

RESOLUTION NO. 1885

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, ADOPTING A REVISED PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Columbia Falls' current Policy and Procedures Manuals were adopted on November 7, 2016; and

WHEREAS, the City must periodically review and update the manual to comply with federal and state legal and personnel areas, and to have it accepted by the City's liability insurance provider, the Montana Municipal Interlocal Authority (MMIA) so as to qualify for liability insurance discounts and expanded coverages; and

WHEREAS, the City is hiring firefighters and must update the Personnel Policy to accommodate Personnel Policy specific to firefighters not addressed in the current City Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. That the City Personnel Policy Manual attached as Exhibit A is hereby adopted by the City Council.

Section Two. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 5th DAY OF DECEMBER, 2022, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Shepard, Robinson, Hamilton, Piper and Barnhart

NOES: None

ABSENT: None

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 5th DAY OF DECEMBER, 2022.

Mayor

ATTEST:

City Clerk

City of Columbia Falls Personnel Policy Manual



Updated and Adopted December 5, 2022 by Resolution # 1885
Major Revision and Update Approved November 7, 2016 by Resolution # 1737
Updated and Adopted November 5, 2007 – Resolution # 1507

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INTRODUCTION LETTER

PREFACE A

Welcome New Employee:

The City of Columbia Falls is pleased that you have joined our organization of professionals. The City of Columbia Falls is a professional organization providing many valuable services to the residents of and visitors to the City of Columbia Falls. Your position has been designed to assist the City of Columbia Falls with accomplishing these services. We hope you will find this position rewarding and challenging.

During your probationary period, your employment with the City of Columbia Falls is at will and may be terminated with or without cause at any time by either you or the City of Columbia Falls. This policy manual is not an employment contract. Rather, it is designed to provide you general information regarding employment practices and benefits with the City of Columbia Falls. The policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules. Policies and rules contained within the manual will be added, updated, or deleted as determined by the City of Columbia Falls. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the City Manager or designee.

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

During your first few days working for the City of Columbia Falls you will probably have several general questions regarding our organization and policies. You are encouraged to research the answer within the manual; however, do not hesitate to ask your supervisor or the City Manager or designee concerning any questions you may have.

The staff of the City of Columbia Falls would like to welcome you.

Sincerely,

City of Columbia Falls

Susan M. Nicosia
City Manager

RECEIPT PAGE

PREFACE B

CITY OF COLUMBIA FALLS PERSONNEL POLICY MANUAL

Updated and Adopted December 5, 2022 – Resolution # 1885

Major Revision and Update Approved November 7, 2016 by Resolution # 1737

Updated and Adopted November 5, 2007 – Resolution # 1507

RECEIPT AND ACKNOWLEDGEMENT

It is expressly understood that the City of Columbia Falls Personnel Policy Manual does not constitute a guarantee of employment or promise of any kind. The City of Columbia Falls, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish change or abolish its policies, practices, rules and regulations. If you are a covered employee of a Collective Bargaining Agreement (CBA), the terms of the CBA apply whenever inconsistent with this Personnel Policy Manual.

It is understood that the Personnel Policy Manual is issued to inform employees regarding the operating policies of the City of Columbia Falls and is to be used as a guide to City of Columbia Falls employees in the performance of their duties. The policy manual may be changed from time to time at the sole discretion of the City of Columbia Falls. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Violations of the policies set forth in this manual may result in disciplinary action up to and including termination.

By signing this statement, the employee acknowledges the City of Columbia Falls Personnel Policy Manual has been received and read and that it is your responsibility to read and comply with the policies contained in this manual.

Signed _____

Date _____

Print Name _____

Position _____

Effective Date of Employment _____

CITY HISTORY

PREFACE C

The City of Columbia Falls was originally incorporated in 1909 and pursuant to Montana Statute is classified as a 3rd class city. The 2020 Census population of Columbia Falls was 5,308, representing 13% growth since 2010 Census. Our current area is slightly larger than 2 square miles.

The City of Columbia Falls adopted the Commission/Manager form of government on March 5, 1992. The City is governed by a city commission, composed of six commissioners and a mayor, elected at large by the voters of the City. The City Manager is the Chief Executive of the City and is responsible for the day to day operations and administering policy as set by the Mayor and City Council.

The City of Columbia Falls is a full service city providing police, fire, water, wastewater, street maintenance, planning, building inspection, parks and recreation, Municipal Court, and administrative services. The City also provides planning and zoning services to an extra-territorial area of an approximate 3 mile area surrounding the City. The City's elected officials and staff take great pride in the level and quality of services that we provide to citizens and visitors.

1. Administration

- A. The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee, nor to limit the power of the city council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

Pursuant to State Statute, 7-3-304, M.C.A., the City Manager is directed to administer all City personnel actions.

The City Manager shall be responsible for ensuring the effective administration of these policies and procedures and may delegate such functions as deemed necessary for the implementation of this system. The City Manager may adopt, amend, or rescind written administrative procedures consistent with these rules and procedures. The Manager shall advise the City Council of any administrative changes.

- B. The City Manager, or designee, shall be responsible for directing and coordinating the personnel activities of the City, including the following:
1. Preparation of position classification and pay plans, and directing the administration of these plans.
 2. Computation of a budget for personnel services for all departments.
 3. Recruiting, testing, selecting, and hiring of all City employees.
 4. Approving the appointment, promotion, demotion, transfer, discipline, discharge, and other actions affecting persons employed by the City.
 5. Supervising, developing, and maintaining the personnel system, including written forms, procedures and records.
 6. Maintaining a current roster of all persons employed by the City.
 7. Directing employee orientation, training, counseling, and career development in conjunction with department heads.
 8. Administering the fringe benefit programs.
 9. Providing for performance evaluation reviews of employees.
 10. Administering the personnel policies and procedures, including the employee grievance procedures.
 11. Performing any other lawful acts which are considered necessary or desirable to carry out the purpose of the personnel system and the provisions outlined in these policies.

- C. The provisions of this manual shall not be construed as limiting in any way the power and authority of any department head to make departmental rules and regulations governing the conduct and performance of employees. Such departmental rules and regulations, however, shall not conflict with provisions of these policies.
- D. Suggestions for amendments to these policies are welcomed at any time from employees covered by the policy manual provisions. All suggested amendments shall be submitted in writing to the City Manager.

2. Definitions

Absence –the failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day.

Annual Leave – A paid recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work but not the end of employment. Also known as vacation leave.

Conflict of Interest – Conflicts of interest for municipal employees arise when a government employee's personal or financial interest conflicts or appears to conflict with their official responsibility.

Discipline – Correction or penalty. Discipline is used to bring order to situations where there have been violations of federal, state or local laws and/or violations of City of Columbia Falls rules and regulations, employee conduct/behavior/performance standards, or City of Columbia Falls policies.

Exempt Employee - Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see City Manager for details).

Grievance – An injury, injustice or wrong which gives ground for complaint because it is seen as unjust, discriminatory, or oppressive. Employees file grievances through the Grievance Procedure contained in this manual or pursuant to their Collective Bargaining Agreement.

Hours Worked - generally include all of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. For overtime calculations, hours worked do not include hours for vacation leave, sick leave, holidays, personal days, workers compensation, or compensatory time taken. This prior sentence shall only be implemented if such language is applicable to all City employees including those subject to Collective Bargaining Agreements

Immediate Family--The employee's spouse, any member of the employee's household, or any parent, child, sibling, grandparent, or grandchild, and corresponding step or in-law relationships.

Independent Contractor - Independent Contractors are not considered employees of the City of Columbia Falls. Rather, Independent Contractors are those who work on a contract for services basis and must

complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

Leave Without pay—Any approved time off that is not charged to annual leave or sick leave.

Nonexempt Employee - A nonexempt employee is an employee who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked. Compensatory time is equivalent to one and one-half times the employee's number of hours worked for each hour over 40 hours worked. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity.

Regular Full-Time Employee - An employee who normally works 40 hours a week. Regular full-time employees are eligible for all employee benefits.

Regular Part-Time Employee - An employee who normally works less than 40 hours a week. Regular part-time employees who work 20 or more hours per week are eligible for medical/dental/vision insurance benefits on a prorated basis.

Remote Employee - An employee who performs the majority of their work in a location different from where City of Columbia Falls general operations occur. They may or may not be covered under the provisions of the FLSA, depending on the status of their employment, and have specific conditions of employment outlined in their respective employment agreements.

Seasonal Employee - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. The employee is not eligible to become a regular employee without completing a competitive selection process. A seasonal employee may be eligible for limited or prorated benefits.

Short-term Worker - A short-term worker is hired to work for an hourly wage established by the City of Columbia Falls for a period not to exceed 90 days within a 12 month period. Short-term workers are not eligible for permanent status and may not be hired without a competitive selection process. The short-term worker is not eligible for any employee benefits including leave, holiday benefits or any insurance benefits.

