

**BOZEMAN**<sup>MT</sup>

*EMPLOYEE HANDBOOK*

**BOZEMAN**

The City of Bozeman, the most livable place.

November 2017

# *EMPLOYEE RECEIPT AND ACCEPTANCE*

Return a signed copy of this page to the Human Resources office.

By signing this form, I acknowledge I received a copy of the City of Bozeman Employee Handbook. I have familiarized myself with the material contained in this Handbook and I understand how it applies to my position with the City of Bozeman.

I recognize the Employee Handbook contains general statements of the City of Bozeman policy and does not form an express or implied contract, warranty of benefits or promise that the policies discussed in it will be applied to each employee. It is my responsibility to understand the policies that impact me in my position.

I also recognize the City may add to the policies in the Handbook or revoke or modify them from time to time without prior notice to employees.

The City may from time to time make adjustments to this Handbook and to find the current version I know will be expected to go to the City's website for the most current version (<https://www.bozeman.net/government/human-resources/employee-information/employment-policy>). I am responsible for reviewing changes to policies and procedures.

Finally, I recognize the City will apply the Handbook's policies and interpret such policies in the circumstances presented.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Please sign and return to the Human Resources Office.

CONTENTS	
EMPLOYEE RECEIPT AND ACCEPTANCE.....	2
EMPLOYEE WELCOME LETTER.....	7
VISION, MISSION, AND GOALS .....	8
CORE VALUES.....	8
<b>SECTION 1: GENERAL PROVISIONS.....</b>	<b>9</b>
PURPOSE .....	10
STATEMENT OF NON-DISCRIMINATION.....	10
SEVERABILITY .....	11
AUTHORITY/APPLICABILITY .....	11
<b>SECTION 2: EMPLOYMENT ADMINISTRATION.....</b>	<b>12</b>
DELEGATION OF AUTHORITY .....	13
EMPLOYMENT POLICY AMENDMENT PROCESS .....	13
POLITICAL ACTIVITY .....	13
EMPLOYEE WORK PRODUCT AND RECORDS.....	13
CITY OFFICERS/DEPARTMENT HEADS/DIVISION HEADS .....	14
ORGANIZATIONAL CHART.....	15
HUMAN RESOURCES DEPARTMENT ROLE, RESPONSIBILITY, & AUTHORITY.....	16
<b>SECTION 3: RECRUITMENT AND SELECTION .....</b>	<b>17</b>
RECRUITMENT AND SELECTION .....	18
SPECIAL EMPLOYMENT PROGRAMS.....	18
VETERANS' PREFERENCE.....	18
DISABLED PERSONS' PREFERENCE FOR EMPLOYMENT.....	18
INTERNAL RECRUITMENT .....	18
RE-EMPLOYMENT.....	19
WORKERS COMPENSATION LEAVE RE-EMPLOYMENT POLICY.....	19
EMPLOYMENT OF MINORS.....	19
EMPLOYEE ORIENTATION.....	19
ELIGIBILITY TO WORK.....	20
<b>SECTION 4: EMPLOYEE STATUS .....</b>	<b>21</b>
PROBATIONARY PERIODS .....	22
TRIAL PERIODS .....	22
POSITION CLASSIFICATION .....	22
PAY ADMINISTRATION .....	23
TEMPORARY ASSIGNMENTS .....	23
EMPLOYEE RESIGNATION .....	23
EXIT INTERVIEW .....	24
JOB ABANDONMENT.....	24

REDUCTION IN WORKFORCE .....	24
RESIGNATION AND PAY UPON TERMINATION .....	25
BENEFITS UPON TERMINATION .....	25
CONTINUATION OF HEALTH AND DENTAL INSURANCE .....	25
<b>SECTION 5: EMPLOYEE PERSONNEL RECORDS .....</b>	<b>26</b>
POLICY .....	27
EMPLOYEE RECORDS .....	27
PAYROLL RECORDS .....	28
MISCELLANEOUS RECORDS .....	28
PERFORMANCE EVALUATION .....	29
RELEASE OF INFORMATION .....	29
<b>SECTION 6: EMPLOYEE BENEFITS .....</b>	<b>30</b>
POLICY .....	31
TERMS .....	31
LEAVE ELIGIBILITY .....	31
VACATION ACCRUAL .....	32
VACATION USE AND APPROVAL .....	33
ACCELERATED LEAVE ACCRUAL .....	33
SICK LEAVE ACCRUAL .....	33
SICK LEAVE USE AND APPROVAL .....	34
SICK LEAVE BANK .....	34
HOLIDAYS .....	38
PAID MILITARY LEAVE .....	39
PREGNANCY LEAVE .....	39
PARENTAL LEAVE .....	39
ADMINISTRATIVE LEAVE .....	39
BEREAVEMENT LEAVE .....	40
WORKERS' COMPENSATION LEAVE .....	40
JURY DUTY OR TO SERVE AS A WITNESS .....	40
FAMILY AND MEDICAL LEAVE .....	40
LEAVE WHILE SERVING IN ELECTED OR APPOINTED OFFICE .....	42
OTHER FORMS OF LEAVE WITHOUT PAY .....	42
BREAST FEEDING .....	43
EMPLOYEE HEALTH AND WELLNESS BENEFITS .....	43
HEALTH INSURANCE BENEFITS .....	43
FLEXIBLE BENEFITS PLANS .....	44
SWIM CENTER PASSES .....	44

DISCOUNTED SKI LIFT TICKETS .....	44
EMPLOYEE ASSISTANCE PROGRAM .....	44
RETIREMENT .....	44
LIFE INSURANCE .....	45
UNEMPLOYMENT INSURANCE .....	45
VOLUNTARY DEDUCTIONS .....	45
<b>SECTION 7: GENERAL POLICIES AND GUIDELINES .....</b>	<b>46</b>
CONFLICT OF INTEREST .....	47
EMPLOYEE CONDUCT .....	47
NEPOTISM .....	47
WORKPLACE VIOLENCE.....	47
SEXUAL HARASSMENT.....	48
HARASSMENT COMPLAINT PROCEDURE .....	49
DRUG FREE WORKPLACE ACT .....	50
DRUG FREE WORKPLACE.....	50
TOBACCO POLICY.....	50
DRUG AND ALCOHOL POLICY .....	51
DRUG AND ALCOHOL TESTING POLICY .....	51
REASONABLE SUSPICION DRUG AND ALCOHOL TESTING .....	51
POST-ACCIDENT DRUG AND ALCOHOL TESTING .....	51
SOLICITATION .....	52
DRIVER'S LICENSES .....	52
NON-CITY EMPLOYEES RIDING IN CITY VEHICLES .....	53
CITY EQUIPMENT USE.....	53
PERSONAL EQUIPMENT USE .....	53
COLLECTIVE BARGAINING UNITS.....	53
COLLECTIVE BARGAINING UNIT (UNION) MEMBERSHIP .....	53
UNION ACTIVITY DURING WORK HOURS .....	54
<b>SECTION 8: EMPLOYEE TRAINING AND DEVELOPMENT .....</b>	<b>55</b>
JOB-RELATED TRAINING AND CONTINUING EDUCATION .....	56
SPECIAL LICENSES AND MEMBERSHIP FEES .....	56
<b>SECTION 9: EMPLOYEE WORK RULES &amp; HOURS OF WORK.....</b>	<b>57</b>
POLICY.....	58
WORK DAY .....	58
WORK PERIODS.....	58
OFFICE HOURS .....	58
FLEXIBLE WORK SCHEDULES.....	58

ABSENTEEISM.....	58
OVERTIME GUIDELINES – NON EXEMPT EMPLOYEES .....	59
PAY PERIOD .....	59
TIME RECORDS.....	60
PAYCHECKS .....	60
ADVANCE PAY .....	60
GARNISHMENT POLICY.....	60
PAYROLL DEDUCTIONS .....	60
TRAVEL EXPENSES.....	61
<b>SECTION 10: EMPLOYEE WORK RULES AND DISCIPLINE .....</b>	<b>62</b>
POLICY.....	63
EMPLOYEE MISCONDUCT .....	63
PROGRESSIVE DISCIPLINE POLICY.....	63
DISCIPLINARY PROCEDURES.....	63
DISCIPLINARY NOTIFICATION.....	64
<b>SECTION 11: GRIEVANCE AND COMPLAINT PROCEDURE.....</b>	<b>65</b>
POLICY.....	66
GRIEVANCE PROCEDURE.....	66
GRIEVANCE AND EMPLOYEE COMPLAINT FORM.....	68
<b>SECTION 12: SAFETY AND WORK CONDITIONS .....</b>	<b>69</b>
EMPLOYEE RESPONSIBILITY.....	70
PERSONAL INJURIES OR ACCIDENTS PROCEDURES .....	70
VEHICLE ACCIDENT REPORTING PROCEDURES .....	70
POST-ACCIDENT DRUG AND ALCOHOL TESTING .....	71
NON-EMPLOYEE ACCIDENT REPORTING PROCEDURES.....	71
INDEX .....	72

# *EMPLOYEE WELCOME LETTER*

City of Bozeman Employees,

The City of Bozeman is proud to have a competent and professional work force providing services and meeting the expectations of our ever-growing City. As City employees, it is imperative that we continue to maintain an effective relationship with our City Commission and the City at large. We do so by providing services for the citizens to work and live in Bozeman.

The City appreciates your dedication to public service. We appreciate new employees who are expanding our talented workforce. With your commitment and hard work, we will ensure the effective management and operation of the City of Bozeman.

Please carefully review this employment handbook. This document outlines employment policies and procedures and sets the standard for efficient and impactful work units. It is your responsibility to know and understand how each of these policies impacts your position and how they govern the manner in which you do your job.

It is an exciting time to be employed at the City of Bozeman. You have joined an extremely motivated and highly-skilled group of professionals. I wish you every success in your position.

Sincerely,



Andrea Surratt,  
City Manager

## *VISION, MISSION, AND GOALS*

Vision: Bozeman, Montana - The most livable place.

Mission: To enhance the quality of life through excellence in public service.

Goals:

1. Encourage and promote opportunities for citizenship.
2. Provide and communicate quality customer service.
3. Build a strong team of staff, elected officials, and citizens.
4. Anticipate future service demands and resource deficiencies and be proactive in addressing them.
5. Develop a visually appealing and culturally rich community.
6. Commit to a strong financial position.
7. Provide excellent and equitable public services, which are responsive to the community within available resources.

## *CORE VALUES*

Integrity, leadership, service, and teamwork are the core values of our organization and provide a framework for our employees, community volunteers, and citizens:

### **Integrity**

Be honest, hardworking, reliable, and accountable to the public.

### **Leadership**

Take initiative, lead by example, and be open to innovative ideas.

### **Service**

Work unselfishly for our community and its citizens.

### **Teamwork**

Respect others, welcome citizen involvement, and work together to achieve the best result.



# SECTION 1: GENERAL PROVISIONS

## *EMPLOYEE HANDBOOK*

## *PURPOSE*

The purpose of this Handbook is to establish policies and procedures employees must follow, to provide guidance to employees in their positions, and supervisors in the management of the City's personnel, to promote communication between department heads, supervisors, and employees, and to ensure, protect, and clarify the rights and responsibilities of employees. This Handbook contains information about employment, employee status and benefit eligibility, compensation, benefits, employee development, and termination of employment. It is the responsibility of each employee to read, understand, and comply with this Handbook. Questions may be directed to the Human Resources office or the employee's supervisor.

The policies in this Handbook apply to all employees, and supersede all prior administrative orders related to each policy, unless a policy or term is specifically addressed in a collective bargaining agreement. If there is a difference between a term or provision of the Handbook and the collective bargaining agreement, the collective bargaining agreement will apply.

## *STATEMENT OF NON-DISCRIMINATION*

The City complies with [City Commission Resolution 4243](#) and in doing so provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, creed, sex, age, marital status, national origin, political ideas, or perceived or actual gender identity, sexual orientation, or disability. In addition to federal law requirements, the City of Bozeman complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruiting, hiring, placement, promotion, demotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. This policy does not preclude discrimination based upon bona fide occupational qualifications or other recognized exceptions under the law. The City of Bozeman is committed to providing an inclusive and welcoming environment for all members of our staff, community, volunteers, subcontractors, vendors, and clients. The City of Bozeman expressly prohibits any form of workplace harassment based on race, color, religion, creed, sex, age, marital status, national origin, political ideas, or perceived or actual gender identity, sexual orientation, or disability.

If an employee feels that he or she is subject to harassment or discrimination or has witnessed or become aware of harassment or discrimination in violation of these policies, they should immediately bring the matter to the attention of their supervisor and the Human Resources division. Employees are required to participate fully in investigations related to harassment and discrimination and are responsible for the work environment as a whole. No employee will be retaliated against for making in good faith a complaint or for participating in an investigation regarding a violation of City policy. Employees found to have violated City policy are subject to discipline up to and including termination according to the City's Progressive Discipline policy. Please refer to [Admin Order 2010-01](#) (grievance policy).

## *SEVERABILITY*

If any part of this Handbook is found to be unenforceable, or to violate State or Federal law, the balance of the Handbook shall remain in effect.

## *AUTHORITY/APPLICABILITY*

The Bozeman City Charter requires the City's personnel system to be consistent with applicable federal and state law and that all appointments and promotions of City officers and employees be made solely on the basis of merit and qualifications demonstrated by a valid and reliable examination or other evidence of competence.

In addition, the Charter provides the City Manager with the authority to appoint and suspend or remove all City employees except as otherwise provided by law or the Charter and to adopt personnel rules. The charter also requires the City Manager to direct and supervise the administration of all departments, offices, and agencies except as otherwise provided by the Charter or law.

The Charter prohibits the use of public office for private gain.

This Handbook applies to all employees of the City including employees of the Bozeman Public Library, the Bozeman Municipal Court, and the Bozeman Parking Commission. Certain procedures may vary for employees with the Municipal Court, Parking Commission or Public Library.

