



CITY OF MISSOULA
HUMAN RESOURCES POLICY MANUAL

Revised January 2018

Administrative Rule #4
HUMAN RESOURCES POLICY MANUAL

I hereby sign into effect Administrative Rule No. 4, Human Resources Policy Manual, this 6th day of February, 2018, pursuant to Ordinance 2232 which authorizes the Mayor to develop and approve administrative rules. And I hereby rescind the following administrative rules because they are outdated and/or no longer apply:

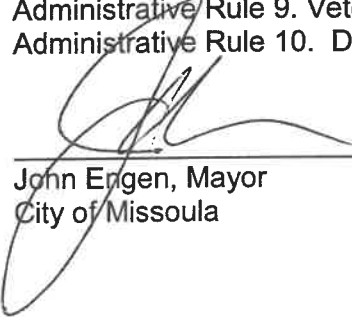
Administrative Rule 5. Pay and Classification Plan

Administrative Rule 6. Temporary and Special employment Status Policy

Administrative Rule 7. Performance Pay Plan

Administrative Rule 9. Veteran's and Handicapped Person's Employment Preference Policy

Administrative Rule 10. Decedent's Warrants



John Engen, Mayor
City of Missoula

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100.00 General Provisions

101.00 Purpose

The purpose of the Human Resources Policy Manual is to establish a uniform system of human resources administration for the City of Missoula that is efficient, fair, equitable, and functional. This manual describes policies, guidelines and conditions of employment for City personnel. Concurrently, Human Resources Policies should not be construed as a contract between the City of Missoula and its employees.

102.00 Non-Discrimination and Affirmative Action Policy

The City of Missoula is dedicated to a policy of non-discrimination. No individual shall be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, genetic information, political ideas, public assistance status, sexual orientation, gender identity and/or gender expression except where these criteria are reasonable bona fide occupational qualifications.

The City is committed to Equal Employment Opportunity (EEO) recruitment guidelines as promulgated by federal and state law. All provisions of this manual shall be administered in accordance with the provisions contained in such Equal Employment Opportunity Guidelines where such guidelines are applicable and relevant.

The Mayor of the City of Missoula or the Mayor's designee may adopt an affirmative action plan to provide all persons equal opportunity for employment without regard to race, ancestry, color, handicap, religion, creed, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, genetic information, political ideas, public assistance status, sexual orientation, gender identity and/or gender expression. In keeping with this commitment, all department heads and their staff have the responsibility to actively facilitate equal employment opportunity for all present employees, applicants and trainees. This responsibility shall include assurance that employment decisions are based on furthering the principle of equal employment opportunities by imposing only valid requirements for employment and by assuring that all human resource actions are administered on the basis of job necessity.

Specific responsibility for developing, implementing, monitoring and reporting are assigned to the City Human Resources Department under the supervision and direction of the Chief Administrative Officer and the Mayor.

It is the policy of the City of Missoula to eliminate any practice or procedure that discriminates illegally or has an adverse impact on an "affected" class. Equal opportunity shall be provided for all City employees during their terms of employment. All applicants for City employment shall be employed on the basis of their qualifications and abilities.

The City of Missoula, where practical, shall utilize minority-owned enterprises and shall ensure that subcontractors and vendors comply with this policy. Failure of subcontractors and vendors to comply with this policy statement shall jeopardize initial, continued or renewed funds.

Our commitment is intended to promote equal opportunity in all employment practices and provide a positive program of affirmative action for the City of Missoula, its employees, trainees and applicants.

103.00 Diversity

The City of Missoula is committed to fostering, cultivating and preserving a culture of diversity and inclusion. We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political ideas, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action. Employees who believe they have been subjected to any kind of discrimination that conflicts with the City's diversity policy and initiatives should seek assistance from a supervisor or a Human Resources representative.

104.00 Sustainability

The City of Missoula is committed to responsible stewardship of our natural, financial and human resources. This commitment arises from a sense of concerned citizenship and moral duty, and from a desire to lead by example. As such, municipal decisions and service utilize the triple bottom-line approach: considering economic, environmental, and social factors to guide planning, decision making and procedure. This approach reflects our community values and helps ensure Missoula remains one of the best cities in which to live, work and play well into the future. The City of Missoula has formally committed to reducing operational carbon emissions to zero by 2025. The City encourages every City employee to foster not only an internal workplace culture that is supportive of these values and goals but challenges them to take them back to each community to which they belong.

105.00 Ethics

The City has established a Code of Ethics (Title 2, Chapter 2.88, Missoula Municipal Code.) The Code of Ethics establishes standards of conduct to assist public officers, officials and employees in understanding their obligation to assure impartiality and honesty in all public transactions and decisions. The Code ensures the private conduct and financial interests of public officers, officials and employees do not present a real conflict of interest in their responsibilities to serve the public.

106.00 Conflict of Law

In situations where the provisions of this Human Resources Policy Manual conflict with City Ordinance, State Statute, Federal Law, or a collective bargaining agreement, the provisions of said ordinance, statute, law, or collective bargaining agreement, shall supersede the conflicting provisions in this manual.

107.00 Severability

If any section, subsection, sentence, clause, phrase or word of this manual is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this manual. The City hereby declares that it would have put into effect this manual and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more

sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason any part of this manual should be declared invalid or unconstitutional, then the remaining manual provisions will be in full force and effect.

200.00 Human Resources Administration

Under Chapter 2.02 of the Missoula Municipal Code, the Mayor is directed to administer all City human resource actions, including the right to establish, administer, and amend the provisions of this manual. The Human Resources Department shall be responsible for monitoring and enforcing City human resources policies, recruitment procedures, and EEO/Affirmative Action programs.

201.00 Employment Records

Human Resources shall maintain formal employment records for all city employees. An employee shall notify Human Resources if there is a change in the employee's name, address, telephone number or other personal data necessary for general city business. The City of Missoula is a public employer, and employment information that is available to the public includes, but is not limited to the employee's name, job title, rate of pay, duration of employment, time records showing hours worked and types of leave taken.

201.10 Formal Employment Records

Formal City of Missoula employment records will include, at the employer's discretion:

- Documents that define, reflect or change job status, job evaluation or classification, job title, conditions of employment, pay or benefits;
- Compensation and payroll records;
- Employment applications and related materials, such as resumes, education transcripts, certifications;
- Written performance evaluations;
- Written commendations (subject to supervisory approval);
- Documentation of any disciplinary action or warning, which may be removed in accordance with Section 209.00, and employee responses to such actions or warnings;
- Termination-related information;
- Information of a confidential nature pertaining to employee benefits and withholding authorizations. This information is available only to the employee and to the staff of the Human Resources Department; and
- Any other relevant employment-related documents or information.

An employee's medical information is not a public record. An employee's medical information is confidential and private and kept in a separate file which is available only to the employee and to the staff of the Human Resources Department.

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

The employer reserves the right to decide what records to maintain, and to remove any materials from any employee records that the employer deems unnecessary, irrelevant or superfluous.

Human Resources shall be responsible for maintaining all formal employment records, but may delegate that responsibility to other departments to maintain certain records that are specific to that department's needs, including, but not limited to training or certification records.

201.20 Access to Employee Files

An employee file is available only to the employee and to appropriate supervisory personnel. Access to an employee file by persons other than the employee, appropriate supervisory personnel, and Human Resources staff must be authorized in writing by the employee or by court order. Requests from terminated employees to access their personnel file will be at the sole discretion of Human Resources or by court order. Former employees may not request addition or removal of any formal employment records. When an employee terminates employment, the employee file will be retained in accordance with City of Missoula records retention policy.

202.00 Recruitment and Selection

The City of Missoula is dedicated to Affirmative Action, non-discrimination, and Equal Employment Opportunity Guidelines. Recruitment shall be designed to ensure that selection is made from the best-qualified candidates applying for the position. The Human Resources Department and the department staff member designated to oversee recruitment shall have joint responsibility for handling the duties and responsibilities associated with recruitment.

202.10 Recruitment and Selection Process

Recruitment guidelines shall be followed unless the Human Resources Director and/or the Chief Administrative Officer have granted a waiver altering the process.

Initiating a Recruitment Process

The recruitment process begins when the Human Resources Department receives a request to fill a vacancy from the department/division head in conjunction with a letter of resignation from the employee currently in the position or other substantiation that the position is vacant. A copy of the resignation letter shall be submitted to the Human Resources Department at the beginning of the recruitment process.

In the case of a newly created and budgeted position, the recruitment process will begin when the department/division head notifies the Human Resources Department the position is authorized to be filled.

In all cases, the department/division head or designee will meet with the Human Resources Department to review the job description, salary, advertising strategy, application deadlines, and proposed date of hire. Assessment tests or other evaluation tools demonstrating skills required for the position will be determined. Any required driving records, pre-employment drug screens, post-offer physical, psychological test or background investigation if required for the position, subject to relevant state and federal laws will be determined.

In consultation with the department, the Human Resources Department staff shall determine the appropriate type of recruitment to be conducted.

202.20 Intra-department Recruitment

A department may initiate a recruitment to departmental employees only, or as required by a collective bargaining agreement. The Human Resources Department will initiate the recruitment by preparing and circulating a position vacancy announcement within the department. The posting period shall be no less than five working days. A supervisor may choose to promote a current departmental employee provided all employees are informed of the vacancy and are considered for the position.

202.30 Inter-department Recruitment

When possible, departments and the Human Resources Department should attempt to determine whether a sufficient number of well-qualified City employees exist to justify a City-wide recruitment.

