



MISSOULA COUNTY

HUMAN RESOURCES POLICIES

2024

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100.00 PURPOSE

The purpose of these policies and procedures is to:

- provide fair and consistent human resource management practices at Missoula County,
- provide sound guidance to county supervisors based on sound employment principles, and
- comply with local, state and federal employment laws.

These policies govern all employment practices and issues that are not specifically covered by collective bargaining agreements. The word "may" shall be interpreted as permissive. The word "shall" will be interpreted as mandatory.

Missoula County may periodically require employees to review these policies and any updates to these policies, and to acknowledge in writing that they have had the opportunity to read the policies and ask questions.

200.00 COMPENSATION PHILOSOPHY AND ADMINISTRATION

The Human Resources Department shall establish the rate of pay for all positions in accordance with Missoula County policy and in accordance with parameters established by the Missoula Board of County Commissioners (BCC). In May 2020 the BCC established the County's Compensation Philosophy.

The County's philosophy is provided to support a total compensation system that attracts, motivates, and retains skilled and knowledgeable employees who deliver courteous and efficient service. A quality compensation plan supports our mission to provide quality public service to protect and enhance the well-being of the people, communities, and environment of Missoula County. At the County, we strive to be a trusted community leader so people can thrive and realize individual potential and provide a compensation plan that will enable such actions as follows:

- Provide a living wage for County employees.
- Ensure internal equity and appropriate pay relationships based on job content.
- Provide a quality benefit program that supports employee retention and encourages employees and their families to be healthy and productive.
- Safeguard compliance with federal and state regulations.
- Achieve and maintain competitive wage rates that reflect the relevant labor market and are fiscally responsible.
- Provide flexibility for departments to develop systems that retain, motivate, and reward employees based on department needs and capabilities.
- Recognize and encourage innovation, teamwork, loyalty, and institutional knowledge.
- Provide a compensation structure and pay practices that is transparent to supervisors and employees.
- Responsibly manage financial assets and ensure the County compensation system is sustainable.

Missoula County will periodically evaluate and update, as necessary, wage rates, benefit programs, and compensation practices to ensure market competitiveness, effectiveness, and continued compliance. The market determination for individual occupations is subject to the skills required for each occupation.

Employees shall be paid their regular hourly rate of pay for all hours worked up to 40 in a work week. Except as provided in Section 214.30, FLSA (Federal Labor Standards Act) exempt employees shall not be paid for more than 40 hours in one week.

A pay plan will be maintained that consists of a schedule of pay ranges covering all positions not covered by a collective bargaining agreement, an individual employment contract, or by statute. Each pay range will include minimum and maximum rates of pay. Assignment of positions to a pay range shall be handled in accordance with provisions of Section 700.00, JOB DESCRIPTIONS AND JOB CLASSIFICATION, of these policies.

The County may adjust the pay plan based on budget availability. The plan does not imply or guarantee any specific pay rate, but rather, establishes "targets" to which Missoula County will aspire within budget authority and Commission approval. Missoula County cannot guarantee future adjustments due to budget variations. Missoula County retains the right to change the provisions of its pay plan or to alter or discontinue any pay adjustments indicated by the plan.

201.00 TARGET MARKET RATIOS

A non-union regular status employee's base pay is set within the assigned pay range (pay grade) based on the employee's Target Market Ratio (TMR). The TMR is a target percentage of mid-point based on employee experience and competency. The Human Resources Department will establish and maintain the County's TMR Table and advancement criteria. Target Market Ratios are guidelines for progressing employee pay in the range within available funding. If the compensation budget is not adequate to pay employees at their TMR, the County will adjust employee base pay as close to the TMR as possible. The lowest TMR associated with each grade is the entry rate for positions assigned to that range.

Contingent on available funding, employee TMRs will progress with increased experience and competency until the employee reaches 100% of the mid-point. Employees may be paid above 100% of mid-point only in conjunction with a pay exception. (See Sections 205.20 and 205.30 for details.)

Contingent on available funding, employees whose pay is below 100% of the mid-point in their respective pay range and who meet experience and competency requirements shall receive a TMR increase effective the first full pay period in January of that the current fiscal year.

Employees in a probationary status are not eligible for TMR increase. Upon successful completion of probation, employees may be eligible for TMR increase with approval of the department head and Human Resources Director, contingent on available funding.

202.00 INITIAL PAY ASSIGNMENT (NEW HIRE)

A new employee's base wage may not be less than the minimum wage of the assigned grade except as provided for under Section 210.00, TRAINING ASSIGNMENTS. Department heads must consult with the Human Resources Director or their designee for requests to set base pay between the entry rate and the market (mid-point) rate to ensure internal equity.

When requesting authorization of base pay above entry and up to the mid-point of the pay range, department heads must consider the qualifications, experience, and pay of other employees in the same occupation or grade to ensure internal equity. Department heads may use target market ratios as guidelines for determining the appropriate pay negotiation range for new employees.

Proposed pay exceptions above the mid-point (100% of the range) and up to 104% of mid-point must be approved by the Human Resources Director. Pay rates above 104% of the mid-point must be approved by the Pay Committee (members identified in Section 206.00) as specified in Section 205.00, PAY EXCEPTIONS.

203.00 END OF PROBATION INCREASES

Any non-union regular full-time or regular part-time employee hired at the entry rate of their pay grade who successfully completed their probationary period of at least six months of employment as set forth in Section 310.00, PROBATIONARY PERIOD, shall receive their first Target Market Ratio increase. This increase equates to going from zero years (entry pay rate of the grade) to the one-year step in the non-union pay plan per the Target Market Ratio chart. The percentage increase varies depending on which grade the employee's position occupies.

The probationary increase will be effective the first day of the pay period during which probation is successfully completed. Employees hired above the normal entry rate in accordance with a pay exception will not be eligible for an end-of-probation increase.

204.00 PAY INCREASES

All pay increases will be set in accordance with policies adopted by the Board of County Commissioners and within parameters established by the BCC during the annual budgeting process. Examples of pay increases include cost of living adjustments (COLAs), Target Market Ratio (TMR) increases, merit increases, lump sum payments, retroactive payments, and discretionary meritorious bonus payments. Generally, changes in pay rate shall occur at the beginning of the pay period that includes the effective date of the action.

Pay increases for non-union positions may be approved when the department head demonstrates relevant reasons as required below and the pay increase can be covered by existing budgetary resources and funded in future budget years as approved by the Finance Director.

A department head can request a merit increase for employees by submitting an e-mail to the Human Resources Director explaining in detail the reasons for the request. If the merit increase is below 104% of TMR the Human Resources Director has discretion to deny/approve the request based on internal equity, performance, and where the current employee falls within the pay matrix. Merit increases of 104% of TMR or higher??

Former employees are not eligible for pay increases that are executed after their termination date regardless of the effective date or retroactive pay activity unless a prior agreement was established prior to the termination date.

Any pay increase that cannot be managed within the department's approved budget for the current fiscal year will require a budget transfer or amendment request to be approved by the Chief Financial Officer and the BCC.

In accordance with these policies, employment actions such as promotions, demotions, transfers, reclassifications, and temporary assignments in jobs with higher or lower pay ranges may result in pay adjustments.

205.00 PAY EXCEPTIONS

Pay exceptions for non-union positions may be approved only on the condition that the department head demonstrates relevant reasons as required below and the pay exception can be covered by existing budgetary resources and funded in future budget years.

Implementation of pay exceptions that exceed 104% (see Section 205.30) of mid-point must be approved by the Pay Committee (members identified in Section 206.00) established by the BCC by submitting a Pay Consideration Request Form.

205.10 SETTING PAY ABOVE ENTRY LEVEL

The department head may request an exception to the normal entry pay rate for a newly hired or newly promoted non-union employee. The department head will consult with the Human Resources Director for a pay exception between entry level and mid-point to ensure internal equity. Any proposed pay exception exceeding the mid-point of the pay range must be approved by the Human Resources Director or Designee. Any proposed pay exception requested that exceeds 104% of the mid-point of the established County pay range must be approved by the Pay Committee as indicated in Sections 205.20 and 205.30 of these policies.

205.20 SETTING PAY BETWEEN MID-POINT AND UP TO 104% OF MID-POINT FOR EXISTING EMPLOYEES

Requests for this level of pay exception for existing employees requires the department head to submit an e-mail to the Human Resources Director or their designee. Those requests shall be considered on a case-by-case basis by reviewing internal equity and any other information provided by the department head.

Base pay requests above 100% of market mid-point must go through the following evaluation process:

1. The department head must submit a written request (email or other means) to the Human Resources Director.
2. A pay increment request of 100% to 104% of market is reviewed by the Human Resources Director.
3. Human Resources Director will provide a determination via email to the department head.
4. If the pay increase is approved, the effective date of the change will be the first pay period following HR Director approval unless otherwise determined by the HR Director. .

Base pay recommendations above 100% of mid-point may be made only if **one or more** of the following conditions are met. These conditions are to be included in the request from the department head in an e-mail to the Human Resources Director.

1. The employee demonstrates consistent exceptional performance (i.e., demonstrates performance as a "senior contributor").
2. The employee is in a critical strategic position (i.e., a unique position critical to organizational operations).
3. The employee has knowledge, skills, and abilities that are critical to the organization and would be difficult to replace.
4. Any other relevant information or documentation submitted by the department head.

205.30 SETTING PAY ABOVE 104% AND UP TO MAXIMUM OF PAY RANGE FOR EXISTING EMPLOYEES

Requests for pay exceptions for existing employees shall be made by the department head via email to the Human Resources Director or their designee. The requests will be considered on a case-by-case basis by the Pay Exception Committee. Requests for placement above 104% of market mid-point goes through the following process:

1. The department head must submit the Pay Consideration Request Form to the Human Resources Director.
2. The request is reviewed by the Pay Exception Committee.
3. Human Resources Director will provide a determination notice to the department head.
4. If a pay increase is approved, the effective date of the change will be the first pay period following HR Director approval unless otherwise determined by the HR Director.

Base pay recommendations above 104% of mid-point may be made only if **two or more** of the following conditions are met. However, pay exceptions are the discretion of the Pay Exception Committee; thus, a pay exception above 104% of mid-point may not be granted for all requests demonstrating two or more of the following conditions are met. Department heads seeking a pay exception above 104% of market midpoint for an existing employee must provide support for two or more of the following in their request to the Human Resources Director for consideration by the Pay Exception Committee:

1. The employee demonstrates consistent exceptional performance (i.e. demonstrates performance as a "senior contributor").
2. The employee is in a critical strategic position (i.e., a unique position critical to organizational operations).
3. The employee has knowledge, skills, and abilities critical to the organization and would be difficult to replace.
4. The Human Resources Department's market data indicate the current wage rate is inadequate.
5. The department head provides evidence of a written competing job offer (i.e., an offer letter from a competing employer).
6. The department head provides an internal equity analysis including a comparison of the employee's competency, performance, and tenure to other employees within the department (the internal equity analysis must also be reviewed and approved by Human Resources).
7. Any other relevant information or documentation submitted by the department head.

Other exceptions to the pay plan will be determined by the Human Resources Department.

206.00 PAY EXCEPTION COMMITTEE

The County Pay Exception Committee is responsible for evaluation of pay exception requests over 104% of mid-point and recommending pay plan updates. The Pay Exception Committee consists of five members indicated below and meet on an as-needed basis.

- The Chief Administrative Officer
- The Chief People & Risk Officer
- The Human Resources Director
- Two department heads that are not members of the same department as the employee whose pay exception is being evaluated. These department heads will be selected by the Chief Administrative Officer.

206.10 PAY EXCEPTION COMMITTEE PROCESS

The department head or elected official submits their request for review along with any substantiating documentation for the Pay Exception Committee to review. The committee members will have a week to review the information before setting a meeting date and time to formally review the information and provide a decision to the department head or elected official.

The department head or elected official will be notified of the date and time of the Pay Exception Committee Meeting and be allowed to attend the first 15 minutes of the meeting. The department head or elected official may present their information verbally to the committee and be available to answer any committee member questions. The employee(s) whose pay exception is being considered may also attend this portion of the meeting time upon approval by their department head or elected official.

Typically, a written determination will be provided to the requesting party no later than one week from the date of the committee meeting. If more time is needed to review information or gather additional data, it will be communicated to the requesting party by the Human Resources Director.

207.00 SPECIAL DUTY COMPENSATION

An employee may receive an additional hourly pay increment of one percent (1%) to five percent (5%) of their normal base pay rate upon assignment of special ancillary duties outside of the employee's normal job description. To qualify for special duty compensation, a work assignment must be on-going and constitute additional demands on the employee on a sporadic or intermittent basis. The department head must make an e-mail request to the Human Resources Director or their designee for special duty compensation. Approval of special duty compensation is on the condition that it can be covered by existing budgetary resources and does not require additional funding during the current fiscal year. Special Duty Pay is only temporary and will be re-evaluated by the Department Head after ninety (90) days. If it is determined that the special duty compensation needs to be extended the Department Head will e-mail the Human Resources Director to request the extension.

Assignment of additional duties that become part of an employee's regular job description will be handled in accordance with Section 700.00, JOB DESCRIPTIONS & JOB CLASSIFICATIONS, of these policies.

208.00 CERTIFICATION/LICENSE PAY

A non-probationary, non-union employee who receives written approval from the employee's department head shall receive an additional \$0.75 per hour for receiving and maintaining a special certification/license in an area directly related to the employee's job duties. Certification/licensure shall be issued by a nationally certifying institution or state or federal government agency. This does not apply to certification/licensure that is required as a condition of employment. An employee may receive approval to receive compensation for one additional

certification or licensure every two years. Certification pay is provided in addition to the employee's base pay which is set by their Target Market Ratio and available funding as described in Section 201.00, TARGET MARKET RATIOS.