Sick Leave – Period allowed by an employer to an employee for the employee's sickness, tending to the needs of an ill immediate family member or attending medical/dental appointments with no loss of seniority or other benefits.

Temporary Employee - An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Workplace Violence – Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or fury. Violence can include unlawfully exercised force, any exertion of physical force so as to injure, damage or abuse, as well as threats by words and/or acts.

3. Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA) and the ADA Amendments (ADAAA)

The City of Columbia Falls is committed to complying with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC). The City shall adhere to all relevant provisions of the Americans with Disabilities Act, (ADA), the ADA Amendments Act and equivalent state disability laws. The City ensures equal employment opportunity regardless of race, religion, color, creed, national origin, sex, marital status, veteran/military status, political belief, age, or mental/physical disability, (as defined by the ADA or ADAAA), unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications that cannot be accommodated without undue hardship to the City.

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the City Manager or other designee and request such an accommodation. The City of Columbia Falls will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The City of Columbia Falls will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the City of Columbia Falls and/or a direct threat to the health and/or safety of the individual or others, the City of Columbia Falls will make the accommodation. The City of Columbia Falls may also propose an alternative accommodation(s). The City of Columbia Falls is not required to provide the accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.)

The City of Columbia Falls will also make reasonable accommodations for conditions related to pregnancy, childbirth or related medical conditions, if requested with the advice of the employee's health care provider, as required by law.

If an employee believes that they have been subjected to discrimination, including harassment, based upon any of these factors, they should immediately contact their supervisor and pursue corrective action. If the employee feels they need to resolve the problem by filing a grievance, they should pursue action through the Grievance Procedure stated within this policy manual.

4. Expectations

The City of Columbia Falls wants every employee to know what the City of Columbia Falls expects of them. This policy manual is designed to inform employees as to what the City of Columbia Falls expects of them, City of Columbia Falls policies, and the Grievance Procedure should employees have a problem.

Employees are expected to treat co-workers, Mayor and Council Members, vendors, colleagues, customers and other business contacts with respect and dignity. Employees are expected to conduct their job functions in a professional, ethical, businesslike fashion with minimal interference by other staff members or visitors. Employee attention to responsibilities and work products should be constant, consistent, efficient and productive. Personal interference or distractions should be kept to a minimum.

The affairs of the City of Columbia Falls are important and are to be considered a confidential trust, as well as a responsibility. Employee attitude, ability, productivity and a sense of responsibility are critical aspects of all job descriptions.

Employees of the City of Columbia Falls may deal with confidential and proprietary information. It is imperative that employees maintain the City of Columbia Falls' integrity and not discuss City of Columbia Falls business with people who should not be privy to the information. In some circumstances, City of Columbia Falls business should be revealed to other City of Columbia Falls employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the City Manager or designee, or with the City Attorney.

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

5. Lawsuits Against the City of Columbia Falls

When an employee is approached by a legal process server, they should refer the server to the City Manager and/or their designee or to the City Attorney. Should an authority not be available and the employee is required to accept served papers, it is the employee's responsibility to locate and forward the information to either of the authorities listed without opening the documents.

No employee shall discuss aspects of any legal situation that is subject to or is currently involved in a lawsuit or hearing without first consulting with the City Manager or designee or City Attorney. Likewise, if an employee is approached for a press release or news quote about a lawsuit, refer all contacts to the City Manager or designee.

6. New Employees

The City of Columbia Falls generally will hire employees for entry level positions and train and develop them for promotion to higher level positions. When job vacancies above the entry level occur, the City will provide for the opportunity for promotion through in-house hiring procedures. Vacancies are posted in-house for a minimum of five (5) working days prior to advertising outside the City. Nothing in this policy manual requires the hiring of an in-house applicant and the Department Director may advertise outside the City even if there are in-house applicants.

New employees will complete an informal orientation session with the City Manager and/or designees. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The City Manager and/or designees will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the City of Columbia Falls. The employee will be responsible for reading and following the policies established within the policy manual, to include understanding their employment classification.

Unless otherwise specified by a Collective Bargaining Agreement or State Law, all employees will serve a one year probationary period unless extended. The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. During the established probationary period, City of Columbia Falls reserves the right to terminate an employee with or without cause.

7. Employment of Relatives (Nepotism)

No employees will be appointed in a manner inconsistent with the Nepotism laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA.

8. Authority for Personnel Action

The City of Columbia Falls reserves the right to direct, hire, promote, transfer, assign and retain employees. City of Columbia Falls also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the City of Columbia Falls; as well as determine and change hours of work, shifts, and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished with the sole discretion of the City of Columbia Falls.

Pursuant to State Statute, 7-3-304, M.C.A., the City Manager is directed to administer all City personnel actions.

Where there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City of Columbia Falls, the CBA shall take precedence.

9. Outside Employment

The City of Columbia Falls should be the primary job for regular employees. It is understood that some employees may be engaged in outside employment. When such event occurs, the employee must submit in writing the details of the proposed outside employment to the Department Director and/or City Manager before beginning the outside employment to ensure that such employment will not be in conflict with City employment. If the City determines that outside employment interferes with the employees' ability to satisfactorily complete City of Columbia Falls job duties, the employee will be required to cease outside employment or resign their position with the City of Columbia Falls.

10. Remote Employment

In some situations, the City of Columbia Falls may see fit to hire employees or allow employees to work in different locations subject to City Manager approval. Remote employment brings with it unique responsibilities and advantages that should not be abused or misused. If a remote employee requires a unique work environment that is deemed unreasonable by the employer or creates a situation which the City of Columbia Falls determines is not workable, the City of Columbia Falls may require that the employee work out of the appropriate City of Columbia Falls facility. If the employee could not do this, the City of Columbia Falls reserves the right to take other actions as required in accordance with City of Columbia Falls policies.

11. Pay Plan

11.1 AUTHORITY TO ESTABLISH SALARIES AND WAGES

- A. All salary and wage provisions contained in these policies are subject to the City Council's final approval of the City's annual budget.
- B. The City Manager shall be responsible for the development, administration, and amendments, as required, of a uniform and equitable plan which shall provide equal pay for equal work.

11.2 PAY PLAN

The pay plan shall consist of a wage schedule establishing rates of pay for all graded positions. The pay ranges shall be directly linked to the position classification plan and shall be determined with due regard for the knowledge, skills and abilities required in the position job description. In addition, for those positions not included in the wage schedule, all department heads or directors and all other exempt administrative personnel, the City Manager shall determine a minimum and maximum rate of pay in the salary range for each exempt position with due regard to the ranges of pay for similar classifications and the required knowledge, skills and abilities and other benefits received by City employees.

11.3 PAY ADMINISTRATION

- A. Beginning Pay Rate – Hourly Employees. The entry rate of pay in the wage schedule for a position shall be paid to any employee upon their initial appointment to the position.
- B. Beginning Pay Rate – Exempt Salaried Employees. The minimum rate of pay in the salary range for a position shall normally be paid to any employee upon their initial appointment to the position. Beginning rates of pay in excess of the minimum may be allowed to recruit persons with a higher level of skills and experience or within a short labor supply market.
- C. Annual Pay Adjustments – Hourly Employees. A step increase shall be granted each year, after the first year of employment, only with the written authorization of the City Manager, after a recommendation by the individual employee's department head to the City Manager. Such a recommendation shall be based solely upon the employee's meritorious performance of duties as documented by the employee's annual performance evaluation, and the length of satisfactory service shall not alone constitute the basis for an annual increase.
- D. Annual Pay Adjustments – Exempt Salaried Employees. Each employee's salary and wages, along with the position's salary range, may be adjusted annually, subject to Council appropriations.
- E. Probationary Period. A new employee's performance shall be evaluated by his or her department or division head twelve (12) months from his/her date of hire. Upon successful completion of this twelve (12) month probationary period, the employee shall be granted a pay increase equal to one step in the range of the employee's position.

11.4 RELATED PAY ACTIONS

The following personnel actions shall affect the employee's pay status in the manner provided:

- A. Promotions. When an employee receives a promotion to a higher graded position, or if an employee's job description is regraded to a higher grade, the following rules shall apply. The effective date of such promotion or regrading shall establish a new anniversary date for step increases in 11.3 C. If an employee does not pass his/her promotion probationary period, he/she may be returned to his/her prior position but the City does not guarantee that the position will be available.
 - a. The newly graded employee will be granted a step wage amount that is three steps higher

than the step wage amount paid at the former grade. The procedure for implementing the policy is as follows:

Rule 1: With the exceptions covered in Rules 2 and 3, the following procedure shall be used to determine the new pay amount for all positions:

- a. Within the current grade, find the nearest higher step amount to the current pay amount, this is Step 1.
- b. Step 3 is equal to the amount two steps above Step 1.
- c. Within the new grade, find the amount equal to the Step 3 amount or, if an equal amount is not present, then the nearest higher step amount above Step 3 amount, this is the new pay amount.

