specific tasks

Supervisors

It shall be the responsibility of Supervisors to:

1. Insure the employee's workplace is free from recognizable hazards and unsafe conditions, and to report these to his/her Department Head
2. Take whatever action is necessary to correct recognizable hazards or unsafe conditions, including the removal of employees from a worksite in situations where a hazard may be immediately dangerous to the life, health or safety of an employee.
3. Insure that all employees understand safety related standard operating procedures through training or personal supervision. Such training or personal supervision may take the form of:
 - a) Tailgate or pre-job safety meetings
 - b) Training or close supervision when new equipment or procedures are being used.
 - c) Educational materials (videos, printed material, etc.) requested from the Safety Coordinator

It is always the Supervisor's job to anticipate the unexpected, the unusual, and the consequences of a "worst case" accident when assigning a task to an employee, and to communicate these concerns and observations to that employee.

4. Make spot safety inspections of employees at the worksite and enforce all safety policies and rules, including safe work procedures, use of protective equipment, maintaining equipment, and "good housekeeping" at the worksite.
5. Insure that all employees understand the corrective actions associated with any recommended department or city safety policies.
6. Keep a "note pad" record of safety related matters, such as: a) employee recommendations relating to the correction of a potentially unsafe or hazardous condition. b) time and subject of tailgate or pre-job safety committees, c) time, location and comments about spot inspections of employee worksites, 3) actions taken

to correct unsafe or hazardous situations, and e) accidents and near misses at the worksite.

7. Submit to the Department Head the information on #6, above, at regularly scheduled departmental safety meetings, or if there is an immediately hazardous condition, as soon as possible.
8. Insure that all current and new employees receive a copy of the Safety Manual, and insure that the employee signs a statement acknowledging receipt of the manual, and return this statement to the Safety Coordinator.
9. Promptly and accurately complete the Employer's First Report of Notice claim form, and submit this to the Safety Coordinator.

Safety Coordinator

The designated Safety Coordinator shall be the Mayor of the City of Miles City. It shall be the responsibility of the Safety Coordinator and his/her designated representative(s) to:

1. Act at the direction of the Council and the Safety Culture Committee to establish goals for the overall safety program, and to effectively promote and enforce it. The Safety Coordinator may delegate authority, as appropriate, to implement these activities.
2. Provide training materials, written information, etc. at the request of the Department Heads, Supervisors, and the Safety Culture Committee.
3. Insure the prompt investigation and reporting of any accident for which a Workers' Compensation, or any other insurance claim (i.e. auto, liability, or property) has been filed against the City of Miles City.

Employees

It shall be the responsibility of all City of Miles City Employees to:

1. Follow all safety rules and standard operating procedures established for their jobs and worksites.
2. Promptly report all accidents and near misses to their supervisor or designated agent.

3. Promptly report any hazardous conditions or procedures that affect them, their fellow workers, or the general public, to their supervisor and/or designated agent.
4. Attend safety training sessions as required by their supervisor and/or designated agent, and to assure that any training is documented by their supervisor.

CITY OF MILES CITY

EMPLOYEE SAFETY MANUAL

PURPOSE AND SCOPE

It is the purpose of this handbook to provide you with information that will help you carry out your assignments in a safe manner.

Safety rules cannot be written to cover every conceivable work condition. The practice contained herein is brief so that they may be readily understood. Safety is the responsibility of each individual and you will be expected to exercise good judgment and common sense in observing these practices. Should any doubt arise as to the proper meaning or interpretation:

-- ASK YOUR SUPERVISOR OR FOREMAN ! --

Any employee violating the safe practices and responsibilities outlined in this manual, or who unnecessarily endangers his/her own (or another's) personal safety, shall be subject to corrective action. Depending upon the circumstances of each case, this may include reprimand, layoff or termination. Any discipline will be referenced to specific department contract and/or Miles City Policy Manual.

GENERAL SAFETY POLICY

It shall be the responsibility of all City of Miles City employees to:

1. Be familiar with the Employee Safety Manual, departmental safety policies and to sign a statement acknowledging receipt of a copy of the Manual.
2. Promptly report to their supervisor any recognizably hazardous condition or procedure that may put an employee or the general public at risk.
3. Learn the right and safe way to do each job. Continue to suggest possible improvements for improving the job.
4. Operate only the machinery or equipment which you have been authorized and trained to operate safely.
5. Only use tools, machinery and vehicles that are in safe working order. Promptly report any defective or worn tools, machinery, or vehicles to your supervisor.