209.00 MERITORIOUS BONUS

Employees shall be eligible for a discretionary meritorious bonus for exceptional performance as determined by the department head based on job-related criteria. Such meritorious bonuses shall be in the form of a lump sum payment and shall not be added to the employee's hourly rate of pay. An employee shall be eligible for a meritorious bonus after their first year of employment.

Employees in temporary, short-term, internship, or seasonal status are not eligible for a discretionary meritorious bonus.

Meritorious bonus awards shall be contingent upon the availability of funds within the department's budget and submitted via e-mail by the department head. The e-mail will indicate where in the department's budget the funding is available and must be approved by the Human Resources Director or their designee and the Finance Director or their designee.

210.00 TRAINING ASSIGNMENT

When no applicant for a vacant position meets the minimum qualifications listed or when a position requires in-depth specialized training, the department head may request the approval of the Human Resources Director or their designee to develop an on-the-job training assignment. Such assignments are subject to the following rules:

1. Conditions of the assignment shall be stated in writing and the agreement signed by the employee, supervisor, and department head. A copy must be sent to Human Resources to place in the employee's personnel file.
2. The written training assignment shall state the training plan to be utilized and the anticipated duration of the assignment. A training assignment shall not be authorized for more than one year.
3. The wage will be set to no more than 10% below entry level of the pay grade/range the trainee is working in.
4. Upon successful completion of a training assignment, the employee's base pay will be set at a rate between the minimum of the pay range to which they were assigned up to the market, or mid-point, of the pay grade based on their qualifications or other identified department needs. Department heads and Human Resources must compare the employee's competency, performance, and tenure to other employees in the higher pay level when determining where to set the employee's pay to ensure appropriate internal pay relationships and equity.
5. If an employee is unsuccessful in completing the training assignment, they may be terminated or re-assigned to another position commensurate with their qualifications.

211.00 TEMPORARY ASSIGNMENT AT HIGHER RATE

An employee who is temporarily assigned to perform the normal duties of a position in a higher pay grade for a period of at least two full weeks will be paid at the minimum rate of the new pay range or be granted a six percent (6%) increase, whichever is greater. This increase shall be

calculated on the employee's base rate of pay exclusive of certification or other pay add-ons. Such assignment requests must be sent by the department head by email notification for approval to the Human Resources Director or their designee. Increases will become effective at the beginning of the pay period during which the temporary assignment begins and shall remain in effect through the end of the pay period in which the temporary assignment ends.

212.00 TRANSFERS

A transfer is the assignment of an employee from one position to another with the same job title or with the same base rate of pay. Transfers may be at the request of the employee, as a disciplinary action, or for administrative reasons. Human Resources will determine when assignment to a new position is a transfer.

212.10 TRANSFER TO A BARGAINING UNIT POSITION

Transfers can occur from non-bargaining unit positions to bargaining unit positions, or from one bargaining unit to another in accordance with the terms of the relevant collective bargaining agreements. The Human Resources Department shall review the transfer and determine the correct wage assignment per bargaining unit contract language.

212.20 TRANSFER TO NON-BARGAINING UNIT POSITIONS

In a transfer to a non-bargaining unit position, whether from a bargaining unit position or from another non-bargaining unit position, there shall be no change in the employee's base rate of pay.

213.00 PROMOTIONS

Promotion is the assignment of an employee to a position with a different job title and higher pay grade and job responsibilities (i.e., moving to a higher wage range based on a job reclassification or applying for and obtaining a job that is classified at a higher level).

Promotion can occur by moving from one non-bargaining unit position to another, from one bargaining unit position to another, or between bargaining unit and non-bargaining unit positions. Any promotion to a bargaining unit position will be handled in accordance with the terms of the relevant collective bargaining agreement. Any promotion to a non-union position will be administered in accordance with the County's Human Resources Policies.

The pay rate of an employee promoted to a non-union position may be set within a range between entry rate for the promoted-to pay range up to a rate that maintains the employee's same percent of market in the lower-level pay range. With the Human Resources Department's consultation, department heads *must* compare the employee's competency, performance, and tenure to other County employees in the higher classification level when determining where to set the promoted employee's pay to ensure appropriate internal pay relationships and equity. Promotions may not result in exceeding the mid-point market rate for the position without prior approval from the Human Resources Director or their designee utilizing the Pay Consideration Request Form. Any request for pay above 104% of mid-point or more must have the approval of the Pay Committee.

There are times when an employee is promoted to another position that clearly has higher-level responsibilities, but the pay may be less than the employee previously earned due to bargaining unit contract language regarding base pay and add-ons. This is a situation that may or may not be considered a demotion based only on an employee's hourly rate of pay. The Human

Resources Department will determine when the term “promotion” is appropriate in the employee’s personnel record.

214.00 DEMOTIONS

A demotion is the assignment of an employee to a position with a different job title and lower level of responsibilities along with a reduction in their base rate of pay. Demotions may occur for one or more of the following reasons: at the request of the employee, for administrative purposes, for disciplinary reasons, and/or due to reclassification.

When an employee voluntarily requests a demotion, is demoted for administrative reasons, or is reclassified to a position in a lower pay grade, the employee’s base rate of pay will be set at a rate between the entry rate for the lower pay range up to their current percent of mid-point or higher not to exceed 100% of the mid-point of the new grade.

For example, an employee who is paid 94.5% of mid-point in their current grade would be placed between entry and 94.5% of the mid-point in the new grade. An employee who is paid 104% of mid-point in their current grade would be placed between entry and 100% of the mid-point in the lower grade.

When an employee is demoted per the employee’s own request, for administrative reasons, or reclassified to a lower pay range, the employee’s rate of pay will not be reduced for a period of:

- Two full pay periods if it is a reduction of one pay grade.
- Four full pay periods if it is a reduction of two pay grades.
- Six full pay periods if it is a reduction of three or more pay grades.

When an employee receives a disciplinary demotion in accordance with Section 313.40, DISCIPLINARY DEMOTIONS, of these policies, the employee’s base rate of pay shall be reduced to a rate determined by the Human Resources Director or their designee in coordination with the employee’s department head. The new rate shall be at least a 10% reduction in pay except that such reduction shall not place the employee’s rate below the entry rate for the lower pay grade. Also, the new rate may not be above 100% of the mid-point of the lower pay range.

The employee’s rate of pay may be protected for longer time periods with the approval of the department head and Human Resources Director.

215.00 COMPARABILITY ADJUSTMENTS

When necessary to maintain external competitiveness or internal equity, the County may make comparability adjustments to individual pay rates, grade ranges, the Target Market Ratio matrix, or the pay matrix. Pay ranges may be adjusted without adjusting individual employee pay or vice versa. These types of adjustments are based on economic indicators and funding availability.

Missoula County may adjust employee pay or ranges within available funding, but there is no guarantee that it will. Pay adjustments may be made at any time there is a need including responding to shifts in the market, recruitment, retention, or equity issues. Changes to pay rates for individual positions must be approved by the Human Resources Director or their designee.

216.00 OVERTIME COMPENSATION

216.10 DEFINITIONS

WORK WEEK – The regular workweek for Missoula County employees is Sunday through Saturday. The normal workweek shall be 40 hours for a full-time employee.

HOURS WORKED – All hours of work, and all hours of paid leave will be treated as hours worked for determining overtime pay.

NON-EXEMPT – Positions determined to be subject to the overtime provisions of the federal Fair Labor Standards Act and Montana Wage and Hour law are NON-EXEMPT.

EXEMPT - Positions determined to not be subject to the overtime provisions of the federal Fair Labor Standards Act and Montana Wage and Hour law are EXEMPT.

216.20 NON-EXEMPT OVERTIME PAY

All non-exempt employees must receive prior approval to work overtime. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Non-exempt employees shall receive overtime compensation at the rate of 1½ times their regular hourly rate of pay for all hours worked exceeding 40 in a workweek.

216.30 EXEMPT OVERTIME PAY

The supervisor may require that exempt employees receive prior authorization to work more than 40 hours in a workweek. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Exempt employees shall not receive extra hourly compensation for any hours worked exceeding 40 in a workweek. Under certain limited circumstances, upon request by the department head, the Board of County Commissioners may authorize that exempt employees who work more than 40 hours in a given workweek receive compensation at the regular hourly rate.

216.40 COMPENSATORY TIME

Supervisors are responsible for managing compensatory time balances.

NON-EXEMPT: Non-exempt employees may accrue compensatory time off in lieu of overtime payment upon agreement between the employee and the supervisor. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of 40 in a given work week. Employees may accrue a maximum of 240 compensatory hours and shall be compensated in accordance with Section 214.20 for additional overtime hours once they reach this limit.

Non-exempt employees shall be paid for unused accumulated compensatory time upon moving to another department within the county, or upon moving to an exempt position, or upon termination of employment.

EXEMPT: Exempt employees may accrue compensatory time, on an hour-for-hour basis, for all hours worked exceeding 40 in a workweek. Exempt employees may accrue a maximum of 1000 hours of compensatory time but shall not be eligible to accrue any additional compensatory time until the balance is reduced.

Exempt employees are not entitled to receive compensation for unused compensatory time at any time.

217.00 ON-CALL TIME

Employees required to be in an on-call status on the employee's regularly scheduled workday shall be compensated at the rate of \$15.00 per day. Employees required to be in an on-call status on the employee's regularly scheduled day off shall be compensated at the rate of \$50.00 per day. On-call status is defined to mean that the employee:

- is required to carry a pager or cellular phone,
- must be accessible to 9-1-1 dispatch or be accessible by telephone,
- must be available to report to work if called.

Any employee exempt or non-exempt who is called out and reports for duty in accordance with this section shall be paid premium pay at 1½ times their regular hourly rate.

218.00 PAYMENT UPON TERMINATION

In all cases, final payment upon termination will be made no later than the next regularly scheduled pay date for the pay period during which the employee is separated from employment.

219.00 HOURS OF WORK

The normal hours of work for full-time county employees shall be eight hours per day, and the normal workweek shall be 40 hours, Sunday through Saturday. Employees must submit signed timesheets bi-weekly, accurately reflecting hours worked each workday and total hours worked each workweek. An employee's signature on a timesheet shall be their certification that the time sheet is a full and accurate report of hours they have worked and leave time that has been approved. Alternate timekeeping procedures must be approved by the Financial Services Department. Time will be recorded in increments of no less than 1/10 of an hour (6 minutes). Signing time sheets by the supervisor or department head constitutes final supervisory approval of all leave requests, overtime approval, and compensatory time accrual. Supervisors shall be responsible for maintaining records and submitting accurate timesheets documenting employee attendance and hours of work.

219.10 ALTERNATE WORK SCHEDULES

Implementation of alternate work schedules is at the department head's discretion, based on the following considerations:

- Generally, county offices must be open from 8:00 a.m. to 5:00 p.m. daily and supervisors will ensure adequate staff coverage during those hours.
- Core hours shall be established when all employees normally work.
- The department head will determine what level of supervisory coverage is required during extended office hours.
- The department head may withdraw approval for alternate work schedules with five working days' notice.

Nothing in this policy limits the authority of the department to establish or change work schedules as necessary to ensure successful operations.

220.00 TELE-WORKING

A supervisor may approve an employee's request to work at an alternate location, interfacing with the employer primarily by electronic media; i.e., tele-working. Arrangements for regular and on-going tele-working shall comply with Missoula County Telecommuting Policy, Policy No. 2022-1 (July 1, 2021). Short-term tele-work arrangements (ex: during periods of illness, recovery etc.) or intermittent work-at-home privileges included in an employment contract do not require a separate written agreement. Supervisors are responsible for monitoring, recording, and reporting hours worked by employees in a tele-working status in accordance with Section 219.00 of these policies.

221.00 EMERGENCY CLOSURE OF COUNTY OFFICES

If the Board of County Commissioners determines that the health or safety of employees is threatened by requiring them to report to work or remain at work, it may direct that county offices be closed. County offices may also close for staff training. This policy outlines: (1) procedures for emergency county office closures, and (2) closures due to evacuation drills or other relative safety trainings, and (3) employee compensation and leave during offices closures.

221.10 EMERGENCY CLOSURE PROCEDURES

If the Board of County Commissioners determines that county offices must be closed because of employee health or safety concerns, or in the interests of public safety, the decision will be announced through the local media as soon as is practicable. The announcement will include the effective time and date of the closure, and its anticipated duration.

Department heads or Elected Officials are responsible for implementing their internal Emergency Action Plan and notifying employees of the closure decision. In response to an emergency county office closure, department heads or elected officials may exercise one or more of the following actions:

- Employees may be directed not to report to work or remain at work.
- Employees may be required to report to an alternate work location.
- If the emergency closure prevents employees from performing their regular jobs, they may be assigned to perform other duties at the discretion of the supervisor. Supervisors are responsible for ensuring the health and safety of employees who are required to perform these duties.
- Employees whose regular job duties involve emergency operations or support (i.e., sworn officers, detention officers, 9-1-1 dispatchers, emergency management personnel) may be required to report to work at their normal work locations, according to department policy.
- The Board of County Commissioners shall announce through the local media: (1) the date and time on which county offices will reopen, and (2) any restrictions on work schedules or work assignments.

221.11 CLOSURES: EVACUATION DRILLS & TRAININGS

To promote a safety culture and enhance departmental preparedness for emergencies, the county may conduct periodic evacuation drills and staff trainings. During this time, county offices may be temporarily closed, and the following will apply:

- Prior knowledge of evacuation drills may be limited to select county employees.
- The decision to close county offices for staff training will be communicated to department heads and supervisors. Department Heads or elected officials will be responsible for notifying staff.
- Communications may issue a media alert and/or post to county social media prior to any drill or staff trainings. Information including date of the closure and its anticipated duration shall be included.