All current employees are eligible to apply for positions open as a City-wide recruitment. Seasonal, temporary, and intermittent status employees actively on the payroll at the time the City-wide recruitment notice is posted shall be considered eligible to apply for a position open to a City-wide recruitment.

The Human Resources Department will initiate the recruitment by preparing and circulating a position vacancy announcement to all departments for posting. The posting period shall be no less than five working days.

The Human Resources Department and the department will screen the applications, based on criteria agreed upon in consultation with the person from the department responsible for the recruitment. In the event that there is a disagreement between the recruiting department and the Human Resources Department about which candidates to recommend for an interview, the parties will attempt to reach agreement through consultation and discussion. The Human Resources Director shall have final authority to resolve any disagreement between the parties.

All applicants who will be interviewed shall be notified. All other applicants will be notified after the selection decision has been made.

Based on a consideration of the City-wide applicants, the department/division head may decide to open the position up to outside applicants and consider the City employee applicants with the entire applicant pool.

202.40 Out-of-house Recruitment

If the department/division head decides or the Human Resources Department recommends expanding the applicant pool beyond City employees, the Human Resources Department will publicize the position vacancy through applicable recruitment sources.

Following the close of the application period, the Human Resources Department and department will screen the applications based on agreed upon criteria. In the event that there is a disagreement between the Department and the Human Resources Department about which candidates to recommend for an interview, the parties will attempt to reach agreement through consultation and

discussion. The Human Resources Director shall have final authority to resolve any disagreement between the parties.

The department shall conduct interviews with the best-qualified candidates. The Human Resources Department will assist in developing interview questions and may participate in interviews. The Human Resources Director must authorize job offers prior to extending them to prospective candidates.

All paperwork associated with the recruitment, including but not limited to applications, scoring sheets and interview notes must be returned to the Human Resources Department at the conclusion of the process.

203.00 Veterans' Employment Preference

The City of Missoula will provide preference in employment to eligible disabled veterans, other veterans, and certain relatives as required in Section 39-29-101, et seq., Montana Code Annotated (MCA). It shall be the responsibility of the Human Resources Department to administer preference when filling vacancies.

204.00 Disability Employment Preference

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

205.00 Employee Orientation

The Human Resources Department will conduct new employee orientation for each new regular and seasonal status employee. Employees will receive a copy of the Human Resources Policies and information on employee benefits and other information about working for the City.

206.00 Employee Status

All employees shall be assigned a status for the purpose of determining eligibility for certain benefits of employment with the City of Missoula. The status of an employee shall be understood as a key component of the City's personnel system and is subject to review and assignment by the Human Resources Director.

206.10 Employee Status Definitions

City employees who receive a City payroll check must be assigned to one of the following statuses:

- A. Regular Full-time Status - An employee who normally works at least 40 (forty) hours per week in a position which is budgeted for at least 10 (ten) consecutive months in any 12 (twelve) month period. Pay rates are determined by collective bargaining agreement or the City's non-union pay plan.

- B. Regular Part-time Status - An employee who normally works at least 20 (twenty) but less than 40 (forty) hours per week in a position which is budgeted for at least 10 (ten) consecutive months in any 12 (twelve) month period. Pay rates are determined by collective bargaining agreement or the City's non-union pay plan.
- C. Seasonal Full-time Status - An employee who normally works at least 40 (forty) hours per week in a position which is budgeted for less than 10 (ten) consecutive months in any 12 (twelve) month period and which is generally determined by seasonal or weather conditions. Pay rates are determined by collective bargaining agreement or the City's non-union-pay plan.
- D. Seasonal Part-time Status - An employee who normally works at least 20 (twenty) but less than 40 (forty) hours per week in a position which is budgeted for less than 10 (ten) consecutive months in any 12 (twelve) month period and which is generally limited by specific seasonal or weather conditions. Pay rates are determined by collective bargaining agreement or the City's non-union pay plan.
- E. Temporary Full-time Status - An employee who normally works at least 40 (forty) hours per week in a position created and budgeted for a definite period of time not to exceed 9 (nine) months or 270 (two hundred seventy) calendar days. Temporary status positions are not renewable. Temporary status employees may be paid according to established rates, collective bargaining contract or the City's non-union pay plan.
- F. Temporary Part-time Status - An employee who normally works at least 20 (twenty) but less than 40 (forty) hours per week in a position created and budgeted for a definite period of time not to exceed 9 (nine) months or 270 (two hundred seventy) calendar days. Temporary status positions are not renewable. Temporary employees may be paid according to established rates, collective bargaining contract or the City's non-union pay plan.
- G. Intermittent - An employee who normally works less than 1400 hours per fiscal year and
 - 1) is scheduled for work on a call-in basis, normally less than 20 (twenty) hours per week; or,
 - 2) an employee scheduled variable hours per week based solely on department needs.
 No time limit is placed on the number of months an intermittent status employee may work, and a variable hour employee does not have an expectation or promise of working any minimum number of hours in any given time period. Intermittent status employees are not eligible for employee benefits.
- H. Intern - An employee hired according to terms and conditions prescribed by a specific funding source (such as grant, work study or budgetary line item) for a definite period of time not to exceed 9 (nine) months in any 12 (twelve) month period.

206.20 Volunteers

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

- Placement of a volunteer does not violate any laws or collective bargaining agreements.
- The volunteer is at least 18 years of age, or if the volunteer is less than 18 years of age, the department head will ensure that adequate supervision is provided by the department or the volunteer organization sponsoring the youth.
- No wages are paid; however, bona fide volunteers may, at the department head's discretion, be paid reasonable expenses, benefits or nominal fees under applicable Fair Labor Standards Act (FLSA) guidelines.

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

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

206.30 Probationary Status

- A. An employee is in a probationary status during the period of employment beginning on the initial hiring date. During the probationary period the work performance and conduct of the employee is appraised to determine whether regular or seasonal status will be granted. The probationary period is six months in length.

Written documentation from the supervisor stating that the employee has successfully completed his/her probationary period and recommendation the employee be removed from probationary status must be submitted to the Human Resources Department prior to the end of the probationary period.

- B. An employee may be dismissed at any time during probation if the employee's performance does not satisfactorily meet the required standards of their position. The employee will be given an oral or written communication outlining the cause(s) for probationary dismissal. A probationary period may be extended for up to three months under the following circumstances.
- If an employee has not satisfactorily met the job requirements and the department head is willing to allow more time to meet those standards.
 - The Human Resources Department must approve the probationary period extension and strict guidelines will be set forth for the extended probationary period.
 - If the probationary employee does not meet the standards during the additional time period, they may be terminated from employment.

207.00 Performance Management

Department heads, managers and/or supervisors are responsible for performance management in their departments or work units. These individuals shall communicate with employees regarding work processes and work outcomes on an ongoing basis. Communication about work and performance management is a two-way street. The City of Missoula's policy is that, rather than conducting annual performance reviews, supervisors and employees will interact regarding work, as indicated below, on a continuous, rather than annual basis.

207.10 Performance Management Processes

Performance management is a system that involves both formal (written) and informal (verbal) communication between supervisors and employees regarding, but not limited to, such topics as:

- Work planning and workflow.
- Assigned duties and responsibilities.
- Day-to-day individual work activities, projects and priorities.
- Team or group projects and activities.
- Work issues, problems, obstacles, strategies, improvements, efficiencies and solutions.
- Performance expectations and results.
- Training needs and professional development.
- Work accomplishments and recognition.
- Needed improvements.

Nothing in this policy requires that performance management be conducted in writing. Informal performance management processes, such as routine observation of work behaviors, activities and outcomes by a supervisor, one-on-one discussions between an employee and supervisor about work and work performance, coaching and counseling, appraisal of group or team activities, continuous feedback, problem-solving, goal-setting and goal attainment, negotiating goals and objectives, 360-degree appraisals and self-appraisal, for example, all constitute legitimate performance management under this policy.

While performance management need not be formal, there are situations in which written communication is critical. For example, if an employee's work performance is in such need of improvement that the employee's continued employment is in jeopardy, this should be communicated in writing so that both the employee's poor work performance and the supervisor's expected improvements are made clear. This does not apply in situations where an employee engages in misconduct for which prior disciplinary warning is not appropriate, warranted or required. Performance management may assist supervisors in making decisions regarding various employment actions, such as job assignments, promotions, compensation, non-monetary rewards and recognition, assigned duties and responsibilities, training and professional development, succession planning, job redesign, demotions and/or termination.

If an employee disagrees with a written performance evaluation or warning, the employee may respond to the appraisal in writing within 30 calendar days of the date of the appraisal. Both the written evaluation and the employee response shall be included in the employee's formal employment records.

208.00 Employee Separation

Employee separation means the removal of an employee from City service for either voluntary or involuntary reasons.

208.10 Resignation

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

208.20 Layoff Procedure

A layoff is the involuntary termination of an employee because of a lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive.

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

If two or more employees occupy a particular job classification that is to be reduced through a layoff in a City department, the employer will carry out these reductions as follows.

Temporary, Intermittent and Probationary Employees

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

Regular Employees

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

Leave Benefits for Laid Off Employees

An employee who is laid off may defer cash payment for unused sick and vacation leave for up to one year from the effective date of the layoff. If the employee defers cash payment and is recalled into the same position or hired into another City of Missoula position within the one-year period, the employee will have the leave balances available. The employee must decide whether to defer cash payment for

accrued leave at the time of separation. If a laid off employee opts for cash payment, such payment shall be made in accordance with the applicable sick and vacation leave policies.