Rule 2: When the employee is still at entry level, no step has been earned and the pay amount is the entry pay amount in the new grade.

Rule 3: When the employee is closer than three steps from the end of the pay matrix the following procedure shall be used to determine the new pay amount:

- a. Within the new grade, find the nearest higher step amount to the current pay amount, this is Step 1.
- b. Step 3 is equal to the amount two steps above Step 1; this is the new pay amount.

B. Additional STEPS for Education and/or Experience

- a. At Step 1, the employee may request a grant of additional steps based upon experience or education attained prior to the current employment with the City. Such additional steps may be granted only with the written authorization of the City Manager, after a recommendation by the individual employee's department head to the City Manager.
 - (1) Such additional steps may be granted only if the following conditions are met in their entirety:
 - (a) The prior experience and/or education is shown on, or accompanying the job application submitted for the current employment;
 - (b) The prior experience and/or education is documented by the employee and verified in writing by the individual employee's department head;
 - (c) The prior experience and/or education is specifically related to the work described for the individual employee's current job description.
 - (2) The employee may be granted additional steps within one of the following limits:

- (a) Two additional steps may be granted for prior experience that totals at least five years earned with, not more than two employers, within a period of six continuous years, or two additional steps may be granted for a maximum of one associate's degree earned by the employee from an accredited institution.
- (b) Four additional steps may be granted for prior experience that totals at least ten years earned with, not more than three employers, within a period of twelve continuous years, or four additional steps may be granted for a maximum of one bachelor's degree earned by the employee from an accredited institution.

- C. Transfer. When an employee is transferred to a new position in another classification which is the same pay range, the employee's rate of pay will remain the same. When the employee transfers to a new position with a higher or lower pay range, the provisions governing promotion and demotion, as applicable, will rule.
- D. Demotion. Whenever the good of the organization requires the downgrading of any position and the incumbent employee is subject to a voluntary or involuntary demotion, the employee will receive the pay level for their existing step level in the lower pay grade.
- E. Temporary Assignment. Any employee temporarily appointed to a vacancy in a higher pay range for twenty-four or more continuous working days shall be compensated at the higher classification rate currently paid for that position. Such compensation shall not result in more than a two- step pay increase at the assigned employee's current step.

11.5 PAYDAYS

Employees covered by the provisions of these policies shall be paid on a bi-weekly basis on the Friday following the end of each bi-weekly pay period. If the payday falls on a holiday, payment shall be made on the preceding regular work day. The City does not provide pay advances.

When an employee is separated from employment, all of the unpaid wages of the employee are due and payable on the employee's next regular payday for the pay period or within 15 days from the separation, whichever occurs first.

11.6 PAYROLL DEDUCTIONS

Currently, the following deductions are made on the basis indicated:

Federal Withholding	Mandatory
State Withholding	Mandatory
Social Security Tax	Mandatory
PERS or other Retirement	Mandatory

Medical Insurances ¹	Mandatory
Union Dues	Mandatory if applicable
Court ordered payments	Mandatory
Local Credit Unions	Optional
Cafeteria Plan Insurances	Optional

11.7 COMPENSATION

Every employee covered by the provisions of these policies shall receive a salary or stated compensation determined in accordance with the pay plan. The rates of pay set forth in the pay plan are for full-time employment and represent the salary compensation except as otherwise provided.

- A.1 Overtime Compensation (All applicable employees except Firefighters). Except as provided in collective bargaining agreements and for exempt positions, employees will be compensated for overtime hours worked (see definition of "hours worked"). Compensation for non-exempt employees may be in cash or in compensatory time off as requested by employee. At the sole discretion of the City, compensatory time may be authorized. Any hours worked in excess of forty hours in one week constitutes overtime and will be paid at one and one-half times the employee's regular rate of pay. All overtime will be paid in fifteen minute increments.
1. Compensatory time off for non-exempt employees will be paid at the rate of one and one-half times the rate for overtime worked. Compensatory time for non-exempt employees may be accrued to a maximum of 160 hours.
 2. Overtime or compensatory time shall be subject to the request or approval of the department/division head, or the City Manager. Part-time personnel required temporarily to work full time (forty hours per week) will be compensated as full-time personnel up to forty hours.
- A.2 Overtime Compensation – Firefighters. Firefighters shall receive overtime pay at one and one-half (1 1/2) times their rate of pay for all hours worked in excess of ninety (90) hours in a two-week period. All overtime will be authorized by the Fire Chief. Compensation for overtime may be in cash or in compensatory time may be authorized. Compensatory time may be accrued to a maximum of 160 hours.
- B. Holidays. Except as provided in Collective Bargaining Agreements, if any employee is required to work on any established holiday, eligible employees shall be compensated for the hours worked at the rate of time and one-half, in addition to holiday pay. Except for employees required to work on holidays, employees shall take holidays off work - working that day is not an option without advance approval of the City Manager.
- C. Termination Sick Leave Pay. Any employee who terminates employment with the City of Columbia Falls is entitled to a lump sum payment equal to one-fourth of the pay attributed to the employee's accumulated sick leave. Abuse of sick leave may result in disciplinary

¹ New employees shall receive medical/dental/vision insurance beginning on the first day of the month following their first day of employment. If their first day of employment is also the first day of the month, the employee shall receive those insurances beginning that month.

action and termination with forfeiture of cash compensation pay-out for unused leave².

- D. Termination Vacation Pay. When an employee terminates employment for a reason not reflecting discredit on the employee³ with the City of Columbia Falls, all accrued vacation leave shall be paid and included in the final paycheck. Computation of accrued vacation pay shall be on the basis of the employee's regular rate of pay at the time of termination.
- E. Flexible Work time. When in the best interests of all concerned, and with the prior written approval of the City Manager, an employee or a department may be allowed to arrange their own work schedule and hours of work. Such "flex time" work schedules must comply with the average forty hour workweek. No employee who works an alternate schedule shall be entitled to a shift differential payment.
- F. Uniform Allowance. Clothing allowances may be provided for in collective bargaining agreements and in the annual budget. Accordingly, uniforms purchased by the City of Columbia Falls shall remain the property of the City, and in the event an employee leaves the City service shall be returned and received before final salary payment is made.

The Uniform Allowance for Firefighters shall be:

1. Newly Hired Employees: Each probationary employee will receive a prorated uniform allowance based on 1/12 of the allowance for each whole month of employee between the start month and January 1st. The City will recoup through a reduction of any payment due to the employee a prorated amount of such allowance should a probationary employee separate from the City within 12 months of the payment of an allowance.
 2. Nonprobationary Employees: Not later than January 1 of each year, each nonprobationary employees will receive a uniform allowance, from which required withholdings will be made. Employees will receive \$1,000.00 per year. Should an employee separate from the City prior to 12 months after receiving such allowance, the City may obtain a prorated repayment through deduction from compensation due the employee.
- G. Call Out. Employees called out to work, except at times when such extends a regular work day, shall be paid for a minimum of three hours at the rate of 1 ½ times the regular rate of pay.

12. Classification

The classification plan is comprised of a schematic list of classes of positions supported by written specifications setting forth the duties and responsibilities of each class and the qualifications necessary for appointment to a position of that class.

12.1 PURPOSE. The purpose of the classification plan is to:

- A. Provide equal pay for equal work;
- B. Establish qualification standards for recruiting and testing;
- C. Provide appointing authorities with a means of analyzing work distribution, area of

² Section 2-18-618 (8) MCA

³ Section 2-18-617 (2) MCA

responsibility, lines of authority, and other relationships between positions;

- D. Assist appointing authorities in determining budget requirements;
- E. Provide a basis for developing standards of work performance;
- F. Establish lines of promotion;
- G. Indicate training needs; and
- H. Provide uniform titles for positions.

12.2 CLASS

A class shall be comprised of one or more positions that are so similar in the basic character of their duties and responsibilities that the same pay scale, title, and qualification requirements can be applied and the position can be fairly and equitably treated under like conditions for all other personnel purposes. Similar qualification requirements shall be applied to all positions in a class regardless of the department in which the positions are located.

12.3 CLASS SPECIFICATION

The class specification shall state the characteristic duties, responsibilities, and qualification requirements which distinguish a given class from other classes. The specification shall be descriptive, but not restrictive; that is, the class specification shall describe the more typical types of work which may be allocated to a given class, but shall not be construed to restrict the assignment of other duties related to the class.

12.4 ADMINISTRATION OF CLASSIFICATION PLAN

The classification plan shall be established and maintained by the City Manager.

