EMPLOYMENT POLICIES

Definitions

The following employment definitions apply to this Handbook:

- ***Exempt employee*** is one not subject to the overtime pay provisions of the federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e., employees exempt from the overtime pay provisions of the FLSA in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act. (See FLSA website: http://www.dol.gov/compliance/laws/comp-flsa.htm)

- ***Full-time employee*** means one who normally works 40 hours a week.

- ***Immediate Family*** is spouse, parents, grandparents, siblings, children, grandchildren, household dependents and corresponding in-laws or other family members mutually agreed upon.

- ***Non-exempt employee*** means one who is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 as amended, and its regulations.

- ***Part-time employee*** means one who normally works less than 40 hours a week.

- ***Permanent employee*** means one who is assigned as permanent who has attained or is eligible to attain permanent status.

- ***Seasonal employee*** means a permanent employee designated by the County as seasonal who performs duties interrupted by the seasons and whom the County may recall without a loss of rights or benefits.

- ***Short-term employee*** is one hired by the County for an established hourly wage, who may not work for the County for more than 90 days in a continuous 12-month period, who is not eligible for permanent status, who the County cannot hire into another position without a competitive selection process, and who is not eligible to earn leave and holiday benefits.

- ***Temporary employee*** is one designated by the County as temporary for a definite period of time not to exceed 12 months, who performs temporary duties or permanent duties on a temporary basis, whose employment terminates at the end of the employment period, and who is ineligible to become a permanent employee without a competitive selection process.

- ***Volunteer employees*** are all EMS and Fire Fighters that are on call and receive payment when services are rendered.

Relevant Information: **Definitions at MCA 2-18-101**

Equal Employment Opportunity

The County is an equal employment opportunity employer (EEO). The County does not refuse employment or discriminate in compensation or the other terms, conditions, and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, political beliefs, genetic information, or veteran's status. The County does not tolerate discrimination or harassment because a person is married to or associates with any of these protected groups.

The County shall follow all federal and state laws and regulations prohibiting discrimination.

Relevant Information: Montana Human Rights Act, Title 49, MCA

Preventing Harassment and Discrimination

The County's policy is to provide employees with a work environment free of discrimination and harassment. Harassment of employees and any persons doing business with County government because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, or political beliefs is illegal and prohibited. The County also prohibits retaliation against any employee because he or she has made a report of alleged harassment or discrimination, or against any employee who has testified, assisted, or participated in any manner in an investigation of a report. Discrimination is a violation of civil rights law and is a prohibited practice subject to disciplinary and civil action.

A. Employee's Responsibilities

The County will not tolerate sexual harassment or discrimination of any kind. All employees are encouraged to immediately report any such misconduct or violation to their supervisors or the first level of management not involved in the harassment or discrimination the County Commission. Employees who are responsible for harassment or discrimination may be subject to disciplinary action, up to and including termination. Sexual harassment or other illegal discrimination can result in immediate termination if an investigation substantiates it. The severity and extent of the harassment will ultimately guide the decision on how discipline will be determined.

B. Management's Responsibilities

All supervisors and managers are responsible for following this policy. Members of management who witness discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to the County Commissioners. Management shall review any report or complaint of harassment or discrimination and take appropriate action.

C. What Constitutes Harassment

Sexual harassment may include a range of subtle or not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature when, for example:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws.

Other protected categories can also be harassed. The County strictly prohibits harassment on the basis of any other protected characteristic. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law or that of his or her relatives, friends, or associates, and which:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;

2. has the purpose or effect of unreasonably interfering with an individual's work performance; or

3. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and/or written or graphic material that denigrates or shows hostility or aversion toward an individual or group and which is placed on walls or elsewhere on the employer's premises or is circulated in the workplace.

D. Reporting Procedure

1. Employee's Responsibility

An employee who believes he/she has been the victim of harassment or discrimination should report the incident or action as soon as possible after the alleged incident occurs. Early reporting is important, because management's ability to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any of the following:

- the harasser, and the employee can request that the action stop immediately; and/or

- the immediate supervisor or the first level of management not involved.

The employee shall cooperate with the supervisor, manager, or other designated management representative in investigating and verifying the report.

2. Management's Responsibility

Any supervisor or manager who witnesses or receives a report of harassment or discrimination shall promptly inform the County Commission. Upon receipt of a complaint alleging harassment or discrimination, the department head or the Commission shall take steps to prevent the alleged conduct

from continuing, pending completion of an investigation.

