

*Dawson
County
Employee
Handbook*

ADOPTED BY THE
COMMISSIONERS OF
DAWSON COUNTY, MONTANA

**VERIFICATION OF RECEIPT
AND ACKNOWLEDGMENT OF RESPONSIBILITIES**

By my signature below, I verify that I have received the Dawson County Policy Manual, that I understand my responsibility to read the contents and to seek clarification from my supervisor if I have any questions.

This manual is issued to better inform employees of certain County policies. The County reserves all rights to manage its affairs, except as the provisions contained in this manual may specifically provide restrictions.

I understand that from time to time the County may issue additional policies or updates, and that it is my responsibility to read them, to seek clarification from my supervisor if I have any questions, and to maintain them in the Policy and Procedure Manual I have been issued.

After you have signed and dated this form, please present it to your supervisor. It will be kept in your personnel file.

_____ Date: _____
Employee's Signature

DAWSON COUNTY MISSION STATEMENT

DAWSON COUNTY EXISTS TO:

1. Serve the citizens of Dawson County.
2. Assist the citizens of Dawson County to receive an excellent quality of life from County government, consistent with our resources and their willingness to provide those resources.
3. Ensure that the citizens of Dawson County are free to act and live their own lives, consistent with the laws of the United States and the great State of Montana.
4. Provide leadership, communication and delivery of cost effective services, which are responsive to the people's needs and geared to the future of Dawson County.
5. Provide a climate that will foster economic growth, recognizing that people are the key to our success.
6. Cooperate with other government entities to serve and protect the rights of our citizens.

Adopted: 6-21-1999

Revised:

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF DAWSON COUNTY, MONTANA,
ADOPTING A POLICY AND PROCEDURE MANUAL FOR DAWSON COUNTY**

WHEREAS the Board of Commissioners of Dawson County, Montana believe it to be in the best interest of the County to adopt a new Policy and Procedure Manual for Dawson County; and

WHEREAS the said Board of County Commissioners believes that such Policy and Procedure Manual may accomplish the following purposes:

1. Inform Employees as to their rights, duties, and obligations in relation to each other and their employer.
2. Inform Department Heads and other Supervisors of their obligations toward the employees and their right to the respect, loyalty, and obedience from the employees.
3. Encourage County Employees and Officials to serve in a courteous, efficient, and professional manner.
4. Encourage public service as a career.

NOW THEREFORE, be it resolved by the Board of the County Commissioners of Dawson County, Montana, that the attached Policy and Procedure Manual is hereby adopted as the Official Policy and Procedure Manual for Dawson County, Montana.

That any policies, procedures, rules or resolutions that are contrary to the attached Manual are superseded by the current Manual.

That if there is a conflict between the terms of this manual and State or Federal Laws or Regulations, the Laws and Regulations shall be followed.

If any provision of the manual or this application of the provisions is deemed invalid or void, the remainder of the policies and procedures shall remain in force to the extent they are not invalid and void.

Notwithstanding the adoption of the Policy and Procedure Manual, all County-Elected Officials and Department Heads may, with the concurrence of the Commission, adopt other policies, rules and regulations for the operation of their specific Department, the rules, regulations and policies must be specifically designed for their Department, and be at least as restrictive as those in the Policy and Procedure Manual. The rules may not conflict with State or Federal Laws or Regulations.

This Resolution shall become effective thirty days from its adoption.

DATED this ____ Day of _____, 2003.

DAWSON COUNTY COMMISSIONERS

JAMES DECKERT, Chairman

WILLIAM LABREE, Member

JAMES SKILLESTAD, Member

ATTEST:

MAURINE LENHARDT, Clerk & Recorder

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All forms are available from the Clerk & Recorder's Office.

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POLICY 1.00 - ADOPTION AND PURPOSE

- 1.01 Purpose: These personnel rules are intended to serve the following purpose:
- A. To inform employees as to their rights, duties and obligations in relation to their employer, and each other.
 - B. To inform department heads as to their obligations toward the employees under their direction and their right to assign and instruct those employees.
 - C. To attempt compliance with all Federal, State and Local Laws in relation to employment and working conditions.
 - D. To present Dawson County as a good place to work.
 - E. To make employment in the service of this County appealing as a career.
 - F. To ensure that all appointments and promotions to positions in the County service shall be on the basis of qualifications.
 - G. To encourage each employee to render his/her best service to the County.

Adopted: 6-21-1999
Revised:

ADOPTION AND PURPOSE - Continued

- 1.02 Application: These rules relate only to matters of personnel management and do not cover any departmental procedures, standard practices, standing orders or other technical matters. Department Heads have full authority to make departmental rules. The rules may not conflict with these policies. Department Heads direct the conduct of the work performed by their employees in each respective department. These rules shall apply to all County employees to the extent that any applicable law, court decision, or provision of a collective bargaining agreement is not specifically contrary.

Adopted: 6-21-1999
Revised: 3-27-2003

ADOPTION AND PURPOSE - Continued

- 1.03 Proposed Change: These rules are issued by authority of the County Commissioners after being presented to and discussed with Department Heads. These rules may be amended from time to time at the discretion of the County Commissioners. Suggestions for amendments in the rules are welcome. Proposed amendments should be submitted in writing to the Board of County Commissioners. Copies of these rules shall be issued to all employees. Holders of copies of the rules shall be responsible for inserting changes as they are issued and for keeping their respective copies of the policies current.

Adopted: 6-21-1999
Revised:

POLICY 2.00 - EMPLOYMENT PRACTICES

- 2.01 Recruitment: In the process of filling a vacant or new position, the County shall endeavor to provide the broadest possible notice of job availability and seek the best possible candidates. Present county employees shall have the first opportunity to apply for vacant and new positions. Preference shall be granted to the disabled pursuant to 39-30-201 MCA. Point preference shall be granted to veterans pursuant to 39-29-102 MCA.
- A. Notice of Vacancy: At such time as a position vacancy occurs, or a new position is created in any department of county government, the Board of County Commissioners shall be notified of such vacancy. The departmental notice shall include a description of the requirements for the position. Following receipt of such notice, the Department Head shall prepare a notification of job vacancy, which shall be distributed to all Department Heads within the County and shall also be posted on the County Bulletin Board in order to provide accessibility to all employees. The notice of vacancy shall be listed with the State Employment Service and/or the media.
- B. Policy on "In-House" Job Applicant:
1. A current employee of Dawson County receiving a monthly Dawson County payroll warrant, on a regular basis, and maintaining a work schedule with an average of twenty hours or more per week will be eligible to apply for any "In-House" position after he or she has successfully completed his or her probationary period.
 2. Any part-time employee, working less than twenty hours per week and receiving a monthly Dawson County payroll warrant, on a regular basis, will be eligible to apply as an "In-House" Applicant for a position of twenty hours or less after he or she has successfully completed his or her probationary period.

EMPLOYMENT PRACTICES - Continued

- C: Rejected Applications: All applicants for job openings shall be notified by mail of the results.

- D: Contracted Services Job Applicants: When a vacancy falls under contracted services, the County Commissioners may advertise in local newspapers, professional organizations or list with State Employment Service.

Adopted: 6-21-1999
Revised: 9-4-2008

EMPLOYMENT PRACTICES - Continued

2.02 Physical Examination: Before an applicant begins actual employment, a perspective employee may be required to pass a physical examination. Said examination would be paid for by the County. The County will provide reasonable accommodations to disabled employees.

*Note: The Federal Rehabilitation Act requires that recipients of federal funds are to be tentatively selected based on all other consideration, before a medical examination can be required. Final selection can then be conditioned on the job related results of the exam. If an examination is required, all applicants tentatively selected must be required to take the exam.

Adopted: 6-21-99
Revised:

EMPLOYMENT PRACTICES - Continued

- 2.03 Probation: All new or re-employment appointments shall serve a probationary period of six calendar months. In the event the employee does not perform satisfactorily as determined by the Department Head, the employee shall, at any time during the probationary period at the discretion of the Department Head, be either terminated or notified in writing of the deficiency and of an extension of his or her original probationary period of not more than an additional 350 hours of actual work or three calendar months, whichever comes first and during which the employee may be terminated at any time. The probationary period may be extended for an additional period not to exceed 6 months, providing that the Department Head or Commissioners and the employee have completed a written agreement.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 3.00 - PERSONNEL APPOINTMENTS

3.01 Types of Appointments: All County employees shall be appointed to one of the following categories: (Sec. 2-18-101 through 2-18-621 MCA)

- A. Permanent Full-Time: A permanent full-time employee is one who has completed a probationary period and is regularly scheduled to work forty hours a week, is accorded or offered all employee benefits and will only be separated for cause or as provided in Policy 11 of this handbook.
- B. Permanent Part-Time: A permanent part-time employee is one who is regularly scheduled to work less than forty hours a week on a continuous basis and will only be separated for cause or as provided in Policy 11 of this handbook. Permanent part-time employees regularly scheduled to work less than forty hours, but twenty or more hours in a work week shall be entitled to normal employee benefits pro-rated in proportion to hours worked. Those scheduled to work less than twenty hours a week shall be entitled to vacation and sick leave on a pro-rated basis, but no other benefits, except P.E.R.S., which is optional.
- C. Temporary Employee: Temporary "employee" means an employee who:
 - 1. is designated as temporary for a definite period of time not to exceed 12 months;
 - 2. performs temporary duties or permanent duties on a temporary basis;
 - 3. is not eligible for permanent status;
 - 4. is terminated at the end of employment period; and
 - 5. is not eligible to become a permanent employee without a competitive selection process.

Temporary appointments shall be coordinated with and must be approved by the Board of County Commissioners. Temporary appointees shall not be entitled to employee benefits except as required by state law.

- D. Seasonal Employee: Seasonal "employee" means a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without loss of rights or benefits accrued during the preceding season.

Adopted: 6-21-1999
Revised: 3-19-2008

PERSONNEL APPOINTMENTS - Continued

- E. Short-Term Employees: A Short Term Employee means an employee who is hired by a department for an hourly wage and will be employed for no more than 90 days in a continuous twelve-month period. A Short-Term employee may not be hired into another position with the County without a competitive selection process. Such employees may be on an "on-call" list and have the option of accepting one-day work assignments. Short-Term employees shall receive no county benefits:
- F. Emergency Appointments: Whenever an emergency exists which requires the immediate services of one or more persons and it is not practical to secure the services of such persons through the normal recruitment process, the Department Head may make emergency appointments for a period not to exceed thirty calendar days. Emergency appointed employees shall not be entitled to County employee fringe benefits.
- G. Individual Employment Contract: When the County believes it would be beneficial to the County and is appropriate to the circumstances, it may employ an individual using the Individual Employment Contract, in which case the provisions of that contract shall supercede all provisions of policy, rules and supervisory statements unless specifically provided by the Contract.
- H. Department Head: A Department Head is a county employee who is responsible for managing the budget of two or more line items contained in the Dawson County Budget. Their duties may or may not include the following; reporting and accounting to an appointed Board or the Board of Commissioners, attending Department Head meetings, training and supervising staff (paid from their responsible line items), ensuring their department is in compliance with policy and procedures as set forth.

Adopted: 6-21-99
Revised: 9-4-08

PERSONNEL APPOINTMENTS - Continued

3.02 Promoted Employee: Employees who increase a grade level on the Grade and Step Scale once their probation period is successfully completed shall retain their original date of hire as their anniversary date for step purposes.

Adopted: 6-21-1999
Revised: 3-27-2003

PERSONNEL APPOINTMENTS - Continued

3.03 Multiple positions: Employees may be simultaneously employed in more than one part-time position within one or more departments of the County. The Department Heads must agree to this in writing. The written statement must include hours to be worked in each position. A percentage will be calculated to determine each department's responsibility for holiday and leave time, unless otherwise agreed to. For any hours over 40 hours in a workweek, the overtime paid will be applied to the department whose time sheet reflects more hours worked than was agreed to. The employee may not use accrued annual vacation leave for one position, while in a pay status for that time, in the other position.