- A. New positions. When a new position is created, the department director shall send the City Manager a request for classification of the position with a description of the applicable duties and responsibilities. After analysis and evaluation of duties and responsibilities, the City Manager shall allocate the position to the proper class, without regard to personal characteristics, abilities, or qualifications of the applicant.
- B. Change of Classification. When the assignment of an employee has changed substantially as to kind and/or level of work, the department director or the supervisor may initiate a request for a change of classification. This should be submitted in writing to the City Manager. If the City Manager determines that the position has changed sufficiently, the reclassification will be considered a change in position, and rules and pay policies applicable to a position change will apply.

13. Performance Appraisals and Job Evaluations

Employee performance evaluations are provided on a regular basis to non-probationary employees. The evaluations report progress and allow correction of any deficiencies, recognize employee strengths and special abilities as well as provide an opportunity to discuss areas that need improvement. Appraisals and evaluations should provide an ongoing performance record. This may be used as a supportive document for personnel actions such as promotions or demotions. They also provide employees an opportunity to discuss personal goals, City of Columbia Falls goals and means for improvement. Evaluations provide an opportune time to formulate or update the employees' job descriptions.

The employee's immediate supervisor or the City Manager or designee will complete the evaluation using their job description and the City of Columbia Falls personnel policy as the appraisal basis. The employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation meeting. The employee and the evaluator shall schedule a conference to discuss the employee's job performance and the job description. The conference will provide the opportunity for the employee to work with their supervisor or the City Manager or designee to develop the employee's understanding of the position, annual goals, training needs, budget restraints/needs and improvement plan. If the employee, their supervisor or the City Manager or designee do not agree on an evaluation result, the employee may respond in writing within 10 working days and attach the statement to the performance evaluation form.

The employee and their supervisor or the City Manager or designee will sign and date the evaluation form. If the employee refuses to sign the evaluation form, documentation of their refusal will be added to their evaluation. The employee's signature will indicate that the employee has reviewed the evaluation with their supervisor or the City Manager or designee and understands the comments contained within the evaluation.

14. Work at Home or While Traveling out of the Office

Work at home for pay shall be limited at the City of Columbia Falls because of the service nature of our work. Any work at home for pay shall be approved in writing by the City Manager.

City of Columbia Falls' employees may be required to travel. When working away from the office, it is important for employees to maintain contact with the appropriate City of Columbia Falls office by frequently calling into the office to provide status reports and to check for messages.

Occasionally it may be necessary to get in touch with traveling employees. It is important for the employee to leave an itinerary with appropriate City of Columbia Falls staff, in the event the employee needs to be contacted. The employee should inform their supervisor of their route and travel plans so other City of Columbia Falls staff can assist in their safe arrival.

15. Telephone

City of Columbia Falls telephones and City provided cell phones are to be used for City of Columbia Falls business. Personal telephone calls should be kept at a minimum and should not interfere with the employee's work. Unless traveling, long distance charges are to be billed to the employee's personal calling card, collect to the call receiver, or to the employee's personal phone. Personal charges/bills to the City of Columbia Falls shall be the responsibility of the employee. Employees violating this policy may be subject to disciplinary action. The City of Columbia Falls expressly reserves the right to monitor employee use of city provided telephones and cell phones.

16. Computer and Electronic Device Usage

Scope

This policy applies to all equipment, systems and tools used for electronic communication at the City of Columbia Falls. All employees who are authorized to use the equipment, systems, or tools are subject to this policy. This policy is designed to protect the safety and security of the City of Columbia Falls' Computer System.

Purpose

The purpose of this policy is to manage the acceptable use of City of Columbia Falls' electronic communication equipment, systems and tools which are provided by City of Columbia Falls to its authorized employees for the purpose of performing job functions.

Further, the purpose of the City of Columbia Falls' Computer System is to facilitate City of Columbia Falls business communication among employees, our member entities and other business associates. Since no computer system is completely secure, the City of Columbia Falls Computer System is not intended to transmit sensitive materials. Sensitive and/or confidential information which is more appropriately communicated by written memorandum or personal conversation is not to be transmitted via the City of Columbia Falls Computer System. If any employee has a question or concern as to whether the transmission of information via the City of Columbia Falls' Computer System would violate this rule, they are to ask their direct supervisor or the City Manager. This rule governs all forms of Internet access.

Definitions

Electronic Document: recorded information or object that can be treated and accessed as a unit. The City of Columbia Falls Records Retention Schedule applies to Electronic Documents.

Electronic Message: a document created or received via an electronic message system, including brief notes, formal or substantive narrative documents, and any attachments, such as word processing or other electronic objects, that may be transmitted with the message along with its descriptive transmission metadata.

CITY OF COLUMBIA FALLS's Computer System: all equipment, systems and tools, including but not limited to all cellular phones and devices, cameras, electronic tablets, and recording devices used for electronic communication at the City of Columbia Falls.

Record: information created, received, and maintained by an organization or person that is evidence of its activities or operations, and has value requiring its retention for a specific period of time. It can be used in pursuance of legal and regulatory obligations or in the transaction of business.

Records Retention Schedule: a comprehensive list of records series and/or classification titles, indicating for each series the length of time it is to be maintained. May include retention in active office areas, inactive storage areas, and when and if such series may be destroyed or formally transferred to another entity such as an archives for historical preservation.

Ownership

The City of Columbia Falls owns the City of Columbia Falls' Computer System and all of its contents. As such, E-mail and Internet usage will be accessed and monitored in the normal course of business.

Privilege

The use of the City of Columbia Falls Computer System is a privilege, not a right. Misuse, abuse,

unauthorized use and/or any violation of this policy are grounds for disciplinary action up to and including termination.

For purposes of this policy, an employee's home computer, laptop, or other equipment purchased by the employee will be deemed to be part of the City of Columbia Falls Computer System to the extent that it is used for the performance of work for the City of Columbia Falls. As such, this Policy applies to employees who utilize their own equipment in this manner

Security

City of Columbia Falls' internet host is traceable to the City of Columbia Falls. Users using the City of Columbia Falls provided internet are not provided any degree of anonymity.

Employees are prohibited from copying passwords belonging to others. Employees are prohibited from making their password, or that of another user, available to non-City of Columbia Falls employees. Users are prohibited from trying to discover another's password, or assist others in doing same. Employees are prohibited from changing, altering, copying or transferring files to others without authorization.

Access to an absent employee's computer may be necessary at times. In those instances, the Department Head or the City Manager may overwrite that employee's password. When the employee returns, they will establish a new password.

Employee's personal use of the City of Columbia Falls Computer System will be monitored in the normal course of business by City of Columbia Falls. City of Columbia Falls will allow nominal/limited personal use of the City of Columbia Falls Computer System as long as such use does not interfere with daily City of Columbia Falls operations, does not interfere with any employees' ability to perform their job duties, does not violate any portion of this Policy. This privilege may be revoked anytime for any reason or for no reason at all. Further, abuse of this privilege may result in discipline up to and including termination.

For additional security, employees are to face their screens so that passersby and/or non- employees cannot read the screen's contents. Further, Employees are not to leave computers unattended when business information can be accessed without a password.

Public Records

Electronic Documents may constitute a public record as defined by 2-6-202 MCA. Because public records are subject to discovery, subpoena, and use in litigation, Electronic Documents must be managed and made accessible like all other public records. Certain Electronic Documents may not constitute a public record. Possible examples may include, but are not limited to, some email communications, phone message slips, duplicates of documents distributed for convenience and personal messages. Any questions regarding what constitutes a public record or how said record should be maintained on the City of Columbia Falls Computer System should be brought to the employee's Department Head or the City Manager.

Employees must retain and regularly transfer Electronic Documents that are public records to an organized, secure, and accessible filing system. Failure to do so, except in the event of a single unintentional failure to enter the proper save and transfer commands may result in disciplinary action up to and including termination.

Email

All e-mail messages are considered to be temporary, and the City of Columbia Falls Computer System is not to be used as a storage device. This is not intended to prohibit the creation from time to time of reference files for user convenience, which may remain for extended periods of time. Transitory messages which do not constitute public record should be removed on a weekly basis.

Employees may not use personal email accounts or Instant Messaging to conduct City of Columbia Falls business unless prior approval is obtained from the employee's Department Head or the City Manager in strict compliance with this policy.

Employees should be aware that when they have deleted a message from their mailbox, it might not have been deleted from the City of Columbia Falls Computer System. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system.

Unauthorized Use

Unauthorized uses of City of Columbia Falls Computer System include but are not limited to the following:

1. Illegal activities.
2. Obscene, profane, vulgar or offensive language.
3. Political endorsements and lobbying for purposes other than those associated with the normal course of City of Columbia Falls business.
4. Commercial activities or any private business purpose.
5. Religious activities.
6. Using any unauthorized software.
7. Purposely accessing or sending messages that are racist, discriminatory, inflammatory or demeaning to others or that encourage illegal or prohibited activities. All policies of the City of Columbia Falls against discrimination and harassment apply in full to use of City of Columbia Falls' Computer System.
8. Knowingly sending or utilizing copyrighted materials without the permission of the copyright holder.
9. Using any means to defeat security systems on any computer network or knowingly transmitting viruses.
10. Failing to identify yourself clearly and accurately in all electronic communication.
11. Use by non-City of Columbia Falls employees.
12. Where not work-related, streaming audio and video access/download, use of camera and/or video recording feature, intentionally intercept, eavesdrop, record, read, alter, impersonate or receive another individual's Electronic Messages without proper authorization from the individual.