The department head shall initiate an investigation or recommend another appropriate management representative to investigate the complaint. The County has the right to designate a representative of its choosing to perform any investigation. The factual report and final decision will remain confidential and be disseminated to only those persons having a need to know. The parties will be informed of the general results of the investigation. If the results establish that a policy violation occurred, appropriate action may be taken including, but not limited to, disciplinary measures, which may include termination.

E. Retaliation

Neither the County nor any employee shall retaliate against any employee for filing a complaint or for participating in any way in a complaint investigation procedure under this policy. Any employee who suspects he/she is being retaliated against because he/she made a complaint or participated in an investigation should immediately report the actions, following the guidelines above. The report shall be investigated and dealt with appropriately.

***Relevant Information*: Montana Human Rights Act, Title 49, MCA**

Compliance with the Federal Genetic Information Nondiscrimination Act of 2008 (GINA)

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

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

***Relevant Information:* The Genetic Information Nondiscrimination Act of 2008**

Disability Accommodation

The County is committed to complying fully with applicable federal and state disability laws, such as the Americans with Disabilities Act (ADA), and ensuring equal opportunity in employment for qualified persons with physical or mental disabilities. Reasonable accommodation is available to employees with disabilities to the extent required by law. An accommodation which creates an undue hardship on the County or which endangers health or safety is not a reasonable accommodation.

Any employee who believes he/she has a disability and needs an accommodation in order to interview or perform the essential functions of the job is encouraged to inform the department head, or the Commissioners of the need for accommodation.

Relevant Information: **Americans with Disabilities Act**

Nepotism

Nepotism is defined in state statute. In general, it prohibits the hiring and appointment of individuals within certain familial relationships. The County prohibits nepotism. If an employment situation relating to marital status poses a conflict with the nepotism policy, the involved employees must notify the County Commission so that reasonable steps can be instituted to ensure statutory compliance.

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

Relevant Information: **MCA 2-2-302 and 2-2-303**

Recruitment and Selection

The County provides a fair, consistent, and competitive hiring process based on each applicant's qualifications and competencies. County department heads may recruit applicants internally or externally in the recruitment and selection process. The County will use a selection process that is designed to select the best candidate based on merit and qualifications. All statutory preferences shall be provided as required by law.

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

A. Requests to fill all vacancies, whether through internal or external recruitment, shall be made to the County Commission as soon as the department head becomes aware of a vacancy. Upon receipt of notification and approval to fill the position, the selection process will begin. The selection process will be coordinated between the County Commission and the department head affected.

B. A job description should be reviewed or created that contain essential functions of positions for the Americans with Disabilities Act purposes.

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

D. A selection committee consisting of three members should be appointed. The selection committee, in cooperation with the County Commission and department head, will develop the selection strategy for application review, determination of testing methodology, administration of test and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, including questions, model answers, assignment of test weights, and total points and minimum passing scores.

E. Selection strategy may include one or more of the following devices.
   i. County applications / supplemental questionnaires.
   ii. Written, oral and/or performance tests.
   iii. Assessment centers, job simulation or job performance exercises.
   iv. Final interviews.
   v. Reference checks (it is suggested that only the top applicant should have his/her references checked. The reference check should be used to verify work history and academic records.)

Reasonable accommodations shall be made for disabled applicants to allow participation in the selection process.

The County may also recruit externally. Internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants. The county reserves the right to reject any and all applications for the position and re-advertise if there are not sufficient qualified applicants.

In all hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. In all external hiring, where a scored procedure is not used, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. (Section 38-29-102 MCA)

In all hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications.

Job offers shall be made in writing by the County Commission and appropriate department head with salary and leave information to be confirmed by the Clerk and Recorder. A job offer should specify whether the job is permanent, temporary, seasonal or a short-term position and whether the job is full or part time. The offer should also specify the position, title, salary, work location, starting date and hours of work, probationary period and salary increases.