221.20 EMERGENCY CLOSURE: COMPENSATION AND LEAVE

- Employees who perform work during an emergency county closure will be compensated at their regular rate of pay for all hours up to 40 in a work week. Compensation for hours in excess of 40 shall be in accordance with Section 216.00.
- Employees notified at least one hour prior to their scheduled starting time not to report because of an emergency office closure may use accrued leave or take leave without pay.
- Employees who: (1) are not notified of the emergency closure and report to work, or (2) are notified of the emergency closure less than one hour prior to their scheduled starting time but are not permitted to report to work or remain at work, will receive two hours of pay at their regular rate. In addition, they may use accrued leave or take leave without pay for the balance of their regular workday.
- If an emergency office closure occurs during an employee's regular working hours, the employee will be paid for all hours of work up to the announced time of closing, but in no case will the employee be paid for less than two hours.
- Employees participating in evacuation drills or staff training during their regular working hours will be compensated at their regular rate of pay for the duration of the drill or training.

300.00 HUMAN RESOURCES ADMINISTRATION

301.00 EQUAL EMPLOYMENT OPPORTUNITY

To fulfill the requirements of this article the Department of Human Resources is authorized to take all measures that are deemed necessary or effective to provide for equal employment opportunity in county employment, so long as they are consistent with applicable federal or state law, and county policies.

Missoula County is committed to providing equal employment opportunities by providing all individuals who have the required qualifications an equal opportunity to compete for employment and advancement. Missoula County will not refuse employment or discriminate in compensation, benefits, or the other terms, conditions and privileges of employment based upon: race, color, national origin, gender, sexual orientation, gender identity or expression, religion, creed, age, marital status, political belief, physical or mental disability (including on the

basis of pregnancy, childbirth or related medical condition), genetic conditions or predisposition to certain diseases, unless that factor has been established as a bona fide occupational qualification (BFOQ).

Day to day responsibility for the execution of both the letter and spirit of the policy will be the duty of each elected official, department head and supervisor. Any applicant for employment, or any employee who believes he or she has been subjected to discrimination including harassment based upon any of these factors, should immediately contact the Human Resources Department and may also contact the Montana Human Rights Commission or the federal Equal Employment Opportunity Commission.

302.00 DIVERSITY AND NON-DISCRIMINATION

Missoula County's goals for equal employment opportunity shall include eliminating artificial barriers in employment and striving to achieve a work force that reflects the diversity of the county's population.

Except as may be required by a BFOQ or compliance with a lawful affirmative action plan or for government reporting requirements, Missoula County will not elicit information from applicants for employment concerning: race, color, national origin, gender, sexual orientation, gender identity or expression, religion, creed, age, marital status, political belief, physical or mental disability (including on the basis of pregnancy, childbirth or related medical condition), genetic conditions or predisposition to certain diseases.

Missoula County will ensure that there are no employment or management practices or standards that would adversely affect persons of a protected group unless there is a BFOQ.

303.00 REASONABLE ACCOMMODATION

Any employee or applicant with a disability who is otherwise qualified for employment may request a reasonable accommodation. Information regarding such a request for accommodation shall be considered confidential to the extent reasonably possible and such information shall not be released to anyone without the right or need to know.

Missoula County will consider all requests for reasonable accommodation from both applicants and employees with disabilities. Missoula County reserves the right to determine if accommodations are reasonable in accordance with state and federal guidance and will provide reasonable accommodation unless an undue hardship would result.

Reasonable accommodation may include but is not limited to: providing or improving access; modifying work sites; modifying work schedules; reassigning non-essential functions; providing assistive devices; and retraining or reassigning employees to vacant positions.

Applicants for employment must submit a request for a reasonable accommodation in writing with their application. Employees may request a reasonable accommodation by contacting the supervisor, the department head, or the Department of Human Resources. An interactive dialogue will be established between the supervisor, the Human Resources department and employee regarding the requested accommodation and the employee may be asked to submit the request in writing. Employees will be provided a written confirmation of an approved accommodation.

Missoula County will provide reasonable accommodation for the religious beliefs of employees or prospective employees provided it does not constitute an undue hardship for the department.

304.00 RECRUITMENT AND SELECTION

It is Missoula County's policy:

- To conduct recruitment and selection activities with the goal of hiring employees who are best qualified and capable of performing the required work.
- To assure fair and consistent treatment of applicants during recruitment and selection processes in accordance with applicable federal and state law.
- To conduct recruitment activities to attract qualified applicants for vacant positions in accordance with section 301.00 of these policies.
- To establish minimum job-related qualification standards for positions and to conduct job related selection procedures to fill vacant positions.

304.10 RECRUITMENT

Requests to fill all vacancies including promotional opportunities, shall be made to the Department of Human Resources as soon as the supervisor becomes aware of a current or pending vacancy. Upon receipt of notification and approval to fill the position, the Human Resources Department will initiate recruitment actions.

The Department of Human Resources will work with the supervisor to determine recruitment strategies and resources to be used to attract qualified and capable applicants for a vacant position. The Department of Human Resources will prepare a vacancy notice and will place the notice with the applicable recruitment sources. A vacancy notice may be restricted to current county employees at the supervisor's request or as required by the terms of a collective bargaining agreement. All job vacancy notices shall be posted for a minimum of four working days prior to the application deadline.

A supervisor may opt to promote a current employee without posting a vacancy notice provided all eligible department employees are informed of the vacancy and are considered for the position.

304.20 SELECTION PROCEDURES

Regular, temporary and seasonal positions will normally be filled through a competitive selection process. Exceptions may be approved by the Department of Human Resources. The Department of Human Resources and all supervisors shall apply selection criteria and procedures consistently for all applicants; and will maintain documentation of all selection processes.

- A) The Department of Human Resources will receive and review all applications. Applicants meeting minimum qualification requirements will be sent to the supervisor for further consideration. If no applicants meet the posted minimum qualifications, at the supervisor's discretion, applications may be evaluated at the department level to determine if they have a combination of education and experience deemed equivalent to those minimum qualifications.
- B) The Department of Human Resources will work with the supervisor to determine selection criteria prior to reviewing applications. The Department of Human Resources shall work with the department to determine the selection procedures that will be used to select an applicant

for a vacant position, based on the selection criteria. The selection process may include one or more of the following evaluation tools:

- assessment of training, education and experience by review of county application, supplemental questionnaires, transcripts, resumes, or other written materials submitted during the application process;
- written, oral, or performance tests related to the knowledge, skills and abilities required for the position;
- assessment centers or job simulation exercises;
- physical abilities and agility exams, where they directly relate to job duties;
- background investigation, criminal history, driving record, and reference checks.

C) Pre-employment physical exams, hearing tests, and drug screens. If oral interviews are part of the selection process, the Department of Human Resources may assist in developing interview questions, will review and approve questions in advance and may participate in interviews.

305.00 INTERVIEW AND MOVING EXPENSES

With approval of the department head, job applicants or new employees may be reimbursed for interviewing and moving expenses. These expenses shall be paid by the employing department from current budgetary resources, and the terms of such reimbursement shall be communicated in writing at the time they are offered.

306.00 VETERANS' EMPLOYMENT PREFERENCE

It is the policy of Missoula County to provide preference in employment to eligible disabled veterans, other veterans, and certain relatives as required in 39-29-101, et seq., MCA. It shall be the responsibility of the Department of Human Resources to administer preference when filling vacancies.

307.00 DISABILITY EMPLOYMENT PREFERENCE

It is the policy of Missoula County to provide preference in employment to eligible individuals with disabilities and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions as required in 39-30-101, et seq., MCA. It shall be the responsibility of the Department of Human Resources to administer preference when filling vacancies.

308.00 NEPOTISM

No one may be refused employment or terminated solely because another member of that individual's immediate family is employed by the county. However, no employee will be permitted to hire or otherwise directly supervise an immediate family member if the Director of Human Resources determines that it would create a conflict of interest.

309.00 TYPES OF APPOINTMENTS

All county employees shall be appointed to one of the following employment categories as allocated in the adopted county budget or relevant budget amendment. Compensation for all appointments will be set in accordance with section 200.00 of these policies

309.10 REGULAR FULL-TIME EMPLOYEE

Employees are in regular full-time status when they:

- have successfully completed a probationary period;
- are regularly scheduled to work 40 hours per week on a continuous basis;
- are eligible for all employee benefits; and
- do not have a specified termination date at the time of hire.

309.20 REGULAR PART-TIME EMPLOYEE

Employees are in regular part-time status when they:

- have successfully completed a probationary period;
- are regularly scheduled to work less than 40 hours per week on a continuous basis; and
- may be eligible for employee benefits on a pro-rated basis; and
- do not have a specified termination date at the time of hire.

A regular part-time employee who is scheduled to work less than 20 hours per week shall not be entitled to employee benefits other than those required by State or federal law.

309.30 REGULAR PART-TIME EMPLOYEE, INTERMITTENT SCHEDULE

Employees are in a regular part-time, intermittent schedule status when they:

- have successfully completed a probationary period; and
- do not have a regular schedule and have no guarantee of specific hours of work; and
- are called to work intermittently as workload, absences, or emergency situations require; and
- do not have a specified termination date at the time of hire.

Regular part-time employees hired for an intermittent schedule, will be compensated in accordance with the pay plan established for that position, even if excluded from membership in a collective bargaining agreement by the recognition article. On-call compensation as provided for in Section 215.00 of these policies does not apply to regular part-time employees with intermittent schedules except as specifically approved by the supervisor.

309.40 SEASONAL EMPLOYEE

Employees are in a seasonal status when they:

- are hired to perform work that is interrupted by the seasons, and who may be recalled to work without losing rights or benefits accrued during the previous season; and
- are placed in active employment status during the seasonal activity and then placed in inactive status until the succeeding season; and
- are not entitled to employee benefits except as required by state or federal law and as specifically provided in these policies.

309.50 TEMPORARY EMPLOYEE

Employees are in a temporary status when they:

- are hired for a specified period not to exceed twelve (12) months for either part-time or full-time hours;
- are not eligible for benefits except as required by state or federal law or specifically provided in these policies; and
- may be terminated at any time at the discretion of the supervisor.

- are not eligible for regular employment without participating in a competitive selection process however they may apply during an internal recruitment process if agreed to by the supervisor and provided it would not violate any provision of a collective bargaining agreement.

309.60 SHORT TERM EMPLOYEE

Short term employees may be hired by a department, subject to approval by the Department of Human Resources for any of the following reasons:

- to fill a short-term vacancy or unanticipated need for assistance or due to an emergency; or
- to fill a short term need for a specific knowledge, skill or ability; or the execution of a limited work assignment in a timely manner; or
- for other legitimate business reasons demonstrating unusual or exceptional need.

Normal county recruitment procedures are not required to hire a short-term employee. A short term employee may be hired into a regular, temporary, or seasonal position by any county department through a competitive selection process complying with county policy

In a short-term status, employees:

- are hired for a period not to exceed 90 consecutive calendar days in a continuous 12-month period, without regard to the number of hours worked; and
- are not eligible for employee benefits except as required by state law or specifically provided in these policies, including sick, vacation or holiday leave or insurance benefits; and
- are eligible for PERS membership, however It is optional for a short-term employee unless they are already a member of PERS in which case PERS membership is required; and
- are not allowed to have credit toward qualifying periods for insurance, use of sick or vacation leave or toward a probationary period, for time worked as a short-term employee if they are subsequently hired into a regular, temporary, or seasonal position at Missoula County

309.70 STUDENT INTERNS

A department may hire an employee as a student intern when the following conditions apply:

- the employee has been accepted in or is currently enrolled in an accredited school, college or university; and
- the work provides supervised practical experience in a professional field OR the work contributes to the educational coursework or credits in their field.
- the employee/intern is paid at least state or federal minimum wage whichever is higher
- the employee/intern is hired subject to the provisions of either temporary status or short-term status as defined in these policies.

Internships paid through a university are not subject to the terms and conditions of these policies and are not considered employment. Such interns are volunteers as defined in these policies and the sponsoring educational institution shall provide certification of workers compensation coverage for interns.

Unpaid internships for public sector organizations, where the intern volunteers without expectation of compensation are generally permissible depending on the extent to which the internship provides training that would be similar to that which would be given in an

educational environment, including the clinical and other hands-on training provided by educational institutions.

309.80 VOLUNTEERS

With the approval of the department head, an individual may be approved to perform work or provide services as a bona fide volunteer as defined under the 1985 amendment to Fair Labor Standards Act (FLSA), (29 U.S.C. §203(e)(4)(A)). Volunteers are not employees. Volunteers are not covered by Missoula County's health insurance or under workers compensation insurance. Placement of a volunteer must meet all the following conditions:

1. Placement of a volunteer does not violate any laws or collective bargaining agreements.
2. Work performed does not involve driving any county vehicles or involve work identified as hazardous.
3. The volunteer is at least 18 years of age, or if the volunteer is less than 18 years of age the department head will ensure that adequate supervision is provided by the department or the volunteer organization sponsoring the juvenile.
4. No wages are paid; however, bona fide volunteers may, at the department head's discretion, be paid reasonable expenses, benefits or nominal fees under applicable Fair Labor Standards Act (FLSA) guidelines.

Volunteers shall complete a volunteer agreement provided by the department that includes all the following:

1. Acknowledgement that the volunteer is not employed by the same public agency to perform the same types of services that the individual is performing as a volunteer; and
2. Acknowledgement of volunteer status that provides no compensation and no health or workers compensation insurance coverage; and
3. Acknowledgement that volunteer status in no way constitutes an offer of employment for current or future job openings; and
4. Collection of emergency contact information for the volunteer.