6. Work at a safe speed; plan ahead so as to perform the job safely, as well as efficiently. Do not take any "short cuts."
7. Promote efficiency and safety by keeping an orderly and clean work area. Liquid spills, items stored "temporarily" and forgotten, cluttered and scattered parts, tools, and materials will not be tolerated.
8. Never endanger the health or safety of a co-worker or the public through horseplay, practical jokes, wanton neglect, or thoughtless indifference.
9. Never be under the influence of intoxicating beverages, mind altering substances, or medications that could affect your performance on the job.
10. Smoking is prohibited in all government and public buildings and vehicles. MCA 50-40-104 and MCA 50-40-201.
11. Recognize "near misses" and report them to your supervisor, and cooperate in the investigation of any accident. This should reduce the likelihood of the same (or similar) incident from recurring.
12. First-aid kits, whether in cars, trucks, or buildings, shall be kept fully supplied and shall be readily available for immediate use, should the need arise.
13. Be cautious of slippery or polished floors. Use the handrail when going down or up stairways.
14. Employees are to exercise proper lifting techniques whenever lifting or handling heavy and/or bulky objects. This will reduce the likelihood of a strain. Help should be obtained whenever necessary.
15. No vehicle or other gasoline or diesel powered engine is to be operated in a closed area without adequate ventilation.
16. Gasoline is not to be used as a skin cleaning agent. Only use soap and water or hand solvents.
17. Gasoline is to be kept in approved safety cans.
18. Oily rags, scrap, and other debris must be disposed of in covered metal containers.
19. All occupational injuries, whether or not the employee received medical attention or first aid, shall be reported IMMEDIATELY to the injured employee's foreman or supervisor.

Failure to report injuries immediately may result in a delay and possible denial of benefits.

20. Fire fighting equipment is to be maintained ready for use, strategically located and accessible at work sites and city facilities, with appropriate personnel trained in the proper use of each type of equipment. Whenever an extinguisher is used, a report is to be made to the foreman so that arrangements can be made to have the unit recharged. Regular inspection of fire fighting equipment shall be made as prescribed.
21. No employee shall wear devices which will impair hearing (such as headphones, etc.) other than those approved by the Department Supervisor.
22. Be familiar with the location of the Material Safety Data Sheets (MSDS) for any materials they may normally use in their jobs.

DISCIPLINE HANDLING POLICY

City employees who fail to perform their jobs in a safe and conscientious manner or whose behavior or attitude otherwise interferes with or disrupts the practice of on-the-job safety shall be subject to corrective action according to the Miles City Policy manual and/or their specific department contract.

SECTION 1 - PRECAUTIONS ON CUSTOMERS' PREMISES

The following safety practices should be adhered to by those employees whose job responsibilities necessitate being on customers' premises.

- 1.01 - Employees shall identify themselves as city employees immediately upon arrival at the premises or job site. (Note: I.D. cards will be required to be carried by each employee.)
- 1.02 - Always be alert to hazards when entering buildings under construction or demolition, especially on temporary stairs, ladders, and other temporary working surfaces.
- 1.03 - Be cautious when approaching a customer's premises where there is a dog. Ask the customer to leash or lock up the dog.
- 1.04 - Use a flashlight when in poorly lighted rooms, basements, or stairs. NEVER use matches or an open flame.
- 1.05 - When in a customer's basement, check overhead for low beams, pipes, and objects protruding from the ceiling.
- 1.06 - Be cautious of slippery, painted porches, polished floors, or debris on floors. Use handrail going down or up stairways.
- 1.07 - Use walks and designated passageways on customers' premises. **DO NOT TAKE SHORTCUTS.**
- 1.08 - Wear good traction rubbers or rubber boots during winter when walks and driveways are covered with ice and snow.
- 1.09 - Be on the lookout for upturned or protruding nails and all tripping hazards. Wear shoes with strong soles to avoid nail punctures.