Relevant Information: **MACo Recruitment and Selection Guidelines, MACo Personnel Services References, MCA 49-3-201**

Probationary Period

It is the policy of the County that new employees shall complete a probationary period. The purpose of a probationary period is to provide a trial period to assess employees' abilities to perform their job duties, to assess their conduct on the job, and to determine if they should be retained beyond the probationary period and attain permanent status. All new employees shall be given a six-month probationary period, except for Sheriff's Deputies which is one year. The County may choose to extend an employee's probationary period by three months. If the probationary period will be extended, the employee shall be notified of this in writing prior to the expiration of the initial probationary period. After probation has been satisfactorily completed, the employee is considered a permanent employee. This policy does not apply to temporary staff, short-term workers, or contractors, who cannot attain regular status.

The provisions of the **Employee Grievance** section of this Handbook do not apply to probationary employees.

Employee Discipline

County employees are subject to disciplinary action up to and including dismissal from employment. This may include informal and/or formal disciplinary actions, depending on the circumstances. This policy applies to employees who fail to perform job duties in a satisfactory manner, disrupt County operations or violate the County's procedures, policies, rules, or performance standards, or for any other legitimate business reasons. The following procedures shall apply:

A. Discipline shall be commensurate with the seriousness of the offense. For example, the County, at its discretion, may utilize corrective counseling or a verbal warning before more severe disciplinary action is taken. However, more significant disciplinary action, up to and including dismissal, can be taken for offenses without having prior verbal or written counseling, based on the severity of the offense. Before taking action, management shall investigate and examine each case individually, considering the impact of the offense, the extent of the damage or disruption caused, and the circumstances of the offense.

B. Each of the following disciplinary actions is independent of the others and does not necessarily follow in the order listed. Consequently, an employee may be suspended without having been given a warning, or may be dismissed without having been either given a warning or suspended.

1. **Corrective counseling** is an informal action that may be used at the option of management prior to or in addition to formal discipline to deal with performance deficiencies or misconduct. It is not part of formal discipline and is not grievable.

2. A **verbal warning** will entail fully explaining and discussing the nature of the problem with the employee.

3. The **written warning** should contain a description of the specific conduct for which the employee is being disciplined. Employees may provide a response to a written warning which will be attached to the warning and included with it in their file.

4. Department heads may place an employee on **administrative leave with pay** pending an investigation and consultation with the County Commission.

5. A **suspension without pay** is for a specific work period. An employee who is suspended is to leave work for the period specified. A disciplinary suspension must include a description of the specific conduct or reason for which the employee is being suspended, and should be documented by the supervisor. Employees may provide a response to a suspension which will be attached to the documentation and included with it in their personnel file.

6. The County retains the right to reassign (e.g., **demote or transfer**) an employee in conjunction with a corrective or disciplinary action (i.e., as an alternative to termination). A disciplinary demotion must include a description of the specific conduct or reasons for which the employee is being demoted or transferred, and should be documented by the supervisor. If appropriate, a disciplinary demotion or transfer may include a plan for improvement.

7. A **dismissal** may not take place until an investigation of the employee's action has been undertaken and substantiated by the department head and County Commission. The County Commission must approve dismissal of employees with more than five years employment with the County.

If a disciplinary decision is termination, the Clerk and Recorder shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures, and provide the discharged employee with a copy of the policy, as set forth below.

Employee Grievance

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. It is also the policy of the County to provide employees who have attained permanent status an opportunity to resolve certain complaints/problems in relation to their job without fear of reprisal. The purpose of this policy is to secure, at the lowest possible administrative level, equitable solutions to grievances that may arise.

Nothing contained herein should be construed as limiting the right of any employee to discuss any matter informally with an appropriate member of management. Every effort should be made to settle a grievance informally before a formal grievance is filed. For complaints alleging discrimination, employees should use the Reporting Procedure outlined in **Preventing Harassment and Discrimination** herein.

A. Acceptable Reasons for Filing Grievances

An employee may file a grievance based on the application or interpretation of laws, written rules, and personnel policies and procedures which adversely affects the employee, unless such action is specifically prohibited in policy.

B. Preparing and Pursuing Grievances During Working Hours

An employee may not use paid working time to prepare and/or pursue a grievance. A grievant may request to use personal leave or leave of absence without pay to prepare a grievance. A request for use of personal leave or leave of absence without pay must be consistent with the County's policy on leave requests. Time spent by the grievant attending a hearing or being interviewed by an investigative officer is considered paid working time, should take place during the grievant's regular work hours, and shall not exceed eight hours per day.