A full-time employee may be employed in other positions with the County for certain limited work, provided it does not interfere with their full time position. Such employment must be approved by both Department Heads, as well as the Commissioners. Vacation time, or unpaid leave, used for the full time position, while performing work in the second position will not be allowed unless both Department Heads have agreed in writing.

Dawson County Multiple Position forms are available from the Payroll Clerk.

Adopted: 3-27-2003
Revised:

PERSONNEL APPOINTMENTS - Continued

3.04 County Employee by Virtue of Grant Monies: Any class of employee who is funded by federal grant monies will remain a County Employee only for the duration of the grant period. These employees shall earn and accrue all benefits as specified in the grant.

Adopted: 6-21-1999
Revised:

PERSONNEL APPOINTMENTS - Continued

- 3.05 Cause: Employees shall be deemed to have been terminated with cause if it is found by the Department Head at any time during any probationary period that he or she is not performing satisfactorily; or at any time that the Commissioners find that the employee is in violation of any law or court decision which impacts the employees relationship with the County, or any policy, directive or provision of an applicable collective bargaining agreement; or when the grant or program monies funding the position expire; or when the term of the individual employment contract with the employee expires.

Adopted: 3-27-03
Revised:

POLICY 4.00 - NEW EMPLOYEE ORIENTATION

4.01 New Employee Orientation: "Orientation" is the process of familiarizing new employees with their organizational assignments, introducing them to the staff, explaining benefits and relating their work to organization goals and objectives. The orientation program is intended for all new County employees, except independent contractors.

Guidelines: This policy provides a guideline for New Employee Orientation to:

- A. Promote employee identification with the County.
- B. Encourage a high level of motivation by integrating the interests and goals of the County with those of the individual.
- C. Promote mutually satisfying interpersonal relationships between present employees and the new employee.
- D. Acquaint the new employee with the position responsibilities.
- E. Initiate the employee into the probation period.

Adopted: 6-21-1999
Revised:

NEW EMPLOYEE ORIENTATION - Continued

- 4.02 Procedure: The employee's Department Head has the primary responsibility for an orderly and systematic orientation process of introducing the new employee to co-workers, explaining job responsibilities, touring office facilities, providing adequate supplies and materials, and discussing organizational responsibilities.

Adopted: 6-21-1999
Revised:

NEW EMPLOYEE ORIENTATION - Continued

- 4.03 Employee Sign-Up: During the first week on the job, each new employee shall sign up for payroll showing his/her social security card or birth certificate and drivers license. If a person has worked for the City, State, or County Government somewhere else in Montana, he/she should bring written documentation on how many hours worked, or length of time, to the Payroll Clerk. Those prior hours worked will be added on for vacation leave only. The Payroll Clerk will present each new employee with a Policy and Procedure Manual, which the employee will sign for.

Adopted: 6-21-1999
Revised:

POLICY 5.00 - EQUAL OPPORTUNITY

5.01 Equal Opportunity: The County provides equal opportunity for employment, retention and advancement to all people regardless of race, color, creed, national origin, religious or political affiliation, sex, age, marital status, mental or physical disabilities.

Adopted: 6-21-99
Revised: 3-27-03

POLICY 6.00 - EMPLOYEE CONDUCT

- 6.01 Personal Conduct: Employees are expected to be honest, have integrity and impartiality in the conduct of county business. In addition:
- A. Timeliness: An employee shall be at work on time at the start of his/her shift and from breaks and will not leave until the end of his/her shift unless specifically excused by the supervisor.
 - B. Personal Gains: Official positions and confidential information shall never be used to personal advantage or gain.
 - C. Conflict of Interest: An employee shall not participate in or vote for any contract, sale, purchase, service or other transaction between the County and a business firm, in which he/she has a financial interest. Employees shall be required to disclose such financial interest, at the time of hiring and this information shall become a part of his/her official employment record.
 - D. Gifts: An employee shall not accept or solicit anything of pecuniary value, which may appear to influence his/her official conduct. This does not include trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official partiality (45-7-104, MCA).
 - E. Public Relations: Employees shall be courteous, considerate and prompt in dealing with and serving the public.
 - F. General Conduct: Employees shall conduct themselves in a manner that will reflect credit upon the Department of which they are a part.
 - G. Mode of Dress: The mode of dress at work is expected to be in good taste and appropriate to the nature of the duties performed. A supervisor may require that an employee leave work in order to dress in a more appropriate manner.
 - H. Personal Visitors: An employee may receive personal visitors, provided, that these are kept to a minimum in time and frequency and do not impede the employee or other County employees from performing their jobs in an acceptable manner.
 - I. Confidentiality: Employees shall hold confidential all information deemed to be not for public consumption as determined by State law, County and Department policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties.
 - J. Statements: Employees shall carefully distinguish between public statements made as an individual and those made as a representative of the County government. Failure to do so may be subject to disciplinary action.
 - K. Employment in Separate Department: Immediate family members may be employed in separate County departments provided that the employee possesses all the qualifications required for the job and achieved the highest rating of all applicants in evaluation procedures used to screen candidates for the position, and provided there is no violation of Montana Nepotism Statutes.

Adopted: 6-21-1999
Revised: 3-27-2003

EMPLOYEE CONDUCT-Continued

- 6.02 Other Employment: Employees shall not, directly or indirectly, maintain employment outside the official hours of duty, if such outside employment conflicts with the interest of the County or which interferes with the ability to discharge job duties in full. Outside employment may be determined to be a conflict of interest if it interferes or affects the performance of normal job duties with the County; is conducted or solicited on County time; uses any County owned equipment or facilities are used to perform an outside interest; or the nature of duties with the County places the employee in a position to exercise influence which may enhance any outside employment interest.

Adopted: 6-21-1999

Revised:

EMPLOYEE CONDUCT - Continued

6.03 Political Activity: Employees of a County Department, which is financed in whole or in part by federal funds, are subject to the provision of the Hatch Act. (Title 5 USC 1501)

Adopted: 6-21-1999
Revised:

EMPLOYEE CONDUCT - Continued

6.04 Use of County Equipment:

- A. General Property Use: An employee shall not, directly or indirectly, use or allow the use of County property, supplies or equipment, whether owned or leased, for purposes other than the official conduct of County business and activities.
- B. Telephones: Telephones are for the conduct of County business. Under no circumstances are long distance or toll calls of a personal nature to be made on the County telephone system. Necessary local calls of a personal nature may be made during business hours on County phone equipment, provided that these are kept to a minimum in time and frequency. Incoming personal calls are discouraged.
- C. Installation of Telephone Equipment: Installation of telephones and allied equipment must be approved by the Board of County Commissioners before installation.
- D. Work Areas: An employee shall keep his/her workstation in a neat and orderly manner and shall not mar or deface desks, equipment or other surfaces (walls, floors, ceilings) in his/her or other employees' work areas.

Adopted: 6-21-1999

Revised: 3-27-2003

EMPLOYEE CONDUCT - Continued

6.05 Electronic Communications Policy:

It is the policy of Dawson County to authorize use of all means of electronic communications for legitimate business purposes. The County will not tolerate the unauthorized access or use of the systems described below and documented abuses will be subject to disciplinary action.

Dawson County will not monitor these systems as a routine matter, however the County reserves the right to access any of these systems and disclose any and all of their contents. This policy also applies to password protected messages. Any access of password protected messages without the consent of the sender or recipient must be done with executive or management approval. Also, in the course of normal system maintenance county employees may discover violations of this policy, which will be reported.

A. DEFINITIONS: Systems governed by this policy include, but are not limited to:

- "Local Area Network (LAN)" means a multi-computer system connecting file servers and work stations.
- "E-mail" means written, electronic communication.
- "Internet browsing" means access to the "World Wide Internet Web"
- "Voice mail" means electronic communication provided through the County phone system.
- "Faxing" means written and electronic means of communications. The County's fax systems consist of external fax machines and faxing using computer software through the County's LAN servers.

B: PROVISIONS: An employee should not transmit anything in a fax or E-mail message, whether internal or external, that he or she would not be comfortable writing in a letter or memorandum using county letterhead.

All faxes, E-mail, voice mail, and Internet browsing capabilities are provided to employees at the County's expense to assist internally in the conduct of company business and externally in communicating for legitimate business purposes.

Dawson County will not knowingly permit any of these systems to be used for unlawful purposes. This specifically includes, but is not limited to, the offering or solicitation of illegal substances, the offering or solicitation of illegal activities, such as computer crimes or hacking, the offering or solicitation of computer files which are protected by copyrights, trademarks, or other creative rights.

These systems may not be used to download or transmit information or messages that reasonably may be considered offensive, pornographic, discriminatory, defamatory, disparaging, or threatening to any employee or any other person or entity. The County's policies against sexual or other forms of harassment apply fully to the use of these systems.

These systems may not be used for making illegal copies of commercial software in violation of copyright law and the Copyright Act of 1976, nor downloading, copying and/or electronically distributing other copyright protected materials.

EMPLOYEE CONDUCT – Continued

When using the Internet and visiting host servers, the user is required to respect the conventions, courtesies, and rules of use which govern communications on the Internet. Some examples would include, but are not limited to, refraining from harassing, threatening or tormenting any other user or group of users. Users will not use Internet E-mail for the posting or transmitting to or from the Internet any unlawful, offensive, inflammatory or prohibited communication material of any kind. Users may not use the Internet to encourage, conduct or agree to any activity that would constitute a criminal or civil offense.

These systems are provided to facilitate the County's business communications. The use of such systems for outside business ventures, to leak confidential or privileged information, or for political or religious causes is prohibited. The excessive or inappropriate use of these systems for personal business is also prohibited.

By using these systems, employees consent to this policy and the County's right to monitor and access these systems in accordance with applicable state and federal laws.

Employees who misuse these systems or policies set forth above may be subject to discipline up to, and including, discharge.

Adopted: 3-27-2003
Revised:

EMPLOYEE CONDUCT - Continued

6.06 Additional Work Rules: The following work rules shall be applicable to all county employees. The rules are not intended to be all inclusive.

- A. Change in Personal Data: Whenever there is a change in personal data, the employee shall notify the Payroll Clerk.
- B. Possession of Unauthorized Firearms, Etc.: Employees shall not possess unauthorized firearms or weapons, drugs, or intoxicating beverages in County buildings or County vehicles. This prohibition does not apply to alcohol consumption at the Beer Gardens during regularly scheduled events at the County Fairgrounds while the employee is off duty.
- C. Financial Interests in Profits of County Contracts, Etc., Prohibited: No official or employee may be directly or indirectly interested in any property purchase for the use of the County; any purchase or sale of property belonging to the County; or any Contract made by the Board of Commissioners or any other person on behalf of the County for the erection of public buildings, the opening or improvement of roads, the building of bridges, or the purchasing of supplies or for any other purpose, except as otherwise permitted by law.
- D. Smoking Policy: The Courthouse is a smoke-free building. No smoking will be allowed inside any county owned building, vehicle or machinery. Employees are to refrain from smoking in the vicinity of all county building entrance doors.
- E. Time Sheets: All employees are required to complete an accurate accounting of time worked on a provided time sheet. The employee's signature will verify the authenticity of such time worked. In addition, it shall be verified and signed by the Department Head.

Adopted: 6-21-1999
Revised: 12-15-2005

EMPLOYEE CONDUCT - Continued

- 6.07 Nepotism Prohibited: Nepotism is the bestowal of political patronage by reason of relationship, rather than of qualifications. (2-2-301, MCA) It shall be unlawful for any person or any member of any board, bureau or commission, or employee at the head of any department of this political subdivision thereof to appoint to any position of trust or emolument any person related or connected by consanguinity (by blood) within the fourth degree or by affinity (by marriage) within the second degree. (2-2-302, MCA) The provisions of this section and 2-2-303, MCA, shall not apply to sheriffs in the appointment of persons as cooks and/or attendants. It shall further be unlawful for any person or any member of any board, bureau or commission, or employee of any department of this political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus, or commissions, or employees of any department of this political subdivision thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree or by affinity within the second degree. (2-2-303, MCA)

Adopted: 6-21-1999
Revised:

EMPLOYEE CONDUCT - Continued

6.08 Work Schedule: The Dept Head shall establish the work schedule for each employee, including the beginning and end of the work week or period, the beginning and ending times of the work day, the days of the week during which work will be performed, and any breaks. The schedule may be changed at any time although advance notice will be given to the employee except in cases of an emergency. A reasonable amount of overtime may be expected of any employee, although no employee will perform any work before or after his or her specific work schedule without prior permission of his or her supervisor, except in case of an emergency.