Seasonal employees who will be returning to work after a layoff period are not eligible for a cash payout of sick and/or vacation leave credits at the end of each work season.

Recall

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

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

Preference for Other Vacant Positions

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

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

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

208.30 Retirement

A qualified employee may elect to retire in accordance with applicable state law. A retired employee may continue the City's health insurance coverage, provided that premium amounts are paid in accordance with policies established by the plan administrator.

208.40 Involuntary Termination

Involuntary termination is covered by Section 209.00, Employee Discipline and Discharge.

208.50 Separation Process

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

208.60 References on Former Employees

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

208.70 Final Payment for Separated Employees

Final payment for hours worked by a separated employee during a designated pay period will be made in accordance with City payroll practices and schedules on the next regularly scheduled pay date after the employee's effective date of separation.

208.80 Retroactive Pay Increases for Separated Employees

Nothing in this policy requires the City of Missoula to provide retroactive payments for non-union employees who separate from City service prior to City approval of a pay increase or adjustment that would have been applied to the separated employee had the employee remained employed by the City.

208.90 Removal of Disciplinary Documents

An employee who separates from service waives any rights to request removal of disciplinary documents from the employee's formal employment records. This waiver commences upon the effective date of separation.

209.00 Employee Discipline and Discharge

An employee who violates City or department policies, fails to perform work in a satisfactory manner, or engages in misconduct, may be subject to formal or informal disciplinary action.

209.10 Informal Disciplinary Action

Informal disciplinary action may include coaching, counseling, instructing, correcting, warning or reprimanding an employee who engages in misconduct, violates work rules or policies, or fails to satisfactorily perform assigned work. Informal disciplinary action is not documented in writing, and does not become part of the employee's employment record. A supervisor may, however, keep written notes related to any informal disciplinary action, and may refer to informal disciplinary action in any subsequent disciplinary action.

209.20 Formal Disciplinary Action

Formal disciplinary action may include a written warning or reprimand, written performance improvement or performance management plan, suspension with pay, suspension without pay, disciplinary demotion or discharge. The severity of formal discipline will, at the department head's discretion, be based on: (1) the severity of the misconduct, performance deficiency or disciplinary offense, (2) the employee's formal or informal disciplinary record, or (3) any other relevant, business-related criteria.

Formal disciplinary action should include a detailed description of the performance deficiency or disciplinary misconduct, the behaviors expected of the employee to correct the identified problem(s), and the potential consequences of the employee's failure to make the necessary corrections identified.

Prior to taking formal disciplinary action, the department head or designee should conduct a reasonable investigation to determine: (1) whether the employee's performance was deficient, or (2) whether the employee engaged in the misconduct alleged, and (3) whether there are any mitigating or militating facts and circumstances to consider. The investigation should include interviews with any individuals who can provide relevant information, including the employee whose performance is alleged to be deficient, or whom is alleged to have engaged in misconduct.

An employee who receives formal disciplinary action may provide a written response to such action. The written response shall be placed in the employee's formal employment record in Human Resources.

No employee shall be discharged for disciplinary reasons without first being provided an opportunity to participate in a pre-termination hearing. The purpose of the hearing is to: (1) clearly explain the misconduct or performance deficiency alleged as the basis for discharge, and (2) provide an opportunity for the employee to provide any facts or other relevant information that the employee believes the employer should consider before making a final decision. The pre-termination hearing may be formal or informal at the employer's discretion. An employee who is subject to a pre-termination hearing may bring a representative to the meeting, but may not unduly or unreasonably delay the meeting based on the availability of the representative selected. The representative may ask questions and confer with the employee, but may not disrupt the proceeding.

All terminations must be documented in writing. The employee must be given a copy of the grievance policy.

209.30 Suspension Pending Investigation

Under certain circumstances, a department head may determine that it is necessary to suspend an employee and remove that employee from the workplace, either with or without pay, pending the completion of a disciplinary investigation. In these situations, the suspension itself shall not be construed as the final disciplinary action in response to an employee's alleged performance deficiency or disciplinary misconduct. At the conclusion of the investigation, the department head may: (1) reinstate the employee with full back pay and benefits, (2) take informal or formal disciplinary action as described in this policy, or (3) take any other action that the department head deems appropriate based on the facts and circumstances.

300.00 Employee Leave and Benefits

The City of Missoula strives to provide employee benefits, which enhance productivity, insure health and safety, promote personal and professional growth, and create a family supportive work environment.

301.00 Vacation Leave

301.10 Eligibility

An employee must be continuously employed for the qualifying period of six calendar months to be eligible to use earned vacation leave or to be eligible for a lump sum payment for unused vacation leave credits upon termination. Vacation leave cannot be used without prior approval of the employee's supervisor or department head.

301.20 Rate of Accrual

As provided by State law, each employee shall accrue vacation credits as follows:

<u>Years of Employment</u>	<u>Working days credit</u>	<u>Hourly Accumulation Rate</u>
1 day through 10 years	15 days each year	.05769
10 years through 15 years	18 days each year	.06923
15 years to 20 years	21 days each year	.08076
20 years or more	24 days each year	.09230

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

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

Seasonal employees who will be returning to work after a layoff period are not eligible for a cash payout of sick and/or vacation leave credits at the end of each work season.

No vacation leave with pay will be granted in advance of credits earned.

301.30 Maximum Accumulation

Annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period extending into the next calendar year. Excess vacation time is not forfeited if taken within 90 days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to the supervisor to use the excess vacation leave prior to March 30 of any given year and such request is denied, the employee shall not

forfeit the leave and will have until the end of the calendar year to use the excess vacation leave. Notice of such denial must be provided to the Human Resources Department by March 31.

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

301.40 Vacation Leave on Holidays

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

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

Vacation leave time may be substituted for sick leave time with the consent of the employee.

301.50 Payment on Termination

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

302.00 Sick Leave

302.10 Eligibility

Regular, seasonal and temporary employees continuously employed for the qualifying period of 90 calendar days are eligible to use earned sick leave and are eligible for payment for unused sick leave credits upon termination.

302.20 Rate of Accrual

<u>Period of Employment</u>	<u>Per Year</u>	<u>Hourly Accumulation Rate</u>
All years of continuous employment	96 hours	.04615

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

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

time employees will earn sick leave on a pro-rated basis. An employee shall not accrue sick leave credits during a leave of absence without pay.

No sick leave with pay will be granted in advance of credits earned.

302.30 Use of Sick Leave

Sick leave credits may be granted for:

- Illness or non-work related injury of the employee.
- Illness, injury, or death in the employee's immediate family requiring the employee's personal attendance. Immediate family shall mean spouse or domestic partner, parents, grandparents, siblings, children or grandchildren of the employee or spouse of the employee, son-in-law, or daughter-in-law.
- Quarantine for contagious disease control, provided that certification is obtained from the attending physician.
- Leave when the employer determines it is in the best interests of the department or work unit, and public health that the employee remain home while actively symptomatic of a contagious illness.
- Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either the employee, child or spouse.
- Doctor or dental appointments for treatment of the employee's illness, injury, or preventive care. When possible, the employee's supervisor shall be notified at least 48 hours in advance.
- To attend or make arrangements for a funeral of a member of the employee's immediate family or, at the supervisor's discretion, another closely related individual, for a period of time not to exceed 10 consecutive working days.
- The placement of a child for adoption or foster care of a child.

302.40 Sick Leave on Holidays

Sick leave taken on a legal holiday shall not be charged against an employee's accumulated sick leave for the legal holiday. Exceptions may be made for employees scheduled to work the holiday (i.e. public safety employees who are regularly scheduled to work.) Proper medical certification may be required to substantiate such illness. With the supervisor's approval, an employee may substitute sick leave for vacation leave if the employee becomes sick while using approved vacation leave.

302.50 Reporting

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

302.60 Payment on Termination

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

302.70 Abuse of Sick Leave

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

302.80 Medical Certification

Medical certification may be required at any time to substantiate usage of sick leave by the employee, with the approval of the Human Resources Department and the department head. Employees using sick leave that exceeds three consecutive workdays may be asked to furnish medical certification of illness.

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

303.00 Donated Leave

Employees who are eligible to use accrued sick or vacation leave may donate sick and vacation leave hours to another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness, injury, or medical disability. Employees may donate sick and/or vacation leave hours on a one-for-one basis.

An employee may request donated leave in one of the following ways:

- Request leave donations from their department only.
- Request leave donations city-wide.

When requesting donated leave, employees have the option of revealing their name or not revealing their name in the donated leave request.

303.10 Eligibility

To be eligible to receive donated sick leave an employee must have:

- Have an illness, non-work related injury or other qualifying condition as described in the Sick Leave policy that results in an absence of at least ten working days;
- Must have exhausted all other accrued paid leave and compensatory time;
- Must not be receiving Worker's Compensation benefits;
- Must not be on a current corrective or disciplinary action for excessive absenteeism or abuse of sick leave;
- Must not be in a leave without pay status granted for a reason other than extended illness;
- And must have the supervisor's approval for the leave.

Human Resources will determine an employee's eligibility for the use of donated leave and may require medical certification.

303.20 Donated Leave Procedure

Donations of sick leave will be administered by the Human Resources Department. Forms are available on the City's intranet or from the Human Resources Department.