At the discretion of the County, an employee other than the grievant may be allowed to use work time to participate in an investigation or hearing. This time would be considered paid working time if the employee's participation is at the request of the County. Otherwise, an employee will need to request to use personal leave or leave of absence without pay to attend a hearing. All leave requests must be consistent with County policy regulating leave.

C. Grievance Filing Procedures

All departments, including those which do not have their own procedures or those governed by the grievance policy in a CBA, must provide at least the basic procedure outlined below. An employee must begin Step 1 of the procedure within ten working days of his/her knowledge of the situation.

Step 1. Informal Resolution. Employees should try to resolve their grievance informally whenever possible by discussing the situation and relevant information with their immediate supervisor. The immediate supervisor has one working day to give the employee a response.

Step 2. Submission of Formal Grievance to Supervisor. If the matter is not resolved under the informal process, he/she should file the Grievance Form with his/her supervisor within ten working days from the supervisor's response to the attempt at informal resolution. In the grievance, the grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The supervisor should respond in writing within ten working days after receiving the formal grievance. If the employee does not accept the supervisor's response or there is no response from the supervisor within the ten-day period, the employee may then, within five working days, advance the grievance to Step 3.

Step 3. Submission of Grievance to County Commission. An employee wishing to advance a grievance to this step must notify the County Commission within five working days of the department head's response. Then, within five working days of such notification, the employee must present to the Commission a written summary and the relevant evidence regarding the matter. The Commission, or its designated representative, shall review the matter and advise the employee in writing of its decision within 15 working days of receipt of the summary and evidence.

The County Commissioners may, at their discretion, designate a representative to perform their obligations under this policy.

At any step, the employee and the County can modify the time periods stated herein if done so by mutual agreement and placed in writing.

The County does not tolerate any form of retaliation against employees availing themselves of this policy and procedure. However, this policy does not prevent, limit, or delay the County from taking disciplinary action up to and including termination, when appropriate.

Time Sheets and Preparation of Payroll

The County payroll period begins on the 25th day of the month and continues thru the 24th day of the following month. Timecards must be completed and approved after the 24th for the Clerk & Recorders office to prepare for payday. The County payday is the last calendar day of the month. The County has progressed to a Daily Timecard software program for most departments. Employees with the software program will record time worked, leave and holiday times in the fields that apply.

Departments continuing with the paper time cards are few and will prepare and complete the time cards sheets according to established guidelines. The time cards will include:

- Employee name - printed
- Department
- Pay period
- Documented time worked
- Holiday time
- Sick leave
- Vacation
- Leave without pay or other designated leave (e.g., FMLA, etc.) to be documented in the "NOTES field
- Any additional information needed in the "NOTES" field to help clarify
- Employee signature
- Supervisor's signature

Employees are encouraged to take advantage of our payroll direct deposit into checking or savings accounts. Paystubs can be conveniently e-mailed to the address of choice. Paper Paychecks will be distributed to the employee's department head unless other arrangements have been preapproved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.
There will be NO pay advances under any circumstances. Payroll records shall be maintained by the County for a minimum of seven years.

Employee Personnel Records

The County limits access to employees' personnel records and medical information (physical or electronic) to protect private information. Individuals with authorized access to employee information are expected to preserve the confidentiality of this information.

A. Establishment of Procedures and Responsibilities for the Maintenance of Personnel Records

1. The Clerk and Recorder, is responsible for establishing and maintaining an official personnel file for each County employee.

2. All employee personnel records are confidential, and access is restricted.

3. Department heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.

4. Each employee is responsible for the verification of information contained in the personnel file. No materials in a personnel file may be removed from the personnel file.

5. Any employee wishing to review his/her personnel file may do so. The employee must request a review, and it shall be done at a mutually convenient time with the Clerk and present. The employee will not be permitted to remove any information from the file but can obtain copies of desired documents.

B. Identification of Information to be Included in the Employee's Personnel File

The following permanent documents are retained in the folder throughout the association of an employee with the County:

- Employee application and résumé
- Job description and specification information
- Job performance ratings and evaluations
- Education/training information
- Personnel data
- Personnel action forms
- Documentation of disciplinary action or warning of same
- Medical or other confidential personal information

C. Employee's Responsibility to Ensure that Files are Up to Date

To ensure that an employee's personnel or medical files are up to date, the employee must notify the Clerk and Recorder or designee of any changes in status including, but not limited to, number of dependents, beneficiary designations, scholastic achievements, and the individuals to notify in case of an emergency.