Work Duty: The Dept Head shall assign duties expected of each position and may from time to time add to, subtract from or otherwise modify the assigned duties with or without prior notice.

Fitness for Duty: When an employee is under medical care and is restricted from working or has restricted/limited duties, they must present medical certification reflecting fitness for duty before returning to work.

Adopted: 3-27-2003
Revised: 11-16-2006

EMPLOYEE CONDUCT - Continued

6.09 Lunch and Rest Periods For Nonexempt Staff: The usual work hours for office employees are 8:00 a.m. to 5:00 p.m. with a one (1) hour unpaid meal break assigned by the Department Head. Employees are entitled to a paid rest period not to exceed fifteen minutes per four hour shift, as assigned by the supervisor.

- A. Health & Safety Positions: Those employees providing health and safety service, shall be subject to individual schedules as provided by the Department Head under the provisions of 207(k) of the Fair Labor Standards Act.
- B. Other Positions: Those employees on a variable, or 10-hour workday schedule, shall be subject to individual work schedules, as provided by the Department Head. Normal work hours are 8:00 a.m. to 5:00 p.m. but may be changed upon written permission from the Board of County Commissioners.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 7.00 - EMPLOYEE RECORDS

7.01 Employee Records: This policy is adopted to provide the minimum criteria that should be met for consistent retention and availability of employee data.

Definitions: "Employee Personnel Record" means that individual file(s) containing documentation of current and historically pertinent information maintained by the Clerk & Recorder. For each employee, regardless of status, each Department may maintain personnel records.

Adopted: 6-21-1999
Revised:

EMPLOYEE RECORDS - Continued

7.02 Policy:

- A: Employee Personnel Records may be kept in any type of file folder that will accommodate the accumulated information.

- B: All documents should be maintained for such period of time as deemed necessary but not less than five years. See ARM 24.11.701 and ARM 24.9.805(2b).

- C: General employment information such as dates and duration of employment; title of position; verification of salary range; and a short description of work performed may be furnished upon written request.

- D: Confidential materials contained in personnel files should not be released without the individual employee's permission or by a valid legal order.

- E: Employee Personnel Records will be maintained in one or more files consisting of Personal, Financial, Confidential, Personnel Profiles and Documents of Separation.

Adopted: 6-21-1999
Revised: 3-27-2003

EMPLOYEE RECORDS - Continued

7.03 Documents: The following documents for employees may be kept in the files:

A: Personal:

1. County application and/or resume of employee.
2. Copy of "Designation of Person Authorized to Receive Decedent's Warrants" if applicable. Individual Training Record, which may be kept separately for ease of access, but will be combined with personnel file upon termination.
3. Any records pertaining to hiring, promotion, transfer and selection for training or apprenticeship.
4. Enrollment in health insurance plans.
5. Copies of any documentation for licenses or certification for any applicable positions (e.g., nurses, doctors, teachers, etc.)
6. Longevity computation, certification form and any documentation of previous employment that affects employee benefits.
7. Any other information the County feels is necessary and important.

B: Financial:

1. All copies of payroll forms affecting employee's pay and/or status.
2. W-4 forms.
3. Employee Leave Record, Time and Attendance Reports, which may be kept separately for ease of access, but will be combined with personnel file upon termination.
4. Authorizations to deduct money from paycheck such as health insurance premiums, credit union, and/or deferred compensatory deductions, etc.

C: Confidential:

1. Performance related information.
2. Disciplinary matters.
3. Personal matters.

D: Documents of Separation:

1. A copy of termination form.
2. Letter of Resignation.

Adopted: 6-21-1999

Revised:

EMPLOYEE RECORDS - Continued

7.04 Rebuttal: At any time, an employee may file a written rebuttal to material in the record. However, this does not guarantee the removal of such material.

- A. Right to File A Correction: An employee should report errors of a clerical nature to the designated custodian of the records.
- B. Right to File A Grievance: An employee has a right to file a grievance on data maintained in personnel files, consistent with policy or an applicable collective bargaining agreement.

Adopted: 6-21-1999

Revised:

EMPLOYEE RECORDS - Continued

7.05 Access: Persons who may have access to personnel records are:

- A. The employee may look at his/her record, preferably at a specified time, in the company of the designated custodian of records.
- B. The Department Head and those persons above the department head level within the same line of authority and their representatives.
- C. The Payroll or Personnel clerk who routinely works with the personnel records.
- D. For all others, permission to look at an employee's personnel record will be obtained in writing and approved by the Department Head or other designated authority and with the permission of the employee by written request.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 8.00 - GRIEVANCES

8.01 Purpose:

- A. To resolve problems between employees.
- B. To resolve problems between employees and Department Heads.
- C. To resolve problems between employees and County Commissioners.

Adopted: 6-21-1999
Revised:

GRIEVANCES - Continued

8.02 Procedure:

- A. When a grievance occurs between employees, the employees shall first talk to their Department Head and try to resolve the problem. If the Department Head is unable to resolve the problem to employee's satisfaction, they shall contact the contracted Third Party Human Resources Group (hereinafter referred to as the group). Within ten working days, a representative from the group shall meet with all parties involved to try to resolve the issue(s). If the issue is unable to be resolved by the group, then a written statement by both parties and the Department Head shall be given to the County Commissioners. Within ten working days the County Commissioners shall set up a meeting with both parties and Department Head, to hear the grievance. Within five working days the County Commissioners shall give their judgment. The County Commissioners decision will be final.
- B. When a grievance is against a Department Head or between Department Heads, the employee shall, after first attempting to solve the problem by discussing it with the Department Head, shall contact the group. A representative from the group shall meet with all parties within ten working days. The group's representative shall make a report to the County Commissioners. If a resolution was unable to be reached, the Commissioners shall review the report and issue a judgment within five working days. The County Commissioners shall give judgment within five working days. The County Commissioners decision is final.
- C. When the grievance is with the County Commissioners, a meeting shall be set up within ten working days with a representative from the group. The representative from the group shall recommend a resolution.
- D. No employee shall be subjected to termination, demotion, or any form of punishment or harassment as a result of initiating a grievance unless there is sufficient evidence that the filing and/or processing of a grievance or grievances is for the purpose of harassment or intimidation.

Adopted: 6-21-1999

Revised: 9-4-2008

POLICY 9 - SEXUAL HARASSMENT

- 9.01 Intent: All employees have a right to work in an environment free of all forms of discrimination, including sexual harassment. Harassment refers to behavior, which is not welcome, personally offensive and interferes with an employee's effectiveness and work environment. Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors and other verbal, physical and visual contact of a sexual nature when:
- A. Submission is made either explicitly or implicitly a term or condition of employment.
 - B. Submission or rejection by an employee is used as a basis for employment decisions affecting the employees.
 - C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or an otherwise offensive work environment.
 - D. The following are possible examples of sexual harassment:
 - 1. Sexual advances, which are unwanted. (This may include situations, which begin as reciprocal attractions but later cease to be reciprocal.)
 - 2. Leering or sexual gestures.
 - 3. Displaying sexually suggestive objects, pictures, cartoons, or posters.
 - 4. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes or obscenities; sexually suggestive letters, notes or invitations.
 - 5. Reprisals or threats after a negative response to sexual advances.
 - 6. Affecting or withholding employment benefits in exchange for sexual favors. (This may include situations where a third party is treated less favorably because others have agreed to sexual advances.)

SEXUAL HARASSMENT - Continued

- 7. Physical conduct, such as assault, attempted rape, impeding or blocking movement or touching.
- 8. Hazing including daring or asking an employee to engage in unsafe work practices, especially as applied to women in nontraditional work environments.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 9.00 - SEXUAL HARASSMENT

9.02 Reporting Responsibility: Sexual harassment is a violation of law. Dawson County is committed to the prevention of all forms of sexual harassment in the workplace.

A. Supervisory personnel have an obligation to:

1. Inform their employees of their right to a harassment-free environment. Employees must be aware of the procedure for reporting prohibited behavior.
2. Express strong disapproval of any type of harassment.
3. Make it clear, that employees who engage in sexual harassment, will be appropriately disciplined or discharged and that victims and informers will be protected from retaliation.
4. Be aware of activities in the workplace. If management is aware of or could have known of inappropriate conduct, the law requires that immediate corrective action be taken.

B. Employee's responsibility: (Options available)

1. Report the incident(s) or action(s) as soon as possible after the alleged harassment occurs.
2. Bring the matter to the attention of the harasser and request that the action stop immediately.
3. Bring the matter to the attention of the Supervisor or Department Head, or directly to one or more of the Commissioners, or to the appropriate government agency.

Adopted: 6-21-1999
Revised: 3-27-2003

SEXUAL HARASSMENT - Continued

9.03 Violation of Policy: Substantiated violations of this policy may result in disciplinary action or discharge.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 10.00 - DISCIPLINE AND DISCHARGE

- 10.01 Investigation: When a supervisor learns of an alleged violation of law or court decision which impacts the employee's relationship with the County, or any policy, provision of an applicable collective bargaining agreement, or supervisory instruction, the employee will be notified of the allegation and an investigation shall be initiated which shall include providing all information allowed by law to the employee and obtaining his or her comments. If the investigation provides substantial credible evidence that the allegation is true, the County will decide on the proper level of discipline or shall discharge the employee.

Adopted: 3-27-2003

Revised:

DISCIPLINE AND DISCHARGE - Continued

10.02 Discipline : The following progressive discipline steps shall normally be followed. The County may apply higher levels of discipline should the seriousness of the proven offense or the frequency of offenses warrant:

- A. First Incident: Verbal warning by Department Head with the employee.
- B. Second Incident: Written warning by Department Head and signed by the offender.
- C. Third incident: Suspension without pay for a period of three working days, with the approval of County Commissioners.

Adopted: 06-21-1999

Revised: 03-27-2003

DISCIPLINE AND DISCHARGE - Continued

10.03 Discharge :

- A. Notice: An employee shall be notified in writing of the Commissioner's intent to consider discharging the employee. The employee (or his or her representative) may address the Commissioner's.
- B. Cause: (MCA 39-2-903) In addition to items discussed earlier in this Policy, the following is cause for discharge:
 - 1. Behavior that brings danger to the welfare of employees or the public.
 - 2. Violation of privacy by unauthorized release of confidential information, either to other employees not in the course of business or to persons other than employees.
 - 3. Theft or willful misuse, destruction or damaging of employee, patron, visitor or county property.
 - 4. Fighting during working hours or on County property, or unauthorized possession of weapons.
 - 5. Unlawfully using or selling intoxicants or illegal drugs on County premises. Reporting for work under the influence of intoxicants or illegal drugs. Any other violation of law, court decision or regulation which impacts the employee's relationship with the County; or any policy, provision of applicable collective bargaining agreement, or supervisory instruction.
 - 6. Sleeping on duty.
 - 7. Falsifying employee records, including knowingly changing another employee's time sheet, or alteration of time schedules.
 - 8. Conviction of felony or any criminal act involving moral turpitude or dishonesty.
 - 9. Unexcused or excessive tardiness or absenteeism or abuse of sick leave. Unexcused excessive tardiness will be recorded in employee's personnel file. Three violations in a calendar year may result in termination.
 - 10. Deliberate lack of work output and refusal to obey a direct order, job assignment, or meet reasonable written work performance standards given by a Department Head, without being able to substantiate any valid reasons for such poor job performance. Disrespect publicly displayed on the premises toward a Department Head, or other employee in a loud and unnecessary manner; threatening, intimidation, coercing or interfering with supervision; abusive or profane language to one associated with the job; making false or malicious statements about Department Heads or other employees.
 - 11. Deliberate violation of a state or federal regulation or law during work hours.
 - 12. Failure to meet job description requirements.
 - 13. Any other reason specified in this Policy manual.