309.90 CHIEF DEPUTIES

In accordance with the provisions of Montana law, an elected official may appoint a Chief Deputy subject to the following:

- Funding and FTE are approved in the department budget, or through a budget enhancement.
- The employee is compensated at a rate approved by the Board of County Commissioners subject to limitations provided in 7-4-2505 and subject to the department budget.
- The Chief Deputy is a regular employee of Missoula County and receives all rights, benefits, protections and privileges provided to other regular employees. The provisions of county policies provide for the terms, conditions and benefits of employment. Adverse action against a Chief Deputy based on any protected status under county policy or state or federal law on on-discrimination is prohibited.
- Except in the case of a layoff or reduction in force in accordance with county policy, when a Chief Deputy appointment ends because a new elected official or a current elected official appoints a new chief deputy; or because the incumbent chief deputy voluntarily steps down from that role, the employee will be placed in the same position held prior to that appointment or in a comparable position if the former position no longer

exists. Any Chief Deputy who was not previously in a regular county position prior to their appointment, will be placed in a position suitable to their qualifications within the department.

- If the Chief Deputy appointment was for 4 years or less, the employee's compensation will be set at no less than the rate the employee would have achieved if they had not accepted the Chief Deputy appointment. If the Chief Deputy appointment was for more than 4 years, the employee's compensation may be reduced by no more than 10%. The rate of pay established for any former Chief Deputy is subject to approval by the Board of County Commissioners.

310.00 PROBATIONARY PERIOD

Probation is a designated period of at-will employment during which a newly hired employee is required to demonstrate satisfactory job performance. Probation is used to determine if the employee should be retained beyond the probationary period and attain regular status. A probationary period shall not include time served by the employee in a temporary, short-term, seasonal, or internship status.

Employees shall serve one probationary period of at least six months when they are newly hired, re-employed, or employed in an additional part-time position. One extension of up to three months may be made at the supervisor's discretion. Additional extensions must be requested in writing by the supervisor and approved by the Human Resources Department. When the probationary period is extended, the department shall notify the employee and the Human Resources Director or their designee of such action in writing on or before the end of the established probationary period and shall specify the length of the probationary period extension.

If an employee is absent from work during the probationary period for any reason other than holidays and vacations for two consecutively scheduled work weeks, their probationary period expiration date will be extended by the two weeks or more associated with the absence.

In the event a new employee does not satisfactorily complete the probationary period as determined by the supervisor, the employee shall be terminated. When a probationary employee is terminated, a written notice will be provided to them. Probationary employees who are terminated in accordance with this section shall not have access to the grievance procedure provided in these policies. Termination of a probationary employee does require the department or direct supervisor to notify the Human Resources of such upcoming action.

An employee who has not completed the probationary period and is promoted, or is transferred to another department, shall be required to complete a new probationary period.

311.00 EMPLOYEE FILES

Files for all active county employees will be maintained exclusively by the Department of Human Resources. Employees shall notify Human Resources whenever there is a change in their name, address, telephone number or other personal data necessary for county business purposes. Employment information that is available to the public includes, but is not limited to the employee's name, job title, date of hire and pay rate.

311.10 DOCUMENTS FOR EMPLOYEE FILES

An employee file will include, at the employer's discretion:

- documents that define or change status, job classification, conditions of employment, pay or benefits;

- original application documents and resume for employment;
- written performance evaluations;
- written commendations (subject to supervisory approval);
- documentation of any disciplinary action or warning. (this material may be removed in accordance with Section 313.10);
- information of a confidential nature pertaining to employee benefits, medical information, and withholding authorizations. This information is kept in a separate file which is available only to the employee and to the staff of the Department of Human Resources; and
- Any other employment-related documents or information deemed relevant by the employer.

Nothing in this policy requires that paper copies of employee files be maintained by the employer, or otherwise restricts the employer from maintaining electronic files.

311.20 ACCESS TO EMPLOYEE FILES

An employee file, including the file of a former employee, is available to the employee, and to appropriate supervisory personnel and to Department of Human Resources staff. The Office of the County Attorney may access employee files by submitting a written request indicating the reason for the review, to the Director of Human Resources for approval. Access to an employee file by anyone else must be authorized in writing by the employee or by court order.

Employees may make a written request to the Department of Human Resources for removal of documents from their file. Removal will be at the sole discretion of the Human Resources Department. Former employees may not request addition or removal of any documents in their employee file. When an employee terminates employment, the employee file will be retained in accordance with Missoula County records retention policy.

The employer reserves the right to remove any materials from any employee files that the employer deems unnecessary, irrelevant, or in the employer's best interest not to retain. Removal of any document from the file of an employee involved in any legal issue with Missoula County is prohibited, provided the Office of the County Attorney has notified the Director of Human Resources of such action.

312.00 PERFORMANCE REVIEW

Supervisors shall review the performance of all regular employees on an ongoing basis. Supervisors and department heads are responsible for ensuring that performance review is carried out within their departments or work units.

312.10 REVIEW PROCESS

Performance review is an important tool for:

- communication between supervisors and employees regarding work planning and work issues;
- promoting professional development; and
- discussing and documenting work accomplishments and needed improvements.

Written guidance on performance review is available from the Department of Human Resources. Performance review may assist supervisors in making decisions regarding various employment actions, such as promotions, demotions, termination and training.

Nothing in this policy requires that performance reviews be in writing. Informal review processes, (ex: observation of work behaviors by a supervisor and discussion with an employee about job performance) also constitute performance review under this policy.

312.20 REBUTTAL

If an employee disagrees with a written performance evaluation, the employee may respond to the appraisal in writing. If the employee submits a copy of the response to the Department of Human Resources within 30 days of the date of the appraisal, it will be attached to the appraisal and placed in the employee's file.

313.00 DISCIPLINARY ACTION

It is the policy of Missoula County that county employees who violate these policies, who fail to perform their jobs in a satisfactory manner, or who engage in misconduct shall be subject to disciplinary action. When appropriate, department heads and supervisors will refer employees to the employee assistance program as an alternative to, or in conjunction with, disciplinary action.

Discipline shall be conducted in accordance with the principles of good cause and due process. Progressive discipline shall be applied when appropriate; however, specific disciplinary action will be determined, at the employer's discretion, by the severity of the misconduct, the employee's disciplinary record, and other relevant criteria.

313.10 PROCEDURES

Informal disciplinary action may include:

- coaching and counseling
- oral reprimand

Formal disciplinary action may include:

- written performance improvement plan
- written warning
- suspension (with or without pay)
- demotion
- termination

An employee may be suspended, demoted, or terminated immediately and without prior notice, for certain types of misconduct including but not limited to: insubordination, theft, possession of, using or being under the influence of alcoholic beverages or illegal drugs while on duty, physical misconduct, abusive or criminal behavior, or abandonment of duties.

Prior to engaging in formal disciplinary action, the supervisor will provide the employee an opportunity to respond to any allegation of misconduct or determination regarding job performance.

Written disciplinary notices shall be reviewed with and approved by the Human Resources Department prior to being presented to the employee. At the request of the supervisor, a member of the HR office staff will be present during disciplinary meetings or hearings.

It is the responsibility of the department head or supervisor to maintain accurate and complete documentation to support formal and informal disciplinary actions. All signed notices of formal

discipline will be submitted to Human Resources to be placed in the employee's file. The employee shall have the right to make a written response to written disciplinary notices to be placed in their employee file within 30 days of receiving the notice. Employees have the right to grieve and appeal all formal disciplinary actions.

Written disciplinary notices that do not result in suspension, demotion, or dismissal may be removed from the employee's file 18 months after they are issued, if there has been no subsequent disciplinary action and if that the document is not relevant to any pending hearing or litigation. Supervisors or current employees may request removal of such letters in writing to the Department of Human Resources. Removed documents will be retained in permanent records outside of the employee's file as such records should be available, in accordance with Montana law, when requested through litigation or public records requests. Documents removed from the employee's file and retained outside of the employee's file, shall not be used in employment related decisions.

Once an employee terminates employment, any disciplinary notices in the employee's Human Resources file shall remain in the file until it is destroyed in accordance with Missoula County records retention policies or practices.

313.20 WRITTEN WARNING

The supervisor may issue a written warning when a violation, misconduct or performance problem is so serious that it requires formal discipline, but not so serious as to warrant suspension or termination. The supervisor shall meet with the employee to provide the written warning notice.

313.30 SUSPENSION

Suspension is the temporary separation of an employee from county service for disciplinary reasons or pending the outcome of an investigation involving the employee. A suspension may be paid or unpaid; however, FLSA-exempt employees may not be subject to an unpaid suspension of less than one full workweek.

The supervisor shall meet with the employee and provide the employee written notice of the suspension that includes the reasons for the action, the total length of the suspension and dates for the suspension. When it is necessary to immediately remove the employee from the work place, suspension may be initiated by oral notice followed by a written suspension notice.

313.40 DISCIPLINARY DEMOTIONS

Demotion for cause is the movement of an employee from their current position to a position in a lower pay grade. A demotion may be appropriate when an employee's performance has not been satisfactory in the current position, but it is anticipated they may perform at a satisfactory level in a different position. The supervisor shall meet with the employee and provide the employee written notice of the demotion stating the reasons for the disciplinary action.

313.50 INVOLUNTARY TERMINATION

A probationary employee may be terminated in accordance with Section 310.00 of these policies, with or without good cause. A regular employee may be terminated with good cause when other corrective action has failed or when the violation is serious enough to warrant immediate termination.

Prior to deciding to terminate an employee, the supervisor will conduct a pre-termination hearing. The supervisor shall meet with the employee and provide a written termination notice

setting forth the reasons for the termination and the effective date. The employee shall have the right to make a written response within 72 hours after the meeting.

Final payment for wages shall be in accordance with Section 216.00. An employee terminated for good or just cause will not be eligible to be rehired by any department of Missoula County

400.00 EMPLOYEE LEAVE AND BENEFITS

Missoula County provides both paid and unpaid leave benefits to employees under the conditions set forth in this policy. While it is Missoula County's policy to provide these leave benefits, it is also Missoula County's policy that:

- employees are expected to attend work on a regular and consistent basis;
- excessive absenteeism, for any reason, is grounds for corrective or disciplinary action; and
- failure to provide adequate notice for using any leave benefits set forth in this policy is also grounds for corrective or disciplinary action.

401.00 VACATION

401.10 QUALIFYING

An employee shall be eligible to use earned vacation leave on the first full day of employment. An employee must be continuously employed for the qualifying period of six calendar months to be eligible for a lump sum payment for unused vacation leave credits upon termination.

401.20 ACCRUAL

As provided by State law, (2-18-611 & 612), each employee shall accrue vacation credits as follows. One working day equals 8 hours. Proportionate leave credits shall be earned and accrued at the end of each pay period

- from date of hire to 10 years of employment = 15 days each year;
- 10 years to 15 years of employment = 18 days each year;
- 15 years to 20 years of employment = 21 days each year ; and
- 20 years of employment to termination = 24 days each year

Vacation credits shall not accrue during a leave of absence without pay. Years of employment used to adjust the accrual rate will be calculated using the employee's service date. Employees may be credited for prior Montana public employment by submitting the required documentation to the Department of Human Resources.

Regular and temporary full-time and part-time employees, regular on-call, and seasonal employees shall earn vacation leave credits on a pro-rated basis according to the actual number of hours worked in a pay period. Short-term employees are not eligible for annual leave benefits and do not accrue vacation leave credits.

Advancing vacation leave credits prior to their accrual is expressly prohibited.

401.30 MAXIMUM ACCUMULATION

Annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time shall be forfeited if not taken within 90 days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request

to the supervisor to use the excess vacation leave prior to March 30 of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess vacation leave. Notice of such denial must be provided to the Department of Human Resources by March 30.

Employees shall be responsible for monitoring their vacation leave balances to avoid losing accrued hours. Supervisors shall be responsible for providing reasonable opportunities for employee to use such leave.

401.40 SCHEDULING VACATION /USE OF VACATION ON HOLIDAYS

Scheduling of vacation shall be accomplished by cooperation between the employee and the supervisor, considering the employee's needs and the needs of the county. The supervisor has the discretion to approve or deny leave requests.

Absence from work on a legal holiday shall be recorded as holiday leave and shall not be charged to an employee's vacation leave for that day.

Absence from employment because of illness may be charged against vacation leave credits only upon request by the employee and with the approval of the supervisor.

401.50 PAYMENT ON TERMINATION

Upon termination of employment with the county, any employee who has worked the qualifying period will be paid for unused vacation leave credits at the rate of pay in effect at the time of termination, in accordance with state law, MCA 2-18-617.

402.00 SICK LEAVE

Sick leave benefits shall be provided to Missoula County employees in accordance with state law.

402.10 QUALIFYING

An employee shall be eligible to use earned sick leave from the first full day of employment. An employee must be continuously employed for the qualifying period of 90 calendar days to be eligible for payment for unused sick leave credits upon termination in accordance with Section 402.60.

402.20 ACCRUAL

Each full-time employee, except for short-term employees, shall earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction on the number of hours that may be accumulated. Proportionate sick leave credits shall be earned and credited at the end of each pay period, and part time employees will earn sick leave on a prorated basis.

Part-time, intermittent/on-call and seasonal employees shall earn sick leave credits on a prorated basis. An employee shall not accrue sick leave credits during a leave of absence without pay.

Advancing sick leave credits prior to their accrual is expressly prohibited.

402.30 USE OF SICK LEAVE

Sick leave credits may be used for:

- A. illness or injury of the employee;
- B. illness, injury, or death in the employee's immediate family requiring the employee's personal attendance. Immediate family shall mean spouse or domestic partner, parents, grandparents, siblings, children or grandchildren of the employee or spouse of the employee, son-in-law, or daughter-in-law;
- C. quarantine for contagious disease control, provided that certification is obtained from the attending physician;
- D. leave when the employer determines it is in the best interests of the department or work unit, and public health that the employee remain home while actively symptomatic of a contagious illness;
- E. maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either the employee or child;
- F. doctor or dental appointments for treatment of the employee's illness, injury, or preventive care. When possible, the employee's supervisor shall be notified at least 48 hours in advance;
- G. to attend or plan for a funeral of a member of the employee's immediate family or, at the supervisor's discretion, another closely related individual, for a period not to exceed 10 consecutive working days;
- H. the placement of a child for adoption or foster care of a child.
- I. Behavioral health needs to include an opportunity for needed care, rest, and recovery when mental health is impeding productivity. Use of sick leave for behavioral health needs should not be used in place of vacation leave. Aside from acute, emergent behavioral health needs, the employer's supervisor shall be notified at least 48 hours in advance. Unless appropriate documentation is provided from a medical provider as set forth in 402.80, use of sick leave for behavioral health needs shall not exceed one work day in any three month period.