***Relevant Information*: U. S. Dept. of Health & Human Services, Health Insurance Portability and Privacy Act Information**

Hours of Work, Meal Breaks, and Rest Breaks

A. Hours of Work and Meal Breaks

County positions are vital to effectively managing County business during operating hours and, therefore, County employees shall follow established work schedules, receive prior approval from their supervisor

to deviate from normal schedules, and use proper procedures for notification of daily work hours in accordance with this policy and the policy set forth in **Timesheets and Preparation of Payroll** herein.

Except as otherwise provided by labor agreement, the normal working hours for administrative or office-based County employees are from 8:00 a.m. to 5:00 p.m., with a one-hour unpaid lunch period. This does not include personnel engaged in shift work. If a position is part of a collective bargaining unit (i.e., a union), the employee should refer to that agreement for information about hours of work, meal periods, and rest breaks. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Supervisors set individual work schedules depending on the work unit's needs.

Due to the nature of the work, hours for employees may vary from the normal office hours established above. Variances must be approved by the appropriate department head. Nothing in this policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

Daily attendance records shall be maintained by each department; including date and time absent and reason for absence. Tardiness or other attendance irregularities shall be cause for disciplinary action.

B. Rest Breaks

Employees shall have a rest period of 15 minutes, on the County's time, for each four-hour work period. Rest periods shall be scheduled per the supervisor's discretion. Rosebud County offers rest breaks but they are not required by law.

Driver's License Requirement

In order to use a County vehicle, County employees must have an acceptable driving record, a valid Montana driver's license (appropriate for the type of vehicle to be used), and an acceptable use. Acceptable uses include conducting business on behalf of the County, getting food and lodging when in a travel status, and certain other approved activities.

All new employees hired for work that entails the operation of a County vehicle will, as a condition of employment, be required to submit to a Montana State Division of Motor Vehicles driving record check. Department heads may conduct periodic checks of employees' driver's licenses through visual and formal Division of Motor Vehicles reviews. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

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

Drug and Alcohol Testing

To ensure a worker's fitness for duty and to maintain a safe working atmosphere, the County may adopt a program for testing for controlled substances and alcohol. The following statement of policy and procedure

is intended to inform all covered employees of their rights and obligations under the County's program, as well as to alert them to the possible consequences of violating these policies. Covered employees in safety-sensitive positions must sign the **Drug Testing Acknowledgement Form** (Appendix E herein).

This program may apply to individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. All employees needing a Commercial Driver's License (CDL) to perform the essential functions of their position will be subject to testing pursuant to federal law.

On-Call Duty

The County recognizes that it may be necessary for various departments to require employees to be available on an on-call basis. It is the County's general policy that on-call assignments should be kept to a minimum. The following procedures and guidelines shall apply:

A. Some employees shall be required by their supervisor to carry a pager, cell phone, or be able to be reached immediately while not at work, in the event it is necessary for them to respond or report to work within a specified period of time. Such on-call duty is necessary to deal with after-hours situations, emergencies, or as the workload of the department requires.

B. Compensation information for employees required to perform on-call duty shall be available from the Clerk and Recorder.

Reduction in Workforce

If a reduction in the County workforce (layoff) becomes necessary, consideration will be given to the programs to be carried out by the County. Employees should be provided with notice of the reduction in force as much in advance of the reduction as is possible. A reduction in workforce requires department heads to continue meeting program services and objectives with fewer employees. The County will consider their program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors to decide the best way to conduct a reduction in workforce.

If a position is part of a collective bargaining unit (i.e., a union), the provisions of the agreement regarding reduction in force take precedence over this policy.

A. Temporary, Seasonal, and Short-Term Workers

Temporary, seasonal, and short-term workers within the classification and department affected by the reduction in force shall be terminated before any permanent employees will be laid off.

B. Deciding Factors for Permanent Employees

Permanent employees within the same classification, department, and geographical area affected by the reduction in force will be evaluated for layoff based on program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors (e.g., other alternatives such as reduced work hours, furloughs, or employee seniority). Employee skills and qualifications may include

education, experience, certification, and capabilities in relation to the continuing needs of the department or program; and employment history may include previous performance and disciplinary actions. If there is no documentable difference in employment history factors, an employee's length of continuous employment with the County shall be used as the criterion for retention, with the most senior employee being retained. "Continuous employment' means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days.