SECTION 2 - EYE PROTECTION

- 2.01 - Suitable safety glasses, goggles, or face shields shall be worn when work being performed may result in injury to the eyes from flying particles, splattering liquids or harmful light rays.
- 2.02 - Some examples of when proper eye protection must be worn are as follows:
- a. When chipping or breaking stone, brick, concrete or frozen ground
 - b. When using air or electrically driven power tools
 - c. When grinding, drilling, sandblasting, using jack or frost hammers, scaling tools, compressed air lines, and overhead
 - d. When performing maintenance and repair work on equipment, vehicles, parts, assemblies, and when cleaning certain appliances or heating units
 - e. When assembling, fabricating, or welding
 - f. When working near or in work areas where eye protection is required
- 2.03 - All eye protection devices shall fit properly and be maintained in a sanitary and serviceable condition. Eye protection devices shall be replaced when they become warped, scratched, or pitted.
- 2.04 - Safety glasses will be provided by the city when, in the opinion of the city, they are necessary to insure the safe performance of the job.
- 2.05 - It is highly recommended that contact lenses not be worn when welding or working with chemicals while/when only wearing basic eye protection such as goggles or safety glasses.

SECTION 3 - HEARING PROTECTION

- 3.01 - In areas where noise levels have been determined to be hazardous, hearing protection in the form of ear plugs or ear muffs shall be provided by the city and worn by all employees. Only those devices approved by the Department Supervisor shall be worn.

SECTION 4 - HEAD PROTECTION

- 4.01 - Hard hats are to be worn whenever working in or visiting areas where there is reasonable danger of being struck by falling objects, or wherever there is a possibility of being struck on the head by tools or equipment, or where there is a possibility of striking the head against objects or obstructions.
- 4.02 - Hard hats are to be worn by all employees whenever required by departmental rules and, specifically:
 - a. In the normal performance of work on streets or in manholes, tunnels and trenches.
 - b. In close proximity to cranes, hoisting, excavating, pipe handling and material handling equipment.
 - c. When working in construction or demolition areas.
 - d. When working in or visiting job locations where employees on the job are required to wear head protection. This would include areas designated as "HARD HAT AREAS."

SECTION 5 - FOOT PROTECTION

5.01 - Safety shoes shall be worn by all employees during working hours where/when:

- A. The possibility of a crushing injury to the toes and foot exists.
- B. Sharp objects may be present or walked on.

SECTION 6 - CLOTHING

- 6.01 - Suitable clothing should be worn by all employees in keeping with their respective jobs.
- 6.02 - Loose clothing shall not be worn around moving machinery or equipment.
- 6.03 - Approved Safety vests shall be worn by employees in work areas that are exposed to vehicular traffic. Ref DOT # 23-CFR, Part 634
- 6.04 - Personal Protective Equipment (PPE) shall be worn according to Department SOG/SOP.

SECTION 7 - LADDERS

- 7.01 - All ladders are to be inspected prior to being used. Defective or damaged city ladders are to be returned to the shop and exchanged. Defective ladders are to be marked and not used.
- 7.02 - Straight and extension ladders should be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about 1/4 of the working length of the ladder (the length along the ladder between the foot and the point at which the ladder rests).
- 7.03 - Employees must always face the ladder when ascending or descending.
- 7.04 - Portable straight, extension and stepladders must be equipped with safety feet, except when the ladder is to be used in trenches or street openings.
- 7.05 - Never work higher than the third rung from the top of an extension ladder or the second step from the top of a stepladder.
- 7.06 - Metal ladders are to be used with extreme caution near electrical wires.

SECTION 8 - MOTOR VEHICLES

- 8.01 - Employees operating city vehicles shall practice DEFENSIVE DRIVING by anticipating the possibility of accidents which may be caused by other drivers, pedestrians, or animals doing something unexpected. Particular attention should be paid to the actions of children.
- 8.02 - Employees are required to obey all local, state, and city traffic regulations.
- 8.03 - Employees are required to inspect their assigned vehicle, before taking it on the road, to see that it is in proper operating condition.
- 8.04 - Any defect which would affect safe operation of the assigned city vehicles is to be immediately reported on the appropriate form to the foreman or supervisor responsible for the vehicle.
- 8.05 - Employees are required to report all traffic accidents immediately to the foreman or their supervisor, who in turn will advise the City Clerk. They will also be required to carry insurance packets and proof of insurance cards in each vehicle.
- 8.06 - Vehicles shall not be left unattended with the motor running. When operational requirements make it necessary that a vehicle be left running (i.e. compressor operation, warning lights, etc.), the wheels of the vehicle shall be blocked or chocked in either front or rear.
- 8.07 - Seat belts shall be worn when operating or when a passenger in city vehicles.
- 8.08 - All vehicle operators must turn off engines and extinguish cigarettes, cigars, or pipes while vehicle is being refueled.
- 8.09 - Riding on equipment that has no provision for passengers is STRICTLY FORBIDDEN.
- 8.10 - Before operating any city vehicle, check the brakes, horn, tires, lights, reflectors, mirrors and windshield wipers to make sure they are operational. If not, report any defects on the appropriate form to the foreman or supervisor. DO NOT OPERATE THE VEHICLE IF ANY OF THESE ITEMS ARE DEFECTIVE.
- 8.11 - Cell phones shall not to be used in close proximity when fueling vehicles.
- 8.12 - Texting shall not be permitted when operating any vehicle.