To be eligible to donate sick leave, an employee must be eligible to use sick leave and have a minimum balance of 160 hours of sick leave remaining after their contribution. Minimum leave balances will be prorated for part-time employees. An employee may contribute up to 120 hours of sick leave during the calendar year.

Requests for donated leave will be made to the Department of Human Resources. A supervisor or other employee may seek donated leave on behalf of a qualifying employee.

Regular and seasonal, full-time employees may receive up to 240 hours of donated sick leave during a 12 month period. Donated sick leave will be prorated for regular and seasonal, part-time employees.

304.00 Pregnancy-Related Medical Leave Policy

The City of Missoula Pregnancy-Related Medical Leave (PRML) provides a paid six-week (240 hours) pregnancy-related medical leave for eligible employees. Pregnancy-related medical leave is defined as "leave related to any physical limitations imposed by pregnancy or childbirth".

Eligibility

All regular and seasonal full-time and part-time employees who have been employed by the City for 90 days are eligible for Pregnancy-Related Medical Leave. Part-time employees' pay during this leave will be prorated based on the average weekly hours worked in the previous six-weeks the employee worked. Eligible employees are entitled to a maximum of six continuous weeks (240 hours) of PRML in a twelve month period. PRML may be the basis for extending a probationary period.

Pregnancy-Related Medical Leave must be taken continuously following the birth of a child. PRML is not to be used intermittently or on a reduced schedule. PMRL will run concurrently with Family Medical Leave (FML) for employees eligible for the use of FML. Employees may use their accrued sick or vacation leave, or accrued compensatory time once Pregnancy-Related Medical Leave is exhausted. Employees eligible for PRML and FML may ask for donated leave once their personal leave banks are

exhausted. Pregnancy-Related Medical Leave provides employees the same protections as Family Medical Leave. The City will continue to pay health plan benefits during Pregnancy-Related Medical Leave. Employees will continue to accrue sick and vacation leave on PRML hours. Employees will receive their current hourly rate of pay. If a holiday falls within an employees' leave, the employee will receive holiday pay. The holiday pay will count toward the 240 hours of PRML. There is no limit on the number of Pregnancy-Related Medical Leaves an employee may take during their employment with the City of Missoula.

Any requests for exceptions to the policy must be submitted in writing to the Director of Human Resources.

Employees must request the use Pregnancy-Related Medical Leave to their supervisor 30 days prior to the anticipated beginning of leave by submitting a Paid Parental Leave Request Form. In an unforeseeable or emergency situation, the employee must give notice as soon possible and practical.

If an employee fails to return to work at the end of their leave, the City may recover the value of the Pregnancy-Related Medical Leave.

305.00 Family and Medical Leave

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to twelve (12) weeks of either paid or unpaid, job-protected leave to eligible employees for certain family and medical reasons.

305.10 Eligibility

To be eligible for use of Family and Medical Leave, an employee must have been employed by the City of Missoula a cumulative total of 12 months prior to leave *and* have worked 1,250 hours (exclusive of vacation, sick leave and holidays) in the 12 months preceding the leave time. The 12 months of employment need not be consecutive months. The 1,250 hours includes only those hours actually worked. Paid leave and unpaid leave, including FMLA leave, are not included.

305.20 Use of Family and Medical Leave

Employees are entitled to Family and Medical Leave for one or more of the following reasons:

1. The birth of a child, and to care for that child;
2. Placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. A serious health condition that makes the employee unable to perform the functions of the employee's job.
5. An eligible employee with a family member who is on, or about to be placed on active military duty with a "qualifying exigency"; and
6. An eligible employee is entitled to 26 work weeks of unpaid leave to care for a family member injured while on active military duty.
7. Spouses employed by the same employer are limited to a combined total of 12

work weeks of family leave for the following reasons:

- a. Birth and care of a newborn child;
- b. For the placement of a child for adoption or foster care, and to care for the newly placed child; and
- c. To care for an employee's parent who has a serious health condition;
- d. To care for a family member injured while on active duty (entitled to a combined 26 work weeks).

305.30 Family and Medical Leave Procedure

- A. Employees must request the use of Family and Medical Leave from their department/division head by completing a "The FMLA Employee Packet", which can be obtained from the Human Resources Department. Medical certification from a health care provider will be required to support a request for FMLA leave due to the employee's own serious health condition or that of a family member, except for leave requests for the birth of a child or placement of a child for adoption or foster care. Medical certification reflecting fitness for duty will be required when an employee returns to work from FMLA leave due to the employee's own serious health condition. Any communication with medical care providers regarding requests for medical certification or fitness for duty will be conducted by the Human Resources office.

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

- B. Employees are required to provide at least a 30-day notification of intent to use Family or Medical leave when the leave is foreseeable. When the leave is not foreseeable, notice needs to be given "as soon as practicable." "As soon as practicable" generally means within two (2) business days of the employee learning of the need to take FMLA leave.
- C. Employees may use their sick, vacation or compensatory time for all or part of the 12-week period. Once an employee has exhausted his/her own sick, vacation or compensatory time, the employee may request donated leave, or the rest of the 12-week period may be unpaid.
- D. Employees may request Family and Medical Leave for up to twelve (12) weeks in a twelve (12) month period. The twelve (12) month period shall start on the date the employee begins coverage under the Family and Medical Leave Act, and will end 12 months after the beginning date of the leave.
- E. Employees using family and medical leave shall be reinstated to their original job or to an equivalent position with equivalent pay providing they return to work at the end of the leave period.
- F. During the 12 weeks of leave, the employee shall receive health insurance coverage according to the terms and conditions that are in effect during the time the employee is using leave.

G. The City's Pregnancy-related Medical Leave will run concurrently with Family and Medical Leave.

H. Family and Medical Leave may be designated to an employee who is absent more than three consecutive work days due to a work-related injury.

306.00 Leave With Out Pay

A leave of absence without pay (LWOP) may be granted to employees for up to 90 calendar days. Requests for leave without pay for medically related reasons will first be considered under Section 305.00 of these policies.

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

No employee benefits shall accrue during a leave without pay. The employee may retain City health insurance coverage provided that 100% of premiums are paid by the employee. Payment for continuation of City health insurance coverage during a leave without pay shall be administered by the Human Resources Department.

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

307.00 Military Leave

The City of Missoula will comply with state law and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides job protection and rights of reinstatement to an employee who is a member of the organized militia of Montana, (National Guard) or who is a member of the organized or unorganized reserve corps or armed forces of the United States.

A City employee who has been an employee for a period of at least 6 months must be given leave of absence with pay accruing at a rate of 120 hours in a calendar year for performing military service. Upon becoming eligible during a calendar year, the employee receives 120 hours of paid leave. Military leave may not be charged against the employee's annual vacation time. Unused military leave must be carried over to the next calendar year but may not exceed a total of 240 hours in any calendar year.

City employees may choose to use vacation, compensatory time, accrued holiday leave or be placed on leave without pay status when ordered to active duty status. If an employee becomes ill while using paid leave, the employee may request to use sick leave. (See Section 305.00 for information related to the use of FML leave prior to deployment and for those injured while in an "active duty" status.)

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

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

Reinstatement of employment privileges for an employee who has been inducted into military service will be in accordance with state and federal law. Employees ordered into active military status may be eligible for additional benefits under City Resolution No. 6620 and/or any applicable state or Federal laws.

308.00 Holiday Leave

The following are legal holidays, except Sundays, as specified in Section 1-1-216 MCA. Eligible employees will receive a scheduled day off with pay in observance of a legal holiday.

- New Year's Day, January 1.
 - Martin Luther King Day, third Monday in January.
 - President's Day, third Monday in February.
 - Memorial Day, last Monday in May.
 - Independence Day, July 4.
 - Labor Day, first Monday in September.
 - Columbus Day, second Monday in October (designated by the City as "Indigenous People's Day").
 - Veteran's Day, November 11.
 - Thanksgiving Day, fourth Thursday in November.
 - Christmas Day, December 25.
 - State-wide Election Day in November of even numbered years.
 - Any day declared a national legal holiday for all governmental subdivisions within the entire nation by the President of the United States; any day declared a state legal holiday for all State and local political subdivisions by the Governor of the State of Montana; any day declared a legal holiday for all City government employees by the Mayor of the City of Missoula.
- A. All full-time regular, seasonal or temporary status employees shall receive eight (8) hours off with pay for days observed as legal holidays or authorized proclaimed workdays off, provided they are in an active pay status on either the last regularly scheduled working day prior to the holiday or the first regularly scheduled working day after the holiday. Employees whose first day of work is the day after a holiday are not eligible for holiday pay. Employees whose last day of work is the day before a holiday will not receive holiday pay.
- B. Any full-time regular, seasonal or temporary status employee who is regularly scheduled for a day off, which is observed as a legal holiday or authorized proclaimed work day off, shall be entitled to receive eight (8) hours off with pay either on the day preceding, or the day following, whichever allows a day off in addition to the employee's regularly scheduled day off. Employees under scheduling restrictions shall be allowed to use the holiday hours when scheduling allows.
- C. All regular, seasonal or temporary employees in those departments that are required to remain operational during holidays or proclaimed days off, or that have a scheduled work week which includes working on holidays or proclaimed days off, shall earn eight hours of holiday compensatory time off. Employees under scheduling restrictions shall be allowed to use the holiday hours when scheduling allows.

When an employee works on a holiday or proclaimed day off, the time worked will be recorded on the time sheet as regular time and the day off as holiday time. The holiday time must be used within sixty (60) days.

D. Part-time regular, seasonal and temporary status employees shall receive holiday pay on the following prorated basis:

- Average less than 20 hours per week in previous pay period = 0 hours
- Average 20-24 hours per week in previous pay period = 4 hours
- Average 25-29 hours per week in previous pay period = 5 hours
- Average 30-34 hours per week in previous pay period = 6 hours
- Average 35-39 hours per week in previous pay period = 7 hours

If part-time employees are not scheduled to work on a holiday, they shall take their holiday time off within sixty (60) days with the department head's authorization. The Human Resources Department must authorize any diversions from these guidelines.

E. If an employee is scheduled to work more hours than he/she would earn for a holiday, he/she may use vacation or comp time for those additional hours in order to receive a full work day's wages. (EXAMPLE: a full-time employee scheduled to work ten (10) hours on a holiday would earn eight (8) hours holiday time and use two (2) hours of vacation or compensatory leave).

F. Non-exempt employees who are called to work or required to work by their supervisor on a legal holiday for which they would regularly be scheduled a day off with pay, shall be eligible to receive payment at a rate of one and one half times their normal pay rate for the hours worked.

G. Exempt employees who are required to work on a legal holiday for which they were entitled a day off with pay, shall be eligible to receive compensatory time at a rate of one hour earned for one hour worked, not to exceed 8 hours.

309.00 Jury Duty and Witness Leave

An employee under proper summons or subpoena for jury duty or to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the Finance Department. The fees will be applied against the amount due the employee from the City for the time off with pay. Employees serving as jurors or witnesses will only receive pay for the actual amount of time spent while in service. Expenses or mileage allowance paid by the court shall not be deducted.

If an employee elects to charge the time off against accrued vacation credits or compensatory time, no fees and allowances paid by the court need be reported to the Finance Department and will not be deducted from the employee's salary for the period of time charged to vacation credits or compensatory time.

310.00 Education and Training Leave

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

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

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

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

310.10 Education Leave/Tuition Reimbursement

Regular, non-probationary full-time or part-time employees who regularly work at least 20 hours per week are eligible for benefits under this section. Upon receiving evidence of satisfactory completion of courses previously approved as outlined in this policy, along with original receipts, the eligible employee shall be reimbursed for the cost of books and tuition up to a maximum of \$500.00 per fiscal year.

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

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

Employees who enroll in classes for professional development, personal growth or educational advancement that are not directly job related and which meet at times other than during the employee's regularly scheduled working hours may not claim such hours as compensable. Employees attending courses on their own time shall not be permitted work time off as a method of compensation. All outside class work must be accomplished on the employee's own time.

310.20 Training Leave

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

The department may provide reimbursement for reasonable registration fees and other related expenses such as lodging, per diem, and travel in accordance with the City of Missoula travel policy.

Payment must be approved by the supervisor or department head in advance of the employee attending the training event.

311.00 Health Insurance Benefits

The Employee Health Benefit Plan Fund (hereafter referred to as the Plan) is a self-funded health insurance plan that includes health, dental, orthodontia, and life insurance coverage. Participation in the Plan is available to regular full-time, regular part-time and seasonal employees as well as their dependents, as outlined in the respective plans.

- A. Employees will be furnished a copy of the Summary Plan Document or Plan Document and all subsequent amendments as they become available. It is the employee's responsibility to seek assistance in interpreting the Summary Plan Document or Plan Document.
- B. The City will pay the same premiums for Plan coverage for all regular full-time status employees. Regular part-time and seasonal employees will be eligible for participation in the Plan on a pro-rated cost sharing of the City's contribution towards the premium. The City will pay the appropriate Plan premiums for employees on Workers' Compensation for up to, but not to exceed, one year.
- C. Retired employees and their dependents may stay on the Plan provided they pay premiums as required in the Plan. Retirees and their dependents are not eligible for dental or life insurance benefits.
- D. The Employee Benefit Committee is an employee advisory committee which reviews issues concerning Plan benefits. It shall be comprised of at least one representative from each bargaining unit and four non-union representatives.
- E. Employees who resign their employment with the City may be eligible to continue their health insurance benefits under the Consolidated and Omnibus Reconciliation Act (COBRA). Employees enrolling in COBRA continuation coverage pay the full cost of the premium plus a 2% surcharge. An employee or qualified beneficiary may be able to keep his/her health insurance coverage for up to eighteen (18) months, or thirty-six months (36) in certain situations. For more details refer to the City of Missoula Plan Document.

312.00 Fit City Wellness Program

The City of Missoula Wellness Program emphasizes a commitment to employees' health and is considered a core component of the employee benefit package. Employees and dependents are encouraged to achieve and maintain healthy lifestyles through proper nutrition and physical activity. The City's wellness program is administered through *Fit City*. The *Fit City* Wellness Coordinator works in conjunction with the Employee Benefits Committee (EBC) to establish and promote programs that create opportunities for employees to learn about, and participate in, nutritional and physical activities.

Fit City manages an incentive program whereby employees are able to earn reward points for participating in a variety of programs including regular exercise, attendance at health related lectures and maintenance of a healthy diet. Points are recorded on a *Fit City Monthly Awards Chart*. Quarterly, gift certificates are awarded to employees based on total number of points earned.

Fit City coordinates several blood screenings and skin screenings each year. Blood screenings are voluntary and can reduce an employee's annual deductible under the health benefit plan. Employees and their spouses, or domestic partners, are encouraged to participate in an annual blood screening, complete health risk appraisals and learn important information related to healthy lifestyle choices.

Fit City offers employee discounts for participating in Parks and Recreation sponsored programs as well as discounted memberships through other health clubs and gyms.

313.00 Breastfeeding Policy

The City of Missoula supports and encourages women returning from maternity leave to continue breastfeeding and/or expressing milk for their child(ren). The City will accommodate the breastfeeding-related needs of employees and will provide adequate and private facilities for breastfeeding or milk expression. The facility will be equipped with suitable lighting and electricity if necessary for a pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee and department head. Standard break times will be primarily utilized 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. The City will comply with all requirements listed in Section 39-2-215, 39-2-216, 39-2-217 MCA whether or not specifically listed here.

314.00 Workers' Compensation Insurance

Workers' Compensation Insurance is provided for all City employees to cover injuries arising out of, and in the course of their employment. The administration of benefits received from the Montana Municipal Interlocal Authority's Workers' Compensation Insurance Program is between the employee and the Montana Municipal Interlocal Authority (MMIA).

Employees are responsible for reporting all injuries to their immediate supervisor within 24 hours of the injury. Department heads will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time to the Human Resources Department. Such reports must be made within 48 hours of the injury or within 24 hours of notification of an injury. Forms for reporting injuries may be obtained from the Human Resources Department.

Workers' Compensation benefits consist of two parts: medical benefits and wage loss benefits. The medical benefits cover allowable medical costs associated with an injury. Wage loss benefits begin after the injured employee has been unable to work for 32 scheduled work hours. After the first 32 hours, employees may not use accrued sick while also receiving wage loss benefits through Workers' Compensation. In order to receive wage loss benefits the employee must provide medical certification from a health care provider stating the specific date the employee is unable to work, the reason for the absence and the approximate duration of the time off.

Eligible employees can use vacation and compensatory time while receiving Workers' Compensation benefits. Employees shall not accrue vacation or sick leave credits while receiving Workers' Compensation benefits unless they are using vacation or compensatory time.

Each employee claiming Worker's Compensation will be reviewed on a case by case basis by the department, the Montana Municipal Interlocal Authority, and the Human Resources Department. The employee will be responsible to remain in regular contact with his/her supervisor and furnish the supervisor with current physician's reports on his/her physical condition. Whenever possible, light duty will be made available to the employee, upon authorization of the physician.

Family and Medical Leave may be designated to an employee who is absent more than three consecutive work days due to a work-related injury. Every effort will be made to return the employee to the position held when the injury was sustained. If the employee's physician does not release the employee to return to his/her former position within a reasonable recuperation period, the City may terminate the employee.

An injured worker who was terminated in accordance with this policy, Workers' Compensation Insurance, and is capable of returning to work within two years from the date of injury and has received a medical release to return to work, will be given a preference over other applicants for a comparable position that becomes vacant, provided the position is consistent with the worker's physical condition and vocational abilities.

Pursuant to Sections 7-32-4132 and 7-33-4133 MCA police officers and firefighters who are injured in the line of duty will receive additional compensation from the City in an amount equal to the difference between compensation paid by Workers' Compensation and his/her regular net pay. Police officers and fire-fighters continue to accrue sick and vacation leave credits while off work due to a work related injury or disease. The calculations on the above City payment will be done by subtracting the Workers' Compensation payment from the police officer's or firefighter's adjusted gross salary (less taxes and retirement). All other personal payment obligations that the police officer or fire fighter may have authorized as payroll deduction payments will be the responsibility of the police officer or fire fighter. This additional compensation is only payable for the first twelve months of disability.

315.00 Public Employees Retirement Systems

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

316.00 Deferred Compensation

City of Missoula employees may voluntarily participate in the City's deferred compensation plans. Interested employees should contact the Human Resources Department for information.

317.00 Employee Assistance Program (EAP)

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

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

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

Participation in the EAP is voluntary and will not jeopardize an employee's job security or promotional opportunities. Self-referral to the EAP is encouraged. Supervisors may refer employees to the EAP when appropriate to assist in resolving employee job performance problems. Contact the Human Resources Department for information regarding the EAP.

400.00 Compensation and Hours of Work Rules

401.00 Compensation Administration Policy

Pay rates for City of Missoula non-union employees are established by the Human Resources Department based on a combination of the following pay equity considerations:

- Internal equity – establishing a formal hierarchy of jobs or job families by placing jobs in pay ranges based on identifiable job characteristics;
- Individual equity – distinguishing between compensation rates and levels for employees in city jobs based on their individual qualifications, skills, competencies, contributions and relative abilities; and
- External equity – determining what pay levels are required to recruit and retain qualified and competent employees in the competitive labor markets.

All three pay equity categories may be relevant in determining pay rates for individual City of Missoula employees.

401.10 City of Missoula Positions

A City of Missoula employee shall be assigned to a position. The duties and responsibilities of that position shall be included in a written job description that is approved and maintained by The Human Resources Department. Every City of Missoula position must be identified in the City of Missoula budget with an appropriate full-time equivalency (FTE) and budget appropriation that is sufficient to fund the total compensation for that position.

401.20 Job Evaluation

The City of Missoula Human Resources Department shall implement and maintain a formal job evaluation method to establish a hierarchy of pay ranges and place non-bargaining unit positions into those pay ranges. In general, positions with the same title will be placed in the same pay range, and positions will be grouped together and assigned to pay ranges based on the similarity of assigned work, the occupational category, the complexity and/or inherent difficulty of the work, qualifications required to do the work, pay rates or ranges of other employers who hire employees in similar positions, or any combination of relevant job or work-related factors.

401.30 Position Reviews

A City of Missoula department head may request a position review by writing to Human Resources. The Human Resources Director shall determine whether or not to conduct a review, which may include a determination regarding:

- Whether or not a position description adequately or accurately describes the work performed by an employee in a position, and if not, whether revising the job description accordingly should result in placing the job in a different pay range;
- Whether or not, based on demonstrated recruitment or experience, the pay range to which the position is assigned is adequate to attract qualified and capable applicants;

- Whether or not the position is placed in the proper pay range relative to the range placement of other City positions;
- Any other relevant job or work-related compensation issues.

401.40 Salary Surveys and Competitive Labor Market Considerations

The City of Missoula may survey other employers to gather information about the pay rates and pay practices that other employers use to compensate employees in similar jobs. In addition to compensation comparisons, the city may also review turnover in certain jobs or job classes, demonstrated recruiting difficulties and exit interviews to determine appropriate pay rates for employees in city jobs or job classes.

401.50 Pay Increases

Across-the-board pay increases are the primary vehicle by which employees' pay rates progress within an assigned pay range. Such pay increases shall be implemented in accordance with the Mayor's budget proposals as approved and adopted by the Missoula City Council.

Other pay changes may be approved by Human Resources based on formal supplemental pay practices, i.e., longevity pay, pay for skills or certifications, pay required as part of an employment agreement, temporary assignments in higher-level positions, etc.

401.60 Pay Exceptions

"Pay exceptions" are pay adjustments or pay increases that are in addition to routine annual across-the-board pay increases approved by City Council as part of the annual budget process. Pay exceptions must be requested by a department head in writing and approved by the pay exception committee described below.

In most cases, pay exceptions will only be approved on the condition that the pay exception can be funded within existing budgetary resources and does not require additional funding or a supplemental appropriation during the fiscal year. A department must absorb this new expenditure within their existing budgetary resources. A pay exception cannot result in an inflated baseline for following years. The department will be required to carry this adjustment in future years.

Example: Department X reduces their supplies budget to accommodate pay exception in the year granted and adjusts their baseline budget with lower supplies and higher personnel costs in future yearly budgets. In the future, if Department X realizes that they now have too little of a supply budget they must submit a new budget request detailing what occurred.

Current budgetary constraints may not allow for a pay exception, and there is no guarantee that any pay exception request will be approved. In order to be eligible for a pay exception, the employee must have an accurate job description and, in most cases, must have completed the employee's probationary period. An employee for whom a pay exception is requested must not be subject to a formal disciplinary or corrective action, or a formal performance management or improvement plan.

Pay Exception Criteria

Pay exceptions may be approved at the sole discretion of the City to address such situations as:

- Retention of an employee with unique and marketable knowledge, skills, or abilities that are vital to the operation of a department or program where the employee's departure would have a significant adverse impact on the department's ability to carry out its mission or program goals; or
- A key employee with unique and marketable knowledge, skills or abilities receives a written job offer from a competing employer; or
- Demonstrated recruitment and retention problems are attributable to noncompetitive salary levels, as confirmed by salary surveys or market pricing; or
- An employee is required to perform a job under unique working conditions that have resulted in documented recruitment and retention problems; or
- Normal pay practices related to transfer, promotion, demotion, recruitment, etc., have resulted in inequitable internal pay relationships; or
- An employee has attained valuable knowledge, skills or abilities in prior employment that would have resulted in higher pay if the knowledge, skills and/or abilities had been attained in City employment; or
- The employee works in a high-demand position or occupation based on substantial changes in the labor market; or
- Any other legitimate, compelling and job-related situations or considerations exist that relate to internal, external or individual pay equity and are included by the department head in the written request.

A pay exception that is approved for one or more employees does not, in and of itself, justify additional pay exceptions for other employees in the same or other City departments.

Review and Approval

Requests for a pay exception must be submitted in writing by the department director to the Human Resources Director. Detailed documentation demonstrating the rationale for a pay exception must accompany the request. The written request must include the specific pay rates or pay adjustments requested by the department head, the effective dates for any requested pay adjustments, and must identify the proposed funding source for any associated cost increases.

The Human Resource Department shall conduct an independent analysis of salary survey, recruitment, turnover or other relevant data or information. The Human Resources Director may request the department head who seeks a pay exception to provide additional information.

A pay exception review committee, consisting of the Chief Administrative Officer, Central Services Director, Finance Director and Human Resources Director, will evaluate and approve or deny the pay exception request. The Human Resources Director will notify the department head regarding the decision of the pay exception committee. If an approved pay exception request requires a budget amendment, the department head who requested the pay exception shall prepare and present the budget amendment to City Council.

401.70 Longevity Pay

All regular, full-time and part-time employees will be eligible for longevity pay after a full year of employment with the City. Longevity pay increases will be in effect for the full pay period in which the employee's anniversary date falls. Part-time employees will receive longevity pay at a prorated rate of pay.

Public Safety Administrators who are promoted from a bargaining unit position into an administrative position will receive longevity pay based on their original date of hire with the City.

402.00 Promotion

A promotion occurs when an employee is placed in a position with a different job title that is in a higher pay range than the employee's former position, and the employee's base pay rate increases as a result of this change. A promoted employee's base pay rate shall generally increase by five percent.

403.00 Demotion

A demotion occurs when an employee is placed in a position with a different job title that is in a lower pay range than the employee's former position, and the employee's base pay rate decreases as a result of this change.

Demotions may be voluntary, such as when an employee applies for and accepts a position at a lower pay rate, or involuntary when an employee is demoted for budgetary, administrative or disciplinary reasons. An example of an administrative demotion is when a City department reorganizes and no longer needs a position at the level of the employee's former position. When an employee accepts a position at a lower pay rate, the employee may request that their current salary is maintained. The pay exception review committee will review such requests on a case-by-case basis.

404.00 Transfer

A transfer involves placing an employee in a different position or department with the same or different job title. A transfer generally does not result in a change in the employee's base pay rate. Upon transferring to a position in a lower pay range, the determination of whether an employee maintains their current salary or not will be determined on a case by case basis. Transfers may be voluntary or involuntary.

405.00 Temporary Assignment

An employee may be temporarily assigned to a position in a higher pay range (for example, to cover for a supervisor who is absent). When such temporary assignments last at least two full workweeks, the employee's base pay rate may, upon department head approval, be increased by five percent for the duration of the assignment. A department head who approves such an assignment shall provide written notice to Human Resources.

406.00 Training Assignment

When no applicants for a vacant position meet the minimum qualifications listed, or when a position requires in-depth, specialized training, the supervisor may request the approval from the Human Resources to develop an on-the-job training assignment. Such assignments are subject to the following guidelines:

- Conditions of the assignment shall be stated in writing and the agreement signed by the employee, supervisor, and department head.
- The written training assignment shall state the training plan to be utilized and the anticipated duration of the assignment. A training assignment shall not exceed one year.
- The pay rate for a new or probationary employee will be set by the supervisor at a rate that is generally 10% below the minimum rate of the pay range of the position. Upon completion of the training assignment, the employee's rate shall be adjusted to the base of the grade or to the rate set forth in the written training assignment.

407.00 Hours of Work and Overtime Rules

Regular hours for City employees are 8:00 a.m. to 5:00 p.m. with an hour break for lunch. A department or division may adopt other schedules that are deemed more appropriate for a particular function.

Department heads or their designees are responsible for scheduling all work, including overtime, for approving leave requests and for monitoring and approving employees' work, attendance and time records. Employees are responsible for working when scheduled, requesting leave from supervisors and accurately recording all time worked, in accordance with department guidelines.

407.10 Definitions

Workweek – The regular workweek for City of Missoula employees is Sunday through Saturday. The normal workweek shall be 40 hours for a full-time employee. Department supervisors shall establish work schedules, based on work needs, for individual employees.

Hours Worked – "Hours worked" do not include jury duty, vacation leave, sick leave, use of accrued compensatory time, paid military leave or paid holiday hours.

Non-Exempt Employees – Employees in positions that are determined to be subject to the overtime provisions of the Federal Fair Labor Standards Act and Montana Wage and Hour law are "non-exempt employees."

Exempt Employees – Employees determined not to be subject to the overtime provisions of the Federal Fair Labor Standards Act and Montana Wage and Hour law are "exempt employees."

407.20 Non-Exempt Overtime Pay

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

For non-exempt employees who occasionally or sporadically work in a separate and distinct job that is in a different capacity than the employee's regular City of Missoula work, the hours worked in that different capacity are not combined, for overtime purposes, with the hours worked in the employee's regular city job. "Occasional or sporadic" in this section means infrequent, irregular, or occurring in scattered instances. "Different capacity" means that the job duties performed occasionally and sporadically are not in the same general occupational category as the employee's regular work. The employee's decision to work in a different capacity must be made freely, without implicit or explicit coercion. The employee must be free to refuse to work in a different capacity, without sanction and without having to justify or explain such refusal.

407.30 Exempt Overtime Pay

The supervisor may require that exempt employees receive prior authorization to work more than 40 hours in a workweek. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Exempt employees shall not receive extra hourly compensation for any hours worked exceeding 40 in a workweek.

408.00 Compensatory Time

City supervisors are responsible for managing employee compensatory time balances.

408.10 Non-Exempt Compensatory Time

Non-exempt employees may accrue compensatory time off in lieu of overtime payment upon mutual agreement between the employee and the supervisor. Compensatory time for non-exempt employees shall be earned at the rate of one and one-half hours for each hour worked exceeding forty hours in a workweek. Employees may accrue a maximum of 240 compensatory time hours. Non-exempt employees who wish to be compensated for overtime in the form of compensatory time must submit a Compensation Election Form to the Human Resources Department and their department payroll coordinator. An employee can make only one election per pay period. For example, if an employee elects to be compensated for overtime in the form of compensatory time, all overtime in the pay period will be compensated as compensatory time. An election will remain in place until the employee submits a new election form.

The use of compensatory time is subject to department head approval, and should be used within sixty (60) days of its accumulation. Compensatory time should be used at the earliest possible date and must be used prior to vacation time accruals, unless the employee is in jeopardy of losing vacation accruals. Whenever possible, accumulated compensatory time should be used prior to termination of employment with the City. Non-exempt employees shall be paid for unused accumulated compensatory time upon moving to an exempt position, or upon termination of employment. When a non-exempt

employee moves to a different department within the City, the department head in the employee's new department may allow the employee to transfer the employee's accrued compensatory time. If the department head does not allow this transfer, the compensatory time must be paid to the employee by the department from which the employee departs.

Employees who are required to remain at work outside their normal work schedule or who are called back to work during a work week in which they have not worked in excess of forty hours due to an approved absence using accrued sick leave or vacation leave may be entitled to overtime compensation or compensatory time as outlined above for the hours worked if the requirement to remain at work or come back to work is due to an emergency situation or to perform work deemed critical to providing an essential service to the public. This exception can only be granted by the department head or designated supervisor and the employee will only be compensated at the overtime rate if the department head or designated responsible supervisor authorizes the exception by signature on the approved departmental payroll documents. The overtime may be in the form of pay or compensatory time.

408.20 Exempt Compensatory Time

Exempt employees may accrue compensatory time, on an hour-for-hour basis, for all hours worked exceeding forty hours in a workweek.

Exempt employees are not entitled to receive compensation for unused compensatory time at any time. There is no guarantee that an exempt employee's supervisor will approve time off at any time to enable the employee to use an accrued exempt compensatory time balance.

Compensatory time and holiday compensatory time must be used prior to using vacation, unless the employee is in jeopardy of losing accrued vacation. Unused accumulated compensatory time cannot be cashed out upon termination of employment with the City.

408.30 Public Safety Exempt Compensatory Time

Upon promotion of public safety personnel from non-exempt positions to exempt positions, the promoted employee will be able to transfer all holiday compensatory time accruals. However, when the employee retires, the City will only cash out the number of holiday compensatory hours that had been accrued at the time of the promotion not to exceed 200 hours.

Upon promotion of public safety personnel from non-exempt positions to exempt positions, any compensatory time that the promoted employee has accrued will be paid to the employee at their non-exempt rate of pay prior to the promotion up to a maximum of 125 hours.

Under no circumstance will any compensatory time be paid out at retirement to an exempt employee.

409.00 Compensation for Travel Time

Employees will receive compensation for travel time in accordance with federal Fair Labor Standards Act guidelines. If compensable, work time for air travel will commence no earlier than one hour prior to scheduled departure.

500.00 Work Rules

501.00 Work Rules

A City of Missoula employee shall observe and follow all work rules established by the employer. The employer reserves the right to require all employees to read work rules and to sign a written acknowledgement that they have read such rules, or revisions to these rules. The following work rules are not intended to be all-inclusive:

- A. Employees shall be honest and trustworthy in all interactions with their employer and in carrying out their work duties and responsibilities. Employees shall not falsify records, reports, claims or any other official City documents. Employees shall provide honest, accurate and complete responses to questions or requests for information that pertain to employer investigations or inquiries.
- B. Employees shall not engage in illegal discrimination, including harassment, that is based on race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, genetic information, political ideas, public assistance status, sexual orientation, gender identity and/or gender expression.
- C. Employees are required to maintain the minimum qualifications for the position in which they are employed, e.g. licensure (including drivers' licenses), certification, etc. Employees who are required to drive a city or personal vehicle for work must be insurable by the City's insurance carrier as a condition of initial or continued employment.
- D. An employee shall not operate any City of Missoula motor vehicle, or any other motor vehicle within the scope of City employment, while the employee's driver's license is expired, canceled, suspended or revoked. An employee who is required to drive for work shall immediately notify the employee's supervisor of any cancellation, suspension or revocation of the employee's driver's license.
- E. Employees shall not disregard safety or security policies, or behave in an unsafe, reckless, careless, injurious or negligent manner.
- F. Employees shall not behave in a discourteous, disrespectful, disruptive, or otherwise inappropriate manner toward other employees or members of the public.
- G. Employees shall not be insubordinate by refusing to follow a direct, job-related order from the employee's supervisor.
- H. Employees shall not engage in unlawful activity while on the job.
- I. Employees shall not engage in unapproved solicitation while on the job.
- J. Employees shall not possess unauthorized firearms or weapons on City premises, including parking areas provided by or controlled by the City.
- K. Employees shall not, directly or indirectly, maintain employment that conflicts with the interests of the City or that interferes with the employee's ability to engage in or perform city employment duties and responsibilities. Outside employment may constitute a conflict of interest if:

- it interferes with or adversely affects the performance of any City duties and or responsibilities;
 - it is conducted or solicited on City time;
 - any City-owned equipment or facilities are used in pursuit of the outside interest; or
 - the nature of the duties with the City place the employee in a position to exercise influence that may enhance the outside interest.
- L. Employees shall not disclose or use confidential information acquired in the course of official duties in order to further the individual's personal economic interests. Employees shall not use their position for personal gain; shall not have any financial interests in the profits of any contract, service, or other work performed by the City; and shall not personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company. A City employee shall not use the employee's position to inappropriately coerce another person. A City supervisor shall not appoint or employ a relative, romantic interest or other person if it would result in a conflict of interest or violate state or local nepotism laws.
- M. Employees shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift. "Substantial value" is defined in Section 2-2-102(3) MCA.
- N. Employees shall not abuse public trust, behave in an unethical manner, or engage in any other behavior or conduct that is prohibited or proscribed by any applicable law or other city policy.

502.00 Safety

The City of Missoula strives to provide safe working conditions for its employees. Administrative Rule #12 delineates the City's Safety Policy. This policy was created to provide safe working conditions by reducing accidents in the work place. The City-wide Safety Committee coordinates the safety program.

Each employee is responsible for maintaining safe and healthful working conditions in their work area and promptly reporting unsafe working conditions or practices to their immediate supervisor and/or safety representative. Employees are required to follow all safety directives, procedures, laws and ordinances which have a bearing on safety in the work place, and to develop the knowledge and behavior that fosters safety.

Supervisors will work at all times to control injuries, accidents and minimize hazards. The supervisor will:

- Assume reasonable responsibility and accountability for safe and healthful working conditions for employees under their jurisdiction.
- Make recommendations for the correction of deficiencies present in facilities, work procedures, employee job knowledge, behaviors, or attitudes that adversely affect the safety of the City's employees.
- Enforce safety rules and recommend or take appropriate disciplinary action when employees do not conform to such rules.
- Provide instruction and training to employees about specific work hazards.
- Cooperate with inspectors in shutting down operations considered hazardous to employees.
- Act upon safety suggestions, observe working conditions and methods that prevent possible safety hazards, and set a good example by working safely him/her self.

- Investigate all accidents and take necessary corrective action.
- Promptly report all accidents to the appropriate authority regardless of the extent of injury or property damage.

503.00 Workplace Violence

The City of Missoula shall not tolerate any type of workplace violence committed by or against employees or the public. The following behaviors, while not all-inclusive, are examples of violent behavior:

- causing physical injury to another person;
- making threatening statements, remarks, gestures or expressions;
- engaging in aggressive, hostile or coercive behavior that communicates a direct or indirect threat of physical harm or creates a reasonable fear of injury to another person;
- possessing an unauthorized weapon while at work; or
- writing or sending threatening notes, letters, e-mail or texts.

Any city employee who commits such acts may be removed from the workplace immediately (pending investigation), and may be subject to disciplinary action, including termination, criminal prosecution, or both.

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

504.00 Accident Reporting Procedure

All City related accidents, personal injury or vehicle accidents shall be reported on appropriate departmental forms within twenty-four (24) hours to the department head and the City Attorney's Office. All vehicle accidents must be immediately reported to the Police Department for their investigation.

505.00 Drug and Alcohol Policy

The City of Missoula is committed to maintaining a safe, healthy, and productive work environment that is drug and alcohol free. Substance abuse increases the potential for accidents, absenteeism, substandard performance, and poor employee morale. Impaired judgment of employees may have serious financial consequences for the City through increased risk of accidents, potential accident liabilities, increased Workers' Compensation liabilities, and potential faulty decision-making. Substance abuse undermines the City's mission to provide the community with an excellent quality of life through leadership, communication and delivery of services that are responsive to citizen's needs, cost effective, and oriented to the future.

Employees are prohibited from engaging in the unlawful or unauthorized use, possession, manufacture, distribution, dispensing or sale of any controlled or intoxicating substances or alcohol, or be under the influence of these substances while at work or in and on work sites. Employees may not use or be under

the influence of medications that include a warning not to drive or operate heavy equipment or similar warning, if they will be driving, using heavy equipment or engaging in other activities that are potentially hazardous. Compliance with this policy statement is a condition of continued employment for all employees. Employees who violate the provisions of this policy may be required to successfully complete a drug/alcohol abuse rehabilitation program and submit to follow-up drug and alcohol testing as a condition of continued employment.

Violations of this policy will result in disciplinary action, up to and including termination. Employees are required to notify their supervisor in writing within five calendar days of their conviction of a violation of a criminal drug statute occurring in the workplace.

Employees who are required to have a valid Montana driver's license shall notify their supervisor immediately upon the suspension or revocation of their driving privileges due to drug and/or alcohol related offenses. Suspension or revocation of an employee's driver's license may lead to disciplinary action up to and including termination. Supervisors are responsible for notifying the Human Resources Department in writing immediately upon notice from an employee.

In compliance with the U. S. Department of Transportation (DOT) regulations 49 CFR Part 382, 391, 392 and 395, the City shall maintain drug and alcohol testing programs for employees who are subject to CDL requirements and perform safety sensitive functions.

506.00 Residency

Police officers and firefighters are required to live within thirty (30) minutes of the city limits. (Title 2, Chapter 2.80, Sections 2.80.030 and 2.80.060, Missoula Municipal Code).

City department heads and supervisory managers listed below are required to reside continuously within the city limits. (Title 2, Chapter 2.82, Sections 2.82.010 and 2.82.020, Missoula Municipal Code).

City Attorney	Missoula Redevelopment Agency (MRA) Director
City Clerk	Parking Commission Director
Central Services Director	Parks Director
City Police Chief	Public Works Director
City Fire Chief	City Engineer
Development Services Director	Chief Administrative Officer

507.00 Employee Notification/Emergency Contact

It is the employee's responsibility to furnish their supervisor with the telephone number and address at which the employee can be contacted.

It is the supervisor's responsibility to notify the Human Resources Department immediately of any changes in the above information.

If the employee has not provided his/her supervisor with current information as to how to reasonably and timely contact the employee when away from work, the employee shall have no right or benefit arise out of the fact that the employee could not be reasonably and timely contacted and another employee was contacted to perform work instead.

508.00 Media Guidelines

The City works hard to cultivate and keep good relationships with all Missoula news reporters. Employees are to refer reporters to their supervisor, the Communications Director or another communications specialist.

509.00 Emergency Closure

If the Mayor or his designee determines that City offices must be closed because of employee health or safety concerns, or in the interests of public safety, the decision will be announced as soon as is practicable. The announcement will include the effective time and date of the closure, and its anticipated duration. Department heads will be responsible for notifying employees of the emergency closure.

Employees notified at least one hour prior to their scheduled starting time not to report as a result of an emergency office closure may use accrued leave or take leave without pay. Employees who: (1) are not notified of the emergency closure and report to work, or (2) are notified of the emergency closure less than one hour prior to their scheduled starting time, but are not permitted to report to work or remain at work, will receive two hours of pay at their regular rate. In addition, they may use accrued leave or take leave without pay for the balance of their regular workday. If an emergency office closure occurs during an employee's regular working hours, the employee will be paid for all hours of work up to the announced time of closing, but in no case will the employee be paid for less than two hours.

Employees whose regular job duties involve public safety may be required to report to work. Employees who perform work during an emergency closure will be compensated at their regular rate of pay for all hours up to 40 in a work week. Compensation for hours in excess of 40 shall be in accordance with Section 407.00, Hours of Work and Overtime Rules.

510.00 Chemical Sensitivities Guidelines

Some of the City of Missoula's employees and visitors are sensitive to chemical-based scented products and become ill when exposed to them. Because the City is dedicated to providing a barrier-free environment for its employees and citizenry, we are requesting your cooperation in the following areas.

The City of Missoula requests that all offices and spaces used by the City organization remain free of chemical-based scented products. Specific points to this request include:

- Refrain from wearing perfume, scented body spray, or cologne in the workplace
- Use non-scented body products (i.e. lotion, hair spray);
- Refrain from the use of option items in office areas that give off chemical-based scents (i.e. air fresheners, potpourri);
- Air-out recently dry-cleaned clothing before wearing;
- Use non-toxic cleaning products, disinfectants, and paints that are commercially available, and store these products in tightly closed areas away from "traffic" areas.

Employees requiring actions beyond the scope of these guidelines should contact the City's Human Resources Director.

600.00 Discrimination and Harassment

Illegal discrimination and harassment in employment is prohibited under The Montana Human Rights Act, Title 49 MCA; Title VII of the Federal Civil Rights Act of 1964; other Federal laws; and City of Missoula Ordinance 3428. The City of Missoula is committed to equal employment opportunity for all employees. The City promotes and affords equal treatment and services to all citizens, employees and representatives. The City assures equal employment opportunity regardless of race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, genetic information, political ideas, public assistance status, sexual orientation, gender identity and/or gender expression except where these criteria are reasonable bona fide occupational qualifications. The City promotes equal employment opportunity without discrimination or harassment in the workplace, in person or via electronic communication such as email, texting, social media, etc.

Discrimination and harassment of a protected class will not be tolerated. Individuals have a right to work in a professional environment 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.

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 Human Resources Department.

Reporting of all perceived incidents of discrimination or harassment is encouraged. Reported incidents will be promptly and thoroughly investigated with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. If illegal discrimination or harassment occurs, appropriate corrective action will be taken. A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued.

601.00 Definitions of Harassment

601.10 Sexual Harassment

According to the Equal Employment Opportunity Commission 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.

601.20 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, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, ex-offender status, physical condition, genetic information, political ideas, public assistance status, sexual orientation, gender identity and/or gender expression.

602.00 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 the Human Resources Department. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated. Retaliation or attempted retaliation may be subject to disciplinary actions, up to and including termination.

700.00 Grievance Policy and Procedure

A grievance is an alleged violation, misapplication or misinterpretation of an express policy as set forth in these City of Missoula Human Resources Policies and Procedures. All employees covered by these Policies and Procedures have the right to file a grievance under the terms and conditions set forth in this Section, without fear of reprisal or retaliation.

An employee's failure to file or advance a grievance under the conditions set forth in this grievance procedure shall result in a waiver. If the employer fails to respond at any step of the grievance procedure, the employee may proceed to the next step, if there is a next step available. Time limits set forth in this grievance procedure may be waived upon written and mutual agreement between the employee and the Human Resources Director.

This policy does not apply to any employee who is in a bargaining unit or is covered by a collective bargaining agreement.

701.00 Informal Grievance Procedure

Within ten (10) working days of the date on which the grievance is alleged to have occurred, the employee shall discuss the grievance with the employee's immediate supervisor. Once this discussion takes place, the employee and supervisor shall have five (5) working days from the date of that discussion to attempt to resolve the grievance. If the grievance is not resolved within that five-day time period the employee may submit the grievance, in writing, to the formal grievance procedure as set forth below.

702.00 Formal Grievance Procedure

Step 1 – Department Head

If the grievance is not resolved informally, the employee may resolve the grievance, in writing, to the employee's department head within ten (10) days of the date on which the employee discussed the grievance with the immediate supervisor. The grievance shall: (1) identify the specific policy or policies allegedly violated, (2) describe how the policy was violated (including the relevant facts and circumstances involved), and (3) discuss the remedy requested by the employee. The department head shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

Step 2 – Chief Administrative Officer

If the department head's response does not resolve the grievance, the employee may appeal in writing to the City's Chief Administrative Officer, within ten (10) working days of receiving the department head's written response. The Chief Administrative Officer shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

Step 3 – Mayor

If the Chief Administrative Officer's response does not resolve the grievance, the employee may appeal in writing to the Mayor, within ten (10) working days of receiving the Chief Administrative Officer's written response. The Mayor shall have twenty (20) working days from the date of receipt to respond to

the grievance in writing. The Mayor's response constitutes the final step in the grievance procedure, and the grievance shall be considered as settled based on the Mayor's response.

703.00 Alternative Dispute Resolution

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