C. Veterans' Preferences

If a performance appraisal system is being used, a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications, and length of service. (MCA 39-29-111). The preference in retention does not apply to a position covered by a Collective Bargaining Agreement.

D. Re-Staffing Preferences

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

Relevant Information: **MCA 39-29-111**

Voluntary Termination, Resignation, or Retirement

A. Voluntary Termination or Resignation

Employees desiring to voluntarily terminate their employment relationship with the County in good standing should notify the County in writing at least two weeks in advance of their intended termination. The written resignation notice should preferably be given to the supervisor Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

B. Retirement

A qualified employee may retire in accordance with applicable state law. Employees who plan to retire are urged to provide the County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance

coverage if the employee meets the criteria established in MCA 2-18-704, and the premium amounts are paid in accordance with policies established by the Plan Administrator.

***Relevant Information*: MCA 2-18-704**

Worksite Breastfeeding

The County shall provide nursing mothers with suitable space, privacy, and time to breastfeed or express milk for at least one year after the nursing child's birth.

A. General Provisions and Management Responsibilities

Counties shall provide nursing mothers with a suitable space, other than a bathroom, that is clean, private, and reasonably close to the work area. The space will include lighting, seating, and electrical outlets for breast pumps. The County may also provide places to store breast milk as requested.

The department head or direct supervisor shall provide nursing mothers with time to breastfeed or express milk as needed, but nursing mothers should plan to use break time whenever possible. Department heads will set up a schedule that works best for everyone.

B. Pay Stipulations for Exempt and Non-Exempt Employees

If an employee is non-exempt from the FLSA, the County will not cover breastfeeding time that takes longer than the standard break period or number of breaks. Employees can use annual to cover extra time or breaks, or the time will be unpaid. The County shall not reduce the wages of exempt employees for the time it takes to breastfeed or express milk. However, the employee may be required to use accrued leave time in certain cases.

***Relevant Information*: MCA 39-2-215 through 39-2-217**

Credit Cards and Travel Expenses

Elected County Commissioners are subject to the meals, lodging, and traveling expense stipulations in MCA 2-18-501. The following guidelines regarding credit cards and County reimbursement procedures shall apply to all other County employees.

A. Credit Cards

Only authorized persons may purchase supplies or cover travel and meal expenses in the name of the County. If employees are using County-issued credit cards, they must go through the commissioner's office. Employees using personal credit cards for purchasing items for the county may be reimbursed upon submission of a claim with the receipt attached. Abuses will be addressed on a case-by-case basis. Receipts are required for any kind of reimbursement

B. Travel Expenses

Traveling is a necessary operation of County government and may be a requirement of the job. Travel expenses are a major budget consideration, so employees must be conscientious, efficient, and economical with travel plans and activities.
When employees travel on official County business in connection with the job, the County will pay or reimburse employees for certain travel expenses if they properly complete and submit, in a timely manner, their travel expenses via the Travel Reimbursement Form. Employees are encouraged to file for reimbursement as soon as possible after travel is completed but must file for reimbursement within three months after incurring the expenses or the County cannot reimburse them

When traveling, employees should keep to the county Per Diem policy their lodging expenses as low as possible by requesting a government rate and providing their County identification card as proof of County employment. Employees should also keep transportation costs as low as possible by using the most cost-effective means of travel, minimizing time away from the office, and minimizing time in a paid travel status. Employees may claim travel time and expenses for the actual business activities that require travel.

Employees should make travel arrangements as far in advance as possible to get the best rates, available accommodations, and to reduce travel costs.

***Relevant Information*: MCA 2-18-501**

Return of County Equipment

Employees are responsible for all County property, materials, equipment, and written/digital information issued to them or in their possession or control. County employees must sign the **Equipment Form** (Appendix A herein) before they are issued any County property. Any County equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit cards, digital files, or physical files must be returned to the County upon request or at the time of termination. Where permitted by applicable laws, the County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The County may also take all action deemed appropriate to recover or protect its property.

Employees are also accountable for equipment located in their work area. Employees should report any missing equipment immediately to their supervisor or department head. Whenever equipment is moved from one location to another or when new equipment is acquired, follow the appropriate documentation procedures.

Relevant Information: **Equipment Form (Appendix A)**; MCA 39-2-102