

Town of Broadus

Personnel Policy Manual

TOWN OF BROADUS PERSONNEL POLICY MANUAL

INTRODUCTION LETTER

Welcome:

Welcome to the Town of Broadus team. We are pleased that you have joined our team of professionals to provide valuable services to the residents of Broadus. Your position has been designed to assist other employees with accomplishing these services. We hope you will find this position rewarding and challenging.

This personnel policy manual is not an employment contract. Rather, it is designed to provide you general information regarding employment practices and benefits with the Town of Broadus (Town). This personnel policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to provide guidance in a variety of situations. Policies and benefits may be added to, updated, or deleted as determined by the Mayor. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the Mayor. The Town has an “open door” policy which allows you to bring any issues to your supervisor, Human Resources (Town Clerk), or directly to the Mayor.

As you familiarize yourself with the Town of Broadus staff and this office, please note that the employee bulletin board displays the required federal and state postings. The postings are updated from time to time - be sure to read the board occasionally. If you notice an item that is obsolete or needs updating, please let the Mayor know.

During your first few days working for the Town of Broadus you will probably have questions regarding our Town government and policies. You are encouraged to research the answer within this manual; however, do not hesitate to ask your Supervisor, Human Resources, or the Mayor concerning any questions you may have.

The staff of the Town of Broadus would like to welcome you.

Sincerely,

Mayor, Town of Broadus

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EXPECTATIONS

Attendance

Attendance is an essential function of all jobs at the Town. Excessive and unscheduled absences or tardiness disrupt the workplace and are cause for discipline. Employees are expected to report to work as scheduled by their supervisor or the Mayor. If the Employee is late to the point where it will impact their job duties, they must contact their supervisor within the shift. If the Employee's Supervisor or the Mayor is unavailable, a message should be left with the Town Clerk explaining the situation.

Advance notice of absences should be given, if possible, to allow for a replacement to be scheduled. An Employee who fails to call in for three (3) successive days to report such absences may be considered to have voluntarily terminated employment with the Town.

The Town may request a letter from a medical provider if an absence is health-related.

Personal Appearance and Demeanor

Employees are expected to dress appropriately for their position, daily activities, and expected public contact. Employees attending business meetings, board meetings or other related contact should dress professionally in business attire. The office, though a casual environment, may receive visitors, Council members, etc. and all personnel are to be dressed appropriately. Hair and clothes should be neat. Perfume, aftershave, and other scents should be used lightly. Any part of an employee's dress, appearance, or hygiene deemed unprofessional or that may endanger the Employee and/or staff may be prohibited by the Mayor. The Mayor may order an Employee to take unpaid time to go home and change if their attire is not considered appropriate.

Conduct

Employees are expected to behave in a professional manner and use professional language during working hours or when representing the Town. All employees are expected to treat Council Members, customers, co-workers, and all other people in a respectful and professional manner while working or otherwise representing the Town. If there are any concerns about what constitutes professional behavior, such as unkempt appearance, inappropriate language and/or behavior, and the like, they should be discussed with the Supervisor, who shall have the final decision and take any corrective action, if necessary.

Employees are expected to conduct their job functions in a professional, businesslike fashion with minimal interference by other staff members, visitors, or personal distractions.

Ethics Standards

Town employees serve the Town's residents and owe them a duty to uphold their trust and maintain their confidence in the integrity of public employees. Town employees must conduct themselves in adherence to the rules of conduct stipulated for public employees in MCA 2-2-104.

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In general, ethics standards prohibit employees from:

- using public time, facilities, or resources for private business or political purposes (unless authorized by law)
- performing acts that create a conflict between public and private interests (MCA 2-2-101 through -105), which may include major financial transactions with someone an employee regulates or supervises, performing official acts to harm private competitors, performing official acts to benefit an employee's own business interests, and other conflicts of interest
- disclosing or using confidential information for personal economic benefit
- accepting payment for helping people to obtain a contract, claim, license, or economic benefit from the Town
- taking payment for overlapping hours in two or more public jobs
- requesting or accepting employment with a person the employee regulates without notifying department heads
- accepting substantial gifts or economic benefits (i.e., generally anything more than \$100.00 per §2-2-104, MCA) that could influence or reward official actions

This list does not include every action that would violate ethical standards but is intended to provide an idea of where problems may occur. Violations of this policy may result in civil action or criminal charges, in addition to disciplinary actions.

Before doing anything that might create an ethical problem, ask the Supervisor for guidance. Employees should also report ethical concerns to the Supervisor, who can advise them on how to avoid or resolve potential problems.

Confidential Information

Town Employees may deal with confidential information. It is imperative that Employees maintain the Town's integrity and not discuss Town business with people who should not be privy to the information. In some circumstances, Town business should be revealed to other Town Employees on a need-to-know basis. If an Employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the Mayor or with the Town's legal counsel. In no case may confidential information be posted on social media.

Likewise, Employees may not use knowledge gained through their employment at the Town to achieve personal gain for themselves or anyone else. Employees shall not participate as a Town Employee or perform in some function requiring discretion on behalf of the Town where they may have private pecuniary interest, direct or indirect. Employees shall not disclose or use confidential information concerning property or Town affairs to advance personal or private interest with respect to any contract or transaction that is or may be subject of official action of the Town.

Discipline Policy

Employees are expected to follow all laws and Town policies, and to behave in ways that forward the Town's business. Upon suspected violation of federal, state, or local laws, Town rules and/or regulations, or Town policies, the Employee may be subject to disciplinary action. The Supervisor of the Employee in question should notify the Mayor.

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The Town does not always impose a progressive disciplinary procedure and does not necessarily implement disciplinary action in any particular order. The Town will review each disciplinary case individually and issue disciplinary action as it deems necessary and appropriate. The Town reserves the right to take severe disciplinary action even for employees with no previous disciplinary record. These policies are necessary because it is impossible to predict in advance what misconduct may result in what disciplinary action.

If the Employee disagrees with the outcome of the process, the Employee may follow the Grievance Procedure contained below.