Adopted: 06-21-1999
Revised: 03-27-2003

POLICY 11.00 - REDUCTION IN WORK FORCE

11.01 Reduction in Work Force: The following policy shall be adhered to whenever layoffs may become a necessity. No reduction in the work force shall be instituted until reasonable alternatives to accomplish the desired objective have been considered and exhausted.

Adopted: 06-21-1999
Revised: 03-27-2003

REDUCTION IN WORK FORCE - Continued

11.02 Policy:

- A. If it is necessary to achieve a reduction in the work force, consideration must be given to the programs to be carried out by the department and the staff structure, which, after the reduction, will most expeditiously achieve program objectives. Accordingly, employees will be retained giving consideration to the importance of the following qualities possessed by the work force: skill, proximity of retirement, and tenure. A form is available for layoff notices from the Payroll Clerk.
- B. At the time of the layoff, an employee may at the employee's option, defer the cash payment for unused sick and vacation leave for up to one (1) year. If an employee defers such cash payment, the employee shall have available the employee's full accrued sick and vacation leave upon reinstatement. If the employee receives the cash payment upon separation, the employee shall begin with a zero balance upon reinstatement. The decision regarding receipt of cash payment must be made at the time of the employee's separation. If cash payment is elected by the employee, such payment shall be for the full amount of vacation accrued by the employee and one-quarter (1/4) of the sick leave accrued by the employee, subject to qualifying periods.
- C. An employee may exercise the option of withdrawing retirement contributions.
- D. Any employee on Health Insurance may stay under the program for eighteen months, paying the full amount themselves. See the Payroll Clerk for more information on Health Insurance.
- E. An employee must be given written notice a minimum of ten working days preceding the effective date of the layoff through use of the prescribed standard form, except in case of an emergency or a lack of funding.

Adopted: 06-21-1999
Revised: 03-27-2003

REDUCTION IN WORK FORCE - Continued

11.03 Recall: In the event the County should establish a position or require more employees in an already established position it may advertise the position. It shall also issue an offer to an individual who was laid off within the past 12 months. Providing that individual remains available and qualified, worked in the same position for at least three months in the previous three years, and the individual was not disciplined during such previous three year period. If such individual does not notify the County in writing of the acceptance of the offer within seven calendar days, and/or if the individual does not actually report for work as assigned, the individual will become ineligible for any further recall offers. In the event there are two or more individuals qualified for recall, the County will select the person to be recalled based on performance evaluations and the needs of the County, unless there are no significant differences in which case seniority with the County will prevail.

Adopted: 06-21-1999
Revised: 03-27-2003

POLICY 12.00 - COMPENSATORY TIME

12.01 Purpose: This policy is to assist management in the fair and consistent administration of compensatory time for those employees required to work in excess of forty hours in a workweek.

Definitions: As used in this policy the following definitions apply:

- A. Exempt Employee: Executive, administrative, or professional employees as defined in the Administrative Rules of Montana, 24.16.202 et seq., which includes all elected officials and attorneys.
- B. Non-Exempt or Covered Employee: An employee in a position not classified as executive, administrative, or professional as defined in the Administrative Rules of Montana, 24.16.202 et seq.
- C. Compensatory Time: Time off in lieu of paid overtime for time worked in excess of forty hours in a workweek or that time specified in 207(o) of the Fair Labor Standards Act.
- D. Workday: The number of hours designated by management to fulfill the needs of each position, usually consisting of eight hours in one twenty-four hour period.
- E. Workweek: The County workweek starts Sunday, 0001 hour, to Saturday at 2400 hours, but Department Heads may specify different work weeks or periods for their staff as a whole, or for individual employees.

Adopted: 06-21-1999
Revised:

COMPENSATORY TIME - Continued

12.02 Work Scheduling: Whenever possible, employee work assignments shall be arranged to preclude work in excess of forty hours per workweek. Changes to the workweek schedule may be made if the change is intended to be permanent and not evasive of overtime requirements.

Adopted: 6-21-1999
Revised: 3-27-2003

COMPENSATORY TIME - Continued

- 12.03 Compensatory Time: Non-exempt employees will receive compensatory time at the rate of one and one-half hours for each hour overtime worked. All compensatory hours accrued and used, must be recorded on the employees regular time sheet.
- A. Use of such time will be granted based upon an agreement between the Department Head and the employee prior to the performance of the work. Compensatory time off shall be used so that it would not unduly disrupt the department's operation, which determination shall be made by the Department Head, or it may be maintained by the employee and cashed out at the time of separation.
 - B. A total of 480 hours may be accumulated by employees engaged in public safety and seasonal activities. A total of 240 hours may be accumulated by all other employees.
 - C. Compensatory time remaining in the books after the termination of any employee will be compensated in cash at a rate not less than the current rate of pay.
 - D. Compensatory time may be transferred with the employee to another department provided the new department head agrees (in writing).

Adopted: 6-21-1999
Revised: 3-27-2003

COMPENSATORY TIME - Continued

12.04 Overtime Pay: Rather than receive compensatory time, non-exempt employees may be paid at a rate of one and one half times the regular rate for each hour worked in excess of forty worked hours in a workweek or the appropriate number of hours for extended work periods, at the option of the County. When computing overtime, holidays and paid leave time taken during the work week will be considered as time worked.

Adopted: 6-21-1999
Revised: 3-27-2003

COMPENSATORY TIME - Continued

12.05 Exempt Employees:

- A. Exempt employees who are classified as executive, administrative, or professional, may be granted time off on an hour for hour basis for time worked in excess of forty worked hours in a workweek.
- B. No time off or compensatory time is allowed for elected officials and attorneys.

Adopted: 6-21-1999

Revised:

COMPENSATORY TIME - Continued

12.06 Productive Work: Compensatory time is compensated only for hours actually worked. However, employees held at a work site are entitled to compensation. It is the responsibility of the Department Head to assign useful, productive work. If none is assigned, the employee's right to compensation will not be affected.

Adopted: 6-21-1999
Revised:

COMPENSATORY TIME - Continued

12.07 Authority to Approve Overtime or Compensatory Time Earned: Employees shall obtain pre-approval from their Department Head, for permission to work in excess of forty hours per workweek. Pre-approval for department head personnel shall be obtained from the Board of Commissioners.

Adopted: 6-21-1999
Revised:

COMPENSATORY TIME - Continued

12.08 Records:

- A. Hours worked in excess of forty in a workweek must be reported on the employee's regular time sheet to be compensable.
- B. The use of accumulated compensatory time must also be reported on the employee's time sheet.
- C. Department Heads shall designate on the employee's time sheet if overtime is to be paid or compensatory time accumulated.

Adopted: 6-21-1999
Revised:

COMPENSATORY TIME - Continued

12.09 Travel: Travel should be scheduled within the employee's regular workday whenever possible. Travel time is compensable whenever it is necessary to conduct official business authorized by the County. Such travel should be in accordance with a preferred travel plan established by the employer. Travel time does not include time spent for meals and/or lodging.

Adopted: 6-21-1999
Revised: 03-27-2003

POLICY 13.00 - ON CALL TIME

13.01 Status: The county will pay no “on-call” compensation unless required by a third party contract.

Adopted: 2-2002
Revised: 4-1-2004

ON CALL TIME - Continued

13.02 Call-Out Compensation: Any employee, exempt, or non-exempt, who is called out and reports for duty will be compensated for time worked, except for the County Attorney's office.

Adopted: 2-2002
Revised: 4-1-2004

POLICY 14.00 - EMPLOYEE BENEFITS AND EMPLOYER SERVICES

14.01 Carrier, Benefits and Contributions: The Commissioners shall from time to time determine the insurance carrier, the level and type of benefits, and the portion of the insurance premiums it will contribute on behalf of each eligible and participating employee. When a carrier and/or benefit level and type are determined by the provisions of a collective bargaining agreement, such will apply to all eligible and participating County employees. In the event there are two or more collective bargaining units, the carrier, level and type of benefits shall be consistent. The County may make different contributions toward insurance premiums for different types of non-organized employees and for different bargaining units. The County is not an insurance carrier, and shall not be deemed responsible for the payment of any claim under any circumstances.

Adopted: 3-27-2003
Revised:

EMPLOYEE BENEFITS AND EMPLOYER SERVICES - Continued

14.02 Health Insurance:

- A. Eligibility: All permanent employees averaging twenty or more hours per week are eligible. County contribution is based on percentage of hours worked.
- B. Costs: An employee is eligible for County contributions, amounts designated by the County, as long as the employee is employed by the County.
- C. Employee Benefits: A retiree may stay on Dawson County's group insurance plan if he/she is drawing from either a State retirement system or Social Security retirement benefits and pay his/her own monthly premium. They may not have a break in coverage. Once a retiree waives coverage they are not eligible to rejoin the group at a later date.

Adopted: 6-21-1999
Revised: 12-15-2005

EMPLOYEE BENEFITS AND EMPLOYER SERVICES - Continued

14.03 Life Insurance:

- A. Eligibility: All permanent employees averaging twenty or more hours per week are eligible.
- B. Costs: An employee is eligible for County contribution as long as the employee is employed by the County. The County currently pays the full premium.
- C. Dependents: Life insurance is available to the employee's dependents at the cost of the employee. For more details see the Payroll Clerk.

Adopted: 6-21-1999
Revised:

EMPLOYEE BENEFITS AND EMPLOYER SERVICES - Continued

14.04 Retirement:

- A. Membership in P.E.R.S.: Membership in the Public Employee's Retirement System (PERS) is mandatory for all County employees with the following exceptions. It is optional for employees not working the equivalent of 960 work hours per year; new employees who were sixty years of age before they were employed by the County; and other exclusions listed in Section 19-3-403, MCA, and amendments.
- B. Employee and Employer Contribution: Contributions to PERS are made by both the County and the employee. Rates of contribution are established by the system. Current rates are available from the Clerk and Recorder's Office.
- C. Termination Prior to Retirement: Upon termination of employment with the County, an employee is entitled to a refund of his/her contributions to the PERS fund plus accrued interest (less a penalty for early withdrawal).
- D. Credit for Past Service: If a new County employee previously had worked for the County or any other agency subject to the regulations of the Public Employee's Retirement System, credit for past service can be established through repayment of the amount of contribution, plus interest, previously withdrawn from the fund. Additional information may be obtained from the Clerk and Recorder's Office.
- E. Retirement Eligibility and Benefits: The age, length of service, and other criteria used to establish eligibility for retirement and the amount of benefits to be paid thereafter are determined by the PERS Board.

Adopted: 6-21-1999
Revised:

EMPLOYEE BENEFITS AND EMPLOYER SERVICES - Continued

14.05 Other Benefits:

- A. Workers' Compensation: All employees shall be covered by Workers' Compensation Insurance for injuries incurred while performing their duties. The amount of compensation and eligibility for receiving benefits is determined by the regulations of the plan. All premiums are paid by the County.
- B. Unemployment Insurance: Employees are covered by unemployment insurance and therefore eligibility is determined by the Unemployment Insurance Program for compensation under this program in the event of discharge from County service. Full premiums are paid by the County.
- C. Social Security: All employees shall be covered by Social Security. The County and employee contribute an amount determined by Federal law to the employee's social security account.
- D. Clothing Allowance: County departments may provide a clothing allowance for those positions requiring special uniforms. These allowances shall be at the discretion of the County Commissioners and funded through the department's budget.
- A. Federal, State and Social Security Withholding: These taxes are withheld from your salary to meet your tax obligations. After the end of the year, a W-2 form will be sent totaling taxes withheld for the past year.
- E. Other Insurance and Deductions:
 - 1. Payments to Glendive Public Employees Credit Union
 - 2. Colonial Insurance
 - 3. Deferred CompensationSee the Payroll Clerk about these options.
- G. Commercial Driver's License: Employees who are required to have a commercial driver's license to perform their duties for Dawson County must have such a license. If a physical examination is required to obtain such a license, the County will pay for the examination for all current employees and for those obtaining the license after being tendered an employment offer. All County employees who are required to have a commercial driver's license are subject to random drug testing in accordance with State and Federal regulations.