The misuse of the City of Columbia Falls' Computer System shall be managed in accordance with Personnel Policies and/or other applicable rules or laws. Violation(s) of these policies may be grounds for disciplinary action up to and including, termination. In addition, violations may be referred for criminal prosecution or civil action.

If an employee receives a message that is objectionable or is in violation of this policy, they should print or save the message and immediately inform their Department Head or the City Manager.

Responding to a Public Records Request

All public records requests should be referred to the City Clerk, City Manager or the City Attorney's office.

Legal Holds

Electronic Documents relative to matters subject to ongoing or threatened litigation or any investigation must be retained and cannot be disposed of, even if the retention period has been met on the records retention schedule, except as advised by City of Columbia Falls' Legal Advisor.

User's Responsibility

Employees are responsible for the content and dissemination of their Electronic Messages. This responsibility includes ensuring that their Electronic Messages

- are accurate in content
- are grammatically accurate
- are courteous
- are professional in appearance
- are sent on a need to know basis
- are protected from inadvertent loss or destruction by complying with backup requirements and procedures.
- are appropriate to be sent through e-mail. Employees should have no expectation of privacy when using City of Columbia Falls' Computer System. The system is owned by City of Columbia Falls and messages may be released to the public under the public records laws.
- are free of confidential information, in particular personnel information.
- reflect the City of Columbia Falls' official position or should include a disclaimer like or similar to the following:

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This email communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us at (406) 892-4391 and ask to speak to the sender of the communication. Also, please email the sender and notify the sender immediately that you have received the communication in error.

Employees are to govern the use of Electronic Messages accordingly.

Employees should have no expectation of privacy with respect to their computer and any files stored on it.

Email Etiquette

1. Take the time to proofread your messages for spelling and grammar mistakes.
2. Employees should avoid utilizing features such as bold, underline, special fonts, icons, or stationery, etc.
3. Identify yourself with name, title, department, contact information and disclaimer.
4. Don't be hasty. If a message or posting generates negative feelings, set it aside and re-read it later. Consider that a misunderstanding or misinterpretation might occur.
5. Avoid putting text in all capital letters. Text in all capitals appears ANGRY or HARSH. Only use all capitals when adding extra emphasis.
6. Be careful what you say about yourself and others. Avoid committing anything to an e-mail message that shouldn't become public knowledge. Be wary of including personal information about yourself or others in messages.

7. Keep messages to a single subject; use the subject line. The subject line of an e-mail message enables people to discern the subject of the message, its urgency, indexes the message, and identifies messages as "records."
8. Employees should utilize discretion when sending large attachments. Prior permission from the recipient is suggested.
9. Before selecting e-mail as a means for communication, consider the need for immediacy, formality, accountability, access, security and permanence. E-mail is more permanent than a telephone conversation and less secure than paper.
10. Be aware that even erased and or edited text can be electronically retrieved so choose your words and statements carefully before typing and do not type and then delete statements that you would not want to appear in print if retrieved.

17. Personnel Files

The City of Columbia Falls maintains records on every employee related to their employment with the City of Columbia Falls. The employee's personnel file may contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Any information obtained for EEOC compliance (Form EEO-4) and/or any medical information will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the City Manager or designee so long as it does not violate any laws, regulations or policies set forth in this policy.

Personnel files are confidential and only accessible to others on a need-to-know basis for personnel action. Upon request to the City Manager or designee or the Clerk/Payroll Officer and with the City Manager or designee or the Clerk/Payroll Officer present, employees may inspect and make copies of their personnel records. Employees should contact the City Manager or designee or the Clerk/Payroll Officer to establish a convenient review time.

18. Alcohol-Free & Drug-Free Workplace & Drug Testing Policy

In compliance with the Drug-Free Workplace Act of 1988, (41 USC §§ 701-707), the City of Columbia Falls is committed to providing an alcohol-free and drug-free workplace. The City of Columbia Falls prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the City Manager and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The City Manager is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action up to and including termination.

The City of Columbia Falls currently has an Employee Assistance Program available to employees. The program offers confidential assistance to employees or their family members who are experiencing personal problems including drug and alcohol problems.

19. Harassment Prevention and Reporting

It is the policy of the City of Columbia Falls that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative and respectful manner to all contacts.

It is the policy of the City of Columbia Falls to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner that the action is perceived as inappropriate and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor or the City Manager.

The City of Columbia Falls encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City of Columbia Falls to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

Definitions of Harassment

Sexual Harassment: According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal or visual conduct of a sexual nature.

Other Harassment: Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, political belief, age or disability

Retaliation

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment;
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Please report any retaliation to your supervisor or City Manager. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the City of Columbia Falls' investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

20. Resignation/Termination

Voluntary Resignation/Retirement

Employees who are voluntarily resigning from the City of Columbia Falls are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to the City of Columbia Falls will be deducted from the employee's final paycheck.

Re-Employment

Depending on the circumstances surrounding the resignation, employees who resign from the City of Columbia Falls may be eligible for re-employment. Former employees will be required to complete an application/resume, as determined, and proceed through the regular hiring procedure the same as other applicants. A former employee who is re-hired by the City of Columbia Falls will be considered a new employee and required to complete the (12) twelve- month probationary period. Date of service, for seniority purposes, will be the date of instatement of the subsequent hiring. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

Reduction in Force (RIF)

The City Manager and/or their designee has the authority to determine if the City of Columbia Falls workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. Regular employees will not be terminated if temporary or short-term workers are employed in the same position.

City of Columbia Falls benefit providers will work in conjunction with the City Clerk and/or their designee to ensure relevant benefits information is forwarded directly to the employee at the last known address.

Involuntary Termination

Regular, Non-Probationary employees terminated by the City of Columbia Falls will be provided with a letter summarizing the reasons for their termination and the effective date of the termination. The terminated

employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to the City of Columbia Falls will be deducted from the employee's final paycheck.

Probationary employees may be discharged for any reason that the City of Columbia Falls deems appropriate within the (12) twelve- month probationary period. Termination of a probationary employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the City of Columbia Falls will be deducted from the employee's final paycheck.

Temporary, Short Term, employees may be discharged for any reason that the City of Columbia Falls deems appropriate. Termination of temporary, short term or seasonal employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the City of Columbia Falls will be deducted from the employee's final paycheck.

The City of Columbia Falls will follow the procedure outlined in the Employee Discipline section to terminate a regular, non-probationary employee. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

21. Health and Safety

The City of Columbia Falls has a safety program which complies with the Montana Safety Culture Act. Relevant safety regulations are addressed by delegating safety responsibilities, establishing procedures, providing training, inspecting workplaces, and providing/requiring the use of safety equipment, etc.

If an employee notices a potential hazard, they should repair the hazard if they are capable and qualified or they should promptly refer the problem to the supervisor, City Manager or designee. Employees must use safe driving habits, wear seat belts, and observe laws regarding electronic devices while traveling in City of Columbia Falls vehicles. Employees shall not operate or use equipment if they are not authorized or do not have the appropriate licensure.

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

22. Workplace Violence

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

The City of Columbia Falls will strive to provide a safe and secure work environment. Employees should avoid or minimize potentially violent situations to protect themselves from harm. If an employee anticipates

a particularly confrontational situation, they should notify their supervisor, the City Manager or designee so that additional security can be arranged. When a situation begins amicably, but turns hostile, employees should try to de-escalate the situation. If de-escalation tactics don't work, they should withdraw from the situation. Force should not be used unless it is absolutely necessary for self-defense.

Threats or acts of violence experienced or witnessed should be reported to the employee's supervisor or the City Manager or designee as soon as possible. The City of Columbia Falls will promptly investigate any complaint received that pertains to workplace violence. The City of Columbia Falls will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

This policy prohibits employees from bringing unauthorized firearms or other weapons (including stun guns, batons, etc.) onto City of Columbia Falls premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in City of Columbia Falls vehicles or in personal vehicles if conducting City of Columbia Falls business.

If a City of Columbia Falls employee has violated this policy, such action may warrant disciplinary action, up to and including termination. If necessary or appropriate, the City of Columbia Falls will notify the necessary law enforcement personnel and prosecute violators of this policy.

If there is fear that the domestic violence could result in workplace violence, employees should notify their supervisor or the City Manager or designee immediately so appropriate security measures can be arranged.

23. Intimate Partner / Family Violence

Employees should promptly inform the City Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area, as well as any safety concerns with regard to intimate partner/family violence. The City of Columbia Falls will not retaliate against employees making good-faith reports. The City of Columbia Falls is committed to supporting victims of intimate partner/family violence by providing referrals to the company's employee assistance program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

24. Time Sheets and Payday

Time sheets for the pay period are to be completed by all employees and submitted to their supervisors when they are requested or when payroll needs to be processed. In the event an employee is unavailable to complete and submit his or her time sheet, he or she may complete the time sheet in advance or call the supervisor and relay the information. Time sheets must include the employee's name and hours worked on a daily basis, holiday time, sick leave used, vacation leave used, leave without pay, etc. The employee must sign the time sheets attesting that all time worked and leave used is reported for the period. The employees' submission of an electronic timesheet serves to attest to the accuracy of the information being submitted. The employee's supervisor and/or the City Manager or designee will review and sign the time sheets, if paper, or approve electronically as appropriate.

City of Columbia Falls employees are paid bi-weekly. The employee's supervisor or designee will distribute the paychecks to employees, unless electronic transmission of payroll is utilized. If the employee desires to release their pay to another authorized person, they shall notify the City Clerk/Payroll Officer.

25. Working Hours/Work Week

Normal working hours for City offices are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Most employees are expected to adhere to this schedule, however alternative schedules may be considered by the City Manager or designee. The workweek will begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m.

Hours Worked - generally include all of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. For overtime calculations, hours worked do not include hours for vacation leave, sick leave, holidays, personal days, workers compensation, or compensatory time taken. This prior sentence shall only be implemented if such language is applicable to all City employees including those subject to Collective Bargaining Agreements.

Nonexempt employees working over 40 hours per week will be paid overtime at 1 1/2 times their hourly wage rate. If the supervisor, the City Manager or designee and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp. time) for use as time-off at a future date at a rate of 1 1/2 times the number of hours worked over the 40 hour work week. Non-exempt employees must receive authorization to work overtime or comp time hours from their supervisor, prior to working the additional hours. Accumulated comp time hours shall not exceed 160 hours at any time. Any accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship. Exempt employees do not receive compensatory time for hours worked over 40 hours per week; however they may use flex-time within the same pay period for such hours as work permits pursuant to the Fair Labor Standards Act.

Lunch periods are generally one hour. If an employee needs to take a longer or shorter lunch hour, it should not interfere with the employee's performance of their duties and coverage of the office hours. Lunch periods are to be taken at a time approved by the supervisors and are staggered among the employees to ensure effective service to the residents of City of Columbia Falls.

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid, but may not exceed 15 minutes per four consecutive hour period. There shall be no overtime, additional compensation, or flex-time if employees work through their break periods.

26. Travel and Expense Reports/Reimbursement

All employees shall have their travel approved by the supervisor, City Manager or designee. All employees traveling on City of Columbia Falls business are required to have their driver's license with appropriate endorsements for the types of equipment operated.

Employees completing City of Columbia Falls business may be compensated for travel expenses, meals, mileage and/or incidental expenses at a rate and on forms established by the City of Columbia Falls. Receipts must be included for lodging, travel, and appropriate ancillaries. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly.

Employees may be able to use a City of Columbia Falls vehicle when traveling. Unsafe vehicle conditions or conditions in need of repair must be reported to a supervisor and/or the City Manager or designee immediately.

If a City of Columbia Falls vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for City of Columbia Falls business, they are required to have proof of liability insurance coverage. Employees, together with any passengers, must follow all traffic regulations and are required to use seat belts.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for City of Columbia Falls business. The advance must be justified with accurate and reasonable requests for meals, lodging, public transportation, etc. Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return. The employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip. If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the City of Columbia Falls the difference. Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the City of Columbia Falls.

Willful misrepresentation of expenses or receipts is unlawful and may result in disciplinary action.

27. Use of City of Columbia Falls Vehicles and Equipment

City of Columbia Falls shall designate the positions that require the use of City of Columbia Falls vehicles on a take-home basis. All City of Columbia Falls vehicles are to be primarily used for business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel. Unless authorized, employees shall not use City vehicles for personal business unless such use is minor and incidental to the use for City business.

Employees using a City of Columbia Falls vehicle must observe and obey traffic regulations and exhibit care of the vehicle. Employees and other authorized passengers are required to wear seat belts, follow all traffic regulations including those related to electronic devices while driving at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling-up all windows and locking all of the doors. Employees are prohibited from smoking, including the use of e-cigarettes, in the City of Columbia Falls vehicles.

Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor or City Manager or designee immediately.

All City-owned facilities, buildings, equipment, motor vehicles, tools, supplies, material and other items of value are for the express purpose of carrying out the officially adopted programs and services of the City of Columbia Falls. No employee or agent of the City shall use any City-owned facility, building, equipment, motor vehicle, tool, supply, material, or other item of value for their personal benefit or for the personal benefit of any other individual unless such action is required in the performance of officially assigned duties.

Vehicle Accidents

When an employee is involved in a motor vehicle accident with a City of Columbia Falls vehicle, the employee must notify the supervisor or City Manager or his/her designee immediately. The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to discuss the incident with Emergency Services Personnel, the City Manager or designee, insurance adjusters and law enforcement.

Upon returning to the City of Columbia Falls office, an account of the accident should be provided in writing

to the supervisor or City Manager or designee. The employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor or City Manager or designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the City of Columbia Falls employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.

28. Holidays

City of Columbia Falls observes the following holidays:

- January 1 - New Year's Day
- Third Monday in January - Martin Luther King Day
- Third Monday in February – President's Day
- Last Monday in May - Memorial Day
- July 4 - Independence Day
- First Monday in September - Labor Day
- Second Monday in October - Columbus Day
- First Tuesday in November during Congressional/Gubernatorial Election Years - State General Election Day
- November 11 – Veterans' Day
- Fourth Thursday in November - Thanksgiving Day
- Day after Thanksgiving
- December 25 - Christmas Day

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

An employee, to be eligible for holiday pay, must be scheduled to work on the holiday and/or is in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after a holiday.

If one or more regular holidays fall in the period of an employee's annual vacation leave, the vacation record will be credited for the holiday. If a holiday falls on an employee's regularly scheduled day off, the employee will be granted another day off as agreed upon by the employee and their supervisor, the City Manager or designee.

Regular part-time and seasonal employees shall receive a pro rata share of compensation at their regular straight time hourly rate. Holidays are prorated based on the number of hours worked in the pay period for the part-time employee. To figure the holiday benefit, divide the hours of worked for the two weeks by the number of full-time hours in the two week time period.

Holiday pay is for eight (8) hours. For those employees working a ten (10) hour day, eight (8) hours will constitute the holiday pay and the employee shall have the option to take vacation or leave without pay for the added two (2) hours.

29. Bonus Days

A full-time or part-time employee shall be granted three (3) bonus days off during the fiscal year in which the employee has not used any sick leave. The employee must first work one (1) full year without using any sick leave before they are eligible for bonus days. Bonus days will be pro-rated for part-time employees. A day

for a full-time employee is eight (8) hours. Bonus days must be taken within the following fiscal year or lost June 30th, use it or lose it. Bonus days off must be approved and scheduled by the Department Head and/or City Manager. Bonus days will not be paid out if the employee terminates employment with the City of Columbia Falls prior to use.

30. Annual Leave/Vacation

Each regular full-time, regular part-time employee and seasonal employee shall earn annual leave from the first day of employment, but will not be eligible to take the accrued leave until the employee successfully completes a six-month qualifying period.

Eligible employees accrue vacation leave as follows:

Time Worked	Work Day Credit Per Year	Hours per month based on an 8 hour day	Hourly pro-rata
1 day through 10 years	15	10	.058/hour
10 years through 15 years	18	12	.069/hour
15 years through 20 years	21	14	.081/hour
20 years or more	24	16	.092/hour

Regular part-time employees are entitled to use their vacation leave if they have worked the qualifying six-month period. Vacation benefits are based upon the hours worked during the pay period.

Eligible temporary and seasonal employees earn annual leave pro-rated by the hour as shown in the chart above, however they must be employed for six qualifying months before they may use the annual leave. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

Short term workers do not accrue annual leave.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Vacation leave exceeding the maximum amount must be used by April 1st of the next calendar year in which the excess was accrued or it will be forfeited, unless as otherwise approved, subject to the provisions set out in 2-18-617 (1)(b).

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor or the City Manager or designee. The annual leave may be approved after considering the best interest of the City of Columbia Falls, the employee's department, and the employee's request. Should two employees request the same period of vacation, their supervisor or the City Manager or designee has discretion regarding the approval of the leave requests.

An employee, who has passed the six-month qualifying period and has separated from the service of the City of Columbia Falls for any reason, shall be entitled upon termination to cash compensation pay-out for unused vacation leave. The payout will be based upon the employee's salary at time of termination.

31. Sick Leave

All regular full-time employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. For calculating sick leave, 2,080 hours (52 weeks X 40 hours) equals one year. Sick leave must be credited at the end of each pay period. Sick leave is earned at a rate of twelve working days for each year of service without restriction as to the number of working days that may be accumulated. Employees may not accrue sick leave while in a leave-without-pay status.

Regular part-time employees earn a prorated amount of sick leave at the rate of 0.046 times the number of hours worked. Full-time temporary and seasonal employees are entitled to use sick leave benefits provided they work the qualifying period.

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of employee (for days beyond bereavement leave in Section 39 by mutual agreement with City Manager or designee). Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employees' presence due to immediate relatives' illness or emergency. A Department Head and/or City Manager may require a physician's certificate, or similar evidence to substantiate a sick leave charge of an employee.

An employee, who has passed the 90 day qualifying period and who separates from the City of Columbia Falls, shall be entitled, upon termination, to cash compensation pay-out for unused leave equal to one-fourth of the accumulated sick leave. The pay-out will be based upon the employee's salary at time of termination.

At the City of Columbia Falls' request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action and termination with forfeiture of cash compensation pay-out for unused leave⁴.

Sick Leave Donations: An employee may, at his or her discretion, donate not more than 40 hours of his or her available sick leave credits to another employee in any calendar year who is in need and has exhausted his or her own sick and annual leave due to the employee's personal or family illness, accident, or maternity leave. The sick leave donor must retain at least 40 hours of sick leave in his/her personal bank after donation. The aggregate total of such received sick leave shall not exceed ninety (90) calendar days cumulative to the receiving employee. Any donor shall notify the City of his or her intention to make such a donation. The donor and recipient will notify the City of the requested sick leave transfer seven working days before the pay day in order to have such credits applied for that pay period. Any unused sick leave shall be returned to the donor(s) on a prorated basis. The donation is based on the number of hours (credits), not on rate of pay and is on a one hour donated for one hour received basis. The donation of credits, once made, cannot be rescinded by the donating employee.

Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City. Credits will be returned on a pro-rata basis of their donation.

⁴ Section 2-18-618 (8) MCA

To be eligible to receive donations of leave credits, an employee:

- a. Must be eligible to use sick leave;
- b. Have an illness, injury or other qualifying condition, as described in the City's Personnel Policy Manual that results in an absence of at least ten working days unless otherwise approved by the City Manager or designee;
- c. Must have exhausted all other accrued paid leave and compensatory time.

32. Light Duty

The City of Columbia Falls is not obligated to provide light duty for injured or ill workers returning to work. However, light duty is often a good mechanism to get employees back to work in a productive manner. If allowed, the procedures governing light duty are as follows:

- Send the doctor the employee's pre-injury job description & the "light duty" job description (duties you plan on the employee doing, the hours per week, walking, standing etc.). Be very detailed.
- Have the doctor provide a written release specifically stating that the employee can do the "light duty" job description and if not, what they can and can't do and for how many hours per day.
- The doctor's release to light duty must state the start date and end date of light duty.
- Provide a written letter to the employee with the above information listed in it and state if there are any changes the doctor needs to provide another note/letter stating what the changes are. Have employee and City sign the letter.
- When employee is released from light duty to regular, he/she needs another doctor's note authorizing the release.
- All of this information should be kept in the employee's personnel file.

33. Pregnancy Leave

The City of Columbia Falls will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq.) as well as all relevant pregnancy leave provisions in federal, state and local statutes. A female employee will not be terminated because of her pregnancy. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the City of Columbia Falls reserves the right to require medical verification that the employee is not able to perform employment duties. The City of Columbia Falls will grant the employee a reasonable leave of absence for pregnancy, but will not require an employee take a mandatory maternity leave for an unreasonable length of time.

Employees should notify their supervisor or the City Manager or designee of a desire to take Maternity Leave upon confirmation of pregnancy. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave requests.

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

34. Breast Feeding in the Workplace Policy

Women returning from maternity leave who wish to continue breastfeeding or separate expression

of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily used with additional unpaid break time provided as mutually agreed upon. Additionally, the City will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217, whether or not specifically listed here, will be complied with.

35. Public Office Leave

Employees elected or appointed to an eligible public office shall be granted an unpaid leave of absence (unless they want to use accumulated eligible leave time), not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The City of Columbia Falls will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

No employee may solicit any money, influence, service, or other thing of value, or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or at his/her place of employment.

36. Absence without Authorization

Absence is the failure to report for work and/or to remain at work as scheduled. It includes late arrivals and early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations. If an employee does not know in advance that they will be absent or unavoidably late, they should telephone the office and speak directly to their supervisor, City Manager, or designee. Failure to request advance approval or to report an absence as described above may result in disciplinary action. An employee who fails to call in for three successive days to report such absences may be considered to have voluntarily terminated employment with the City of Columbia Falls.

Employees with above average absenteeism may be required to document the reasons, including providing a doctor's certificate or other evidence and verification. Upon returning to work from an unexcused absence, the employee must report to his or her supervisor and disclose the reason for the absence. If the reason is not acceptable, it may result in disciplinary action.

37. Leave without Pay

Leave-without-pay may be granted for any cause as determined by the City Manager so long as it doesn't violate any laws, regulations or policies set forth in this policy. Employees may be granted leave without pay for a specified time generally not to exceed one year during their employment period.

Whenever possible, the employee should provide their supervisor, the City Manager or designee with at least 30 days' notice so workloads/tasks can be covered. To request leave without pay, employees must provide their supervisor, the City Manager or designee the beginning and ending dates of the leave and the reason for the requested leave.

Other than on furlough days approved by the City Manager, vacation, holidays, personal days, and sick leave cease to accrue during leave-without-pay. Employees will not be allowed to use sick or annual leave and will not receive holiday pay while on leave-without-pay status. Medical insurance premiums will not be paid by the City of Columbia Falls during a period of leave without pay other than furlough days. However, the employee may choose to continue insurance coverage during the leave by paying the City of Columbia Falls the premiums on a monthly basis. If the employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the employee may be subject to policy restrictions, upon returning to work.

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

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave-without-pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by their supervisor and/or the City Manager or designee. Providing false or misleading information or reasons to justify leave-without-pay may result in disciplinary action.

38. Attendance

Employees are expected to report to work as scheduled by their supervisor or the City Manager or designee. If the employee is late to the point where it will affect their job duties, they must contact their supervisor or City Manager or designee with an explanation. If the tardiness/absence is deemed unreasonable, it may result in disciplinary action. Advance notice should be given if possible to allow for a replacement to be scheduled, if necessary. If the employee's supervisor or the City Manager or designee is unavailable, speak directly with a senior staff member explaining the situation. Failure to notify the office of an absence or tardiness may result in disciplinary action.

39. Funeral Leave (Bereavement)

- A. In the event of a death(s) of the regular full-time or regular part-time employee's immediate family, time off with pay up to a maximum of five days will be allowed for the employee. The leave provided herein will not be charged to the employee's sick leave, and is available whether or not the employee has accrued sick leave. Leave available, but not used within thirty days of the death will be forfeited.
- B. Use of sick leave beyond five days in the event of a death shall be by mutual agreement with the City Manager or designee.
- C. All bereavement leave must have the appropriate Department Head and/or City Manager's prior written approval.

40. Jury and Witness Duty Leave

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay less any amount received (jury or witness fees) for such service. This leave may also include when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive. A probationary

employee called will have his/her probationary period extended to by the same amount of time as required for serving on jury duty. An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City of Columbia Falls reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

The employee is responsible to turn over jury or witness fees to the City Clerk/Payroll Officer, excluding mileage and actual expense fees. If an employee chooses to use vacation leave, the employee may keep their jury or witness fees in addition to their mileage and actual expense fees. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled weekend or days off. Benefits continue to accrue while an employee is on jury duty. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

41. Military Leave

The City of Columbia Falls shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC Sec. 4301 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

42. Educational Leave/Training

The City of Columbia Falls encourages training for employees where the training improves employee productivity, knowledge and skills when City of Columbia Falls' services and programs will be more efficient and effective. The City of Columbia Falls may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc., and is pre-approved by the employee's supervisor, the City Manager or designee.

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

43. Licensing Fees

The City of Columbia Falls recognizes employees that associate with various organizations or maintain

certifications or licenses are beneficial to the Membership and the Organization. If the City of Columbia Falls has requested that an employee obtain a license, the City of Columbia Falls will pay for the licensing fees and/or annual renewal fees.

All employees are encouraged to visit with their supervisor and/or City Manager or designee, particularly during the annual evaluations, so that the cost of maintaining a current license or the costs for a licensure that the employee would like to obtain can be included within the budget process.

44. Insurance

Regular employees may participate in the City of Columbia Falls' benefit plan for individual employees, eligible dependents, and eligible domestic partnerships. The City of Columbia Falls will pay a specified dollar amount into the benefit plan that the employee can use to pay for options elected. For regular part-time employees, the City of Columbia Falls will pay a pro-rated amount of the contribution into the benefit plan.

Specific benefits of the benefit plan are described in the Plan Document and Summary Plan Description (attached as an Appendix and available from the City Clerk/Payroll Officer). For employees using specific insurance products, the insurance plan documents will be forwarded to them directly from the Insurance Provider (currently MMIA). The Insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

45. Retirement

Retirement pension is provided pursuant to Montana State Law. Please see the City Clerk/Payroll Officer for information and enrollment procedures.

Retirement Incentive

The City of Columbia Falls has adopted a Retirement Incentive Policy whereby employees voluntarily retiring from the City of Columbia Falls with a minimum of twenty (20) years of service to the City, shall receive a retirement incentive benefit based on the following:

- A. The City will match the employee's sick leave payout up to an amount equal to 250 hours, at the employee's current rate of pay.
- B. For employee's with more than twenty (20) qualifying years, the City will match the employee's sick leave value up to an amount equal to 250 hours plus 25 hours for each qualifying year completed over twenty years. For the purpose of determining a qualifying year for the retirement incentive, a qualifying year shall consist of at least 1040 hours worked during the twelve months prior.
- C. The value of the retirement incentive as well as the traditional $\frac{1}{4}$ sick leave payout, shall be paid into the City's VEBA program, if such a program is provided.

46. Personal Demeanor and Appearance

In the interest of the City of Columbia Falls and the public, it is desirable at all times, whether on, or off-duty, that an employee's conduct reflects favorably on the employee, fellow employees, and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing his or her

duties and responsibilities, or when it reflects unfavorably upon an employee's continued qualifications for employment.

It is the City's policy to place as few restraints on an employee's personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-today duties and responsibilities. However, for the protection of the City's business interests and those of other employees, certain rules of conduct have been established. The rules are formalized for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

Employees are expected to present themselves in a professional and appropriate manner for their position, their daily activities, and their expected public contact.

It is the policy of the City of Columbia Falls that the Mayor, City Council members, appointed Board members, and all employees of the City of Columbia Falls comply strictly with all State laws regarding ethical behavior and avoidance of both conflicts of interest and the appearance of conflicts of interest.

Receipt of Gifts - Except as provided in this section, a City employee is prohibited from accepting any gift, gratuity, favor, entertainment, loan, or any other item with a value greater than \$50.00 from any person who has or is seeking to obtain business with the City, or from any person within or outside City employment whose interests may be affected by the employee's performance or non-performance of official duties.

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

47. Smoking

City of Columbia Falls' offices and vehicles are non-smoking facilities including e-cigarettes. Employees may smoke during scheduled break periods and must smoke in smoking areas outside the buildings and vehicles.

48. Sales Calls

Sales Calls from professional sales people are allowed to take place only at the discretion of the City Manager or designee, so long as it is done in a consistent and fair manner. Employees requesting charitable contributions or selling products should visit with fellow employees before or after work, during lunch hour or breaks. Employees may also choose to circulate a catalog among co-workers to preview at their convenience during lunch hour or breaks. Employees should not be made to feel obligated to purchase items.

49. Discipline

An employee in probationary period status may still be terminated during the probationary period without cause.

Upon suspected violation of federal, state or local laws, City of Columbia Falls' rules and/or regulations, employee conduct/behavior/performance standards, or City of Columbia Falls' policies, the employee may be subject to disciplinary action. The supervisor of the employee in question shall notify the City Manager or designee. The City Manager or designee will task the supervisor to investigate and document situations that may require disciplinary action. Employees may be placed on Administrative leave pending investigation. The employee will be interviewed during the investigation process. Prior to the investigation interview, the City Manager or designee will inform the employee of the suspected violation and in general terms what the interview will be regarding.

The supervisor, the employee being investigated, the City Clerk/Payroll Officer (if it is determined that they should attend) and the City Manager or designee will meet and conduct the interview or meeting. The employee being interviewed may request an attendee of their choosing be present at the interview or meeting; however they will be permitted for observation only and will not be permitted to participate in the interview or meeting.

Upon conclusion of the investigation, it will be decided whether or not discipline needs to occur. The City Manager or designee shall inform the employee of the results of the investigation at an informal hearing. If deemed necessary, the City Clerk/Payroll Officer shall be present to document the hearing. During the hearing, the employee will be able to respond to the findings of the investigation. Upon completion of the hearing, the City Manager or designee will write a letter to the employee documenting the investigation and hearing process has been completed, stating the findings and declaring the appropriate form of discipline as determined by the City of Columbia Falls.

If the employee doesn't agree that the discipline was warranted or if they consider the disciplinary action inappropriate, the employee may follow the grievance procedure.

Appropriate discipline, as determined by the City of Columbia Falls, will be rendered in one of the following forms:

Oral Reprimand

The City Manager or designee will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The City Manager or designee will also outline the time period in which the employee must correct the problem and the consequences should the employee not conform or comply with the necessary action. The City Manager or designee will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the City Manager or designee will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.

Written Reprimand

The City Manager or designee will document the problem in a letter to the employee. The City Manager or designee will meet with the employee, present the letter, and explain the problem. During the meeting the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not satisfactorily complete the necessary action. The letter to the employee will clarify that the employee is receiving a written reprimand

as the disciplinary procedure. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, received the written reprimand. A copy of the letter will be placed in the employee's personnel file.

Suspension (with or without pay)

The City Manager or designee will document the problem in a letter to the employee and indicate whether the employee is being suspended with or without pay. The City Manager or designee will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not do the necessary action. The letter to the employee will clarify the effective dates of the suspension (with or without pay) and the date and work schedule and the date that the employee is to return to work. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and that the form of discipline was suspension (with or without pay). A copy of the letter will be placed in the employee's personnel file.

Demotion - Loss of Duty

The City Manager or designee will document the problem in a letter to the employee and indicate the specific conditions of the demotion to include modified job duties and compensation, as warranted. The City Manager or designee will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action and the consequences should the employee not do the necessary action. The City Manager or designee will determine if the demotion is a temporary disciplinary measure or a permanent job modification. In the event the demotion is a permanent job modification, the employee's job description will be updated to reflect such. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required and that the form of discipline was a temporary or permanent demotion and loss of job duties/responsibilities. A copy of the letter will be placed in the employee's personnel file. If the employee's job description was updated, the employee must sign the updated job description to reflect that the employee has had the modified duties communicated to the employee. A copy of the signed, updated job description will be placed in the employee's personnel file.

Discharge

If the appropriate disciplinary action is discharge, a letter to the employee will document the problem and summarize the results of the investigation and hearing. The letter will detail the effective cause and date of discharge. The letter shall also include a copy of the Grievance Procedure advising the employee of their right to use the procedures and to have the discharge reviewed by the City Manager.

50. Grievance Procedure

A "grievance" shall mean a complaint, protest, or objection by an employee with respect to the interpretation, meaning, or application of the provisions of their employment including the City's Personnel Policy Manual, or another established departmental policies or operating manual.

Employees shall follow the grievance procedure to resolve any grievance they may have. Employees are allowed to use the grievance procedure without penalty, harassment or retaliation for doing so. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.

Employees should attempt to resolve all disputes prior to involving the City Manager or designee. Employees are encouraged to discuss disputes with their supervisors informally and in a timely fashion. The Clerk/Personnel Director may attend meetings between the supervisor and employee if necessary.

Grievance Steps

1. In the event a dispute cannot be resolved informally, the employee shall file a grievance, in writing, to the supervisor within ten working days of the occurrence of the disputed issue. The written grievance should outline the disputed issue, relevant facts, and appropriate remedy. Upon receipt of the written grievance, the supervisor will investigate the dispute and respond to the grievance within ten (10) working days of receipt of the grievance.
2. If the response is not acceptable to the employee, the employee may proceed to the next step. The employee may forward the written grievance and the supervisor's response to the Department Head within ten working days from the date of the supervisor's response. The Department Head will investigate the grievance and write a report within 10 working days from receipt of the grievance appeal.
3. If the Department Head's response is not acceptable to the employee, the employee may proceed to the next step. The employee may forward the written grievance and all prior responses to the City Manager within 10 working days from the date of the Department Head's response. The City Manager will investigate the grievance and write a report within ten working days from receipt of the grievance appeal. This step concludes the final appeal process for the employee. The City Manager's decision is final and binding on the employee and the City.

Information concerning employee grievances is confidential information and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Management decisions on grievances will not set precedent and are at the discretion of the City Manager or designee so long as it does not violate any laws, regulations or policies set forth in this policy manual. Management decisions are not binding on future grievances unless they are officially stated as a policy.

APPENDICES

- A. Current Medical Plan Summary of Benefits**
- B. Drug Testing Policy**