Prior to any decision regarding discipline, the employee will be afforded the opportunity to provide their explanation for the alleged actions. The Mayor or the Mayor's designee will inform the employee of the allegations prior to meeting with the employee. The Mayor or the Mayor's designee will then meet with the employee to receive the employee's explanation. The employee may provide their explanation either verbally or in writing. The employee's explanation will be considered prior to any decision regarding potential disciplinary action. Appropriate discipline, as determined by the Town, may be rendered in one of the following forms:

- **Verbal Warning.** Verbal warnings may be documented and placed in the employee's personnel file.
- **Written Warning.** Employees will receive a copy of any written warning if requested. One copy of the warning will be placed in the employee's personnel file. The written warning to the Employee shall clarify that the Employee is receiving a written reprimand as the disciplinary procedure. A copy of the letter must be signed by the Employee that the Employee participated in the meeting and received the written reprimand. If the Employee refuses to sign the letter, the Employee may note that they received the letter but do not agree with it, and sign it. If the Employee refuses to sign the letter, the Mayor shall make a note of the circumstances and sign it. The letter shall be placed in the Employee's personnel file.
- **Improvement Plan.** An Improvement Plan is a period during which an employee will be expected to achieve certain goals or meet certain performance expectations. An Improvement Plan will usually be communicated in writing to the employee, with the goals and expectations stated in writing. Employees will be required to acknowledge in writing their receipt of such documentation. Acknowledgment of receipt does not necessarily mean agreement with the Town's position, but simply confirms the employee's receipt of the document. Refusal to sign such an acknowledgement may be treated as insubordination and subject the employee to more severe discipline, up to and including dismissal.
- **Suspension.** Suspension is time away from work with or without for a specified duration, not to exceed five working days. A letter to the Employee shall clarify the effective dates of the suspension, with or without pay, and the date and work schedule and the date that the Employee is to return to work. A copy of the letter must be signed by the Employee that attests that the Employee participated in the meeting and received the notice of suspension. If the Employee refuses to sign the letter, the Employee may note that they received the letter but do not agree with it, and sign it. If the Employee refuses to sign the

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letter, the Mayor shall make a note of the circumstances and sign it. The letter shall be placed in the Employee's personnel file.

- **Demotion (Loss of Duty).** Demotion is the placement of an employee into a lower-level of pay because of misconduct or failure to perform job duties satisfactorily. The Mayor shall document the disciplinary action in a letter to the Employee and indicate the specific conditions of the demotion to include modified job duties, compensation, and whether the demotion is a temporary disciplinary measure or a permanent job modification. In the event the demotion is a permanent job modification, the Employee's job description shall be updated to reflect such. A copy of the letter shall be signed by the Employee that attests the Employee participated in the meeting and has notice of the form of discipline. If the Employee's job description was modified, the Employee shall sign the modified job description to reflect the modifications have been communicated to the Employee. If the Employee refuses to sign the letter, the Employee may note that they received the letter but do not agree with it, and sign it. If the Employee refuses to sign the letter, the Mayor shall make a note of the circumstances and sign it. The summary shall be placed in the Employee's personnel file.
- **Termination.** Termination is a permanent severance of the employment relationship with the Town and may occur at any time. If the appropriate disciplinary action is termination, a letter stating this shall be provided to the Employee. The letter shall detail the effective cause and date of discharge. The letter shall also include a copy of the Grievance Procedure for Termination advising the Employee of their right to use the procedures.

To the extent there is a formal meeting to discuss disciplinary issues, the Town will endeavor to have an additional witness to the meeting in addition to the supervisor and employee. The additional witness will be of the Town's choosing.

To the extent an employee refuses to sign disciplinary documentation, the supervisor or a witness may sign that the employee received the documentation. Refusal to sign disciplinary documentation is considered insubordination.

Media requests

If an Employee is approached for a press release or news quote, he/she shall refer all requests to the Mayor or the Town Attorney.

Social Media

While Employees' free time is generally not subject to any restriction by the Town, the Town urges all Employees not to post information regarding the Town, their jobs, or other Employees which could lead to morale issues in the workplace or detrimentally affect the Town's business. Employees should always think before posting, be civil to others and their opinions, and refrain from posting personal information about others unless they have been given permission. Employees are personally responsible for the content they publish on blogs, wikis, or any other forms of social media. Anything published will be public for a long time. If the Town receives a complaint about information that has been posted on a social media or internet website, the Town may need to investigate that complaint to ensure that there has been no violation of the harassment policy or other Town policy. In the event there is such a complaint, Employees will

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be expected to cooperate in any investigation of that complaint, including access to the posts at issue. Nothing in this policy is intended to infringe on an employee's rights under the National Labor Relations Act.

Computer Usage

Computers and their contents, including but not limited to files, documents, programs and the like, are the property of the Town and are provided for the purpose of expediting Town work. Employees are not permitted to install or download programs on any Town computer without permission. This includes, but is not limited to unlicensed software, pirated music, and pornography. Unless prior permission has been granted, employees may not remove materials, documents, files, programs, or work product from Town computers, or copy office programs. Employees should be aware that anything entered on a computer, even if later deleted, can be reviewed by the Town, retrieved and is admissible in court.

Employees are expected to use Town information systems responsibly and should adequately protect them at all times. Any violation of this policy, including but not limited to disclosure of confidential information, unauthorized access, modification or destruction of data, tampering with or destruction of software products, physical or remote tampering, theft, the use of unauthorized usernames or passwords, or any other abuse, may lead to disciplinary action which may include, but is not limited to, dismissal or additional legal action, if appropriate. Any potential misuse should be reported to the Supervisor immediately.

Computer viruses are an ongoing problem for any computer system. The first line of defense against them is intelligent caution on the part of the user. Employees are expected to use common sense and reasonable efforts to prevent introducing viruses to Town computers. If an employee believes that a computer has a virus, the IT Manager should be alerted immediately.

Internet Use

Personal email and personal internet use should be kept to a minimum. Any downloading of non-business-related information from the Internet is prohibited. The Internet may not be used in any way that would violate the Town's policies. Employees have no right of privacy regarding Internet use while on the job. The Town may review internet use at any time, at its sole discretion.

Email

Town's email system is provided for business purposes. Personal use is not prohibited but should be kept to a minimum. Inappropriate and/or excessive use of email, including but not limited to personal comments about other employees, suggestive material, or confidential matters, is prohibited.

Employees should be very sensitive to the contents of email messages, just as they would any other written communication. Messages should not include anything that could not be said in public or become public knowledge, or that violate Town policies.

Employees have no privacy rights regarding use of any technology including email, phone and computers during working hours or while using any Town equipment. All messages distributed via the Town's email system is Town's property.

Town Property

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Employees are responsible for all Town property, materials, equipment, and written/digital information issued to them or in their possession or control. Town employees must sign the Equipment Form before they are issued any Town property. Any Town equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit or debit cards, digital files, or physical files must be returned to the Town upon request or at the time of termination. The Town may also take all action deemed appropriate to recover or protect its property.

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

Use of Town of Broadus Vehicles

All Town vehicles are to be primarily used for business-related purposes and, if possible, are to be available for use by all Employees when needed for business-related travel. Employees using a Town vehicle shall be required to keep a mileage and maintenance log.

The Town shall designate the positions requiring the use of Town vehicles on a take-home basis. On an annual basis, Employees who are issued a Town vehicle on a take-home basis shall be required to report private use mileage. Employees who believe their position warrants the designation of a Town vehicle should discuss this with their supervisor when other budgetary items are reviewed.

Employees using a Town vehicle must observe and obey traffic regulations and laws. Employees must use safe driving habits and wear seat belts while traveling in Town vehicles. Employees and other authorized passengers are required to wear seat belts at all times. Vehicles shall be parked in an authorized or unrestricted space. Passengers who are not Town employees are prohibited unless approved by the Mayor.