Adopted: 6-21-1999
Revised: 3-27-2003

EMPLOYEE BENEFITS AND EMPLOYER SERVICES - Continued

14.06 Transfers Between Departments: If an employee transfers from one department to another without a break in service, their longevity shall transfer with them and their anniversary date for Step and Grade purposes shall also transfer with them. A job transfer form, which is available from the Payroll Clerk, shall be completed when employees transfer from one department to another.

- A. Layoffs: An employee who is separated because his/her position is eliminated for reasons other than cause, for performance problems or because of the termination of his or her individual employment contract, and who is rehired in any Department within Dawson County within two years after the layoff, his/her longevity shall remain the same. If rehired more than two years after layoff, the employee will lose all longevity and his/her longevity must begin again.
- B. Quit or Fired: If an employee is rehired after quitting or being fired he/she will lose all longevity and their longevity must begin again.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 15.00 - ANNUAL VACATION LEAVE

15.01 Annual Vacation Leave: The objectives of this policy are to establish functional uniform procedures for calculating and granting vacation leave benefits in accordance with sections 2-18-611 through 617 and 621, MCA.

Definitions: As used in this policy the following definitions apply:

- A. Qualifying period: A 1,040 hour period an employee must be continuously employed to be eligible to earn vacation leave credits or to be eligible for a lump-sum payment upon termination for unused vacation leave credits.
- B. Transfer: A department-to-department employment change in the County, without a break in service.
- C. Vacation leave: A leave of absence with pay requested by the employee for rest and relaxation or personal business and taken with the employer's approval.
- D. Vacation leave credits: The earned number of vacation hours an employee is eligible to use upon completion of the qualifying period.

Adopted: 6-21-1999

Revised: 3-27-2003

ANNUAL VACATION LEAVE - Continued

15.02 Accrual and Use of Vacation Leave Credits:

- A. As provided in 2-18-611, MCA, all employees:
 - 1. Are eligible to earn vacation leave credits;
 - 2. Accrue vacation leave credits "from the first day of employment"; and
 - 3. Must be "continuously employed for the qualifying period of 1,040 hours" to use vacation leave.
- B. An employee simultaneously employed in two or more positions in the same or in different departments:
 - 1. Will accrue vacation leave credits in each position according to the number of hours worked, except overtime hours;
 - 2. Must use vacation leave credits only from the position in which the credits are earned and with approval of the department head for the position; and
 - 3. Will forfeit credits which exceed the maximum allowed on an apportioned basis, in proportion to the balance of vacation credits for each position.
- C. Emergency, contracted employees and elected officials are exempt from earning and accruing vacation time.
- D. Calculating Annual Vacation Leave Credits:
 - 1. As provided in 2-18-612, MCA, "vacation leave credits are earned at a yearly rate calculated" according to "the following schedule, which applies to the total years" of employment with all agencies and jurisdictions, whether or not the employment is interrupted:

RATE EARNED SCHEDULE

1 day through 10 years: 15 (10 hours per month)

10 years through 15 years: 18 (12 hours per month)

15 years through 20 years: 21 (14 hours per month)

20 years and on: 24 (16 hours per month)

Part Time Employees: Pro-rated by hours worked

- 2. As provided by 2-18-612, MCA, 2,080 hours of employment equals one (1) year when calculating years of employment.
- 3. As required by 2-18-614, MCA, the period of absence from employment with the County for military service during a war or national emergency, including ninety days thereafter, shall be honored for computing years of employment for purposes of the rate earned schedule.

ANNUAL VACATION LEAVE – Continued

4. Annual leave credits shall be credited at the end of each pay period. Employees may use only the credits available at the end of the last pay period.
- E. Maximum Vacation Leave Credits:
1. As provided in 2-18-617, MCA, an employee may, without restriction, carry over into the next calendar year twice the annual vacation leave credits the employee could earn in one (1) year according to the Rate Earned Schedule. Any additional accumulated credits are excess vacation leave credits and must be used in the first ninety days of the next calendar year or be forfeited.
 2. The calculation of excess vacation leave credits, which must be used within the first ninety days of a calendar year, will be made at the end of the first pay period of that calendar year.
- F. Prohibited Use of Vacation Leave Credits:
1. Unaccrued vacation leave credits may not be advanced.
 2. Vacation leave credits may not be used before the employee has been employed for the qualifying period.
- G. Rate of Salary Compensation: An employee on authorized vacation leave is entitled to the employee's normal gross salary.

Adopted: 6-21-1999
Revised: 3-27-2003

ANNUAL VACATION LEAVE - Continued

15.03 Vacation Leave Requests:

- A. As provided in 2-18-616, MCA, the dates when annual vacation leaves are granted must be determined by agreement between each employee and the Department Head, keeping in mind, the best interests of the County and employee.
- B. To request vacation leave an employee must submit the request to the Department Head in advance of the leave, whenever practical.
- C. The vacation leave must be approved or denied by the immediate Department Head within three working days of the date of request.

Adopted: 6-21-1999
Revised:

ANNUAL VACATION LEAVE - Continued

15.04 Vacation Leave Records:

- A. Documentation of an employee's vacation leave credits earned and vacation leave credits used must be maintained by the payroll department.
- B. Vacation leave credits used must be recorded to the nearest quarter hour, when fractions of hours are used.
- C. Once a year, an employee must be notified of the amount of vacation leave credits accrued, used, and verify that the balance is accurate.
- D. Carry-over of vacation leave credits is computed on a calendar year basis.
- B. Employee leave records must be retained for a minimum of five years.

Adopted: 6-21-1999
Revised:

ANNUAL VACATION LEAVE - Continued

15.05 Vacation Leave on Holidays: Vacation leave taken over a legal holiday may not be charged to an employee's vacation leave for that day.

Adopted: 6-21-1999
Revised:

ANNUAL VACATION LEAVE - Continued

15.06 Absence Due to Illness:

- A. As provided in 2-18-615, MCA, unused vacation leave credits may not be used when absence from employment is due to illness, unless the employee approves in writing.
- B. If employee is absent from work on vacation leave and becomes sick, sick leave shall not be used. The employee will remain on vacation leave.

Adopted: 6-21-1999
Revised:

ANNUAL VACATION LEAVE - Continued

15.07 Lump Sum Payment Upon Termination:

- A. When an employee terminates employment with the County, the employee is entitled to cash compensation for unused vacation leave upon the date of termination, providing the employee has worked the qualifying period.
- B. The computation value of unused vacation leave is based on the employee's salary rate at the time of termination.

Adopted: 6-21-1999
Revised:

ANNUAL VACATION LEAVE - Continued

15.08 Transfers:

1. As required by 2-18-617, MCA, if an employee transfers between departments, the employee may not receive cash compensation for unused vacation leave credits. "In such a transfer, the receiving department assumes the liability for the accrued vacation leave credits transferred with the employee."
2. If a break in service occurs during a transfer between departments, the employee must receive a cash-out for vacation leave credits and begin anew the qualifying period, for use of leave at the new department.

Adopted: 6-21-1999

Revised:

POLICY 16.00 - EDUCATIONAL LEAVE

16.01 Educational Leave: A regular employee who desires to attend the junior college in Glendive shall submit a request for those days per week that the employee will be absent, thirty days prior to the requested leave. Granting of the leave is at the discrimination of the County Commissioners after taking all facts into account, i.e. current position in the County, value of schooling, amount of leave, etc. If leave is granted, annual leave will be charged on the basis of time actually away from the job. For school out of the area, the employee must apply for an Educational Leave of Absence to the County Commissioners sixty days prior to the requested leave. This leave is at the discretion of the Commissioners after evaluation of the same criteria as listed above. During the Educational Leave, insurance benefits can be continued at the full expense of the employee. Vacation, sick leave, length of service, and longevity benefits do not accrue during the period of this leave.

Adopted: 6-21-1999
Revised:

POLICY 17.00 - JURY DUTY

17.01 Jury Duty: Permanent employees will be allowed necessary time off without loss of pay for required jury duty or when summoned to appear or participate in any court cases or proceedings unless the employee is a party to such actions. All juror and witness fees and allowances (except for expenses and mileage) must be remitted to the County. If the employee elects, he/she may take annual leave and keep all fees received. The employee shall make proper notification to the Department Head of such summons. The Department Head may request the court to excuse the employee from jury duty if he/she is needed for the proper operation of the County. Time taken off for Jury Duty must be recorded on the employees regular time sheet.

Adopted: 6-21-1999
Revised:

POLICY 18.00 - MILITARY LEAVE

- 18.01 A Dawson County employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least 6 months will be given leave of absence with pay, accruing at a rate of 15 working days in a calendar year, (120 hours) for performing military service.
- A. Verification for the military service time needed shall be provided to the department head in advance of the service
 - B. Military leave may not be charged against the employee's annual vacation time.
 - C. Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year.

Adopted: 6-21-1999
Revised: 9-4-2008

POLICY 19.00 - SICK LEAVE

19.01 Objectives: The objectives of the policy are to establish functional uniform procedures for calculating and granting sick leave benefits in accordance with Section 2-18-618, MCA, and comply with the State Maternity Leave Act, 49-2-310 and 311, MCA, and the 1978 amendment to the Civil Rights Act of 1964 (42 USC'S 2000e, 78 statue 253) banning pregnancy discrimination.

Adopted: 6-21-1999

Revised:

SICK LEAVE - Continued

19.02 Definitions: As used in this policy, the following definitions apply:

- A. Break in service: Absence from County employment for more than five working days or 40 consecutive working hours in a row without an approved leave of absence or resulting from termination or resignation.
- B. Continuous employment (for purposes of the qualifying period): Working for the County without a break in service or without a continuous absence without pay of more than fifteen working days.
- C. Immediate family: The employee's spouse, member of the employee's household, parent, child, grandparent, grandchild, brother, sister, or corresponding in-law.
- D. Qualifying period: A 520-hour period during which an employee must be continuously employed to be eligible to use sick leave credits.
- E. Sick leave: A leave of absence with pay for a medical condition of the employee, for a medical condition or death of an immediate family member, and for funeral attendance.
- F. Sick leave credits: The earned number of sick leave hours an employee is eligible to use upon completion of qualifying period.
- G. Transfer: A department-to-department employment change without a break in service.

Adopted: 6-21-1999

Revised: 11-16-2006

SICK LEAVE - Continued

19.03 Conditions For Use of Sick Leave: An employee may use sick leave credits for:

- A. A sickness suffered by an employee or a member of the employee's immediate family; or
- B. The time that an employee is unable to perform job duties because of:
 - 1. a physical or mental illness, injury, or disability;
 - 2. maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
 - 3. parental leave for a permanent employee as provided in MCA 2-18-606
 - 4. quarantine resulting from exposure to a contagious disease;
 - 5. examination or treatment by a licensed health care provider;
 - 6. short-term attendance, at department head's discretion, with commissioner approval, to care for a relative or household member not covered by section 19.02 C until other care can reasonably be obtained.
 - 7. necessary care for a spouse, child, or parent with a serious health condition as defined in the Family and Medical Leave Act of 1993; or (The County will require medical certification in determining the need for attendance to an immediate family member for medical care due to circumstances)
 - 8. death or funeral attendance of an immediate family member or, at the Department Head's discretion, another person, with commissioner approval. (See Policy 20.00 for Funeral Leave).