## SECTION 2: EMPLOYMENT ADMINISTRATION

### *EMPLOYEE HANDBOOK*

## *DELEGATION OF AUTHORITY*

The City Manager is responsible for the direction and supervision of all City employees. The City Manager may in turn authorize any administrative officer subject to the Manager's direction and supervision to exercise the City Manager's powers with respect to subordinates in that officer's department, office, or agency. This may include the authority to appoint, hire, discipline, and terminate employees.


The City Manager has authorized department directors to delegate the authority to issue discipline, up to and including the issuance of written reprimands to their subordinate supervisors. Those delegated authority to issue written reprimands may also require corrective action including issuing performance improvement plans and disciplinary probation. The City Manager must authorize such delegation in writing. This delegation of authority does not abrogate the City Manager's authority to exercise his/her authority to appoint, suspend, or remove employees. The City Manager may withhold any or all of this authority from a department director. Either the City Manager or a department director may withhold this authority from the director's subordinate.

The Human Resources Division must be consulted prior to the issuance of any disciplinary action other than counseling. Failure to consult with the Human Resources Division does not invalidate or void a disciplinary action. Department directors must be notified in advance of any action regarding appointment, suspension, or removal taken by a properly authorized supervisor within their department.

## *EMPLOYMENT POLICY AMENDMENT PROCESS*

From time to time, the City reviews its policies and procedures and makes revisions based on the need for or desirability of changes. In doing so, the City reserves the right to amend, alter, delete, and add policies, with or without notice. In addition, the City remains free to decide in all cases how to apply the policies expressed herein to any particular set of circumstances.

## *POLITICAL ACTIVITY*

Employees may not solicit any money, influence, service, or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office in violation of [Sect. 2-2-121\(3\), M.C.](#)  This prohibition in no way is meant to interfere with individual rights to express personal political views. An employee may not hold elected or appointed City office if such office would be incompatible with the duties of their position or employment or create a conflict of interest.

## *EMPLOYEE WORK PRODUCT AND RECORDS*

Employees are required to maintain official documents, work product, and other material associated with the effective completion of their daily work. Electronic, hard copy documents, and other material must be maintained in accordance with professional standards as directed by each department. All files and documents, including electronic documents, must be maintained in a manner that is consistent with the City's record retention policies (<http://www.bozeman.net/City-Government/Records-Management>). Work product and

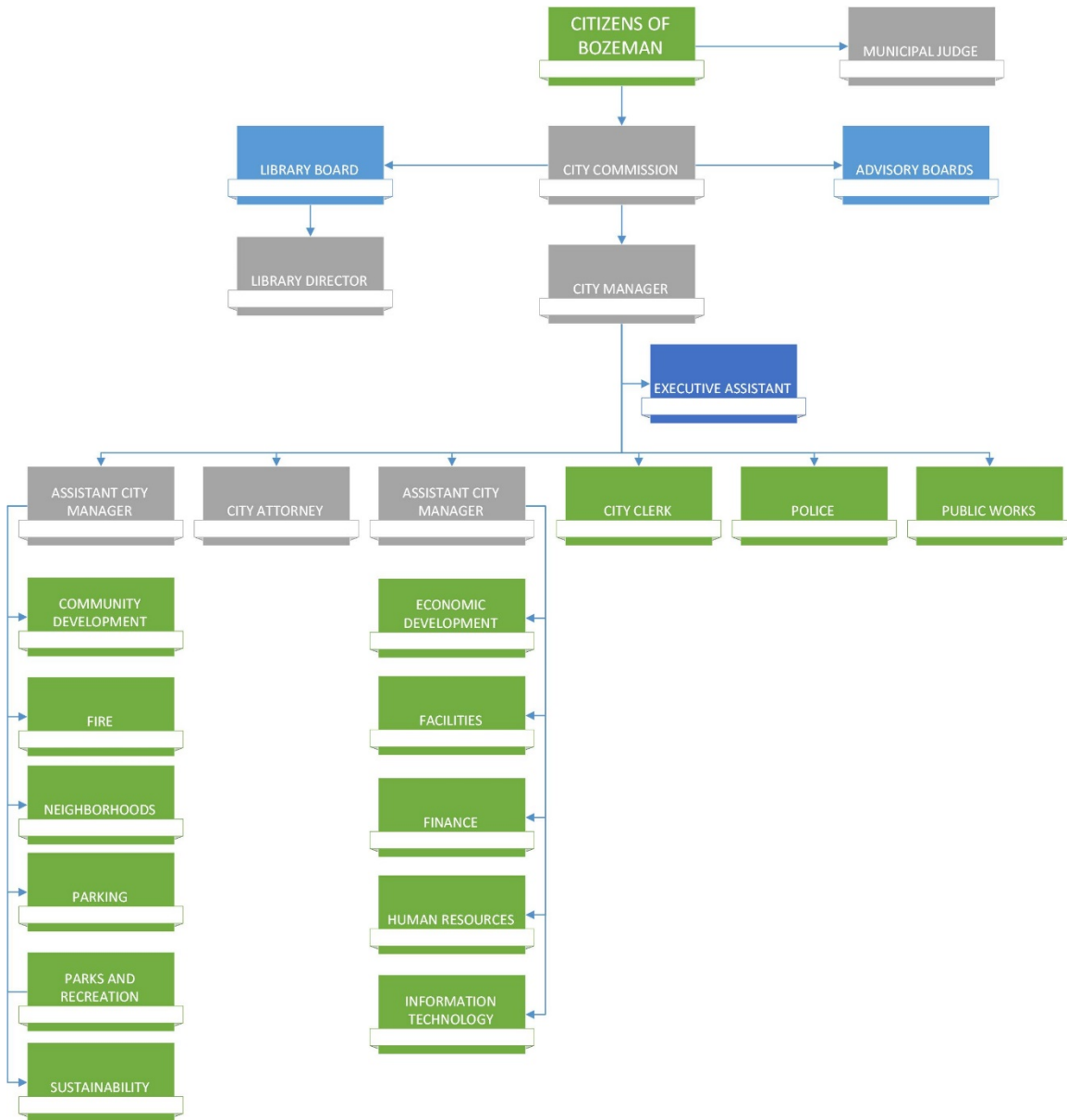
materials created or developed by an employee in the course and scope of their employment are property of the City and should be accessible as such at all times.

### *CITY OFFICERS/DEPARTMENT HEADS/DIVISION HEADS*

The following is a listing of City officers, departments, and divisions, according to the current organizational structure:

This structure is at the discretion of the City Manager and is subject to change. Statutory definitions may or may not be covered in the organizational structure as shown below. Employees are encouraged to review the organization, and understand the relationship of their position to the overall organization of the City.

# ORGANIZATIONAL CHART



## *HUMAN RESOURCES DEPARTMENT ROLE, RESPONSIBILITY, & AUTHORITY*

Human Resources is the department responsible for ensuring the City complies with all federal, state, and local laws regarding employment. This is done in a number of ways: by developing and enforcing employment policies throughout the organization, providing training opportunities, recommending action, and implementing best-practices. Supervisors are required to inform Human Resources of certain employment related issues as soon as known. These include but are not limited to workplace injuries, requests for medical leave (planned or unplanned) exceeding three days, grievances, unapproved absences, requests for reclassification, potential discipline beyond counseling, workplace violence, and allegations of discrimination, harassment, or retaliation.

### Human Resources:

- Serves as an employee resource by keeping current on issues in the workplace and taking appropriate action.
- Serves as the official record custodian for employment records.
- Is responsible for changes to or establishment of job classification, and all class specifications,
- Determines Fair Labor Standards Act status, representation status, and employment status (i.e., regular, part-time, short-term, seasonal, etc.).
- Works with supervisors to determine appropriate levels of discipline and advises on how to carry out discipline.
- In cooperation with department directors and the City Manager, ensures collective bargaining agreements are being properly administered.
- Ensures proper and lawful payments and withholdings through payroll.
- Determines employee compensation, based on collective bargaining agreements and appropriate City practices and plans.
- Administers City-provided benefits.



# SECTION 3: RECRUITMENT AND SELECTION

## *EMPLOYEE HANDBOOK*

## *RECRUITMENT AND SELECTION*

The City Manager has the authority to hire and appoint City personnel. The City Manager may, in turn, delegate this responsibility to the City's department heads and supervisors. Department directors and supervisors, together with Human Resources, carry out the hiring process for all position vacancies.

The City's recruitment and selection procedures are designed to ensure applicants are treated equally and fairly and without regard to race, color, religion, creed, sex, perceived or actual gender identity, sexual orientation, age, marital status, national origin, political ideas, or disability. The process for filling vacant or new positions is found in the [Hiring Practices Manual](#). Employees covered by collective bargaining agreements must also refer to specific provisions within the agreement.

## *SPECIAL EMPLOYMENT PROGRAMS*

Human Resources is responsible for approving all special employment programs including federal and state employment training programs, volunteer programs, internships, and temporary employees. Supervisors shall forward their requests for these types of assignments to Human Resources, which, in cooperation with the requesting department, develops a statement of purpose and tasks to be performed. Human Resources approves or denies the request and takes appropriate action to implement the program.

Human Resources maintains records on special employment program participants, and, if applicable, the City Clerk maintains any contractual agreements between the City and the provider or agency. Department directors and supervisors will coordinate with Human Resources to determine the need for regular performance evaluations on program participants and feedback on program strengths and weaknesses.

## *VETERANS' PREFERENCE*

This Handbook and the [Hiring Practices Manual](#), incorporates the Montana Veterans' Preference in Employment Act.

## *DISABLED PERSONS' PREFERENCE FOR EMPLOYMENT*

This Handbook and the City's Hiring Practices Manual, incorporates the Montana Veterans' Preference in Employment Act as well as the Persons with Disabilities Public Employment Preference.

## *INTERNAL RECRUITMENT*

The City believes in providing opportunities for professional and career development. Internal recruitment is one way the City can provide opportunities for an employee to develop their skills and abilities. Employment opportunities may be offered to employees through a competitive internal recruitment process. In such cases, selections are based on qualifications and merit of the internal applicants. If an employee is represented by a

collective bargaining unit, the agreement may provide specific details regarding internal recruitment and promotion.

Employees interested in opportunities for career development including transferring to different positions or applying for new positions are encouraged to review the [Hiring Practices Manual](#) and speak with their supervisor or Human Resources.

### *RE-EMPLOYMENT*

Any former employee whose employment ends in good standing is eligible for re-employment.

An employee in good standing is defined as one whose performance and attendance were acceptable in the position she or he most recently held within the City, and who meets the resignation notice requirements found in the [Employee Resignation section](#). These individuals will proceed through the regular hiring procedures without preference.

### *WORKERS COMPENSATION LEAVE RE-EMPLOYMENT POLICY*

The City will comply with state and federal regulations regarding an employee's return to work from workers compensation leave. If an employee is on an extended leave due to a worker's compensation illness or injury, the City may hold the position for the employee for a period not to exceed six (6) months, unless otherwise required by state or federal law. Exceptions to this policy must be approved by the City Manager with input from Human Resources.

### *EMPLOYMENT OF MINORS*

This Handbook incorporates the Montana Child Labor Standards Act, and the child labor provisions under the Fair Labor Standards Act. An individual must be at least fourteen (14) years of age to be employed by the City. A minor under age eighteen (18) may not be employed under certain conditions and performing certain occupations, and must have the written permission of a parent or legal guardian prior to beginning work. The City reserves the right to verify the age of minors. Employees should consult with Human Resources for clarification as needed.

### *EMPLOYEE ORIENTATION*

New employees will meet with Human Resources on the first day of employment for general orientation. Human Resources will distribute and explain the various forms that must be completed and will provide the new employee with information on employee benefits, City policies, and operations.

In addition, supervisors must provide a department-specific orientation including but not limited to:

1. Work standards and regulations;
2. Hours of work and leave policies within the department/division;

3. Safety rules and procedures including the location of safety or protective equipment; and
4. Duties of the new position.

The department in which the employee works is also responsible for showing the new employee the location of supplies, restrooms, etc., and for introducing the new employee to co-workers and City leadership through a comprehensive on-boarding process.

### *ELIGIBILITY TO WORK*

The City may hire and retain only those employees who are authorized to work in the United States. Upon employment, employees are required to show documents evidencing their eligibility for employment.

# SECTION 4: EMPLOYEE STATUS

## *EMPLOYEE HANDBOOK*

## *PROBATIONARY PERIODS*

New employees must successfully complete a probationary period. The probationary period includes any extensions. The probationary period applies to all new hires and rehires.

The probationary period for most positions is twelve (12) months. The probationary period may be extended with prior approval of Human Resources.

At any time during the probationary period either party may terminate the employment relationship, with or without cause.

Vacation and sick leave accruals, and restrictions on usage during the probationary period, are described in [Section 6: Employee Benefits](#).

## *TRIAL PERIODS*

When an employee who has passed the probationary period is then internally promoted, reassigned, or reclassified is not considered a new employee. A supervisor will adopt a trial period for the employee in the new position not to exceed twelve (12) months.

The trial period may be used to determine if the employee will be retained in the new position or returned to the former or an equivalent position. The purpose of the trial period is to evaluate the employee's job fit and skills necessary to perform the job. Supervisors are required to work with promoted and transferred employees to provide feedback and coaching regarding success indicators on a weekly basis during the test period.

If an employee is not successful during this period, they will have adequate notice of consequences, which may include performance improvement plans, return to previous position if available, transfer, demotion, or other progressive discipline up to and including termination.

## *POSITION CLASSIFICATION*

City class specifications for all positions are developed and maintained by Human Resources and are reviewed from time to time to ensure accuracy of position duties, education, and experience requirements. The class specification does not constitute an employment agreement between the City and employee, and is subject to change as the needs of the City and the requirements of the position change. The list of the position's duties included in each class specification is intended to illustrate the various types of work performed. All positions may be assigned to perform duties that are not listed in the position description.

Employees who demonstrate that assigned work differs substantially from the currently adopted class specification may make a request to their supervisor for a review of the position. Employees requesting such review do so understanding that position duties are assigned by the City according to the expectations articulated in the class specification.

Supervisors then make a request to Human Resources for a determination of whether the position should be reclassified. Human Resources approves all requests for reclassification.

## *PAY ADMINISTRATION*

The City is subject to the requirements of the Fair Labor Standards Act (FLSA). Employees are paid at a rate no lower than the living wage established in the City's Quality Jobs and Living Wage Ordinance, or minimum hourly wage established by or federal or state law, whichever is higher. There are normally 2,080 work hours per year for a full-time employee.

For employees who are classified exempt under the FLSA, pay is based on a monthly salary paid as earned. Non-exempt employees are paid in accordance with the FLSA or the employee's collective bargaining agreement.

Employees covered by a collective bargaining agreement will find entry level wage or salary information as well as the timing of negotiated pay increases within the collective bargaining agreement.

Salary for non-represented employees will be determined by the City's pay policies at the time of hire. Any subsequent pay increases are dependent on the City's budget and the discretion of the City Manager.

The City's pay practices are administered by a pay committee made up of the City Manager, Assistant City Managers, and Human Resources.

City employees are not guaranteed pay increases. Under state law, the City must have a balanced budget. Therefore, there may be times when the City is unable to provide pay increases to employees. All compensation increases are subject to the appropriate collective bargaining unit, internal policy, and adequate funding levels.

## *TEMPORARY ASSIGNMENTS*

Employees may be assigned additional responsibilities and/or given a temporary work assignment that requires the employee to complete the majority or all of the duties of that position. The City will define the duties of the assignment and it is the responsibility of the employee and City to communicate throughout this assignment. Additional compensation for the duration of the temporary assignment is governed by the appropriate collective bargaining agreement. For those employees not subject to a collective bargaining agreement, such compensation will be decided by the Pay Committee.

## *EMPLOYEE RESIGNATION*

In order to accommodate the City's desire for a smooth transition when an employee resigns, the City requests employees provide notice of resignation at least two (2) weeks prior to their last day of employment. Key employees (e.g. department directors, supervisors, long-term employees, and subject-matter experts) should give a notice of resignation thirty (30) to sixty (60) days in advance whenever possible.

Employee resignations must be submitted in writing to the employee's supervisor, with a copy given to Human Resources by the supervisor. Supervisors must notify Human Resources

of an employee's resignation as soon as possible. Employee resignations may not be rescinded without the approval of the City Manager.

### *EXIT INTERVIEW*

Human Resources will request each exiting employee participate in a final review and informal discussion about their employment experience and exiting details such as final benefit payments, and optional benefit continuation.

### *JOB ABANDONMENT*

Employees will be considered to have voluntarily resigned if they are absent without approved leave for a period of three (3) or more consecutive working days. "Absent without approved leave" includes any unauthorized absence or failure to report to work by an employee. Supervisors must notify Human Resources on the first day of an unexcused absence.

### *REDUCTION IN WORKFORCE*

The City may have a need to reduce the number of hours an employee works, may reduce an employee's pay, and/or may reduce the number of employees, for efficient operations.

When reducing the workforce, the City shall consider the programs it administers and the staff structure that most efficiently accomplishes the City's program objectives. Unless otherwise required by a collective bargaining agreement, the City shall, in its sole discretion, consider employees' skills, qualifications (including performance), and transferability of skills to other available positions, and length of continuous service, among other factors, when making reduction-in-workforce decisions.

City must provide laid-off employees with benefits and other rights as provided in this Handbook and by law.

This policy will apply when the number of employees is to be reduced, but will not apply to staff reductions for projects or programs funded with grant funds or other, special categorical funding available for specified periods of time. (In the latter cases, continued employment will be directly tied to the grant or other funding.)

In the event that a reduction in force is pending, the City will communicate information about the reduction in force with an affected employee as soon as possible and according to the terms of the appropriate collective bargaining agreement. Employees who are subject to reduction in force will receive written notice, which at a minimum, must include the following information:

- a) Date layoff is effective;
- b) Reason for the layoff (economics, work load, etc.);
- c) Information regarding the continuation of Health Insurance Benefits under Consolidated Omnibus Budget Reconciliation Act (COBRA)(supplied by the insurance third party administrator); and



- d) Reference materials for the Department of Labor and Industry unemployment benefits.

Only the City Manager may authorize a reduction in force. Unless otherwise provided for in law or in a collective bargaining agreement, a reduction in force will be conducted in a manner that is consistent with the procedures described herein.

A layoff is not an alternative to discharging an employee for cause or disciplinary purposes.

### *RESIGNATION AND PAY UPON TERMINATION*

Employees who voluntarily resign, are terminated for cause, or who are laid off from employment will receive their final paychecks within 15 days from separation, or on the last working day of the month, whichever occurs first.

### *BENEFITS UPON TERMINATION*

Subject to qualifying periods, employees terminating for a reason not reflecting discredit on themselves and who have worked for the qualifying period shall be entitled to 100% reimbursement of unused vacation leave at termination. Sick leave is reimbursed at 25% of the accrued and unused leave, in accordance with state law (MCA 2-18-618 <http://leg.mt.gov/bills/mca/2/18/2-18-618.htm>) these reimbursements are paid at the employee's base rate of pay at termination.

Subject to the requirements of Sect. 39-3-205(3), MCA (<http://leg.mt.gov/bills/mca/39/3/39-3-205.htm>) the City may withhold from a discharged employee's final paycheck an amount sufficient to cover the value of an alleged theft. The City will also withhold any voluntary amounts previously agreed to by the employee (for instance, Employee Purchase Plan, Gym Membership, etc.)

### *CONTINUATION OF HEALTH AND DENTAL INSURANCE*

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees may elect to continue their health and dental benefits coverage for up to eighteen (18) or thirty-six (36) months depending on the qualifying event (<http://www.dol.gov/ebsa/newsroom/fscobra.html>). Spouses and dependent children of employees may be entitled to up to 36 months of continuation coverage. Employees whose employment relationship with the City is ending should contact Human Resources for more information. Former employees participating in COBRA are afforded the opportunity to participate in the current health plan offered to the current City employees, and are not entitled to prior plans or coverages.

# SECTION 5: EMPLOYEE PERSONNEL RECORDS

## *EMPLOYEE HANDBOOK*

## *POLICY*

Employee personnel records are intended to capture the historic and current conditions of employment for each employee. The information contained in such records is of benefit to the City and the employee and employees should ensure that the information is accurate and current. This includes updated certifications, beneficiaries, personal contact information, and current position details.

## *EMPLOYEE RECORDS*

Employees receive upon employment copies of this Handbook and the location of the online version of this Handbook; his/her class specification, and a letter of hire specifying the beginning date of employment, probationary period, wage/salary information and any other special conditions of employment. The City should maintain for each employee a personnel record containing the following information:

- Letter of Hire
- Application Materials
- Training Records
- Documentation of Licenses and Registrations
- Documentation of Outside Employment
- Information surrounding initial hiring, promotions, and transfers
- Performance Evaluations
- Disciplinary Materials
- Letter of Resignation or Termination
- Personnel Action Forms
- Grievance Records
- Class Specification
- Emergency Contact Information
- Other materials generally considered a normal part of an employee's personnel record.

Supervisors are responsible for forwarding to Human Resources documents to be included in an employee's personnel file. Supervisors may maintain separate performance records for each employee.

Personnel records will be retained as required by the records retention schedule.

Information reflecting negatively on an employee, with the exception of a termination letter, should not be placed in the employee's personnel file until the employee has been informed, and/or the employee or a witness acknowledges receipt of the document. Any employee can make a written request to Human Resources to have material (except annual performance appraisals) which she or he feels to be incorrect removed from his or her file. If this request is denied, the employee may initiate the grievance procedure.

An employee's personnel record is confidential except for the following:

- (a) An employee's name;

- (b) Position title;
- (c) Dates and duration of employment;
- (d) Salary; and
- (e) Claims for vacation, holiday, or sick leave pay, except that the reason for taking leave is confidential and may not be disclosed.

Therefore, access to an employee's personnel record will be limited to those individuals who have a right to know. Included in this category will be the employee, his or her immediate supervisor(s), the appropriate department head, the City Manager, and the City attorney, the City's auditors, Human Resources, and others who have a legal right of access.

Employees may review their files in the Human Resources office at any time. While employees may drop by the Human Resources office to examine the file, appointments are encouraged. Supervised copying of the contents of the personnel file by the employee is also allowed.

### *PAYROLL RECORDS*

As a component of an employee's personnel record, Human Resources maintains a payroll file that includes pay and benefit related data on each employee. Each employee's payroll file may include:

- Letter of hire
- Personnel Action Forms
- Leave Records
- Withholding Authorizations
- Insurance enrollment forms
- Beneficiary information
  - The employee is responsible for updating this information and making it current - including emergency contact and accurate withholding.
- Longevity/seniority information
- Letter of resignation or termination
- Other materials generally considered a normal part of an employee's payroll record.

### *MISCELLANEOUS RECORDS*

Medical Records - Records documenting employee workers' compensation injuries, physical examinations, and other job-related medical information is maintained in separate medical files. Access to medical records is restricted to the employee about whom the information pertains; supervisors when identifying restrictions on the employee's work or duties or identifying necessary accommodations; first aid and safety personnel, when appropriate; government officials investigating compliance with the ADA or FMLA; and Human Resources. Human Resources maintains these files.

Eligibility of Employment (I-9) Forms - Documents proving eligibility to work are maintained separately from personnel, payroll, and medical files.

Drug and Alcohol Testing Records - These records are maintained in compliance with federal and State law, and separate from payroll, personnel, and other miscellaneous records.

## *PERFORMANCE EVALUATION*

The purpose of performance evaluation is to assist employees in development of their career with the City, and to ensure the provision of high quality City services. Evaluations are based on job function as well as the City's Core Values, and will cover the events of the entire evaluation period (generally one year). The performance evaluation process is a tool to recognize success and to encourage improved work performance or behavior. Employees are encouraged to provide feedback regarding their own performance and goals to facilitate an active discussion with their supervisor. Performance evaluations are considered a part of the employee's permanent employment record and will be made available to those who are authorized to view employee files

All new employees will serve a probationary period, as described in section 4. Generally, during this period, at least one (1) formal evaluation should be completed by the employee's supervisor. Failure to complete an evaluation does not preclude the discharging of an employee without cause during the probationary period.

Generally, supervisors conduct at least one performance evaluation of each supervised staff member per year; however discussions regarding employee performance should be ongoing. Annual evaluations will be discussed with each employee. The employee has a right to submit a separate statement to be attached to the evaluation form.

Supervisors may only use performance evaluation forms approved by Human Resources. Evaluations shall be signed by the supervisor and employee, as well as receive upper level review by the reviewer's immediate supervisor. The employee's signature indicates receipt of, and not necessarily agreement with, the evaluation. The employee will receive a copy of the final evaluation. Any employee who disagrees with his/her appraisal may file a written statement rebutting the evaluation.

## *RELEASE OF INFORMATION*

An employee's position, title, dates and duration of employment and compensation are public information and may be released pursuant to a written request.

Request for reference checks about a former or current employee must be directed to the department director or Human Resources.

Employees must sign an authorization for personnel file review and access if they wish for anyone outside of the authorized City personnel to review and copy their file.

SECTION 6: EMPLOYEE BENEFITS  
*EMPLOYEE HANDBOOK*

## *POLICY*

The City of Bozeman provides a variety of benefits to help enhance the quality of life for employees and their families, and to attract and retain talented individuals. The City continually evaluates its policies and may amend, add to, or discontinue benefits from time to time subject to applicable laws.

## *TERMS*

**Break in Service** means a period in excess of thirty (30) calendar days when the employee is not employed and where continuous employment is severed.

**Continuous Employment** means working for the City without a break in service.

**Qualifying Period** is the amount of time an employee must work (on a continuous basis) to receive sick or vacation leave benefits. The qualifying period to be eligible for paid vacation leave benefits is six (6) calendar months; the qualifying period to be eligible for paid sick leave benefits is ninety (90) calendar days. The qualifying period will apply if an employee is rehired following a break in service.

**Sick Leave** means a leave of absence with pay to attend to healthcare needs or for an illness or injury suffered by an employee or to care for an immediate family member who is ill. "Immediate family member" means the employee's spouse, domestic partner, and any member of the employee's household, or any parent, child, grandparent, grandchild, or corresponding in-law. Sick leave may also be used to attend medical treatments for immediate family members. Sick leave may also be used for the death or funeral of a family member or friend.

**Vacation Leave** means a leave of absence with pay for rest, relaxation, or personal business, at the request of an employee, and with the approval of the City.

## *LEAVE ELIGIBILITY*

The types and amounts of vacation and sick leave earned is dependent upon employment status:

**Regular Full-time Employees** are employees who have been hired on a full-time (generally 40 hours per week) basis to a job designated as regular. These employees accrue vacation and sick leave from their beginning date of employment. Regular full-time employees are entitled to sick and vacation leave benefits providing they work the qualifying periods.

**Regular Part-time Employees** are employees who have been hired on less than a full-time basis (less than 40 hours per week) to a job designated as regular. This category includes employees who work on an intermittent basis in a job designated as regular. These employees accrue prorated vacation and sick leave based upon the number of hours worked, from their beginning date of employment. Regular part-time employees are entitled to sick and vacation leave benefits providing they work the qualifying periods.

**Seasonal Employees** are employees assigned to a position designated as seasonal. These employees may work full or part-time. Seasonal employees earn vacation leave credits from their beginning date of employment. Seasonal employees must work six (6) qualifying months before they can use paid vacation leave, and must immediately report to work when operations resume to avoid a break in service. Full-time seasonal employees are entitled to sick leave benefits if they work the qualifying period.

**Temporary Employees** are employees who: a) are assigned to a position designated as temporary, generally created for a definite period not to exceed twelve (12) months; b) perform temporary duties or permanent duties on a temporary basis; c) are not eligible for permanent status; d) are terminated at the end of the employment period; and, e) are not eligible to become permanent employees without a competitive selection process. These employees may work full or part-time. Temporary employees earn vacation leave credits but may not use the credits until after working the qualifying period. Full-time temporary employees are entitled to sick leave benefits if they work the qualifying period.

**Short-term Employees** are employees who: a) are hired by the City for an hourly wage; b) may not work for the City for longer than 90 days in a continuous twelve (12) month period; c) are not eligible for permanent status; and d) may not be hired into another City position without a competitive selection process. Short-term employees do not earn sick or vacation benefits.

### *VACATION ACCRUAL*

As an employee gains time with the City, she or he earns additional vacation leave. The table below shows how much vacation leave employees earn over a period of time based on their years of service:

Years of Service	Full Time (generally 40 hours per week) Employee Earns:	Part Time (less than 40 hours/week) Employee Earns:
0-9	120 hours (15 days) per year	.058/hour worked
10- 14	144 hours (18 days) per year	.069/hour worked
15- 19	168 hours (21 days) per year	.081/hour worked
20 and on	192 hours (24 days) per year	.092/hour worked

Part time employees who are eligible for vacation leave can calculate earned leave by multiplying the number of hours worked during the pay period by the factor listed in the third column above.

Vacation leave is credited at the end of each pay period. Employees may not use vacation leave until it is credited; no advance vacation leave is allowed. When completing timesheets, employees requesting vacation leave must have leave credits sufficient to cover the leave requested - any month-end negative leave balances will be treated as leave without pay, and may be cause for disciplinary action.



Employees may accrue vacation leave up to twice the number of vacation hours earned each year. Human Resources will review employee accruals each December and will inform employees if they have excess leave. Excess vacation leave must be used by March 31<sup>st</sup> of the following year, or it is forfeited. Vacation leave balances appear on the employee's paystub, and it is the employee's responsibility to manage vacation leave balances each year.

### *VACATION USE AND APPROVAL*

Employees must obtain their supervisors' approval prior to taking vacation leave. Employees are asked to give as much notice to prior to the requested dates to allow for work load and shift coverage during the absence. Refer to individual department vacation use guidelines. Employees must use excess vacation leave by March 31<sup>st</sup> of the following year or it will be forfeited. Supervisors must give employees a reasonable opportunity to use earned vacation leave. At the City's discretion, if approval to take vacation leave is not granted and such denial results in the employee exceeding the vacation accrual cap, the employee may be allowed to continue to accrue vacation in excess of the cap.

Vacation leave cannot be taken in increments of less than one-quarter (1/4) hour. Employees exempt from overtime may only take vacation leave in increments of whole or half days. Exempt employees should not record vacation time equaling less than half of a work day, unless otherwise required by law. Absence from employment because of illness is not chargeable against vacation unless requested by the employee. Unless otherwise specified in the employee's collective bargaining agreement, time spent on vacation leave does not count for computing hours worked for overtime or compensatory time accrual purposes.

Unless there is a break in service, if an employee transfers between divisions or departments within the City of Bozeman, the employee's vacation leave balance also transfer.

Vacation leave may not be used to extend a resignation or termination date.

### *ACCELERATED LEAVE ACCRUAL*

Employees with prior Montana government service may earn "accelerated leave". Time spent as a short-term employee does not apply toward the person's rate of earning vacation leave.

Employees are responsible for providing the documentation of prior government service. Accelerated leave accruals will begin at the beginning of the next pay period after Human Resources receives documentation of prior eligible service. Employees must contact Human Resources to request the form needed to document prior service.

### *SICK LEAVE ACCRUAL*

Employees entitled to sick leave will begin earning from the first date of employment. A regular, full-time employee earns 12 working days (96 hours) of sick leave per year. Eligible part-time employees receive sick leave at the rate of .046 per hour worked.

Sick leave is credited at the end of each pay period. Employees may not use sick leave until it

is credited; no advance sick leave is allowed. When completing time records, employees requesting sick leave must have leave amounts sufficient to cover the leave requested; any month-end negative leave balances will be treated as leave without pay, and may be cause for disciplinary action.

There is no restriction on the number of sick leave hours employees may accumulate; however, business needs and state and federal requirements will determine the amount of approved leave for any circumstance.

### *SICK LEAVE USE AND APPROVAL*

Sick leave cannot be taken in increments of less than one-quarter (1/4) hour. Employees exempt from overtime may only take sick leave in increments of whole or half days. Unless otherwise specified in the employee's collective bargaining agreement, time spent in sick leave status does not count for computing hours worked for overtime or compensatory time accrual purposes.

Unless physically unable to do so, employees must contact his or her supervisor within a reasonable time (generally two hours before the start of your scheduled shift) when he or she cannot attend work due to an unplanned illness. Employees on sick leave must communicate directly to their supervisor or designee, and must report in on a daily basis. If an employee is physically unable to report in, the employee may have someone else contact the supervisor within this time frame. The manner of subsequent communication regarding sick leave will be agreed upon by the supervisor and employee. An employee will be required to submit a physician's certification upon return to work if that employee is on sick leave for more than one (1) work week. At any point, if the employer questions the use of sick leave, employees may be required to submit a physician's certification of illness and authorization for return to work.

In the event of an extended illness, regardless of the amount of accrued sick or vacation leave available, and subject to applicable FMLA requirements, the employee's position may be held, at the City's discretion, for up to six (6) months. Exceptions to this policy may be granted by the City Manager after reviewing a written request by the employee and their Director.

Unless there is a break in service, if an employee transfers between divisions or departments within the City, the sick leave balance transfers with the employee.

Sick leave may not be used to extend a resignation or termination date.

Abuse of sick leave is cause for discipline up to and including termination and forfeiture of the sick leave termination benefit.

### *SICK LEAVE BANK*

#### **Leave Donation Policy**

An eligible employee who needs additional time off because of the employee's own health condition may request a leave donation from the Sick Leave Bank. If additional time off is needed after the Sick Leave Bank donation has been exhausted that same employee may request a direct leave donation.

An eligible employee who needs additional time off because of a serious health issue of the employee's spouse or child may request a direct leave donation.

Employees requesting a donation from the sick leave bank and/or a direct donation must meet the eligibility requirements described below:

Eligibility for Donations under this policy:

- **Employment History:** To participate in or benefit from either donation program, employees must have been employed by the City of Bozeman for the most recent twelve (12) month period.
- **Employment Status:** All regular full-time and part-time employees working 20 hours or more per week on a year round basis are eligible for this program. Employees who work less than full time receive prorated benefits under this program.
- **Leave Balances:** Employees must exhaust all paid leave balances prior to being eligible for leave donations under this program. The employee should request leave donations prior to exhausting their current leave balances.
- **Review of Sick Leave Use:** Whenever an employee requests a donation under this program the City will conduct a review of the employee's sick leave usage. If this review reveals potential sick leave abuse, the City will meet with the employee to discuss the leave usage and based on the information provided by the employee may either deny or accept the employee's request for leave donations.
- **Proof of Need:** The employee requesting donated leave under this policy must agree to provide medical certification of the need for the time off.
- **FMLA:** In most cases, leave requests under this policy will meet the definition of a serious health condition under the Family and Medical Leave Act FMLA. If this is the case, employees requesting donations under this policy must also agree to have their FMLA benefit run concurrently with the use of any leave donations under this policy.
- **Timing of Leave:** Employees requesting emergency leave under this policy must coordinate their medically-related leave needs with their supervisor. Failure to do so may disqualify an employee from eligibility to receive sick leave donations. Approval of hours under this policy is not an approval of time off.

#### Sick Leave Bank

An eligible employee may request a donation from the City Sick Leave Bank if the absence is due to a serious health condition affecting the individual employee.

- **Prior donations:** Employees who are eligible to receive donated hours from the Sick Leave Bank must first donate hours to the Sick Leave Bank. The minimum deposit is eight 8 hours per calendar year.
- **Annual Campaign for the Sick Leave Bank:** A donation campaign will be coordinated by Human Resources in February of each year.
- **Donations of Sick Leave to the Sick Leave Bank**
  - The donating employee must have completed the ninety (90) day sick leave qualifying period.

- An employee may donate up to eighty (80) hours of sick leave per calendar year to the Sick Leave Bank.
- The donating employee must maintain a minimum sick leave balance of eighty (80) hours after donating to the Sick Leave Bank.
- The minimum sick leave donation is eight (8) hours; additional donations must be made in one (1) hour increments.
- Every hour of sick leave donated will be treated as an hour of time off under this program.
- Donations of Vacation leave to the Sick Leave Bank
  - The donating employee must have completed the six (6) month qualifying period for paid vacation.
  - There is no limit to the amount of vacation time an employee may donate to the leave bank.
  - The donating employee must maintain a minimum vacation balance of eighty (80) hours after donating to the leave bank.
  - The minimum vacation leave donation is eight (8) hours; additional donations must be made in one (1) hour increments.
  - Employees may donate excess use it or lose it vacation leave hours to this bank in one 1 hour increments.

#### Sick Leave Bank Donation Request Process

An eligible employee may request a donation from the Sick Leave Bank by:

- Requesting a Leave Donation form from Human Resources;
- Requesting and obtaining approval to take leave from his or her supervisor; and
- Returning the completed form to the Human Resources Department.

The employee's eligibility for this program is reviewed by the Human Resources Director or his or her designee and the employee's Department Head. The Human Resources Director or his or her designee will then consult with the City Manager regarding the amount of leave to be donated, if any. The Human Resources Director will notify the employee of the amount of sick leave to be awarded from the bank.

In order to protect employee privacy, the City will not release the names of those employees receiving and requesting leave from the sick leave bank, and these names will remain confidential from all but those who have the need to know. However, employees may voluntarily waive their right to privacy with or without revealing the reason for the need for these hours.

#### Direct Donation Program

An eligible employee may request a direct leave donation if:

- The employee has exhausted all accrued leaves as a result of his or her own serious health condition has received the maximum available sick leave donation from the Sick Leave Bank and has a continuing need for leave; or
- The employee has exhausted all accrued leaves as a result of a serious health condition affecting the employee's spouse or child and the employee has a continuing need for leave.

#### Process for Requesting a Direct Leave Donation

An eligible employee above may request a direct donation of leave by:

- Requesting a Leave Donation Form from Human Resources
- Requesting and obtaining approval to take medically related leave from his or her supervisor, and
- Returning the completed form to Human Resources.

The employee's eligibility for this program is reviewed by the Human Resources Director or his or her designee and the employee's Department Head. If the employee who is requesting the additional leave is a Department Head the donation request will be reviewed by the Human Resources Director or his or her designee and the City Manager or Assistant City Manager. Upon completion of this review the donation request is forwarded to the City Manager for approval.

Upon City Manager approval of the direct donation request, Human Resources will prepare a direct donation request to be circulated through the City's information technology system. The request will include instructions for donating hours. In order to protect employee privacy the City will not release the names of those employees receiving and requesting leave through a direct donation and these names will remain confidential from all but those who have the need to know. However, employees may voluntarily waive their right to privacy with or without revealing the reason for the need for these hours.

#### **Direct Leave Donation Parameters**

- Sick Leave
  - An employee may directly donate up to eighty (80) hours of sick leave per calendar year. The minimum sick leave donation is eight hours. Additional donations must be made in one (1) hour increments.
  - The donating employee must maintain a minimum sick leave balance of 80 hours after a direct sick leave donation.
- Vacation Leave
  - An employee may directly donate up to forty (40) hours of vacation leave per calendar year.
  - The donating employee must maintain a minimum vacation balance of eighty (80) hours after a direct vacation leave donation.
- Non Revocability of Direct Donations
  - Direct donations are voluntary and non-revocable and any direct donation made to an employee but not used by that employee will be deposited in the Sick Leave Bank described above.
- Maximum Benefit
  - Upon the City Manager approval an employee can receive a total of 480 hours of sick leave per calendar year from the sick leave bank and/or through the direct donation program. Maximum hours of leave available to the employee will be based on medical necessity not on total donations received.
- Exceptions
  - The City Manager may approve an additional donation campaign if needed to address a demand for hours under this policy Waivers to any part of this policy may be granted only by the City Manager.

## *HOLIDAYS*

The City has established eleven (11) holidays for its employees. The designated holidays are as follows:

New Year's Day  
Martin Luther King, Jr. Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
General Election Day (alternate years)  
Thanksgiving Day  
Columbus Day (observed the day after Thanksgiving)  
Christmas Day

Holidays falling within a period of sick or vacation leave are counted as holidays in computing vacation or sick leave. If a holiday falls on Saturday, it is observed the preceding Friday. If a holiday falls on a Sunday, it is observed the following Monday. To be eligible for holiday benefits, employees must be employed by the City in a full-time, part-time, seasonal, or temporary position, and not on leave without pay status on the last regularly scheduled working day immediately before the holiday or on the first regularly scheduled working day immediately following the holiday.

Employees are not eligible to receive holiday benefits if:

- The employee is a new employee to City government and begins work on the day after a holiday is observed;
- The employee returns to work following a leave of absence without pay, or return to a seasonal position, on the day after a holiday is observed;
- The employee is on leave without pay on the day the holiday is observed;
- The employee is a short-term employee, as defined earlier in this section.

Unless otherwise specified by the collective bargaining agreement;

- If the employee is an eligible full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, the employee will receive a day off with pay either on the day preceding the holiday or on another day following the holiday.
  - This additional day must be in the same pay period or as scheduled by the employee and agreed to by the employee's supervisor, whichever allows a day off in addition to the regularly scheduled day off.
- If the employee works the holiday they will be paid 8 hours of holiday pay plus the actual hours worked on the holiday in straight time unless already in an overtime status
  - If the employee is an eligible part-time employee, the employee will receive prorated holiday benefits, based upon the average number of hours worked per day, including holidays, during the pay period in which the holiday

occurred.

- If the employee is a non-exempt employee, Holiday pay is not considered as time worked for computing overtime.
- Holiday benefits shall not exceed eight (8) hours per day.
  - An employee who works a shift consisting of more than eight hours per day will be required to work additional hours in the same week, without overtime compensation, or use vacation, to make up the difference.