SECTION 9 - EXCAVATIONS

- 9.01 - All utilities are to be located before any excavation takes place. The sides of an excavation five (5) feet or more in depth or in any excavation where the soil is unstable in which men will be working, shall be supported by adequate shoring, sheeting, or bracing. OSHA 2226 Trenching Operations, Current Revised Edition, shall be consulted for detailed instructions.
- 9.02 - Ladders or suitable ramps shall be used when going in or out of trenches or excavations in excess of four (4) feet deep or as otherwise necessary. Ladders shall be located in trenches, to provide at least two means of exit without more than 25 feet of lateral travel, and should extend at least three (3) feet above the top of the excavation.
- 9.03 - Spoil and debris shall be effectively stored and retained at least two (2) feet or more from the edge of the excavation which employees may be required to enter. Spoil should be placed, if possible, in a position which will allow the employee to work from the non-traffic side of the excavation.
- 9.04 - The sides of the excavation should be carefully trimmed so that there are no jagged projections.
- 9.05 - All tools and loose materials are to be stored so that they cannot fall or be accidentally pushed into the excavation.
- 9.06 - Employees shall not work under loads handled by power shovels, backhoes, or hoisting equipment.

SECTION 10 - CONFINED SPACES AND FALL PROTECTION

- 10.01 - Reference 20 CFR Part 199 of the (confined space) federal register.
- 10.02 - Reference 29 CFR Part 1910
- 10.03 - Manholes, vaults, and other confined spaces must be tested with gas detecting equipment for the presence of gas before entering. When necessary, either the structures shall be cleared by forced ventilation or supplied air breathing equipment shall be worn before entering.

SECTION 11 - BARRICADES

- 11.01 - Whenever manhole covers are removed or excavations made, the work areas shall be adequately protected with signs, barricades, cones, or warning lights prior to beginning work. The amount and type of warning devices used shall be governed by traffic conditions.
- 11.02 - Whenever possible, a truck or piece of equipment shall be used as part of the barricades, particularly when working in heavy traffic. They should also be equipped with proper reflectors and striped markings on the rear.
- 11.03 - An adequate supply of barricading materials shall be maintained at the job site at all times.
- 11.04 - Barricading should also conform to the manual on Uniform Traffic Control Devices. Reference DOT# Sections:
 - 6C-8 Barricade Design
 - 6C-9 Barricade Applications
 - 6C-10 Portable Barrier Design and Applications

SECTION 12 - POWER MACHINERY

- 12.01 - Operators shall be familiar with the safe operation and performance of their equipment.
- 12.02 - All guards are to be in place before beginning operations. Eye protection is to be worn when operating or working near machinery.
- 12.03 - The floor around the equipment must be kept clear of all materials that would create a slipping or tripping hazard.
- 12.04 - Metal chips or filings are to be removed by means of a stiff brush. Compressed air is NEVER to be used.
- 12.05 - Machinery shall not be left running while unattended.
- 12.06 - Loose clothing shall not be worn around moving machinery or equipment.
- 12.07 - Grinders and other shop equipment are to be operated only by employees qualified by training or experience.
- 12.08 - All electric tools, grinders, and other electrically powered equipment shall be properly grounded either with a third wire slip or with a polarized plug. Eye protection shall be worn when operating this equipment.

SECTION 13 - COMPRESSED AIR

- 13.01 - Compressed air streams shall not be brought into close or direct contact with any portion of an employee's body.
- 13.02 - Air hose and fittings are to be maintained in good operating condition. Only safety couplings are to be used.
- 13.03 - The pressure shall be released on air hoses before uncoupling or disconnecting.

SECTION 14 - WELDING OPERATIONS

- 14.01 - Wear clothing which will protect all of the body from hot metal sparks and rays of the arc.
- 14.02 - Wear shoes that extend above the ankle and trousers that extend below tops of shoes. Trousers should not have cuffs.
- 14.03 - See that sufficient ventilation is provided, or wear airline respirator when welding in confined areas.
- 14.04 - Be sure hood is in place before striking arc and at all times when welding.
- 14.05 - Keep shields in place to protect others from rays of the arc.
- 14.06 - If employees working nearby are unprotected by a shield, advise them to wear protective goggles.
- 14.07 - Keep fire extinguisher on hand at all welding jobs.
- 14.08 - Put rod stubs in a container; if thrown on the floor, etc., they are a slipping hazard.
- 14.09 - Keep all connections gas-tight between cylinders, apparatus, hose and piping.
- 14.10 - Oil or grease are not to be used to lubricate any valve before attaching regulator.
- 14.11 - Momentarily "crack" cylinder valve before attaching regulator.
- 14.12 - Acetylene tanks shall always be used in an upright position. NEVER use a cylinder of oxygen or acetylene without reducing the pressure through a regulator.
- 14.13 - Make sure regulator pressure adjusting screw is released before opening the cylinder valve.
- 14.14 - Stand to one side and away from the front of the pressure regulator gauge faces when opening the cylinder valve.
- 14.15 - Open cylinder valves SLOWLY.
- 14.16 - Purge both oxygen and acetylene systems before attempting to ignite torch.

- 14.17 - DO NOT USE MATCHES FOR LIGHTING TORCHES. Use friction lighters.
- 14.18 - Ignite the acetylene before opening oxygen torch valve.
- 14.19 - If torch flashes back, or burns back inside the blow pipe, immediately shut off the torch oxygen valve, then close the torch acetylene valve.
- 14.20 - When welding job is completed, valves on cylinders are to be shut off, then open valves on torch and release regulator pressure.
- 14.21 - Caps are to be kept ON full and empty gas cylinders while in storage.
- 14.22 - Cylinders shall be stored and transported in a vertical position and lashed so they cannot topple over or strike against one another.
- 14.23 - Empty cylinders shall be plainly marked "EMPTY" or "M/T."
- 14.24 - Wear appropriate hearing protection.

SECTION 15 - HAND TOOLS

- 15.01 - Hand tools are to be used only for the purpose for which they were designed and should be regularly inspected by the user to insure that they are in a safe condition.
- 15.02 - Tools found to have defects are to be replaced.
- 15.03 - Tools shall be stored in a manner that will not provide a hazard to others in the areas.
- 15.04 - Portable electric power tools are to be properly grounded at all times when in use.
- 15.05 - Electric power tools shall not be used in an area where explosive gases may be present - unless the tools are explosion proof rated.

SECTION 16 - OFFICE

- 16.01 - Each person has the responsibility of keeping his or her work place neat and orderly.
- 16.02 - Desk, cabinet, and file drawers should not be left open and unattended. DO NOT open more than one file cabinet drawer at a time to prevent unsecured cabinets from tipping.
- 16.03 - Chairs and other office furniture and equipment in need of repairs shall be promptly reported to the supervisor.
- 16.04 - Chairs, wastebaskets, and cords shall not be left in aisles or where they will constitute a tripping hazard.
- 16.05 - Smoking is not permitted in government or public buildings as per MCA 50-40-104 and 50-40-201..
- 16.06 - Handrails should be used when ascending or descending stairs.
- 16.07 - Paper clips, matches, rubber bands and similar materials should not be thrown on floors, landings, or stairs. Aisles should be clear of all materials that would create a slipping or tripping hazard.
- 16.08 - Added caution should be used when opening or closing doors with glass panels.
- 16.09 - Added caution is necessary when walking on highly polished floors, especially when the floors are damp. Signs warning of slippery floors shall be placed in damp areas.
- 16.10 - Only approved ladders shall be used for access to high shelves or files.
- 16.11 - Each employee should report to his or her supervisor any unsafe condition which he or she may observe. Such conditions may include loose floor tiles, carpeting, stair treads, railings, equipment not operating properly, improper lighting, broken furniture, tripping hazards, or slippery conditions.