Adopted: 6-21-1999
Revised: 12-15-2005

SICK LEAVE - Continued

19.04 Accrual and Use of Sick Leave Credits:

- A. As provided in 2-18-618, MCA, all employees:
 - 1. Are eligible to earn sick leave credits;
 - 2. Accrue sick leave credits from the first day of employment; and
 - 3. Must be continuously employed for the qualifying period of 520 hours to use sick leave.
- B. An employee simultaneously employed in two or more positions in different departments:
 - 1. Will accrue sick leave credits in each position according to the number of hours worked, except overtime hours; and
 - 2. May only use credits from the position in which the credits are earned and with approval of the Department Head or appropriate authority for that position.
- C. Emergency, contracted employees and elected officials are exempt from earning and accruing sick leave credits.
- D. An employee may not earn sick leave credits while in a leave of absence-without-pay status.
- E. Unaccrued sick leave credits may not be advanced, nor may sick leave credits be used before an employee has been employed for the qualifying period.

Adopted: 6-21-1999
Revised:

SICK LEAVE - Continued

19.05 Calculations of Sick Leave Credits:

- A. As provided in 2-18-618, MCA, sick leave credits are "earned at the rate of twelve working days for each year of service" for full-time employees and are prorated for part-time employees.
- B. The sick leave credits are to be rounded to two digits beyond the decimal point and carried in the employee's account in that configuration.
- C. As provided in 2-18-618, MCA, "sick leave credits shall be credited at the end of each pay period."
- D. As provided in 2-18-618, MCA, there is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed. Employees may use only the credits available at the end of the last pay period.
- E: Rate of Salary Compensation: An employee on authorized sick leave is entitled to the employee's normal gross salary.

Adopted: 6-21-1999

Revised: 3-27-2003

SICK LEAVE - Continued

19.06 Sick Leave Requests:

- A. To apply for extended sick leave an employee must:
 - 1. Inform Department Head of the absence as soon as practical and not wait until he returns to work, unless advance notice is not possible; and
 - 2. Receive approval in advance for medical, dental, and eye examination appointments; and
 - 3. Shall be required to supply the Payroll Department with certification from the doctor for all sick leave more than five consecutive working days or 40 consecutive working hours.
- B. The Department Head must review and approve the use of accrued sick leave credits, either at the time the employee submits the request or at the end of each pay period.
- C. The Department Head:
 - 1. May require medical certification of sick leave charged against any sick leave credits in the form of a physician's statement;
 - 2. Must inform the employee before he/she returns to work if a physician's statement is required; and
 - 3. Must require certification of maternity-related disabilities in the same manner and under the same conditions as certification for other disabilities.

Adopted: 6-21-1999
Revised: 11-16-2006

SICK LEAVE - Continued

19.07 Sick Leave Records: Documentation of an employee's sick leave credits earned and sick leave credits used must be maintained by the Payroll Department for a minimum of five years.

Adopted: 6-21-1999
Revised:

SICK LEAVE - Continued

19.08 Lump Sum Payment Upon Termination:

- A. As provided in 2-18-618 (6), MCA, when an employee terminates employment with the County, the employee is entitled to a lump-sum payment equal to one-fourth of the compensation the employee would have received if the employee had used the credits, provided the employee has worked the qualifying period.
- B. As required by 2-18-618 (7), MCA, "an employee who receives lump-sum payment and is again employed by the County shall not be credited with any sick leave for which the employee has previously been compensated."
- C. The computation value of unused sick leave is based on the employee's salary rate at the time of termination.
- D. As provided in 2-18-618(6), MCA, "accrual of sick leave credits for calculating the lump-sum payment begins July 1, 1971."
- E. The payment is the responsibility of the last employing department from which the employee is terminating.

Adopted: 6-21-1999
Revised:

SICK LEAVE - Continued

19.09 Transfers:

- A. As required by 2-18-618 (6), MCA, if "an employee transfers between departments..., the employee may not receive cash compensation for unused sick leave credits transferred with the employee."
- B. If a break in service occurs during a transfer between departments, the employee must receive a lump-sum payment for accrued sick leave credits earned after July 1, 1971, and must begin anew the qualifying period in the new department.

Adopted: 6-21-1999
Revised:

SICK LEAVE - Continued

19.10 Abuse of Sick Leave:

- A. As provided in 2-18-618, MCA, "abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payment".
- B. Abuse of sick leave is misrepresentation of the actual reason for charging an absence to sick leave.
- C. Improper absences may be charged to available compensatory time or leave without pay at the appropriate department head's discretion.
- D. Any charges of sick leave abuse that result in an employee's dismissal and forfeiture of the lump-sum payment are subject to the county grievance procedure.

Adopted: 6-21-1999
Revised:

SICK LEAVE - Continued

19.11 Sick Leave Grant:

A. Requesting Sick Leave Grant:

1. Eligibility requirements: To be eligible to receive a sick leave grant, an employee must:
 - a. Have met the qualifying period of 520 hours to take sick leave.
 - b. Meet the conditions for use of sick leave, which results in absence from work.
 - c. Exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time.
 - d. Receive approval from supervisor to receive a sick leave grant.
 - e. Provide a physician's certification.
 - f. Complete Section I on Giving a Sick Leave Grant Form.
2. Certifying eligibility: The recipient's supervisor must certify that the employee is eligible to receive a sick leave grant.
3. Maximum sick leave grant: An employee may receive up to 240 hours of sick leave in a continuous twelve month period. The twelve- month period is calculated from the first day an employee takes sick leave from the sick leave grant.
4. Part-time employees will receive a sick leave grant in proportion to the hours of sick leave earned in a month compared to the hours of sick leave earned in a month by a full-time employee.

B. Giving A Sick Leave Grant:

1. Eligible employees: Employees who work full-time or part-time in permanent positions may donate hours to an employee requesting a sick leave grant.
2. Obtaining forms: If an employee wishes to donate hours for a sick leave grant, the Payroll Clerk will provide the Sick Leave Grant form.
3. Completing Section A: The Donor employee completes Section A, then, turns the form in to the Payroll Clerk.
4. Completing Section B: The Payroll Clerk completes Section B. This certifies that the employee meets the eligibility requirements listed below to make a sick leave grant.
5. The eligibility requirements to make a sick leave grant are:
 - a. Completion of the qualifying period of five-hundred twenty hours to use sick leave.
 - b. A minimum balance of forty hours of sick leave remaining on the donating employee's account after the donated hours are subtracted.

SICK LEAVE – Continued

- c. Contributions of not more than forty hours of sick leave in a continuous twelve-month period.
- d. The twelve-month period is calculated from the first day the employee makes a sick leave grant.

Adopted: 6-21-1999
Revised: 11-16-2006

POLICY 20.00 - FUNERAL LEAVE

20.01 Funeral Leave: An employee who requests funeral leave will be granted one (1) day for attendance of funeral in one's immediate family which will not be charged to vacation or sick leave. Due to death in employee's immediate family, the employee may be granted five days of leave, one (1) day free for funeral and four days taken off sick leave, but shall not exceed five days in any one month. The employee may request four hours for the attendance of a funeral for fellow employee or personal friend that will not charged to vacation or sick leave; eight hours will be allowed for an out-of-town funeral.

Immediate family means the employee's spouse, member of the employee's household, parent, child, grandparent, grandchild, brother, sister, or corresponding in-law.

Funeral leave not charged to vacation or sick leave must be recorded on the employee's regular time sheet.

Adopted: 6-21-1999
Revised:

POLICY 21.00 - DISABILITY LEAVE

21.01 Intent: This policy is adopted to provide uniform application of disability leave by all County departments, to all County employees who have served a six month probationary period and are in permanent status. The exact policy and procedures shall be followed for all disability leaves.

Adopted: 6-21-1999
Revised:

DISABILITY LEAVE - Continued

21.02 Employee's responsibility:

- A. The employee needing disability leave shall advise the appropriate Department Head of a disabling condition, as well in advance as possible. The employee shall submit the prescribed "Request for Disability Leave" form.
- B. If the employee's disability prohibits the employee from performing employment duties, the employee will be required to submit medical certification of any inability to perform job duties to the employing department. Such medical certification shall be required for usage of leave without pay. Use of accrued sick leave without medical certification will be subject to the same restrictions as outlined in policy 19.00.
- C. If the employee is unable to return to the job as originally specified, he/she shall be required to submit medical certification (to be completed by the attending physician) of continued inability to perform employment duties, if requested by the employing department.

Adopted: 6-21-1999
Revised:

DISABILITY LEAVE - Continued

21.03 Department Head's Responsibility:

- A. Upon being notified by the employee of an anticipated need for disability leave, the Department Head shall attempt to answer the employee's questions concerning disability leave as provided by this policy. The following facts shall be discussed:
 - 1. The employee utilizing disability leave shall not earn sick or annual leave credits unless in a pay status.
 - 2. The employee may use accrued leave benefits in computing the total approved disability leave.
 - 3. The Department Head shall advise the employee to check with the Clerk and Recorder's office in order to individually continue health insurance benefits during the leave, so there will be no loss in any continuity of coverage.
 - 4. If, for any reason, the Department Head disapproves the request for leave, the Department Head shall list the reason(s), what action(s) the employee may take to have the leave approved. They shall also ask the employee to sign the form, which indicates that the employee is aware that the leave has been disapproved, and the reasons for disapproval. If the employee refuses to sign the form indicating notification of denial of Leave Request Form, a witness must sign and date the form.

- B. If the employee, on the "Request for Disability Leave Form" signified an intention to return at the end of the leave of absence, such employee shall be reinstated to the original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits when the employee is physically able to return to work.

- C. If, at the end of the leave, the employee does not return to work as originally planned, the employing department shall not be required to reinstate the employee to the original or equivalent position. If this situation does occur, the employee should be advised in writing that the County is released from future employment liability.

Adopted: 6-21-1999
Revised:

DISABILITY LEAVE - Continued

21.04 Leave Period:

- A. The period of leave must be determined by the Department Head. The period will vary for each employee and must be determined by considering the nature, the necessity, the extent, and duration of the disability leave. A medical certification showing the employee is unable to perform the employment duties, and any other relevant factor, must accompany the request.
- B. An employee must be granted a reasonable period of leave, including that provided by the Family and Medical Leave Act, for disability due to pregnancy or adoption, which may include prenatal care, birth, miscarriage, abortion and/or postnatal care. All other requests for leave are at the discretion of the Department Head.

Adopted: 6-21-1999
Revised: 3-27-2003

DISABILITY LEAVE - Continued

21.05 Compliance with Federal Regulations:

- A. Dawson County shall comply with the provisions of the Americans with Disabilities Act.
- B. Dawson County shall comply with the provisions of the Family and Medical Leave Act. The leave shall run concurrently with the other leaves discussed or established herein.
- C. Dawson County shall comply with the provisions of the Workers Compensation Act.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 22.00 MATERNITY LEAVE

22.01 Maternity Leave: Employees and Department Heads must be aware that maternity leave is disability leave and, as such, must be certified by a medical authority, if requested by the Department Head. Employees may request the use of annual vacation leave, sick leave, compensatory time or other appropriate paid leave, or leave without pay, for necessary absences due to maternity related disabilities.

In determining the standard of a reasonable leave, the department head shall apply standards at least as inclusive as those applied to any other valid medical reason.

In accordance with 49-2-310 MCA, it shall be unlawful for the employer to:

- A. Terminate a woman's employment because of her pregnancy;
- B. Refuse to grant the employee a reasonable leave of absence for such pregnancy;
- C. 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. Require that an employee take a mandatory maternity leave for an unreasonable length of time.

Maternity leave shall be treated as any other leave provided for herein, except that eligibility for maternity leave shall not require employment for any specified period of time.

Adopted: 3-27-2003
Revised:

POLICY 23.00 FAMILY AND MEDICAL LEAVE

23.01 Family and Medical Leave: Dawson County provides the benefits required under the Federal Family and Medical Leave Act of 1993 (FMLA), and as expanded on by these policies, to all eligible employees. Employees who are eligible may receive up to twelve weeks of paid or unpaid leave for certain family and medical reasons.

A: Eligibility: To be eligible for the FMLA leave, the employee must have worked for Dawson County for a minimum of twelve months and for at least 1,040 hours during the twelve month period immediately preceding the leave. Eligible part-time employees will receive pro-rated leave based on the average weekly hours worked.