### *PAID MILITARY LEAVE*

An employee who has worked for the City of Bozeman for a period of six (6) months, and who is a member of the organized militia of Montana or the reserve corps or military forces of the United States is entitled to a leave of absence with pay for a period not to exceed one hundred twenty (120) hours per year to perform military service. Eligible employees who are regularly scheduled to work a fifty-three (53) hours per week schedule are entitled to receive up to 160 hours of paid military leave. Employees employed less than six (6) months are entitled to unpaid leave for the purposes listed above. "Military service" means both federally funded military duty and state active duty. Employees must submit a copy of military orders with his or her timesheet to be entitled to the leave with pay.

### *PREGNANCY LEAVE*

The City provides employees reasonable unpaid and job-protected leave to recover from pregnancy-related illness. Following a period of pregnancy leave, an employee is entitled to return to her same job, or to a job with equivalent pay, duties, benefits, and accumulated seniority. It is the employee's responsibility to express her pregnancy leave needs to her supervisor, and to update the supervisor should these needs change. As with all medical conditions, the City will rely on the judgment of medical professionals to determine the length of pregnancy leave. Employees should also refer to the Family and Medical Leave Policy for further information. Pregnancy Leave shall run concurrently with Family and Medical Leave. Eligible employees may use sick and/or vacation during pregnancy leave. Employees may also be eligible for benefits under the sick leave donation or direct donation policies. Employees are encouraged to speak with Human Resources for further details.

### *PARENTAL LEAVE*

The City provides employees unpaid, job-protected parental leave up to 15 working days. Employees may use sick or vacation leave for this time if they wish to be paid. Employees are encouraged to speak with Human Resources for further details.

### *ADMINISTRATIVE LEAVE*

Leave with pay may be granted by the City Manager or his/her designee under the terms and in the situations where he or she, in his or her sole discretion, deems it in the best interest of the City and/or employees to do so.

## *BEREAVEMENT LEAVE*

Bereavement leave is a form of administrative leave available to employees who lose family members. In this case, "family member" means a member of the employee's household, a parent, guardian, spouse or domestic partner, child, step child, sister or brother, equivalent in-laws, or close family members. Adoptive family members and step family members are considered family members. Bereavement leave is available for up to eighty (80) hours for full-time employees (prorated for part-time employees) per year. Fifty-three (53) hours per week shift personnel may receive up to ninety-six (96) hours of bereavement leave per year.

As with other unscheduled absences, employees are expected to notify their supervisors as soon as they learn of the need for bereavement leave.

## *WORKERS' COMPENSATION LEAVE*

The use of sick and vacation leave and compensatory time while on a period of workers' compensation leave will be administered in accordance with applicable State law and/or the appropriate collective bargaining agreement.

## *JURY DUTY OR TO SERVE AS A WITNESS*

Employees selected for jury duty, or who are subpoenaed to serve as a witness, have the option of receiving normal pay, or of charging time off to vacation leave. If the employee receives normal pay, the employee must return any jury or witness pay to the City. Employees will not have to return any expense or mileage reimbursements paid to them by the court. The City may request a court excuse the employee from jury duty if the employee is needed for proper operation of the City. Such as request must be made by Human Resources after consultation with a department director.

## *FAMILY AND MEDICAL LEAVE*

It is the policy of the City to follow the Family Medical Leave Act (FMLA) and to provide eligible employees with an unpaid leave of absence from work in the following circumstances:

- The birth of a child and in order to care for such child;
- The adoption of a child or to care for a foster child;
- To care for a child, spouse, or parent who has a serious health condition;
- Because of the employee's own serious health condition which renders the employee unable to perform the functions of his or her position;
- To address a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on "covered active duty" or call to covered active duty status.

To be eligible for a leave under the City's family leave policy, an employee must be employed by the City for at least twelve months at the time the leave is requested (these twelve months



need not have been consecutive) *and* have completed at least 1,040 hours of service with the City during the twelve-month period preceding the leave request.

Eligible employees are entitled to:

**A. Up to twelve workweeks** of leave during any twelve-month period for the situations listed above:

**OR**

**B. Up to twenty-six workweeks** of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee.

FMLA entitlements are counted using a rolling 12 month period, measured backward from the date the first FMLA leave was used.

The Family and Medical Leave policy will be administered according to the Family and Medical Leave Act (FMLA) of 1993. Employees should contact their Supervisor(s) and the Human Resources Department as soon as the need for this leave becomes apparent.

Employees may elect to use sick or vacation leave, or both while on a period of Family and Medical Leave. The City does not require an employee to use accrued leave while on FMLA. Use of earned compensatory time will not be counted against the FMLA allotment.

### **Process for Requesting Family and Medical Leave**

Employees are directed to speak with their supervisor and Human Resources to request the use of Family and Medical Leave. In general, the employee must give at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. If 30 days advance notice is not possible, the employee must provide notice as soon as possible and practical. The first time the employee requests leave, the employee is not required to specifically mention the FMLA; however, the employee must provide enough information for the City to know that the leave may be covered by the FMLA, and when and how much leave the employee anticipates needing to take. Once approved for a particular FMLA leave reason, if additional leave is needed for the same reason, the employee must reference that reason or the need for FMLA leave. In all cases, the City may ask additional questions and/or for a certification to determine if the leave qualifies as FMLA leave.

Human Resources will provide forms and reporting procedures necessary for the request, use, and return from FLMA. The supervisor will work with Human Resources and Payroll before and during the employee's absence to make sure the employee is receiving proper pay and benefits.

### **Workers Compensation and Family Medical Leave**

Time spent away from work recovering from a Workers' Compensation-related illness or injury will be counted against the employee's FMLA leave entitlement if the employee's

absence is due to a serious illness or injury that qualifies for FMLA leave.

### *LEAVE WHILE SERVING IN ELECTED OR APPOINTED OFFICE*

If an employee is elected or appointed to a Montana City, county or state public office, they will be placed on a leave of absence without pay, not to exceed 180 calendar days per year, to perform public service. Employees must return to work no later than 10 calendar days after the completion of the public service unless he or she is unable to do so because of illness or disabling injury certified by a licensed physician. When the employee returns to work, he or she will be restored to his or her position, with the same seniority, status, compensation, hours, locality and benefits that existed immediately before the leave of absence. Employees are encouraged to review the specific section in the Montana Code Annotated and Bozeman Municipal Code ([https://www.municode.com/library/mt/bozeman/codes/code\\_of\\_ordinances](https://www.municode.com/library/mt/bozeman/codes/code_of_ordinances)) for further information. The City Manager may seek an opinion from the City Attorney as to whether the office sought or obtained by an employee is incompatible or creates a conflict of interest with their employment.

### *OTHER FORMS OF LEAVE WITHOUT PAY*

#### **Permissive Leave without Pay**

Unless otherwise specified in the employee's collective bargaining agreement, leave without pay is subject to the following provisions:

- Leave without pay is not allowed to pursue other employment; and
- Employees who are serving an initial probationary period or are under disciplinary action such as disciplinary probation or suspension are not entitled to Permissive Leave without Pay.

Employees can be subject to immediate termination if the information provided is proven to be a false or misleading reason for the request for leave without pay. Health insurance, workers' compensation, unemployment insurance, and retirement benefits will not be paid by the City during a period of leave without pay. However, the employee may choose to continue health and dental insurance coverage during the leave by moving to COBRA coverage on one of the plans offered by Montana Municipal Interlocal Authority. When the employee returns to work, they will be reinstated on the City's health insurance plans.

Vacation and sick leave credits do not accrue during a leave of absence without pay. Employees will not be allowed to use sick or vacation leave, or receive Holiday Pay, during a leave without pay.

An employee who fails to return to work on his or her next regularly scheduled working day after an approved leave without pay shall be considered to have voluntarily resigned unless the leave period is extended, in advance, by the department head.

Permissive Leave without Pay may be granted to an employee for any good cause when it is in the interest of the City to do so. The employee's interests will also be considered.

A reasonable leave without pay of fourteen (14) consecutive calendar days or less may be authorized by the employee's department head in cooperation with Human Resources. Extensions to a leave without pay beyond fourteen (14) calendar days, up to thirty (30) calendar days, may be granted with the approval of the employee's department head and the City Manager. With approval of the City Manager, employees may be granted leave without pay for a specified time generally not to exceed one hundred eighty (180) calendar days during their period of employment.

To request leave without pay, an employee must provide his or her supervisor, in writing, the beginning and ending date of the leave and the reason for the requested leave. The department director may request the employee to provide information related to the leave circumstances and duration in order to make a reasonable verification of the reason for the request.

Employees must give his or her supervisor at least thirty (30) days' advanced notice.

### *BREAST FEEDING*

The City will provide a private location for the purpose of expressing milk during the work day. Mothers using this benefit will be afforded reasonable break times throughout the day not to exceed 20 minutes each. Breaks will be mutually agreed upon with the supervisor and in accordance with work guidelines and procedures. This benefit may be used for up to one (1) year after the birth of the child.

### *EMPLOYEE HEALTH AND WELLNESS BENEFITS*

The City offers a variety of health and wellness benefits to its employees. These benefits are not considered gifts under the [Code of Ethics](#) as long as they are approved by Human Resources and are made available to all employees.

### *HEALTH INSURANCE BENEFITS*

The City makes medical, dental, vision, and prescription drug insurance benefits, referred to as "health insurance benefits" available to employees. Health insurance benefit information is available through Human Resources, and is provided to all eligible employees at orientation. Employees terminating their employment, and those who are undergoing a reduction in hours, or entering a leave without pay status should also contact Human Resources to learn about the impacts of these actions on their health insurance benefit coverage, including extending health and dental insurance coverage including COBRA.

Employees must notify the Human Resources, in writing, of any changes in qualifying events or other family status, such as marriage, divorce, birth, or adoption, as it applies to benefit coverage, within fifteen (15) working days of the date the change occurs. Failure to do so may result in disciplinary action.

## *FLEXIBLE BENEFITS PLANS*

The City offers employees a Flexible Benefits Plans for qualified expenses. Under these plans, eligible employees may elect each year to have a fixed amount of money deducted from their pay, on a pretax basis, and may then use this pretax money to cover the costs of qualified insurance premiums, out of pocket medical expenses, and dependent care expenses. A description of this plan is provided to eligible employees at orientation. Additional information is available through Human Resources. For employees hired before July 1, 2011, and all Police and Fire Union members, the flexible plan also requires an annual election for a portion of the employer share of health insurance to be taken on a pre- or post-tax basis. If you have questions about this designation, please contact Human Resources.

## *SWIM CENTER PASSES*

The City offers Swim Center passes at a reduced rate for its employees. Refer to your collective bargaining agreement, or ask Human Resources, for more information.

## *DISCOUNTED SKI LIFT TICKETS*

The City occasionally provides a discounted ski ticket option for local ski areas to employees. Employees are notified of ticket availability annually, prior to the ski season. Employees have the option to purchase discounted ski tickets through payroll deduction.

## *EMPLOYEE ASSISTANCE PROGRAM*

The City believes it is important for employees to arrive at work ready to work and able devote attention to their jobs. Employees sometimes need help addressing issues in life which affect or may affect their ability to perform their jobs at a satisfactory level. The City's Employee Assistance Program (EAP) is available to help employees. A description of the City's EAP is provided to eligible employees at orientation. Contact your supervisor or Human Resources for more information. ([http://www.bozeman.net/Departments-\(1\)/Human-Resources/Home](http://www.bozeman.net/Departments-(1)/Human-Resources/Home))

## *RETIREMENT*

The City contributes to the Social Security Retirement system in accordance with Federal law. Employee retirement plans include the Montana Public Employee's Retirement System (PERS), Firefighter's Unified Retirement System (FURS), and Municipal Police Officer's Retirement System (MPORS), which are administered according to State law. Human Resources will provide individual employee's information about his or her public retirement plan. Human Resources can also provide information on optional retirement programs, such as ICMA-RC 457 or ICMA-RC 401(k) deferred compensation programs and Health Savings Accounts.

Employees are required to disclose if they have prior MPERA membership or if they are a working retiree at the time of hire.

### *LIFE INSURANCE*

The City provides a basic life insurance plan for employees, their spouses, domestic partners, and their children. Optional Life and Accidental Death and Dismemberment (AD&D) programs are also available. Contact Human Resources for more information.

### *UNEMPLOYMENT INSURANCE*

The City provides unemployment compensation coverage on behalf of its employees according to Montana State law.

### *VOLUNTARY DEDUCTIONS*

The City offers optional payroll deductions for those employees who wish contributions to go directly to savings accounts, retirement accounts, charitable donations, etc. Contact Human Resources for a list of voluntary payroll deductions.

SECTION 7: GENERAL POLICIES AND GUIDELINES  
*EMPLOYEE HANDBOOK*

## *CONFLICT OF INTEREST*

Employees are to be mindful of the distinction of service to the City of Bozeman and personal business matters. Use of public office or public position for private gain is prohibited. Employees are responsible for reviewing, understanding, and complying with the City of Bozeman Code of Ethics. Employees are encouraged to speak with their supervisor or with Human Resources if a question arises. Refer to Bozeman Municipal Code ([Municode Library](#)).

## *EMPLOYEE CONDUCT*

The proper operation of City government requires that public officials and employees be independent, impartial, and responsible, that governmental policies and decisions be made in the proper channels of the governmental structure, that public office and employment not be used for personal gain, and that the public have confidence in the integrity of its government. Employees are expected to abide by the core values of integrity, leadership, service, and teamwork in their daily work and for adhering to the Code of Ethics. Failure to do so may be cause for disciplinary action.

## *NEPOTISM*

It is the City's policy to hire the best-qualified employees, regardless of marital or family status. The City's recruitment, selection, and promotional processes, as they relate to nepotism, will be undertaken in compliance with applicable state and/or federal law (MCA 2-2-31:

<http://leg.mt.gov/bills/mca/2/2/2-2-301.htm>), and the [Ethics Handbook](#).

No employee will be assigned or candidate hired to a position where the employee or candidate will supervise, or be supervised, by a relative, either directly or indirectly through a mid-level Manager. For purposes of this section, "relative" means a spouse or significant other, child, parent, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relative.

## *WORKPLACE VIOLENCE*

The City supports a work environment and workplace free of violence. As such, workplace violence, threats of violence, intimidation, and other disruptive behavior are strictly prohibited at the City of Bozeman.

Workplace violence is defined as any act of creating an environment in which a reasonable employee is given cause to feel threatened or intimidated.

All employees are responsible for maintaining a workplace free of violence. Any employee who is concerned about or observes workplace situations that may result in violence should immediately report the situation to a supervisor or Human Resources.

The City will take prompt action to investigate any situation alleging an employee engaged in workplace violence, or who used any obscene, abusive, or threatening language or gestures. Such action may include disciplinary action, or notifying the police or other law enforcement

officers. Employees must report any case of workplace violence to their immediate supervisor and Human Resources.

This policy also prohibits employees from bringing unauthorized firearms or other weapons onto City premises. Only law enforcement employees are authorized to bring firearms onto City property.

## *SEXUAL HARASSMENT*

City employees have the right to work in an environment free of sexual harassment or any other form of unlawful harassment. The City does not condone nor does it permit sexual harassment of any employee, whether engaged in by fellow employees, supervisors, agents, contractors, or other non-employees who conduct business with the City. Any employee who violates this policy will be subject to disciplinary action up to and including discharge.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has a purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressures for sexual activity to physical assault. Examples of this kind of conduct include:

- Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- Sexual gestures such as leering, staring, ogling, or "elevator eyes".
- Displaying sexually suggested objects, pictures, cartoons, calendars, posters, etc.
- Sexually oriented jokes, poems, or stories.
- Verbal or written abuse of a sexual nature to include suggestive letters, notes, imitations, repeated telephone calls, repeated invitations, pressure for sexual favors, and/or for dates.
- Reprisals or threats after negative response to sexual advances.
- Employment benefits effected in exchange for sexual favors.
- Physical conduct such as assault, attempted rape, deliberate unsolicited touching of another person's hair, body, or clothing including hugging, kissing, patting, bumping, grabbing, stroking, leaning over, cornering, pinching, or massaging neck or shoulders.
- Use of endearing terms such as "dear", "honey", "doll", "babe", or "sweetie".
- Allowing non-employees to engage in the aforementioned offensive behavior in the work place.
- An environment in which an offensive behavior is so pervasive that it becomes intimidating.



## *HARASSMENT COMPLAINT PROCEDURE*

Employees should report sexual or any other type of unlawful harassment as soon as possible after the incident or action occurs. Early reporting is encouraged, because management's ability to investigate and act on reports may diminish over time. If an employee believes that they are being unlawfully harassed, they should:

- Inform the individual that the individual's behavior is unwelcome, offensive or inappropriate. Do not assume or hope that the problem will go away; and/or
- Immediately notify their first-line supervisor who is not involved in the alleged harassment, your department director, or Human Resources.

Any employee who becomes aware of any possible harassment directed toward themselves or another employee should immediately advise their supervisor or Human Resources.

All complaints of harassment will be investigated as discreetly and confidentially as possible, but the City cannot promise anonymity to any individual. No person will be adversely affected in employment with the City as a result of bringing a legitimate complaint of harassment.

Any supervisor or department head who receives a report of a harassment violation shall have the individual fill out the City's Grievance Form below and forward the complaint immediately to Human Resources.

Upon receipt of the complaint alleging harassment, Human Resources will take appropriate action to prevent the alleged conduct from continuing pending completion of the investigation. Human Resources shall immediately notify the City Attorney. Human Resources shall begin an investigation and provide assistance as needed to the investigating official. The report shall, at the minimum, contain the following:

1. A summary of the allegations and the accused response;
2. A summary of the persons interviewed and their credibility;
3. Findings of fact and investigation details; and
4. Discussion of conclusions about the allegations.

Human Resources, upon completing the investigation or receiving the investigator's report, will forward the report to the department director for appropriate action and consider the contents of a personnel file, past performance, etc. The report and decision shall remain confidential, and shall be disseminated only to those with a legitimate right to know. The report shall not be copied or disseminated without the consent of the City Attorney, or Human Resources. The report, after being read, shall be returned to the report file which shall be kept by Human Resources.

If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, all individuals involved will be informed that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the department director may take appropriate disciplinary action, up to and including termination of employment and any other measures deemed necessary under the circumstances to remedy the policy violation.

Human Resources shall follow-up with the department head and the affected department(s) within six (6) months and within one (1) year of the completion of the report to insure that the work place is free of harassment and that the victim and witnesses are not suffering retaliation.

### *DRUG FREE WORKPLACE ACT*

In compliance with the Drug Free Workplace Act of 1988, and if the employee is receiving federal funding, Human Resources will insure that one of the following actions is taken within thirty (30) calendar days of receiving employee notice:

1. Disciplinary action, up to and including discharge; and/or
2. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Failure to report a conviction under a criminal drug statute will also result in disciplinary action, up to and including discharge.

Questions regarding this program should be directed to your supervisor, the Employee Assistance Program, or Human Resources.

### *DRUG FREE WORKPLACE*

The City of Bozeman is a drug free workplace. Employees are prohibited from the unlawful manufacture, selling, distribution, dispensing, possession or use of controlled substances in the workplace. Exceptions to this policy may be made for police officers acting within the scope of their official duties.

### *TOBACCO POLICY*

The City has adopted a policy establishing smoke free buildings and "Designated Smoking Areas". Employees who smoke tobacco or e-cigarettes must do so only in designated tobacco use areas and be conscious of the perception of smoking to the public and the impact to professional appearance. Smoking must not interfere with public traffic in and out of public buildings or be readily visible to the public. Smoking is prohibited in City vehicles.

The use of smokeless tobacco, spitting, and spit cups is offensive to some employees and members of the public and may not project a professional image to the public. As such, employees who use smokeless tobacco products must do so in a designated tobacco use area. The use of smokeless tobacco is prohibited in City workplaces, including offices, vehicles, and equipment.

## *DRUG AND ALCOHOL POLICY*

The City of Bozeman is committed to maintaining a work environment which is drug and alcohol free. The unlawful and unauthorized use, possession, manufacture, distribution, or sale of a controlled substance and/or alcohol on City premises or off City premises while conducting City business is prohibited. Employees may not be under the influence of or impaired by drugs or alcohol while on duty. Employees thought to be under the influence will be subject to reasonable suspicion testing. Violations of this policy may result in disciplinary action, up to and including termination, and may have legal consequences. An employee who violates the provisions of this policy may be permitted to successfully complete a drug/alcohol abuse rehabilitation program, as an alternative to termination.

When supervisors feel they have an employee that may have violated our drug/alcohol standards, they should contact Human Resources for guidance and assistance in dealing with any aspect of the violation in the work setting.

Employees suspecting drug and alcohol use of a peer or supervisor are directed to contact Human Resources immediately reporting the facts and details of the suspected employee.

Employees (including part-time employees, temporary employees, and volunteers) must, as a condition of employment or service, abide by the terms of the above policy and report any conviction or entry of a plea of guilty under a criminal drug or alcohol law for violations occurring on City premises, or off City premises while conducting City business. A report of a conviction must be made, in writing, to the employee's supervisor within five (5) calendar days after the conviction or entry of a plea of guilty. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

## *DRUG AND ALCOHOL TESTING POLICY*

Employees may not be under the influence of or impaired by drugs or alcohol while on duty. Employees thought to be under the influence will be subject to reasonable suspicion testing. Violations of this policy may result in disciplinary action, up to and including termination, and may have legal consequences.

## *REASONABLE SUSPICION DRUG AND ALCOHOL TESTING*

Supervisors and Management officials shall receive training on reasonable suspicion. If a supervisor or Manager reasonably suspects that an employee is under the effects of drugs or alcohol, he or she will ask another supervisor to confirm a suspicion. Then, the employee will be subject to drug and/or alcohol testing.

## *POST-ACCIDENT DRUG AND ALCOHOL TESTING*

Employees who are involved in workplace accidents resulting in any physical injury requiring medical attention or in equipment damage of \$1,500 or more shall be subject to post-accident drug and alcohol testing. For accidents involving motor vehicles with damage (of \$1,500 or

more) or physical injury, responding officers shall assess for signs of impairment and if they believe impairment exists, the employee will be subject to criminal and/or escorted to a testing facility by their supervisor.

Police officers or Firefighters who are involved in accidents involving motor vehicles will be subject to department policy, including appropriate testing conducted by the Montana Highway Patrol.

Police officers who are injured by another party while in pursuit of their duties will be subject to department policy.

## *SOLICITATION*

With the exception of activities approved by the City Manager, agents and representatives may not contact City employees for personal reasons during business hours. City employees are prohibited from using City time or resources to sell or solicit the sale of any merchandise or service whether to another employee, to the general public, or both.

## *DRIVER'S LICENSES*

All employees whose duties require the operation of a City-owned motor vehicle or who operate a privately-owned vehicle while conducting City business must possess a valid Montana driver's license and maintain a safe driving record. Most employees who are required to drive as a part of employment and who are new to the State of Montana must obtain a valid Montana driver's license within sixty (60) days of employment; police officers must have a current Montana driver's license upon entry to employment.

As a condition of employment, all new employees whose work will require the employee to operate a City vehicle, a personal vehicle on City business, or both, will be subject to a driving records check as part of the post-conditional offer process. Human Resources will initiate the records check. A report indicating a current or recent suspended or revoked license status and/or significant moving violations may be cause to deny or terminate employment.

Periodic checks of employees' driver's licenses through visual and formal Driver's Services checks shall be made by department or division heads. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as she or he obtains a valid license.

Any employee performing work which requires the operation of a City vehicle must notify his or her immediate supervisor in those cases where his or her license is expired, suspended, or revoked and/or who is unable to obtain an occupational permit from the court system. Any employee who fails to report such expiration, revocation, or suspension to his or her supervisor and who continues to operate a City vehicle shall be subject to possible disciplinary action.

## *NON-CITY EMPLOYEES RIDING IN CITY VEHICLES*

Non-City employees are not allowed to ride in City-owned vehicles unless authorized by an approved program, including the completion of a hold-harmless agreement. Due to liability issues, unless otherwise approved in writing by an appropriate management official, employees who wish to have a non-employee accompany them on business trips, lunches, etc., will not be allowed to use a City vehicle.

## *CITY EQUIPMENT USE*

All equipment and tools are City property, provided for official City business. Limited personal use of electronic equipment, such as City-owned computers and smart phones, is authorized in some cases in the IT Policy. Employees are not permitted to use City-owned vehicles, equipment, or personnel for personal reasons, unless otherwise specified by the Vehicle Use Policy

(<http://weblink.bozeman.net/WebLink8/Browse.aspx?startid=17860&row=1&dbid=0>) 

## *PERSONAL EQUIPMENT USE*

The City of Bozeman expects employees to carry out their work using City-owned equipment. Employees are not expected to use their personal equipment to accomplish City work. Occasional personal cell phone use is acceptable at a minimum so long as use does not interfere with the course of City business or employees completing their work assignments.

## *COLLECTIVE BARGAINING UNITS*

The City has entered into four agreements with collective bargaining units representing employees. These units and the employees represented are as follows:

Police Officers - The Bozeman Police Protective Association

Firefighters - International Association of Firefighters, Local 613

Teamsters - Butte Teamsters Local #2

Montana Public Employees Association

Employees will be advised of their collective bargaining unit upon entry to employment, and will be provided with a copy of the current collective bargaining agreement.

## *COLLECTIVE BARGAINING UNIT (UNION) MEMBERSHIP*

If an employee's position is covered by one of the collective bargaining units listed above, the employee is required as a condition of employment to either become a member of the unit or, in the alternative, pay a representation fee to the unit. This fee will be deducted from the employee's paycheck on a monthly basis. Failure to comply with this requirement may result in discipline, up to and including termination.

## *UNION ACTIVITY DURING WORK HOURS*

Union activity during working hours is restricted to that allowable under State and Federal laws and/or the appropriate bargaining unit agreement.

SECTION 8: EMPLOYEE TRAINING AND DEVELOPMENT  
*EMPLOYEE HANDBOOK*

## *JOB-RELATED TRAINING AND CONTINUING EDUCATION*

Depending on availability of funds, continuing education that is related and necessary to an employee's current position may be available to City employees. Supervisors must approve any such training prior to enrollment, per the City's [Travel and Training Policy](#). The City will pay for approved continuing education costs, and will allow employees paid leave to attend training. Employees are required to provide Human Resources with a copy of any certificates of completion, grades, etc. received. These documents will be maintained in the employee's personnel file.

Employees who acquire continuing education on their own time and at their own expense are encouraged to provide their supervisor and Human Resources documentation so the information can be placed in the employee's personnel file.

## *SPECIAL LICENSES AND MEMBERSHIP FEES*

In the event an employee must retain a license for employment it is the employee's sole responsibility to maintain that license and acquire training throughout their employment. When the license is required, the City will pay any dues associated with certification and continuing education subject to the [Travel and Training policy](#).

Whenever possible, employees who belong to professional organizations that promote professional growth, competence and effectiveness, will be allowed time off with pay to attend meetings subject to approval by the appropriate supervisor, per the Travel and Training policy.

This policy does not include dues or initiation fees required for membership in collective bargaining units.



SECTION 9: EMPLOYEE WORK RULES & HOURS OF WORK  
*EMPLOYEE HANDBOOK*

## *POLICY*

It is the objective of the City to provide access and services to the community. Establishing core work hours and consistent scheduling for services and work for employees allows the City to accomplish this objective.

## *WORK DAY*

The work week is from 12:01 a.m. Sunday to midnight 12:00 p.m. Saturday. Generally, a normal work day is an 8 hour period, unless otherwise provided. All employees are afforded an unpaid lunch break around mid-day as scheduled by their supervisor. Non-represented and non-exempt employees are permitted a paid morning and afternoon rest break of 15 minutes when the schedule allows. Any deviation of this policy must be approved by the division head. Provisions contained in a collective bargaining agreement may supersede this policy.

## *WORK PERIODS*

Work periods for all City employees will be seven (7) days beginning on Sunday at 12:01 a.m. and continuing through Saturday at 12:00 a.m. Collective bargaining agreements may have alternate provisions that supersede this language and will apply to those covered by that specific agreement.

This policy does not apply to employees who are exempt from the overtime provisions of the Fair Labor Standards Act. Work periods may be changed to accommodate special work schedules.

## *OFFICE HOURS*

Other than holidays, City offices are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday. Any deviation must be approved, in writing, by the City Manager.

## *FLEXIBLE WORK SCHEDULES*

Upon approval of the Department Head, and, if applicable, in accordance with a collective bargaining agreement, supervisors may approve flexible work schedules for City employees. This approval shall be given only if the level of services will not be adversely affected by the flexible schedule.

Unless otherwise provided through the collective bargaining agreement, employees affected by any permanent change in a work schedule should be given a five (5) day notice of the change.

## *ABSENTEEISM*

All employees are required to be punctual and working at the start of their assigned shifts. This is an essential function of every City position. In the event an employee is unable to come

to work due to illness or other situations, each employee is required to contact their supervisor as early as possible and preferably two (2) hours prior to the beginning of the shift ([Sick Leave Use and Approval Section](#)). Tardiness, repetitive absences, and unexcused or unauthorized absences may be cause for disciplinary action up to and including termination.

### *OVERTIME GUIDELINES – NON EXEMPT EMPLOYEES*

If non-exempt employees work in excess of 40 hours per week, they are entitled to overtime or compensatory time at time and a half for each hour worked in excess of 40. Collective bargaining provisions specifically addressing this issue will supersede this language.

Supervisors are responsible for managing the need for overtime and compensatory time. As such, supervisors should use flexible scheduling so that no more than forty (40) hours per week are worked. Whenever possible, the change in a work schedule should be in writing, and the employee should be given at least one (1) working days' notice of this change, unless otherwise specified in a Collective Bargaining Agreement.

Non-exempt employees who work more than the scheduled hours without written consent of the supervisor, and/or supervisors who permit or require non-exempt employees to work more than forty (40) hours per week without providing appropriate compensation, may be subject to disciplinary action.

Compensatory Leave - Employees who wish to use compensatory leave must do so without unduly disrupting City operations. Use of compensatory leave requires supervisor prior approval. Leave can be taken in increments of ¼ hour.

If an employee terminates employment with the City of Bozeman, they will be paid for 100% of the unused compensatory leave balance. Unless otherwise covered by collective bargaining agreement or the Fair Labor Standards Act, this payout will be based on the employee's hourly rate at termination.

If an employee with a balance of compensatory time transfers to an exempt role, the City will pay 100% of the unused compensatory leave balance at the current hourly rate prior to the transfer to the new position.

Unless there is a break in service, if an employee transfers from one non-exempt position to another non-exempt position within the City, the employee's compensatory leave balance transfers with the employee, subject to the maximum accruals defined.

Exempt employees are not entitled to overtime or compensatory time. Questions about the status of positions may be directed to Human Resources.

### *PAY PERIOD*

The payroll period for hourly employees is from the 24<sup>th</sup> of one month through the 23<sup>rd</sup> day of the next month. For exempt employees, the payroll period is from the first day of the month through the last day of the same month. Time sheets and leave usage records cover the period of the 24<sup>th</sup> of one month to the 23<sup>rd</sup> of the next month.

## *TIME RECORDS*

Accurate time records ensure the City's ability to administer payroll to comply with federal and state law related to the payment of wages and proper withholdings.

Non-exempt employees are required to turn in their time records to their supervisor as well as any compensatory and/or overtime time approval forms, at the end of his or her shift on the 23<sup>rd</sup> of the month (or on the last shift scheduled to work prior to the 23<sup>rd</sup>). The supervisor will review and approve the time sheet and forward it Human Resources.

Exempt employees must give their supervisor the leave usage record at the end of the day on the 23<sup>rd</sup> of the month (or on the last shift worked prior to the 23<sup>rd</sup>). The supervisor will review and approve the record and forward it to the Human Resources.

## *PAYCHECKS*

Pay is distributed through direct deposit or in the form of paper paychecks. Employees will receive a paystub (via email) that outlines earnings and deductions. It is the employee's responsibility to ensure the accuracy of wages and deductions. Any errors must be reported to Human Resources by the employee as soon as the employee notices a discrepancy. If an error is detected, it will be corrected as soon as possible.

Employees may pick up their paycheck from their supervisor or a designated authority after 10:00 a.m. on the last working day of the month. If someone else is to receive the employee's paycheck, the employee must complete an authorization form from Human Resources prior to receipt by the non-employee.

## *ADVANCE PAY*

Under no circumstance will pay be given to an employee in advance of the established pay date for a given pay period.

## *GARNISHMENT POLICY*

Garnishments against City employees may only be served to Human Resources or the City Attorney's Office. The City encourages employees to maintain a high degree of confidentiality relative to garnishments and other pay information.

## *PAYROLL DEDUCTIONS*

The following deductions are required by law from each employee's paycheck:

1. Federal and State Income Tax Withholding;
2. Social Security withholding, as required;
3. Medicare;
4. Retirement Contributions (eligible employees only);
5. Workers' Compensation Tax Withholding;
6. Union dues and initiation fees (if provided in collective bargaining agreement);

7. Other deductions authorized by law, such as garnishments.

Additional deductions which are optional and may be requested by the employee include, but are not limited to:

1. Contributions to charitable organizations;
2. Payment of insurance premiums, if applicable;
3. Flexible Benefits Plan withholding;
4. Deferred Compensation.

It is the employee's responsibility to maintain current payroll deduction information with Human Resources. Employees wishing to add or change their payroll deductions should contact the Human Resources. Employees shall also notify the Human Resources when their address and/or telephone number changes and when changes occur with dependents, and emergency contacts.

### *TRAVEL EXPENSES*

The [Travel and Training policy](#) provides comprehensive details regarding work-related travel. The policy provides for travel advances in certain cases. No employee will be reimbursed for expenses related to their regular commute to and from the workplace.

In the instance that a City employee is required to travel for another agency, employees will be required to reconcile the travel reimbursement from the City, the Agency, and return one if there is double payment.

SECTION 10: EMPLOYEE WORK RULES AND DISCIPLINE  
*EMPLOYEE HANDBOOK*

## *POLICY*

Employees are required to adhere to City policies and procedures and perform their job in a manner that is consistent with the Code of Ethics, Code of Conduct, the City's Core Values, and accepted professional and personal standards of behavior for a public workplace. Employees are expected to perform their work in a manner that ensures public confidence in the functions of the City and which complies with local, state, and federal law. Employees who have completed their initial employment period and are no longer serving a probationary period are subject to just cause for discipline and discharge.

## *EMPLOYEE MISCONDUCT*

Disciplinary action may be taken in cases of employee misconduct. Employee misconduct means, but is not limited to, violation of City policies or procedures, willful neglect of an employee's duty, insubordination, disruptive behavior, and any conduct on the job not in keeping with generally accepted professional and personal standards of behavior associated with employment, as well as other activities that might adversely affect the confidence of the public, and violations of federal and/or state law.

## *PROGRESSIVE DISCIPLINE POLICY*

Reasons for disciplinary action may include, but are not limited to:

- Violations of any policy in this Handbook including violation of the City's established Core Values and the City's Code of Ethics;
- Violating job-related federal, state, and/or local laws;
- Commission of a felony or misdemeanor;
- Dishonesty, including but not limited to giving false information, falsifying time records for payroll, falsifying other records, or making false statements when applying for employment;
- Unsatisfactory job performance;
- Unsafe work practices, failure to follow safety policies, or both;
- Disrespect to the public or fellow employees;
- Being habitually absent or tardy for any reason, or being wasteful of material, property or working time;
- Failing to follow the orders of your supervisor(s);
- Inability to get along with fellow employees and the public;
- Misuse or destruction of City or other employee's property;
- Being on City premises not open to the general public during nonworking hours without authorization;
- Abuse of sick leave;
- Any other conduct on the job not in keeping with acceptable standards of behavior generally associated with employment.

## *DISCIPLINARY PROCEDURES*

The City determines the appropriateness of using progressive discipline on a case-by-case

basis. In general, progressive discipline includes five (5) separate and distinct actions:

1. Written Reprimand
2. Disciplinary Probation
3. Suspension
4. Demotion
5. Termination

Progressive discipline is cumulative in nature. The City may, in its sole discretion, use the level of discipline it deems appropriate based on the facts and circumstances of an employee's unsatisfactory performance or misconduct. Any and/or all of the first five (5) disciplinary actions may be combined and/or omitted.

In the instance that performance is not corrected through disciplinary action, employees may be subject to more severe disciplinary actions, at the discretion of the City, such as a last chance agreement and/or termination of employment.

All notices and records of disciplinary action will be signed by the employee and placed in the personnel file. If an employee refuses to sign the disciplinary documents, a witness will sign noting that the employee was given a copy of the materials and refused to sign.

Specific provisions of a collective bargaining agreement in conflict with this policy may apply. Where there is no statement or conflict, this policy applies.

### *DISCIPLINARY NOTIFICATION*

Employees will receive a copy of the information being placed in his/her personnel file related to disciplinary action.



SECTION 11: GRIEVANCE AND COMPLAINT PROCEDURE  
*EMPLOYEE HANDBOOK*

## *POLICY*

It is the policy of the City to maintain grievance procedures to resolve claims resulting from employment actions. Grievances relating to a bargaining unit provision must follow the grievance procedure found in the collective bargaining agreement; grievances for non-represented employees must follow the grievance procedures detailed below:

## *GRIEVANCE PROCEDURE*

A grievance is an allegation of a violation or misinterpretation of a City policy, rule, or procedure that adversely affects an employee or group of employees. The City believes in efficient and effective issue resolution. From time to time, employees may have a grievance and as such, must follow the appropriate steps listed below to find resolution to that grievance. Management officials are encouraged to address the issues at the earliest possible time within the grievance process. Extensions may be granted by either party to facilitate a complete and thorough examination of the issue. All extensions must be mutually agreed upon and reduced to writing and signed by both parties.

Days are defined as working days not including holidays.

**Step 1** - If an employee feels that he/she has a grievance or complaint, he/she must discuss the complaint with his/her immediate supervisor within five (5) working days of the alleged incident. If the grievance is of a potentially or particularly volatile or sensitive nature, either party may elect to include a neutral third party in discussions. This third party should be agreed upon by both parties. If agreement can't be reached, the third party will be Human Resources or a designee assigned by Human Resources.

The immediate supervisor shall in cooperation with Human Resources, respond to the grievance in writing within five (5) working days.

Upon receipt of the supervisor's response, the employee will have five (5) working days to accept or reject the response. If the employee accepts the response, the grievance procedure ceases and any recommended actions are taken to address the issue.

If the employee disagrees with the response and finding, the employee must within that five (5) working day period submit a written grievance to Step 2.

**Step 2** - In the event the grievance is not resolved at Step 1, the employee may submit the grievance in writing to the appropriate department head for his or her review and determination. In the case the department head is the immediate supervisor, employees will be directed to Step 3. Once a Step 2 grievance is filed, the department head must in cooperation with Human Resources respond to the employee grievance within seven (7) working days.

Once the employee receives the department head's response, he/she will have five (5) working days to accept or reject the department head's decision. If the employee accepts the department head's decision, the grievance procedure is concluded

If the employee disagrees with the department head's decision, they may proceed to Step 3.

**Step 3** - If the grievance is not resolved at step 2, and the employee wishes to pursue the grievance further, the employee must forward the grievance in writing, along with the department head's findings and the immediate supervisor's response to the City Manager for final determination.

Employees must file the Step 3 grievance within five (5) working days of receipt of the department director's response.

The City Manager in cooperation with Human Resources will prepare a written response within ten (10) working days of receipt of the grievance. The decision of the City Manager is the last step in this procedure, and will be considered as fulfilling the City's obligation regarding the consideration of employee grievances.

If at any time during the process the grievant fails to follow the stated procedures and time frames, the grievance will be resolved on behalf of the City. With the mutual agreement of both parties, this provision can be waived, and/or the time frames extended.

If at any time the City is late in responding and has not reached agreement with the grievant for an extension, the grievant may proceed through the process to the next step.

Questions or requests for additional guidance concerning grievance procedures or processes should be directed to Human Resources, or to the appropriate collective bargaining representative.

Represented employees must use the process outlined in their collective bargaining agreement.

# GRIEVANCE AND EMPLOYEE COMPLAINT FORM

(This complaint should be filed with your immediate supervisor, department head, or Human Resources)

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Department \_\_\_\_\_ Date Grievance Filed \_\_\_\_\_

Name of Immediate Supervisor \_\_\_\_\_

Date of Incident \_\_\_\_\_

Name (s) of Person (s) Accused of wrongdoing \_\_\_\_\_

Check the box most appropriate for this complaint

- Grievance  Sexual Harassment  Policy Violation  ADA Complaint  
 Discrimination  Hostile Work Environment  Other \_\_\_\_\_

### Statement of Complaint

*Describe the complaint and what happened: be specific including listing the policies violated from the employee handbook. Employees may attach documents to this form if necessary.*

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Name (s) of Witnesses \_\_\_\_\_

Adjustment/Remedy Requested \_\_\_\_\_

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Employee Signature \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ A.M./P.M.

Complaint Submitted to: (Check one)

\_\_\_\_ Immediate Supervisor \_\_\_\_\_  
(Name)

\_\_\_\_ Human Resources \_\_\_\_\_  
(Name)

Human Resources/Supervisor Signature \_\_\_\_\_


Date Received \_\_\_\_\_

SECTION 12: SAFETY AND WORK CONDITIONS  
*EMPLOYEE HANDBOOK*

## WORKERS' COMPENSATION

The City provides coverage under State laws regulating Workers' Compensation.

### *EMPLOYEE RESPONSIBILITY*

The City has duties and responsibilities under the Montana Safety Culture Act (MCA 39-71-5104 (a): [http://leg.mt.gov/bills/mca\\_toc/39\\_71\\_15.htm](http://leg.mt.gov/bills/mca_toc/39_71_15.htm)) 

#### Accident Reporting Procedure

As an employee of the City, you are responsible for:

1. Immediately reporting all accidents to supervisors no later than the end of the current shift;
2. Reporting unsafe conditions and/or equipment to supervisors as soon as possible;
3. The condition and use of any vehicle or equipment that you operate;
5. Using all required safety and protective devices, including but not limited to hard hats and safety goggles, as required by your department;
6. Following departmental safety policies and procedures, such as the blood borne pathogen exposure control and chemical safety programs (copies of safety procedures and policies are available from your supervisor);
7. Following safe driving procedures and applicable laws while operating a City vehicle, or while operating your personal vehicle while conducting City business;
8. When working out of doors, wearing clothing appropriate to weather conditions, including but not limited to wearing clothing which limits the skin's exposure to the sun or cold, appropriate footwear, as appropriate; and
9. When required, maintaining certifications for safety-related work tasks.

Failure to meet these requirements may be cause for disciplinary action.

### *PERSONAL INJURIES OR ACCIDENTS PROCEDURES*

Employees must immediately report all work related personal accidents to his or her supervisor, even if there is no need for medical attention. Supervisors must notify Human Resources and the department head about any workplace injuries as soon as possible, but no later than 48 hours after the incident. Human Resources will work with employees to complete a first report of injury. All first reports of injury will be submitted to the City's workers compensation carrier.

### *VEHICLE ACCIDENT REPORTING PROCEDURES*

Employees driving a City vehicle or personal vehicle while on City business must report all accidents immediately to appropriate law enforcement and also report the accident to his/her supervisor. City employees are required to comply with the law including but not limited to staying at the accident scene until released by the law enforcement officer and then complying with any and all orders set by the law enforcement officer. Employees are directed to refrain from making statements regarding the accident with anyone other than the investigating law enforcement officer, appropriate City officials and if applicable, the

employee's insurance company representative (but only where personal vehicles are involved). Limit the statements made to factual observations. Any post-accident testing should be conducted in accordance with applicable laws and policy.

### *POST-ACCIDENT DRUG AND ALCOHOL TESTING*

Accidents resulting in any physical injury or City property damage in excess of \$1,500 will require immediate drug and alcohol testing for the employee(s) involved. Supervisors must immediately take involved employee(s) to the appropriate testing facility if the accident occurs during normal business hours. Any accidents occurring outside of normal business hours will require the employee to receive testing in the emergency room at Bozeman Deaconess Hospital.

### *NON-EMPLOYEE ACCIDENT REPORTING PROCEDURES*

In the event an employee witnesses a member of the public fall or injures him/herself on City property or at a City-sponsored event, the employee is required to report what they observed to the City Attorney's office before leaving their shift, or as soon as possible. This policy applies whether or not medical attention is required.

If an employee observes another party fall or injure him/herself, refrain from making statements regarding the accident with anyone other than appropriate City officials. In all cases, employees are directed to limit the statements made to investigating authorities to factual observations.

## INDEX

- absent without
  - approved leave, 24
- accelerated leave, 33
- accessible, 14
- accident, 70, 71
- accommodations, 28
- accrual purposes, 34
- accrue vacation leave, 33
- additional
  - responsibilities, 23
- administrative leave, 40
- administrative officer, 13
- adoption of a child, 40
- agency, 13, 18, 50, 61
- alcohol free, 51
- allegations of
  - discrimination, harassment, or retaliation, 16
- applying for new positions, 19
- appropriate levels of discipline, 16
- assault, 48
- authority, 11, 13, 18, 60
- authorization for
  - personnel file, 29
- authorization for return to work, 34
- authorize, 13, 25
- balance transfer, 34, 59
- bargaining unit
  - agreement, 54
- base rate of pay, 25
- beneficiaries, 27
- bereavement leave, 40
- birth of a child, 40
- bona fide occupational qualifications, 10
- break in service, 31, 32, 33, 34, 59
- cause, 25, 29, 32, 34, 42, 47, 52, 59, 63, 70
- certifications, 27, 70
- class specification, 16, 22, 27
- code of ethics, 43
- collective bargaining
  - agreement, 10, 16, 18, 23, 24, 25, 33, 34, 38, 40, 42, 44, 53, 58, 59, 60, 64, 66, 67
- collective bargaining units, 53, 56
- compensation, 10, 19, 23, 28, 29, 39, 40, 42, 45, 59
- compensatory leave, 59
- compensatory time, 34, 40, 41, 59
- competitive internal recruitment process, 18
- condition of
  - employment, 51, 52, 53
- confidential, 27, 28, 36, 37, 49
- conflict of interest, 13, 42
- continuing education, 56
- continuous
  - employment, 31
- core values, 8, 47, 63
- counseling, 13, 16
- credited, 32, 33
- current position details, 27
- date of employment, 27, 31, 32, 33
- death or funeral, 31
- deferred compensation, 44
- delegate, 13, 18
- delegation of authority, 13
- demotion, 10, 22
- dental, 25, 42, 43
- department, 10, 13, 16, 18, 19, 20, 23, 28, 29, 33, 36, 40, 42, 43, 49, 50, 52, 66, 67, 68, 70
- department directors, 13, 16, 23
- direct deposit, 60
- direct donation
  - program, 37
- direct leave donation, 35, 36
- disciplinary action, 13, 32, 34, 42, 43, 47, 48, 49, 50, 51, 52, 59, 63, 64, 70
- disciplinary probation, 13, 42
- discipline, 10, 13, 16, 34, 53, 63, 64
- discrimination, 10
- disruptive behavior, 47, 63
- divisions, 14, 33, 34
- drug abuse assistance, 50
- drug free workplace, 50
- education, 22, 56
- efficient operations, 24
- eligibility for
  - employment, 20
- eligibility to work, 28
- emergency contact, 28, 61
- emergency contacts, 61
- employee benefits, 19
- employee
  - compensation, 16
  - employee misconduct, 63
  - employee resource, 16
- employment actions, 66
- employment
  - experience, 24
- employment records, 16
- entry level wage or salary, 23
- equivalent position, 22
- evaluations, 29
- exempt, 23, 33, 34, 58, 59, 60
- exempt employees, 23, 59, 60
- exiting details, 24
- experience
  - requirements, 22



extended illness, 34  
 failure to report to work, 24  
 family member, 31, 40  
 feedback, 18, 22, 29  
 final benefit payments, 24  
 final paychecks, 25  
 final review, 24  
 firearms, 48  
 first aid, 28  
 first report of injury, 70  
 flexible scheduling, 59  
 flexible work schedules, 58  
 goals, 29  
 grievance, 10, 66, 67  
 grievance procedures, 66, 67  
 handbook, 7, 68  
 harassment, 10, 48, 49, 50  
 health insurance benefits, 43  
 health plan, 25  
 hiring, 10, 18, 19  
 hiring process, 18  
 holidays, 38, 58, 66  
 illness, 19, 31, 33, 34, 39, 41, 42, 59  
 immediate family member, 31  
 immediately report, 32, 47, 51, 70  
 implementing, 16  
 increments, 33, 34, 36, 37, 59  
 informal discussion, 24  
 initial hiring, promotions and transfers, 27  
 initiate the grievance procedure, 27  
 injury, 19, 31, 41, 42, 51, 70, 71  
 insurance third party administrator, 24  
**integrity**, 47  
 internal recruitment, 19  
 internally promoted, 22  
 intimidation, 47  
 investigation, 10, 49  
 job-protected leave, 39  
 job-related medical information, 28  
 jury duty, 40  
 laid off, 25  
 laid-off employees, 24  
 last day of employment, 23  
 lawful payments and withholdings, 16  
**leave donation**, 35, 37  
 leave of absence, 31, 38, 39, 42  
 leave of absence with pay, 31, 39  
 leave policies, 19  
 leave usage records, 59  
 leave without pay, 32, 34, 38, 42, 43  
 leaves of absence, 10  
 letter of hire, 27  
 life insurance, 45  
 living wage, 23  
 long-term employees, 23  
 lunch break, 58  
 medical, 28, 31, 35, 37, 39, 43, 44, 70, 71  
 medical attention, 70, 71  
 medical records, 28  
 medical treatments, 31  
 minimum hourly wage, 23  
 miscellaneous records, 29  
 negatively, 27  
 negotiated pay increases, 23  
 nepotism, 47  
 new employees, 7, 29, 52  
 new hires, 22  
 non-exempt, 39, 58, 59  
 non-represented employees, 23, 66  
 notice of resignation, 23  
 officer, 13, 70  
 official documents, 13  
 optional benefit continuation, 24  
 optional payroll deductions, 45  
 organizational structure, 14  
 overtime, 33, 34, 38, 39, 58, 59, 60  
 parental leave, 39  
 part-time, 16, 31, 32, 33, 35, 38, 40, 51  
 pay committee, 23  
 pay increases, 23  
 pay period, 32, 33, 38, 60  
 pay policies, 23  
 paychecks, 60  
 payroll, 16, 28, 29, 44, 45, 59, 60, 61, 63  
 payroll deductions, 45, 61  
 payroll period, 59  
 performance evaluation, 18, 29  
 personal business, 31, 47  
 personal contact information, 27  
 personal political view, 13  
 personnel records, 27  
 physical conduct, 48  
 physical examinations, 28  
 placement, 10  
 planned, 16  
 position duties, 22  
 post-accident drug and alcohol testing, 51  
 potential discipline, 16  
 pregnancy leave, 39  
 prescription drug insurance, 43  
 prior government service, 33  
 probationary period, 22, 27, 29, 42, 63  
 probationary period may be extended, 22  
 professional and career development, 18  
 program objectives, 24  
 progressive discipline, 22, 63  
 promotion, 10, 19

public information, 29  
 qualifying event, 25, 43  
 qualifying period, 25, 31, 32, 35, 36  
 reasonable suspicion, 51  
 reassigned, 22  
 recall, 10  
 reclassified, 22  
 recommending action, 16  
 record custodian, 16  
 record retention, 13  
 recruiting, 10  
 recruitment and selection, 18  
 reduction in force, 24, 25  
 re-employment, 19  
 reference checks, 29  
 regular, 18, 19, 31, 33, 61  
 rehabilitation program, 50, 51  
 rehires, 22  
 reimbursement of unused vacation leave, 25  
 relative, 47, 60  
 repetitive absences, 59  
 report, 34, 48, 49, 50, 51, 52, 70, 71  
 request leave without pay, 43  
 requests for medical leave, 16  
 requests for reclassification, 16, 22  
 rescinded, 24  
 resigns, 23  
 resolution, 66  
 rest break, 58  
 restrictions on usage, 22  
 retaliation, 50  
 retirement, 42, 44, 45  
 return to work, 19, 34, 42  
 review, 7, 14, 19, 22, 28, 29, 35, 37, 42, 60, 66  
 revisions, 13  
 rolling 12 month period, 41  
 safe driving record, 52  
 safety or protective equipment, 20  
 safety personnel, 28  
 salary, 23  
 seasonal employees, 32  
 separate performance records, 27  
 separation, 25  
 serious health condition, 35, 36, 40  
 serious health issue, 35  
 serve as a witness, 40  
 service, 7, 8, 13, 24, 33, 39, 41, 42, 47, 51, 52  
 sexual advances, 48  
 sexual harassment, 48, 49  
 short-term, 16, 33, 38  
 sick leave, 22, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 63  
*sick leave accrual*, 22  
*sick leave bank*, 35, 36, 37  
 sick leave hours employees may accumulate, 34  
 smokeless tobacco products, 50  
 solicit, 13, 52  
 special conditions of employment, 27  
 special employment programs, 18  
 staff structure, 24  
 subject-matter experts, 23  
 supervision, 13  
 supervisors, 10, 13, 16, 18, 19, 23, 28, 29, 33, 40, 48, 51, 58, 59, 70  
 suspension, 13, 42, 52  
 temporary employees, 18, 32, 51  
 temporary work assignment, 23  
 terminate the employment relationship, 22  
 terminated for cause, 25  
 termination, 10, 22, 25, 27, 28, 33, 34, 42, 49, 51, 53, 59, 64  
*terms*, 10, 24, 39, 48, 51  
 theft, 25  
 threats, 47, 48  
 time records, 34, 60, 63  
 training, 10, 16, 18, 51, 56  
 transfer, 10, 22, 33  
 transferability of skills, 24  
 transferring, 19  
 unapproved absences, 16  
 unauthorized absence, 24, 59  
 under the influence, 51  
 unemployment insurance, 42  
 unexcused, 24, 59  
 unpaid leave of absence, 40  
 unplanned illness, 34  
 unused leave, 25  
 vacancies, 18  
 vacation, 28, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42  
*vacation accrual*, 33  
 vacation leave, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42  
 vacation leave balance, 33  
 victim, 50  
 violence, 47, 48  
 vision, 43  
 voluntarily resigned, 24, 42  
 volunteer programs, 18  
 wage/salary information, 27  
 welcoming environment, 10  
 willful neglect, 63  
 with or without cause, 22  
 withhold, 13, 25  
 witnesses, 50, 71  
 work day, 33, 43, 58  
 work hours, 23, 58  
 work product, 13  
 work week, 34, 58  
 workers compensation, 19, 70

workplace, 10, 16, 47,  
50, 51, 61, 63, 70  
workplace harassment,  
10

workplace injuries, 16, 70  
workplace violence, 16,  
47  
written notice, 24

written reprimand, 13  
written statement, 29  
years of service, 32