402.40 SICK LEAVE ON HOLIDAYS OR ON VACATION

Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the supervisor's approval, an employee may substitute sick leave for vacation leave if the employee becomes sick while using approved vacation leave.

402.50 REPORTING

Absences that necessitate use of sick leave shall be reported by the employee to the supervisor or department head as soon as practical. Failure to report such leave within two hours of the employee's regularly scheduled starting time may be considered an un-approved absence and It will be the supervisor's prerogative to approve leave without pay or to require the use of any accrued paid leave Such un-approved absences are grounds for disciplinary action, including dismissal.

402.60 PAYMENT ON TERMINATION

Upon termination, an employee who has worked the qualifying period shall be paid an amount equal to $\frac{1}{4}$ of the accumulated sick leave. Payment for accumulated sick leave shall be computed based on the employee's regular rate of pay at the time of separation from the county.

402.70 ABUSE OF SICK LEAVE

Abuse of sick leave may be indicated by sick leave that is frequent, habitual, excessive, suggests a pattern of usage, or if the supervisor has reason to believe the employee may be misrepresenting reasons for using sick leave. Abuse of sick leave may be cause for dismissal or other disciplinary action including forfeiture of payment for any accumulated sick leave.

402.80 MEDICAL CERTIFICATION

Medical certification may be required at any time to substantiate usage of sick leave by the employee, with the approval of the Department of Human Resources and the department head.

The Department of Human Resources may require medical certification of an employee's fitness for duty, or fitness to return to duty. A fitness for duty statement or medical certification form may be required when an employee is returning to duty following: an illness of more than three days; an absence due to injury; or whenever the department head or supervisor has reason to question the employee's ability to perform all essential duties of their job, without restrictions or without risk of injury to self or others. All medical certification information will be maintained by the Human Resources Department and treated as confidential personal health information.

403.00 SICK LEAVE GRANTS

The purpose of this policy is to allow Missoula County employees to donate sick leave benefits to another employee who experiences an extended absence due to a specific illness or injury and who has insufficient earned leave to remain in a pay status during such absence.

403.10 QUALIFYING

To be eligible to receive a direct grant of sick leave an employee: must have worked a qualifying period of at least 90 calendar days; have an illness, injury or other qualifying condition as described in Sections 402.30 or 405.00 of these policies that results in an absence of at least three working days; must have reduced all other accrued paid leave and compensatory time down to no more than 40 hours for a full-time employee (pro-rated for regular, part-time employees) and must have the supervisor's approval for the leave. The Department of Human Resources may require medical certification.

An employee may receive a direct grant of sick leave unless that employee is:

- eligible for Worker's Compensation benefits;
- under current corrective or disciplinary action for excessive absenteeism or abuse of sick leave;
- in a leave without pay status granted for a reason other than extended illness,
- in a lay-off pool.

403.20 PROCEDURE

Direct grants of sick leave will be administered by the Department of Human Resources.

To be eligible to make a grant of sick leave an employee must have worked at least 90 days and have a minimum balance of 40 hours of sick leave remaining after the contribution. A terminating employee with a sick leave balance of less than 40 hours may donate leave to an employee qualified to receive donations. Minimum balances will be prorated for part-time employees. An employee may contribute up to 80 hours of sick leave during the calendar year.

A regular full-time employee may receive up to 280 hours of granted sick leave during a calendar year. Total grants of sick leave allowed will be prorated for regular part time employees. Requests for an exception to this limit may be submitted to the Board of County Commissioners and the Human Resources Department for approval.

A supervisor or other employee may seek a direct grant of sick leave on behalf of a qualifying employee. Human Resources will determine an employee's eligibility for the grant program. Sick leave grants must be for a specified reason and may not be used for other qualifying reasons. Unused leave grants will be returned to donating employees.

Grants will be made on a form provided by the Department of Human Resources. In cases where the recipient is ineligible, has exceeded the maximum allowable number of hours, or where that recipient refuses to accept a contribution, that form will be voided and returned to the contributing employee.

404.00 MATERNITY

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

In determining the standard of a reasonable leave, the supervisor shall apply standards at least as inclusive as those applied to any other valid medical reason. Employees may qualify for a minimum of 12 weeks of paid and unpaid leave for the birth of a child and to care for the newborn child, in accordance with federal law and Section 406.00 of these policies.

In accordance with state and federal law, the employer:

- A. shall not terminate a woman's employment because of her pregnancy;
- B. shall not refuse to grant to the employee a reasonable leave of absence for such pregnancy;
- C. shall not deny to the employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties;
- D. shall not require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave provided for in these policies, except that eligibility for maternity leave shall not require employment for any specified period of time;
- E. shall not refuse to hire, discharge from employment or discriminate in compensation or other terms, conditions and privileges of employment an employee who expresses milk in the work place unless based upon a bona fide occupational qualification;

- F. shall support any employee choosing to continue breastfeeding after return from maternity leave and accommodate such efforts upon request by the employee, including providing a reasonable break time and a space suitable for breastfeeding and breast pumping.

405.00 FAMILY LEAVE AND PAID PARENTAL LEAVE

Employees may request the use of annual vacation leave, personal leave, sick leave, compensatory time or other appropriate paid leave, or family and medical leave or leave without pay, for necessary absences for purposes such as adoption, paternity leave, infant or child care, elder care, or care of other members of the employee's immediate family.

405.10 PAID PARENTAL LEAVE (PPL)

Missoula County will provide Paid Parental Leave (PPL) to eligible employees for parents to bond and care for a newborn child or a child placed for adoption. Requests to consider extenuating circumstances beyond this basis for PPL must be submitted in writing to the Human Resources Department and will be considered on a case-by-case basis. Eligible employees are regular or probationary status employees employed at least 180 consecutive calendar days. In the event both parents or established domestic partners are employed by the same department, both may take PPL at the same time.

Eligible employees are entitled to a maximum of six (6) continuous work weeks of PPL from the day PPL began in a rolling 12-month period. The employee may choose to begin their six continuous weeks anytime within the first 12 weeks of the birth or adoption of the child(ren). No employee may utilize PPL for more than six continuous weeks in a rolling 12-month period, regardless of work schedule. For employees working part-time with regular, irregular, or intermittent schedules, paid hours of PPL during the six-week period will be based on the average hours worked in the six weeks immediately prior to the date PPL is to commence. There is no limit on how many times an eligible employee may use PPL in the course of their employment as long as it is not used more than one time per a 12-month look-back period.

In the event a PPL-eligible employee's child(ren) are placed in a NICU (neonatal intensive care unit), the employee will be allowed to delay use of PPL and begin their continuous six weeks of PPL when the child(ren) is/are released from the NICU even if their release from NICU is beyond 12 weeks after birth.

Requests to use PPL should be submitted in writing to the employee's supervisor and Human Resources Department with as much notice as possible. Human Resources, the employee, and the supervisor will work together to coordinate the use of PPL with other approved leave requests. When the eligible employee is utilizing PPL, the leave must be taken continuously. This is unlike FMLA which allows use of leave on an intermittent or delayed basis. Paid Parental Leave will be counted concurrently with FMLA time for employees also eligible under FMLA. All PPL must be exhausted before leave without pay can be utilized.

When a holiday falls during an employee's PPL, the employee will be paid for the legal holiday instead of PPL. However, an employee receiving paid holiday time instead of PPL does not extend the PPL time beyond six weeks' worth of continuous paid time.

Employees using PPL may not concurrently work any hours that would create an overtime obligation for the Employer.

406.00 FAMILY AND MEDICAL LEAVE – MILITARY FAMILY LEAVE

406.10 POLICY AND REINSTATEMENT

Missoula County will provide all eligible employees the benefits required under the Federal Family and Medical Leave Act of 1993 (FMLA); and by the Military Family Leave Entitlements amendments to that Act authorized in 2008. County policy may expand upon some aspects of the benefits provided by these acts. Interpretation of issues related to FMLA leave will be made by the Human Resources Department in accordance with rules issued by the United States Department of Labor.

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

406.20 ELIGIBILITY

To be eligible for FMLA leave, the employee must have worked for Missoula County for a minimum of 12 months, and for at least 1,040 hours during the 12 month period immediately preceding the requested leave. All paid hours (including overtime) shall be included in the calculation of the 1040 hours qualifying period.

406.30 BASIC FMLA LEAVE

An eligible employee will be granted up to 12 weeks of FMLA-covered leave for any of the following reasons:

- The birth of a child(ren) or placement of a child(ren) with the employee for adoption or foster care, and to bond with the newborn or newly placed child(ren).
- To care for a spouse, child(ren) [children under the age of 18, unless incapable of self-care because of a mental or physical disability at the time FMLA leave commences], or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal care,
- For a serious health condition that makes the employee unable to perform the essential functions of their job, including incapacity due to pregnancy and for prenatal medical care.
- For any qualifying exigency (something requiring immediate aid or action) arising out of the fact that a spouse, child(ren), or parent is a military member on a covered active duty or call to covered active-duty status.

406.40 MILITARY FAMILY LEAVE – QUALIFYING EXIGENCY:

An eligible employee will be granted up to 12 weeks of FMLA covered leave in any twelve-month period for a qualifying exigency arising from the covered active duty status or call to covered active duty or from notification of an impending call or order to covered active duty of a spouse, domestic partner, son, daughter, or parent in the Regular Armed Forces, National Guard or Reserves.

“Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a

foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

Qualifying exigencies may include: short notice deployment military events and related activities; childcare and school activities; financial and legal arrangements; counseling, rest and recuperation; post-deployment activities; and additional activities or events that the employee and the employer agree are a qualifying exigency.

406.50 MILITARY CAREGIVER LEAVE

An eligible employee will be granted up to 26 weeks of FMLA leave in a "single twelve-month period" to provide care for a covered service member, who is:

- a spouse, domestic partner, son, daughter, parent or person designated as next of kin; and
- a current member of the armed forces, including a member of the National Guard or Reserves, and
- who has a serious injury or illness incurred in the line of duty while on active duty, that may render the service member medically unfit to perform his or her duties; and
- for which the service member is undergoing medical treatment, recuperation or therapy or is in outpatient status or is on the temporary disability retired list. Or
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

406.60 CALCULATING TIME

At the time an employee requests FMLA leave, or when the Employer has knowledge that an employee's leave may be for an FMLA qualifying event, payroll records for the previous 12 months will be reviewed to determine if FMLA leave has previously been used and the amount of leave an employee is eligible to receive. Eligible part-time employees will receive pro-rated leave based on the average weekly hours worked.

FMLA leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced work schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to employer approval. FMLA taken for the birth or placement of a child must be within one year (12 months) of the birth or placement.

In no event will an employee be eligible for more than 26 weeks of Family and Medical Leave for all qualified reasons. (29 CFR 825.127(3) For example, an eligible employee may during the "single 12-month period" take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the "single 12-month period," even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered service member.)

406.70 SERIOUS HEALTH CONDITION

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either:

- A. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform

other regular daily activities) or subsequent treatment in connections with such inpatient care; OR

B. Continuing treatment by a health care provider, which includes:

1. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); OR
 - one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); OR
2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period, requires periodic visits (at least twice a year) to a health care provider; and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; OR
4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; OR
5. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
6. For a current member of the Armed Forces, includes not only a serious injury or illness that was incurred by the member in line of duty on active duty but also a serious injury or illness that “existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces” that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.
7. For a veteran, a serious injury or illness is defined as “a qualifying injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.”

406.80 REQUEST FOR LEAVE, NOTICE AND CERTIFICATION

Requests for FMLA leave must be made in writing to the Department of Human Resources. Employees will be notified of their rights and responsibilities under FMLA when leave is requested or when the Employer has knowledge that an employee’s leave may be for an FMLA qualified event. Requests must be approved by both the employee’s supervisor and the Department of Human Resources. Once the employer is aware that the leave is being taken for a FMLA qualifying reason, the employer has the right to designate paid or unpaid leave as FMLA qualified. Designation of leave as qualified by FMLA is at the sole discretion of the employer.

Employees are required to provide notice of leave whenever possible. Thirty days' notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical and must comply with the employer's normal call-in procedures. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Medical certification from a health care provider will be required to support a request for FMLA leave due to the employee's own serious health condition or that of a family member, except for leave requests for the birth of a child or placement of a child for adoption or foster care. Failure to provide the employer with a complete and sufficient certification may lead to FMLA leave being denied. Medical certification reflecting fitness for duty will be required when an employee returns to work from FMLA leave due to the employee's own serious health condition. Any communication with medical care providers regarding requests for medical certification or fitness for duty will be conducted by the Human Resources office.

406.90 USE OF PAID LEAVE

If accrued or donated paid sick leave is available to an employee, it must be used concurrently with FMLA before leave without pay may be used.

Sick leave is not allowed to be utilized when FMLA leave is for a qualifying exigency under military family leave entitlements or if prohibited by Montana Worker's Compensation law.

An employee may request to use other accrued paid leave such as vacation time or compensation time during an FMLA-qualified absence. An employee may request donated sick leave after all paid leave banks have been reduced to 40 hours per week for full-time employees and prorated for those working less than 40 hours per week. Requests must be made in writing and approved by the employee's supervisor and Human Resources. Use of paid leave requested under this section will be counted against the total FMLA leave available to that employee in their 12-month period. In the case of an absence that qualifies for FMLA leave that is also covered by Missoula County's maternity, paid parental leave, or family leave policies, those leaves will run concurrently with FMLA leave.

406.91 INSURANCE BENEFITS

Employer provided insurance benefits will continue during an FMLA qualified absence and the employer will continue to pay premiums at the same level during FMLA leave as prior to the employee's use of FMLA leave. Employees who pay for dependent coverage for health or dental benefits, or who are purchasing supplemental insurance coverage including vision, life, disability, and long-term care are required to continue to pay those costs to maintain coverage during the FMLA leave. The employer's obligation to continue insurance benefits ends if the employee is more than 30 days late in payment of any required premiums provided the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received. Use of FMLA leave cannot result in the loss of any other employment benefit that accrued prior to the start of an employee's leave; however, an employee has no greater right to restoration of insurance benefits or to other benefits and conditions of employment than if the employee had been continuously employed.

If an employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefits contributions paid by the county during the employee's unpaid FMLA leave. Repayment may be waived in situations where the continuing serious health

condition or circumstances beyond the control of the employee prevents the employee from returning to work.

407.00 PAID ADMINISTRATIVE LEAVE

The County's Paid Administrative Leave policy applies to regular full-time, regular part-time and probationary employees. Seasonal or on-call employees are not eligible for paid administrative leave.

Paid Administrative Leave (PAL) means temporarily relieving an employee of their normal job responsibilities and/or removing them from the workplace with pay (up to 40hrs/week). During PAL, the employee shall remain out of the workplace and available during regular work hours and continue to receive pay (up to 40 hrs/week) and benefits until they are directed to return.

PAL may be used in instances when the immediate removal of an employee from their assigned duties and/or the workplace is in the best interests of the county. PAL is not disciplinary and is not subject to appeal. Reasons for PAL may include, but are not limited to:

- To investigate allegations of misconduct.
- For the safety of the employee placed on leave, or of other employees or customers.
- To remove a disruptive employee from the workplace
- To wait for pending test results as outline in the drug and alcohol policy.
- Other circumstances in which the Human Resources Director has the approval to grant PAL.

The administrative leave must be confirmed in writing to the employee, the notice of leave must explain the reasons for the administrative leave state the anticipated expected length of the leave and request the employee to remain available during the leave.

407.10 LEAVE WITHOUT PAY

Leaves of absence without pay (LWOP) may be granted to employees for up to 90 calendar days. Extensions of approved leave will be considered. Requests for leave without pay for medically related reasons will first be considered under Section 406.00 of these policies.

Requests for leave of absence without pay shall be submitted in writing by the employee to the supervisor stating the reason for the leave and the approximate length of time off requested. Approved leave requests shall be forwarded to the Department of Human Resources for appropriate action. In the event an employee takes leave without prior approval and subsequently requests that leave be considered LWOP, it will be the supervisor's prerogative to approve LWOP or require use of accrued paid leave.

No employee benefits shall accrue during a leave without pay. The employee may retain county insurance coverage, upon advance approval by the Department of Human Resources, provided that 100% of premiums are paid by the employee in a manner prescribed by the plan

administrator Payment for continuation of county insurance coverage during a leave without pay shall be administered by the Department of Human Resources.

Upon return to duty, the employee shall be placed in the same class and rate of pay to which the employee was entitled prior to the leave unless otherwise agreed to by the employee, the department, and the Department of Human Resources.

408.00 HOLIDAYS

Legal holidays, except Sundays, defined in 1-1-216, MCA, shall be observed by county employees without loss of pay. The following are legal holidays:

- New Year's Day, January 1;
- Martin Luther King Jr. Day, the third Monday in January;
- Lincoln's and Washington's Birthdays, the third Monday in February;
- Memorial Day, the last Monday in May;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day, the second Monday in October;
- Veterans' Day, November 11;
- Thanksgiving Day, the fourth Thursday in November;
- Christmas Day, December 25;
- State General Election Day (on even numbered years).

408.10 HOLIDAYS FALLING ON WEEKENDS

Pursuant to state law, if a legal holiday falls on a Sunday, the following Monday will be considered the holiday. If a legal holiday falls on a Saturday, the preceding Friday will be considered the holiday. When a legal holiday falls on a regular employee's scheduled day off the employee may treat another workday during the same work week, as the holiday, if mutually agreed to by the employee and supervisor.

408.20 ELIGIBILITY

To be eligible for holiday pay a regular full-time employee must be in paid status on the last working day immediately before the holiday or on the first working day immediately after the holiday. Regular part time, regular on-call, seasonal and temporary employees are eligible for holiday pay provided they have been paid for any number of hours in the two pay periods preceding the holiday.

An employee is NOT eligible for holiday benefits when:

- the employee is a new employee to Missoula County reporting for the first day of work on the day immediately following a holiday;
- the employee is separating from Missoula County with the last day of work on the day immediately before the holiday;
- the employee is a short-term employee in accordance with 309.60;
- the employee is recalled from layoff or is called back to work to a seasonal position on the day immediately following a holiday.

An employee returning from a leave of absence without pay, including family and medical leave, on the day immediately following a holiday shall be entitled to holiday pay based on their regular schedule upon return to work.

408.30 CALCULATION OF HOLIDAY BENEFIT

1) FULL-TIME EMPLOYEES

All eligible full-time employees not subject to a collective bargaining agreement, and regularly working 40 hours in a week, shall be entitled to receive a holiday benefit equal to the number of hours they are regularly scheduled to work, for each holiday set forth in 408.00. Example: employees regularly working 8-hour shifts shall receive 8 hours of holiday benefit; employees regularly working 10 hour shifts shall receive 10 hours of holiday benefit without regard to any unpaid hours (LWOP or FMLA) recorded in that same pay period. Generally, the employee will have the day off and will receive pay for that day for the regular number of hours normally worked. Pro-ration of the holiday benefit will not apply to a full-time employee.

2) PART-TIME EMPLOYEES

All eligible part-time, regular on-call, temporary, and seasonal) shall be entitled to holiday pay on a prorated basis. Pro-ration is based on the average number of hours paid for two full pay periods preceding the holiday (see illustrative example below). Generally, the employee will have the day off and will receive prorated holiday pay for that day.

Illustrative Example:

To calculate the number of hours of holiday pay an employee may receive:

Add the total number of regular hours paid in the previous two pay periods and divide the sum by 160 and multiply the result by 8.

Regular hours paid PP1 + regular hours paid PP2 / 160 x 8 = Holiday Pay

32 hours (PP1) + 56 hours (PP2) / 160 x 8 = 4.4 hours Holiday Pay

The pro-ration formula for part-time employees may result in the employee's total hours for the pay period being more or less than normal. When the calculation results in additional hours, the supervisor may require the employee to take off an equivalent amount of time without pay in the workweek to maintain a consistent paycheck. When the calculation results in fewer hours, the supervisor may assign additional hours in the workweek or allow the employee to use accrued annual leave or compensatory time to maintain a consistent paycheck.

408.40 PAY FOR WORK ON A HOLIDAY

Missoula County reserves the right to require an employee to work on a holiday. All hours worked by a regular employee on a legal holiday will be included with all hours worked for determining eligibility for overtime compensation in accordance with Section 214.00 of these policies.

409.00 PERSONAL LEAVE

Missoula County employees are eligible for personal leave under the guidelines set forth below. Employees who terminate employment will be paid for any unused personal leave hours.

All full-time employees and all part-time employees who are scheduled to work at least 1040 hours annually are eligible for personal leave. Elected officials, temporary employees, short-term employees and seasonal employees are not eligible for personal leave.

Personal leave is paid leave that may be used by an eligible employee for any purpose. An employee must request to use personal leave, and such requests are subject to approval by the employee's supervisor.

At the beginning of each fiscal year, Missoula County will credit eligible full-time employees with personal leave so that their total personal leave balance equals eight hours. If an employee has unused personal leave hours from a previous fiscal year, personal leave hours will be added to existing hours so that the total number of personal leave hours equals eight. Personal leave hours will be pro-rated for eligible part-time employees.

410.00 JURY DUTY AND WITNESS LEAVE

Missoula County employees shall be eligible to serve as a witness or to serve on a jury when properly subpoenaed or summoned. The supervisor may request the court to excuse employees from jury duty if they are needed to ensure county operations are not interrupted.

An employee on authorized jury duty or witness leave shall receive their normal daily wage. A part-time employee will receive compensation for those hours the employee is normally scheduled to work.

The employee shall collect any usual and customary fee paid by the court because of serving during the jury selection process or as a selected juror, or as a witness. The employee shall forward any the-fees received to the Financial Services Department to be applied as an offset against the amount the employee is paid by the Employer. Any meal expense or mileage allowance paid to the employee shall be retained by the employee.

If an employee elects to charge juror or witness time off against paid leave or compensatory time, the employee shall not be required to remit to the county any fees paid by the court. Employees serving on jury duty on a normal day off will not receive additional compensation for those hours.

411.00 MILITARY LEAVE

It is the policy of Missoula County to comply with state law and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides job protection and rights of reinstatement to employees who is a member of the organized militia of Montana, (National Guard) or who is a member of the organized or unorganized reserve corps or military services of the United States.

Eligible employees who have worked for at least six months shall accrue paid military leave at the rate of 120 hours in a calendar year for performing military service. Unused military leave must be carried over to the next calendar year but may not exceed a total of 240 hours in any calendar year. This leave will not be charged against the employee's annual leave. Upon request employees shall be granted an unpaid leave of absence to participate in uniformed military training and service.

Employees in active duty status may request to use any accrued paid leave including vacation, compensatory time, personal leave or accrued holiday leave. Employees who become ill while using paid leave may request to use sick leave.

If military leave is requested for an absence of more than 30 days, the employee will be required to provide documentation of valid military orders. Cumulative leave under these provisions will not exceed five years for an employee not including exclusions identified in USERRA.

Employees are requested to provide 30 days' notice of the need for military leave, unless precluded by military necessity, or as much advanced notice as possible.

Reinstatement privileges of an employee who has been inducted into military service will be in accordance with state and federal law.

412.00 FUNERAL LEAVE: MISSOULA COUNTY EMPLOYEE

Employees who receive supervisory approval to attend local funeral services for a Missoula County employee shall be allowed a reasonable period to attend such services without loss of pay and without being required to use paid leave.

413.00 EDUCATION/TRAINING

Missoula County supports and encourages training and education for employees in areas related to job duties, professional development, safety, personal growth and educational advancement.

The county shall provide training and education opportunities to benefit employees and the county while maintaining county services at a maximum level and while ensuring the maximum benefit is derived from education and training dollars. Supervisors are encouraged to explore, participate in and extend county training and educational opportunities to all regular employees. Employees may request training and with the supervisor's consent shall be permitted to participate in the county's training and educational opportunities during the workday.

Reimbursement will be in accordance with IRS requirements and may be subject to tax.

Nothing in this policy restricts a department head from paying or reimbursing an employee's educational expenses using that department's budgetary resources. Such payment is at the department head's discretion and is not subject to the annual maximum amount indicated in this policy.

413.10 EDUCATION LEAVE/TUITION REIMBURSEMENT

Regular, non-probationary full time or part time employees who regularly work at least 20 hours per week are eligible for benefits under this section. Upon receiving evidence of satisfactory completion of courses previously approved as outlined in this policy, along with original receipts, the eligible employee shall be reimbursed for the cost of books and tuition up to a maximum of \$600.00 per fiscal year.

Requests for education leave and tuition reimbursement must be pre-approved by the supervisor and the Department of Human Resources prior to enrollment to qualify for this benefit. The number of eligible employees who may be approved to use this benefit during any fiscal year will be limited by the amount available in the budget approved by the Board of County Commissioners for that fiscal year.

Eligible employees may be granted time off with pay to attend job-related courses at an accredited post-secondary education institution, including approved vocational education centers. Part-time employees will receive benefits provided by this policy on a pro-rated basis. Time off with pay shall not exceed nine quarter credit hours or six semester credit hours per fiscal year.

Employees who enroll in classes for professional development, personal growth or educational advancement that are not directly job related and that meet at times other than during the

employee's regularly scheduled working hours may not claim such hours as compensable. Employees attending courses on their own time shall not be permitted work time off as a method of compensation. All outside class work must be accomplished on the employee's own time.

413.20 TRAINING LEAVE

Regular, non-probationary employees may attend training seminars, workshops, or conferences related to professional development, safety, personal growth and educational advancement without charging related time off against annual leave and without losing any part of their salary for attendance within regularly scheduled working hours. Attendance must be approved in advance by the supervisor or department head.

The department may provide reimbursement for reasonable registration fees and other related expenses such as lodging, per diem, and travel in accordance with the Missoula County travel policy. Payment must be approved by the supervisor or department head in advance of the employee attending the training event.

Compensation for time spent in travel status for training will be in accordance with state and federal wage and hour law. If compensable, work time for air travel will commence no earlier than one hour prior to scheduled departure.

414.00 INSURANCE BENEFITS

The county shall make group insurance benefits available to full-time employees and part-time employees scheduled to work at least 20 hours per week on a regular basis. Short-term and temporary employees, including interns, working for a period of less than 12 months are not eligible for group insurance benefits except as required by the Affordable Care Act.

Insurance premiums for employees will be based on regular hours worked:

- full-time rates are offered to employees scheduled to work at least 26 hours per week on a continuous basis;
- part-time rates are offered to employees scheduled to work at least 20 hours but less than 26 hours per week on a continuous basis.

Employees who currently work at least twenty hours or more per week on a regular basis, and who have ten or more years of uninterrupted service with Missoula County working at least twenty hours or more per week, shall receive the employer insurance contributions for health and dental insurance at the full-time employee rate.

Employees who are regularly enrolled and receiving insurance benefits and who subsequently have a temporary status change for at least 90 days will be given the corresponding benefit rate for the duration of the temporary assignment.

415.00 WORKERS' COMPENSATION

Missoula County provides eligible employees insurance coverage for benefits in accordance with Montana's Workers Compensation Act.

Employees shall provide notice to their supervisor or department head of every work-related accident, injury or occupational disease. Any actual knowledge of the injury or accident by the supervisor or department head is the equivalent of receiving notice. As soon as possible upon receipt of notice, but no later than 30 days after the occurrence of the accident or injury, the

supervisor or department head shall submit a "Supervisors Notice of Injury/Exposure" form to the Department of Human Resources.

Benefits for compensable injuries may include: wages; medical, hospital, and related services; and other compensation. In accordance with state law, eligibility for wage loss benefits begins after a qualifying period in accordance with state law. Employees may use accrued leave, including annual or sick leave benefits, to cover wage loss during the waiting period.

During an absence due to a work-related injury:

- annual leave may be used in accordance with state law;
- family and medical leave (FMLA) may be used in accordance with federal law and these policies; and
- leave without pay (LWOP) may be used in accordance with these policies.
- Absent such provision in a collective bargaining agreement, employees may not use paid sick leave benefits while receiving workers compensation benefits.

Employees may retain county insurance coverage during approved LWOP or FMLA in accordance with the provisions of those policies.

Medical certification reflecting fitness for duty will be required when an employee returns to work from a work-related illness or injury, or when an illness or injury prohibits the employee from performing all the essential functions of their position as listed on the job description. When an employee is not able to return to the duties they were performing at the time of their injury, but are anticipated to make a full recovery, a transitional work assignment may be considered. The Department of Human Resources will coordinate transitional work assignments with the department head or supervisor of the position to which the employee will be returned.

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

416.00 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Missoula County Employee Assistance Program (EAP) has been implemented to retain valued employees, to increase effectiveness on the job and to encourage a positive work environment by assisting employees in coping effectively with personal or job-related problems.

The purpose of the EAP is to provide this assistance through special arrangements with outside, professional counseling resources. The program is designed to deal with a broad range of issues such as emotional, behavioral, family, marital, chemical dependency, financial, legal, and other personal problems.

416.10 ELIGIBILITY

This benefit is available to all regular full-time and part-time employees working at least 1040 hours per fiscal year and their household members. EAP provides problem assessment, consultation, short-term counseling and referral. Cost for this service is covered by Missoula County. The employee or family member shall be responsible for the costs of services provided upon referral to other resources. Some of these expenses may be eligible for payment by the employee's health insurance.

416.20 REFERRAL

Participation in the EAP is voluntary and will not jeopardize an employee's job security or promotional opportunities.

- Self-referral to the EAP is encouraged.
- It is the responsibility of all levels of management to refer employees to the EAP when appropriate to assist in resolving employee job performance problems. Supervisors and managers will base referrals to the EAP strictly on job performance and work behavior in accordance with county policy and procedures.
- If an employee initiates discussion of a personal problem with a supervisor, the supervisor may recommend that the employee use the EAP.

416.30 CONFIDENTIALITY

Employee referral to and participation in the EAP, as well as all records and discussions of personal issues, will be handled in accordance with strict confidentiality regulations. Records will be kept by the designated counseling resource and will not become part of an employee file.

EAP confidentiality allows information to be released only:

- with written and informed consent of the client;
- when the EAP staff determines that there is a clear and imminent risk to the client or to the community; or
- when required by a court order.

Child abuse must be reported in accordance with state law.

When an employee is referred to the EAP in lieu of discipline or discharge, the Department of Human Resources may require that the employee authorize verification of attendance at EAP sessions.

417.00 PUBLIC EMPLOYEES RETIREMENT SYSTEM

County employees shall participate in the Public Employees Retirement System (PERS) in accordance with state law and regulations. The PERS is administered by the Public Employees' Retirement Board.

County employees may elect to make contributions to an individual retirement account under the county's deferred compensation plan. Terms and conditions of participation in the public employees deferred compensation program are set out in the Missoula County Deferred Compensation Plan Document.

418.00 VEBA HRA Accounts

Missoula County employees may elect to form a Voluntary Employees Beneficiary Association group, VEBA, to establish a tax-exempt Health Reimbursement Account (HRA) in accordance with the administrative rules of the state of Montana. An established group shall be allowed to elect payments of accrued sick leave (25%), accrued annual leave (100%) or both for their group that will be made to the VEBA account in lieu of cash payment to the employee.

Employees who are members of a VEBA group may not request a cash payment in lieu of payment to their VEBA account.

500.00 WORK RULES

The following work rules apply to all county employees. Substantiated violations of this policy may result in disciplinary action, including termination, criminal prosecution or both. Department

heads and supervisors are jointly responsible for administering and enforcing the work rules listed in this policy.

501.00 WORK RULES

The following rules are not intended to be all inclusive.

- A. Employees shall always be honest and trustworthy in dealing with their employer and in carrying out their work duties and responsibilities.
- B. Employees are required to maintain the minimum qualifications for the position in which they are employed, (e.g. licensure, certification, etc.).
- C. Employees shall not disregard safety or security policies or behave in an unsafe manner.
- D. Employees shall not behave in a discourteous, disrespectful, disruptive, or otherwise inappropriate manner toward other employees or members of the public.
- E. Employees shall not be insubordinate by refusing to follow a direct order from a supervisor, related to legitimate business needs or by undermining the supervisor's authority.
- F. Employees shall not engage in unlawful activity while on the job.
- G. Employees shall not engage in partisan political activity while on the job in accordance with section 502 of these policies.
- H. Employees shall not engage in unapproved soliciting while on the job.
- I. Employees shall not use their position inappropriately to coerce others.
- J. Employees shall not possess unauthorized firearms or weapons on county premises, including parking areas provided by or controlled by the county.
- K. All Missoula County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances while at work or on county premises.
- L. Employees shall not possess, use or be under the influence of alcohol or intoxicating beverages while at work or on county premises.
- M. Employees shall not falsify records, reports, or claims of any kind.
- N. Employees shall not, directly or indirectly, maintain employment which conflicts with the interest of the county or which interferes with the employee's ability to discharge county duties in full. Outside employment may be determined to be a conflict of interest if:
 - a. it interferes with or affects the performance of normal duties with the county;
 - b. it is conducted or solicited on county time;

- c. any county-owned equipment or facilities are used to perform the outside interest; or
 - d. the nature of the duties with the county place the employee in a position to exercise influence that may enhance the outside interest.
- O. Employees shall not disclose or use confidential information acquired while performing official duties to further substantially the individual's personal economic interests.
 - P. Employees shall not use their position for personal gain; shall not have any financial interests in the profits of any contract, service, or other work performed by the county; and shall not personally profit directly or indirectly from any contract, purchase, sale, or service between the county and any person or company.
 - Q. Employees shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift. "Substantial value" is defined in Montana law (MCA 2-2-102(3), MCA).
 - R. No employee of Missoula County shall operate any motor vehicle belonging to Missoula County or any other motor vehicle within the scope of employment of Missoula County while the driver's license of the employee is canceled, suspended, or revoked.
 - S. Employees shall provide honest, accurate and complete responses to questions or requests for information that pertain to employer investigations or inquiries.
 - T. Employees shall not engage in any other behavior or conduct that is prohibited elsewhere in these policies or is careless, negligent or injurious to the county, county employees, or the general public.
 - U. Employees shall dress in a manner that is clean, professional, non-offensive and appropriate for their specific work environment. All employees must arrive at work "fit for duty". Employees are encouraged to consider their status as public service professionals, their work environment, their safety, and any necessary protective precautions when choosing working attire. Elected officials or department heads may issue written policies further defining dress code and fitness for duty standards for their individual departments.

502.00 POLITICAL ACTIVITY

It is the policy of Missoula County to inform employees of the provisions of the federal Hatch Act regarding permitted and prohibited political activity. The Hatch Act restricts the political activity of county employees employed in connection with programs financed in whole or in part by federal loans or grants. The provisions of this policy do not apply to county elected officials for whom elective office is their principal employment. The Director of Human Resources or designee shall serve as the Hatch Act Information Officer to inform county officials and employees of the provisions of the Hatch Act and to monitor compliance.

County officials and employees subject to the Hatch Act may:

- be a candidate for public office in a non-partisan election
- campaign for and hold elective office in political clubs and organizations
- actively campaign for candidates for public office in partisan and nonpartisan elections
- contribute money to political organizations or attend political fundraising functions

- participate in any activity not specifically prohibited by law or regulation

An election is partisan if any of the candidates in the election are running as a representative of a political party whose presidential candidate received votes in the preceding election at which Presidential electors were selected.

County officials and employees subject to the Hatch Act may not:

- be a candidate for public office in a partisan election
- use official authority or influence to interfere with or affect the results of an election or a nomination for office
- directly or indirectly coerce contributions from subordinates in support of a political party or candidate

503.00 VIOLENCE, BULLYING AND INTIMIDATION IN THE WORKPLACE

It is the policy of Missoula County to promote a safe environment for its employees, free from violence, threats of violence, bullying, intimidation, or other disruptive behavior. Missoula County will not tolerate any type of workplace-related incidents of violence (including sexual misconduct, domestic violence, and dating violence) involving an employee, volunteer, intern, consultant, or contractor.

The following behaviors, while not inclusive, are examples of conduct that Missoula County will not tolerate:

- causing physical injury to another person;
- making threatening statements, remarks, gestures, or expressions;
- engaging in aggressive or hostile behavior that communicates a direct or indirect threat of physical harm or creates a reasonable fear of injury to another person;
- possessing a weapon while at work;
- writing threatening notes, letters, or e-mail;
- making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature; and
- quid pro quo (Latin for “something for something”) sexual harassment. This occurs when employment, pay, benefits, title, position, or other opportunities for advancement or other favors are conditioned on the submission to unwelcome sexual advances. Quid pro quo incidents involve an employee in a higher position who harasses an employee in a lower position.

Individuals who commit such acts may be removed from the workplace and may be subject to disciplinary action (including termination), criminal prosecution, or both.

Employees who observe or experience violence, bullying or intimidation in the workplace shall immediately report it to a supervisor or department head. Supervisors or department heads who receive such reports should contact the Department of Human Resources regarding investigating the reports and initiating appropriate corrective action. Threats or assaults that require immediate attention should be reported to 9-1-1.

504.00 WORKPLACE DISCRIMINATION AND HARASSMENT

504.10 POLICY

The Montana Human Rights Act, Title VII of the federal Civil Rights Act of 1964 and other local, state, and federal laws prohibit illegal discrimination and harassment in employment. Missoula County is committed to providing a work environment where all people are treated with respect and dignity, and will protect the rights of employees to work in an environment free of all forms of discrimination based on: race, color, national origin, gender, sexual orientation, gender identity or expression, religion, creed, age, marital status, political belief, physical or mental disability (including on the basis of pregnancy, childbirth or related medical condition), genetic conditions or predisposition to certain diseases. The provisions of this policy will apply in all county work places and at all employer sponsored activities.

It is the policy of Missoula County to:

- take all reasonable steps to provide a work environment free from illegal discrimination and harassment for county employees and for visitors to the county's workplaces;
- communicate the County's policy on discrimination and harassment and on reporting procedures to employees and supervisors;
- respond to complaints with a good faith investigation conducted in a timely manner and to resolve complaints promptly;
- prohibit retaliation against any employee reporting alleged harassment or discrimination or who has served as a witness or participated in an investigation of such a complaint.

Employees may file a complaint of discrimination or harassment through the Missoula County Department of Human Resources or by contacting the Montana Human Rights Bureau of the Department of Labor in Helena Montana.

504.20 REPORTING RESPONSIBILITIES

Employees have a responsibility to:

- Make it known to the harasser, or report to the supervisor that the behavior in question is unwelcome, offensive, or inappropriate and request that the action stop immediately;
- Report incidents as soon as possible after the alleged harassment occurs to the supervisor, department head, county EEO Officer, or the Department of Human Resources;
- Keep written record of the dates and facts of any incidents of harassment and the names of any witnesses.

Supervisors have a responsibility to:

- Maintain awareness of activities and incidents in the workplace and express strong disapproval of any type of harassment;
- Inform employees of their right to a work environment free from discrimination and harassment;
- Provide training for employees regarding both the prevention and reporting of discrimination and harassment;
- Make it clear that employees who engage in illegal harassment and discrimination will be subject to discipline and that employees who make complaints or participate in investigations of discrimination and harassment will be protected from retaliation;

- Contact the Human Resources Department to conduct a good faith investigation and to take appropriate corrective action if illegal discrimination or harassment occurs.
- Recognize that employees who are victims of violence may experience temporary difficulty fulfilling job responsibilities. Supervisor may, upon request of the employee, refer the employee to Human Resources to discuss accommodations pursuant to 504.30 WORKPLACE SUPPORTS FOR VICTIMS OF VIOLENCE, and potential referrals to support from advocacy agencies.

504.30 WORKPLACE SUPPORT FOR VICTIMS OF VIOLENCE

Missoula County recognizes that victims of domestic violence, sexual assault, stalking, and dating violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure their health, safety, or welfare, or that of their child. Missoula County will not deny an employee requested time off who has allowable forms of leave set forth in policies 400.00 to 410.00 (EMPLOYEE LEAVE AND BENEFITS) for the sole reason that the basis for leave is related to domestic violence, dating violence, sexual assault, and/or stalking.

Missoula County will not deny a reasonable accommodation request for the sole purpose that the underlying disability is related to domestic violence, dating violence, sexual assault, and/or stalking.

An employee who requests leave under this policy will have their confidentiality maintained by Missoula County to the best of its abilities and to the extent allowed by law.

505.00 DRUG-FREE WORKPLACE

Missoula County employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

Violations of this policy will result in disciplinary action up to and including termination. Missoula County may require employees who violate this policy to participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

To assist employees in overcoming drug-abuse problems the county provides an employee assistance program (EAP) and medical benefits for substance-abuse treatment.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official, county business must inform his immediate supervisor of such conviction within five days. That supervisor must inform the Department of Human Resources of any such communication immediately.

506.00 DRUG AND ALCOHOL TESTING

Missoula County will engage in drug and alcohol testing of employees, including random and pre-employment testing, in accordance with state and federal law. An employee may be asked to voluntarily submit to drug or alcohol testing at the request of a supervisor and with approval of the Human Resources Department, if the supervisor observes and documents employee behavior that creates a reasonable suspicion that the employee is under the influence of alcohol.

or drugs. Missoula County is dedicated to assuring fair and equitable application of all drug and alcohol testing.

The purpose of this policy is to assure worker fitness for duty and to protect county employees and the public from the risks associated with the use of alcohol and controlled substances by employees. This policy is in addition to the drug-free workplace policy. The entire text of the policy and procedural guide for drug and alcohol testing employees subject to federal CDL (Commercial Driver's License) requirements is available at the Department of Human Resources.

507.00 ACCEPTABLE USE OF TECHNOLOGY

Employees who have access to and use county technology, ex: computer workstations, laptops, tablets, and smart phones, are subject to the County Acceptable Use of Technology policy as disseminated and administered by the Chief Technology Officer.

Employees should not expect a right to privacy for documents and communications created in the course and scope of their employment. Access to password protected messages without the consent of the sender or recipient may only be done with prior approval by the Director of Human Resources and the department head. Good judgment should be exercised when using county technology for personal purposes. Excessive use of these systems for personal matters, or inappropriate use of county technology resources may result in discipline or discharge.

600.00 EMPLOYEE SEPARATION

Employee separation means the removal of an employee from county employment for either voluntary or involuntary reasons. With approval from the department head, Human Resources Director, and Finance Director, an employee may use paid leave after their final scheduled day of work, provided the cost of such leave and related benefits can be covered by the department's current budgetary resources.

601.00 RESIGNATION

An employee may resign in good standing by submitting a written resignation to the supervisor stating the reasons and the effective date of resignation at least two weeks prior to the effective date, unless extenuating circumstances require a shorter period. Failure to comply with this requirement may be cause for denying future re-employment with the county.

602.00 LAYOFF OR PERMANENT REDUCTION IN HOURS

A layoff is the involuntary termination of an employee because of a lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive for budgetary reasons. A permanent reduction in hours occurs when either funding for a position is permanently reduced, but the position is not eliminated from the budget, or when there is insufficient work to fill the budgeted hours for the position.

602.10 LAYOFF PROCEDURE- PERMANENT REDUCTION IN HOURS

In selecting employees for layoff or permanent reduction in work hours, the employer will first determine which combination of positions will best enable a department to meet its objectives after a layoff or funding reduction. Should the employer determine that a specific position is to be reduced or eliminated the employer will provide the affected employee(s) with as much notice as is practicable.

If two or more employees occupy a specific job classification that is to be reduced as part of a layoff or budget reduction within a county department, the employer will carry out these reductions as follows.

Temporary, Short-Term and Probationary Employees

- The employer will lay off or reduce hours for temporary employees and short-term workers before laying off or reducing hours for probationary or regular employees.
- The employer will lay off or reduce hours for probationary employees before laying off or reducing hours for regular employees.

Regular Employees

If two or more regular (non-probationary) employees occupy positions in a specific job classification that is to be reduced or eliminated as part of a budget reduction within a county department, the employer will retain the employees who, at the employer's discretion, are most qualified and capable of performing the assigned work. If employees' qualifications and capabilities are substantially equal, the employer will retain employees based on their length of continuous service with Missoula County in that job classification.

602.20 LEAVE BENEFITS FOR LAID OFF EMPLOYEES

An employee who is laid off may defer cash payment for unused sick and vacation leave for up to one year from the effective date of the layoff. If the employee defers cash payment and is recalled into the same position or hired into another Missoula County position within the one-year period, the employee will have the leave balances available. The employee must decide whether to defer cash payment for accrued leave at the time of separation. If a laid off employee opts for cash payment, such payment shall be made in accordance with the applicable sick and vacation leave policies.

602.30 RECALL

Employees who are laid off under this section shall have their names placed on a recall list for a period of one year from the effective date of layoff. If the position from which an employee was laid off is reinstated, the employer will mail a recall notice to the employee at the employee's last known mailing address. The employee will have five working days to accept reinstatement to the employee's former position. If the employee declines reinstatement or fails to respond to the recall notice, the employee's name shall be removed from the recall list and the employee shall have no further reinstatement privileges. The employee is responsible for ensuring that an accurate and up-to-date mailing address is on file.

An employee who is recalled under this policy will be considered as continuously employed for purposes of calculating vacation leave, sick leave or any other benefits set forth in these policies that are based on length of continuous service with Missoula County. The employee will not accrue additional leave benefits for any time during which the employee was laid off prior to reinstatement. The salary for an employee who is recalled under this policy shall be established at the same relative percentage within the pay range for the employee's position as it was on the date of the layoff.

602.40 PREFERENCE FOR OTHER VACANT POSITIONS

A laid-off regular employee may apply for other vacant county positions. If a laid-off regular (non-probationary) employee is qualified and capable of performing the duties and responsibilities of another vacant county position, the employee shall have a preference for that position.

This preference is effective beginning on the date on which an employee is notified in writing of the employee's impending layoff and extends for a period of one year from the effective date of the employee's layoff. During this preference period, the employer will mail notices of all vacant county positions to laid-off employees at their last known mailing address. An employee who fails to provide an up-to-date mailing address waives any preference rights set forth in this policy.

The salary for an employee who is placed in another county position under this policy shall be established in accordance with applicable policy on compensation administration.

603.00 RETIREMENT

A qualified employee may elect to retire in accordance with applicable state law.

A retired employee may continue county health insurance coverage, provided that premium amounts are paid in accordance with policies established by the plan administrator.

604.00 INVOLUNTARY TERMINATION

Involuntary termination is covered in Section 313.50 of these policies.

605.00 SEPARATION PROCESS

It shall be the responsibility of the supervisor to notify the Department of Human Resources of employee separation as soon as possible for the separation process to be completed prior to the employee's last scheduled day of employment. Employees will be advised to contact the Human Resources Department prior to departure to complete all necessary documents, and to receive information on post employment insurance and other issues.

606.00 REFERENCES ON FORMER EMPLOYEES

After an employee is separated from the County, departments will refer any requests for employment information and reference checks on that prior employee to the Human Resources Department. A signed waiver and release will be required to provide information beyond that which may be accessed by the public. Supervisors may provide personal references for prior employees provided they are identified as such.

700.00 JOB DESCRIPTIONS & JOB CLASSIFICATIONS

The Human Resources Department shall administer the development of job descriptions and position classifications where applicable for all County positions.

Responsibilities shall include but are not limited to developing, reviewing, and revising job descriptions, determining job titles, conducting position classifications to assign pay ranges, and approving and conducting classification reviews proposed by department heads.

701.00 JOB DESCRIPTIONS

The Human Resources Department shall establish and maintain written job descriptions for all County positions. Supervisors and the Human Resources Department will work together to ensure the accuracy of job descriptions.

702.00 POSITION CLASSIFICATIONS

The Human Resources Department shall determine the pay classification for all County positions using a formal position classification system. The classification system does not apply to elected officials or other county positions for which pay levels are established by state law or

positions covered by individual employment agreements. Position classifications for bargaining unit positions are subject to applicable contract language.

703.00 DEFINITIONS

A “position” is designated by the budgeted hours (FTE or “full-time equivalent”) that is approved in the annual budget process or through a budget amendment request. A position is identified by a job title and a job description.

A “job description” is the written summary of duties and responsibilities assigned to a position. Job descriptions generally include:

- the job title,
- a summary of essential job duties,
- a description of the supervision received and exercised,
- the typical working relationships with others,
- the physical and environmental demands of the job,
- required knowledge, skills, and abilities to perform the job, and
- minimum qualifications needed to be hired into the job.

“Position classification” refers to the formal method by which each position is assigned a job title, job description, and a pay range.

“Reclassification” refers to any change in the assignment of a position to a new job description or change in assignment of any job description to a new pay range resulting from classification and/or market review.

704.00 CLASSIFICATION REVIEW PROCESS AND TIMELINES

Supervisors are responsible to ensure employees assigned work within their job description are performing the duties as described.

704.10 NEW JOB DEVELOPMENT AND REVIEW

Department heads will notify the Human Resources Department of their intent to create new positions. It is the department head’s responsibility to obtain approval from the Finance Department that an additional budgeted position is approved.

No new position will be filled before a job description is developed and classified by Human Resources. The department head or supervisor will notify the Human Resources Department of their need for a new job classification by completing a Job Classification Request Form. A new job description for a position vacancy will be given priority to complete in a timely manner by Human Resources.

704.20 JOB RECLASSIFICATION AND REVIEW

Supervisors are responsible to ensure employees are assigned work within the established job description, or to work with the department head to request a classification review to ensure the employee is being compensated in the appropriate pay range for work being performed. If a request for reclassification review is initiated by the employee, the department head must approve the request through the submission of a Job Classification Request Form to the Human Resources Department.

Reclassifications that result in pay increases must be accomplished within the department’s current budget. Retroactive pay will only be approved for no more than two

full pay periods prior to initiation of any pay changes and shall never extend to a prior fiscal year. Changes that require budget amendments or budget enhancements will require the approval of the department head, Chief Financial Officer, and Board of County Commissioners.

The majority of reclassification requests must follow the timelines as indicated below and should rarely require retroactive pay.

For an Effective Date of First Full Pay Period at Beginning of FISCAL YEAR

- a. Must submit Classification Request Form to Human Resources no later than the period of January 1st through March 31st.
- b. Reclassifications submitted in the above time span will be completed by May 31st to allow time for department heads to plan for their personnel costs in their budgets in the upcoming fiscal year.

For an Effective Date of First Full Pay Period at Beginning of CALENDAR YEAR

- a. Must submit Classification Request Form to Human Resources no later than the period of July 1st through September 30th.
- b. Reclassifications submitted in this time span will be completed by November 30th.

If a Classification Request Form is submitted to Human Resources in the period between October 1st through December 31st and results in a pay change, it would become effective the first full pay period of the beginning of the next calendar year.

If a Classification Request Form is submitted to Human Resources between April 1st and June 30th and results in a pay change, it would become effective the first full pay period of the beginning of the next fiscal year. Only two full pay periods of retroactive pay will be allowed in both situations described in this section.

704.30 WHEN CLASSIFICATIONS OR RECLASSIFICATIONS MAY BE EXPEDITED

There may be occasions when a classification or reclassification must be expedited because of one or more of the following reasons:

1. When a new job description for a vacant position is needed, or
2. when a position's job content is substantially changed, or
3. when a recruitment has failed more than two consecutive times. A failed recruitment is defined as not be able to attract any **qualified** applicants.

800.00 GRIEVANCE PROCEDURE

Temporary, short-term, and seasonal employees are eligible for only those rights and privileges expressly provided in these policies and shall not have access to the grievance procedure.

801.00 POLICY

A grievance shall be defined as any controversy involving the interpretation of these policies or an alleged violation of any provision of these policies.

It is the policy of Missoula County to treat all employees equitably and fairly in matters affecting their employment. The presentation of a grievance shall be considered the right of each employee without fear of reprisal. The following grievance procedure shall apply to all county employees covered by these policies.

Failure to file or advance the grievance according to the established procedures and times shall cause that party to waive the right to respond to that step. If the employee fails to respond, the grievance will be canceled. If management fails to respond, the employee may proceed to the next step of the procedure. Time limits or procedural steps may be waived upon mutual, written agreement by both the employee and the Human Resources Director.

If a supervisor or department head receives a grievance (formal or informal) from an employee, the supervisor or department head shall contact the Department of Human Resources to assist in handling the grievance and ensure compliance with these policies.

802.00 INFORMAL PROCEDURE

Within 10 working days of knowledge of the alleged violation, the employee shall talk to his supervisor about the complaint. The supervisor shall be given five working days to attempt to resolve the grievance. If the supervisor fails to respond within five working days, or if the supervisor's response does not resolve the grievance, the employee may submit the complaint to writing and begin the formal grievance procedure below.

803.00 FORMAL PROCEDURE

If a formal grievance is received, written responses at all levels of the grievance procedure will first be reviewed with the Human Resources Director.

STEP 1: DEPARTMENT HEAD

If the grievance is not resolved informally, the employee may submit the grievance, in writing, to the employee's department head within five working days of the informal response by the immediate supervisor or, if the immediate supervisor fails to respond, within 10 days of the date the employee discusses the grievance with the immediate supervisor. The grievance shall set forth, in as much detail as possible, the alleged violation that has given rise to the grievance, the circumstances surrounding the alleged violation and shall specifically address the type and scope of corrective action requested. The department head shall have 10 working days from receipt to respond to the grievance.

STEP 2: BOARD OF COUNTY COMMISSIONERS

If the department head's response does not resolve the grievance, the employee may appeal the department head's decision, in writing, to the Board of County Commissioners within five working days of completion of Step 1. The decision of the Board of County Commissioners shall be rendered within 30 calendar days of receipt and shall be final.

804.00 ALTERNATIVE DISPUTE RESOLUTION

Nothing in this policy precludes the employee and the employer from mutually agreeing to engage in alternative dispute resolution, including but not limited to mediation, fact-finding, or binding arbitration. Should the employee and the employer agree to engage in alternative dispute resolution, related costs shall be split equally between the parties.

900.00 CLOSING

These policies shall be controlling unless they conflict with negotiated collective bargaining agreements or specific state or federal law, which shall take precedence to the extent applicable.