B: Duration: Eligible employees may take up to twelve (12) weeks of leave within a twelve - month period. At the time an employee requests FMLA leave, records for the previous twelve months will be reviewed to determine if the FMLA has previously been used and the amount of leave an employee is eligible to receive.

The twelve weeks of 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 a 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.

C: Purpose of leave: An eligible employee will be granted up to twelve weeks of FMLA leave for any of the following reasons:

1. For the birth of a child and to care for the newborn child.
2. For the placement of a child with the employee for adoption or foster care.
3. For the care of a spouse, child or parent with a serious health condition.
4. For a serious health condition that makes the employee unable to perform the functions of the employee's job.

D: Serious health condition: A serious health condition is one that includes illness, injury or mental condition involving any of the following.

1. Incapacity or treatment in connection with inpatient care in a hospital, hospice, or residential medical facility.
2. A period of incapacity requiring an absence of longer than three days and involving continuing treatment or supervision by a health care provider.
3. Continuing treatment or supervision by a health care provider for a chronic or long-term health condition or for prenatal care.

E: Notice and certification: Employees are required to provide advance notice of leave requests whenever possible. Thirty (30) 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. Requests for FMLA leave must be addressed to the Department Head. The Department Head shall notify the Payroll Clerk. The Payroll Clerk must promptly notify the employee of the employer's response to the request for FMLA leave, using form WH-381. The employee also must note any leave time whether paid or unpaid on their monthly time sheet.

Medical certification from a health care provider may be required to support a request for FMLA leave due to the employee's own serious health condition or that of a family member. Medical certification reflecting fitness for duty will be required when an employee returns to work from FMLA used due to the employee's own serious health condition.

FAMILY AND MEDICAL LEAVE - Continued

- F: Prior use of paid leave: Employees are required to use all available accrued paid sick leave, including donated sick leave (in accordance with 19.10 of these policies), while on FMLA leave. Once sick leave is used, an employee may, at his/her option use accrued vacation leave, or compensatory time during a qualified FMLA absence.

Any absence which qualifies as a FMLA leave and is covered by Dawson's County maternity or family leave policies will run concurrently with FMLA leave.

- G: Spouses Employed by the same Employer: If both spouses are employed by Dawson County, they are jointly entitled to a combined total of 12 workweeks of family leave for birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent or child who has a serious health condition.

- H: Health Benefits: An employee's health insurance coverage will be continued at the same level he or she had prior to the use of FMLA leave. Employees who pay a portion of the contribution costs for dependent coverage for health benefits or other insurance coverage are required to self pay those costs to maintain coverage during the FMLA leave.

If an employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefit 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.

An employee on FMLA leave may elect to alter his or her contributions to the flexible benefits plan for qualifying events.

- I: Reinstatement: An employee returning to work following a FMLA leave will be returned to the same or equivalent position with equivalent pay as when the leave began. The use of FMLA leave will not result in the loss of any employment benefit accrued prior to the start of an employee's leave.

Adopted: 3-27-03
Revised: 11-16-2006

FAMILY AND MEDICAL LEAVE - Continued

23.02 End of FMLA: When an employee has reached the end of the 12 weeks of FMLA and they have not returned to work:

- A. If the employee has remaining sick leave, annual leave, or sick leave grants, the employee may use such time as they have accumulated and the county will continue to pay their portion of the health insurance while using this accumulated leave.
- B. If the employee has exhausted all sick leave, annual leave, and sick leave grants, their employment may end. They may apply for a disability leave to extend their period of leave time, not to exceed 1 year from the start date of FMLA leave. The employee is responsible to pay all of their health insurance and any other benefits while on disability leave. The disability leave must be approved by the department head and commissioners. A disability leave form is to be completed and retained in the employee's personnel file. If or when employment is ended, the employee is eligible to continue health insurance under COBRA (Policy 29.03).

Adopted: 9-4-2008

POLICY 24.00 - WORKER'S COMP LEAVE

24.01 Procedure: Employees must report every work-related injury or disease immediately to the supervisor. The employee must complete section I of the County Incident/Accident/Injury report. The supervisor must complete Section II of the form and submit the form to the payroll clerk, who will give a copy to the safety committee. If the employee is unable to complete the form, the supervisor may complete it for the employee.

Adopted: 3-27-2003
Revised:

WORKER'S COMP LEAVE - Continued

24.02 Benefits: 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 six (6) day or 48 hour waiting period (whichever is earlier). Employees may use accrued leave, including annual or sick leave benefits to cover wage loss during the waiting period.

During an absence due to work related injury or disease:

- A. Annual Leave may be used in accordance with state law;
- B. Family and Medical Leave (FMLA) may be used in accordance with federal law and these policies; and
- C. Leave without pay may be used in accordance with these policies.

Employees may retain county insurance coverage during approved leave without pay or FML in accordance with the provisions of these policies.

Adopted: 3-27-2003
Revised:

WORKER'S COMP LEAVE - Continued

24.03 Medical Certification: Medical certification reflecting fitness for duty will be required when an employee returns to work from a work related illness or injury. When employees are not able to return to the duties they were performing at the time of their injury, but are anticipated to make a full recovery, transitional work assignments may be considered. The Department Head will coordinate transitional work assignments with the employee.

Adopted: 3-27-2003

Revised:

WORKER'S COMP LEAVE - Continued

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

Adopted: 3-27-2003
Revised:

POLICY 25.00 - OTHER LEAVES

25.01 Other Leaves: The Commissioners may from time to time and in response to specific instances create an additional leave and/or apply additional benefits to established leaves when such is allowed by law, in the sole discretion of the Commissioners and without creating precedent.

During such leave of absence, insurance benefits can be continued at the full expense of the employee. Vacation, sick leave, length of service, and longevity benefits do not accrue during this period of leave.

Adopted: 3-27-2003

Revised:

POLICY 26.00 - HOLIDAYS AND HOLIDAY PAY

26.01 Statute: Employees in a pay status when a legal holiday occurs shall receive appropriate paid holiday leave or compensation, in accordance with sections 1-1-216 and 2-18-603, MCA.

Holidays:

- A. The following are legal County holidays:
 - 1. Each Sunday
 - 2. New Year's Day, January 1
 - 3. Martin Luther King Day, the third Monday in January
 - 4. President's Day, the third Monday in February
 - 5. Memorial Day, the last Monday in May
 - 6. Independence Day, July 4
 - 7. Labor Day, the first Monday in September
 - 8. Columbus Day, the second Monday in October
 - 9. Veterans Day, November 11
 - 10. Thanksgiving Day, the fourth Thursday in November
 - 11. Four hours, Christmas Eve, December 24, (providing the day falls on a workday, Monday through Friday) with certain provisions for Public Safety Departments
 - 12. Christmas Day, December 25
 - 13. State General Election Day
- B. If any holiday falls on Sunday, the Monday following will be a holiday. If any holiday falls on Saturday, the Friday preceding will be a holiday. (Sundays excluded)
- C. State primary election days are not County holidays.
- D. Holiday pay is 8 hours for full time employees and pro-rated for part time employees.

Adopted: 6-21-1999
Revised: 12-15-2005

POLICY 27.00 - WAGE GRADE & STEP SCHEDULE

27.01 Wage Schedule: Dawson County has established a Wage Grade and Step Schedule, based on Job Descriptions and Job Evaluations, for permanent employees, full or part-time. The Job Description will determine the pay grade for each position. Job Evaluations will determine a Step increase. Each Step is equal to one year of service or 2,080 hours. There are thirty Steps for each Grade. Steps 1 through 20 are a 1% increase and Steps 21 through 30 are a .5% increase. The Department Head, not for longevity purposes, but in lieu of experience, may start an employee at a Step other than zero with the Commissioners' approval. Those hired under the "Individual Employment Contract" shall have their wage and other benefits specified in that Contract.

The county wage grade and step schedule does not apply to:

- A. Elected officials, as they are directly responsible to their constituents and statute regulates many of the terms of employment.
- B. Employees whose wages are set by statute or by collective bargaining. However, to the extent that the individual collective bargaining agreement does not regulate compensation, this program shall apply.
- C. Department heads may choose to exclude seasonal summer or temporary employees.
- D. High level executives who manage budgets in excess of \$1 million annually, and/or supervise at least 35 FTE's, as the Commissioners need a high range of flexibility in determining the scope and compensation of such positions.
- E. Employees who are in positions from which more than half of the funding comes from third party contractor(s), as consideration for compensation packages is substantially different than for positions funded out of the general and other funds.
- F. Grant funded programs may choose to be excluded from the pay plan.

Adopted: 6-21-1999
Revised: 9-4-2008

WAGE GRADE & STEP SCHEDULE - Continued

- 27.02 Job Description: Each January the Department Head and employee may need to review the employee's Job Description, using the following steps:
- A. The Department Head should review the job description. A copy may be requested from Clerk and Recorder Office. Should significant job changes be necessary, continue to step B.
 - B. Department Head shall request a meeting with County Commissioners to discuss Job Description changes.
 - C. Return the corrected Job Description to Clerk and Recorder for update.
 - D. If warranted, County Commissioners will send Job Description to an independent third party for review and re-grading.
 - E. All returned Job Descriptions, recommending an increase in Grade, on the Wage Step and Grade Scale, will require the County Commissioners' approval.
 - F. When a change in grade is approved by the commissioners, the corresponding pay will be in effect on the next following pay period, upon the approval of the department head and if budgets will allow.

Adopted: 6-21-1999
Revised: 11-16-2006

WAGE GRADE & STEP SCHEDULE - Continued

27.03 New Job Descriptions for Permanent Employees: Department Head will be required to complete the following steps:

- A. Complete a proposed description of duties for the new position.
- B. Forward description of duties to County Commissioners for review.
- C. County Commissioners will give forms to Clerk & Recorder's office for a written draft of Job Description.
- D. Department Head will review and approve or note any corrections and return to the County Commissioners to be forwarded to an independent third party for Grading.
- E. County Commissioners will review and approve Job Description and assign Wage Grade.

Adopted: 6-21-1999
Revised:

WAGE GRADE & STEP SCHEDULE - Continued

27.04 Job Evaluations: Direct Supervisors will do a Job Evaluation on each of their employees, completed, signed and returned to County Commissioners by March 15. Employees with Overall Work Performance where improvement is needed to meet Job Requirements, will not receive one (1) year service time towards their next Step increase. The Payroll Clerk should be notified if this occurs. The Job Evaluation forms are available from Clerk and Recorder Office.

Adopted: 6-21-1999
Revised:

WAGE GRADE & STEP SCHEDULE - Continued

27.05 Promotions and Transfers: The anniversary date for employees who have been promoted or transferred from one department to another without a break in service that resulted in an increase in Grade Level shall keep their previous anniversary date for the Step Scale.