Employees using Town vehicles must take good care of the vehicle at all times and return it in good condition. When the vehicle is left unattended, the Employee must secure the vehicle by rolling up all windows and locking all doors. Employees are expected to clean the Town vehicle upon return from their trips by removing garbage and washing the vehicle, as required. Employees should report unsafe vehicle conditions or conditions in need of repair to the Supervisor or Mayor immediately.

Town vehicles are Town property and extensions of the Town workplace. All policies of the Town apply while the Employee is in possession of the Town vehicle, either as a driver or as a passenger. Smoking is prohibited in Town vehicles.

Employees required to drive automobiles or equipment shall have a valid driver's license periodically inspected by the department Supervisor or the Town Clerk to ensure the Employees have maintained required endorsements. Employees should not operate or use equipment without proper authorization or appropriate licensure. Employees must be insurable by the Town and must promptly report any moving violations or DUI arrests to their Supervisor or Mayor.

Vehicle Accidents

When an Employee is involved in a motor vehicle accident with a Town vehicle, the Employee must notify the Supervisor, Town Clerk, and/or Mayor immediately. Law enforcement should be

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contacted to complete an investigation of the accident. Employees must cooperate with and are permitted to discuss the incident with Emergency Services Personnel, the Mayor, insurance adjusters, and law enforcement.

Upon returning to the Town office, an account of the accident should be provided in writing to the Supervisor or Mayor. The Employee may also be asked to assist with completing the necessary forms for insurance claims. The Supervisor or Mayor shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted.

Telephones & Other Electronic Devices

The Town telephones are to be used for Town Office business. Employees are expected to use the phones responsibly and with courtesy for fellow workers and customers. Cell phones should be set to silent or vibrate while working.

Town-issued electronic devices may not be used for any activity which is against Town policies, including harassing or bullying others or violating confidentiality.

Personal telephone calls should be kept at a minimum and should not interfere with the Employee's work.

While traveling, Employees may make calls to check in with their families/significant others. Such phone calls may be made on a reasonable basis at the City expense. The Mayor will notify Employees if such phone calls become unreasonable or appear inappropriate and the Employee will be expected to moderate their use.

Smoking

The Town offices are non-smoking facilities. Smoking (cigarettes and e-cigarettes) and chewing tobacco is not allowed in City offices or vehicles. Employees may smoke during scheduled break periods in designated smoking areas outside the building.

Alcohol-Free & Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988, (41 USC §§ 701-707) the Town is committed to providing an alcohol and drug-free workplace. The Town takes seriously the use of drugs, abuse of controlled substances, and alcohol abuse that may affect an employee's ability to perform his or her work, and strives to provide a substance-free work place. This policy applies to all employees of the Town, without exception, including volunteers, part-time and temporary employees, as applicable for positions whose duties involve hazardous, security, safety and fiduciary responsibilities based on Montana law.

Please also refer to the **Town of Broadus Drug & Alcohol Testing Policy**.

Health and Safety

The Town complies with the Montana Safety Culture Act. Employees are expected to take an active role in maintaining a safe work environment, to use equipment safely and properly, and to keep the workspace neat and orderly. Safety equipment such as personal protective gear, seat belts, or guards are to be used whenever appropriate, even when inconvenient.

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If an Employee notices a potential hazard, they shall promptly report the problem to the Supervisor and/or Mayor. No employee will be punished or reprimanded for reporting safety violations or hazards. Any deliberate or ongoing safety violation, or creation of hazard by an employee will be dealt with through disciplinary action.

If an Employee sustains an injury while on the job, they should notify their Supervisor and the Town Clerk as soon as possible after the injury occurred and prior to leaving work for the day, if possible. An Accident Report and appropriate Worker's Compensation forms must be completed and the incident must be documented in writing by the injured Employee and/or witnesses as soon as possible following the injury. The Town maintains Worker's Compensation coverage pursuant to the provisions of the Montana Worker's Compensation Act.

Outside Employment

The Town should be the primary job for Regular Full-Time Employees. Other employment may not interfere in any way with the Employees' ability to satisfactorily complete their job duties.

Solicitation

It is the policy of the Town to monitor solicitations on its premises, whether made by employees or by individuals or groups not associated with the Town. Unrestricted solicitation on Town premises interferes with the normal operations of the organization, is detrimental to discipline and efficiency on the part of employees.

The following types of solicitation are allowed.

1. Children of employees may solicit for fundraisers for school, athletic, or extracurricular activities. Requests may be made before or after work, or during lunch hour or breaks, not during work hours.
2. Employees may gather donations for gifts or expressions of sympathy to fellow employees or their families.
3. Employees who may occasionally have items for sale, or requests for items to buy, may post notices on a bulletin board on Town premises or send by email. All such notices will remain on the bulletin board at Mayor's discretion.

Employees should not be made to feel obligated to make contributions or purchase items.

Travel

Town Employees may be required to travel as part of their jobs. When working away from the office, it is important for Employees to maintain contact with the Office by frequently calling the office to provide status reports and to check for messages. Occasionally it may be necessary to get in touch with traveling Employees. It is important for the Employee to leave an itinerary with appropriate Town Office staff, in the event the Employee needs to be contacted. The Employee should inform their Supervisor of their route and travel plans so other Town Office staff can assist in their safe arrival.

Process Servers and Lawsuits Against the Town

When an Employee is approached by a legal process server, he/she should refer the server to

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the Mayor or the Town's legal counsel. Should either authority not be available and the Employee is required to accept served papers, the Employee must promptly locate and forward the information to either of the authorities listed without opening or reading the documents.

No Employee shall discuss aspects of any legal situation or lawsuit, pending, ongoing, adjudicated, or otherwise, without first consulting the Mayor or the Town's legal counsel.

Workplace Violence

The Town is committed to providing our staff a friendly, courteous, and impartial work environment. The Town acknowledges that human relationships are subject to conflict and that some Employees may be exposed to violence by the nature of their jobs. The Town is committed to maintaining a safe, healthful, and efficient work environment in which acts of violence by Employees or citizens shall not be tolerated.

Violence includes substantial threats, threatening behavior, violent acts, bullying, threats over email or social media, and emotional abuse. Threats and violence related to work but occurring outside of work hours shall also be included.

Employees should avoid or minimize potentially violent situations to protect themselves from harm. If an Employee anticipates a particularly confrontational situation, they should notify their Supervisor or the Mayor so that additional security can be arranged. When a situation begins amicably but turns hostile, Employees shall withdraw from the situation. Force should not be used unless it is necessary for self-defense.

All instances of threatening behavior or words shall be addressed and disciplinary action shall be applied at the Supervisor's discretion. The Town's response may include, but is not limited to reassignment of job duties, conflict resolution processes, suspension and/or termination of any business relationship, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All Town Employees are responsible for notifying their Supervisor or the Mayor of any threats they have witnessed, received, or been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which may be regarded as threatening or violent, when that behavior is job-related or might be carried out on a Town-controlled site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the Supervisor or Mayor is not available, Employees should report the threat to another Supervisor.

Employees involved in personal disputes resulting in injunctions, restraining or court orders are asked to include their work location on the court order. The Town requests that employees inform their supervisor when they are involved in the issuance of such an order. Any employee who has not secured a court order, but fears for his or her safety is asked to notify the applicable supervisor and the Powder River County Sheriff's Department.

Report every incident of violent behavior in the workplace, regardless of who commits the incident. The Powder River County Sheriff's Department will conduct an investigation. The Mayor will determine the appropriate corrective action to be taken, which may include, but is not limited to:

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- a. Assessing an employee's fitness for duty (through physician and mental health professional evaluation) and selecting intervention techniques or disciplinary options;
- b. Establishing methods of protection for co-workers and other potential targets;
- c. coordinating actions with affected parties such as victims, families, employees, media, or law enforcement personnel;
- d. Referring victims to appropriate assistance and community service programs;
- e. Ensuring immediate and ongoing counseling is available to victims.

Employees who report actual or implied violent behavior will not be subject to any form of retaliation.

False or malicious reporting of violent behavior will result in an investigation of the reporting individual(s) and appropriate corrective action.

No existing Town policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

WAGE AND HOUR

Working Hours/Work Week

Work weeks begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m. Normal working hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday and Employees are expected to adhere to this schedule; however alternative schedules may be considered by the Supervisor and/or Mayor.

Lunch periods are unpaid and may not exceed one (1) hour. If an Employee needs to take a longer lunch hour, it should not interfere with the Employee's performance of their duties and must be accurately reflected in their time sheet.

Employees may take one fifteen (15) minute break when they are scheduled to work four consecutive hours. Break periods are paid, but may not exceed fifteen (15) minutes per four (4) consecutive hour period.

Time Sheets and Payday

Time sheets shall be completed by all Employees and submitted to their Supervisors within 2 days of the end of the pay period. If an Employee is unavailable to complete and submit his or her time sheet on time, he or she may complete the time sheet in advance or call the Supervisor and relay the information. The Employee must sign the time sheets and/or cards attesting that all time worked and leave used is correctly and accurately reported for the period.

Town Employees are paid two (2) times per month. Pay dates fall on the 15th and 30th/31st of each month. If the pay date falls on the weekend or a holiday, Employees shall be paid on the Friday prior.

The Town Clerk shall distribute the paychecks to Employees after Mayor review and signature, unless electronic transmission of payroll is utilized. If the Employee desires to release their pay to another authorized person, they shall notify the Town Clerk in writing.

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Overtime and Comp Time

All employees working over forty (40) hours per week shall be paid overtime at one and one half (1 ½) times their hourly wage rate. Vacation, sick, or holiday leave hours will not be counted in computing overtime. Overtime will not be paid to exempt employees as defined by State Statute. For work on a holiday, employees should be paid double time or given another day off in lieu of the holiday at the discretion of the Town. Legal holidays are specified in Sec 1-1-216(1), MCA. Double time will also be given for after hour's emergency water or sewer calls.

All salaried and non-exempt employees will be allowed to earn overtime at one and one half (1 ½) times their hourly wage rate by attending council meetings, on-call for public works, training, travel for work/training, other community meetings/events involving the Town. If the Supervisor, the Mayor, and the Employee agree, the non-exempt Employee may elect to accumulate compensatory time (comp. time) for use as time-off in a future work week at a rate of one and one half (1 ½) times the number of hours worked over the 40-hour work week.

"Worked" means any hours accumulated over forty (40) hours in the work week excluding sick, vacation, and holiday.

Maximum amount of banked comp time hours is hereby set at need a number here hours, and all accumulated comp time hours shall be used by June 30th of each year. If any accrued comp time hours are not used by June 30th, the hours shall be paid to Employees in the following pay period.

Regular Full-Time Employee

Regular Full-Time Employees are regularly scheduled to work at least 40 hours during a workweek. Regular Full-Time Employees are eligible for all Employee benefits.

Regular Part-Time Employee

Regular Part-Time Employees are regularly scheduled to work less than 40 hours during a workweek. Regular Part-Time Employees are eligible for limited benefits on a prorated basis.

Salary Non-Exempt Employee

Salaried and non-exempt employees are regularly scheduled 40 hours during a workweek, paid by a monthly salary. All salaried and non-exempt employees are eligible for all employee benefits and will be allowed to earn overtime at one and one half (1 ½) times their hourly wage rate by attending council meetings, on-call for public works, training, travel for work/training, other community meetings/events involving the Town.

Remote Employee (Regular Full-Time or Salary)

Remote Employees refers to an individual who is an Employee but performs the majority of his/her work at a location other than where the Town general operations occur or a regular full-time employee who needs to work remotely due to health, incident, work related travel, etc. Remote Employees will keep record of their hours on normal time sheets/cards and rate of pay will remain as agreed upon in their employment agreement. If a Remote Employee creates a situation which the Town determines is not workable, the Town Office may require that the

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Remote Employee work out of the appropriate Town of Broadus facility or terminate their employment.

Seasonal Employee

Seasonal Employees perform duties interrupted by the seasons, precluding consistent, steady employment. Seasonal Employees may be recalled without the loss of rights or benefits accrued during a preceding working season, if they return to work promptly when notified. Seasonal Employees are eligible for limited or prorated benefits.

Temporary Employee

Temporary Employees are hired for a definite period of time, not to exceed 12 months, and will be terminated at the end of the employment period. Temporary Employees are not eligible to become a Regular Full or Part-Time Employees without completing a competitive selection process. Temporary Employees are eligible for limited or prorated benefits.

Volunteers

The Town works with a variety of volunteers it considers employees for the purposes of Worker's Compensation and tax reporting. Volunteers work in a variety of ways including, but not limited to, the Library, Parks and Fire departments. Volunteers shall complete necessary employment forms required by Federal and State statutes, and adhere to any departmental policies. The Supervisor of such department will be responsible for training the volunteer of his/her duties specific to the department, communicating any changes in standard operating procedures and other department-specific rules/regulations, and documenting necessary improvements required of the volunteer as needed.

Personnel Files

It is important that the Town's employee records be accurate at all times. In order to avoid compromising benefits eligibility or having W-2s returned, employees must promptly notify the Town of any change in name, home address, telephone number, marital status, number of dependents, or any other pertinent information.

The Town maintains personnel records on every Employee. The Employee's personnel file may contain information such as: employment application, resume and/or cover letter, job description, performance evaluations (if any), training records, commendations, certificates, awards, disciplinary records, and resignation or termination records. Any information obtained for EEOC compliance (Form EEO-4) and/or any medical information shall be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the Mayor.

Personnel files are confidential and only accessible to the Mayor and, for the purpose of administrative duties, the Town Clerk. Other Employees may request access to personnel files on a need-to-know basis for personnel action. Such access may either be granted or denied by the Mayor depending on the reason for the request. With supervision, current employees may inspect and make copies of their own personnel records during regular office hours, at a mutually agreed-upon time.

Travel and Expense Reports/Reimbursement

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Employees completing Town business will be compensated for travel expenses, meals, mileage, and/or incidental expenses at a rate established by the Town. All Employees shall have their work travel approved by the Supervisor.

Receipts must be provided for lodging, travel, meals, and appropriate expenses. Expenses and receipts must be accurate and complete. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly.

If a Town vehicle is not available, Employees may use their own vehicle and receive a mileage reimbursement. When Employees use their own vehicles for Town business, they are required to provide proof of liability insurance coverage. All reimbursements follow the current State of Montana Rates for per diem.

Licensing Fees

The Town recognizes that Employees may maintain certifications or licenses are beneficial to the Town and may help pay for it. All Employees are encouraged to visit with their Supervisor and the Mayor so that the cost of maintaining a current license or the costs for a licensure that the Employee would like to obtain can be included within the budget process.

If the Town has requested an Employee obtain a license, the Town shall pay for the licensing fees and/or annual renewal fees.

Employment of Relatives (Nepotism)

No Employees shall be hired in a manner inconsistent with the Nepotism laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA.

Favoritism

Employees who are in a personal relationship with each other (siblings, spouses, parent/child, etc.) may not be in a situation where one of the Employees reports to the other. Supervisors may not favor one employee or group of employees above others for non-business reasons.

New Employee Orientation

New Employees shall complete a New Employee Orientation session with the mayor and/or the Town Clerk. At the New Employee Orientation, the Employee shall complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The mayor and/or Town Clerk shall explain in general terms the rules and expectations and provide an overview of the pay and benefit packages the Town offers.

Employees shall be responsible for reading and following the policies established within the policy manual and understanding their employment classification. In addition, new employees will be provided orientation and education specific to the equipment and tasks required to their new position.

Probationary Period

All Employees shall serve a six-month probationary period. The probationary period allows time for the Employee to learn the position as well as time for the Supervisor to evaluate the Employee's potential and performance. During the probationary period, the Town may

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terminate the Employee with or without cause. If the probation period is extended, the probationary employee will be notified of the specific reasons for, and the length of, the extension.

Performance Appraisals and Job Evaluations

The Town will endeavor to provide Employee's performance evaluations but nothing in this Policy shall be construed as a requirement for the Town to do so. If an evaluation is conducted, the evaluation may include a report on progress, describe correction of any deficiencies, recognize Employee strengths and special abilities, provide an opportunity to discuss personal goals, Town goals, and means for improvement and provide an opportune time to formulate or update the Employee job descriptions.

Volunteers may not receive performance evaluations. Volunteers are expected to meet specific departmental roles and responsibilities.

If an evaluation is conducted, the Employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation interview. If an employee is conducted, the Employee and the Mayor and/or Supervisor shall schedule an evaluation interview to discuss the Employee's job performance and the job description.

The results of any evaluation conducted may be recorded and placed in the Employee's personnel file. The Employee may respond in writing within ten working days and the written statement will be placed in the Employee's personnel file as well. The Employee, their Supervisor, and/or the Mayor will sign and date the evaluation form. The Employee's signature indicates the Employee has reviewed the evaluation with their Supervisor, and/or the Mayor and understands the comments contained within the evaluation. If the Employee refuses to sign the evaluation form, documentation of their refusal will be added to their evaluation.

These reviews, if they occur, are not necessarily accompanied by a salary increase or bonus. Bonuses, salary increases, and promotions are solely within the discretion of the Town and depend on many factors in addition to employee performance. If cost of living adjustments is given at the beginning of a new fiscal year, probationary employees (both part time and full time) are also eligible to receive any increase upon completion of satisfactory progress in the performance appraisal.

Resignation/Termination

The Town does not guarantee or promise Employment for any specified period of time. The Town reserves the right to terminate Employees at any time for any legitimate business reason. During probationary status, either party may terminate at any time with or without reason. Once removed from probationary status, the Town shall only terminate employees for good cause. Employees will be provided their final paycheck within fifteen (15) calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to Town of Broadus will be deducted from the employee's final paycheck. A detailed breakdown of any amounts due will be provided to the Employee and the Employee shall authorize the Town Clerk in writing.

Resignation

Employees who are voluntarily resigning from the Town are requested to give a written notice with a minimum of two (2) weeks.

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Depending on the circumstances surrounding the resignation, Employees who resign from the Town may be eligible for re-employment. Former Employees shall be required to proceed through the regular hiring procedure for new positions. A former Employee who is re-hired by the Town shall be considered a new Employee and required to complete the probationary period. Date of service, for seniority purposes, shall be the date of instatement of the subsequent hiring. Subsequent employment and participation in the retirement system shall be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

Termination

Employees terminated by the Town shall be issued a letter stating the effective date of the termination. An Employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

Layoffs

The Mayor and the Town Council have authority to determine if department workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, Employees shall be provided at least two weeks advance notification before the layoff or RIF. Regular Employees shall not be terminated before temporary or short-term workers are employed in the same work classification. The Town Clerk shall work in conjunction with the Town's insurance provider to ensure relevant benefits information is forwarded to the Employee at the address on file in the Employee's personnel file.

The Town may be able to either recall or rehire Employees at a later date. Employees must keep the Town Office informed of the address and telephone number where they can be contacted in the event of a recall. If the Town Office is unable to contact an Employee within seven (7) days of the recall, the Employee shall be eliminated from the recall list and the Town shall have no further obligation to recall that Employee. The Town shall have no obligation to recall the Employee if they have been on a continual layoff for a period of one (1) year.

Employees may also be contacted if there is an opportunity for which they could apply. Reapplication requires Employees to participate in a competitive application process and be selected as the most qualified applicant.

LEAVE AND VACATION

Holidays

The Town shall observe the same holidays as recognized by the State of Montana in 1-1-216, MCA.

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- State Election Day (even-ending years only)

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- Thanksgiving Day
- Christmas Day

If a holiday falls on a Saturday, the preceding Friday is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday.

If one or more regular holidays fall in the period of an Employee's annual vacation leave, the vacation record shall be credited for the holiday. If a holiday falls on an Employee's regularly scheduled day off, the Employee shall be granted another day off as agreed upon by the Employee, their Supervisor and the Mayor.

Regular Full-time Employees will be paid for 8 hours on each holiday. Part-time or Temporary Employees are entitled to pro-rata pay based on their usual work schedule. Work performed on the holiday will be paid at straight time pay for hours worked, in addition to holiday pay, or in exchange for an alternate day off arranged with the Supervisor.

Vacation

Each Regular Full-Time Employee, Regular Part-Time Employee, Temporary Employee and Seasonal Employee shall earn Vacation time from the first day of employment. Vacation may not be used until the Employee has been continuously employed by the Town for six (6) months.

Regular Full-Time Employees accrue vacation leave as follows based on years of service with any Montana Public agency:

<u>Time worked</u>	<u>Work day credit per year</u>	<u>Hours per month based on an 8 hr. day</u>
1 day - 10 years	15	10
11 years - 15 years	18	12
16 years - 20 years	21	14
21 years - over	24	16

Regular Part-Time, Temporary, and Seasonal Employees shall accumulate Vacation hours on a pro-rated basis of 5.8% (0.058) times the number of hours worked in a pay period. Seasonal Employees shall be considered to have worked continuously if they immediately report back for work when operations resume.

The maximum Vacation amount accrued is twice the number of days earned annually at the end of any calendar year. Annual leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued, or the employee must make a reasonable written plan, approved by their supervisor, for their use of excess vacation leave during the calendar year. Employees who, within the first 90 days of the calendar year, either fail to use their excess vacation leave or fail to get approval for a reasonable plan to use their excess vacation leave will forfeit that excess leave.

Requests for Vacation must be submitted in advance and approved by the Employee's Supervisor or the Mayor. The Vacation time will be approved after considering the best interest of the Town, the Employee's department, and the Employee's request. Should two Employees request the same period of vacation, their Supervisor or the Mayor has discretion regarding the

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approval of the leave requests.

Employees who need to use Vacation due to extenuating circumstances before they finish the qualifying period may ask their Supervisor or the Mayor to grant paid annual leave with the understanding that their leave balance shall be affected if their employment is terminated before completing the qualifying period.

An Employee who has worked for at least six (6) months and has terminated employment with the Town for any reason shall be entitled, upon termination, to be paid for unused Vacation leave, based upon the Employee's salary at time of termination.

Sick Leave

All Regular Full-Time Employees accrue sick leave from the first day of employment. Sick leave may not be used until Employees have been continuously employed by the Town for ninety (90) days. Sick leave will be credited at the end of each pay period, at a rate of eight hours per month. There is no restriction on the number of working days that may be accumulated. Employees may not accrue sick leave while in a leave-without-pay status.

Regular Part-Time, Temporary, and Seasonal Employees shall accumulate sick leave on a pro-rated basis of 4.6% (0.046) times the number of hours worked in a pay period. Seasonal Employees shall be considered to have worked continuously if they immediately report back for work when operations resume.

Employees who are sick before they finish the qualifying period may ask their Supervisor to grant paid sick leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period.

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of Employee (refer to Funeral Leave). Immediate family is defined as the Employee's spouse, any member of the Employee's household, or any parent, child, grandparent, or grandchild, and corresponding step or in-law relationships. Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the Employees' presence due to immediate relatives' illness or emergency.

Employees using sick leave that exceeds five consecutive workdays may be asked to furnish a medical certification from a qualified medical professional upon request of their Supervisor or the Mayor.

Employees will be permitted to transfer sick leave from one Employee to another. The receiving Employee must have exhausted all accrued sick leave and vacation leave. The contributing Employee must make the transfer request in writing and must maintain at least forty (40) hours of sick leave. The transferred sick leave shall not change the receiving Employee's employment status, and the transferred sick leave may be used within the same pay period when their own time is exhausted. The transferred sick leave is considered forfeited by the contributing Employee and additional sick leave must be re-accrued. Employees shall not be coerced, intimidated or adversely persuaded to transfer their accrued sick leave to the receiving Employee.

At the Town's request and expense, an Employee may be subject to an examination by a

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physician following a sick leave or other absence occasioned by illness or injury to ensure the Employee can complete the necessary functions of the position.

An Employee who has worked for the Town at least 90 days and who terminates their employment with the Town shall be entitled to be paid for unused leave equal to one-fourth of the accumulated sick leave. The pay-out shall be based upon the Employee's salary at time of termination.

Participation in Community Organizations

The Town views personal development through service involvement as beneficial to the Employee as well as positive exposure for the Town. Employees should consult with their Supervisor and the Mayor before volunteering for a community organization if work time may be required to attend activities, fundraisers, meetings, etc. Employees who have received authorization from their Supervisor and the Mayor may attend such functions as an excused, paid absence without using vacation leave. The Employee's Supervisor and the Mayor shall monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town.

Participation in Professional Organizations

The Town views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of the Town.

Employees are encouraged to pursue professional organization affiliations that represent a positive force in the community or organization. Employees should consult with the Mayor before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees who have received authorization from their Supervisor or the Mayor may attend such functions as an excused, paid absence without using vacation leave. The Employee's Supervisor or the Mayor shall monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town.

Educational Leave/Training

The Town encourages training for all employees where the training improves Employee productivity, knowledge, and skills. The Town may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc., and is approved by the Employee's Supervisor or the Mayor.

Employees should consider training needs during annual budget review, particularly if the training requires extensive time away from work, is of significant cost, and/or requires out-of-state travel. The Mayor and Town Council members may evaluate such training courses to ensure maximum value of the course. The training may be delayed until future fiscal years to include the expense within the budget.

Funeral Leave

In case of a death in the immediate family, an Employee will be allowed to use three days of

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sick leave for bereavement purposes. Members of an Employee's immediate family include spouse, children, father, mother, brothers, sisters, and corresponding in-law relationships. Considerations for leave longer than three (3) days or for leave for deaths of friends or other relatives shall be evaluated on a case-by-case basis at the discretion of the Supervisor and the Mayor.

Jury and Witness Duty Leave

Any Regular Full-Time, Regular Part-Time, or Salary Employee who is required to serve on a jury shall be allowed authorized leave with pay less any amount received (jury or witness fees) for such service. This only includes when an Employee is subpoenaed as a witness or serving as a juror. An Employee who received notice of jury duty or witness service must notify his/her Supervisor immediately so that arrangements may be made to cover the position. If excused as a juror on any given day, the Employee is expected to contact his or her Supervisor and to report to work as instructed.

The Employee is responsible for turning over jury or witness fees to the Town Clerk, excluding mileage and actual expense fees. If an Employee chooses to use Vacation time, the Employee may keep their jury or witness fees in addition to their mileage and actual expense fees. The Employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled weekend or days off. Benefits continue to accrue while an Employee is on jury duty.

A probationary Employee called shall have his/her probationary period extended by the same amount of time as required for serving on jury duty.

Maternity, Paternity, & Adoptive Parental Leave

The Town of Broadus will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq,) as well as all relevant pregnancy leave provisions in federal, state, and local statutes. A female employee will not be terminated because of her pregnancy. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the Town of Broadus reserves the right to require medical verification that the employee is not able to perform employment duties. The Town will grant the employee a reasonable leave of absence for pregnancy but will not require an employee to take a mandatory maternity leave for an unreasonable length of time. Town employees are allowed up to six (6) weeks of unpaid leave after the birth or adoption of a child, to be used within one year of the birth or adoption. Additional time may be allowed with permission of the Mayor.

Fathers and parents adopting children may take time to care for and bond with their new child(ren) using Sick, Annual Leave, and/or Leave Without Pay (LWOP). Sick leave may be used for the first 15 working days while caring for a spouse/partner, or newly born, or adopted child(ren). The Town does realize that some instances may require extended leave due to medical complications and/or conditions. These extended leaves will be handled on a case-by-case basis by the Mayor and/or their designee.

Employees should notify their supervisor or the Mayor and/or their designee of a desire to take Maternity, Paternity, & Adoptive Parental Leave upon confirmation of pregnancy and/or adoption. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave

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requests.

Upon return to work at the end of the leave of absence, the Employee shall be reinstated to the original job and/or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

Public Office Leave

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 must return to work within ten (10) days following the completion of the service. Employees shall 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.

Military Leave

The Town 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 (6) 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.

Family and Medical Leave Act (FMLA)

As a small employer with less than fifty (50) employees, employees are not eligible for FMLA through the Town of Broadus.

Leave without Pay

Leave without pay may be granted within the Mayor's discretion. Employees may be granted leave without pay for a specified time generally not to exceed 180 calendar days during their employment period.

Whenever possible, the Employee should provide their Supervisor and the Mayor with at least 30 days' notice of their request so the workload can be covered. To request leave without pay, Employees must provide their Supervisor and the Mayor the beginning and ending dates of the

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leave and the reason for the requested leave.

Vacation and sick leave cease to accrue during leave-without-pay. Employees will not be allowed to use sick or Vacation leave and shall not receive holiday pay while on leave without pay.

Health insurance shall not be paid by the Town during a period of leave without pay. However, the Employee may choose to continue insurance coverage during the leave by reimbursing the Town for the premiums every month. If the Employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the Employee may be subject to insurance policy restrictions upon returning to work.

Depending upon the circumstances, Employees still in their probationary period may be allowed to take a leave without pay. If leave is granted, their probationary period shall be extended by the amount of time taken during the leave.

An Employee who fails to return to work on his or her regularly scheduled work day after the approved leave without pay period shall be considered to have voluntarily resigned unless the leave period is extended, in advance, by their Supervisor and the Mayor.

BENEFITS

Benefit Plan

Employees may participate in the Town's benefit plan as long as they meet the eligibility requirements as determined by the Mayor with Council approval. The Town shall annually specify the Town's eligibility requirements and contributions to the Employee Benefit Plan. The Clerk shall maintain the details of the Town's contribution.

Volunteers are not eligible to join the Town of Broadus' employee benefits plan.

Miscellaneous Employee Benefits

- 1.) Social Security and Medicare: The Town is required to withhold FICA and Medicare taxes and match the employee's contribution
- 2.) Workman's Compensation: All Town employees are covered by Workman's Compensation Insurance at full Town expense.
- 3.) Unemployment Insurance: The Town pays for unemployment insurance for all employees except elected officials. The insurance allows employees to accrue wage credits or other benefits qualifying them for unemployment benefits when they have met the requirements of all applicable unemployment laws, rules, and policies.

Retirement

Follow PERS/INSURANCE information as required for governmental employees. All Full-time employees, after completion of a successful probationary period, are eligible and required to join in the Town's 457 Retirement Plan. Optional membership is available to employees who work less than 960 hours per year. A portion of the employee's wages or salary is withheld pursuant to PERS rules and policies established, and the Town contributes a set amount. Employees may elect to make additional contributions to the retirement system in addition to the percentage taken out of his/her paycheck. For further detail an employee can contact the Department of Administration, Public Employees Retirement System, and Helena, Montana 59601 or refer to a

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current copy of the PERS Manual. All other volunteers are not eligible for retirement benefits.

Breastfeeding in the Workplace

Women returning from maternity leave who wish to breastfeed or express breast milk shall be provided a reasonable, private space that shall not be a toilet stall or bathroom, with suitable lighting, electricity, and basic amenities. The selection of the space shall be made on a case-by-case basis in consultation with the Employee. Standard break times shall be primarily utilized, with additional unpaid break time provided as mutually agreed upon. Additionally, the Town shall provide suitable facilities for milk storage during the Employee's daily work period. The Town does not provide Employee breast pumps; however, breast pumps may be available through the Employee's insurance.

OTHER

GINA Compliance

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

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

Equal Employment Opportunity (EEO) & Americans with Disabilities Act (ADA)

It is the policy of the Town to ensure equal employment opportunity (as defined by the Equal Employment Opportunity Commission (EEOC)) and the Montana Human Rights Act for all employees. The Town promotes and affords equal treatment and services to all citizens, employees and representatives. The Town assures equal employment opportunity regardless of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability, (as defined by the Americans with Disabilities Act and ADA Amendments Act).

If an employee perceives he/she has been discriminated against, he/she should notify their immediate supervisor or the Mayor/Town Manager or their designee.

Americans with Disabilities Act

The Department complies with all federal and state laws concerning the employment of persons with disabilities and will act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC) and the Montana Human Rights Bureau. The

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Department will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

An applicant or volunteer with a disability who needs a reasonable accommodation normally may advise the Clerk/Treasurer, the Mayor, or his or her immediate supervisor of the nature of the disability and the accommodation requested. Once there is a request for a reasonable accommodation, the Department will either provide the requested accommodation or engage in an interactive process with the person requesting the accommodation. This process requires the individual assessment of both the particular job at issue, and the specific physical or mental limitations of the particular individual in need of reasonable accommodation.

If it develops that there is no reasonable accommodation that would allow the employee to perform the essential functions of the position without creating an undue hardship for the Department, volunteer services may need to be terminated.

Hiring and Retention Guidance Under ADA

Under the ADA, during the hiring process, officers may ask about an applicant's ability to perform job-related functions. However, they cannot ask whether an applicant is disabled or about the nature or severity of an applicant's disability. When questioning an applicant's ability to perform functions related to firefighting or providing emergency medical services, the Town's written application may detail the following physical and mental requirements:

- ✓ Spend extensive time outside exposed to the elements.
- ✓ Tolerate extreme fluctuations in temperature and humidity while performing duties and wearing equipment that significantly impairs body-cooling mechanisms.
- ✓ Work in wet, icy, or muddy areas.
- ✓ Perform a variety of tasks on slippery, hazardous surfaces such as rooftops or from ladders.
- ✓ Work for long periods of time, requiring sustained physical activity and intense concentration.
- ✓ Face life or death decisions during emergency conditions.
- ✓ Be exposed to grotesque sights and smells associated with major trauma and burn victims.
- ✓ Operate in environments of high noise, poor visibility, limited mobility, at heights, and in enclosed or confined spaces.
- ✓ Use manual and power tools in the performance of duties.
- ✓ Rely on senses of sight, hearing, smell, and touch to help determine the nature of the emergency, maintain personal safety, and make critical decisions in a confused, chaotic, and potentially life-threatening environment
- ✓ Read quickly and accurately to identify hazardous materials
- ✓ Prepare accurate, literate written reports

Harassment Policy

All employees and volunteers shall conduct themselves professionally by treating public and fellow employees/volunteers without discrimination, and be able to work in an environment without discrimination based on race, color, national origin, religion, creed, political ideas, sex, age, marital status, physical or mental disability, actual or perceived sexual orientation, and gender identity or expression (including, with respect to "sexual orientation and/or gender identity," association with a person or group of people so identified, or on the belief that person has a particular orientation and/or identity, even if that belief is incorrect).

Sexual Harassment in Particular

What is sexual harassment? Sexual harassment is defined as any unwelcome physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which

is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings. Animosity based on sex is also sexual harassment if the conduct is otherwise offensive or objectionable to the recipient even if no direct sexual content is present.

When is conduct unwelcome or harassing? Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute illegal sexual harassment when:

- submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, training, timekeeping or overtime assignments)
- submission to or rejection of the conduct is used as a basis for making employment decisions (hiring, promotion, termination)
- the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

What is not sexual harassment? Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.

Reporting and Investigation Process

If you feel that you have been the recipient of harassing or discriminatory behavior, report it immediately to your supervisor, the Human Resources (Town Clerk) or the Mayor. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint, or you can make your complaint verbally.

If your supervisor, the Human Resources (Town Clerk) or the Mayor is the source of the harassing conduct, report the behavior to the Town Council.

Your identity will be protected to the extent possible, recognizing that confidentiality cannot be guaranteed because the accused has the right to be confronted with the complaint as part of the investigation. You will not be retaliated against for making a complaint.

Within a reasonable time after a complaint is made, a supervisor, or other designated person, will investigate the complaint. The person will speak with possible witnesses and will speak with the person named in your complaint. Depending on the complexity of the investigation, you will be contacted within a reasonable amount of time about the status of your complaint and whether action is being taken.

Harassing Conduct from Non-Employees

This policy protects employees from covered discrimination and harassment by those the Department serves, partners, vendors, and others you encounter while engaging in your service. If you believe you have been harassed or discriminated against in a way that violates this policy by anyone while on the job or at a work-related activity, please follow the same procedure for reporting the activity and the Town will take the same steps to investigate and

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resolve your complaint state above.

An employee who believes he or she has been subjected to any form of harassment, as defined above, shall report the incident immediately. Supervisors who are aware of known or suspected harassment are required to report it. Anyone in a managerial capacity who condones or fails to respond to complaints or reports of harassment may themselves be subject to disciplinary action and possibly dismissal.

Any employee or volunteer who perceives a conversation or event as harassment, whether the employee or volunteer 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, any other supervisor, the Human Resources (Town Clerk) or the Mayor.

The Town encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Town 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 Section of this document.

Disciplinary action, up to and including dismissal, will be taken against any employee engaging in sexual harassment, discrimination or other harassment as prohibited by this policy. If an employee brings a frivolous, fictitious, or malicious accusation, he or she will be subject to the same penalties given to an employee who has harassed another.

Retaliation in any form against a complainant who exercises his or her right to make a complaint under this policy, or against a witness who participates in an investigation, is strictly prohibited, and will itself be cause for appropriate disciplinary action, up to and including dismissal. Failure to participate fully and truthfully in the investigation can also result in disciplinary action, up to and including dismissal.

This policy applies to all forms of harassment, including harassment based on a person's race, color, religion, national origin, age, physical or mental disability, marital status, creed, sex, veteran/military, or political beliefs.

Harassment Prevention Training will be an annual requirement of all personnel, including volunteers and elected positions.

Retaliation

The Town encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Town to promptly and thoroughly investigate such reports. The Town prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Confidentiality in retaliation complaints will be maintained as much as possible.

Grievance Procedure

An Employee who has a grievance should attempt to resolve the problem with the other party involved by meeting with them for the sole purpose of resolving the problem. The Employees

TOWN OF BROADUS PERSONNEL POLICY MANUAL

shall not discuss the problem with Employees who are not directly involved. In no case should the Employees talk to customers about the problem or dispute.

If talking directly to the other party is unsafe or unsuccessful, or for grievances against the Town, the Employee should discuss the problem with the Supervisor.

If the issue falls into one of the following categories, and the Employee has exhausted the internal channels and is still not satisfied, the Employee may file a written grievance as directed in this policy within fourteen (14) calendar days of the alleged misconduct.

- Alleged violation of existing policies as set forth in the Employee Handbook.
- A claim of inconsistent application of policy to different employees in similar situations.
- A claim of an unfair situation caused by an inherently unfair or discriminatory policy.
- Alleged infraction of federal or state statutes.
- Alleged wrongful termination or other disciplinary action.

The Employee shall put his or her complaints, including efforts to resolve the issue, in writing within fourteen (14) calendar days of the alleged misconduct and submit them to the Mayor. After receiving and reviewing the written report the Mayor shall conduct an investigation, as needed, and make a decision about the grievance within ninety (90) calendar days. The decision by the Mayor shall be put in writing and will be final. The Mayor's written decision shall be placed in the impacted Employees' personnel files.

If the Mayor is involved in the grievance, the Employee should take the issue in writing to the President of the Town Council. The Council will investigate the matter, as needed, and issue a written decision within ninety (90) calendar days. The decision by the Town Council is final and shall be placed in the impacted Employees' personnel files.

Management decisions on grievances shall not set precedent and are at the discretion of the Mayor and Town Council members so long as it does not violate any laws, regulations, or policies set forth in this manual. Management decisions are not binding on future grievances unless they are officially stated as a policy.

Retaliation against any Employee availing themselves of the Grievance Procedure is not allowed and will not be tolerated.

ACKNOWLEDGEMENT PAGE

To be signed and returned to the Town Clerk.

It is expressly understood that this personnel policy manual for the Town of Broadus does not constitute a guarantee or contract of employment, or a promise of any kind. The Town of Broadus, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; and establish, change, or abolish its policies, practices, benefits, rules, and regulations.

It is understood that this personnel policy manual is issued to inform employees regarding the operating policies of the Town of Broadus. This personnel policy manual and benefits may be changed from time to time at the sole discretion of the Town of Broadus, and is to be used as a guide to Town of Broadus employees in the performance of their duties. Violations of the policies set forth in this manual may result in disciplinary action.

By signing this statement, the employee acknowledges the Town of Broadus personnel policy manual has been received and read, and that the employee understands and will adhere to the policies contained herein. The signed acknowledgement page shall be returned to the Town and shall be retained in the employee personnel file.

I understand and agree to comply with this personnel policy manual, and with the laws of the Town of Broadus, the State of Montana, and the United States. I further understand that I must complete and return a paycheck authorization if anyone other than myself will pick up my paycheck, and that my final paycheck may be deducted for charges authorized by myself and incurred to the Town that are not Town-related,

Signed _____
Print Name _____
Position _____
Effective Date of Employment _____

Date _____

ATTESTED:
Town Clerk _____
Mayor _____

Date _____
Date _____