Adopted: 6-21-1999
Revised:

POLICY 28.00 - TRAVEL AND USE OF COUNTY EQUIPMENT

- 28.01 Uniform Travel Compensation: Travel compensation for County officers and employees traveling at county expense will be paid pursuant to 2-18-503, MCA, and 24.16.1010 Administrative Rules of Montana. (see also Ag opinion vol. 35 #16.) All workshops, conventions, meetings, etc., requiring travel out of the County with the exception of such travel as pertaining to the normal routine of the Department, must be submitted to the County Commissioners for approval one (1) week before scheduled meeting. Submit the form for authorized travel and then attach to your travel voucher. The Clerk & Recorder's Office has travel vouchers that must be filled out in order for employees to get their travel expenses reimbursed.
- A. In-State Travel: The rates shall be set by the County Commissioners at the beginning of each calendar year. These rates may be obtained from the Clerk and Recorder's Office. If state rates cannot be obtained, it is necessary to have prior Commissioner approval for full reimbursement. Meal reimbursement shall be the same as state rates. A noon meal will not be reimbursed by Dawson County if an employee is attending a meeting in Glendive. Lodging reimbursement shall be the same as state rates plus tax. A receipt must accompany the travel voucher. Travel by other means (airlines, train, bus, etc.) will be reimbursed at the actual cost not to exceed the amount allowed for mileage. However, exceptions may be granted in cases of Federal or State grants being used. A receipt for ticket must accompany travel voucher. When non-receiptable lodging facilities are used by an employee, while conducting official county business, in a travel state, e.g. staying with friends or relatives, or in a camper or trailer, or they fail to obtain a receipt, the amount of \$12.00 per night is authorized for lodging expenses. This is a non taxable reimbursement.
 - B. Out-of-State Travel: The rates shall be set by the County Commissioners at the beginning of each calendar year. Check with the Clerk and Recorder's Office for rates. Out-of-state travel reimbursement shall be the same as state allowance for out-of-state travel. All out-of-state travel expenses are up to the discretion of the County Commissioners and permission must be obtained in advance or only in-state travel rates will be paid. Reimbursement is subject to any changes in the Montana Codes.
 - C. Recording Travel Time on Time Sheet: Travel time shall be recorded on the employee's time sheet as working time. It shall include time spent traveling from work site to work site. Meal period time is not to be included in travel time.
 - D. Taxable travel expenses will be paid through payroll and included on W-2. Taxable travel includes meals for a day conference, workshop or business meeting not in Glendive, when you return home the same day. (Subject to state rates) Taxable mileage includes any county vehicle other than qualified non-personal use vehicle that has been approved for commuting (See 28.02 paragraph C) and Commissioner's commuting mileage with personal vehicle.
 - E. Non taxable travel expenses will be paid through a claim and includes: business related lodging expenses, meal expenses when there is also lodging, the day returning home is included in non taxable (subject to state rates), and business mileage using personal vehicle.

Adopted: 6-21-1999
Revised: 12-15-2005

TRAVEL AND USE OF COUNTY EQUIPMENT - Continued

28.02 Use of County Equipment:

- A. General Property Use: An employee shall not, directly or indirectly, use or allow the use of county property, supplies or equipment, either owned or leased, for purposes other than the official conduct of County business and activities.
- B. Use of County Vehicles: Employees driving County vehicles are required to have such driver's licenses for the vehicles being driven as are required by Montana State Law, irrespective of whether the employee drives the vehicle on regular, occasional or other basis and whether or not this requirement is included or omitted in the job description. Violation citations, fines or other actions taken by any law enforcement jurisdiction against any employee while in violation of this rule shall be the responsibility of the employee and may be cause for disciplinary action. Any employee of the County who misuses, abuses County vehicles or other equipment, or uses them for any reason other than approved County purposes, or takes a vehicle home when not approved by the Department Head, shall be subject to appropriate disciplinary action, including dismissal if deemed appropriate. Employees who require a CDL for their position will be subject to the Dawson County Drug and Alcohol Program Policy.
- C. Mileage Log: There shall be no use of a County Vehicle for personal purposes. The Department Head may authorize use for commuting and de minimis personal use, with the approval of the County Commissioners. When granted such permission, the employees must keep track of business miles by keeping a log containing date, mileage (beginning and ending), destination, business purpose, personal use miles, and commuting. This information should be kept on a daily basis. The mileage log shall be given to the Clerk & Recorders office annually on November 30th for inclusion of personal usage as a taxable fringe benefit with employee's wages. Mileage Log forms are available from the Clerk & Recorder's office.
- D. Grant User Fee: Employees whose budgets are totally funded from sources outside Dawson County shall be assessed a user fee, which, shall be \$.06 under the federal/state guidelines regarding mileage. In addition, they shall be responsible for their own gas.
- E. Seat Belt Policy: All occupants of County vehicles shall use seat belts while the vehicle is in operation.
- F. Safety and Accident Prevention:

PURPOSE: To establish guidelines and lines of responsibility for maintaining a safe and healthy work environment.

STATEMENT OF POLICY: The County recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools, and other devices.

Administration of the safety program should be the job of the supervisors. They should be constantly on the alert to observe and report unsafe working practices or existing hazardous working conditions with the aim of immediate correction. Each Department Head or supervisor shall make sure that the employee under his/her supervision is well acquainted with existing safety rules and shall see that the rules are uniformly enforced. Safety education of all employees shall be promoted by supervisors adhering to all safety rules. A safety manual is available in each department. It is the responsibility of all employees to cooperate in making the safety program work. Employees must:

TRAVEL AND USE OF COUNTY EQUIPMENT - Continued

1. Be informed of and observe established safe practices.
2. Notify supervisors of any unsafe conditions they discover.
3. Use personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats where required.
4. Keep guards or other protective devices on machinery and equipment in place.
5. Not engage in "horseplay."
6. Attend any required training or orientation to increase safety awareness.
7. Not report to work under the influence of alcohol or drugs that alter normal behavior or ability to function safely.
8. Report all job-related injuries or illnesses to their supervisors promptly.
9. Assist supervisors in their investigation of any accident of which they have knowledge; accident investigation is fact finding, not fault finding.
10. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

Adopted: 6-21-1999
Revised: 9-4-2008

TRAVEL AND USE OF COUNTY EQUIPMENT - Continued

28.03 Industrial Accident: If an employee is injured on the job, he/she must notify the Department Head immediately. Employees must also notify the Clerk and Recorder within seventy-two hours and make arrangements to come in and assist in the preparation of a report that must be sent in to collect on medical bills and for compensation if the employee is off more than seven days. Also, when going to the doctor, employees must be sure to tell him/her it was a work related injury.

Adopted: 6-21-1999
Revised:

TRAVEL AND USE OF COUNTY EQUIPMENT - Continued

- 28.04 Accident Reports: Employees shall, to the best of their ability, complete an accident report form provided by the County immediately after an accident and turn it in to the Department Head. The Department Head will review the report and submit it to the Board of County Commissioners. All accidents, personal or vehicular, regardless of their magnitude, shall be reported to the Safety Committee. Failure to report will result in disciplinary action.
- A. Property/Damage Loss: Employees shall complete a Property Damage/Loss Notice Form provided by the County within one (1) day after the damage or loss to property. This notice needs to be filled out in all cases except the cases that will be turned into Workmen's Compensation. The Department Head will review the report and submit it to the Board of County Commissioners.

Adopted: 6-21-1999
Revised:

TRAVEL AND USE OF COUNTY EQUIPMENT - Continued

28.05 Out-of-State Permission: If Elected Officials or Department Heads are going to be out of the State more than fifteen consecutive calendar days, a written request for permission must be submitted to the Board of County Commissioners prior to leaving.

Adopted: 6-21-1999
Revised:

POLICY 29.00 - TERMINATION PROCEDURES

29.01 Notification: When an employee plans to resign or transfer from a County position, the employee should notify the Department Head at least two weeks prior to the date of termination. Notification should be in writing to the Department Head. On the final day of employment, the employee shall give to the Department Head a signed and completed time sheet and return the County Employee Handbook. If termination is due to a dismissal by the Department Head, the time sheet may be completed by the Department Head to expedite termination payment.

Adopted: 6-21-1999
Revised:

TERMINATION PROCEDURES - Continued

29.02 Procedures:

- A. It is suggested that the Department Head conduct the exit interview at the convenience of the Department Head and the employee. The exit interview may be either in person or by telephone.
- B. Prior to scheduling the interview, matters such as return of property and finalizing projects should be considered.
- C. The Payroll Clerk and Commissioners shall be notified immediately to allow for the processing of the payroll. Unpaid wages, including vacation and sick credits, for employees separated from employment for cause or laid off, will be paid on the employee's next regular payday for the pay period or fifteen days from the date of separation, whichever occurs first.
- D. Personnel records of the departing employee are transferred to the inactive file for such a period of time as deemed necessary for proper records management not less than five years.

Adopted: 6-21-1999
Revised:

TERMINATION PROCEDURES - Continued

29.03 Continuation of Group Health Plan Coverage: Under COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1986, an employee, the spouse and dependent children who qualify, may elect to continue group health coverage for up to eighteen months or thirty-six months, depending on the reason for eligibility. Contact the current health insurance provider for such continuation under COBRA.

Adopted: 6-21-1999
Revised:

POLICY 30.00 - SALE OR DISPOSAL OF COUNTY PROPERTY

30.01 Sale or Trade of Usable or Junk Items: Prior approval from the County commissioners must be given before sale or trade of County property, be it useable or junk. Any sale item whose value is \$2,500 or more must be appraised and sold at a public auction. Proceeds from sale of all useable or non-useable items or junk must be deposited into the County budget. A current inventory must be maintained. An inventory form must be filled out and filed with the Clerk and Recorder's Office for any sale or transfers between departments, or any vehicle trade-in's or discarded items.

Adopted: 6-21-1999
Revised: 3-27-2003

POLICY 30.00 - SALE OR DISPOSAL OF COUNTY PROPERTY

30.02 Record Retention or Disposal: Prior to disposing of any records, the "Request and Authorization for Records Disposal or Destruction" form, must be completed and forwarded to the Montana Local Government records committee for approval. Upon receipt of approval from this committee, records may be disposed of or destroyed.

Adopted: 3-27-2003

Revised:

POLICY 31.00 - HATCH ACT

31.01 The Act: The Hatch Act restricts the political activity of an individual principally employed by a state or county executive agency in connection with a program financed in whole or in part by federal loans or grants. Section 1501-1508 of title 5, United States Code; Part 151 of title 5, Code of Federal Regulations.

Adopted: 6-21-1999
Revised:

HATCH ACT - Continued

31.02 Political Do's and Don'ts for State and County Employees: An individual principally employed by a state or county agency in connection with a program financed in whole or in part by federal loans or grants. . .

DO's: May be a candidate for public office in a nonpartisan election.
May campaign for and hold elective office in political clubs and organizations.

May actively campaign for candidates for public office in partisan and nonpartisan elections.

May contribute money to political organizations or attend political fundraising functions.

May participate in any activity not specifically prohibited by law or regulation.

DON'TS: May not be a candidate for public office in a partisan election.

May not use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.

May not directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

An election is partisan if any candidate for an elective public office is running as a representative of a political party whose presidential candidate received electoral votes at the preceding presidential election.

CAUTION: An employee's conduct is also subject to the laws of the state and the regulations of the employing agency. Prohibitions of the Hatch Act are not negated or diminished by state or county laws.

Adopted: 6-21-1999

Revised:

HATCH ACT - Continued

31.03 Penalties for Violation: If an offense warrants dismissal from employment, the employing agency must either:

- A. Dismiss the employee or,
- B. Forfeit a portion of the federal assistance equal to two years salary of the employee. If the violation does not warrant the employee's discharge, no penalty is imposed. As a final note, state and county employees subject to political activity laws continue to be covered while on annual leave, sick leave, leave without pay, administrative leave or furlough. Contact your Department Head to determine if your employment is funded in part by Federal monies. Contact the County Attorney if you have questions regarding the policy.

Adopted: 6-21-1999

Revised:

POLICY 32.00 - DRUG FREE WORK PLACE

RESOLUTION NO. 378

RESOLUTION OF THE DAWSON COUNTY COMMISSIONERS OF DAWSON COUNTY
ESTABLISHING A DRUG-FREE WORKPLACE POLICY.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Dawson, State of Montana, is committed to a drug-free workplace.

IT IS FURTHER RESOLVED that it is the policy of Dawson County that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by any employee in the workplace is prohibited.

IT IS FURTHER RESOLVED, that any employee who violates this prohibition is subject to disciplinary action, up to and including discharge, as provided in the Discipline Measures in the Dawson County Employees Handbook Policy 10.00. Disciplinary action may include required participation in an approved drug abuse assistance and rehabilitation program.

IT IS FINALLY RESOLVED that this policy statement is adopted in compliance with the Drug-free Workplace Act of 1988 (Pub L. 100-690, Title V, Subtitle D).

PASSED AND ADOPTED this 5th day of September 1991.

Adopted: 6-21-1999
Revised:

POLICY 33.00 SAFETY

33.01 Safety-All employees are to uphold safe work practices and be aware of established safety procedures as set forth in the Employee Safety Manual. A Safety Manual is available in each department. (See Policy 28.02)

Adopted: 9-4-2008

Revised:

